



Fire Prevention and Building Safety

400 La Crosse St., La Crosse, WI 54601 • (608) 789-7530 • Fax: (608) 789-7589
<http://www.cityoflacrosse.org> Inspection@cityoflacrosse.org

Gregg A. Cleveland, Fire Chief



8/28/2016

Wieser Brothers Construction
200 Twilite St.
La Crescent Mn.

RE: An appeal regarding the requirement that all structures be setback at least 75 feet or the average of the buildings on each side from the Ordinary High Water Mark at 621 Park Plaza Drive, La Crosse, Wisconsin.

Dear Weiser Brothers Construction:

We have received your building permit application to install footings and foundations for five multifamily dwellings that *do not* meet the minimum requirements set forth in the Municipal Code of Ordinances of the City of La Crosse (Code). We invite your attention to subchapter of the Code wherein it provides for the purpose of the law from which you are seeking a variance:

- 115-60(d)

Shoreland-wetland zoning. As to appeals involving provisions in chapter 109:

(1) Before making a decision on an appeal, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The Board shall give public notice of the hearing by publishing a Class 2 notice under Wis. Stat. ch. 985 specifying the date, time and place of the hearing and the matters to come before the Board. At the public hearing, any party may appear in person, by agent or by attorney and present testimony.

(2) A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the Department at least ten days prior to all public hearings on issues involving shoreland-wetland zoning.

(3) The final disposition of an appeal to the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing, signed by the Board chairperson. Such decision shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, or modify the order, requirement, decision or determination appealed.

(4) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department of Natural Resources within ten days after the decision is issued.

CITY OF LA CROSSE

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Phone 608/789-7530 Fax 608/789-7589

State Statute 62.233(5) Provisions of a county shoreland zoning ordinance under s. 59.692 that were applicable, prior to annexation, to any shoreland annexed by a city after May 7, 1982, shall continue in effect and shall be enforced after annexation by the annexing city until the effective date of an ordinance enacted by the city under sub. (2).

La Crosse County Code of Ordinances

20.31 LOTS THAT ABUT ON NAVIGABLE WATERS. All buildings and structures, except piers, boat hoists, boathouses and open fences which may require a lesser setback, shall be set back at least 75 feet from the ordinary high-water mark of navigable waters, except as provided in Section 20.32 and 20.33 of this Code, and except for the following permitted exception:

(a) A stairway, walkway or lift is permitted in the shoreland setback area only when it is essential to provide pedestrian access to the pier or shoreline because of steep slopes, rocky or wet unstable soils, and when the following conditions are met:

1. There are no other locations or facilities on the property which allow adequate access to a pier or to the shoreline. Only one stairway or one lift is allowed, not both, except where there is an existing stairway and the lift will be mounted to or lie immediately adjacent to the existing stairway.
2. Such structures shall be placed on the most visually inconspicuous route to the shoreline and shall avoid environmentally sensitive areas.
3. Vegetation which stabilizes slopes or screens structural development from view shall not be removed.
4. Structures shall be colored and screened by vegetation so as to be inconspicuous when viewed against the shoreline.
5. Canopies, roofs and sides are prohibited; open railings may be provided viewed against the shoreline.
6. A maximum width of four (4) feet from the outside dimensions of the stairways, walkways and lifts is allowed.
7. Landings are allowed when required for safety purposes and shall not exceed forty (40) square feet; attached benches, seats, tables, and similar attachments, etc., are prohibited.
8. Stairways, walkways and lifts shall be supported on piles or footings. Any filling, grading or excavation that is proposed must comply with requirements of Sections 20.40 through 20.447 of this Ordinance.

20.33 REDUCED BUILDING SETBACKS. A setback of less than that required by section 20.31 may be permitted by the zoning administrator where there is at least one main building on higher side of the applicant's lot, within 150 feet of the proposed site that is built to less than the required setback. In such case, the setback shall be the average of the setbacks of the nearest main building on each side of the proposed site or, if there is an existing main building on only one side, the setback shall be the average of the existing building's setback and the required setback. Any other setback reduction may be permitted by the board of adjustment pursuant to section 20.75 of this ordinance.

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NR115.05 (b)1. 'Shoreland setback.' Except where exempt under subd. 1m., a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures. Where an existing development pattern exists, the shoreland setback for a proposed principal structure may be reduced to the average shoreland setback of the principal structure on each adjacent lot, but the shoreland setback may not be reduced to less than 35 feet from the ordinary high-water mark of any navigable waters.

Therefore, if upon consideration of all of the facts surrounding this appeal in a public hearing, the Board of Zoning Appeals determines that this appeal meets all of the criteria established by the Legislature of the State of Wisconsin, as interpreted by the Supreme Court of the State of Wisconsin for the granting of variances, the Board of Zoning Appeals would have to grant five variances (one for each building) for this project to proceed as proposed.

A variance of (50.94 feet for building A) (28.24 feet for building B) (42.18 feet for building C) (47.78 feet for building D) & (47.55 feet for building E) to the required seventy five foot setback from the ordinary high water mark.

Sincerely

Terry Thienes


Building Inspector

CITY OF LA CROSSE

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Phone 608/789-7530 Fax 608/789-7589



BUILDING PERMIT APPLICATION

Fire Prevention and Building Safety
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 (608) 789-7530 • Fax: (608) 789-7589

http://www.cityoflacrosse.org inspection@cityoflacrosse.org
 Gregg A. Cleveland, Fire Chief

Application No: _____

Date: _____

Parcel No: _____

PROJECT

Project Address: PARK PLAZA DRIVE LA CROSSE, WI UNIT A

Building <input checked="" type="checkbox"/>	Addition <input type="checkbox"/>	Alteration/Remodel <input type="checkbox"/>	Cost of Project: \$786,825
Sign <input type="checkbox"/>	Demolition <input type="checkbox"/>	Intended Use of Land After Demolition:	

Description of Work: FOOTINGS & FOUNDATIONS FOR CONDO BUILDING.

OWNER

Name: WATER PLACE ONE, LLC.

Address: 920 10th Ave North

City: ONALASKA State: WI Zip Code: 54650

Phone: (507) 895-9903 Cell: / Fax: / Email: /

CONTRACTOR

Name: WISER BROTHERS

Address: 200 TWILITE ST.

City: LA CRESCENT State: MN Zip Code: 55947

Phone: (507) 895-9903 Cell: X Fax: (507) 895-8438 Email: fcreavon@wiserbrothers.com

PROPERTY

Zoning: PDD - SPECIFIC Flood Plain: Yes No:

Number of Dwelling Units: Fire Limits: Yes No:

Property Located in Archaeological District: Yes No

Building Construction Type: WOOD FRAMED Occupancy type: RESIDENTIAL

Level of Alteration (per IEBC):

Architect/Engineer Name: CHRIS LA SPOUNIA Architect/Engineer Phone:

INSPECTION USE ONLY

OK TO ISSUE:	Inspector Initials:
Approval Date:	
FEES	
Copies:	\$
Plan Review:	\$
Permit Fee:	\$
Record Maintenance Fee:	\$
Other:	\$
TOTAL:	\$
Received By:	Check No:

It is hereby agreed between the applicant, as owner, owner's agent or servant, and the City of La Crosse that for and in consideration for the premises and of the permit to construct, erect, alter, move, raze, or install and the occupancy of a building or property as above described, to be issued and granted by Fire Prevention and Building Safety of the City of La Crosse, that the work thereon will be done in accordance with the descriptions set forth in this statement, and as more fully described in the specifications and plans herewith filed; and it is further agreed to construct, erect, alter, move, raze or install and occupy in strict compliance with the ordinances of the City of La Crosse, and to obey any and all lawful orders of Fire Prevention and Building Safety of the City of La Crosse and State of Wisconsin laws relating to the construction, alteration, repairs, removal and safety buildings and other structures and permanent building equipment.

PLEASE MAKE CHECKS PAYABLE TO: CITY OF LA CROSSE TREASURER

WISER BROTHERS C.C. 8/18/16
 (PRINT) AGENT/CONTRACTOR NAME DATE

 (PRINT) OWNER NAME DATE

A Miller - PM 8/18/16
 (SIGN) AGENT/CONTRACTOR NAME DATE

 (SIGN) OWNER NAME DATE

DO NOT CONCEAL ANY WORK WITHOUT FIRST RECEIVING INSPECTOR APPROVAL.
 IT IS THE OWNER'S RESPONSIBILITY TO SEE THAT INSPECTION REQUESTS ARE CALLED IN TO THE INSPECTOR.



BUILDING PERMIT APPLICATION

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Gregg A. Cleveland, Fire Chief

Application No: _____

Date: _____

Parcel No: _____

PROJECT

Project Address: PARK PLAZA DRIVE LA CROSSE, WI UNIT B

Building <input checked="" type="checkbox"/>	Addition <input type="checkbox"/>	Alteration/Remodel <input type="checkbox"/>	Cost of Project: \$1,139,965
Sign <input type="checkbox"/>	Demolition <input type="checkbox"/>	Intended Use of Land After Demolition:	

Description of Work: FOOTINGS & FOUNDATIONS FOR CONDO BUILDING.

OWNER

Name: WATER PLACE ONE, LLC.

Address: 920 10th AVE NORTH

City: ONALASKA State: WI Zip Code: 54650

Phone: (507) 895-8903 Cell: / Fax: / Email: /

CONTRACTOR

Name: WISER BROTHERS

Address: 200 TWILITE ST.

City: LA CRESCENT State: MN Zip Code: 55947

Phone: (507) 895-8903 Cell: X Fax: (507) 895-8438 Email: fcreavorm@wiserbrothers.com

Supervisor: X

WIS/Cred/Qual: 675270

Zip Code: 55947

PROPERTY

Zoning: PDD-SPECIFIC

Flood Plain: Yes No:

Number of Dwelling Units:

Fire Limits: Yes No:

Property Located in Archaeological District: Yes No

Building Construction Type: WOOD FRAMED

Occupancy type: RESIDENTIAL

Level of Alteration (per IEBC):

Architect/Engineer Name: CHRIS LA SQUINE

Architect/Engineer Phone:

INSPECTION USE ONLY

OK TO ISSUE: Inspector Initials:

Approval Date:

FEES

Copies: \$

Plan Review: \$

Permit Fee: \$

Record Maintenance Fee: \$

Other: \$

TOTAL: \$

Received By: Check No:

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W. ESER BROTHERS G.C. 8/18/16
(PRINT) AGENT/CONTRACTOR NAME DATE

[Signature] 8/18/16
(SIGN) AGENT/CONTRACTOR NAME DATE

(PRINT) OWNER NAME DATE

(SIGN) OWNER NAME DATE

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Gregg A. Cleveland, Fire Chief

Application No: _____
Date: _____
Parcel No: _____

PROJECT

Project Address: PARK PLAZA DRIVE LA CROSSE, WI UNIT C
Building Addition Alteration/Remodel Cost of Project: \$1,139,965
Sign Demolition Intended Use of Land After Demolition: _____
Description of Work: FOOTINGS & FOUNDATIONS FOR CONDO BUILDING.

OWNER

Name: WATER PLACE ONE, LLC.
Address: 920 10th AVE NORTH
City: ONALASKA State: WI Zip Code: 54600
Phone: (507) 895-8903 Cell: _____ Fax: _____ Email: _____

CONTRACTOR

Name: WIESER BROTHERS Supervisor: X
Address: 200 TWILITE ST. WIS/Cred/Qual: 675270
City: LA CRESCENT State: MN Zip Code: 55947
Phone: (507) 895-8903 Cell: X Fax: (507) 895-8438 Email: fcreavermo@wieserbrothers.com

PROPERTY

Zoning: PDD-SPECIFIC Flood Plain: Yes No:
Number of Dwelling Units: _____ Fire Limits: Yes No:
Property Located in Archaeological District: Yes No
Building Construction Type: WOOD FRAMED Occupancy type: RESIDENTIAL
Level of Alteration (per IEBC): _____
Architect/Engineer Name: CHRIS LA SMOUNE Architect/Engineer Phone: _____

INSPECTION USE ONLY

OK TO ISSUE: _____ Inspector initials: _____
Approval Date: _____
FEES
Copies: \$ _____
Plan Review: \$ _____
Permit Fee: \$ _____
Record Maintenance Fee: \$ _____
Other: \$ _____
TOTAL: \$ _____
Received By: _____ Check No: _____

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(PRINT) AGENT/CONTRACTOR NAME DATE 8/18/16

(SIGN) AGENT/CONTRACTOR NAME DATE 8/18/16

(PRINT) OWNER NAME DATE

(SIGN) OWNER NAME DATE

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Date: _____
Parcel No: _____

PROJECT

Project Address: PARK PLAZA DRIVE LA CROSSE, WI UNIT D
Building Addition Alteration/Remodel Cost of Project: \$ 786,825
Sign Demolition Intended Use of Land After Demolition: _____
Description of Work: FOOTINGS & FOUNDATIONS FOR CONDO BUILDING.

OWNER

Name: WATER PLACE ONE, LLC.
Address: 920 10TH AVE NORTH
City: OMAHA State: WI Zip Code: 54650
Phone: (507) 895-8903 Cell: _____ Fax: _____ Email: _____

CONTRACTOR

Name: WIESER BROTHERS Supervisor: X
Address: 200 TWILITE ST. WIS/Cred/Qual: 675270
City: LA CROSSE State: WI Zip Code: 55947
Phone: (507) 895-8903 Cell: X Fax: (507) 895-8438 Email: lrcavonne@wieserbrothers.com

PROPERTY

Zoning: PDD-SPECIFIC Flood Plain: Yes No:
Number of Dwelling Units: _____ Fire Limits: Yes No:
Property Located in Archaeological District: Yes No
Building Construction Type: WOOD FRAMED Occupancy type: RESIDENTIAL
Level of Alteration (per IEBC): _____
Architect/Engineer Name: CHRIS LA SHONKA Architect/Engineer Phone: _____

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<u>Wieser Brothers G.L.</u>	<u>8/18/16</u>	<u>[Signature]</u>	<u>8/18/16</u>
(PRINT) AGENT/CONTRACTOR NAME	DATE	(SIGN) AGENT/CONTRACTOR NAME	DATE
_____	_____	_____	_____
(PRINT) OWNER NAME	DATE	(SIGN) OWNER NAME	DATE

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Date: _____

Parcel No: _____

PROJECT

Project Address: PARK PLAZA DRIVE LA CROSSE, WI UNIT E

Building <input checked="" type="checkbox"/>	Addition <input type="checkbox"/>	Alteration/Remodel <input type="checkbox"/>	Cost of Project: \$ <u>786,825</u>
Sign <input type="checkbox"/>	Demolition <input type="checkbox"/>	Intended Use of Land After Demolition: _____	

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Phone: (507) 895-8903 Cell: X Fax: (507) 895-8438 Email: treavor@wieserbrothers.com

Supervisor: X

WIS/Cred/Qual: 675270

Zip Code: 55947

PROPERTY

Zoning: PDD - SPECIFIC Flood Plain: Yes No:

Number of Dwelling Units: _____ Fire Limits: Yes No:

Property Located in Archaeological District: Yes No

Building Construction Type: WOOD FRAMED Occupancy type: RESIDENTIAL

Level of Alteration (per IEBC): —

Architect/Engineer Name: CHRIS LA SQUINE Architect/Engineer Phone: _____

INSPECTION USE ONLY

OK TO ISSUE:	Inspector Initials:
Approval Date:	
FEES	
Copies:	\$
Plan Review:	\$
Permit Fee:	\$
Record Maintenance Fee:	\$
Other:	\$
TOTAL:	\$
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(PRINT) AGENT/CONTRACTOR NAME DATE

[Signature] 8/18/16
(SIGN) AGENT/CONTRACTOR NAME DATE

(PRINT) OWNER NAME DATE

(SIGN) OWNER NAME DATE

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BOARD OF ZONING APPEALS

STANDARDS FOR AREA VARIANCE

- 1. The proposed variance is not contrary to the public interest. The purpose statement of the ordinance and related statutes must be reviewed in order to identify the public interest. Variances must observe the spirit of the ordinance, secure public safety and welfare and do substantial justice. In considering effects of a variance on public interests, broad community and even statewide interests should be examined; the public interest standard is not confined to scrutiny of impacts on neighbors or residents in the vicinity of a project.

- 2. The property has a special or unique condition. The property must have unique or physical features which prevent compliance with the ordinance. The circumstances of an applicant, such as growing family or need for a larger garage, are not legitimate factors in meeting this standard. Property limitations that prevent ordinance compliance and that are not unique but common to a number of properties should be addressed by amendment of the ordinance.

- 3. The special condition of the property creates an unnecessary hardship:
 - A. Unnecessary hardship means unnecessarily burdensome, considering the purpose of the ordinance.

 - B. Unnecessary hardship may not be self created. An applicant may not claim hardship because of conditions which are self-imposed. Examples include claiming hardship for a substandard lot after having sold off portions that would have allowed building in compliance and claiming hardship where construction was commenced without required permits in violation of ordinance standards.

 - C. Financial hardship is not a deciding factor. Economic loss or financial hardship does not justify a variance.