Board of Zoning Appeals Variance Application

,,	City Clerk or Zoning Staff)	
City of La Crosse, Wis	sconsin	
Application No.: Date Filed: Application Complete:		Filing Fee: \$300.00 Date Paid: 4/1/2024 ved By AB (Initial)
(To be completed by t	the applicant)	
Building Permit Applicat City of La Crosse Fire D	00 p.m. the first Monday of every month. tion Deadline: 10 Calendar Days prior to the fi Department – Division of Community Risk Man his deadline must wait until the following mont Owner / Agent	nagement to provide review. Any building
Name	Jacob Zabinski	Mike Flaten
Address	1627 North Salem Road, 54603	
Phone	608-408-9875	
Legal Description: S Tax Parcel Number:	ee attached page; number "1. Legal Desc 17-10259-120	c."., City of La Crosse, Wis.

A variance is a relaxation of a standard in a land use ordinance. The Board of Zoning Appeals decides variances. The Board is a quasi-judicial body because it functions like a court. The Board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. The burden of proof falls on the variance applicant.

Process:

At the time of application, you will be asked to:

- Complete an application form and timely submit it with a non-refundable fee as required in La
 Crosse Municipal Code § 115-60; Failure to complete any section of the application form will result
 in rejection of the application. If additional space is needed, please attach additional pages 112.
- Provide detailed plans describing your lot and project (location, dimensions, and materials);
- Provide a written statement of verifiable facts showing that your project meets the legal criteria
 for a variance (Three-Step Test below); and
- Stake out lot corners or lines, the proposed building footprint and all other features of your property related to your request so that the Zoning Board and/or City staff may inspect the site.

1. Legal Description

Legal Description: PRT NE-SE COM 261.5FT N & 193FT E OF SW COR E 140FT S TO N LN SALEM

RD SLY ALG SALEM RD 161.6FT N TO POB LOT SZ: IRR, City of La Crosse, Wis.

Tax Parcel Number: 17-10259-120

Lot Dimensions and Area: 101 x 161 x 25 x 140 feet. = 8,864. sq. ft.

Zoning District: R1 - Single Family

Dimensions gathered from La Crosse GIS map:

https://gis-laxgis.hub.arcgis.com/apps/1ee6acffb2ad412aad0fe3cac30ca323/explore

Following these steps, the City of La Crosse Fire Department – Division of Community Risk Management must approve the application as to form and completeness and then the application and fee must be sub mitted to the City Clerk. The zoning agency will then provide notice of your request for a variance to the City of La Crosse's official newspaper noting the location and time of the required public hearing before the Zoning Board. Your neighbors and any affected state agency will also be notified. The burden will be on you as a property owner to provide information upon which the Board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If any of these requirements are not met or if you or your agent does not appear at the public hearing, the Board **must** deny your request for a variance and your fee will be forfeited.

Part A: General Information and Alternatives Analysis.

(To be completed by the applicant).

1. General Information.

Complete the questions in the general information section of the application to provide the necessary background information needed for the property at issue.

(a) Current use and improvements.

Our property currently serves as our primary residence, and we are seeking to make improvements that enhance both its functionality and aesthetic appeal. As our property features an irregular shape, traditional backyard space is not available for us to utilize.

(b) Proposed Use.

The proposed use of installing a 6-foot privacy fence in our front yard will serve to create a secure and private outdoor space for our family and pets, while also adhering to zoning regulations and promoting safety within the community.

(c) Description and date of any prior petition for variance, appeal, or special exception. N/A

Page 3 of 11

(d) Description and location of all nonconforming structures and uses on the property.

N/A.

(e) Ordinance standard from which variance is being sought (include code citation).

Sec. 115-398. - Fences and hedges.

(c)

Height and setback of fences regulated.

(1)

Residential fences are permitted up to the property lines in Residential Districts but shall not, in any case, exceed a height of six feet without a conditional use permit, shall not exceed 48 inches in height from grade in the front, side, or rear yard setback abutting a public sidewalk,

(f) Describe the variance requested.

We are requesting a variance to install a 6-foot privacy fence in our front yard.

(g) Specify the reason for the request.

This variance is requested due to the irregular shape of our property, which precludes the option of a traditional backyard space. The fence will provide security, privacy, and containment for our family and pets while adhering to setback requirements and maintaining visibility for motorists exiting the alley onto the road.

(h) Describe the effects on the **property** if the variance is not granted.

Not granting the variance would limit our ability to enhance the aesthetic appeal and functionality of our property. A privacy fence would contribute to the overall beautification of the neighborhood and improve property values for surrounding homes. Overall, denying the variance would restrict our ability to create a safe, secure, and enjoyable living environment for our family, adversely affecting both our property and the community.

2. Alternatives.

Describe alternatives to your proposal such as other locations, designs, and construction techniques. Attach a site map showing alternatives you considered in each category below.

Alternatives you considered that comply with existing standards. If you find such an
alternative, you can move forward with this option with a regular permit. If you reject compliant
alternatives, provide the reasons why you rejected them.

We initially considered installing a fence with a height that complies with the standard regulations, 4 feet. However, due to the agility of our Border Collie dog, we determined that a taller fence is necessary to prevent potential escape attempts and ensure the safety of our pet.

 Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons why you rejected them.

Another alternative we explored was locating the fence in the rear yard area. However, due to the irregular shape of our property, a traditional backyard space is not feasible. Placing the fence in the most front yard is the most practical option to create a secure enclosure for our family and pets.

Part B: Three-Step Test.

To qualify for a variance, applicants must demonstrate that their property meets the following three requirements:

1. Unique Property Limitation. (To be completed by the applicant).

Unique physical characteristics of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances or desires of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

You will be asked whether there exist any unique physical characteristics to your property that prevent compliance with the ordinance. You will be asked to show where these unique physical characteristics are located on your property by showing the boundaries of these features on a site map. If there is not a unique property limitation, a variance cannot be granted.

Rev. 05042021 Page 5 of 11

Do unique physical characteristics of your property prevent compliance with the ordinance?

Yes. Where are they located on your property? In addition, please show the boundaries of these features on the site map that you used to describe alternatives you considered.

We do not have any yard space that would be considered to be a "back yard" area. Both yard spaces would be considered "front yards".

No. A variance cannot be granted.

2. No Harm to Public Interest.

A variance may not be granted which results in harm to public interests or undermines the purpose(s) of the ordinance. In applying this test, the Zoning Board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community, and the general public. These interests may be listed as objectives in the purpose statement of an ordinance and may include:

- Public health, safety, and welfare
- Water quality
- Fish and wildlife habitat
- Natural scenic beauty
- Minimization of property damages
- · Provision of efficient public facilities and utilities
- Achievement of eventual compliance for nonconforming uses, structures, and lots
- Any other public interest issue

(a) Ordinance Purpose. (To be completed by zoning staff).

The Zoning Board must consider the purpose and intent of zoning codes when considering a variance request. As promulgated by the City of La Crosse Common Council, the purpose and intent of the La Crosse Zoning Code include, but is not limited to, the following:

§ 8-86	§ 101-58	§ 109-6
§ 115-3	§ 115-140	§ 115-141
§ 115-148	§ 115-156	§ 115-158
§ 115-211	§ 115-319	§ 115-437
§ 115-510	§ 115-548	§ 115-594

The failure of any particular city official to identify additional purpose and intent information on the application does not preclude the city official from raising the issue at the public hearing on the requested variance.

Rev. 05042021 Page 6 of 11

(b) Purpose(s) of Standard from which Variance is Requested. (To be completed by zoning staff).

The City of La Crosse Building Inspector, Code Enforcement Officer and any other officials may be aware of other reasons a particular ordinance standard is required. The city official(s) may list those reasons on this application. The failure of any particular city official to identify additional purpose information on this application does not preclude the city official from raising the issue at the public hearing on the requested variance.

(c) Analysis of Impacts. (To be completed by applicant).

Discuss impacts (e.g. increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For each impact, describe potential mitigation measures and the extent to which they reduce the impacts (i.e. completely, somewhat, or marginally). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term, and cumulatively.

Short-term impacts are those that occur through the completion of construction. Long-term impacts are those that occur after construction is completed. Cumulative impacts are those that would occur if a similar variance requested were granted for many properties. After completing the impact analysis, you will be asked to give your opinion whether granting the variance will harm the public interest.

(1) Short-term Impacts (through the completion of construction):

Impact: Increased disruption to immediate surroundings during construction, including noise. Mitigation measure(s): Schedule construction activities during off-peak hours. Extent to which mitigation reduces project impact:

These mitigation measures will significantly reduce the short-term impacts by minimizing disruption to neighboring properties and ensuring the safety and convenience of residents and passersby during the construction phase.

Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

Rev. 05042021 Page 7 of 11

(2) Long-term Impacts (after construction is completed):

Impact: Potential alteration of the visual character of the neighborhood due to 6-foot fence.
 Mitigation measure(s): Materials and design to blend with the architectural style of the prop.
 Extent to which mitigation reduces project impact:

These mitigation measures will effectively reduce the long-term impact by ensuring that the fence complements the existing character of the neighborhood and contributes positively to its visual appeal.

Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

- (3) **Cumulative Impacts** (what would happen if a similar variance request was granted for many properties?):
 - Impact: Potential cumulative effect if multiple properties are granted variances for similar fen Mitigation measure(s): Encourage community engagement on acceptable fence styles.
 Extent to which mitigation reduces project impact:

These mitigation measures aim to mitigate the cumulative impacts by promoting cohesive and harmonious street-scapes, thereby preserving the overall character and integrity of the neighborhood. It is my opinion that granting the variance, with appropriate mitigation measures in place, will not harm the public interest but rather contribute to enhancing the livability and aesthetics of the community.

Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

Rev. 05042021 Page 8 of 11

Will granting the variance harm the public interest?

	Yes. A variance cannot be granted.
Z	No. Mitigation measures described above will be implemented to protect the public interest.

3. Unnecessary Hardship. (To be completed by the applicant).

The unique property limitation must create the unnecessary hardship. An applicant may not claim unnecessary hardship because of conditions that are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel.

You will be asked whether you are requesting an area variance or a use variance and to detail whether there exists an unnecessary hardship.

An **area variance** is a relaxation of lot area, density, height, frontage, setback, or other dimensional criterion. Unnecessary hardship exists when compliance with the strict letter of the area restrictions would unreasonably prevent the owner from using the property for a permitted purpose (i.e. leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Zoning Board must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term, and cumulative effects of the variance on the neighborhood, the community, and on the public interests. This standard reflects the Wisconsin Supreme Court decisions in *State v. Waushara County Bd. Of Adjustment*, 2004 WI 56; and *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

A use variance is a relaxation of the zoning regulation on how the property is fundamentally used. A use variance allows property to be utilized in a manner not permitted by zoning regulations (i.e. an appropriate adaptive re-use of a school or church in a residential district). Unnecessary hardship exists only if the property owners show that they would have no reasonable or viable use of the property without the variance. Though not specifically restricted by statute or case law, a use variance is very rare because of the drastic effects it has on the neighborhood, the community, and the public interests. The Zoning Board must consider whether the owner has no reasonable return if the property is only used for the purpose allowed in zoning regulation, whether the plight of the owner is due to unique circumstances and not merely general conditions in the neighborhood, and whether the use sought to be authorized will alter the nature of the locality. See generally State ex rel. Ziervogel v. Washington County Bd. of Adjustment, 2004 WI 23.

Are you applying for an area variance or a use variance?				
Z	Area variance			
	Use variance			
ls unn	ecessary hardship present?			
Ø	Yes. Describe. Please see the letter titled "Is Unnecessary Hardship Present?"			
	No. A variance cannot be granted.			
Part C	: Additional Materials / Exhibits.			
	er for the zoning staff to conduct evaluations, the applicant's site map, with a scale of not less than , and other exhibits must show the following:			
000000000000000000000000000000000000000	Location of requested variance Property lines Ordinary high-water mark Flood plain and wetland boundaries Dimensions, locations, and setbacks of existing and proposed structures Utilities, roadways, driveways, off-street parking areas, and easements Existing highway access restrictions and existing proposed street, side and rear yards Location and type of erosion control measures Vegetation removal proposed Contour lines (2 ft. interval) Well and sanitary system Location and extent of filling/grading Any other construction related to your request Anticipated project start date Sign locations, dimensions, and other specifications Alternatives considered Location of unique property limitation Lot corners, lines, and footprints have been staked out Abutting street names and alleys Abutting property and land within 20 feet Indication of the direction "North"			

Is Unnecessary Hardship Present?

Unnecessary hardship is present due to the unique property limitations that make compliance with the strict letter of the area restrictions burdensome. Our property's irregular shape and lack of a traditional backyard limit our options for installing a fence that meets zoning regulations while adequately addressing our need for security, privacy, and containment for our family and pets.

Without the variance to install a 6-foot privacy fence in our front yard, we would be left without a suitable means to fulfill these essential needs, leaving our property without any practical use permitted under current zoning regulations. The restrictions imposed by the zoning regulations would render conformity with such restrictions unnecessarily burdensome, as alternative solutions do not adequately address our specific needs.

The proposed variance has been carefully considered in light of the purpose of the zoning restriction, its effects on the property, and the short-term, long-term, and cumulative impacts on the neighborhood, community, and public interests. Granting the variance would alleviate the unnecessary hardship while still ensuring compatibility with the surrounding neighborhood's character and promoting the public interest in safety and functionality.

Thus, we believe that granting the variance is justified based on the presence of unnecessary hardship and the thoughtful consideration given to its implications on the property and the broader community.

Rev. 05042021 Page 10 of 11

Part D: Authorization to Examine

You **must complete and sign** the authorization for the City of La Crosse Board of Zoning Appeals and the Planning and Development Department to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and the Planning and Development Department to inspect premises

At: 1627 North Salem Road, La Crosse, WI 54603

(Address where variance is sought)

Date: 04/01/2024

Signature of Owner:

Part E: Certification.

You **must sign your application**, certifying that it and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered. You also must get the application notarized by a certified notary.

Submit completed application to: Board of Zoning Appeals

400 La Crosse St. Clerk's Office- ^{2nd} Floor La Crosse, Wisconsin 54601

Submit complete copy to: Chief Inspector

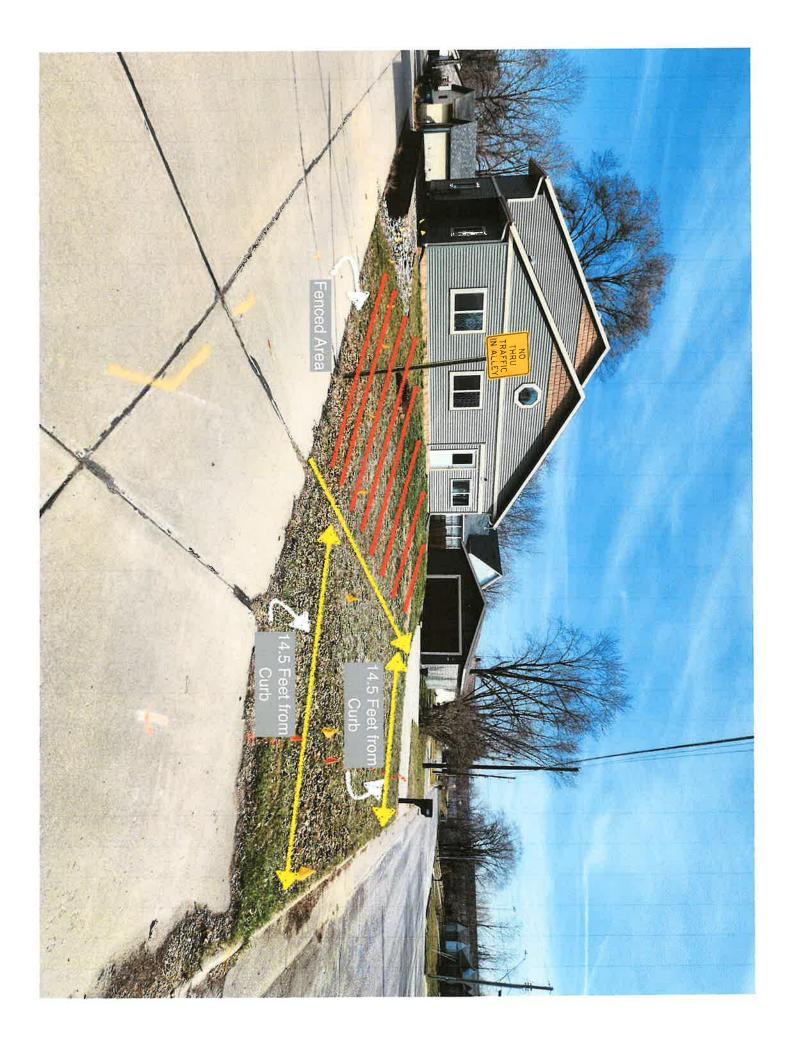
400 La Crosse St.

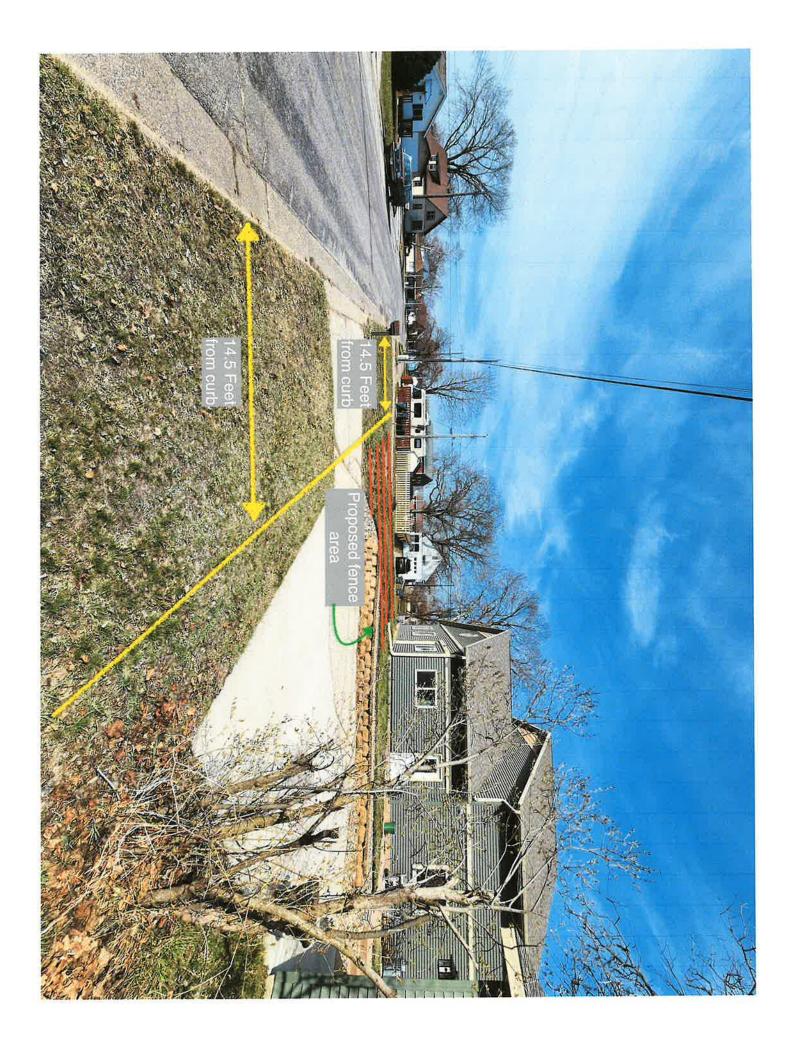
City of La Crosse Fire Department -

Division

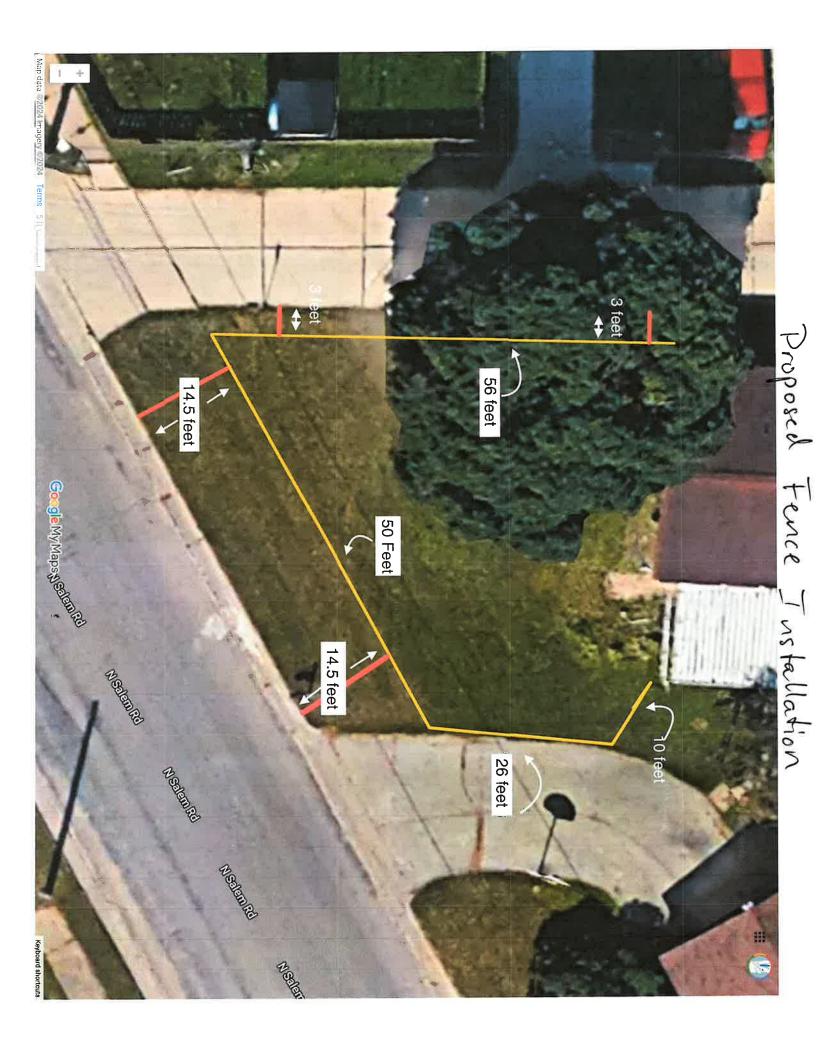
of Community Risk Management La Crosse, Wisconsin 54601 By signing below, I certify that I have received and reviewed all of the application materials. I further certify that all of my answers herein are true and accurate; I have not made any intentional misrepresentation or omission. I understand that if I intentionally misrepresented or omitted anything in this application that my application will be denied and any variance granted thereunder may be revoked.

	$\rightarrow 1A$
Signed: (Applicant or Agent)	C TUT
Date: 4/1/24	/
Signed: (Owner,if different from applicant)	1/24
Date: A TIT	t
THE APPLICANT OR AGENT	THE OWNER
Jarob Alexander Zabinski	Jacob Alexander Zabinski
5).	
STATE OF WISCONSIN)	STATE OF WISCONSIN)
COUNTY OF LA CROSSE)	COUNTY OF LA CROSSE)
Personally came before me this day of 201 he above named to me known to be the person(s) who executed the foregoing instrument and acknowledged the same. Notary Public, La Closse County, WI My commission expires: 913 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3	Perspnally came before me this day of 22 he above named to me known to be the person(s) who executed the foregoing instrument and acknowledged the same. Notary Public, La Crosse County WI My commission expires. NOTAR STIE J
WISCOMMIN	Manual Ma









BUFFTECH

New Lexington Vinyl Fence Panels

https://www.hooverfence.com/bufftech-new-lexington-fence-sections?gad_source=1&gclid=Cj0K CQjwqpSwBhClARIsADIZ_TljgpywZ5dMd0TSaRrue87Z_3wEGU3uMb9s9Jy7Ad8KqMMz_PCu 5SQaAgpJEALw_wcB

Section Width: 8'

Heights: 6'

Picket Size: 5/8"x 11-3/8", tongue and groove

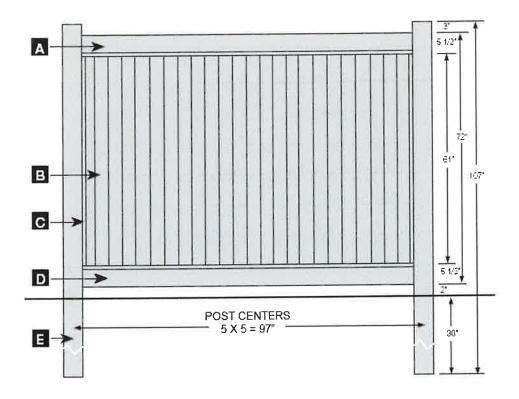
Picket Spacing: none

Rails: 1-1/2"x 5-1/2", ribbed

Steel Rail Channel: bottom

Post Size: 5"x 5"

6' High Sections - Specifications



Top Rail (A): 1-1/2"x 5-1/2"x 95" Classic Curve Deco Rail Ribbed, extruded to accept pickets

Pickets (B): 5/8"x 11-3/8"x 39-3/4" tongue and groove

End Channel (C): Included

Bottom Rail (D): 1-1/2"x 5-1/2"x 95" Classic Curve Deco Rail Ribbed, extruded to accept pickets

Post (in-ground) (E): 5" x 5" x 107" regular wall (30" in-ground)

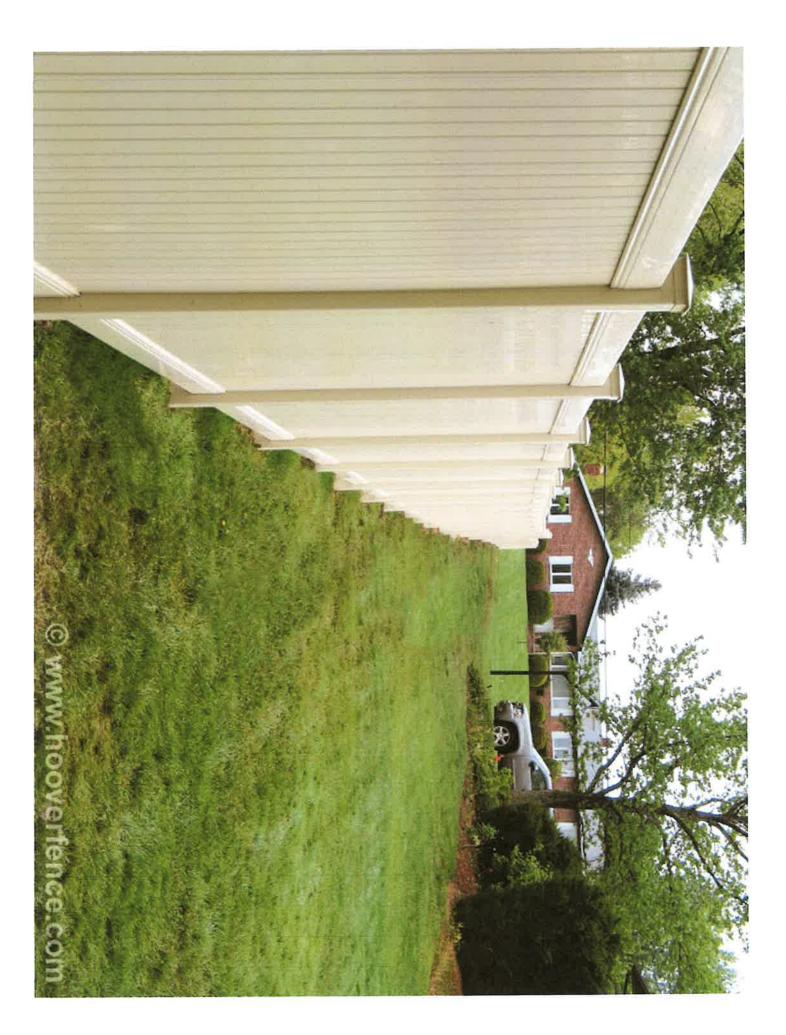
Picket Spacing: None

Steel reinforcement: Yes-channel located in bottom rail

Aluminum reinforcement: None Post Spacing (center to center): 97"

Color(s): White and Almond









1627 SALEM RD LA CROSSE

Parcel: Municipality: 17-10259-120 City of La Crosse

Internal ID: Record Status: 26810 Current Print View

Parcel

Taxes

Deeds

Permits

History

Outstanding Taxes

Assessments

Parcel Information:

Parcel:

17-10259-120 26810

Internal ID: Municipality:

City of La Crosse

Record Status:

Current

On Current Tax Roll: Total Acreage:

Yes 0.205

Township: Range: Section:

16 07 17

Legal Description:

PRT NE-SE COM 261.5FT N & 193FT E OF SW COR E 140FT S TO N LN SALEM RD SLY ALG SALEM RD 161.6FT N TO POB LOT SZ: IRR

Property Addresses:

Street Address 1627 SALEM RD City(Postal) LA CROSSE

Owners/Associations:

JACOB A ZABINSKI CATHERINE J PHILLIPPI Owner Owner

Relation Mailing Address 1627 SALEM RD N 1627 SALEM RD N City LA CROSSE LA CROSSE

Zip Code State WI 54603 WI 54603

Districts:

Code Description **Taxation District**

LA CROSSE SCHOOL 2849 Book 1

N

Additional Information

Category

Description

2020+ VOTING SUPERVISOR

2020+ Supervisor District 1

2020+ VOTING WARDS

2020+ Ward 2 1 UNIT

Lottery Tax Information 0

0

Lottery Credits Claimed: Lottery Credit Application Date:





Permit Search

1627 SALEM RD LA CROSSE

Parcel: Municipality: 17-10259-120 Internal ID: City of La Crosse

Record Status:

26810 Current Print View

Assessment Information:

Tax Year: 2024 ✓

Class Description Year Acreage Land

<u>Totals</u> -

G1 Residential 2024 0.205 \$23,500 \$255,700

- <u>0.205</u> <u>\$23,500</u> <u>\$255,700</u>

Improvements Total

\$279,200 <u>\$279,200</u> -

Last Modified

10/27/2022

Parcel

Taxes

Outstanding Taxes

Assessments

Deeds

Permits

History

La Crosse County Land Records Information (Ver. 2021 17.2.0.)



Parcel Search |

Permit Search

1627 SALEM RD LA CROSSE

Parcel: Municipality: 17-10259-120 City of La Crosse Internal ID: Record Status: 26810 Current Print View

Deed Information:

The following documents are those that impact the transfer of ownership or the legal description of the parcel. There may be other documents on file with the Register of Deeds Office.

				_
Volume Number	<u>Page Number</u>	Document Number	Recorded Date	<u>Type</u>
659	971	0	12/17/1997	
827	348	1013666	9/2/1988	Warranty Deed
830	316	1015304	10/14/1988	Warranty Deed
1150	19	1161041	10/2/1996	Quit Claim Deed
1273	282	1210161	10/14/1998	HT110
1540	858	1294531	11/29/2001	Quit Claim Deed
0	0	1644612	9/2/2014	Quit Claim Deed
0	0	1657111	6/2/2015	HT110
0	0	1657112	6/2/2015	Warranty Deed
0	0	1692300	4/24/2017	Warranty Deed
0	0	1771597	5/3/2021	Warranty Deed
•	•		, ,	

For additional details pertaining to transfers please visit the <u>Wisconsin</u> <u>Department of Revenue</u> website to enter the document number.

Want access to an image of the document? You can obtain an image through the <u>Fidlar Tapestry Program</u> however, there is a fee for this service. You may also visit the local Register of Deeds office to obtain a photo copy without the search fee. Standard statutory copy fees will apply pursuant 59.43(2)(b).

Parcel

Taxes

Outstanding Taxes

Assessments

Deeds

Permits

History

La Crossa County Land Records Information (Ver. 2021,11,2.0.)

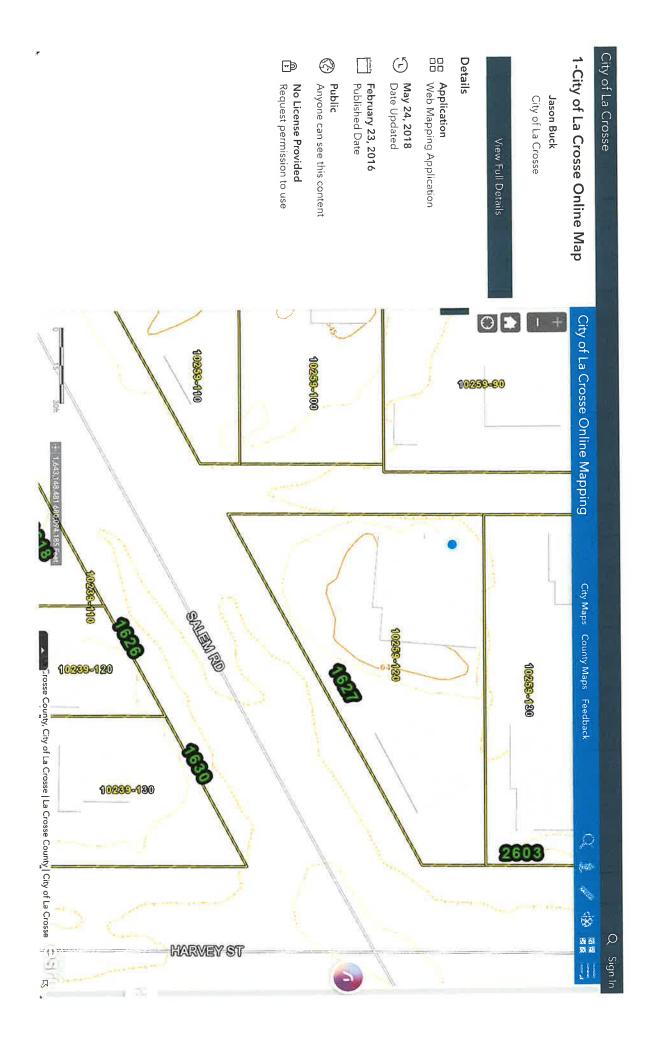
Site Disclaime

6

⊕∌

 $(\overline{})$

Details



City of La Crosse

1-City of La Crosse Online Map

City of La Crosse Jason Buck

View Full Details

Details

- ApplicationWeb Mapping Application
- Date Updated May 24, 2018
- February 23, 2016 Published Date
- No License Provided

Anyone can see this content

Request permission to use

-

0



