Rev_05042021

Board of Zoning Appeals Variance Application

(To be completed by City Clerk or Zoning Staff)	(1) Tar 18
City of La Crosse, Wisconsin	1611.0
Application No.: 2685 Date Filed:	Filing Fee: Date Paid: 4/1/24
Application Complete: Yes No	Reviewed By 🛕 🖟 (Initial)
(To be completed by the applicant)	

Application Deadline: 5:00 p.m. the first Monday of every month.

Building Permit Application Deadline: 10 Calendar Days prior to the first Monday of every month for the City of La Crosse Fire Department – Division of Community Risk Management to provide review. Any building permit submitted after this deadline must wait until the following month's Board of Zoning Appeals meeting.

Owner / Agent		Contractor		
Name	City of La Crosse	City of La Crosse		
Address	400 La Crosse Street	400 La Crosse Street		
Phone	608-789-7362	608-789-7362		

Contractor

Legal Description: PRT NE-SE COM SW COR N 53.31FT NELY, City of La Crosse, Wis. Tax Parcel Number: 17-10259-31

Lot Dimensions and Area: 50 x 141.2 feet. = 7060 sq. ft.

Zoning District: R1 - Single Family

Owner / Agent

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.
- 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.

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.

The home at 2710 Onalaska is owned by the City of La Crosse and currently vacant. Housing rehab improvements including basement infill have been completed - totaling approximately \$85k investment thus far to this property to bring it to FEMA compliance.

(b) Proposed Use.

Owner-occupied affordable single family home.

(c) Description and date of any prior petition for variance, appeal, or special exception. Rehab improvements were made to the home with the intention to bring into floodplain compliance and sell the property. No prior variance has been sought.

(d)	Description and location of all nonconforming structures and uses on the property. Currently the lowest adjusted grade is 644.8 and approx 7.2 inches of fill are required to bring the property into compliance.
(e)	Ordinance standard from which variance is being sought (include code citation). 115-281(3)c and 115-291(3)a - require all ground immediatly adjacent to the building, and extending 15' away from the building, be one foot above the BFE.
(f)	Describe the variance requested. We request that a 0 ft variance be granted on the North side of the property. The other three sides of the property will meet code requirements of 15 feet.
(g)	Specify the reason for the request. The neighboring property has a fence 5 feet from the home, 3ft from the bump out we will not be able to meet the 15 ft requirement.
(h)	Describe the effects on the property if the variance is not granted. The property will remain City surplus property, vacant, and untaxable.

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.

N/A - no ability to be meet the 15 ft requirement as the fence exists 5 ft from the home

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

A lesser variance of 3ft was considered, as that is the distance from the bump out to the fence. With the bump out being only 3ft from the fence, this would be getting very close to neighboring fence and property line. Another option was to apply for variance on all sides of the property to minimize cost to bring to compliance.

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.

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.

The home is located on the North side of the parcel, with only 6 feet to the neighboring fence. See attached survey.

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.

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(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: Potential Neighbor Impact
 Mitigation measure(s):

Extent to which mitigation reduces project impact:

The one short-term impact of this change will be on the neighboring properties as construction will be required. This will be on the property to the North where the variance is being requested. To the South, two Habitat homes are under construction.

Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

- (2) Long-term Impacts (after construction is completed):
 - Impact: Flood Plain Compliance for Neighboring Properties

Mitigation measure(s): None Required

Extent to which mitigation reduces project impact:

The two properties to the South, 2702 and 2706 Onalaska Ave, will be floodplain compliant.

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:

Mitigation measure(s): NA

Extent to which mitigation reduces project impact:

This variance is being requested to bring the property into floodplain compliance. That cannot happen given the physical layout of the space. If other properties in the floodplain were to follow suit, these would need to continue to be reviewed on a case by case basis.

Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

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Will granting the variance harm the public interest?

Yes. A variance cannot be granted.
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.

u applying for an area variance or a use variance?
Area variance
University of the second secon
Use variance
ecessary hardship present?
Yes. Describe. The parcel remains City property, untaxable and unoccupied, still requiring maintenance, upkeep and incurring expenses.
No. A variance cannot be granted.
: Additional Materials / Exhibits.
r 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:
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"

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: 2710 Onalaska Ave

(Address where variance is sought)

Date: 4/1/2024

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.

Signed: (Applicant or Agent) Moa K	uzes
Date: 4/1/2024	
Signed: (Owner,if different from applicant)	ora fregs
Date: 4/1/24	
THE APPLICANT OR AGENT	THE OWNER
By: Mera Keyes	Mora Kays
STATE OF WISCONSIN	STATE OF WISCONSIN) NOTAPLE
COUNTY OF LA CROSSE	COUNTY OF LA CROSSE
Personally came before me this	Personally came before me this

U.S. DEPARTMENT OF HOMELAND SECURITY Federal Emergency Management Agency National Flood Insurance Program

OMB Control No. 1660-0008 Expiration Date: 06/30/2026

ELEVATION CERTIFICATE IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION	FOR INSURANCE COMPANY USE			
A1. Building Owner's Name: City of La Crosse	Policy Number:			
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 2710 Onalaska Ave	Company NAIC Number:			
City: La Crosse State: WI	ZIP Code: 54603			
A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Nur Lot 1 CSM #148 Volume 19 Document 1792029, City of LaCrosse, LaCrosse Co., WI; tax				
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.):residential				
A5. Latitude/Longitude: Lat. 43.860710 Long91.234585 Horizontal Datum:	IAD 1927 ⊠NAD 1983 □ WGS 84			
A6. Attach at least two and when possible four clear photographs (one for each side) of the building	(see Form pages 7 and 8),			
A7. Building Diagram Number:9_				
A8. For a building with a crawlspace or enclosure(s):				
a) Square footage of crawlspace or enclosure(s): 740.00 sq. ft.				
b) Is there at least one permanent flood opening on two different sides of each enclosed area?	☐ Yes ☐ No N/A			
c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot Non-engineered flood openings: 0 Engineered flood openings: 0				
d) Total net open area of non-engineered flood openings in A8.c: 0.00 sq. in.				
e) Total rated area of engineered flood openings in A8.c (attach documentation – see Instruction	ons):0,00 sq. ft.			
f) Sum of A8.d and A8.e rated area (if applicable – see Instructions): sq. ft.				
A9. For a building with an attached garage:				
a) Square footage of attached garage: 0.00 sq. ft.				
b) is there at least one permanent flood opening on two different sides of the attached garage?	Y Yes No No N/A			
c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adja Non-engineered flood openings:0 Engineered flood openings:0	icent grade:			
d) Total net open area of non-engineered flood openings in A9.c: 0.00 sq. in.				
e) Total rated area of engineered flood openings in A9.c (attach documentation - see Instruction	ons): 0.00 sq. ft.			
f) Sum of A9.d and A9.e rated area (if applicable – see Instructions): sq. ft.				
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFOR	MATION			
B1.a. NFIP Community Name: City of LaCrosse B1.b. NFIP Community Ider	ntification Number: 555562			
B2. County Name: LaCrosse County B3. State: WI B4. Map/Panel No.: 5	55063C0251D B5. Suffix: D			
B6. FIRM Index Date: 01/06/2012 B7. FIRM Panel Effective/Revised Date: 01/06/2012				
B8. Flood Zone(s): AE B9. Base Flood Elevation(s) (BFE) (Zone AO, use B	Base Flood Depth): 643.8 feet			
B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9: FIS FIRM Community Determined Other:	=			
B11. Indicate elevation datum used for BFE in Item B9: 🔲 NGVD 1929 🔀 NAVD 1988 🔲 Other/	Source:			
312. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)?				
B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)?	No			

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and I 2710 Onalaska Ave	Box No.:	OR INSURA	NCE COMPANY U		
City: La Crosse State: WI ZIP Code: 54603			Policy Number:		
SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)					
C1. Building elevations are based on: Construction Drawings* Building Use *A new Elevation Certificate will be required when construction of the building is	nder Construction		ed Construction		
C2. Elevations – Zones A1–A30, AE, AH, AO, A (with BFE), VE, V1–V30, V (with BF A99. Complete Items C2.a–h below according to the Building Diagram specified Benchmark Utilized: City of LaCrosse Benchmarks Vertical Datum: N	in Item A7. In Pue	AE, AR/A1-/ rto Rico only	A30, AR/AH, AR/AC , enter meters.		
Indicate elevation datum used for the elevations in items a) through h) below. NGVD 1929 NAVD 1988 Other:					
Datum used for building elevations must be the same as that used for the BFE. Converself Yes, describe the source of the conversion factor in the Section D Comments area.	ersion factor used?	_			
a) Top of bottom floor (including basement, crawlspace, or enclosure floor):	644.0		the measurement us t meters		
b) Top of the next higher floor (see Instructions):	647.7	70 🛭 fee	t 🔲 meters		
 c) Bottom of the lowest horizontal structural member (see Instructions): 		feet	t 🔲 meters		
d) Attached garage (top of slab):		feet	t meters		
 e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area): 	647.7	″0 ⊠ feet	t meters		
f) Lowest Adjacent Grade (LAG) next to building: 🔲 Natural 🔀 Finished	644.2	 20 ⊠ feet	meters		
g) Highest Adjacent Grade (HAG) next to building: Natural Finished	644.5	iO 🛛 feet	: [] meters		
 Finished LAG at lowest elevation of attached deck or stairs, including structura support: 	il 644.2	:0 ⊠ feet	meters		
SECTION D - SURVEYOR, ENGINEER, OR ARCHIT	TECT CERTIFIC	ATION			
This certification is to be signed and sealed by a land surveyor, engineer, or architect a information. I certify that the information on this Certificate represents my best efforts to alse statement may be punishable by fine or imprisonment under 18 U.S. Code, Section	o interpret the data	law to certife available. I	y elevation understand that any		
Vere latitude and longitude in Section A provided by a licensed land surveyor? 🛛 🗙 Yo	_				
Check here if attachments and describe in the Comments area.	_				
Certifier's Name: Christopher W. Fechner License Number; S-2448	В	WHITHING C	CONS		
itle: Wisconsin Professional Land Surveyor		William St. 1	- CON MILE		
Company Name: Coulee Region Land Surveyors, LLC					
Address: 917 S. 4th Street					
ignature: State: WI ZIP Code:	54601	LA W	ISTOPHER W. SECHNER S-2448 A CROSSE, PISCONSIN		
Felephone: (608) 784-1614 Ext.: Email: crls@couleeregionlandsurveyors.com					
opy all pages of this Elevation Certificate and all attachments for (1) community official, (2	2) insurance agent/	company an	d (3) building owner		
omments (including source of conversion factor in C2; type of equipment and location					
			,		

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

Building Street Address (including 2710 Onalaska Ave	Apt., Unit, Suite, and/or Bldg. No.) o	r P.O. Route an	d Box No.:	FOR INSURANCE COMPANY USE Policy Number:
City: La Crosse	State: WI	ZIP Code: 5	4603	Company NAIC Number:
able to take front and back picture "Right Side View," or "Left Side V	two and when possible four photoges of townhouses/rowhouses). Ider fiew." Photographs must show the fative flood openings or vents, as in	ntify all photogr foundation. Wh	aphs with the date en flood openings	taken and "Front View," "Rear View,"
	Pho	to One		
Photo One Caption:				Clear Photo One
Till the state of	ALCO AND	librari i i e		1000



Photo Two

Photo Two Caption:

Clear Photo Two



