



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Agenda - Final Board of Zoning Appeals

Monday, July 15, 2024

4:00 PM

Council Chambers
City Hall, First Floor

The Board of Zoning Appeals meeting is open for in-person attendance and will also be conducted through video conferencing. The meeting can be viewed by visiting the Legislative Information Center (<https://cityoflacrosse.legistar.com/Calendar.aspx>) and clicking on the "In Progress" video link to the far right in the meeting list.

Call to Order

Roll Call

Notice is hereby given that the Board of Zoning Appeals will hear the following variance appeals in the Council Chambers on the first floor of City Hall, 400 La Crosse Street, at 4:00 p.m. on July 15, 2024:

[2685](#) An appeal regarding the requirement to have fill 15 feet beyond the structure one foot or more above the regional flood elevation at 2710 Onalaska Ave, La Crosse, Wisconsin.

Referred from April 2024 meeting.

[2688](#) An appeal regarding the requirement to provide a 6.78 foot setback from the front property line at 1018 Badger St., La Crosse, Wisconsin.

Adjournment

Property owners affected by an appeal may appear either in person, by agent, or by attorney, and may express their written approval of or objection to the granting of the appeal by filing a letter in the office of the City Clerk, or in lieu thereof may, upon oath, testify thereto. Written comments are encouraged to be submit in writing prior to the meeting and should be submitted to craigs@cityoflacrosse.org, dropped in a drop box outside of City Hall, or mailed to the City Clerk, 400 La Crosse Street, La Crosse WI 54601. Questions, call 608-789-7510.

Dated this 2nd day of July, 2024

Board of Zoning Appeals

Nikki Elsen, Secretary

Notice is further given that members of other governmental bodies may be present at the above scheduled meeting to gather information about a subject over which they have decision-making responsibility.

NOTICE TO PERSONS WITH A DISABILITY

Requests from persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (608) 789-7510 or send an email to ADAcityclerk@cityoflacrosse.org, with as much advance notice as possible.

Board of Zoning Appeals Members:

**James Cherf, Douglas Farmer, Anastasia Gentry, Ryan Haug, William Raven, First Alternate
James Szymalak, Second Alternate Jai Johnson**



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Text File

File Number: 2685

Agenda Date: 7/15/2024

Version: 1

Status: Agenda Ready

In Control: Board of Zoning Appeals

File Type: BOZA - Request for Variance

Agenda Number:



Board of Zoning Appeals Variance Application

(To be completed by City Clerk or Zoning Staff)

City of La Crosse, Wisconsin

Application No.: 2685

Date Filed: _____

Filing Fee: 0.00

Date Paid: 4/1/24

Application Complete: Yes No _____

Reviewed By AB (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

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

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 submitted 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.

(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:

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.

Are you applying for an area variance or a use variance? **Area variance** **Use variance****Is unnecessary 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.****Part C: Additional Materials / Exhibits.**

In order for the zoning staff to conduct evaluations, the applicant's site map, with a scale of not less than 1"=50', 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: _____

Mara Hayes

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) Mara Keyes

Date: 4/1/2024

Signed: (Owner, if different from applicant) Mara Keyes

Date: 4/1/24

THE APPLICANT OR AGENT

THE OWNER

By: Mara Keyes

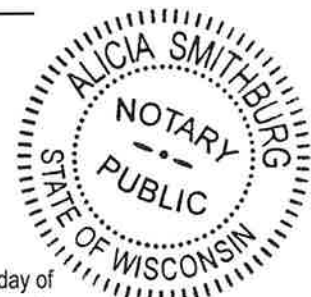
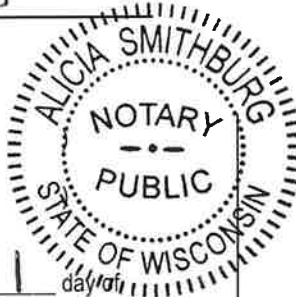
Mara Keyes

STATE OF WISCONSIN

STATE OF WISCONSIN)

COUNTY OF LA CROSSE

COUNTY OF LA CROSSE)



Personally came before me this 1 day of April, 2024, the above named Alicia Smithburg to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Personally came before me this 1 day of April, 2024, the above named Alicia Smithburg to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

[Signature]
Notary Public, La Crosse County, WI
My commission expires: 08/23/27

[Signature]
Notary Public, La Crosse County, WI
My commission expires: 08/23/27

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: <u>City of La Crosse</u>	Policy Number: _____
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>2710 Onalaska Ave</u>	Company NAIC Number: _____
City: <u>La Crosse</u> State: <u>WI</u> ZIP Code: <u>54603</u>	
A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number: <u>Lot 1 CSM #148 Volume 19 Document 1792029, City of LaCrosse, LaCrosse Co., WI; tax parcel 17-10259-31</u>	
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): <u>residential</u>	
A5. Latitude/Longitude: Lat. <u>43.860710</u> Long. <u>-91.234585</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983 <input type="checkbox"/> 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: <u>9</u>	
A8. For a building with a crawlspace or enclosure(s):	
a) Square footage of crawlspace or enclosure(s): <u>740.00</u> sq. ft.	
b) Is there at least one permanent flood opening on two different sides of each enclosed area? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>0</u> Engineered flood openings: <u>0</u>	
d) Total net open area of non-engineered flood openings in A8.c: <u>0.00</u> sq. in.	
e) Total rated area of engineered flood openings in A8.c (attach documentation – see Instructions): <u>0.00</u> sq. ft.	
f) Sum of A8.d and A8.e rated area (if applicable – see Instructions): <u>0.00</u> sq. ft.	
A9. For a building with an attached garage:	
a) Square footage of attached garage: <u>0.00</u> sq. ft.	
b) Is there at least one permanent flood opening on two different sides of the attached garage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>0</u> Engineered flood openings: <u>0</u>	
d) Total net open area of non-engineered flood openings in A9.c: <u>0.00</u> sq. in.	
e) Total rated area of engineered flood openings in A9.c (attach documentation – see Instructions): <u>0.00</u> sq. ft.	
f) Sum of A9.d and A9.e rated area (if applicable – see Instructions): <u>0.00</u> sq. ft.	
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION	
B1.a. NFIP Community Name: <u>City of LaCrosse</u>	B1.b. NFIP Community Identification Number: <u>555562</u>
B2. County Name: <u>LaCrosse County</u>	B3. State: <u>WI</u> B4. Map/Panel No.: <u>55063C0251D</u> B5. Suffix: <u>D</u>
B6. FIRM Index Date: <u>01/06/2012</u>	B7. FIRM Panel Effective/Revised Date: <u>01/06/2012</u>
B8. Flood Zone(s): <u>AE</u>	B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): <u>643.8 feet</u>
B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9: <input checked="" type="checkbox"/> FIS <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other: _____	
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____	
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA	
B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 Box No.: 2710 Onalaska Ave	FOR INSURANCE COMPANY USE
City: <u>La Crosse</u> State: <u>WI</u> ZIP Code: <u>54603</u>	Policy Number: _____ Company NAIC Number: _____

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

- C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.
- C2. Elevations – Zones A1–A30, AE, AH, AO, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, A99. Complete Items C2.a–h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.
 Benchmark Utilized: City of LaCrosse Benchmarks Vertical Datum: NAVD1988

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. Conversion factor used? Yes No
 If Yes, describe the source of the conversion factor in the Section D Comments area.

Check the measurement used:

- | | | | |
|---|---------------|--|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor): | <u>644.00</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| b) Top of the next higher floor (see Instructions): | <u>647.70</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (see Instructions): | _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| d) Attached garage (top of slab): | _____ | <input type="checkbox"/> feet | <input type="checkbox"/> 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): | <u>647.70</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| f) Lowest Adjacent Grade (LAG) next to building: <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Finished | <u>644.20</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest Adjacent Grade (HAG) next to building: <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Finished | <u>644.50</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Finished LAG at lowest elevation of attached deck or stairs, including structural support: | <u>644.20</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No

Check here if attachments and describe in the Comments area.

Certifier's Name: Christopher W. Fechner License Number: S-2448

Title: Wisconsin Professional Land Surveyor

Company Name: Coulee Region Land Surveyors, LLC

Address: 917 S. 4th Street

City: LaCrosse State: WI ZIP Code: 54601

Signature:  Date: 10/10/2023

Telephone: (608) 784-1614 Ext.: _____ Email: cris@couleeregionlandsurveyors.com



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

Comments (including source of conversion factor in C2; type of equipment and location per C2.e; and description of any attachments):

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

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 2710 Onalaska Ave	FOR INSURANCE COMPANY USE
City: <u>La Crosse</u> State: <u>WI</u> ZIP Code: <u>54603</u>	

Instructions: Insert below at least two and when possible four photographs showing each side of the building (for example, may only be able to take front and back pictures of townhouses/rowhouses). Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." Photographs must show the foundation. When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo One

Photo One Caption:	<input type="button" value="Clear Photo One"/>
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Photo Two

Photo Two Caption:	<input type="button" value="Clear Photo Two"/>
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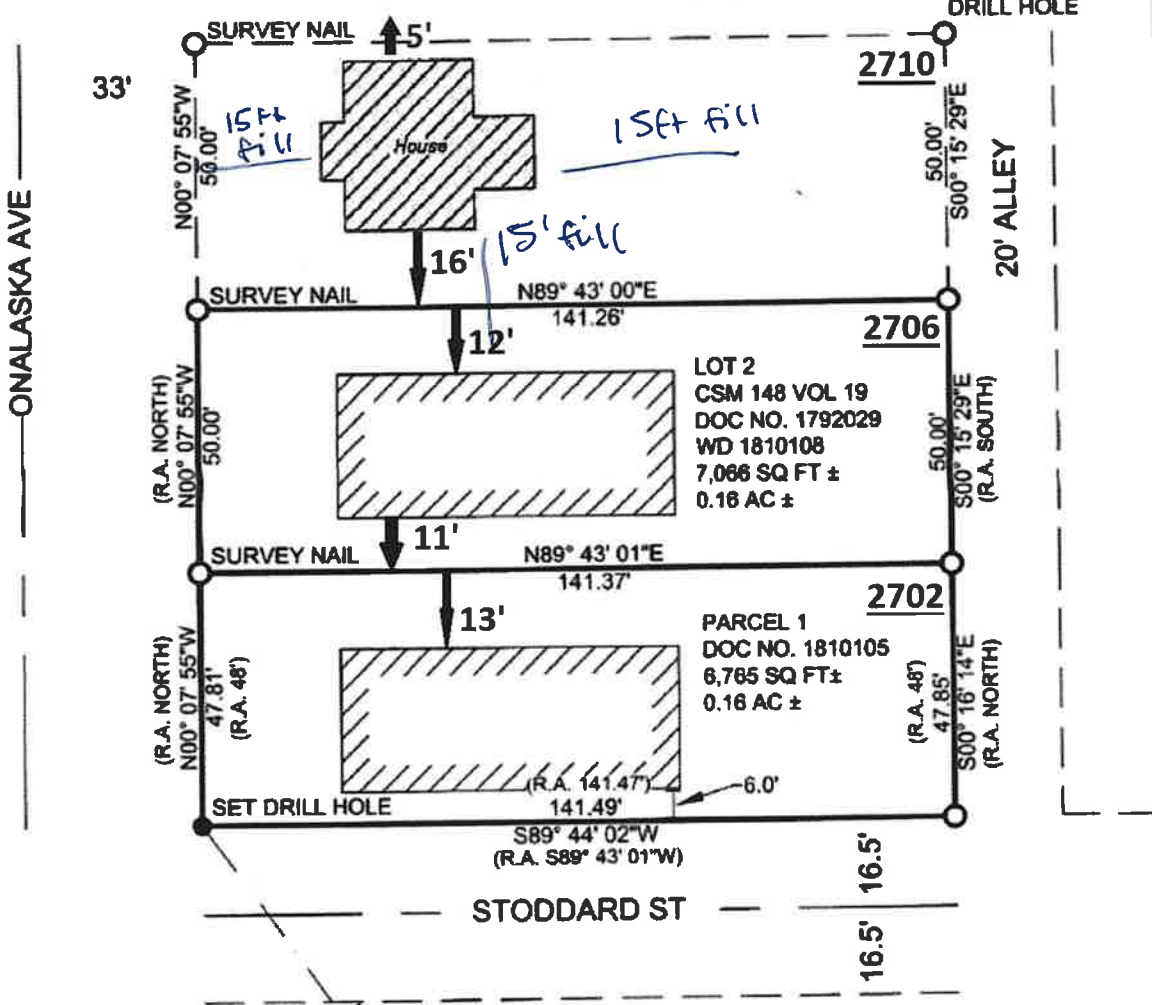
PLAT OF SURVEY


LOT 2 OF CERTIFIED SURVEY MAP VOLUME 19, PAGE 148 RECORDED AS DOCUMENT NO. 1792029 AND PART OF THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 17, TOWNSHIP 16 NORTH, RANGE 7 WEST, CITY OF LA CROSSE, LA CROSSE COUNTY, WISCONSIN.


LEGEND

-  SECTION CORNER
-  FOUND 0.75" IRON ROD UNLESS OTHERWISE NOTED
-  SET 0.75" DIA X 24" IRON ROD WEIGHING 1.5 LBS/LIN. FT.

(R.A.) RECORDED AS



SW CORNER  SEC 17, T16N, R7W
COMPUTED

SE CORNER  SEC 17, T16N, R7W
0.75" IRON ROD

Bearing: N89° 30' 03" E, Distance: 2638.85'

DAVY ENGINEERING CO.
LA CROSSE, WISCONSIN

SURVEY PREPARED FOR:
HABITAT FOR HUMANITY
2702/2706 ONALASKA AVE
LA CROSSE, WI 54603

BASIS OF BEARINGS:
Bearings are based on the Wisconsin County Coordinate System, La Crosse County Zone, NAD 83 (1991 Adj.), from which the south line of the SE $\frac{1}{4}$ of Sec 17, T16N, R7W bears N 89° 30' 03" E.

DATE 01/31/2024	DRAWN BY: JFW	PROJECT NUMBER 12525-001.120	SHEET 1 OF 2
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La Crosse Fire Department

Division of Community Risk Management

inspection@cityoflacrosse.org (P) 608.789.7530 (F) 608.789.7589

<http://www.cityoflacrosse.org/your-government/departments/fire-department>



3/26/2024

City of La Crosse

2710 Onalaska Ave

La Crosse, WI 54603

RE: An appeal regarding the requirement to have fill 15 feet beyond the structure one foot or more above the regional flood elevation at 2710 Onalaska Ave La Crosse, WI.

Dear City of La Crosse,

We have received the permit application to place 15 feet of fill around 3 sides of a property, that does not meet the requirements set forth in the Municipal Code of Ordinances of the City of La Crosse (Code) regarding standards for development in the Floodfringe district.

The project as proposed is in direct violation of the following subparagraph of the Code:

Sec. 115-281. - Floodfringe district (FF).

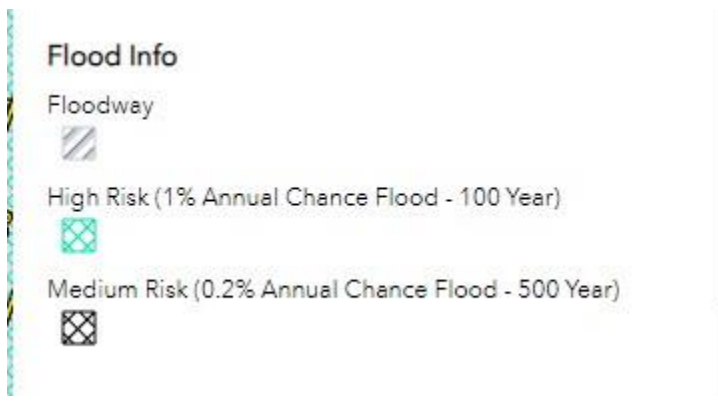
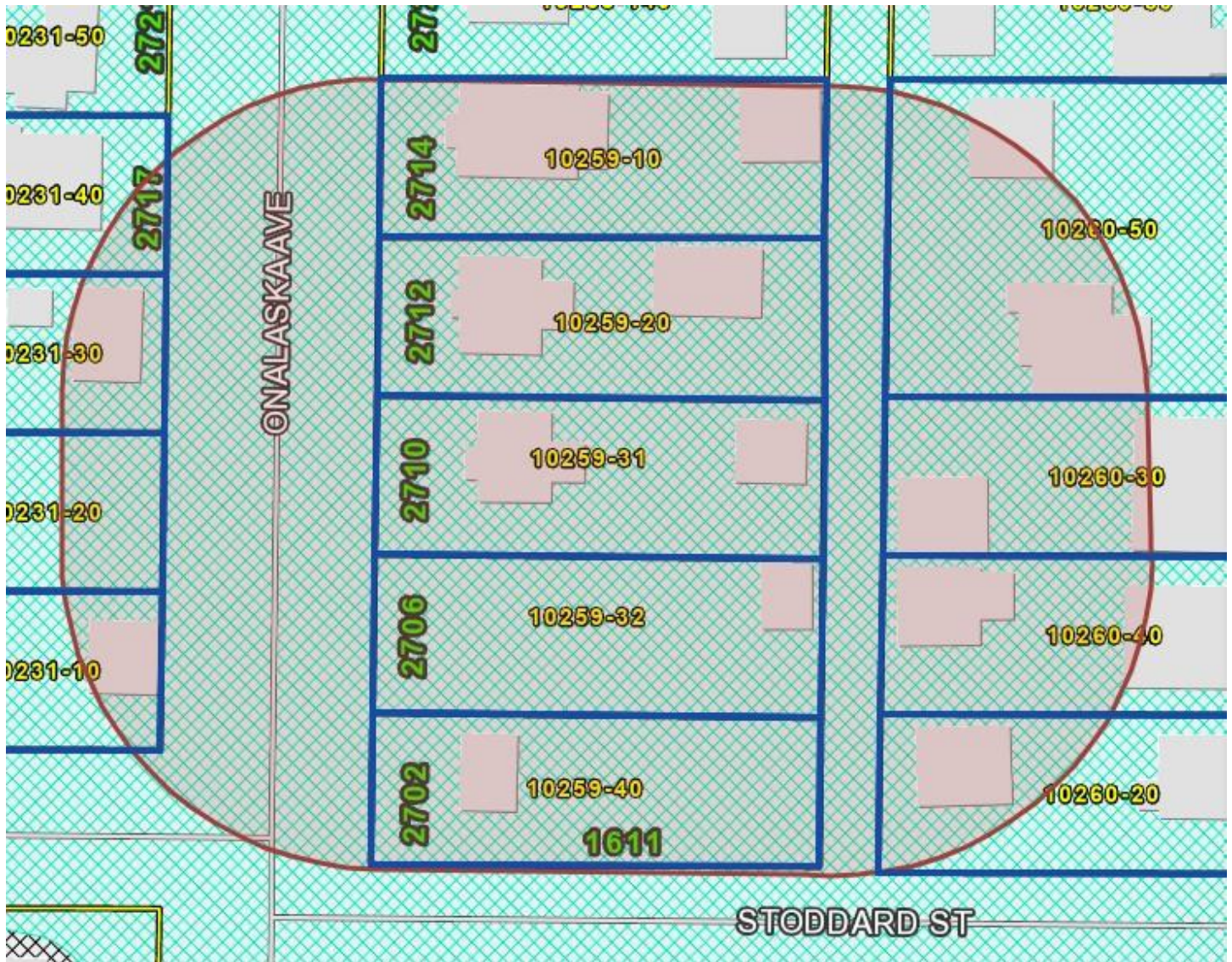
1.The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of section 115-281(3)(a)(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

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 a variance that 15 feet of fill, one foot or more above the regional flood elevation, to not be required on the north side of this property.

Sincerely,

Andy Berzinski

Building Inspector



Tax Parcel Number	OwnerName	PROPADDCOMP	CompleteAddress	MailCityStateZip
17-10231-10	JARED D MALLORY	2702 PROSPECT ST	2702 PROSPECT ST	LA CROSSE, WI 54603
17-10231-20	SANDRA K DEVINE	2704 PROSPECT ST	2704 PROSPECT ST	LA CROSSE, WI 54603-1648
17-10231-30	ERIC W JENSEN, MARIBETH A JENSEN	2710 PROSPECT ST	2710 PROSPECT ST	LA CROSSE, WI 54603
17-10231-40	JOSEPH W SCHULTZ	2717 ONALASKA AVE	2717 ONALASKA AVE	LA CROSSE, WI 54603
17-10259-10	MICHAEL M KRAMER, LISA BULEY, JANET GYLLANDER, STEVE KRAMER	2714 ONALASKA AVE	2714 ONALASKA AVE	LA CROSSE, WI 54603-1643
17-10259-20	SUSAN M WROBEL, WAYNE G WROBEL	2712 ONALASKA AVE	2712 ONALASKA AVE	LA CROSSE, WI 54603-1643
17-10259-31	CITY OF LACROSSE	2710 ONALASKA AVE	400 LA CROSSE ST	LA CROSSE, WI 54601
17-10259-32	HABITAT FOR HUMANITY GREATER LACROSSE REGION INC	2706 ONALASKA AVE	3181 BERLIN DR	LA CROSSE, WI 54601
17-10259-40	HABITAT FOR HUMANITY GREATER LACROSSE REGION INC	2702 ONALASKA AVE	3181 BERLIN DR	LA CROSSE, WI 54601
17-10259-40	HABITAT FOR HUMANITY GREATER LACROSSE REGION INC	1611 STODDARD ST	3181 BERLIN DR	LA CROSSE, WI 54601
17-10260-20	DAMIEN R VINSON, MELISSA L VINSON	2701 HARVEY ST	2701 HARVEY ST	LA CROSSE, WI 54603
17-10260-30	GARY R WROBEL, ESTHER M WROBEL	2713 HARVEY ST	2713 HARVEY ST	LA CROSSE, WI 54603-1661
17-10260-40	DANIEL E COX	2707 HARVEY ST	2707 HARVEY ST	LA CROSSE, WI 54603-1661
17-10260-50	DONALD T SNIDER, REBEKAH S SNIDER	2715 HARVEY ST	2715 HARVEY ST	LA CROSSE, WI 54603
	KEVIN LIEN			
	WATER MANAGEMENT SPECIALIST WATERWAYS TEAM	WI DEPT. OF NATURAL RESOURCES	910 STATE ROAD 54	BLACK RIVER VALLS WI
	FLOODPLAIN MANAGER	WI DEPT. OF NATURAL RESOURCES	PO BOX 7921	MADISON WI 53707
				715-670-8593 kevinr.lien@wisconsin.gov

Board of Zoning Appeals

APRIL 15TH, 2024

4:00 PM

Requirements for granting a variance

- Unnecessary Hardship
- Hardship Due to Unique Property Limitations
- No Harm to Public Interests

1627 NORTH SALEM RD

1627 NORTH SALEM RD

➤ The applicant has applied for a permit for a proposed 6 foot tall fence in the front yard setback

➤ Municipal code Sec. 115-398.(c)(1) states that

(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, shall not encroach into any vision corner and shall not be closer than three feet to any public right-of-way along a public alley.** The height of any fence shall be measured as an average and shall not include the posts or pillars to which a fence is attached.

➤ A variance allowing a 6 foot tall fence to be placed in the front yard will need to be granted for this permit to be issued.



1630 N Salem Rd
La Crosse, Wisconsin
[View on Google Maps](#)







BUFFTECH

New Lexington Vinyl Fence Panels

https://www.hooverfence.com/bufftech-new-lexington-fence-sections?gad_source=1&gclid=CQjwqpSwBhCIARIsADIZ_TljgpywZ5dMd0TSaRrue87Z_3wEGU3uMb9s9Jy7A5SQaAgpJEALw_wcB

Section Width: 8'

Heights: 6'

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

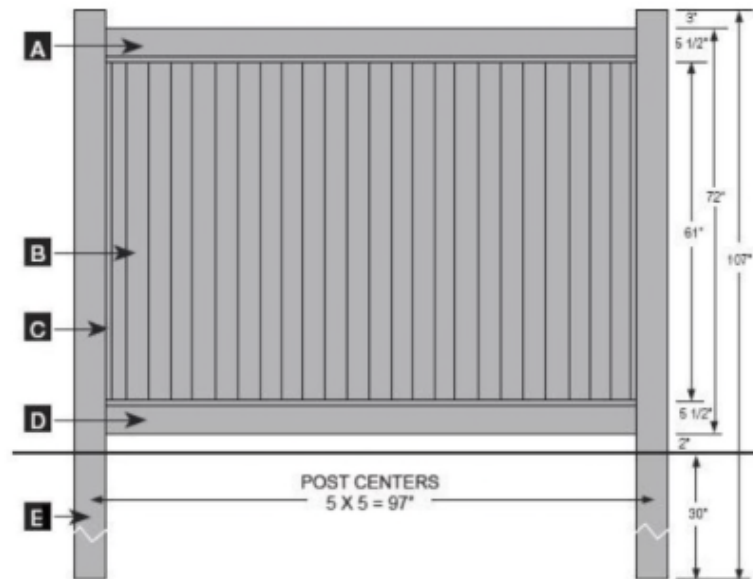
Picket Spacing: none

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

Steel Rail Channel: bottom

Post Size: 5"x 5"

6' High Sections - Specifications





No fencing shall be proposed in vision clearance triangles.

10259-120

1627

15'

15'

14.5 feet of right-of-way

10'

10'

SALEM RD

1627 NORTH SALEM RD

- Unnecessary Hardship. There is no unnecessary hardship. The lot can still be used as a single-family dwelling and a 4' fence would provide safety as stated in the application. Owning a dog is a self created hardship.
- Hardship Due to Unique Property Limitations. This lot does supply a unique property limitation due to the layout of the dwelling and detached garage.
- No Harm to Public Interests. This would set a precedence of granting variances for 6' tall fences in the front yard.

This variance should not be granted.

2710 ONALASKA AVE

2710 ONALASKA AVE

- The applicant applied for a permit to place 15 feet of fill on only three sides of a dwelling, instead of the required 4 sides.
- Sec. 115-281.(3)(a)(1). The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of section 115-281(3)(a)(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
- A variance will be required to allow only 15' of required fill on three of four required sides of the dwelling.

2710 Onalaska Ave
La Crosse, Wisconsin
[View on Google Maps](#)



STODDARD S

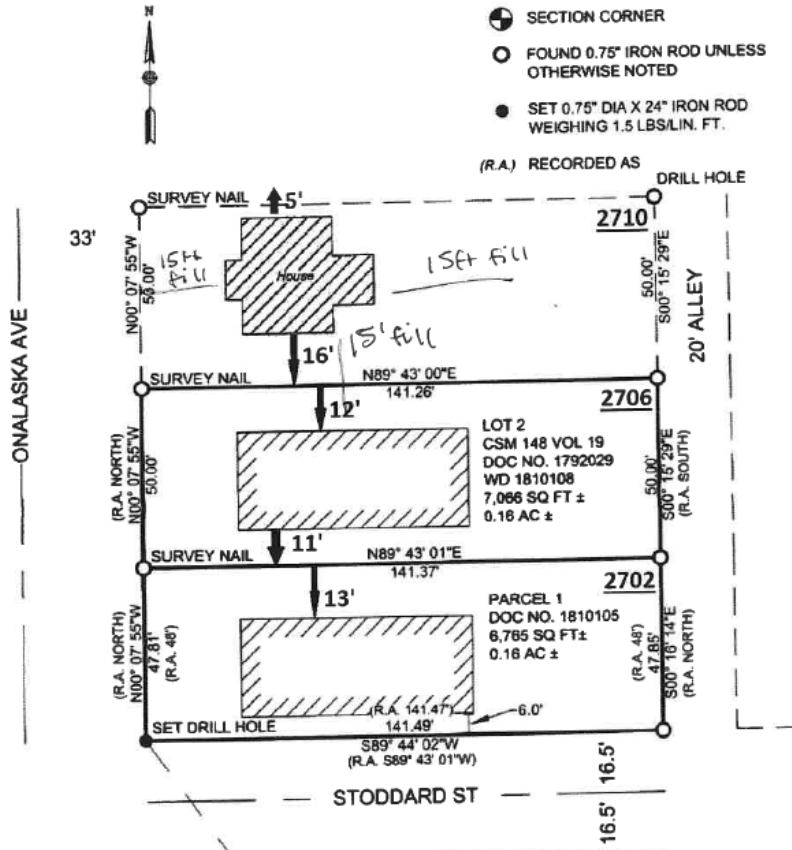
PLAT OF SURVEY

LOT 2 OF CERTIFIED SURVEY MAP VOLUME 19, PAGE 148 RECORDED AS DOCUMENT NO. 1792029 AND PART OF THE NE¼ OF THE SE¼ OF SECTION 17, TOWNSHIP 16 NORTH, RANGE 7 WEST, CITY OF LA CROSSE, LA CROSSE COUNTY, WISCONSIN.

LEGEND

- SECTION CORNER
- FOUND 0.75" IRON ROD UNLESS OTHERWISE NOTED
- SET 0.75" DIA X 24" IRON ROD WEIGHING 1.5 LBS/LIN. FT.

(R.A.) RECORDED AS



SE¼ CORNER
SEC 17, T16N, R7W
COMPUTED

N89° 30' 03" E
2638.85'

SE CORNER
SEC 17, T16N, R7W
0.75" IRON ROD

DAVY ENGINEERING CO.
LA CROSSE, WISCONSIN

SURVEY PREPARED FOR:
HABITAT FOR HUMANITY
2702/2706 ONALASKA AVE
LA CROSSE, WI 54603

BASIS OF BEARINGS:
Bearings are based on the Wisconsin County Coordinate System, La Crosse County Zone, NAD 83 (1991 Adj.), from which the south line of the SE¼ of Sec 17, T16N, R7W bears N 89° 30' 03" E.

DATE 01/31/2024	DRAWN BY: JPW	PROJECT NUMBER 12525-001.120	SHEET 1 OF 2
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2710 ONALASKA AVE

- Unnecessary Hardship. The dwelling cannot become floodplain compliant if the fill is not installed.
 - Hardship Due to Unique Property Limitations. The property is in the floodplain.
 - No Harm to Public Interests. This type of variance has been granted multiple times previously. No harm to the public interest.
- This variance should be granted.

Board of Zoning Appeals

- This presentation shall be added to the minutes of this meeting.



*** Proof of Publication ***

Lee Enterprises Proof of Publication Affidavit

Retain this portion for your records. Please do not remit payment until you receive your advertising invoice.

Mail to:

LA CROSSE CITY CLERK
NIKKI ELSEN
400 LA CROSSE ST
LA CROSSE WI 54601

ORDER NUMBER 140664

STATE OF INDIANA

} ss.

LAKE COUNTY

I, Kami Terrell being duly sworn, doth depose and say that he/she is an authorized representative of Lee Enterprises, publishers of

LA CROSS TRIBUNE

a newspaper, at La Crosse, County of La Crosse, State of Wisconsin, and that an advertisement of which the annexed is a true copy, taken from said paper, was published therein on the dates listed below.

Sworn to and subscribed before me this 9 day of

April, 2024
(Signed) Kami Terrell
(Title) Principal Clerk

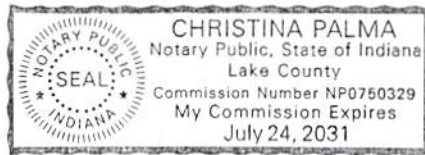
Christina Palma
Notary Public, Indiana

My Commission expires

Section: Legals

Category: 0001 Wisconsin Legals

PUBLISHED ON: 04/09/2024



TOTAL AD COST: 53.73

FILED ON: 4/9/2024

Notice is hereby given that the Board of Zoning Appeals will hear the following variance appeals in the Council Chambers on the first floor of City Hall, 400 La Crosse Street, at 4:00 p.m. on April 15, 2024:

2684 An appeal regarding the requirement to have a fence not exceeding 48 inches in height from grade in the front yard at 1627 North Salem Road, La Crosse, WI 54601.

2685 An appeal regarding the requirement to have fill 15 feet beyond the structure one foot or more above the regional flood elevation at 2710 Onalaska Ave, La Crosse, WI.

The Board of Zoning Appeals meeting is open for in person attendance and will also be conducted through video conferencing. The meeting can be viewed by visiting the Legislative Information Center (<https://cityoflacrosse.legistar.com/Calendar.aspx>) and clicking on the "In Progress" video link to the far right in the meeting list.

Property owners affected by an appeal may appear either in person, by agent, or by attorney, and may express their written approval of or objection to the granting of the appeal by filing a letter in the office of the City Clerk, or in lieu thereof may, upon oath, testify thereto. Written comments are encouraged to be submit in writing prior to the meeting and should be submitted to craigs@cityoflacrosse.org, dropped in a drop box outside of City Hall, or mailed to the City Clerk, 400 La Crosse Street, La Crosse WI 54601. Questions, call 608 789 7510.

Notice is further given that members of other governmental bodies may be present at the above scheduled meeting to gather information about a subject over which they have decision making responsibility.

NOTICE TO PERSONS WITH A DISABILITY

Requests from persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (608) 789 7510 or send an email to ADAcityclerk@cityoflacrosse.org, with as much advance notice as possible.

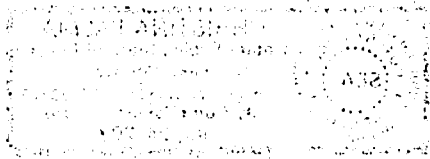
Dated this 4th Day of April, 2024
Board of Zoning Appeals
Nikki Elsen, Secretary
4/9 LAC140664 WNAXLP

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Memorandum

To: Board of Zoning Appeals
Requestor: City Planning Department
Staff: Mara Keyes
Location, if applicable: 2710 Onalaska Ave

Re: 2710 Onalaska Avenue Variance Request

Option #1

We request that a 0 ft variance be granted on the North Side of the property. The other 3 sides will meet code requirements of 15'. However, at the front and rear intersection of the foundation wall, a retaining wall will need to be constructed at an approximate 60-degree angle to a height to contain the 15' fill at the front and rear elevations to 1' above BFE. As it is anticipated that a section and the termination of the retaining wall will be closer than three feet to the lot line an affidavit, signed by the abutting property owner, agreeing to the construction and placement of the retaining wall will need to be presented to the Department of Planning and Development. The wall shall have the exterior side of the retaining wall be of decorative CMU or poured wall with a form that has a decorative finish and there shall be shrubs and/or plantings placed on all four sides of said retaining wall within the three-foot setback area. Project cost: \$8,500.00.

Option #2

We request that a 0 ft variance be granted on the North Side of the property at which the property line is 3' from the foundation wall. The other 3 sides will meet code requirements of 15'. To control rainwater run-off at the North side, a French drain would be created at the mid-line approximately 1'6" from the foundation wall. In addition, at the front and rear intersection of the foundation wall, a retaining wall will need to be constructed at an approximate 60-degree angle to a height to contain the 15' fill at the front and rear elevations to 1' above BFE. As it is anticipated that a section and the termination of the retaining wall retaining wall be closer than three feet to the lot line an affidavit, signed by the abutting property owner, agreeing to the construction and placement of the retaining wall will need to be presented to the Department of Planning and Development. The wall shall have the exterior side of the retaining wall be of decorative CMU or poured wall with a form that has a decorative finish and there shall be shrubs and/or plantings placed on all four sides of said retaining wall within the three-foot setback area. The French drain would be directed towards the front of the home and drain to daylight at an intersection with the new fill that will be added to the front of the home to meet the 1' above BFE requirement. Projected cost: \$11,000.00

PLANNING AND DEVELOPMENT

400 LA CROSSE STREET | LA CROSSE, WI 54601 | P: (608) 789-7512 | F: (608) 789-7318

Option #3

A variance allowed to the North Side of the home, allowing that fill be added to the required 1' above BFE at the foundation wall and then tapered down to the existing grade at the property line (3' from the foundation wall). At the North foundation wall, 1' above BFE is approximately 16" of fill; the property line is 3' from the foundation wall to where the fill would then slope to existing grade. In addition, at the front and rear intersection of the foundation wall, a retaining wall will need to be constructed at an approximate 60-degree angle to a height to contain the 15' fill at the front and rear elevations to 1' above BFE. As it is anticipated that a section and the termination of the retaining wall will be closer than three feet to the lot line an affidavit, signed by the abutting property owner, agreeing to the construction and placement of the retaining wall will need to be presented to the Department of Planning and Development. The wall shall have the exterior side of the retaining wall be of decorative CMU or poured wall with a form that has a decorative finish and there shall be shrubs and/or plantings placed on all four sides of said retaining wall within the three-foot setback area. To control rainwater runoff, a slight swale and a French drain would be created at the mid-line of the slope, approximately 1'6" from the foundation wall. The French drain would be directed towards the front of the home and drain to daylight at an intersection with the new fill that will be added to the front of the home to meet the 1' above BFE requirement. Projected cost: \$12,500.00

Option #4

A variance be allowed to the North Side of the home, allowing that fill be added to the required 1' above BFE at the foundation wall out to the property line (3' from the foundation wall). At the North foundation wall, 1' above BFE to approximately 16" of fill. At the property line a retaining wall will be constructed to contain the fill. This retaining wall would need to extend a minimum of 15' beyond the foundation wall at both the front and rear elevations in order to allow for the required fill at these elevations to 1' above BFE. As the retaining wall is closer than three feet to the lot line an affidavit, signed by the abutting property owner, agreeing to the construction and placement of the retaining wall will need to be presented to the Department of Planning and Development. The wall shall have the exterior side of the retaining wall be of decorative CMU or poured wall with a form that has a decorative finish and there shall be shrubs and/or plantings placed on all four sides of said retaining wall within the three-foot setback area. To control rainwater within the retaining wall, a French drain would be created at the mid-line, approximately 1'6" from the foundation wall. The French drain would be directed towards the front of the home and drain to daylight at an intersection with the new fill that will be added to the front of the home to meet the 1' above BFE requirement. Projected cost: \$21,500.00



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Text File

File Number: 2688

Agenda Date: 7/15/2024

Version: 1

Status: Agenda Ready

In Control: Board of Zoning Appeals

File Type: BOZA - Request for
Variance

Agenda Number:

Board of Zoning Appeals Variance Application

(To be completed by City Clerk or Zoning Staff)

City of La Crosse, Wisconsin

Application No.: 2688
 Date Filed: 7/1/2024
 Application Complete: Yes No Reviewed By [Signature] (Initial)
 Filing Fee: \$300.00
 Date Paid: 7/1/2024

(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	BF of La Crosse LLC / Eric Glamm	Fawcett Construction
Address	320 West Ave N, La Crosse, WI 54601	W7132 County Rd Z, Onalaska, WI 54650
Phone	6085130735	6084985944

Legal Description: 1018 Badger St, City of La Crosse, Wis.
 Tax Parcel Number: 17-20158-60
 Lot Dimensions and Area: 32.25 x 57.79 feet = 1863.7275 sq. ft.
 Zoning District: District 6

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 submitted 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.

A small lot and old single story house were demolished at the end of May 2024.

(b) Proposed Use.

Redeveloping into a 4 BR 2 BA 2-story house. Building permit 030615 was issued May 21, 2024 for that purpose.

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

Not applicable.

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

Wall footings and foundation on the north side encroach into the front yard setback.

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

Sec. 115-146(c)(1), City of La Crosse, WI Municipal Code - front yard setback.

(f) Describe the variance requested.

We are requesting a variance to permit the construction of the north wall footings and foundation to encroach into the front yard setback as depicted in the attached Exhibit A. Rather than using the 8.915' average front yard setback of the 2 adjoining properties, we propose a front yard setback of 6.79 feet.

(g) Specify the reason for the request.

The lot on which the development is occurring is exceptionally small. The combination of the various setback requirements per municipal ordinance creates a substantial hardship to develop the property into it's highest and best use while meeting those requirements. Plans submitted and approved by the City for development depicted an approximate 7' front yard setback. Once footings and the concrete floor were poured (and inspected and approved), thereafter the City advised us that the foundation encroaches into the front yard setback compared to the adjoining properties.

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

An already small building footprint on a very small lot becomes even smaller, shrinking the planned living area significantly, decreasing the appeal and viability of the project.

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.

Cut back and remove 6'6" of cement floor, dig down and recreate new 16" x 8" footings and 4' frost wall set back within the confines of the ordinance limitations, regrade and pour a new foundation floor. This option is rejected because the lot and planned structure are already exceptionally small, and doing so results in a substantial loss to the living area of the building.

- **Alternatives you considered that require a lesser variance.** If you reject such alternatives, provide the reasons why you rejected them.
Not applicable.

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 lot size is exceptionally small (approximately 1863 sq. ft.). With required setbacks, the 4 BR 2 BA planned building is already constricted to about 1200 sq. ft. Refer to attached Exhibit A.

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.

(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 runoff
Mitigation measure(s): fencing and containment
Extent to which mitigation reduces project impact:

- Impact:
Mitigation measure(s):
Extent to which mitigation reduces project impact:

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

- **Impact:** increased runoff
Mitigation measure(s): additional landscaping and plants to absorb water runoff
Extent to which mitigation reduces project impact:

- **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:** increased runoff
Mitigation measure(s): additional landscaping and plantings to absorb / prevent runoff
Extent to which mitigation reduces project impact:

- **Impact:**
Mitigation measure(s):
Extent to which mitigation reduces project impact:

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.

Are you applying for an area variance or a use variance?

Area variance

Use variance

Is unnecessary hardship present?

Yes. Describe.

The lot size is exceptionally small (approximately 1863 sq. ft.). With required setbacks, the 4 BR 2 BA planned building is already constricted to about 1200 sq. ft. Moving the front wall back an additional 2 feet make the project much less viable and useful for its intended purpose.

No. A variance cannot be granted.

Part C: Additional Materials / Exhibits.

In order for the zoning staff to conduct evaluations, the applicant's site map, with a scale of not less than 1"=50', 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: 1018 Badger St, La Crosse, WI 54601

(Address where variance is sought)

Date: July 1, 2024 Signature of Owner: Eric Lowell Glamm

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) Eric Lowell Glamm

Date: July 1, 2024

Signed: (Owner, if different from applicant) _____

Date: 07/01/2024

THE APPLICANT OR AGENT
Eric Lowell Glamm

THE OWNER

By: _____

Florida
STATE OF ~~WISCONSIN~~)
Charlotte
COUNTY OF ~~LA CROSSE~~)

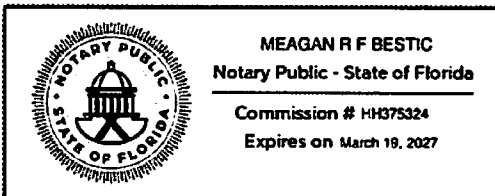
STATE OF WISCONSIN)
COUNTY OF LA CROSSE)

Personally came before me this 1st day of July, 2024 the above named Eric Lowell Glamm to me known to be the person(s) who executed the foregoing instrument and acknowledged the same, who provided a drivers license as identification.

Personally came before me this _____ day of _____, 20____, the above named _____ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Meagan R F Bestic
Notary Public, ~~La Crosse County, WI~~
My commission expires: 03/19/2027

Notary Public, La Crosse County, WI
My commission expires: _____



1018 BADGER ST LA CROSSE

Parcel: 17-20158-60
Internal ID: 29363
Municipality: City of La Crosse
Record Status: Current
On Current Tax Roll: Yes
Total Acreage: 0.043
Township: 16
Range: 07
Section: 32

Abbreviated Legal Description:

T BURNS HS DURAND ST SMITH & FM RUBLEES ADDITION LOT 6 BLOCK 24 EX E 62FT & EX W 51FT 5IN T/W SEWER & ALLEY ESMTS OVER PRT LOTS 6 & 7 BLOCK 24 LOT SZ: 32.25 X 57.79

Property Addresses:

Street Address	City(Postal)
1018 BADGER ST	LA CROSSE

Owners/Associations:

Name	Relation	Mailing Address	City	State	Zip Code
BF OF LACROSSE LIMITED PARTNERSHIP	Owner	326 WEST AVE N	LA CROSSE	WI	54601

Districts:

Code	Description	Taxation District
2849	LA CROSSE SCHOOL	Y
2	Book 2	N

Additional Information:

Code	Description	Taxation District
2020+ VOTING SUPERVISOR	2020+ Supervisor District 6	
2020+ VOTING WARDS	2020+ Ward 11	
Use	1 UNIT	

Lottery Tax Information:

Lottery Credits Claimed: 0
Lottery Credit Application Date:

Tax Information:

Billing Information:

Bill Number: 5105
Billed To:

BF OF LACROSSE LIMITED PARTNERSHIP

326 WEST AVE N
LA CROSSE WI 54601

Total Tax: 940.16

Payments Sch.

1-31-2024	235.04
3-31-2024	235.04
5-31-2024	235.04
7-31-2024	235.04

Tax Details:

	Land Val.	Improv Val.	Total Val.	Assessment Ratio	0.882864875
Assessed:	11800	37200	49000	Mill Rate	0.020645677
Fair Market:	13400	42100	55500	School Credit:	83.91
Taxing Jurisdiction:			2022 Net Tax	2023 Net Tax	% of Change
STATE OF WISCONSIN			\$ 0.0000	\$ 0.0000	0.0000
La Crosse County			\$ 142.2900	\$ 139.7600	-1.8000
Local Municipality			\$ 425.1600	\$ 460.3700	8.3000
LA CROSSE SCHOOL			\$ 333.3200	\$ 355.0500	6.5000
WTC			\$ 58.6400	\$ 56.4600	-3.7000

Credits:

First Dollar Credit:	71.48
Lottery Credit:	0.00

Additional Charges:

Special Assessment:	0.00
Special Charges:	0.00
Special Delinquent:	0.00
Managed Forest:	0.00
Private Forest:	0.00
Total Woodlands:	0.00
Grand Total:	940.16

Payments & Transactions

Desc.	Rec. Date	Rec. #	Chk #	Total Paid	Post Date
Payment to Local Municipality	12/19/2023	1023542	0	\$ 940.16	12/2023
			Totals:	\$ 940.16	

Assessment Information:

Class	Description	Year	Acreage	Land	Improvements	Total	Last Modified
G1	Residential	2023	0.000	11800	37200	49000	10/27/2022

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	Page Number	Document Number	Recorded Date	Type
628	155	895998	5/25/1979	WD PRIOR 9-1-81
628	928	896570	6/7/1979	QCD PRIOR TO 9-1-81
834	104	1017378	12/8/1988	Warranty Deed
1111	978	1144781	12/26/1995	Quit Claim Deed

Outstanding Taxes

There are no outstanding taxes for this property.

Permits Information:

Municipality: City of La Crosse
Property Address: 1018 BADGER ST

Click on the permit number for additional details regarding the permit.

Description	Per. #	Applicant Name	Status	Status Date	Activity
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History Information:

Parent Parcel(s)

There are no parent parcels for this property.

Child Parcel(s)

There are no child parcels for this property.



La Crosse Fire Department

Division of Community Risk Management

inspection@cityoflacrosse.org (P) 608.789.7530 (F) 608.789.7589

<http://www.cityoflacrosse.org/your-government/departments/fire-department>



7/1/2024

BF LA CROSSE LIMITED PARTNERSHIP
326 WEST AVE N
LA CROSSE, WI 54601



RE: An appeal regarding the requirement to provide a 6.78' set back from the front property line at 1018 Badger St, La Crosse, Wisconsin.

Dear BF La Crosse Limited Partnership,

We have received the permit application to construct an attached wood deck that does not meet the minimum requirements set forth in the Municipal Code of Ordinances of the City of La Crosse (Code) regarding setbacks from the front property line.

The project as proposed is in direct violation of the following subparagraph of the Code:

Sec. 115-142. - R-1 Single Family Residence District Regulations.

(2) Front yards. On every lot in the Residence District, there shall be a front yard having a depth of not less than 25 feet, provided that where lots comprising 40 percent or more of the frontage on one side of a block are developed with buildings, **the required front yard depth shall be the average of the front yard depths of the two adjacent main buildings**, or if there is only one adjacent main building the front yard depth of said main building shall govern; provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet in any case. The entire front yard shall be graded and sodded or seeded in a manner which will produce an acceptable lawn excepting such.

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 a variance of **2'1-1/2"** to the required **8.915'** set back to the front property line for this project to proceed as proposed.

Sincerely,

Kelsey Hanson

Kelsey Hanson

Building Inspector

Board of Zoning Appeals Standards

The Board of Zoning Appeals functions like a court, and must follow State laws and local zoning ordinances. The Board of Zoning Appeals cannot change or ignore any part of the zoning ordinance or State laws, but must apply the laws as written.

The Board may only grant a variance, special exception, or administrative appeal if the applicant provides evidence showing that they meet **all** of the legal standards for that decision. The burden of proof falls on the variance applicant, not the Board of Zoning Appeals. The legal standards the Board will use to decide on each application are shown below.

STANDARDS FOR USE or 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 the 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 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 or 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.

Board of Zoning Appeals Procedure Handout

- 1) You, or someone speaking on your behalf, should arrive at 4:00 p.m. for the meeting even if you are not listed first on the agenda.
- 2) Neighbors within 100 feet of the property (where the variance is requested) will receive a copy of the meeting notice. They may appear before the Board to speak for or against your appeal or they may write a letter in support of your appeal or against your appeal and submit it to the City Clerk's office. You may contact your neighbors and share your proposal with them so they are aware.
- 3) The Board will have received a copy of your denial letter from Community Risk Management, your variance application, and any other materials you have attached to your application. Any presentation to the Board is limited to written materials, diagrams and photographs. No electronic devices for presentations will be allowed. This restriction does not apply to the presentation by Community Risk Management. Public hearings before the Board may be limited to ten (10) minutes for the proponents, ten (10) minutes for the opponents and a three (3) minute rebuttal for each side. The Board reserves the right to extend these time limits as it determines.
- 4) The Board follows the criteria listed on the previous page to determine whether or not your request meets the standards set forth by the Wisconsin Supreme Court.
- 5) If the Board grants your appeal, after you receive your letter of the Board's decision, you may apply for your building permit. The letter will be mailed to you within a week, after the meeting has taken place.

Tax Parcel	OwnerName	PROPADDCOMP	Mailing Address	MailCityStateZip
17-20156-90	LP & ASSOCIATES LLC	1013 & 1015 BADGER ST	PO BOX 1402	LA CROSSE WI 54602-1402
17-20157-120	OFFCAMPUSLACROSSE LLC	418 10TH ST N	PO BOX 417	HOLMEN WI 54636-0417
17-20157-140	OFFCAMPUSLACROSSE LLC	422 10TH ST N	PO BOX 417	HOLMEN WI 54636-0417
		505 11TH ST N		
17-20157-70	SOUTH PROPERTIES LLC	1027 & 1029 BADGER ST	3215 GEORGE ST #3	LA CROSSE WI 54603
17-20158-10	JEFFREY MENN	1012 BADGER ST	19371 MESABI AVE	NORWALK WI 54648
17-20158-10	PAULA E MENN	1012 BADGER ST	305 JEFFERSON ST E	VIROQUA WI 54665
17-20158-20	HOFFER LLC	1010 BADGER ST	1510 MADISON ST	LA CROSSE WI 54601
17-20158-50	GOLIATH COMPANIES LLC	1028 BADGER ST	PO BOX 417	HOLMEN WI 54636-0417
17-20158-70	GARY ARNESON	1014 & 1016 BADGER ST	1411 23RD ST S	LA CROSSE WI 54601
17-20158-80	SUE L ROWE, TED W DOVENBERG, SARA J DOVENBERG, DC TRACKS LLC	423, 425, 427, 429 11TH ST N	N4771 DOVENBERG RD	WEST SALEM WI 54669
17-20158-90	SUE ROWE, SCOTT ROWE	421 11TH ST N	N4634 SPRING COULEE RD	WEST SALEM WI 54669

Properties above are within 100 feet of 1018 Badger St

	ERIC GLAMM			
APPLICANT	BF OF LACROSSE LIMITED PARTNERSHIP	1018 BADGER ST	320 WEST AVE N	LA CROSSE WI 54601
CONTRACTOR	FAWCETT CONTSTRUCTION		W7132 COUNTY RD Z	ONALASKA WI 54650

Properties within 100 feet of 1018 Badger St.

