

## 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 X No \_\_\_\_\_ Reviewed By KH (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- 2<sup>nd</sup> 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

By: \_\_\_\_\_

Florida  
STATE OF ~~WISCONSIN~~ )  
Charlotte  
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.

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

THE OWNER

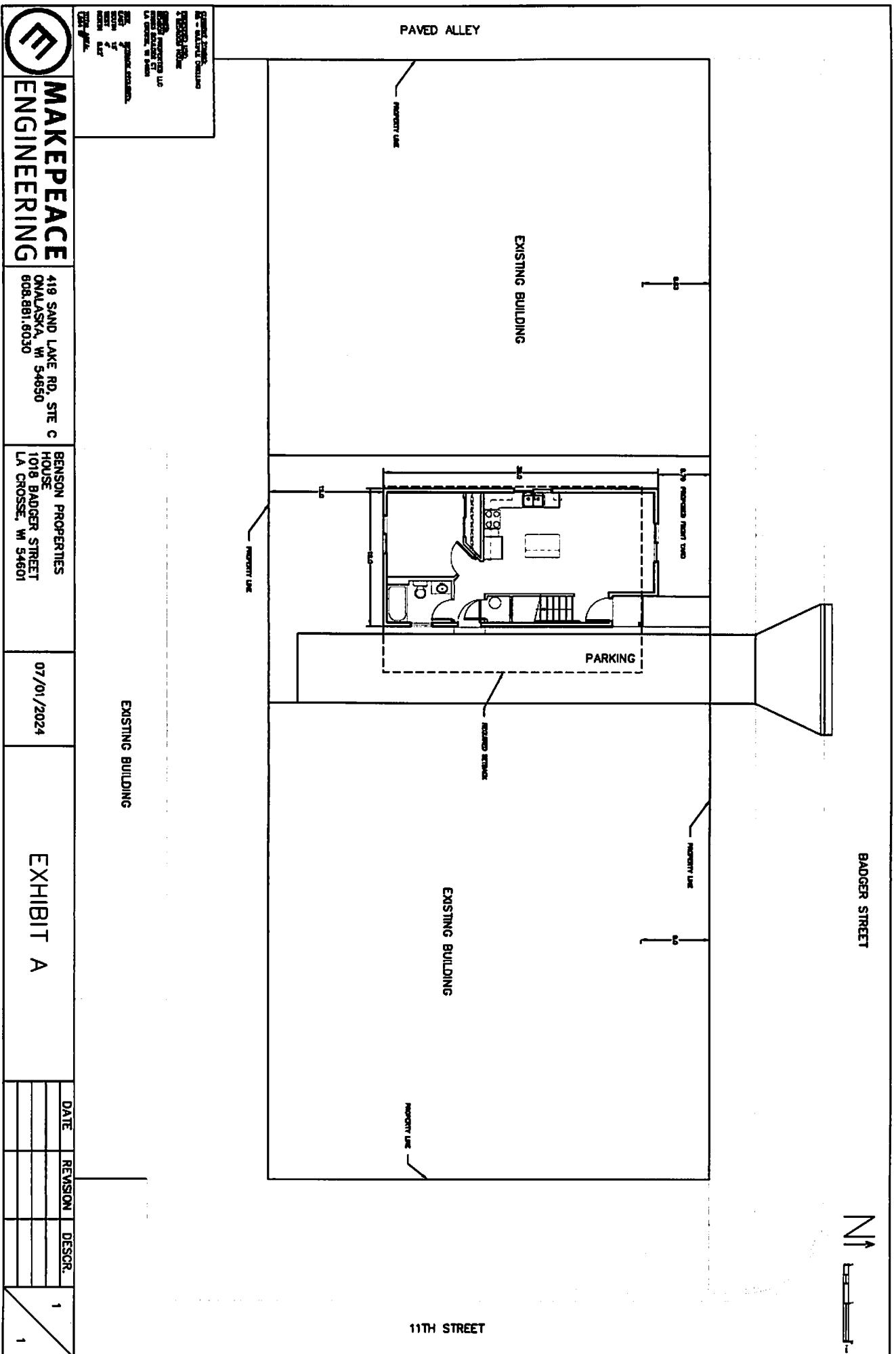
STATE OF WISCONSIN )  
COUNTY OF LA CROSSE )

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.

\_\_\_\_\_  
Notary Public, La Crosse County, WI  
My commission expires: \_\_\_\_\_



MEAGAN R F BESTIC  
Notary Public - State of Florida  
Commission # HH375324  
Expires on March 19, 2027



# 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

Volume Number	Page Number	Document Number	Recorded Date	Type
0	0	1650135	1/2/2015	TRUSTEE 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
-------------	--------	----------------	--------	-------------	----------

## History Information:

### Parent Parcel(s)

There are no parent parcels for this property.

### Child Parcel(s)

There are no child parcels for this property.