

Board of Zoning Appeals Variance Application

(To be completed by City Clerk or Zoning Staff)

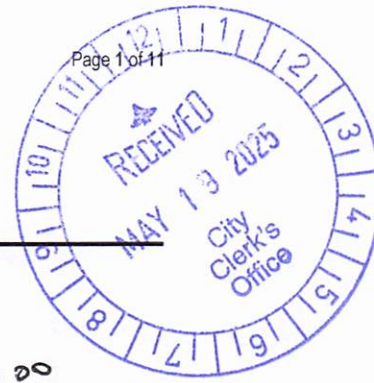
City of La Crosse, Wisconsin

Application No.: 2694

Date Filed: 5/19/25

Application Complete: Yes ☒ No ☐ Reviewed By AB (Initial)

Filing Fee: 300.00
Date Paid: 5/19/25



(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	Three Sixty Real Estate Solutions, LLC	Mettera, LLC
Address	1243 Badger St, La Crosse, WI 54601	1243 Badger St, La Crosse, WI 54601
Phone	608-790-5589	608-790-5589

Legal Description: See attached narrative, City of La Crosse, Wis.

Tax Parcel Number: 17-20162-100 / 17-20162-110 / 17-20162-120 / 17-20162-130 / 17-20163-010

Lot Dimensions and Area: _____ x _____ feet. = 22,216 (0.51 acres)sq. ft.

Zoning District: TND

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.

Vacant lots and vacant single-family homes

(b) Proposed Use.

Multifamily rental housing and commercial space

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

N/A

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

Single family homes. Parcel is currently below the TND zoning requirement of 15-40 dwelling units per acre.

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

Sec. 115-403. (d) (2) b. - The number of multi-family units shall be 15-40 dwelling units per net acre.

Sec. 115-512. (b) - No parking stall may be closer to the street than the building setback line or the building on same parcel, whichever is further from the street.

Sec. 115-512. (e) - Minimum setback for parking stalls and drives is five feet from all property lines and that setback must be green space.

(f) Describe the variance requested.

We are requesting to go above the bounds of the first cited ordinance with regard to density and are requesting exceptions from the second and third ordinances. See attached narrative for more details.

(g) Specify the reason for the request.

For the vast majority of the time spent working on this project along with the city, Three Sixty operated under the assumption that these ordinances would not hinder our development. Especially with regard to the density ordinance, which was not a part of the code until recently. Since the project has been several years in the making, with unanimous approval from the City and community, we are requesting to go outside the bounds of the code as it stands today. More details can be found in the attached narrative.

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

If the variances are not granted, we will not be able to proceed with the proposed project, leaving vacant single-family homes instead of the project that has been proposed with unanimous support.

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.

Since no alternatives were financially viable, none were considered.

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

Since Three Sixty was not aware of the necessity of these variances, we did not consider alternatives that require a lesser variance. More details can be found in the attached narrative.

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 size of the property itself is the factor preventing compliance with the ordinances cited above.

- ☐ **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: None foreseen
Mitigation measure(s):
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: None foreseen
Mitigation measure(s):
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: More allowance for higher-density residential projects
Mitigation measure(s): All projects require council approval before finalization
Extent to which mitigation reduces project impact:
Completely

- 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.**

For the duration of this project, spanning several years, Three Sixty has worked along with the City of La Crosse to rezone this property to TND in order to streamline the development process. It was not until the final hurdle was reached, common council approval, that Three Sixty was informed we would need to go through the Board of Zoning Appeals in order to proceed with the project. More details provided in the attached narrative.

☐ **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: 413 West Ave N; 417 West Ave N; 423 West Ave N; 425 West Ave N; 431 West Ave N/1204

(Address where variance is sought)

Date: 5/5/2025 Signature of Owner: (x) 
MARVIN W. WANDERS,
MANAGING MEMBER

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) THREE SIXTY REAL ESTATE SOLUTIONS, LLC
MARVIN W. WANDERS,
MANAGING MEMBER
 Date: 5/5/2025

Signed: (Owner, if different from applicant) BADGER WEST RESIDENCES, LLC
MARVIN W. WANDERS
MANAGING MEMBER
 Date: 5/5/2025

THE APPLICANT OR AGENT

(X) [Signature]
 By:

THE OWNER

(X) [Signature]

STATE OF WISCONSIN)

COUNTY OF LA CROSSE)

Personally came before me this 5th day of
MAY, 2025 the above named
MARVIN W. WANDERS to me
 known to be the person(s) who executed the
 foregoing instrument and acknowledged the same.

Kevin J. Roop
 Notary Public, La Crosse County, WI
 My commission expires: PERMANENT.

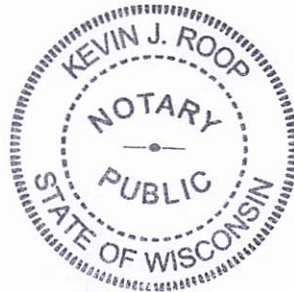


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Badger West Residences

Board of Zoning Appeals Variance Narrative

Project Address: 413 West Ave N; 417 West Ave N; 423 West Ave N; 425 West Ave N; 431 West Ave N/1204 Badger St La Crosse, WI 54601

Project Legal Description: The North 1/2 of Lot 2 and the South 2 feet of lot 3 all in Block 30 of T. Bums, H.S. Durand, S.T. Smith and F.M. Rublee's Addition to the City of La Crosse, La Crosse County, Wisconsin.

For Informational purposes:

Address: 417 West Avenue North, La Crosse, WI 54601

Tax Parcel No.: 17-20162-110

AND

lot 3, EXCEPT the South 2 feet thereof, in Block 30 of T. Bums, H.S. Durand, S.T. Smith and F.M. Rublee's Addition to La Crosse, In the City of La Crosse, La Crosse County, Wisconsin. Also, EXCEPT lands sold to the City of La Crosse In Document No. 1467187.

For informational purposes:

Address: 423 West Avenue North, La Crosse, WI 54601 Tax Parcel No.:

17-20162-120

AND

Lot 4 in Block 30 of T. Bums, H.S. Durand, S.T. Smith & F.M. Rublee's Addition to the City of La Crosse, La Crosse County, Wisconsin.

EXCEPT, lands sold to the City of La Crosse in Document No. 1480220, described as follows:

Commencing at the South 1/4 corner of Section 32, T16N, R7W;

Thence N 02°16'49" W along the east line of the Southwest quarter of said Section 32, a distance of 1330.45 feet to the point of beginning;

Thence S 25°09'43" W, 56.87 feet to a point hereinafter referred to as "Point 954;" Thence N 01°56'12" E, 304.37 feet;

Thence northwesterly along the arc of a curve to the left, concave to the southwest, having a radius of 17.50 feet an arc length of 28.21 feet, and a long chord bearing N44° 15'02" W, 25.26 feet to the north line of the T. Bums, H.S. Durand, S.T. Smith & F.M. Rublee's Addition to the City of La Crosse; **Thence N 89°33'44u E, 21.91 feet;**

Thence S 02°17'02" E, 268.85 feet;

Thence S 25°09'43" W, 2.59 feet to the point of beginning. Said parcel

contains 581 square feet, more or less.

For Informational purposes:

Address: 425 West Avenue North, La Crosse, WI 54601 Tax Parcel No.:

17-20162-130



Project Overview

Badger West Residences is a high-impact, city-integrated housing development located along the 400 block of West Avenue in La Crosse. This project is the product of a multi-year collaborative process between Three Sixty Real Estate Solutions, the City of La Crosse, and a rival local developer, with support from Common Council members, neighborhood stakeholders, and city staff. At the heart of this project is a vision to curb college student sprawl, strengthen neighborhood stability, and provide compact, high-quality urban housing adjacent to UW-La Crosse and Western Technical College. The proposed development includes 48 apartment units and ground-floor commercial space, offering a mixed-use format that is ideal for this high-traffic corridor. Every element of the project—from its size and density to its street design and parking was designed in close alignment with feedback and priorities voiced directly by the City Council and municipal departments. Specifically, the decision to increase the density above the allowable TND threshold was made in response to the city's express interest in preventing further student rental expansion into surrounding single-family neighborhoods. The city indicated this density was necessary not only to satisfy housing demand but to preserve the surrounding neighborhood character. A unique feature of this project is its coordination with a competing local developer, who partnered with Three Sixty in a mutually beneficial parcel exchange that enabled both developments to move forward with greater efficiency. This type of partnership is rare in development and underscores the cooperative spirit behind Badger West. Further, through partnership with the City, a partial vacation of 12th Street is being pursued as part of the project to accommodate needed infrastructure upgrades. This vacation has been advanced by city staff themselves, and without Badger West's construction, these improvements will not occur.

Variance Request: Density & Parking Setbacks

We are requesting a variance from Sec. 115-403. (d)(2)(b), which restricts multi-family development in TND zoning to 15–40 dwelling units per net acre. Badger West, as designed and requested by the City itself, exceeds this limit. However, this density is not arbitrary; it is what makes the project financially viable and allows it to fulfill the city's stated goals. Over the course of the past two years, the project was developed with strong staff guidance under prior density standards. Only in recent months—just prior to final Council approvals—was this new ordinance adopted, creating an unexpected roadblock that places the project in jeopardy.

Given that the project reflects direct City Council and staff guidance, and that design revisions would undermine the financial feasibility of the entire development, we respectfully ask that the board grant a variance to honor the intent of prior approvals and uphold the collaborative work completed to date.

We are also requesting relief from Sec. 115-512. (b) and Sec. 115-512. (e) regarding parking stall setbacks. Due to the compact urban footprint of the site and the need to accommodate mixed-use functionality, slight deviations from these standards are necessary. However, landscaped buffers and screened design elements have been incorporated to mitigate any visual or pedestrian impact, and parking layout was guided closely by staff during planning.





PLAN
DEVELOP
MANAGE

This project is located on a small assemblage of underutilized parcels, formerly occupied by aging student rental homes. The physical constraints of the property, combined with the need for right-of-way preservation along 12th Street, limit design flexibility. To meet city goals for urban housing without exacerbating neighborhood sprawl, a compact, vertical development was required. The project presents no environmental, safety, or aesthetic risk to the community—in fact, it improves upon current conditions, enhances the streetscape, and aligns with long-term planning priorities.

Without the requested variance, Badger West cannot proceed in its current form. Lowering the unit count would render the development economically infeasible—especially in light of inflation, construction costs, and necessary public infrastructure investments like the 12th Street improvements. No viable alternatives exist that both comply with the new code and deliver the density needed to accomplish the city's housing and urban planning objectives. Simply put, the city asked for a project of this scale, and the development team responded. Any deviation now would undo years of work and collaborative progress.

Badger West is not just another apartment project—it is the result of direct collaboration with the City of La Crosse to solve a real and growing challenge: where and how to house students in a way that relieves pressure on traditional neighborhoods. Through coordination with a rival developer, public infrastructure alignment, mixed-use activation, and city-led density guidance, we have crafted a project that serves both public and private interests.

We respectfully ask the Board to recognize the unique circumstances that brought us here—particularly the timing of ordinance changes—and grant the variances needed to move forward. Doing so will honor the city's housing vision, provide much-needed student-oriented apartments, activate underutilized land, and fulfill the intent of the TND zoning framework.

Thank you for your thoughtful consideration. We look forward to working together to bring this vision to life.

Three Sixty Real Estate Solutions, LLC
Jeremy Novak
jeremy@threesixty.bz
608-790-5589

