

City of La Crosse Board of Zoning Appeals Variance Application

(To be completed by the applicant)

	Name	Address	Phone #	Email
Applicant/Agent	Habitat for Humanity of the Greater La Crosse Region, Inc.	3181 Berlin Drive, La Crosse, WI 54601		
Property owner, if different				
Contractor	Habitat for Humanity of the Greater La Crosse Region, Inc.	3181 Berlin Drive, La Crosse, WI 54601		

Tax Parcel Number: 17-30052-100 Property Address: 946 Division Street, La Crosse, WI

Legal Description: The North 69 feet of Lot 6, in Block 7 of Clinton & Rublee's Addition to the City of La Crosse, City of La Crosse

Lot Dimensions and Area: 60 x 70 feet = 4,200 sq. ft. Zoning District: Washburn (WR)

A variance is a relaxation of a dimensional or use standard specified in the zoning ordinance. The Board of Zoning Appeals reviews and decides cases where there is an alleged error in a zoning decision or where a relaxation of the ordinance is sought. The Board is a quasi-judicial body (meaning it functions like a court) and is not a policy making body and therefore does not have discretionary authority. 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 factual situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

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

STANDARDS FOR USE or AREA VARIANCE

1. The property has a special or unique condition that does not apply to other properties in the area.
2. The proposed variance is not contrary to the public interest and not contrary to the purpose and intent of the zoning regulation.
3. The special or unique condition of the property creates an unnecessary hardship. If it is a use variance, then the property must have no reasonable use. If it is an area variance, then the ordinance either unreasonably prevents the use of the property for a permitted purpose or makes conformity with restrictions unreasonably burdensome.

By signing below, I certify that the information I have provided in this application is true and accurate. I understand that evidence must be provided showing that the three standards listed above are met. I understand that if one or more of the standards cannot be met, my appeal for variance must be denied by the Board of Zoning Appeals.

Signed: (Applicant or Agent): [Signature] Date: 11/11/2025

Signed: (Owner, if different from applicant): _____ Date: _____

(To be completed by Building Inspector and City Clerk Staff)

Application Complete: Yes ✓ No _____ Reviewed by: [Signature]

Application #: 2699 Date Filed: 11/26 Filing Fee: \$300 Date Paid: 11/26

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Part A: General Information and Alternatives Analysis. *(To be completed by the applicant)*

1. **General Information.** Please provide the necessary background information needed for the property where the variance is sought.

a. Current & improvements use of the property:

The land is currently vacant. Current land use is residential.

b. Proposed use of the property and improvements sought:

Habitat proposes the relocation of an existing single-family home that was moved from a lot across the alley from the address. This lot and home were donated to Habitat by 360 Real Estate Solutions as part of their C&C Residences project.

The City of La Crosse has also approved CHDO (Community Housing Development Organization) funds for the property for affordable housing development. A low-income family has been selected for this home.

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

None

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

The needed placement of a very modestly sized single-family home on the site, regardless of configuration, does not allow for the required 15-foot set back for the rear of the lot.

All other setbacks can be met. This reduced rear setback will not be detrimental to the use of the property for a family.

The original lot was recorded in 1930 and split into two lots in 1968. The subsequent size of the lot makes meeting existing set-backs impossible, even for a moderately sized home.

e. Ordinance standard from which variance is being sought (include Municipal Code citation):

Setback minimum: Sec. 115-148 (d) (3)

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f. Describe the variance that is being requested:

Habitat is requesting a variance from the minimum rear yard setback and minimum lot size requirements. Each lot measures approximately 60 feet by 70 feet (4,200 square feet). Due to the smaller lot dimensions, it is not possible to provide the required 15-foot rear yard setback while maintaining a buildable footprint for a modest single-family home. Habitat is therefore requesting a variance to reduce the rear yard setback and minimum lot size to allow for the construction of a single-family home that is consistent in size and character with the surrounding neighborhood.

g. Specify the reason for the variance request:

The variance is requested to allow Habitat to relocate a single-family home on an existing, historically developed lot that is smaller than the current minimum lot size requirement. The lot was previously occupied by a single-family home but is now vacant. Due to their limited depth (approximately 70 feet), meeting the required 15-foot rear setback would make it impossible to build a reasonably sized home that meets modern building standards and accessibility needs. Granting the variance will allow this infill lot to be redeveloped for affordable housing, restoring residential use to the neighborhood while maintaining compatibility with surrounding homes.

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

If the variance is not granted, the lots will remain vacant and undevelopable under current zoning standards due to their small size and shallow depth. This would prevent the reuse of historically residential parcels and limit the opportunity to provide affordable homeownership in an established neighborhood with existing infrastructure and services. The inability to build on these lots would result in continued underutilization of the property, reduce neighborhood vitality, and hinder local efforts to create infill housing and strengthen community stability.

2. Alternatives. Describe alternatives to your proposal such as other locations, designs, and construction techniques.

- a. Alternatives 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 alternative(s) and reasons why you rejected them.

Combine the lots into a single lot and only develop one home.

- b. Alternatives that require a lesser variance.** If you reject such alternatives, provide the alternative(s) and reasons why you rejected them.

While the two contiguous lots could technically be combined to meet current zoning requirements, doing so would not represent the highest and best use of the property or align with the City's housing and neighborhood revitalization goals. Historically, each lot supported a single-family home, and the surrounding area is characterized by similar lot sizes and density. Combining the lots would reduce the number of potential housing units by half, limiting opportunities for affordable homeownership in a neighborhood where developable land is scarce. Constructing two modest, energy-efficient homes on separate lots provides greater community benefit, supports infill development, and aligns with the City's goals to increase housing availability and neighborhood vitality while maintaining the existing residential character of the area.

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Part B: Three Legal Standards. (To be completed by the applicant)

To qualify for a variance, applicants **must** demonstrate that their property meets the three standards.

1. Unique Property Limitation.

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 unique physical characteristics of the property prevent compliance with the current zoning ordinance. The lot was originally platted in 1930 and combined with another lot in 1968 and has been nonconforming since its creation, as its total area and depth are smaller than what is now required by ordinance. Although the lot historically contained a single-family home, that structure was nonconforming and was demolished by 360 Real Estate Solutions as part of the approved C&C Development project. The City approved the demolition with the understanding that Habitat for Humanity of the Greater La Crosse Region would develop a new single-family home on the lot. The small size and shallow depth of the lot make it impossible to meet the current 15-foot rear setback requirement while maintaining a buildable area suitable for a modest single-family home.

- ☐ **No.** A variance cannot be granted.

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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.

The purpose of the setback requirements in the City of La Crosse zoning ordinance is to ensure adequate light, air, and open space between buildings; to promote public health and safety; to protect the character and stability of residential neighborhoods; to provide sufficient space for access, utilities, and stormwater management; and to prevent overcrowding of land. These standards help maintain the orderly development of the city and support compatibility among adjacent properties.

b. Purpose(s) of Standard from which Variance is Requested.

The proposed Habitat homes align with the purpose of the ordinance by maintaining neighborhood character, ensuring safe and code-compliant housing, and making productive use of existing urban lots while respecting light, air, and open space requirements to the extent practicable.

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c. Analysis of Impacts.

Describe impacts (e.g., increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For the impact(s), 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):

a. Impact:

None

i. Mitigation measure(s):

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ii. Extent to which mitigation reduces project impact:

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b. Impact:

None

i. Mitigation measure(s):

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ii. Extent to which mitigation reduces project impact:

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

a. Impact:

None

iii. Mitigation measure(s):

iv. Extent to which mitigation reduces project impact:

b. Impact:

None

v. Mitigation measure(s):

vi. Extent to which mitigation reduces project impact:

(3) Cumulative Impacts (what would happen if a similar variance request was granted for many properties?):

c. Impact(s):

None

vii. Mitigation measure(s):

viii. 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.

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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. The property owner bears the burden of proving unnecessary hardship.

An area variance is a relaxation of lot area, density, height, frontage, setback, or other dimensional criterion. Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (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 (use additional pages if necessary):**

Unnecessary hardship is present because strict application of the current zoning requirements would prevent any reasonable use of the property for its intended and historic residential purpose. The lot was legally created prior to the adoption of current standards and has remained nonconforming since 1968. Requiring full compliance with the 15-foot rear setback would make it impossible to construct a modest single-family home that meets modern building codes and accessibility standards. Without the variance, the lot would remain vacant and unusable, creating a hardship that is not self-imposed. Granting the variance would allow for the reasonable and historically consistent use of the property while supporting community goals for infill development and affordable housing.

☐ **No. A variance cannot be granted.**

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Part C: Construction Plans.

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 Building and Inspections to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and Building and Inspections to inspect premises.

at: 946 Division Street, La Crosse, WI

(Address where variance is sought)

Signature of Owner:



Date: 11/11/2025

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Part E: Certification.

The applicant (and owner, if different from applicant) must sign this section in front of a notary and certify that the application and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered.

By signing below, I certify that I have received, reviewed, and completed all the application materials. I further certify that all 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):

Date: 11/11/2025

State of Wisconsin)

County of La Crosse)

Personally came before me this 11th day of November, 2025

the above named

Kanya Fox, Executive Director
to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Lauren Plantz

Printed Name: Lauren Plantz

My Commission Expires: 9/3/2028



Signed: (Owner, if different from applicant):

Date: _____

State of Wisconsin)

County of La Crosse)

Personally came before me this _____ day of _____,

the above named _____

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Printed Name: _____

My Commission Expires: _____

