

## Board of Zoning Appeals Variance Application

(To be completed by City Clerk or Zoning Staff)

City of La Crosse, Wisconsin

Application No.: 2693

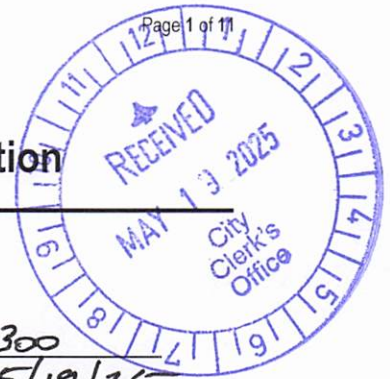
Date Filed: 5/19/25

Application Complete: Yes 8 No \_\_\_\_\_

Filing Fee: 300

Date Paid: 5/19/25

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	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: 17-30052-30 & 17-30052-40

Lot Dimensions and Area: \_\_\_\_\_ x \_\_\_\_\_ feet. = 9583 (0.22 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.

Two vacant single-family homes

*Handwritten: OK*

(b) Proposed Use.

24-unit studio multifamily residential building

*Handwritten: OK*

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

N/A

## 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.

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

Two single family homes. Parcel is currently below the TND zoning requirement of 15-40 dwelling units per acre (9 du/acre).

Parcel is also currently below the requirement for outdoor recreational space of 200 sf + 25 sf/bedroom (0 square feet).

## (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. 115-515. (h) - Each multifamily site shall include a minimum of 200 square feet of outdoor recreational space at ground level suitable for outdoor recreation (grilling, sitting, sunbathing, playing catch, etc.). For multifamily sites with more than two units, the outdoor recreational space shall increase by 25 square feet per bedroom

## (f) Describe the variance requested.

We are requesting to go above the bounds of the first cited ordinance with regard to density and below the requirement of the second ordinance with regard to recreational space. 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, community, Mayo, and the Neighborhood association, 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 two vacant single-family homes instead of the project that has been proposed with ~~unanimous~~ support.

City staff,  
City Council and  
Neighborhood association

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: 518 & 526 10th St South, La Crosse, WI 54601

(Address where variance is sought)

Date: 5/5/2025

Signature of Owner: 

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- 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) THREE SIXTY REAL ESTATE SOLUTIONS, LLC  
MARVIN W. WANDERS, Managing Member

Date: 5/5/2025

Signed: (Owner, if different from applicant) C E C RESIDENCES, LLC

Date: 5/5/2025

THE APPLICANT OR AGENT

(X) [Signature]  
 By: \_\_\_\_\_

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.

[Signature]  
 Notary Public, La Crosse County, WI  
 My commission expires: PERMANENT.



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  
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[Signature]  
 Notary Public, La Crosse County, WI  
 My commission expires: PERMANENT.



## C&C Residences – Studio Apartments

### Board of Zoning Appeals Variance Narrative

#### Project Address: 518 10th Street

**Project Legal Description:** Lot 7 in Block 7 of CLINTON & RUB LEE'S ADDITION to the City of La Crosse, in the City of La Crosse, La Crosse County, Wisconsin.

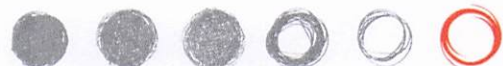
Part of Lot 8 in Block 7 of CLINTON & RUB LEE'S ADDITION to the City of La Crosse, in the City of La Crosse, La Crosse County, Wisconsin, described as follows: Commencing at the Northwest corner of said Lot 8; thence East, along the North line thereof, 30 feet to the point of beginning of This description:

Thence South, parallel with the West line of said Lot 8, a distance of 56 feet; thence East, parallel with the North line thereof 18.9 feet; thence South, parallel with the West line of said Lot 8, a distance of 84 feet, to the South line thereof; thence East, along the South line of said Lot 8, a distance of 6 feet, to the Southeast corner thereof; thence North, along the East line of said Lot 8, to the Northeast corner thereof; thence West, along the North line thereof, to the point of beginning.

#### Project Overview

C&C Residences – Studio Apartments is part of a deeply collaborative, multi-year redevelopment initiative in La Crosse's Washburn neighborhood. This project represents a sustained partnership between Three Sixty Real Estate Solutions, Mayo Clinic Health System, Habitat for Humanity, and local neighborhood stakeholders, including the Washburn Neighborhood Association. In direct response to community feedback and institutional need, the project incorporates several key elements: a partnership with Mayo Clinic to provide off-site parking across the street; the donation of two parcels to Habitat for Humanity to support new and rehabilitated single-family homes, and ongoing collaboration with the Neighborhood Association to preserve and enhance approximately 14,000 square feet of community garden and outdoor recreational space. Together, these efforts reflect a holistic and intentional approach to neighborhood revitalization, one that meets real housing needs while preserving the fabric and identity of the existing community.

The broader C&C Residences plan encompasses two connected parcels: the 24-unit studio apartment building at 518 10th Street and 12 townhomes located immediately adjacent on Division Street. Together, the two sites create a unified housing solution that blends rental and ownership models to meet the needs of a diverse population. The studio apartments are designed to serve the workforce housing needs of Mayo Clinic Health System and the broader La Crosse community, needs that Mayo specifically communicated to us during early planning sessions.



As a creative solution to rising housing demand, the building will incorporate ORI Living modular furniture systems, allowing residents to raise beds into the ceiling to maximize the usable square footage of each unit. This innovative design increases functional living space while keeping rents attainable.

### **Variance Request #1: Density**

We are requesting a variance from Sec. 115-403. (d)(2)(b), which limits multi-family developments in TND zones to 15-40 dwelling units per acre. While this individual parcel exceeds the maximum allowable density, it's essential to understand this project as part of the broader C&C Residences development.

When calculated across the entire site (including both the studio building, adjacent townhomes, donated Habitat parcels, and leased surface parking), the overall project achieves a density of 27 dwelling units per acre, well within the intended TND range. The parcel lines were not drawn initially with zoning changes in mind, and the project's scope and density were developed in close consultation with staff before these limits were updated. The new density cap was adopted after much of the planning and public engagement had already occurred, effectively boxing the project into a technical inconsistency that undermines years of good-faith collaboration.

Rather than approving a project that is legally compliant but functionally misaligned with community needs, we respectfully request the board recognize the intent and spirit of the code. The project aligns perfectly with La Crosse's Comprehensive Plan by introducing compact, walkable, affordable housing near employment centers, with strategic density that prevents further sprawl and respects neighborhood character.

Furthermore, through our partnership with Mayo Clinic, we have secured access to off-site parking on Mayo-owned property directly across the street. This significantly increases the project's functional footprint and effectively reduces the dwelling unit density per acre, further demonstrating that we are acting in good faith and in line with the purpose of the zoning ordinance.

### **Variance Request #2: Recreational Space**

We are also requesting a variance from Sec. 115-515. (h), which requires 200 square feet of ground-level outdoor recreational space per site, with an additional 25 square feet per bedroom for multifamily buildings. While this site does not include the required amount of standalone recreational square footage within the 518 10th Street parcel, it is integrally tied to the adjacent parcel as a single cohesive development.





PLAN  
DEVELOP  
MANAGE

The site at 918-940 Division Street (directly adjacent) includes an approximately 14,000-square-foot community garden and outdoor recreational space that was specifically preserved and improved in response to public feedback. The garden has become a key component of the shared experience for both sites, offering a gathering area, green space, and passive recreation area for all future residents. The space was developed in collaboration with Habitat for Humanity, Coulee Region Ecoscapes, and local neighborhood leaders. The garden will be maintained and programmed in coordination with these groups, ensuring its long-term value to both existing residents and those living in the new units.

In essence, the project satisfies the recreational intent of the ordinance through a shared recreational amenity that is immediately adjacent and fully integrated with the studio building, even though the square footage falls just beyond the boundary of this specific parcel.

C&C Residences is a model of what collaborative development can look like. With support from Mayo Clinic, neighborhood leaders, Habitat for Humanity, and city staff, we've crafted a solution that respects the past, serves the present, and anticipates future needs. The requested variances do not reflect deficiencies in the project but rather limitations imposed late in the process by procedural technicalities that the design, partnerships, and community vision already responsibly address.

By granting these variances, the Board will help ensure that this critical workforce housing development can move forward, bringing long-needed solutions to La Crosse's housing needs while staying true to the values and intent of the TND zoning district.

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

