

## Board of Zoning Appeals Variance Application

*(To be completed by City Clerk or Zoning Staff)*

City of La Crosse, Wisconsin

Application No.: 2669

Date Filed: 5/19/2023

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

Filing Fee: \$ 300.00

Date Paid: 5/30/2023

*(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	Mayo Clinic Health System	La Crosse Sign Group - Carlee Strong
Address	700 West Avenue S, La Crosse, WI	1450 Oak Forest Drive, Onalaska, WI 546
Phone	608-392-2814	608-781-1450

Legal Description: ESPERSON & BURNS ADDITION LOTS 1, 2, City of La Crosse, Wis.

Tax Parcel Number: 17-30057-60

Lot Dimensions and Area: 350 x 650 feet. = 227,500 sq. ft.

Zoning District: \_\_\_\_\_

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.**

Current use of property is a hospital, medical facility. They are relocating to a new hospital tower.

**(b) Proposed Use.**

Proposed use is a hospital/medical facility.

**(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.

N/A

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

Sec. 111-94. - Wall signs.

Wall signs may be placed on no more than two separate walls of a building. Such signs may be placed only on walls facing a public street or the principal off-street parking area serving the building.

(Code 1980, § 20.25(H)(16); Ord. No. 5049 , § II, 4-12-2018)

- (f) Describe the variance requested.

Mayo Clinic is requesting a sign to be erected on the west end of the addition, facing (parking) Lot 3. This is the primary parking lot for visitors and patients, but not considered principal off-street parking area as it is located on a separate parcel. This would also be the third wall of signage, after including the sign being installed on the south end, which is permissible.

- (g) Specify the reason for the request.

Provide necessary visibility and identification of new hospital to patients, visitors, medical personnel.

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

New addition to hospital will not be identifiable from the west side. Patients, visitors, any emergency responders, will not be able to identify the building efficiently, in potential medical emergency situations.

## 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.

Moving new signage to the east side of the addition. We reject this alternative as this side of the building already has a sign, and is already identifiable from this direction.

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

This is the lesser variance option is requested.

## **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.
- There is no principal off-street parking area in close proximity to this addition located on this parcel. The primary parking lot for visitors and patients is located across a street, on a separate parcel. This is the closest and most accessible parking area for patients and visitors, visiting this new hospital addition.

☐ **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  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:
  
- Impact: None  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

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

- **Impact:** None  
**Mitigation measure(s):**  
**Extent to which mitigation reduces project impact:**

- **Impact:** None  
**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:** None  
**Mitigation measure(s):**  
**Extent to which mitigation reduces project impact:**

- **Impact:** None  
**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.**

There is no land area for a principal off-street parking area in close proximity to this addition, on the same parcel. This presents challenges for patients and visitors, who have to park in the lot across from this addition. Not allowing signage on side of the building prevents patients and visitors from easily identifying the medical facility.

☐ **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**

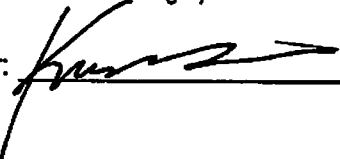
You must complete and sign the authorization for the City of La Crosse Board of Zoning Appeals and the Planning and Development Department to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and the Planning and Development Department to inspect premises

At: 700 West Ave South La Crosse, WI 54601

(Address where variance is sought)

Date: 05.09.23

Signature of Owner: 

**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) Carlee Strong

Date: 5/1/23

Signed: (Owner, if different from applicant) Tes Kirschbaum

Date: 5.9.23

THE APPLICANT OR AGENT

THE OWNER

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

STATE OF WISCONSIN )

COUNTY OF LA CROSSE )

Personally came before me this 1 day of May, 2023 the above named Carlee Strong to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

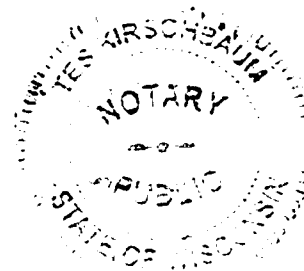
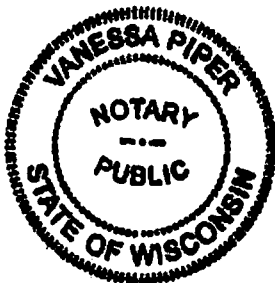
Vanessa Piper  
Notary Public, La Crosse County, WI  
My commission expires: 10/9/2026

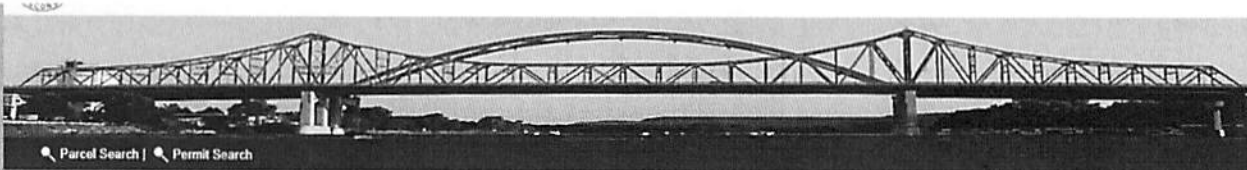
STATE OF WISCONSIN )

COUNTY OF LA CROSSE )

Personally came before me this 9 day of May, 2023 the above named Tes Kirschbaum to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Tes Kirschbaum  
Notary Public, La Crosse County, WI  
My commission expires: 4/25/2027





[Parcel Search](#) | [Permit Search](#)

## 700 WEST AVE S LA CROSSE

Parcel:	17-30057-60	Internal ID:	74474
Municipality:	City of La Crosse	Record Status:	Current

Print View

### Parcel Information:

Parcel:	17-30057-60
Internal ID:	74474
Municipality:	City of La Crosse
Record Status:	Current
On Current Tax Roll:	Yes
Total Acreage:	5.280
Township:	15
Range:	07
Section:	05

### Legal Description:

ESPERSON & BURNS ADDITION LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 BLOCK 6 INCL VAC ALLEYS & STREETS EX 7FT WIDE STRIP ON N TAKEN FOR ST & LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 BLOCK 7 & INCL VAC ALLEYS & STREETS EX PRT TAKEN FOR R/W IN DOC NO. 148120 SUBJ TO ESMT IN DOC NO. 1788588 SUBJ TO & T/W RESTR IN DOC NO. 1791761 & DOC NO. 1791762

### Property Addresses:

<u>Street Address</u>	<u>City/Postal</u>
700 WEST AVE S	LA CROSSE
800 WEST AVE S	LA CROSSE

### Owners/Associations:

<u>Name</u>	<u>Relation</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
FRANCISCAN SKENP MEDICAL CENTER INC	Owner	700 WEST AVE S	LA CROSSE	WI	54601
C/O WADE RUDOLPH	In Care Of	700 WEST AVE S DEPT FACIL	LA CROSSE	WI	54601

### Districts:

- Parcel
- Taxes
- Outstanding Taxes
- Assessments
- Deeds
- Permits
- History

May 1, 2023

City of La Crosse  
400 La Crosse St  
La Crosse, WI 54601

To whom it may concern,

Attached is a BOZA Application for our customer, Mayo Clinic Health Systems, located at 700 West Avenue South. Mayo Clinic is constructing an addition on to their building that has a current and proposed use as a hospital.

Mayo Clinic is requesting a variance to Municipal Code 111-94, regarding wall signs. We are requesting to install a sign on the west end of the new addition, which would face a parking lot that is not considered the principal off-street parking area, as it is located on a separate parcel. This sign would also make this wall the third wall of signage on the building. The request to install a sign on the west side of the building, allows for patients, visitors, and medical personnel, to identify the building efficiently, possibly in an emergency situation.

This property has a unique property limitation, of not having a principal off-street parking area in close proximity to this new addition. The closest primary parking lot used by visitors and patients is Lot 3, located on a separate parcel.

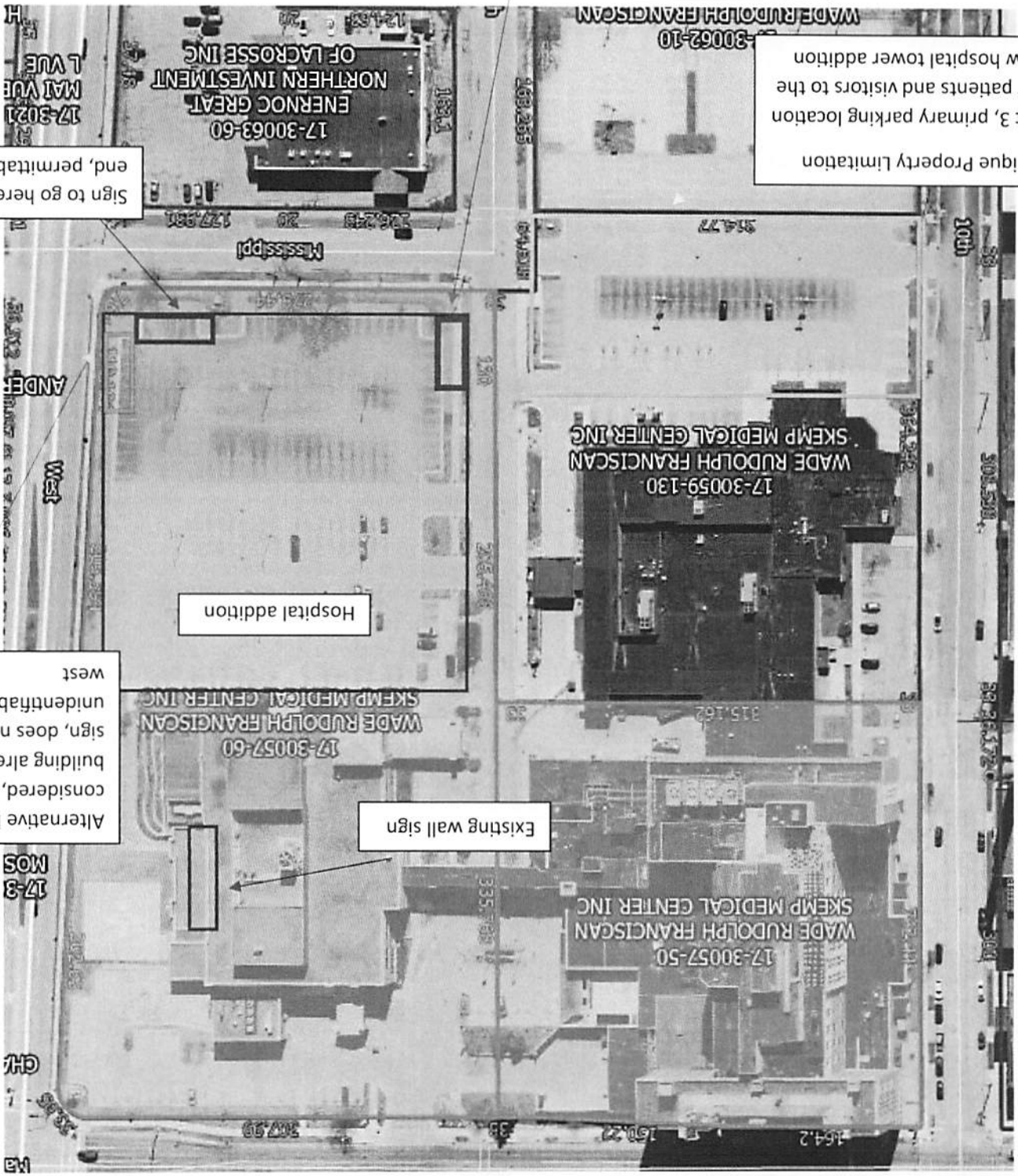
By granting this variance, there would be no harm to public interest, or other negative impacts that would require mitigation measures to be taken. Please consider the request of this variance is to allow a medical facility to be easily identified from necessary directions.

Sincerely,

Carlee Strong

La Crosse Sign Group  
1450 Oak Forest Drive  
Onalaska, WI 54650

WI. BUILDING CONTRACTOR REGISTRATION #1104371



Sign to go here on south end, permissible

Hospital addition

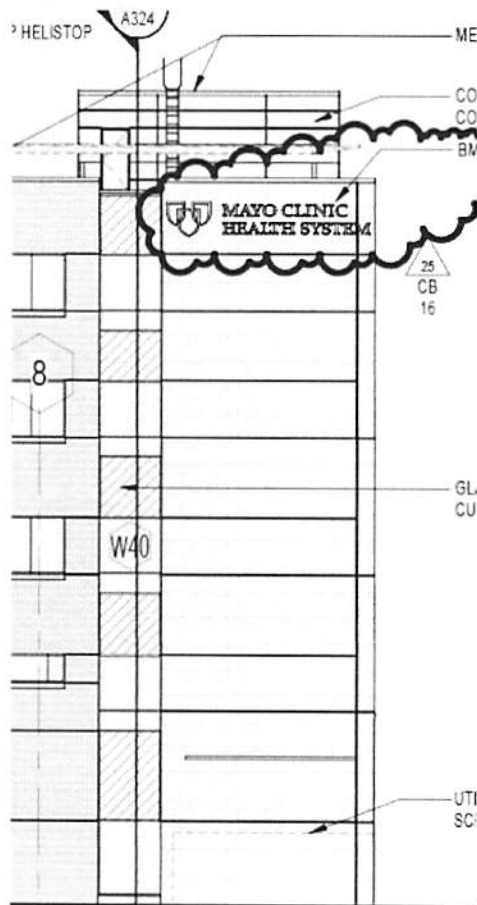
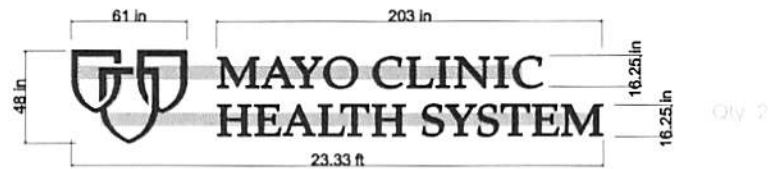
Existing wall sign

Alternative location considered, east side of building already has wall sign, does not solve being unidentifiable from the west

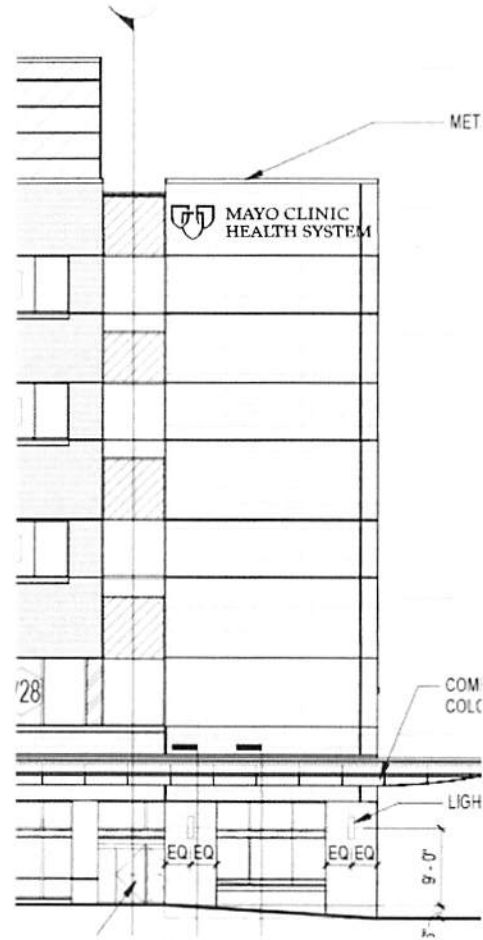
Unique Property Limitation  
Lot 3, primary parking location for patients and visitors to the new hospital tower addition

Wall sign with requested variance to go here.  
Variance requested: would be the third wall of signage, would not face principal off-street parking

# Face-Lit Channel Letters on Raceways



South Elevation



West Elevation

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Landlord: \_\_\_\_\_ Date: \_\_\_\_\_

\*Colors on sketch are only a representation, actual color of finished product may differ from this sketch.

\*To make the best use of standard sized materials and control costs the size of the finished product may vary slightly.

lacrossesign.com



**La Crosse  
Sign Group**

1450 Oak Forest Drive Onalaska, WI 54650 608-781-1450  
2242 Mustang Way Madison, WI 53718 608-222-5353  
2502 Melby Street Eau Claire, WI 54703 715-835-6189

This artwork is copyright La Crosse Sign Group and may not otherwise be used without permission. It is the property of La Crosse Sign Group and must be returned to them upon request.

## DESIGN

Drawing by: Chris Clark  
Sign Type: Channel Letters  
Date Created: 12-21-2022  
Last Modified: 3-6-2023  
Scale: 1/8"=1'

## SALES

Job Name: Mayo Clinic Health Sys Version Number: 4  
Job Address: 700 West Ave S  
La Crosse, WI 54601  
Consultant: Kyle Sanger  
Job Number: 119512

## FILE

Job File Location:  
S:\Mayo Clinic Health System 2017  
& After\Southeast Region\La Crosse,  
WI - Main Campus\119512 Main  
Campus Expansion\Design

## COLOR KEY

- 1 Black Trim Cap
- 2 Returns and Raceways TBD/ Match Building
- 3 Perforated Day/Night Vinyl