

City of La Crosse Board of Zoning Appeals Variance Application

(To be completed by the applicant)

	Name	Address	Phone #	Email
Applicant/Agent	MARIO YOVALLIM	2102 MARKET ST	608.397.5078	<i>mario.yovallim@gmail.com</i>
Property owner, if different				
Contractor				

Tax Parcel Number: 17-10292-20 Property Address: 412 LIBERTY ST

Legal Description: _____, City of La Crosse

Lot Dimensions and Area: 50 x 140 feet. = 7000 sq. ft. Zoning District: R5

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):  Date: 11.17.2025

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

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

Application Complete: Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Reviewed by: <u>J. Huber</u>
Application #: _____	Date Filed: <u>11-17-2025</u>	Filing Fee: <u>\$ 300.00</u>
		Date Paid: <u>11-17-2025</u>

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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:**

Property is currently vacant, not developed and needing extensive site preparation due to its location (lot is in the floodplain)

b. **Proposed use of the property and improvements sought:**

Dignity Homes is looking to develop the site by getting property out of the floodplain, constructing a single family residence that takes into account universal design and net zero practices

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

No prior variances have been filed since Dignity Homes has purchased property.

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

Site is currently empty and ready for development

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

~~Section 115-399 - Limits on fill placed on parcels or lots~~ 115-281
~~In particular, we will be seeking a variance pertaining specifically~~
~~to language mentioned in subparagraphs ^(c) (d) and (e) .~~

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f. Describe the variance that is being requested:

We are seeking a variance that would allow us to build by bringing in fill that exceeds two feet above grade of adjoining properties, the ability to have a decorative CMU retaining wall that's exposed more than two feet, and the ability to a driveway from the alleyway with a grade higher than eight percent.

g. Specify the reason for the variance request:

The lot is significantly lower than the required regional flood elevation, forcing the development to include significant amounts of fill. Elevating the property has meant we need to have higher than normal exposed retaining walls, and has limited us to also encroach on 15' backfill setback.

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

Should the variances be denied, the development of said property will be stalled, Dignity Homes, could potentially be forced to sell property, leading to a continuation in development.

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.

Alternatives to be compliant without variances would include the removal of having an attached garage, as well as restricting the building footprint from approx 30' feet in width to just 20 feet (in order to meet 15' setbacks on 50' lot)

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

We would be opposed because a 20 foot wide building would not be very conducive for us to meet universal design standards of including a lower level bedroom in the design. Also, having a 20' wide residence without an attached garage would also create additional issues of access to the main level.

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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 main unique property limitation is that it sits on the floodplain. If property didn't have the requirements of being raised above regional flood plain elevation, no variances would be needed (stemming from this design being presented).

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.

Achievement of compliance of lot by raising property out of regional
Floodplain elevation

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

It is in the interest of the public to have property developed, following the necessary procedures to elevate lot out of floodplain. Allowing this variance will add value to the neighborhood, make room for more single family housing availability, all without negatively impacting neighboring properties. Furthermore, it is our hope that this particular development could be used as an example of possibilities for similar open lots currently not meeting floodplain elevation requirements.

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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:

water runoff into lower neighboring properties

i. Mitigation measure(s):

During construction, specifically during site improvement phase and fill/grading, proper silt fence installation and measures will ensure there won't be soil disturbance onto neighboring properties.

ii. Extent to which mitigation reduces project impact:

Long term, water mitigation measures will assure proper drainage and retention solution.

b. Impact:

i. Mitigation measure(s):

ii. Extent to which mitigation reduces project impact:

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

a. Impact:

water runoff into lower neighboring properties

iii. Mitigation measure(s):

water collection measures will focus on preventing runoff on both North and South portions of site

iv. Extent to which mitigation reduces project impact:

Long term, incorporating a water collection area North of property and collecting and dispersing via basin or bioswale to South of retaining wall

b. Impact:

v. Mitigation measure(s):

vi. Extent to which mitigation reduces project impact:

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

c. Impact(s):

more development on harder to develop (due to floodplain elevation) properties!

vii. Mitigation measure(s):

similar procedures will be able to be accomplished to vacant properties in the neighborhood.

viii. Extent to which mitigation reduces project impact:

big picture, granting this mitigation variance, when done to multiple properties, will help to move away from having to have properties go through variance process.

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. Zervogel 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. Zervogel 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):

The unnecessary hardship present on this property is due to the uniqueness of the site. The property sits in the floodplain, and with the side setback requirements of 15 feet would only leave 20 feet for usable / buildable space. Also, because of existing road elevation (as well as the elevation of properties immediately adjacent), the residence requires a higher decorative CMU retaining



No. A variance cannot be granted.

wall, that encroach on mentioned 15 ft of backfill requirement. Also, the proposed residence needs a higher pitch driveway to universally designed / accessible garage. Max slope recommended is 8% slope, and we will need approximately 11.6% slope.

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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"

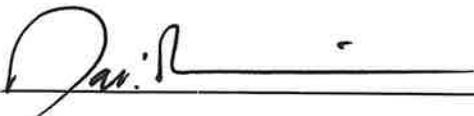
Part D: Authorization to Examine

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: 412 LIBERTY ST. LA CROSSE, WI 54603

(Address where variance is sought)

Signature of Owner:  Date: 11. 17. 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.

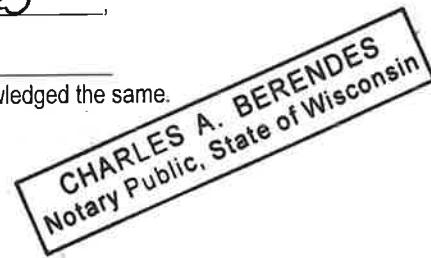
Signed: (Applicant or Agent): Jain Date: 17 Nov. 2025

State of Wisconsin)
County of La Crosse)

Personally came before me this 17 day of November, 2025,

the above named Maria Gergz Youskim
to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Printed Name: Charles A. Berendes
My Commission Expires: permanent



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:

PLAT OF SURVEY

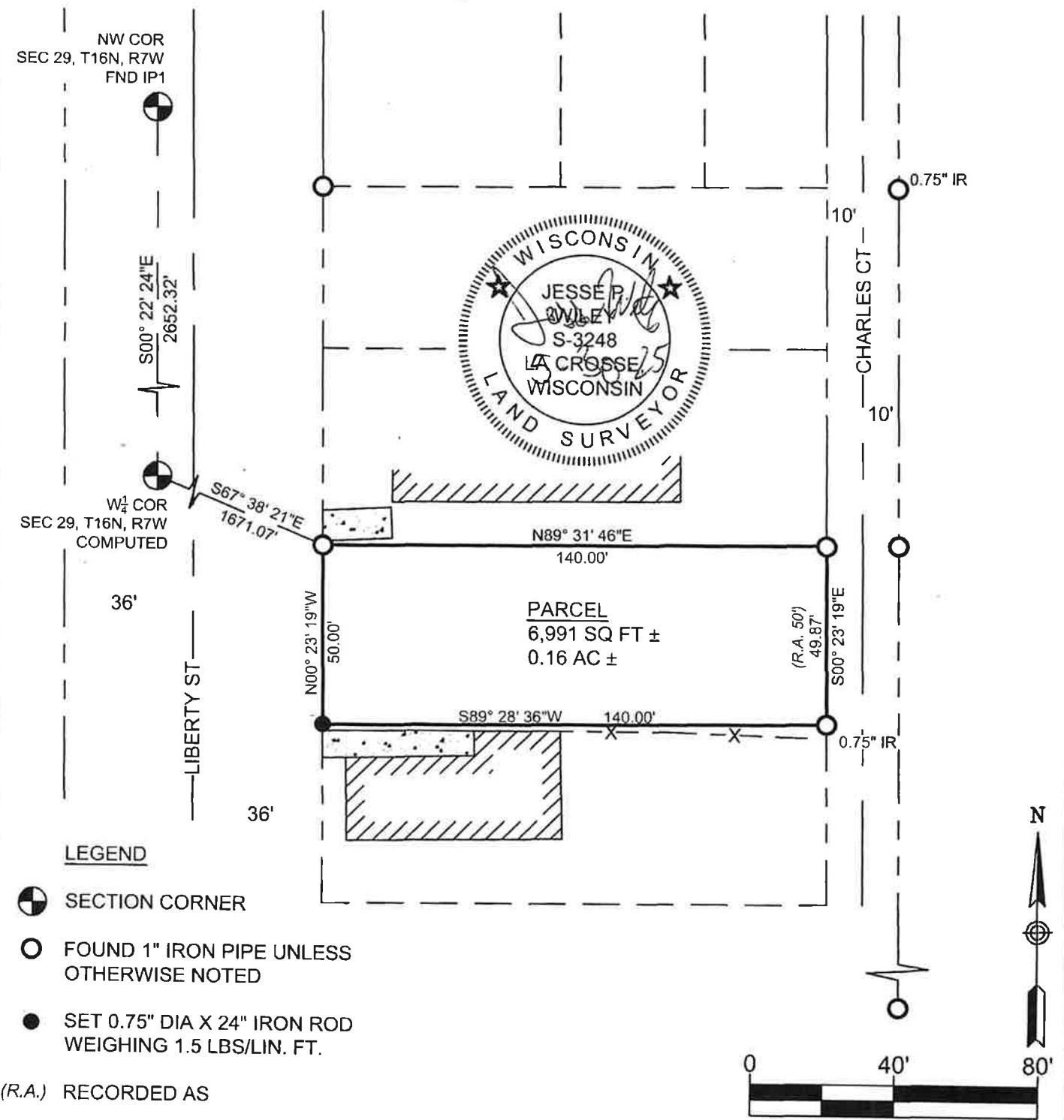
PART OF GOV LOT 3, BEING PART OF THE E₂¹ OF THE SW₄¹ OF SECTION 29, T16N, R7W, CITY OF LA CROSSE, LA CROSSE COUNTY, WISCONSIN.

LEGAL DESCRIPTION FROM DOC NO 1829930

PART OF GOV LOT 3, (BEING THAT PART OF THE E₂¹ OF THE SW₄¹ LYING NORTH OF THE FORMER LOCATION OF THE LA CROSSE RIVER) IN SECTION 29, T16N, R7W, CITY OF LA CROSSE, LA CROSSE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

Beginning on the East line of Liberty Street at a point 200 feet South of the South line of Island Street; thence East 140 feet; thence South 50 feet; thence West 140 feet; thence North 50 feet to the point of beginning.

Containing 7,000 sq ft ± or 0.16 acres ±. Subject to any easements, restrictions or covenants of record.



SURVEYOR'S CERTIFICATE

That I have made such a survey and map by the direction of the owner of said land, that such a map is a correct representation of the exterior boundaries of the land surveyed, and that I have fully complied with Chapter AE-7 in surveying and mapping the same.

Jesse P. Wiley, P.L.S. 3248
Davy Engineering Co
115 6th Street S
La Crosse, WI 54601

BASIS OF BEARINGS:

Bearings are based on the Wisconsin County Coordinate System, La Crosse County Zone, NAD 83 (2011 Adj.), from which the west line of the NW₄¹ of Sec 29, T16N, R7W bears S00° 22' 24"E.



DAVY ENGINEERING CO.
LA CROSSE, WISCONSIN

SURVEY PREPARED FOR:
DIGNITY HOMES
412 LIBERTY STREET
LA CROSSE, WI

DIGNITY HOMES

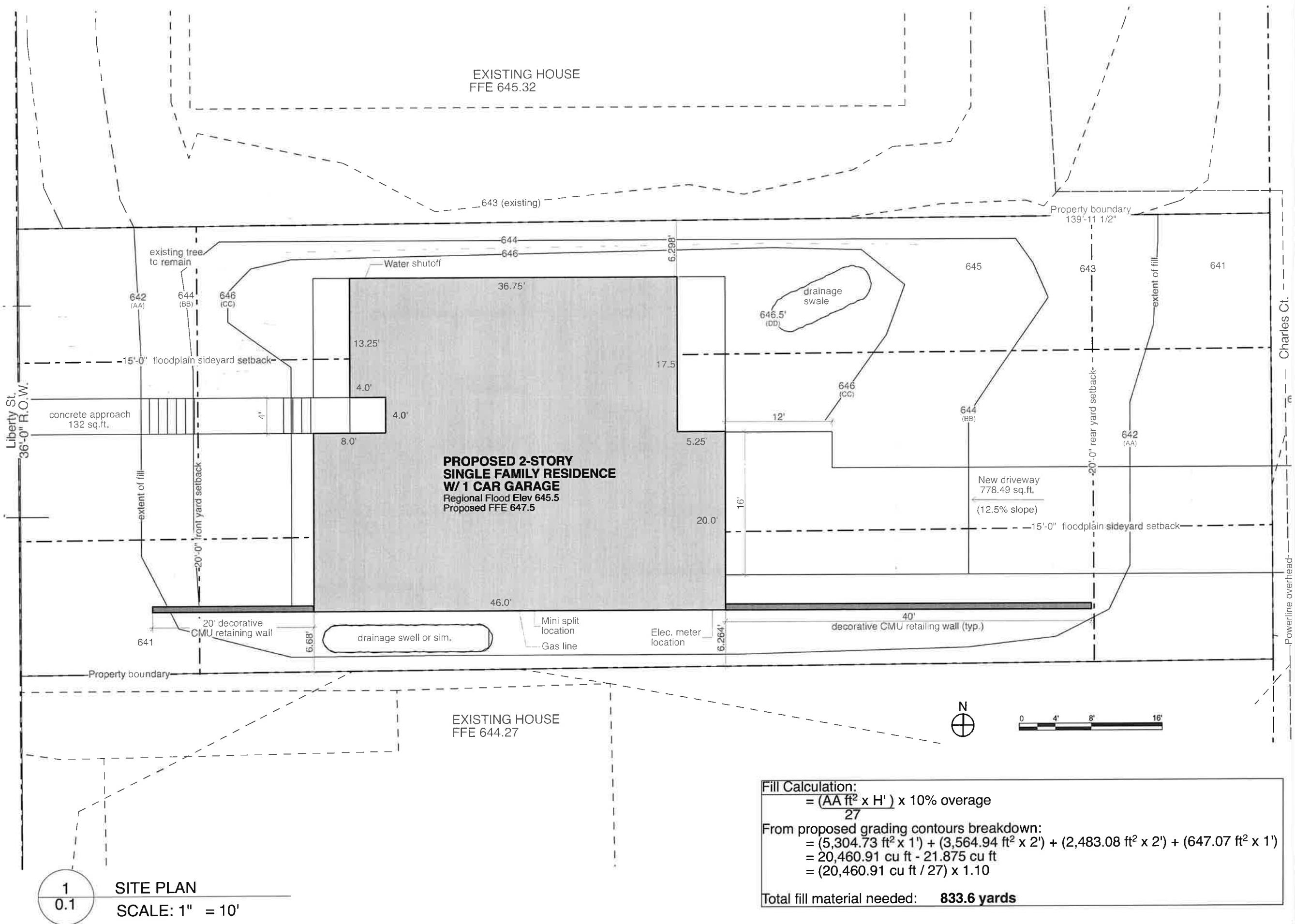
412 Liberty St.
La Crosse, WI 54601

Description:
Proposed Site Plan

Sheet:

0.1

Printed: 1/5/26



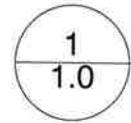
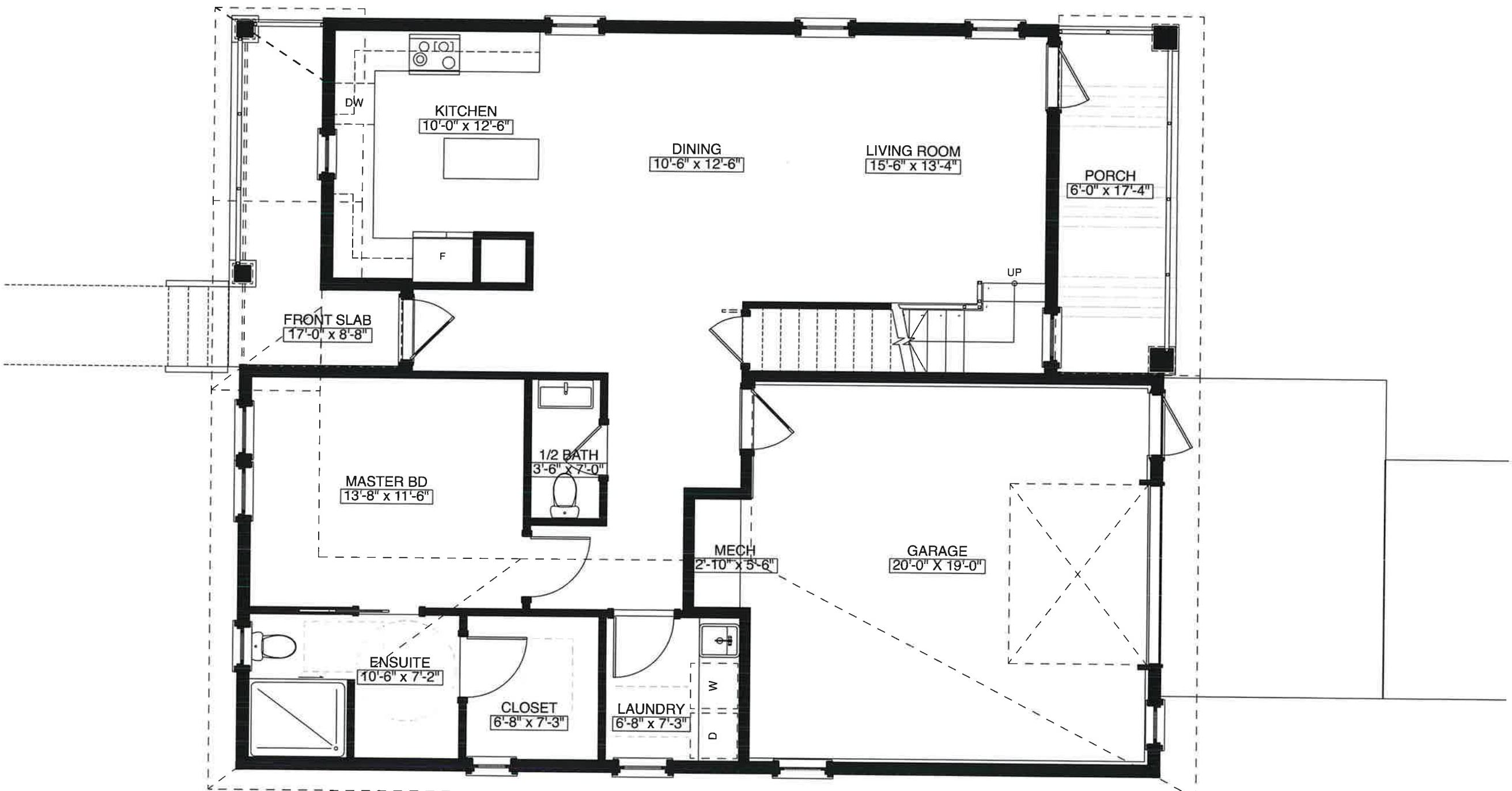
DIGNITY HOMES

412 Liberty St.
La Crosse, WI 54601

Description:
Main Level

Sheet:

1.0



MAIN LEVEL FLOOR PLAN
SCALE: 3/16" = 1'-0"

Client:
Dignity Homes
P.O. Box 532 La Crosse
WI 54602
#Client E-mail
#Client Phone Number

SCHEMATIC DESIGN
DOCUMENTS DEPICTING
DESIGN INTENTION ONLY

DIGNITY HOMES

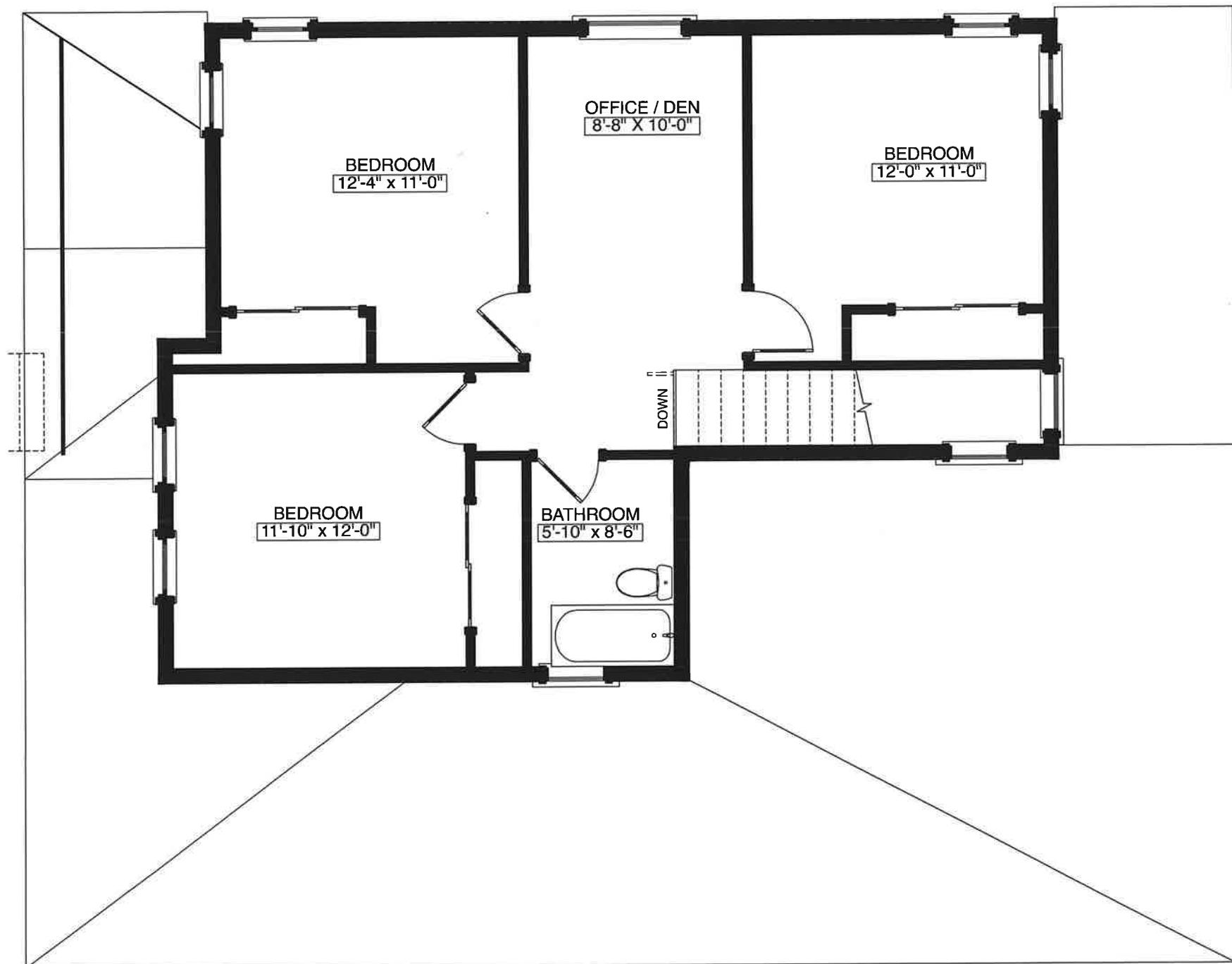
412 Liberty St.
La Crosse, WI 54601

Description:
Upper Level

Sheet:

1.2

Printed: 1/5/26



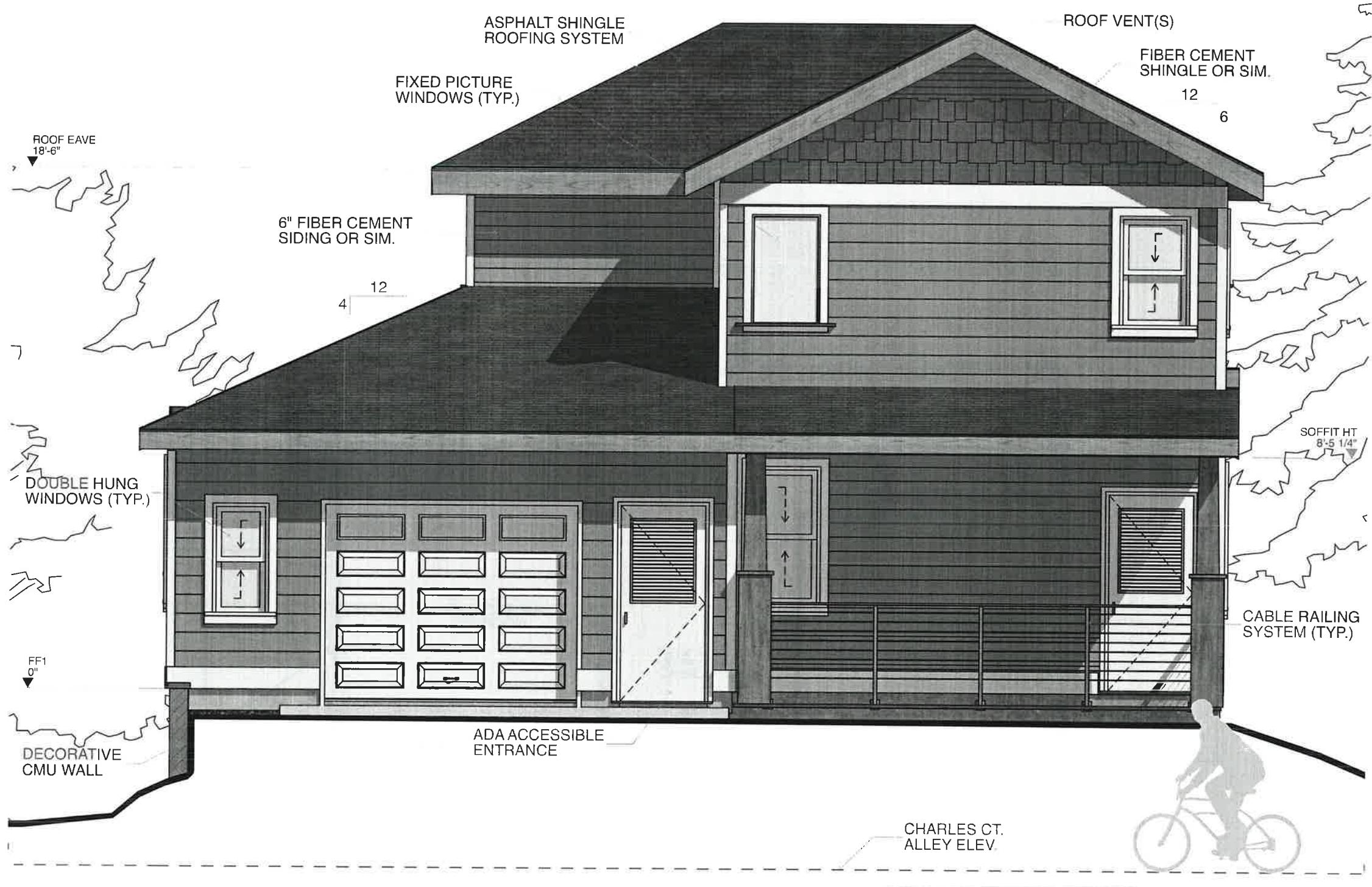
1
1.2

UPPER LEVEL FLOOR PLAN
SCALE: 3/16" = 1'-0"

DIGNITY HOMES

412 Liberty St.
La Crosse, WI 54601

Description:
East Elevation



1
2.1
EAST ELEVATION
SCALE: 1/4" = 1'-0"

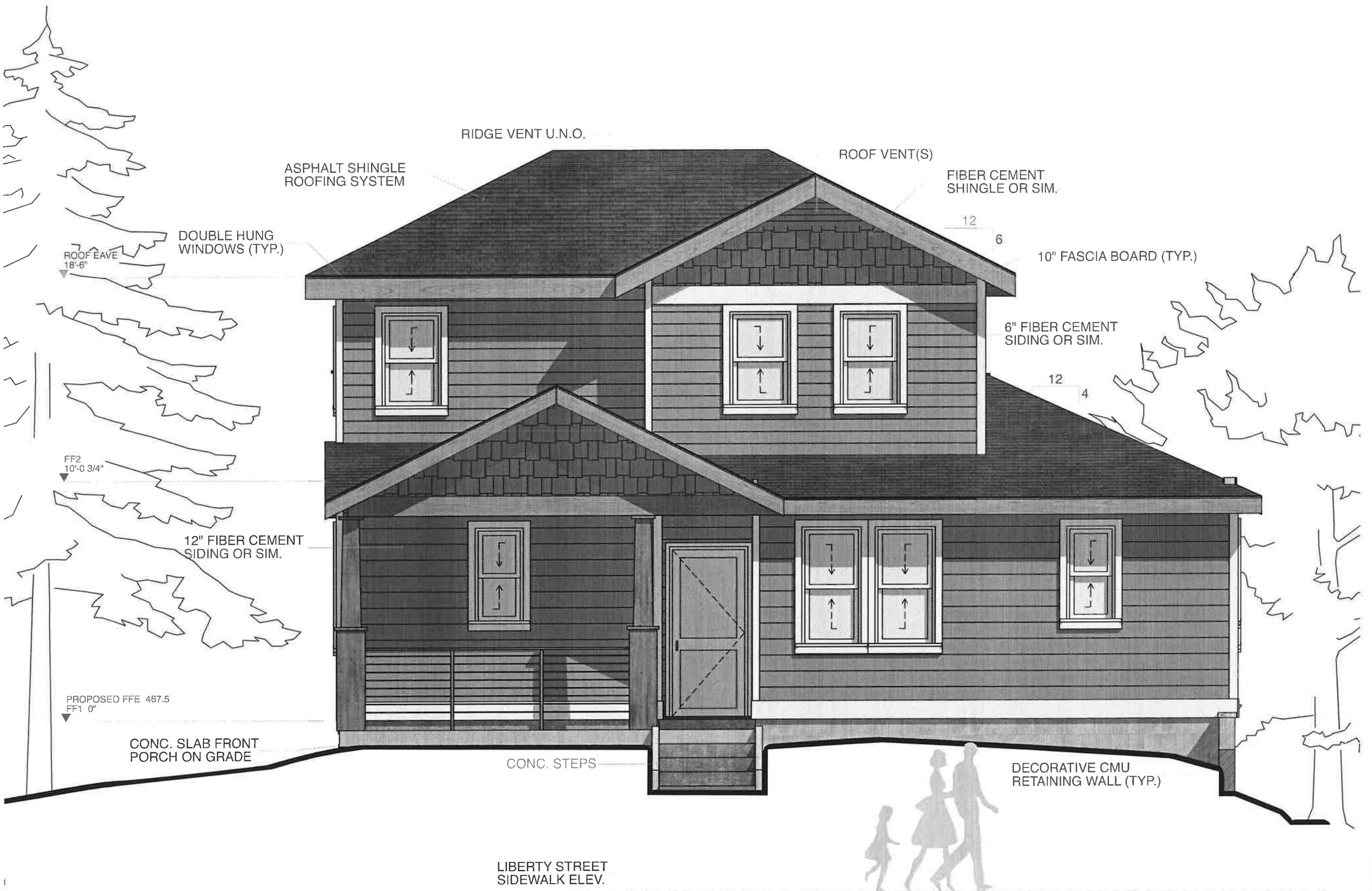
Sheet:

2.1

DIGNITY HOMES

412 Liberty St.
La Crosse, WI 54601

Description:
West Elevation



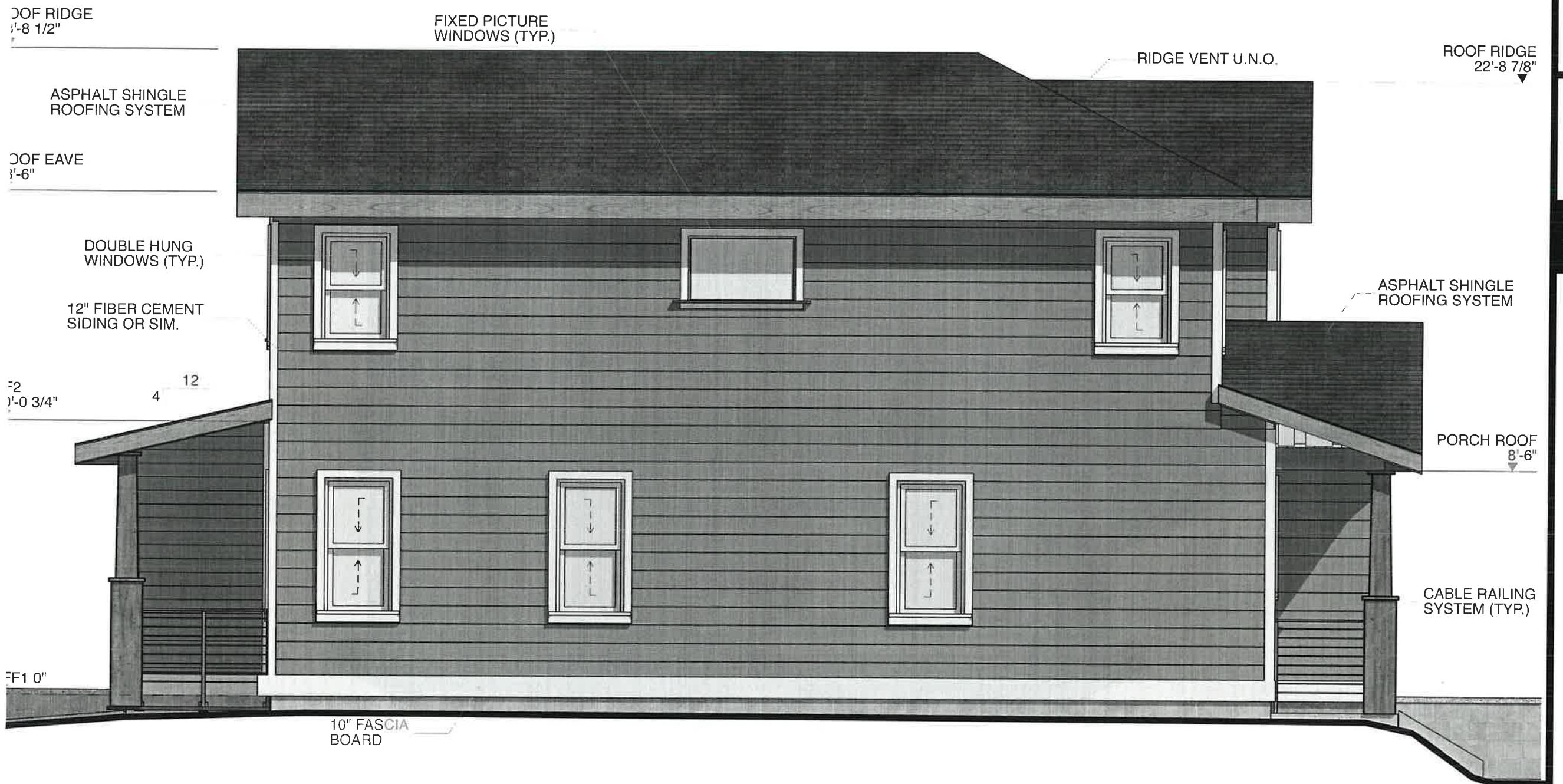
1
2.2

WEST ELEVATION

SCALE: 1/4" = 1'-0"

Sheet:

2.2



1
2.3
NORTH ELEVATION
SCALE: 1/4" = 1'-0"

Sheet:

2.3

DIGNITY HOMES

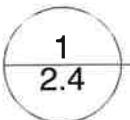
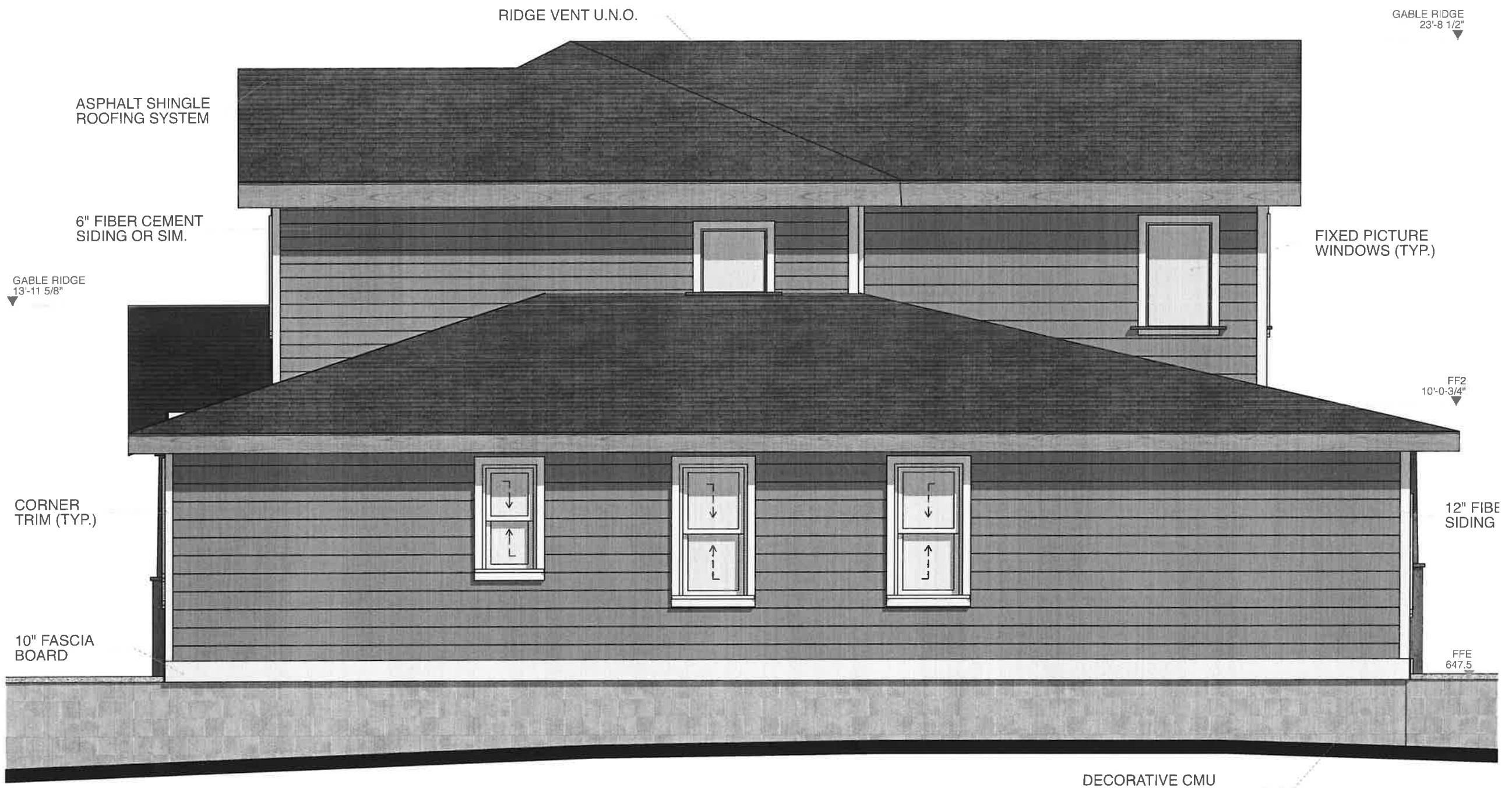
412 Liberty St.
La Crosse, WI 54601

Description:
South Elevation

Sheet:

2.4

Printed: 1/5/26



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"