

City of La Crosse Board of Zoning Appeals Variance Application

(To be completed by the applicant)

	Name	Address	Phone #	Email
Applicant/Agent	Chad Langway	2658 George St.	608 781-5180	
Property owner, if different				
Contractor				

Tax Parcel Number: 17-10263-21 Property Address: 2652 George St.
 Legal Description: CSM NO. 10 Vol 9 Lot 1, City of La Crosse
 Lot Dimensions and Area: 112.5 x 40 feet. = 4500 sq. ft. Zoning District: R1

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): Chad Langway Date: 7/30/26

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

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

Application Complete: Yes <u>X</u> No _____	Reviewed by: <u>Andy Bernash</u>
Application #: _____ Date Filed: _____	Filing Fee: <u>400.00</u> Date Paid: <u>7/31/26</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:

Pastimes Bar + Single family Dwelling
+ Detached garage

b. Proposed use of the property and improvements sought:

Same but split lots

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:

Only has 4600 sq ft of lot area
Single family and bar all on 1 lot

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

Sec 115-142
115-143

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f. Describe the variance that is being requested:

Would like to split lot that has a house and a bar building. lot for house would be 9,233 sq. ft, lot for bar would be 4500 sq. ft.

g. Specify the reason for the variance request:

Would like to replace existing aged garage with new garage.

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

Garage is in much needed repair

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.

None available

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

None available

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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.

- ☐ **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.

Minimum 39 ft OF Lot

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

By splitting lot END RESULT WOULD BE
ONE CONFORMING Lot AND ONE Lot
with 39 ft less than minimum

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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):

None

ii. Extent to which mitigation reduces project impact:

None

b. Impact:

None

i. Mitigation measure(s):

None

ii. Extent to which mitigation reduces project impact:

None

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

a. Impact:

None

iii. Mitigation measure(s):

None

iv. Extent to which mitigation reduces project impact:

None

b. Impact:

None

v. Mitigation measure(s):

None

vi. Extent to which mitigation reduces project impact:

None

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

c. Impact(s):

None

vii. Mitigation measure(s):

None

viii. Extent to which mitigation reduces project impact:

None

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):

NON - CONFORMING CONDITIONS EXIST
END RESULT WILL BE 1 LOT CONFORMING &
1 LOT THAT WILL BE NON CONFORMING

☐ No. A variance cannot be granted.

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: 2658 George St La Crosse, WI 54601
(Address where variance is sought)

Date: 10/21/20 Signature of Owner: Chad Longenecker

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

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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.

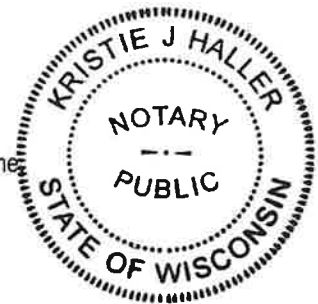
Signed: (Applicant or Agent): [Signature] Date: 7-20-26

State of Wisconsin)
County of La Crosse)

Personally came before me this 20th day of July, 2026

the above named Terry Weiland
to me known to be the person(s) who executed the foregoing instrument and acknowledged the same

[Signature]
Printed Name:
My Commission Expires:



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: