Board of Zoning Appeals Variance Application

(To be completed by City Clerk or Zoning Staff)

City of La Crosse, Wisconsin

Application No.: 2691 Filing Fee: 300.00
Date Filed: 4/7/25 Date Paid: 4/7/25
Application Complete: Yes X No _____ 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	Doug Buchner	Self
Address	2546 7th St S	
Phone	608-769-1400	

Legal Description: Assessor's Plat Government Lot 1, City of La Crosse, Wis.
Tax Parcel Number: 17-20242-090
Lot Dimensions and Area: 155 x 143 feet. = 22,165 sq. ft.
Zoning District: R1 - Single Family

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 sub mitted 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.

Single Family

(b) Proposed Use.

Single Family

(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.

Home 2546 S. 7th St

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

115-142

(f) Describe the variance requested.

12.5 Set back From lot line From the curb

(g) Specify the reason for the request.

loss of rear yard.
neighboors loss of veiw
to make best use of property.

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

unable to build structure
the proper way to Fit the property

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.

  Neigbors are afraid of IT blocking Their Veiw of the river.

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

  Same as above

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.

☐ **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:
  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:
  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:
  Mitigation measure(s):
  Extent to which mitigation reduces project impact:

- 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.

The set back is to far back to make project work.

☐ **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: 2546 S. 7th St.

(Address where variance is sought)

Date: 4-3-25 Signature of Owner: Doug Buchner

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)_____

Date: _____

Signed: (Owner,if different from applicant) Doug Buchner

Date: 4-3-25

THE APPLICANT OR AGENT

_____

By:

THE OWNER Doug Buchner

Doug Buchner

STATE OF WISCONSIN)

COUNTY OF LA CROSSE)

Personally came before me this _____ day of _____,20__, the above named _____ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

_____

Notary Public, La Crosse County, WI

My commission expires: _____.

STATE OF WISCONSIN)

COUNTY OF LA CROSSE)

Personally came before me this 3rd day of April ,2025, the above named Doug Buchner to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Kristie J Haller

Notary Public, La Crosse County, WI

My commission expires: 9/13/27

KRISTIE J HALLER NOTARY PUBLIC STATE OF WISCONSIN

KRISTIE J HALLER
NOTARY
PUBLIC
STATE OF WISCONSIN

Board of Zoning Appeals Standards

The Board of Zoning Appeals functions like a court, and must follow State laws and local zoning ordinances. The Board of Zoning Appeals cannot change or ignore any part of the zoning ordinance or State laws, but must apply the laws as written.

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

STANDARDS FOR USE or AREA VARIANCE

☐ 1. **The proposed variance is not contrary to the public interest.** The purpose statement of the ordinance and related statutes must be reviewed in order to identify the public interest. Variances must observe the spirit of the ordinance, secure public safety and welfare, and do substantial justice. In considering effects of a variance on public interests, broad community and even statewide interests should be examined; the public interest standard is not confined to scrutiny of impacts on neighbors or residents in the vicinity of the project.

☐ 2. **The property has a special or unique condition.** The property must have unique or physical features which prevent compliance with the ordinance. The circumstances of an applicant, such as growing family or need for a larger garage, are not legitimate factors in meeting this standard. Property limitations that prevent ordinance compliance that are not unique but common to a number of properties should be addressed by amendment of the ordinance.

☐ 3. **The special condition of the property creates an unnecessary hardship:**

a. Unnecessary hardship means unnecessarily burdensome, considering the purpose of the ordinance.
b. Unnecessary hardship may not be self-created. An applicant may not claim hardship because of conditions which are self-imposed. Examples include claiming hardship for a substandard lot after having sold off portions that would have allowed building in compliance or claiming hardship where construction was commenced without required permits in violation of ordinance standards.
c. Financial hardship is not a deciding factor. Economic loss or financial hardship does not justify a variance.

Board of Zoning Appeals Procedure Handout

1) You, or someone speaking on your behalf, should arrive at 4:00 p.m. for the meeting even if you are not listed first on the agenda.
2) Neighbors within 100 feet of the property (where the variance is requested) will receive a copy of the meeting notice. They may appear before the Board to speak for or against your appeal or they may write a letter in support of your appeal or against your appeal and submit it to the City Clerk's office. You may contact your neighbors and share your proposal with them so they are aware.
3) The Board will have received a copy of your denial letter from the Building and Inspections department, your variance application, and any other materials you have attached to your application. Any presentation to the Board is limited to written materials, diagrams and photographs. No electronic devices for presentations will be allowed. This restriction does not apply to the presentation by Building & Inspections. Public hearings before the Board may be limited to ten (10) minutes for the proponents, ten (10) minutes for the opponents and a three (3) minute rebuttal for each side. The Board reserves the right to extend these time limits as it determines.
4) The Board follows the criteria listed on the previous page to determine whether or not your request meets the standards set forth by the Wisconsin Supreme Court.
5) If the Board grants your appeal, after you receive your letter of the Board's decision, you may apply for your building permit. The letter will be mailed to you within a week, after the meeting has taken place.