

May 29, 2019

PATRICK G BLEES, ARCHITECT PLLC
800 WASHINGTON AVE N #208
MINNEAPOLIS MN 55401

RE: An appeal regarding the requirements that fill around the perimeter of a building shall be not less than one foot below the flood protection elevation and shall extent at least 15 feet beyond the limits of any structure at 710 George St., La Crosse, WI.

Dear Patrick G Blees:

We have received your initial plans to erect a retail store that does not meet the minimum requirement set forth in the Municipal Code of Ordinance of the City of la Crosse Code. The project as proposed is in direct violation of the following subparagraph of the Code:

Sec. 115-3. - Interpretation, purpose and conflict.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity or general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this chapter shall govern.

The project as proposed is in direct violation of the following subparagraph of the Code:

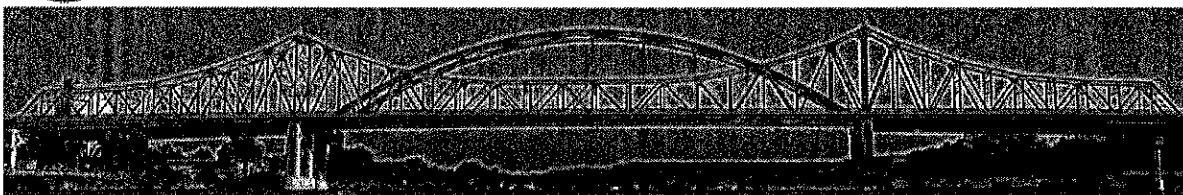
Sec. 115-281 (3)(a)(1)

The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of section 115-281(3)(a)(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

Therefore, if upon consideration of all the facts surrounding this appeal in a public hearing, the Board of Zoning Appeals determines that this appeal meets all of the criteria established by the Legislature of the State of Wisconsin, as interpreted by the Supreme Court of the State of Wisconsin for the granting of variances, the Board of Zoning Appeals would have to grant two variances; one for nine (9) feet on the North side and one for four (4) feet on the West side of the fifteen foot requirement of elevated fill beyond the limits of the structure to allow this project to proceed as proposed.

Sincerely,

Matthew Diehl
Building Inspector


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

710 GEORGE ST LA CROSSE

Print View

Parcel: 17-10289-70 Internal ID: 70831
 Municipality: City of La Crosse Record Status: Current

Parcel Information:

Parcel: 17-10289-70
 Internal ID: 70831
 Municipality: City of La Crosse
 Record Status: Current
 On Current Tax Roll: Yes
 Total Acreage: 0.681
 Township: 16
 Range: 07
 Section: 29
 Qtr: SW-NE

[Parcel](#)
[Taxes](#)
[Outstanding Taxes](#)
[Assessments](#)
[Deeds](#)
[Permits](#)
[History](#)

Legal Description:

PRT SW-NE COM INTER S LN ST CLOUD ST & GEORGE ST S ALG E LN 150FT TO POB S 144FT E 150FT N 143.3FT W 150FT TO POB & PRT SW-NE COM E LN GEORGE ST 50FT S OF INTER S LN & EXT D S LN ST CLOUD ST E 150FT S 100FT W 150FT TO E LN GEORGE ST N 100FT TO POB EX PRT FOR ST IN V670 P586 & V671 P520 & V1296 P206 T/W ESMT IN V1173 P425 & SUBJ TO AGREE IN DOC NO. 1723278

Property Addresses:

Street Address City (Postal)
 710 GEORGE ST LA CROSSE

Owners/Associations:

Name	Relation	Mailing Address	City	State	Zip Code
OREILLY AUTOMOTIVE STORES INC	Owner	S 344 PATTERSON	SPRINGFIELD	MO	65802
C/O RYAN LLC #4764	In Care Of	PO BOX 9167	SPRINGFIELD	MO	65801

Districts:

Code	Description	Taxation District
2849	LA CROSSE SCHOOL	Y
1	Book 1	N
CDZ	Community Development Zone	N
0036	LA CROSSE TIF 16	N

Additional Information

Category	Description
2012+ VOTING SUPERVISOR	2012+ Supervisor District 2
2012 + VOTING WARDS	2012+ Ward 5
POSTAL DISTRICT	LACROSSE POSTAL DISTRICT 54603
Use	1 UNIT
Use	RETAIL

Lottery Tax Information ⓘ

Lottery Credits Claimed: 0
 Lottery Credit Application Date:

BOARD OF ZONING APPEALS

STANDARDS FOR 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 a 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 and 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 and 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.