

BOARD OF ZONING APPEALS

La Crosse, WI
DECISION UPON APPEAL

Patrick G. Blee, Architect having appealed from an order of the Building Inspector denying a permit with regard to the requirement that fill around the perimeter of a building shall not be less than one foot below the flood protection elevation and shall extend at least 15 feet beyond the limits of any structure

at a property known as: 710 George St., La Crosse, Wisconsin

and described as:

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

and due notice having been given by mail to all City of La Crosse property owners and lessees within 100 feet of the property which is the subject of this appeal, and similar notice having been published in the La Crosse Tribune more than five (5) days prior to the time of the hearing hereon, and testimony having been received and heard by said Board in respect thereto, and having been duly considered, and being fully advised in the premises,

WHEREFORE, IT IS ORDERED: That the decision of the Building Inspector be: Affirmed ☐ Reversed ☒

(See attached)

Dated this 19th of February, 2020

Date Filed: 20th of February, 2020

ATTEST

Teri Lehrke
Teri Lehrke, Secretary

James Chert, Chairman

Concurring:

Wilbur M. Spies

Umarstasia Kinty

Greg Krum

Dissenting:

The decision of the Board may be appealed to circuit court within 30 days of the decision being filed pursuant to Wisconsin Statute sec. 62.23(7)(e)10.

NOTE: WORK SHALL BEGIN WITHIN 180 DAYS AFTER THE DATE OF THIS DETERMINATION

You are hereby notified that when a variance is granted from the provisions of the flood plain regulations, increased flood insurance premiums may result.

DECISION UPON APPEAL

2640 – Patrick G. Blee, C.M. Architecture - An appeal regarding the requirement that fill around the perimeter of a building shall be not less than one foot below the flood protection elevation and shall extend at least 15 feet beyond the limits of any structures at 710 George Street, La Crosse, Wisconsin.

Cherf: may I have a motion which would grant the same various previously granted on February 22, 2018, November 21, 2018, and June 19, 2019?

Spies: I make the motion.

Gentry: Second.

Previous motions granted:

2/22/2018 - Cherf: The unique property limitation is that it is located in the flood fringe and requires fill that requires larger setbacks of 15 feet around the perimeter. There is no harm to the public interest; this will be improving the location as well. The unnecessary hardship is the size of the lot and this is not a self-created hardship. We need to grant two variances and the first one would be a variance of a 9 foot setback on the north side and a 4 foot setback on the west side to the 15 foot requirement of elevated fill beyond the limits of the structure. Farmer adds that the building is a smaller size than their normal, so they've already made some accommodations. Haefs adds that the number of the appeal should be stated and Farmer adds that this is for file 2601. Haefs seconds the motion. All in favor; motion carried.

11/21/2018 - Farmer: the motion for File 2616 at 710 George Street; there's a request for two variances, one for nine feet on the north side and one for four feet on the west side. This would be a variance to the fifteen foot requirement for elevated fill beyond the limits of the structure. The unique property limitation is that the property is configured or bound by street to make the use of the loading docks and the flood fill extremely difficult if both were to be honored. You could have the fifteen foot flood fill, but the loading docks would become immaterial and that would severely compromise the utility of the building. There's no harm to the public interest; the main floor of the building would be above the flood level and thus no direct harm to the public interest. And then finally the unnecessary hardship – compliance with the flood requirement would result in a substantially smaller building which wasn't what they were thinking they were buying when they bought it. So that being the case I would move for the approval of the two variances. Cherf seconded the motion. All in favor; motion carried.

6/19/2019 - Clemence: Using Mr. Cherf's previous motion, I will move to approve this again. The unique property limitation is that the lot is in the floodplain making it impossible to comply and still have enough useable property for the development. There is no harm to the public interest, in fact, this will be improving the location by having a better business there. The unnecessary hardship is they can't develop this without the variance and there wouldn't be enough developable property. For those reasons I move to approve. Farmer seconded. All in favor; motion carried.

CONCURRING: Dolores Spies
James Cherf
George Kimmet
Anastasia Gentry

DISSENTING: None

Date Filed: February 20, 2020

ATTEST: Teri Lehrke, City Clerk