Board of Zoning Appeals Variance Application

(To be completed by City Clerk or Zoning Staff)				
City of La Crosse, Wisconsin				
Application No.: 2648 Date Filed: 8 3 2020		Filing Fee: 300.00 Date Paid: 4 4 2020 By (Initial)		
(To be completed by the applicant)				
Application Deadline: By 5:00 PM the first Wednesday of every month. Building Permit Application Deadline: 10 Calendar Days prior to first Wednesday of every month for the Inspection Department to provide review. Any building permit submitted after deadline must wait until the following Board of Zoning Appeals meeting.				
Inspection Departmen		omitted after deadline must wait until the		
Inspection Departmen		omitted after deadline must wait until the Contractor		
Inspection Departmen	ning Appeals meeting.			
Inspection Department following Board of Zon	ning Appeals meeting. Owner / Agent	Contractor		
Inspection Department following Board of Zon Name	Owner/Agent Torrance Casting, Inc.	Contractor DBS Group, LLC 2700 National Dr. Suite 101		
Inspection Department following Board of Zoo Name Address Phone Legal Description: Tax Parcel Number:	Owner/Agent Torrance Casting, Inc. 3131 Commerce St. 608.781.0600 3131 Commerce St. 17-10251-100	Contractor DBS Group, LLC 2700 National Dr. Suite 101 Onalaska, WI 54650 608.881.6007 City of La Crosse, Wis.		
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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 Inspection Department must approve the application as to form and completeness and then the application and fee must be submitted 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.

Foundry.

(b) Proposed Use.

No change in proposed use.

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

Fence permit submitted on May 20, 2020.

City plan commission approval June 29, 2020 as required per covenants.

(d) Description and location of all nonconforming structures and uses on the property.

None.

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

Item referenced as Item #1 - 115-398(d).

Item referenced as Item #2 - 115-398(e).

- (f) Describe the variance requested:
 - 1. Solid CMU fence approx. 90' long on the East elevation facing Commerce street in lieu of open type fence.
 - 2. Angled barbed wire eight feet above grade and projected away from the property.
- (g) Specify the reason for the request.
 - 1. Solid CMU will match existing facility East elevation that the public sees and will be in compliance with Interstate Industrial Park Covenants Section 9.
 - 2. Having barbed wire pointing out is much more effective at preventing site intruders. 8' high would match adjacent land owners fence and is sufficient for preventing site intruders, if barbed wires are allowed to point out.
- (h) Describe the effects on the **property** if the variance is not granted.
 - 1. Torrance is planning a future building addition to incorporate the CMU wall proposed. By being able to install CMU now it would prevent having to tear down the fence when the addition gets installed.
 - 2. Having barb wired pointing in may not be an adequate deterrent against intruders.

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.
 - Chain link fence could be installed in lieu of CMU.
 This alternative is rejected because it would not match the existing building facade, CMU looks better, would need to be removed in the future, is not as robust as the CMU, and is not in compliance with covenants.
 - 2. Barb wire could point in and fence 10' high. Rejected because it is as not as good at deterring intruders.
- Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons why you rejected them.
 - 1. Aside from chain link we can't think of a lesser variance to the CMU.
 - 2. Barb wire could point straight up in lieu of in.
 Rejected because it is not as good at deterring intruders.

Part B: Three-Step Test.

To qualify for a variance, applicants must demonstrate that their property meets the following three requirements:

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.
 - 1. Covenants required solid screening to face the public.
 - 2. Barbed wire facing out and shorter then 10' matches other area fences.

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: No short term impacts are anticipated.
 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: No long term impacts are anticipated.
 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: No cumulative impacts are anticipated.
 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.
X	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.

may

Are you applying for an area variance or a use variance?			
X Are	rea variance		
Use	se variance		
ls unneces	essary hardship present?		
X Yes		to the public along Commerce st. ce for the building/area and mathe Covenants.	
☐ No.	2. Pointing barb wire i property from intrud A variance cannot be granted.	n may not adequately protect lers.	
Part C: Additional Materials / Exhibits.			
In order for 1"=50', and o	r the zoning staff to conduct evaluations, the applicant dother exhibits must show the following:	t's site map, with a scale of not less than	
Prop Prop Ordi Floo Dime Utilit Exis Loca Vege Cont Well Loca Antic Sign Loca Loca Abut	cation of requested variance operty lines dinary high-water mark ood plain and wetland boundaries mensions, locations, and setbacks of existing and propo- lities, roadways, driveways, off-street parking areas, an isting highway access restrictions and existing proposed cation and type of erosion control measures getation removal proposed intour lines (2 ft. interval) ell and sanitary system cation and extent of filling/grading by other construction related to your request dicipated project start date in locations, dimensions, and other specifications carnatives considered cation of unique property limitation corners, lines, and footprints have been staked out autting street names and alleys utting property and land within 20 feet ication of the direction "North"	nd easements	

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. 3131 Commerce St.

(Address where variance is sought)

Date: 7-31-20

Signature of Owner: We a Jonana

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. Clerks Office- 2nd Floor La Crosse, Wisconsin 54601

Submit complete copy to:

Chief Inspector

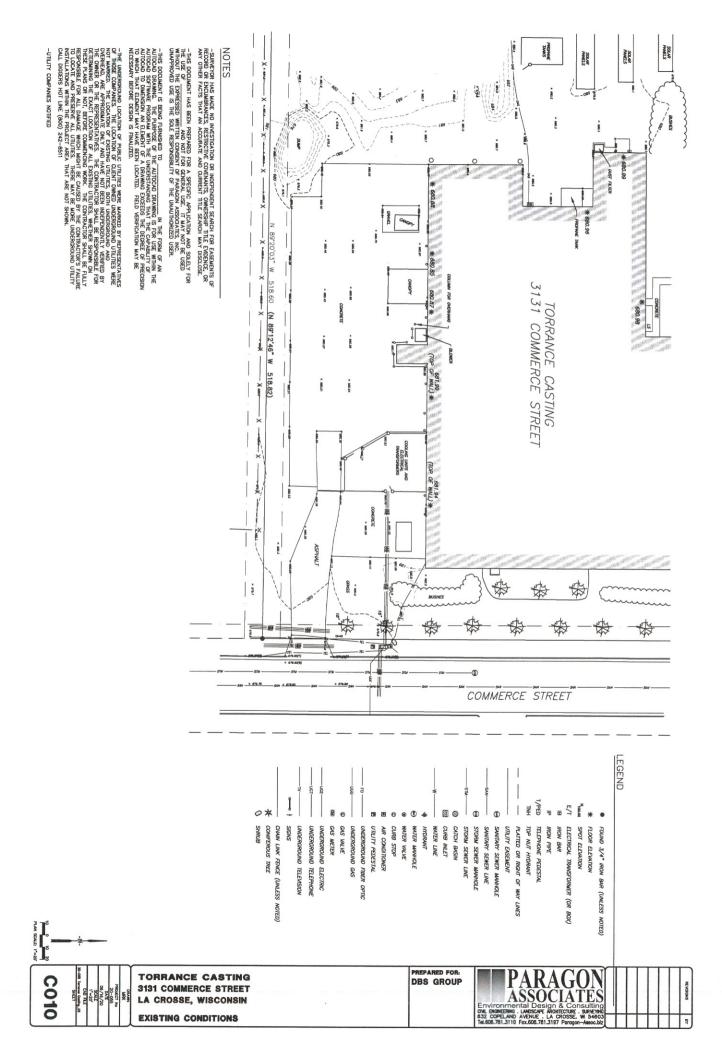
400 La Crosse St.

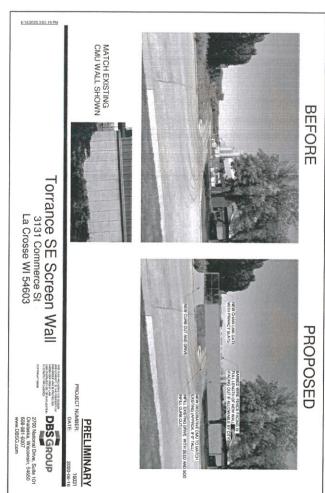
Building and Inspections Division, Fire Department

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) we a	Mones
Date: 7-31-20	
Signed: (Owner,if different from applicant)	
Date:	
THE APPLICANT OR AGENT	THE OWNER
D	William A. Torrance
Ву:	A STATE OF THE PARTY OF THE PAR
STATE OF WISCONSIN)	STATE OF WISCONSIN
COUNTY OF LA CROSSE)	COUNTY OF LA CROSSE
Personally came before me this day of, 2015, the above named to me	Personally came before me this 31 St day of July 3020 the above named William A. Torrance to me
known to be the person(s) who executed the foregoing instrument and acknowledged the same.	known to be the person(s) who executed the foregoing instrument and acknowledged the same.
Notary Public, La Crosse County, WI My commission expires:	Notary Public La Crosse County, WI My commission expires: 4-34-2022

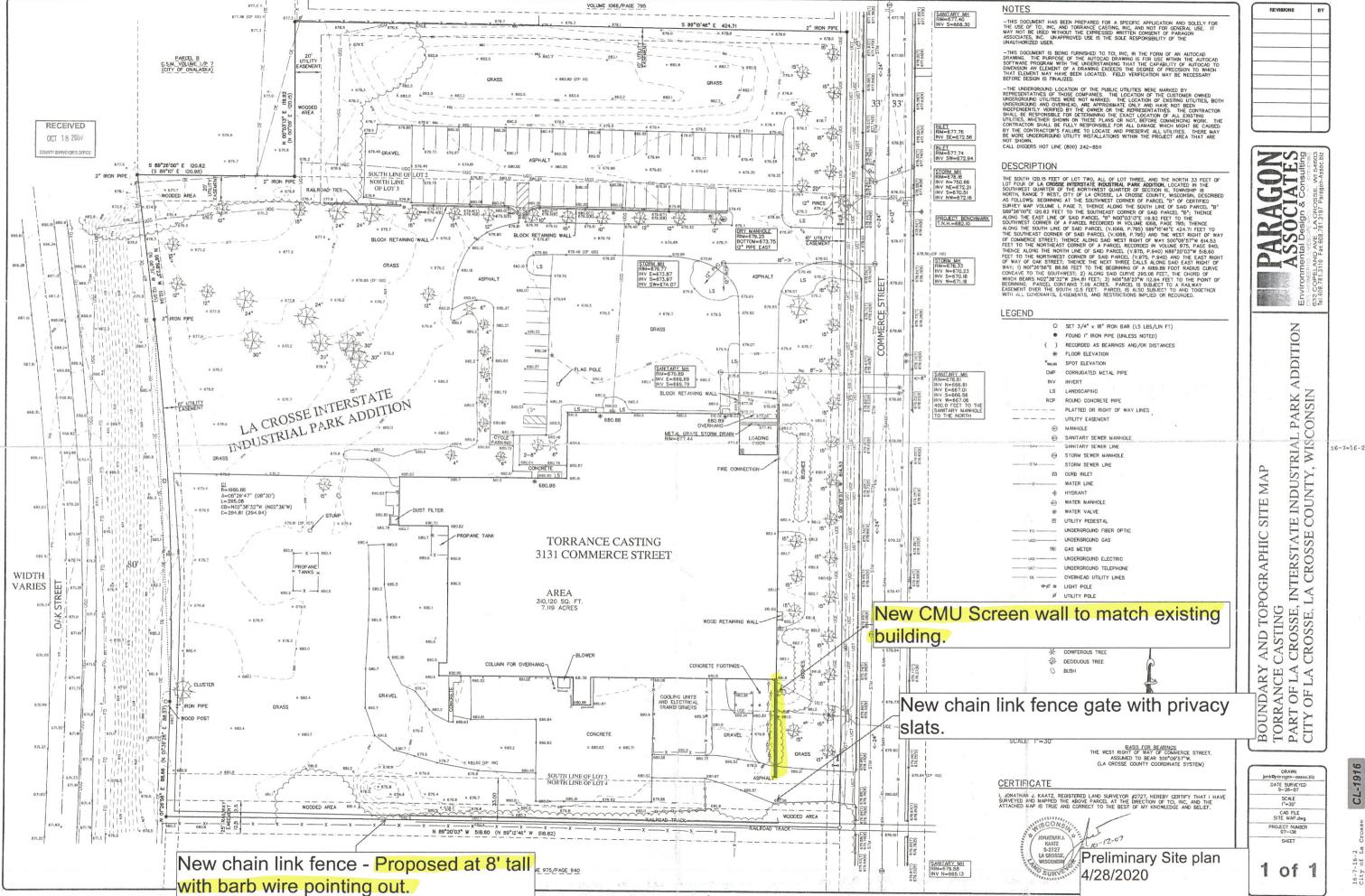




TORRANCE CASTING
3131 COMMERCE STREET
LA CROSSE, WISCONSIN
ARCHITECTURAL DRAWINGS

PREPARED FOR-DBS GROUP





16-7-16-2 City of La