



City of Onalaska Meeting Notice

COMMITTEE/BOARD: Board of Zoning Appeals
DATE OF MEETING: June 15, 2020 (Monday)
PLACE OF MEETING: City Hall – 415 Main Street
TIME OF MEETING: 6:30 P.M.

This meeting is being conducted via remote conferencing software due to a State of Emergency. Members of the public may call to listen in and provide public input at:

Meeting Link: <https://zoom.us/j/94008447788?pwd=VkIwSnNGSElsMmcyNHhyTGN6K0w5UT09>

- **Phone Number: 1-312-626-6799**
- **Meeting ID: 940 0844 7788**
- **Password: 54650**

PURPOSE OF MEETING

1. Call to Order and Roll Call
2. Approval of minutes from previous meeting
3. Public input: (limited to 3 minutes / individual)

Consideration And Possible Action On The Following Items:

4. **Public Hearing: Approximately 6:30PM (or immediately following the public input)** - Request for variance filed by Terry Weiland, 600 L Hauser Road, Onalaska, WI 54650 on behalf of Richard Gardner, N3553 Elm Drive, Stoddard, WI 54658 for the parcel located at 841 2nd Avenue Southwest, Onalaska, WI 54650, (Tax Parcel #: 18-951-7) to allow four (4) variances from the Unified Development Code with respect to the following:
 - Facing doors of new a personal storage facility to the street and side parcel boundaries;
 - Providing reduced perimeter fencing;
 - Reducing the street yard setback from ten (10) feet to one (1) foot adjacent to 2nd Avenue Southwest; and
 - Reducing the required number of parking stalls to serve the facility.

5. Adjournment

PLEASE TAKE FURTHER NOTICE that members of the Common Council of the City of Onalaska who do not serve on the Board may attend this meeting to gather information about a subject over which they have decision making responsibility. Therefore, further notice is hereby given that the above meeting may constitute a meeting of the Common Council and is hereby noticed as such, even though it is not contemplated that the Common Council will take any formal action at this meeting.

NOTICES MAILED TO:

Mayor Kim Smith	*Craig Breitsprecher
**Ald. Tom Smith	*Brent Larson
Ald. Jim Olson	*Gargi Chaudhuri
Vacant	*Kristen Odegaard
*Ald. Diane Wulf – Chair	
***Ald. Steven Nott	Terry Weiland
Ald. Dan Stevens	
City Attorney	
City Administrator	
La Crosse Tribune	
Dept. Heads	
Coulee Courier	
WKTY WLXR WLAX, WKBH	Onalaska Omni Center
WLSU WKBT WXOW	Onalaska Public Library

*Committee Members ** Alternate ***2nd Alternate

Date Notices Mailed and Posted: 6-9-2020

In compliance with the Americans with Disabilities Act of 1990, the City of Onalaska will provide reasonable accommodations to qualified individuals with a disability to ensure equal access to public meetings provided notification is given to the City Clerk within seventy-two (72) hours prior to the public meeting and that the requested accommodation does not create an undue hardship for the City.

Aspenson, Katie

From: D&M Recycling <dandmrecycling@aol.com>
Sent: Monday, June 15, 2020 1:42 PM
To: Aspenson, Katie
Subject: Easement
Attachments: Dean Nugent.vcf

Kate:
Please let it be known that D&M Recycling plans on working with Mr. Weland cooperatively on his construction. We look to be a good neighbor and help in any way possible.
Thanks
Dean Nugent





CITY OF ONALASKA

STAFF REPORT

Board of Zoning Appeals – June 15, 2020

Applicant:	Terry Weiland, 600 L Hauser Road, Onalaska, WI 54650
Property Owner:	Richard Gardner, N3553 Elm Drive, Stoddard, WI 54658
Site Address:	9522 East 16 Frontage Road, Onalaska, WI 54650
Parcel No:	18-951-7
Zoning District:	Light Industrial (I-1) District
Adjacent Land Uses:	Industrial and Commercial Businesses
Requested Action:	Request to allow four (4) variances from the Unified Development Code as described in detail below.

Background:

The property in question is zoned Light Industrial (I-1) and the variance request pertains to Tax Parcel # 18-951-7 (containing .48 acres) where the applicant intends to construct a personal storage / mini-warehouse facility. If the variance requests are approved and if the Board of Public Works acts to allow pavement of the boulevard, the project will further require Site Plan Review.

As shown in the attached proposed Site Plan, the mini-warehouse facility is shown to include a total of thirty-three (33) units, with twenty-five (25) units facing 2nd Avenue Southwest and eight (8) units facing the southern parcel line (D&M Recycling). The facility is shown with the following setbacks: street yard (one foot setback), rear yard (between 22' – 34' foot setback), and side yard setbacks (17' to the north and 15' to the south). The parking stalls appear to be setback two (2) feet from the southern parcel line, with a total of four (4) back-to-back parking stalls proposed immediately in front of the southern facing units. Lastly, the site plan shows partial fencing (20') from the southeast corner of the facility up the slope and partial fencing (17' and 5') from the northeast corner of the facility, again up the slope. No improvements are shown to the land directly east of the facility.

The proposed development requests four (4) variances from the Unified Development Code. Specifically, the first request is that the doors of the new personal storage facility face outward to both the street (2nd Avenue Southwest) and the southern parcel line. The second request is reduced perimeter fencing around the site, due to the slope on the eastern portion of the property. The third request is to reduce the street yard setback from ten (10) feet to one (1) foot adjacent to 2nd Avenue Southwest, due to the slope constraints. Lastly, the fourth request is to reduce the number of required parking stalls (a minimum of eight (8)) to four (4) parking stalls.

Public Hearing Notice:

A Public Hearing notice for the requested variance was posted on May 29th and June 5th, 2020 at least seven (7) days prior to the scheduled Public Hearing, and written notification was given to all neighboring parcels within two hundred and fifty (250) feet of said parcel.

Sections of the Unified Development Code from which Variances are being Requested:

1. Section 13.02.63.F.5.:
 - All doors to the storage units in new facilities shall be internally accessed; doors shall be internally facing and shall not face any street or property line.
2. Section 13.02.63.F.6.:

CITY OF ONALASKA

- The entire facility shall be secured by either the walls of the structure(s) and/or fencing, subject to the screening standards in Chapter 3, Division 5.
- 3. Table 13.02.25-1 Site Dimension Standards:
 - I-1: Street Yard Setback (minimum feet) is 10 feet.
- 4. Table 13.03.21-1 Off-Street Parking Spaces Required:
 - Storage facility, personal: 1 space per 1,000 square feet of storage space.

Consistency with the Comprehensive Plan:

The Comprehensive Plan's Future Land Use Plan identifies this parcel as an Industrial District. This district is intended to accommodate processing and manufacturing facilities, as well as those facilities that generate heavy truck traffic frequently, and are more likely to produce nuisance odors or sounds.

Decision Criteria:

The requested variance is an:

- Area variance – *Provides an increment of relief from a physical dimensional restriction such as a building height or setback. The applicant has the burden of proof to demonstrate that 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”.*¹
- Use variance – *Permits a landowner to put a property to an otherwise prohibited use. The applicant has the burden of proof to demonstrate that they would have no reasonable use of the property without a variance.*¹

For the Board of Zoning Appeals to grant a variance, it must find that all the following criteria are met²:

Criteria #1: Unnecessary hardship due to the unique physical limitations of the property and not the particular circumstances of the applicant. The unnecessary hardship must not be self-imposed by the applicant or prior owners of the property. Further, economic loss or financial hardship cannot serve as the basis for justifying a Variance.

Variance Request #1: The property in question has a steep slope on the eastern side and the proposed development maximizes nearly all of the “flat” land and appears to require some excavation of the slope to accommodate the structure. The applicant states there is limited room on the eastern side of facility for the doors to be placed on the interior, which is also the basis of the request for #3 below. While this fact is not disputed, City Staff have found other options that could exist to accomplish mini-storage warehousing at this site that would not require a variance request, such as reducing the number of storage units and/or size of the units, reconfiguring the building, and or separating the structure into multiple structures. These actions however would likely reduce the overall economic value of the development and economic loss and/or financial hardship cannot serve as the basis for the variance. **No, criteria has not been met.**

Variance Request #2: The applicant is proposing to install fencing in two areas that will not fully contain the site. The two areas would join the building to the steep slope on the eastern side of the parcel. Due to the slope, the proposed fencing appears to be sufficient as the fencing would connect the slope to the building. The unsecured property includes slope that would be very difficult to access for pedestrians and would be inaccessible for vehicles. **Yes, criteria met.**

Variance Request #3: Due to the notable slope on the eastern side of the property, there is approximately 20-28’ feet of “flat” land that is immediately available for development along the western parcel line (street yard). The proposed plan maximizes this space in entirety for buildings, with

¹ Markham, L. & Roberts, R. (2006) *Zoning Board Handbook: For Wisconsin Zoning Board of Adjustment and Appeals* (2nd ed.).

² As required by Sec. 13-8-44, Code of Ordinances, City of Onalaska, Wisconsin.

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approximately half of the facility requiring a retaining wall of sort to accommodate the building. The proposed location of the structure is the most cost-effective from a development standpoint that would require the least amount in retaining wall costs. Further, the parcel itself is irregular with a triangular shape, yet it does meet all minimum lot size standard criteria. **Yes, criteria met.**

Variance Request #4: The applicant proposes four (4) parking stalls, while a minimum of eight (8) stalls are required. According to the applicant, temporary parking would occur in the boulevard area (if allowed to be paved, if approved by the Board of Public Works and Common Council) in front of the units, with no parking stalls individually identified. This area would be treated more as a driveway than actual parking. The location of the four (4) identified parking stalls are parallel to the southern property line, are considered “double parked” and are located in front of the unit doors. City Staff again considers this area a driveway providing access to the units, rather than actual parking stalls. If a parking stall was occupied in the middle, there is not enough area to maneuver around a vehicle and would block entrances to units. Further, the applicant shows the “parking spaces” immediately adjacent to the property line. Parking lots are to be located a minimum of five (5) feet from a property line and driveways are required to be located a minimum of three (3) feet from a property line. Approving this variance would reduce either the parking lot/driveway setbacks to zero (0). Overall, if the applicant were to reduce the number of storage units the development would allow for the required and/or reduced parking stalls. **No, criteria has not been met.**

Criteria #2: The Variance will not create a detriment to an adjacent or neighboring property, and will not be contrary to the public interest or public safety.

Variance Request #1: The City’s Unified Development Code was adopted in March 2020. The City took care to institute new standards for personal storage facilities and this request is in direct opposition to the new standards. Reasons for the new standards include providing traffic control and security of items of customers and site visual enhancement. Therefore, City Staff find the request to be contrary to the public interest. While slope issues do exist, reducing the number of storage units and/or size of the units, reconfiguring the building, and or separating the structure into multiple buildings would allow for the doors to face internally without a need for a variance. **No, criteria has not been met.**

Variance Request #2: The proposed fencing would act as a barrier to reduce non-customer access to the site, increasing public safety for the use. **Yes, criteria met.**

Variance Request #3: Multiple businesses along 2nd Avenue Southwest have reduced street yard setbacks. The request would not create a detriment to neighboring properties. **Yes, criteria met.**

Variance Request #4: The applicant is proposing to provide up to four (4) off-street parking spaces to serve the entire development. As stated previously, the applicant requests to pave the City boulevard and utilize the right-of-way as “temporary parking”. Additionally, if a sidewalk were to be installed in the boulevard, it is likely that customers may “overlap” into this area, creating a hazard for pedestrians. Outside of the use of the boulevard, the applicant is not proposing any drives and/or off-street parking for 32 of the units. Overall, if the applicant were to reducing the number of storage units the development would allow for the required and/or reduced parking stalls. **No, criteria has not been met.**

Criteria #3: The Variance shall not have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection that the flood protection elevation for the particular area or permit standards lower than those required by state law.

Variance Request #1: Property is not located in a floodplain. **Yes, criteria met.**

Variance Request #2: Property is not located in a floodplain. **Yes, criteria met.**

Variance Request #3: Property is not located in a floodplain. **Yes, criteria met.**

Variance Request #4: Property is not located in a floodplain. **Yes, criteria met.**

Staff recommends the following regarding the proposed variances:

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- **Approval** of Variance Requests #2 & #3.
- **Denial** of Variance Requests #1 & #4.

Staff recommends the request for Variances #1 and 4 be denied as they do not meet the statutory or local criteria for the issuance of a variance as described above. While each variance must be looked at and considered independently, each variance is required for the project to move forward, in addition to approval by the Board of Public Work to pave the City's right of way. If the Board of Zoning Appeals should approve the variance request(s), at a minimum Staff recommends the following Conditions of Approval:

- 1) Use of the adjacent boulevard (conversion from grass to pavement) for the purpose indicated on the proposed Site Plan (access and temporary parking) contingent upon the approval by the Board of Public Works and Common Council. *(Condition only if approve Variance #1.)*
- 2) Comply with any/all restrictions by Xcel Energy and comply with the 2017 National Electric Safety Code, Article 232 and Table 234-1. If unable to construct the building in the proposed configuration due to Xcel Energy restrictions, reapplication of variance and/or other City permits may be required.
- 3) Property owner to obtain Site Plan Permit, Building Permits, and State Plan Approvals as needed prior to construction activities.
- 4) Any omissions of any conditions not listed shall not release the property owner/developer from abiding by the City's Unified Development Code requirements, as amended.
- 5) All conditions run with the land and are binding upon the property owner and all heirs, successors, and assigns. The sale or transfer of all or any portion of the property does not relieve the original property owner from meeting any conditions.



CITY OF ONALASKA

415 MAIN STREET
ONALASKA, WISCONSIN 54650-2953

PLANNING / ZONING DEPARTMENT

Request for Variance

Board of Zoning Appeals, City of Onalaska, WI

Application Fee: \$300.00

Date 5/19/20

I (we), Terry Weiland (future owner), ~~the owner(s)~~ of the following described property, do hereby make request to appear before the Board of Zoning Appeals to seek a variance from the Unified Development Code requirement that:

allow construction of building with 30 storage units
See Attachment A

For the purpose of:

rental

DESCRIPTION OF PROPERTY:

Tax Parcel # 18-951-7 Property Address: 841 2nd Ave SW

- PLEASE ATTACH: Application Fee of \$300.00
 Copy of Plot/Site Plan (as described on Page 2 of the application).

Owner Information – (attach additional sheet if more room is needed)

Name of Owner (printed) RICK GARDNER	Phone Number 608-780-8136	Address N3553 Elm DR.
Signature DocuSigned by: Richard Gardner <small>F3F471F9B18149E</small>		City, State, Zip Stoddard WI 54658

Contact Person if other than Owner

Name of Contact (printed) Terry Weiland	Phone Number 608-792-6348	Address 600 L. Hauser Rd
Signature 		City, State, Zip Onalaska, WI 54650

Request for Variance – CITY OF ONALASKA, WI

Please answer the following questions to help the Board of Zoning Appeals understand your requested variance. Your answers will be provided to the Board of Zoning Appeals as part of your application. As required by Sec. 13.05.23., Unified Development Code, in order for the Board of Zoning Appeals to grant a variance, it must find that the following criteria are met.

1. Unnecessary Hardship: Unnecessary hardship due to the unique physical limitations of the property and not the particular circumstances of the applicant. The unnecessary hardship must not be self-imposed by the applicant or prior owners of the property. Further, economic loss or financial hardship cannot serve as the basis for justifying a Variance. Explain how your appeal meets this criterion.

See Attachment B

2. The Variance will not create a detriment to an adjacent or neighboring property, and will not be contrary to the public interest or public safety. Explain how your appeal meets this criterion.

See Attachment C

3. The Variance shall not have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area, or permit standards lower than those required by state law. Explain how your appeal meets this criterion.

Attachment A

I'm interested in developing this lot, to construct storage units, there are quite a few complications with this lot. Currently, the lot is zoned properly for this particular use, but the narrowness of the lot, overhead powerlines and extreme slope on the Eastern side(rear) will need a few code variances to accomplish this. The overhead powerlines are an issue that enables anyone from building something to occupy.

Attachment B

Below are the code sections that I am seeking relief from in order to build on the property specified on the Request for Variance:

Section 13.02.63.F

- (1) We are asking for the doors to be able to face the street and South lot line. The steep slope makes it impossible to access the other sides of the building. We are giving some thought to have the doors and walls the same color to help the look of the building.
- (2) Fencing will be installed to North and South East end of the building into the slope. The remainder of the lot is unwalkable due to the steep slope.
- (3) Front lot line to curb will be paved.

Table 13.02.25-1

In order to build any kind of building with value, I'm requesting the front setback to be reduced from 10ft to 1ft. The building will not look out of place with this modified setback as existing properties to the North and South have less than 5 feet of setback from the existing street.

Building a retaining wall is not an option because the severity of the slope.

Note: Existing structure (scale) on the lot is at a 0 setback.

Table 13.02.21

With the present design I can accommodate 4 parking stalls on the South side. In the front of the building we will be able to use the paved area between curb and building. In general, I do not want to allow long-term parking, only parking for short periods of time as they are loading and unloading units.

Attachment C

The variance requests would not affect business for any of the adjoining properties which include; a recycling center and lumber yard.

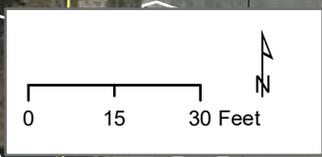
City of Onalaska, WI

841 2nd Ave SW Building & Contours

-  Proposed Building
-  Xcel Power Line
-  Proposed Parking Stalls
-  Parcel Boundary

Map Designer: Katie Aspenson, AICP
Date: 6/8/2020

2ND AVE SW



This map is to be used for reference purposes only. Every effort has been made to make this map as accurate as possible.

**NOTICE OF PUBLIC HEARING
BEFORE THE CITY OF ONALASKA
BOARD OF ZONING APPEALS**

Please take notice that the Board of Zoning Appeals for the City of Onalaska will hold a public hearing on:

**MONDAY, JUNE 15, 2020
APPROX. 6:30 P.M.
(or immediately following public comment)**

The location of the public hearing will occur digitally and the Board of Zoning Appeals agenda will provide information for how the public may participate remotely during the meeting and associated public hearing.

In particular at this time, the Board of Zoning Appeals will consider an application filed by Terry Weiland, 600 L Hauser Road, Onalaska, WI 54650 on behalf of Richard Gardner, N3553 Elm Drive, Stoddard, WI 54658 for the parcel located at 841 2nd Avenue Southwest, Onalaska, WI 54650 to allow four (4) variances from the Unified Development Code with respect to the following:

- Facing doors of new a personal storage facility to the street and side parcel boundaries;
- Providing reduced perimeter fencing;
- Reducing the street yard setback from ten (10) feet to one (1) foot adjacent to 2nd Avenue Southwest; and
- Reducing the required number of parking stalls to serve the facility.

Property is more particularly described as:

Tax Parcel: **18-951-7**

Section 08, Township 16, Range 07

CERTIFIED SURVEY MAP NO. 137 VOL 3 DOC NO. 986492 PRT LOT 3 BEG NW COR LOT 3 S2D18M17SW 306FT S87D 18M23SE 121.50FT N4D28MW 53.79FT N41D2MW 79.12FT N6D 44MW 74.76FT N3D11M23SW 124.11FT S89D58M56SW 37.25FT TO POB SUBJ TO ESMT IN V1112 P401

More detailed information on this item and a map of properties within 250' of the subject property will be posted to the City of Onalaska website www.cityofonalaska.com the Friday before the scheduled meeting under Agendas & Minutes/Board of Zoning Appeals. This posting will contain the Board of Zoning Appeals Agenda and all attachments referencing this item.

Dated this 29th day of May, 2020.

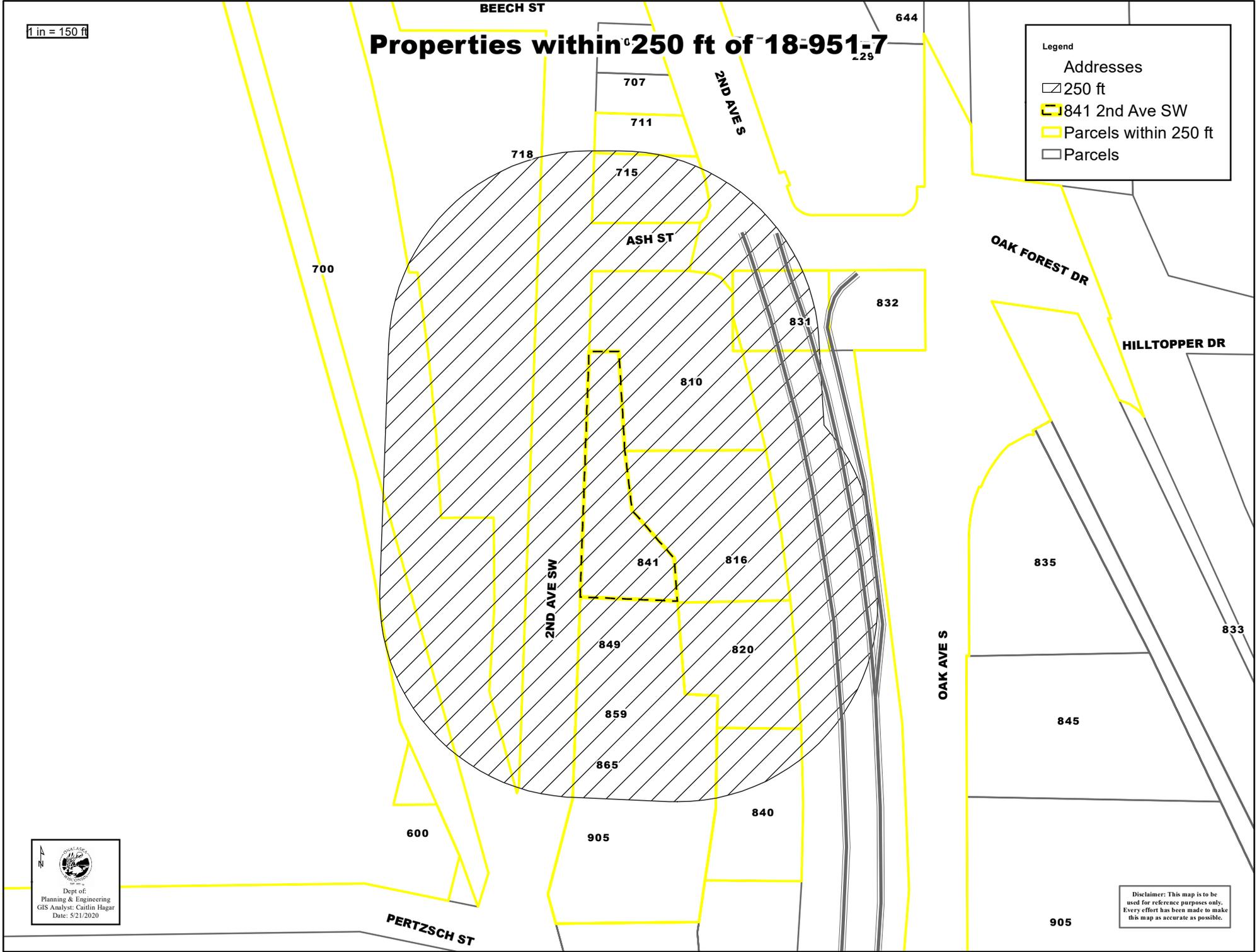
Katie Aspenson, AICP
Planning Manager

1 in = 150 ft

Properties within 250 ft of 18-951-7

Legend

- Addresses
- ▨ 250 ft
- ▭ 841 2nd Ave SW
- ▭ Parcels within 250 ft
- ▭ Parcels




 Dept of:
 Planning & Engineering
 GIS Analyst: Caitlin Hagar
 Date: 5/21/2020

Disclaimer: This map is to be used for reference purposes only. Every effort has been made to make this map as accurate as possible.

New Condition #6:

Applicant to be in compliance with all easements of record. Applicant/owner to provide the Planning Department copies of all new easements after recording at the La Crosse County Register of Deeds prior to issuance of a Site Plan Permit.