

**Board of Zoning Appeals**

**of the City of Onalaska**

Monday, April 15, 2019

1

1 The meeting of the Board of Zoning Appeals was called to order at 6:30 p.m. on Monday, April  
2 15, 2019. It was noted that the meeting had been announced and posted at City Hall.

3  
4 Roll call was taken, with the following members present: Ald. Diane Wulf, Ald. Jim Binash  
5 (alternate serving in place of Brent Larson), Craig Breitsprecher, Bob Wehrenberg, Kristen  
6 Odegaard

7  
8 Also Present: City Administrator Eric Rindfleisch, City Clerk Cari Burmaster

9  
10 Excused Absence: Brent Larson

11  
12 **Item 2 – Approval of minutes from the previous meeting (November 19, 2018)**

13  
14 Motion by Craig, second by Ald. Binash, to approve the minutes from the previous meeting as  
15 printed and on file in the City Clerk’s Office.

16  
17 On voice vote, motion carried.

18  
19 **Item 3 – Public Input (limited to 3 minutes per individual)**

20  
21 Ald. Wulf called three times for anyone wishing to provide public input and closed that portion  
22 of the meeting.

23  
24 **Consideration and possible action on the following items:**

25  
26 **Item 4 – Public Hearing: Approximately 6:30 p.m. (or immediately following public input)**  
27 **– Request for variance filed by Nicholas Roush of Roush Rentals (DNC Holdings, LLC),**  
28 **707 La Crosse Street, Office 102, La Crosse, WI 54601 who requests to appear before the**  
29 **Board of Zoning Appeals for the purpose of requesting a variance for the required number**  
30 **of parking spaces needed for the construction of a new multifamily housing development at**  
31 **the property located at 9522 Highway 16 Frontage Road, Onalaska, WI 54650**

32  
33 Ald. Wulf reviewed the Order of Business for Public Hearing per Development Review  
34 Procedures Appeal, Section 13-8-42 (g), Order of Business:

35  
36 General Hearing:

- 37  
38 • Statement of the nature of the case by the chairperson (Ald. Wulf).  
39 • Appellate side of the case (Applicant).  
40 • Questions from the Board of Zoning Appeals members.  
41 • Land Use and Development Director’s side (City Administrator Rindfleisch).

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- 42 • Questions from the Board of Zoning Appeals members.
- 43 • Statements from interested persons such as neighbors or abutting land owners.
- 44 • Questions from the Board of Zoning Appeals members.
- 45 • Appellate rebuttal.

46

47 Ald. Wulf invited the applicant to address the board and explain the variance request.

48

49 **Nicholas Roush, Roush Rentals**  
50 **707 La Crosse Street, Office 102**  
51 **La Crosse**

52

53 “The reason for this request is we’ve been working very closely with [the] Planning  
54 [Department] and the City of Onalaska in the context of the last year and a half in putting this  
55 project together. What we’ve seen over the context of time is some shifts in marketplace  
56 demand and a desire to adjust the quantity of a certain number of bedroom units in this project.  
57 What we’re seeing is a couple of big trends. One, workforce housing is a huge need for our area  
58 as we expand what’s happening in the greater Onalaska/La Crosse area, and the Seven Rivers  
59 Region. In doing that, we see a drop in density units, meaning the less turn from two and three  
60 bedrooms down to more one- and two-bedroom demands, and it seems a pretty substantial  
61 change that we’re deserving. And along with that, a high desire for community spaces, amenities  
62 – all the things that can come along with the place that people live, which we always had intent  
63 of creating. What we would like to do is shift the quantity of units to a higher quantity of units,  
64 but a lower total quantity of bedrooms.

65

66 If you had an opportunity to review the cover letter and some of the map that I sent out ... I  
67 brought some of it with me and if you want to see it again, you sure can. Really, it’s actually a  
68 reduction in total bedrooms. But the catch comes in where the City of Onalaska ordinance  
69 surrounding quantity of parking spaces versus multifamily, it directly relates to the number of  
70 units. The number of apartments doesn’t necessarily directly correlate to demand for parking.  
71 The idea when those rules were created is that you would have two parking stalls per apartment,  
72 per unit. What we’ve seen from data and industry-driven direction is that it’s moving in the  
73 direction of doing parking stalls per bedroom because that more closely relates to the actual  
74 parking demand at a multifamily facility. What we’re asking for is, we are actually raising the  
75 number of units, but we’re lowering the number of bedrooms. So by Onalaska statute, that in  
76 fact would require more parking spaces even though there would be less people in the  
77 development. What we would like to do is maintain our parking lot of the same size, but get  
78 some discretion in the reduction of required parking so that the parking more closely matches  
79 bedrooms and not quantity of apartments. ... That is the premise of our request: that the parking  
80 demand match up with the quantity of bedrooms versus quantity of units.”

81

82 Ald. Wulf asked board members if they wish to ask the applicant questions.

83

Reviewed 4/17/19 by Cari Burmaster

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84 Ald. Wulf asked Nicholas, “Technically, if you were to go according to what is on our books,  
85 you should have to build 158 parking stalls. You’re looking to remain at 130, so you’re asking  
86 for a variance of 28 parking spots.”

87  
88 Nicholas told Ald. Wulf she is correct.

89  
90 Ald. Binash asked Nicholas if there also will be a commercial development such as a coffee shop  
91 or gymnasium space.

92  
93 Nicholas told Ald. Binash there will not be any commercial space for rent as the project will be  
94 purely residential, and he said the amenities that will be produced and included with tenant rent  
95 include community rooms an included fitness room. Tenants also will receive indoor storage,  
96 which Nicholas said is crucial in storing seldom-used items such as Christmas decorations and  
97 luggage.

98  
99 Ald. Binash asked Nicholas if he has given any consideration to the amount of available on-street  
100 parking, noting tenants could have roommates, and couples might occupy the one-bedroom units,  
101 thereby possibly creating more parking than available parking spaces

102  
103 Nicholas said he has taken that under consideration and told Ald. Binash, “By the parking spots  
104 versus bedroom count, theoretically we would need a lot of 118 spaces. We’re not asking to  
105 reduce the size of the lot. We would still leave it as large as we can. That’s so we leave space  
106 for guest parking, two people in a one-bedroom [apartment] – those types of things. The other  
107 thing that we see looking on the cross-section of car ownership is that car ownership is kind of  
108 on the drop right now. We don’t see a direct ratio of bedrooms versus cars. Our actual ratio of  
109 cars versus bedrooms in all of our places is about 0.7 cars per bedroom. So if we do that math,  
110 my prediction would be ... [if] we have about 120 bedrooms at 0.7 apiece, our actual parking  
111 density is probably closer to about 80 cars. I’m thinking that between second cars in one-  
112 bedroom apartment and guest spaces, we should have a lot. The reason I want to make that  
113 accommodation is, on the street is a long way away. If you look at the layout of the site, it’s not  
114 just there isn’t a lot of it, it’s that it’s not very close by. If you are in the building closest to No. 1  
115 at La Crosse Country Club, you’re 600 feet away from the frontage road. I think what we see in  
116 our data at that typical density of 0.7 spaces per unit that we should have ample space. We’re  
117 actually hoping to not have to permit the lot to police it, and that it will be self-policing because  
118 there will be enough space in the lot.”

119  
120 Ald. Binash asked Nicholas if he has thought about how much he will charge for rent.

121  
122 Nicholas said yes and told Ald. Binash, “That’s one of the big pieces we see that ties in with  
123 workforce housing. It’s our hope to have options at multiple price points. We have the option  
124 for the empty-nester who has just sold their home. Money is not an issue for their household, but  
125 they have the desire to live in a pretty spot and close to a lot of amenities, and so there’s an

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126 option for them. Then there is the beginning option, which is the recent college graduate [who  
127 is] moving to Onalaska [and] just got a job at Kwik Trip or Aldi or Woodman's, [has] a solid  
128 rent budget and [is] looking for a one-bedroom apartment that isn't \$1,400 a month. I see our  
129 beginning price points at one-bedroom apartments probably somewhere between \$800 and \$850,  
130 so that brings in a lot of range of affordability for that fresh out of college, first job, first  
131 opportunity. Then probably I would say the two-bedroom apartments in the right spot with the  
132 right view would probably top out somewhere around \$1,200. I see that range of rents in the  
133 whole project, but wanting to offer something for every budget. We've seen in our other places  
134 it's a really healthy living situation when you have people from multiple incomes and multiple  
135 generations in the same building. They all get to know each other, and it kind of creates this  
136 little village and they look out for each other and they let us know what's going on. They let us  
137 know when there's trouble. They let us know what's happening. I just love it when it has an  
138 opportunity to work itself out because of the range of affordability."

139

140 Craig asked Nicholas if the workout and storage spaces are strictly for the individuals residing in  
141 the apartments.

142

143 Nicholas said yes, noting the facilities Craig had mentioned have been added to other Roush  
144 Rentals properties. Nicholas said those buildings are secure and only accessible by tenants.

145

146 Bob inquired about additional amenities that will be available to tenants.

147

148 Nicholas said there will be a barbeque grill location, an edible food forest that includes berries,  
149 and a creek running through the site. Nicholas said three stories will overlook the creek, and  
150 there will be a walking path going below the building that will follow the creek, wraps along  
151 Hole No. 1 at the La Crosse Country Club, and circles back.

152

153 Bob inquired about the percentage of couples versus singles in Roush Rentals' one-bedroom  
154 apartments in the City of La Crosse.

155

156 Nicholas told Bob all of the one-bedroom units are singles and said, "What we see is it's really  
157 important to offer different types of housing that create what I call the 'chain of custody in  
158 housing,' meaning, do I have somewhere for you to live when you're in college? Do I have  
159 somewhere for you to live when you're a fresh graduate? Do I have somewhere for you to live  
160 when you're just at the point of household formation – you're going to get married, maybe there  
161 are going to be kids? Do I have somewhere for you to live after that happens? Do I have  
162 somewhere for you to live, empty nest? And do I have somewhere for you to live when you  
163 can't take care of yourself anymore? ... What we see for the dual income, no kids, meaning they  
164 just got together, maybe they're not married yet, maybe they are. They both have a job. Kids  
165 haven't happened, so they haven't bought a house. We typically see that they want two beds  
166 because they have a lot of stuff. That extra room is somewhere for mom and dad or brother or  
167 sister to sleep when they visit. Or it's their office that has a bed in it for whatever. What we see

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168 for the one-bedroom apartments is it's either the single empty nester, or it's the, I'm fresh out of  
169 college, first job, and I don't have the significant other in my life yet. ... That's what our  
170 demographics show us of who those customers are. I would say right now all of our one-  
171 bedroom apartments are singles. I can't think of any that have a couple in them. We have a  
172 couple couples who want them, but we're out. They're instantly full as soon as they open."

173

174 Bob said he was concerned there would be couples that own two cars residing in the one-  
175 bedroom apartments, thereby causing complications when there are 28 fewer parking spots.

176

177 Nicholas said there would be a surplus of 12 parking spots when examining bedroom count  
178 versus parking stall count, noting there would be 130 parking spots versus 118 bedrooms.  
179 Nicholas referred back to the 0.7 cars per bedroom ratio and said it is "pretty solid" among all of  
180 Roush Rentals' properties. Nicholas said he thinks the true-car density, if it were cars per  
181 bedroom, would be between approximately 80 to 90 automobiles for tenants. The remainder of  
182 the stalls would be for guests or for secondary automobiles if there are two tenants in a one-  
183 bedroom apartment. Nicholas said that while some on-street parking is needed, "I don't see that  
184 being too much of a challenge."

185

186 Bob noted he also owns rental properties and said he has been told there is not enough parking at  
187 his properties. Bob asked Nicholas if there will be stalls set aside for visitors.

188

189 Nicholas said stalls for visitors will not be set aside unless it is necessary, adding it is his hope  
190 there is a sufficient parking buffer so that parking will not have to be permitted and policed.

191 Nicholas said he does not envision neighbors parking in the lot due to the location of the site,  
192 which he described as being isolated.

193

194 As there were no further questions from board members, Ald. Wulf invited City Administrator  
195 Rindfleisch to make his presentation.

196

197 City Administrator Rindfleisch highlighted the following points from the staff report:

198

199 • The property in question is zoned Multifamily Residential (R-4), and the variance request  
200 pertains to Tax Parcel No. 18-3613-3, which contains 4.64 acres, where the applicant  
201 intends to construct two multifamily apartments, garages, and off-street parking.

202 • The applicant rezoned the parcel to Multifamily (R-4) and obtained a Conditional Use  
203 Permit to allow two principal structures on a single parcel in 2018. The project is  
204 currently under Site Plan Review, with final design contingent upon the outcome of this  
205 variance request.

206 • As shown in the Site Plan, the proposed number of parking stalls includes 46 garage  
207 spaces and 84 surface parking spaces, totaling 130 parking stalls (minimum required for  
208 65 multifamily dwelling units). The applicant intends to increase the number of dwelling  
209 units to 79, while at the same time reducing the overall bedroom count (no three-bedroom

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210 apartments; only one- and two-bedroom units are now proposed). This change would  
211 require an additional 28 parking stalls to meet the Unified Development Code parking  
212 minimum requirements. The applicant notes that the total number of bedrooms from the  
213 original proposal (a mixture of one-, two-, and three-bedroom units) would decrease from  
214 130 bedrooms to 118 bedrooms, thereby decreasing the overall density of the  
215 development. As stated by the applicant, bedroom counts versus overall dwelling unit  
216 counts is a better predictor of overall project density.

- 217 • The parcel in question is 4.64 acres and nearly 50 percent of the parcel is “unbuildable.”  
218 The parcel contains a stream channel along the western parcel line, which is shown on the  
219 Site Plan, in addition to wetlands near the center of the parcel. Per Wisconsin  
220 Department of Natural Resources requirements, no development may occur within 50  
221 feet of the wetland boundary. This WDNR rule is meant to protect environmental aspects  
222 of the parcels, and in effect, reduces the amount of buildable land for the overall parcel.
- 223 • If the parcel had been 5 acres, the applicant would have applied for a Planned Unit  
224 Development to account for the environmental characteristics of the site and been able to  
225 request a parking reduction through that process. As the parcel does not meet PUD  
226 requirements, meaning a 5-acre minimum, the only option to reduce the number of  
227 parking spaces for the development is through the variance request process.

228  
229 City Administrator Rindfleisch noted the section of the Zoning Code from which the variance is  
230 being requested is Section 13-7-10, Code of Ordinances, City of Onalaska, Wisconsin, which  
231 states the use is Dwellings: Multifamily, two-family, and the minimum parking required is two  
232 stalls for each dwelling unit, with no back-to-back parking. The requested variance is an area  
233 variance. City Administrator Rindfleisch then addressed the following criteria set forth in  
234 Section 13-8-44 as follows:

- 235  
236 **1. Denial of the variance may result in hardship to the property owner (or intended use)**  
237 **due to physiographical consideration. There must be exceptional, extraordinary or**  
238 **unusual circumstances or conditions applying to the lot or parcel, structure, use or**  
239 **intended use that do not apply generally to other properties or uses in the same district,**  
240 **and the granting of the variance would not be of so general or recurrent nature as to**  
241 **suggest that the Zoning Code should be changed.**

242  
243 City Administrator Rindfleisch said the criteria has been met. This parcel has been available for  
244 a considerable amount of time, with multiple inquiries for potential development. But due to site  
245 constraints, the development opportunities fell through. The constraints in particular include the  
246 following: stream channel, steep slopes, wetlands, and a 50-foot wetland setback, which total  
247 nearly 50 percent of the 4.64 acres. The applicant has shown in the Site Plan a creative design to  
248 maximize the remaining buildable land to contain two multifamily apartments and associated  
249 parking. Of the 4.64 acres, the applicant is proposing 2 acres of impervious surface which  
250 includes the buildings (38,462 square feet) and 1.12 acres of surface parking/drive aisles to meet  
251 original minimum parking standards. Very few parcels in the City of Onalaska have the degree

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252 of environmental characteristics that prohibit development as found in the parcel in question.

253

254 **2. The conditions upon which a petition for a variance is based are unique to the property**  
255 **for which variance is being sought, and that such variance is necessary for the**  
256 **preservation and enjoyment of substantial property rights possessed by other**  
257 **properties in the same district and same vicinity.**

258

259 City Administrator Rindfleisch said the criteria has been met. Other Multifamily Residential (R-  
260 4) zoned parcels developed in the last five years have not had the noted environmental  
261 characteristics. Generally, these R-4 sites, while some are smaller than others, are flat with few  
262 constraints outside of required setbacks. As nearly 50 percent of the parcel in question is  
263 unbuildable due to environmental constraints, this is a unique situation as compared to other  
264 multifamily developments seen by the City of Onalaska. Further, there have been a number of  
265 other multifamily developments that have pursued the option of Planned Unit Developments as  
266 they are larger than 5 acres, and in every case the applicant requests and receives reductions in  
267 parking stall requirements. This option is not available to the parcel to the applicant in question  
268 as it is 4.64 acres overall.

269

270 **3. The purpose of the variance is not based exclusively upon a desire to increase the value**  
271 **or income potential of the property.**

272

273 City Administrator Rindfleisch said the criteria has been met. There is no indication that the  
274 purpose of the requested variance is based exclusively upon value or income potential  
275 motivations. As stated by the applicant, the intention is to increase the number of dwelling units,  
276 but decrease overall density through number of available bedrooms. The reason for this change  
277 is to accommodate demonstrated market conditions for multifamily developments and provide  
278 smaller, workforce housing options for new and existing residents in Onalaska.

279

280 **4. The granting of the variance will not be detrimental to the public welfare or injurious**  
281 **to the other property or improvements in the neighborhood in which the property is**  
282 **located.**

283

284 City Administrator Rindfleisch said the criteria has been met. The requested variance is not  
285 believed to be detrimental to adjacent properties or the public welfare. However, as public  
286 hearing will be held, testimony from the public should be listened to and considered before  
287 deciding on the requested variance.

288

289 **5. The proposed variance will not undermine the spirit and general and specific purposes**  
290 **of the Zoning Code, specifically the standards of Section 13-1-6.**

291

292 City Administrator Rindfleisch said the criteria has been met. The requested variance is not  
293 believed to undermine the spirit of the Zoning Code as the development upholds legislative

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294 purpose and intent of the Zoning Code Sections 13-1-6 (c) & (h), which state, “to protect the  
295 character and stability of the residential, business, manufacturing and to other districts within  
296 the city, and to promote the orderly and beneficial development thereof,” and “to stabilize and  
297 protect existing and potential property values and encourage the most appropriate use of land  
298 throughout the city.”

299  
300 City Administrator Rindfleisch said city staff recommends approval of the proposed variance, as  
301 staff believes that all five criteria have been met. City Administrator Rindfleisch said should the  
302 board approve the variance request, city staff recommends the following three Conditions of  
303 Approval:

- 304
- 305 1. Property owner to obtain Site Plan Permit, Building Permits, and State Plan Approvals as  
306 needed prior to construction activities.
  - 307
  - 308 2. Any omissions of any conditions not listed shall not release the property owner/developer  
309 from abiding by the City’s Unified Development Code requirements.
  - 310
  - 311 3. All conditions run with the land and are binding upon the property owner and all heirs,  
312 successors, and assigns. The sale or transfer of all or any portion of the property does not  
313 relieve the original property owner from meeting any conditions.
  - 314

315 Ald. Wulf asked board members if they wish to ask City Administrator Rindfleisch questions.

316  
317 Bob asked if a request for more parking stalls would not be necessary if the apartment complexes  
318 were not so large.

319  
320 City Administrator Rindfleisch said, “If the building would be smaller than it would be, but that  
321 would go back to the whole reason it hasn’t been developed yet in the first place. It would not be  
322 economically feasible to do so in a smaller property amount.”

323  
324 Bob said he believes it is “almost a self-inflicted hazard” if the building is large, stating, “You’re  
325 making it so big that there’s no room to park.”

326  
327 City Administrator Rindfleisch said that in terms of economic feasibility, staff would find that a  
328 smaller building would not be economically feasible, “and therefore we’re back to where we’ve  
329 been historically over the last several decades where the partial is available and is not being used  
330 to its highest and best use.” City Administrator Rindfleisch also noted the applicant could apply  
331 for a PUD if the property were 5 acres and said, “History shows that no developments of an  
332 apartment complex of large size have not been allowed to reduce the parking spots.”

333  
334 Bob said, “When you buy a lot, you have to build to what it gives you,” and he asked if the  
335 purpose of the variance is based on income.

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336

337 City Administrator Rindfleisch said it is not based on income and told Bob it is based on  
338 physiographical consideration of the parcel itself.

339

340 Bob admitted it is a difficult parcel on which to build as a majority of the parcel cannot be  
341 utilized.

342

343 As there were no further questions, Ald. Wulf welcomed statements from interested persons such  
344 as neighbors or abutting landowners.

345

346 Ald. Wulf called three times for anyone wishing to speak in favor of the requested variance and  
347 closed that portion of the meeting.

348

349 Ald. Wulf called three times for anyone wishing to speak in opposition to the requested variance  
350 and closed that portion of the meeting.

351

352 Ald. Wulf welcomed questions from board members either for Nicholas or City Administrator  
353 Rindfleisch.

354

355 As there were no questions either for Nicholas or City Administrator Rindfleisch, Ald. Wulf  
356 welcomed final comments from Nicholas.

357

358 Nicholas said he believes the criteria has been met, and he told Bob it would be possible to take a  
359 closer look at the Site Plan, which he has brought with him this evening. Nicholas said, "We  
360 looked a lot at what it would take to accommodate more parking spots. The way that the site  
361 lays out, it ends up being very long and very thin. You can only build a building so narrow so  
362 that you can have a unit on one side and a unit on the other. You can't get any narrower. ...  
363 Between a sidewalk and a parking stall and a drive aisle and a garage, that can only get so  
364 narrow by state code. So what happens is this cross section is the limiting factor how much we  
365 can fit in the cross section. That's why for decades everybody has turned around on the site. For  
366 us to make the building smaller, they could get narrower this way. But you can't put parking  
367 spots there because the drive aisle and parking stalls all go down one giant aisle. If the buildings  
368 got narrower like this, there's nowhere else to put parking. There is nowhere else for it to go  
369 because the City of Onalaska does not allow stacked spots, either. Making the buildings  
370 physically smaller doesn't make the site wider, and it doesn't allow anywhere else for spots to  
371 go. We spent a huge amount of time on site design trying to come up with other ideas. It's kind  
372 of the only way it can lay out and even get close to where we're at to make it feasible. ... If I had  
373 another half an acre we wouldn't be here right now. It just isn't there."

374

375 Ald. Wulf asked board members if they wish to see the Site Plan before voting.

376

377 Nicholas presented the Site Plan to board members, telling them the challenge is the wetland

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378 boundary that goes through the site because of the creek. Nicholas noted there also is a  
379 secondary line and said it is the “magic line” that cannot be crossed with any impervious  
380 structure. Nicholas said, “As a result, all you’re left with through the entire parcel is basically  
381 this swath of land. I can’t make a building smaller like this because then you can’t fit the units o  
382 both sides. The only way I can make a building smaller is like this. If that happens, because of  
383 access to the site, there is no way that can accommodate more parking given how vehicles have  
384 to get through here.”

385

386 Bob inquired about the number of stories.

387

388 Nicholas said two stories tall from the driveway side, and three stories tall from the creek side.

389

390 Ald. Wulf referred to Section 13-8-43, “Decision and Disposition of Cases – Item D: Vote  
391 Required,” and read the following: “*All orders or decisions of the Board of Appeals granting a*  
392 *variance, exception or conditional use, or reversing any action or order of the administrator*  
393 *require the affirmative vote of four members.*”

394

395 Craig noted he has seen Nicholas’ plan several times while serving as a member of the Plan  
396 Commission as well as reviewed the criteria by which a variance request is evaluated, and he  
397 said he concurs with staff’s findings that all the criteria are clearly met.

398

399 Motion by Craig, second by Ald. Binash, to approve with the three conditions recommended by  
400 city staff a request for a variance for 28 parking spots filed by Nicholas Roush of Roush Rentals  
401 (DNC Holdings, LLC), 707 La Crosse Street, Office 102, La Crosse, WI 54601 who requests to  
402 appear before the Board of Zoning Appeals for the purpose of requesting a variance for the  
403 required number of parking spaces needed for the construction of a new multifamily housing  
404 development at the property located at 9522 Highway 16 Frontage Road, Onalaska, WI 54650.

405

406 On roll call vote: Ald. Jim Binash – aye, Ald. Diane Wulf – aye, Craig Breitsprecher – aye, Bob  
407 Wehrenberg – nay, Kristen Odegaard – aye. Motion carried, 4-1. Variance granted.

408

409 **Adjournment**

410

411 Motion by Craig, second by Bob, to adjourn at 7:08 p.m.

412

413 On voice vote, motion carried.

414

415

416 Recorded by:

417

418 Kirk Bey