

Board of Zoning Appeals

of the City of Onalaska

Monday, June 15, 2020

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1 The meeting of the Board of Zoning Appeals was called to order at 6:30 p.m. on Monday, June
2 15, 2020. 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. Tom Smith
5 (first alternate), Craig Breitsprecher, Kristen Odegaard, Gargi Chaudhuri

6

7 Also Present: City Clerk Cari Burmaster, Planning Manager Katie Aspenson

8

9 **Item 2 – Approval of minutes from the previous meeting (April 15, 2019)**

10

11 Motion by Craig, second by Kristen, to approve the minutes from the previous meeting as
12 printed and on file in the City Clerk’s Office.

13

14 On voice vote, motion carried.

15

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

17

18 Ald. Wulf called for anyone wishing to provide public input.

19

20 **Bruce Kilmer**

21 **E5197 Nesselte Road**

22 **Westby**

23

24 “First of all, I wanted to thank everybody for their time on such a nice evening. Just getting to
25 the heart of the matter, I know Terry has put a lot of time and effort into his plan to develop that
26 site. [There are] a couple of things I wanted to bring up this evening. First of all, that site has
27 been unused for about 10 years. It’s just been sitting there. Obviously there’s a scale on it.
28 Scales went out of style quite a few years ago, so it will never be used as a scale property ever
29 again. The size was conducive to that because it’s long and narrow, and it was great for getting
30 trucks and things in and out of there, but that day has long come and gone. Myself as a real
31 estate broker in Onalaska, we’ve had about 25 people or more locally, mostly contractors, look at
32 that site and evaluate it. Terry is the only one who has stepped up to the plate and put forward a
33 written plan to make anything happen there. I’m optimistic in looking at the size of that site
34 what it has to offer that we can work with Terry to help him develop that. It’s no secret that
35 we’re going to be short on tax revenue for an indefinite period of time. I think it’s great that a
36 member of the community is willing to step up and invest money to bring in some more
37 revenue.”

38

39 Ald. Wulf called three times for anyone else wishing to provide public input and closed that
40 portion of the meeting.

41

42

Consideration and possible action on the following items:

Reviewed 6/18/2020 by Zach Peterson

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43

44 **Item 4 – Public Hearing: Approximately 6:30 p.m. (or immediately following public input)**
45 **– Request for variance filed by Terry Weiland, 600 L Hauser Road, Onalaska, WI 54650**
46 **on behalf of Richard Gardner, N3553 Elm Drive, Stoddard, WI 54658 for the parcel**
47 **located at 841 2nd Avenue Southwest, Onalaska, WI 54650, (Tax Parcel #: 18-951-7) to**
48 **allow four (4) variances from the Unified Development Code with respect to the following:**
49

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

55

56 Ald. Wulf reviewed the Order of Business for Public Hearing per Development Review
57 Procedures Appeal:

58

59 General Hearing:

60

- 61 • Statement of the nature of the case by the chairperson (Ald. Wulf).
- 62 • Appellate side of the case (Applicant).
- 63 • Questions from the Board of Zoning Appeals members.
- 64 • Planning Manager’s side of the case (Katie).
- 65 • Questions from the Board of Zoning Appeals members.
- 66 • Statements from interested persons such as neighbors or abutting landowners.
- 67 • Questions from the Board of Zoning Appeals members.
- 68 • Appellate rebuttal.
- 69 • Board of Zoning Appeals will hold its final discussion and render a decision.

70

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

72

73 **Terry Weiland**
74 **600 L Hauser Road**
75 **Onalaska**

76

77 “I’m going to just talk about the site itself and each individual variance when that comes up, I’ll
78 address it at that time. The site is already zoned Light Industrial, which there is no variance.
79 That’s what storage sheds need to have to be built on; it’s properly zoned. I believe the area
80 down there is not going to offend anybody. The building to the south is quite dilapidated.
81 There’s not much left of it, but they still have a functioning business in there, and [they are]
82 doing well. To the north, there’s just a hillside and the road that eventually turns up to Dairy
83 Queen, so there’s probably another 60 feet that I believe city right-of-way or even part of Dairy

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84 Queen’s lot. There is a need for these units. I presently own about 400 of them, and [they] have
85 100 percent occupancy, so there is some demand for this type of storage unit. I think it would be
86 a good idea to get more where it’s conveniently located. There’s another 100 units going in just
87 north of there, [and] a few of them will probably be my customers down there if this progresses.”
88

89 Ald. Wulf asked board members if they wish to ask the applicant questions.
90

91 As there were no questions from board members, Ald. Wulf invited Katie to make her
92 presentation.
93

94 Katie said the property in question is zoned Light Industrial, and the variance request pertains to
95 allowing a personal storage/mini-warehouse facility. If the variance requests are approved, and
96 if the Board of Public Works acts to allow pavement of the boulevard, the project will further
97 require Site Plan Review as well as other necessary State of Wisconsin approvals. Katie referred
98 to the site plan included in board members’ packets and said the mini-warehouse facility is
99 shown to include a total of 33 units, with 25 units facing 2nd Avenue Southwest and eight units
100 facing the southern parcel line (D&M Recycling). The facility is shown with the following
101 setbacks (averages): street yard (1-foot setback from property line), rear yard (between 22–34-
102 foot setback), and side yard setbacks (13 feet to the north and 15 feet to the south). The parking
103 stalls appear to be set back two feet from the southern parcel line, with a total of four back-to-
104 back parking stalls proposed immediately in front of the southern facing units. Lastly, the site
105 plan shows partial fencing (approximately 20 feet) from the southeast corner of the facility up
106 the slope and partial fencing (17 feet to the north and 5 feet to the east) from the northeast corner
107 of the facility, again up the slope. No improvements are shown to the land directly east of the
108 facility.
109

110 Katie said the proposed development requests four variances from the Unified Development
111 Code. Specifically, the first request is that the doors of the new personal storage facility face
112 outward to both the street (2nd Avenue Southwest) and the southern parcel line. The second
113 request is reduced perimeter fencing around the site, due to the slope on the eastern portion of the
114 property. The third request is to reduce the street yard setback from 10 feet to 1 foot adjacent to
115 2nd Avenue Southwest, due to the slope constraints. Lastly, the fourth request is to reduce the
116 number of required parking stalls (a minimum of eight) to four parking stalls. Katie noted the
117 public hearing had been posted in the Coulee Courier, and it also was sent to all property owners
118 within 250 feet. Katie then noted the sections of the UDC from which variances are being
119 requested:
120

- 121 • **Section 13.02.63.F.5.:** All doors to the storage units in new facilities shall be internally
122 accessed; doors shall be internally facing and shall not face any street or property line.
- 123 • **Section 13.02.63.F.6.:** The entire facility shall be secured by either the walls of the
124 structure(s) and/or fencing, subject to the screening standards in Chapter 3, Division 5.

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- 125 • **Table 13.02.25-1 Site Dimension Standards:** I-1: Street Yard Setback (minimum feet)
126 is 10 feet.
- 127 • **Table 13.03.21-1 Off-Street Parking Spaces Required:** Storage facility, personal: 1
128 space per 1,000 square feet of storage space.

129

130 Katie told board members the Comprehensive Plan’s Future Land Use Plan identifies this parcel
131 as an Industrial District. The proposed use is consistent, and Katie said city staff has no concerns
132 regarding the proposed use on the site. Katie said the requested variance is an area variance,
133 which provides an increment of relief from a physical dimensional restriction such as setbacks,
134 fencing requirements, and parking stall requirements, among others. Katie said that in order for
135 the Board of Zoning Appeals to grant a variance, it must find that all of the following criteria are
136 met:

137

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

142

- 143 • **Variance Request No. 1:** The property in question has a steep slope on the eastern side
144 and the proposed development maximizes nearly all of the “flat” land and appears to
145 require some excavation of the slope to accommodate the structure. Katie said she had
146 superimposed the Site Plan onto the parcel in question, and she noted board members’
147 packets include an aerial image with a green box that shows the location of the new mini-
148 warehouse facility. The white lines represent the slope. It is a 2-foot contour, which
149 means the tighter the lines are, the steeper the slope is. Katie said it appears as though the
150 mini-storage requires some excavation in order to accommodate the location of all of the
151 mini-warehouse facilities. The applicant states there is limited room on the eastern side
152 of facility for the doors to be placed on the interior, which is also the basis of the request
153 for Variance Request No. 3. Katie said while this fact is not disputed and city staff
154 acknowledges there is a definite slope on the property, city staff has found other options
155 that could exist to accomplish mini-storage warehousing at this site that would not
156 require a variance request, such as reducing the number of storage units and/or size of the
157 units, reconfiguring the building, and/or separating the structure into multiple structures.
158 These actions, however, would likely reduce the overall economic value of the
159 development and potentially cause economic loss and/or financial hardship. That cannot
160 serve as the basis for the variance. Katie said city staff believes this criteria has not been
161 met.

- 162 • **Variance Request No. 2:** The applicant is proposing to install fencing in two areas that
163 will not fully contain the site. The two areas would join the building to the steep slope on
164 the eastern side of the parcel. Due to the slope, the proposed fencing appears to be
165 sufficient as the fencing would connect the slope to the building. The unsecured property
166 includes slope that would be very difficult to access for pedestrians and would be

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- 167 inaccessible for vehicles. Katie said city staff believes this criteria has been met.
- 168 • **Variance Request No. 3:** Due to the notable slope on the eastern side of the property,
- 169 there is approximately 20-28 feet of “flat” land that is immediately available for
- 170 development along the western parcel line (street yard). The proposed plan maximizes
- 171 this space in entirety for buildings, with approximately half of the facility requiring a
- 172 retaining wall of sort to accommodate the building. The proposed location of the
- 173 structure is the most cost-effective from a development standpoint that would require the
- 174 least amount in retaining wall costs. Further, the parcel itself is irregular with a triangular
- 175 shape, yet it does meet all minimum lot size standard criteria. Katie said city staff
- 176 believes this criteria has been met.
- 177 • **Variance Request No. 4:** The applicant proposes four parking stalls, while a minimum
- 178 of eight stalls are required. According to the applicant, temporary parking would occur in
- 179 the boulevard area – if allowed to be paved, and also if approved by both the Board of
- 180 Public Works and Common Council – in front of the units, with no parking stalls
- 181 individually identified in the boulevard area. This area would be treated more as a
- 182 driveway than actual parking, with temporary parking allowed. The location of the four
- 183 identified parking stalls are parallel to the southern property line, are considered “double
- 184 parked” and are located in front of the unit doors. City staff again considers this area to
- 185 be a driveway providing access to the units, rather than actual parking stalls. If a parking
- 186 stall was occupied in the middle, there would not be enough area to maneuver around a
- 187 vehicle and would block entrances to units. Further, the applicant shows the “parking
- 188 spaces” immediately adjacent to the property line. Parking lots are to be located a
- 189 minimum of 5 feet from a property line, and driveways are required to be located a
- 190 minimum of 3 feet from a property line. According to the Site Plan, it appears the current
- 191 proposed setback is 2 feet and/or to zero. Overall, if the applicant were to reduce the
- 192 number of storage units, the development would allow for the required and/or reduced
- 193 parking stalls. Katie said, “Generally, when we do see driveways of this nature, we
- 194 require a minimum 20-foot drive that would allow someone to turn around, so that’s
- 195 another question that city staff have.” Katie said city staff does not believe the criteria
- 196 has been met.
- 197
- 198 **2. The Variance will not create a detriment to an adjacent or neighboring property,**
- 199 **and will not be contrary to the public interest or public safety.**
- 200
- 201 • **Variance Request No. 1:** The city’s Unified Development Code was adopted in March
- 202 2020. The city took care to institute new standards for personal storage facilities, and this
- 203 request is in direct opposition to the new standards. Reasons for the new standards
- 204 include providing traffic control and security of items of customers and site visual
- 205 enhancement. Therefore, city staff finds the request to be contrary to the public interest.
- 206 While slope issues do exist, reducing the number of storage units and/or size of the units,
- 207 reconfiguring the building, and/or separating the structure into multiple buildings would
- 208 allow for the doors to face internally without a need for a variance. Katie said city staff

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- 209 does not believe this criteria has been met.
- 210 • **Variance Request No. 2:** The proposed fencing would act as a barrier to reduce non-
- 211 customer access to the site, increasing public safety for the use. Katie said city staff
- 212 believes this criteria has been met.
- 213 • **Variance Request No. 3:** Multiple businesses along 2nd Avenue Southwest have
- 214 reduced street yard setbacks. The request would not create a detriment to neighboring
- 215 properties. Katie said city staff believes this criteria has been met.
- 216 • **Variance Request No. 4:** The applicant is proposing to provide up to four off-street
- 217 parking spaces to serve the entire development. As stated previously, the applicant
- 218 requests to pave the city boulevard and utilize the right-of-way as “temporary parking.”
- 219 Additionally, if a sidewalk were to be installed in the boulevard, it is likely that
- 220 customers may “overlap” into this area, potentially creating a hazard for pedestrians.
- 221 Outside of the use of the boulevard, the applicant is not proposing any drives and/or off-
- 222 street parking for 32 of the other units. Overall, if the applicant were to reduce the
- 223 number of storage units, the development would allow for the required and/or reduced
- 224 parking stalls. Katie said city staff does not believe this criteria has been met.
- 225

226 **3. The Variance shall not have the effect of allowing in any district uses prohibited in**

227 **that district, permit a lower degree of flood protection that the flood protection**

228 **elevation for the particular area or permit standards lower than those required by**

229 **state law.**

230

- 231 • **Variance Request Nos. 1 through 4:** Property is not located in a floodplain. Katie said
- 232 city staff believes the criteria has been met for all four requests.
- 233

234 Katie told board members city staff recommends approval of Variance Request Nos. 2 and 3, and

235 denial of Variance Request Nos. 1 and 4. Katie said city staff recommends the request for

236 Variances Nos. 1 and 4 be denied as they do not meet the statutory or local criteria for the

237 issuance of a variance as described previously. While each variance must be looked at and

238 considered independently, each variance is required for the project to move forward based on the

239 Site Plan that is before the Board of Zoning Appeals, in addition to approval by both the Board

240 of Public Works and the Common Council to pave the city’s right-of-way. If the Board of

241 Zoning Appeals should approve the variance request(s), at a minimum city staff recommends the

242 following Conditions of Approval:

243

- 244 1. Use of the adjacent boulevard (conversion from grass to pavement) for the purpose
- 245 indicated on the proposed Site Plan (access and temporary parking) contingent upon the
- 246 approval by the Board of Public Works and Common Council. (Condition only
- 247 applicable if approve Variance No. 1).
- 248 2. Comply with any/all restrictions by Xcel Energy and comply with the 2017 National
- 249 Electric Safety Code, Article 232 and Table 234-1. If unable to construct the building in
- 250 the proposed configuration due to Xcel Energy restrictions, reapplication of variance

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- 251 and/or other city permits may be required.
- 252 3. Property owner to obtain Site Plan Permit, Building Permits, and State Plan Approvals as
253 needed prior to construction activities.
- 254 4. Any omissions of any conditions not listed shall not release the property owner/developer
255 from abiding by the city's Unified Development Code requirements, as amended.
- 256 5. All conditions run with the land and are binding upon the property owner and all heirs,
257 successors, and assigns. The sale or transfer of all or any portion of the property does not
258 relieve the original property owner from meeting any conditions.
- 259 6. Applicant to be in compliance with all easements of record. Applicant/owner to provide
260 Planning Department copies of any new easements after recording at the La Crosse
261 County Register of Deeds prior to issuance of a Site Plan Permit. (This is a new
262 condition).
- 263

264 Ald. Wulf asked board members if they wish to ask Katie questions.

265

266 Ald. T. Smith asked Katie, "I know the new ordinances just kicked in, but we've had No. 1 and
267 No. 4, which is recommended we not. But No. 1 is that we would have garage doors facing the
268 street. We already have that in Onalaska in some locations, right?"

269

270 Katie told Ald. T. Smith there is a storage facility that was constructed within the last year on
271 what she described as "a very unique site." Katie said the owner was required to obtain a
272 Conditional Use Permit before the Plan Commission, and she noted all the doors were placed on
273 the interior side of the property. Katie said the owner also constructed a 20-foot drive that went
274 to the back. Therefore, all the business occurred behind the structure. Katie said, "That was one
275 of the ideas when we came into this to increase site appeal and also increase security for the
276 people running the facility and the customers."

277

278 Ald. T. Smith asked if there also are storage units located in the city where there is no grass in
279 front, but rather pavement when a motorist exits the street.

280

281 Katie said some exist today and were developed under older ordinances.

282

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

285

286 Katie read into the record the following email from Dean Nugent, the co-owner of D&M
287 Recycling, 841 2nd Avenue Southwest, Onalaska: "*Katie, please let it be known that D&M
288 Recycling plans on working with Mr. Weiland cooperatively on his construction. We look to be a
289 good neighbor and help in any way possible.*"

290

291 Ald. Wulf welcomed questions from board members.

292

293 As there were no questions, Ald. Wulf welcomed a rebuttal from Terry.

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294
295 Terry said, “It sounds like No. 1 and No. 4 are the things that need to be discussed. I believe No.
296 1 is the doors facing the road. Also, they would be facing the property line to the south. To
297 configure some type of unit in there that had all the doors facing either north or further up facing
298 each other would be quite difficult to do on this property. That’s why I requested the variance
299 for this. ... As for the parking, my opinion on that [is] storage units ... I don’t know if you really
300 want to designate parking for anybody there because what will end up happening, like what
301 happens in my apartment buildings with parking lots, [is] people park their car there and they
302 leave it there for two, three days – even longer. As long as you have access to the doors where
303 they’re going to rent their storage unit, I really don’t see the need. Somebody may come with
304 them with their truck and have to park one vehicle to help them unload. You’re talking a very
305 short time element there. They’re not going to park it there two days.”

306
307 Ald. T. Smith noted the power lines located in that area present a challenge, and he asked Terry
308 if either he or Xcel Energy envision any challenges.

309
310 Terry said Xcel Energy either has to relocate the line or perhaps raise it. Terry said, “We’re
311 waiting to see where this progresses,” and he told Ald. T. Smith he has been in contact with an
312 Xcel energy employee. Terry said the Xcel Energy employee had given him some preliminary
313 bids regarding coming into compliance.

314
315 Ald. T. Smith asked Terry if Xcel Energy was willing to work with him on what needed to be
316 done.

317
318 Terry said yes, provided he assumes financial responsibility.

319
320 Ald. T. Smith said, “We had talked about if you could reconfigure that in any way. I know that
321 land; I drove by it earlier, and there isn’t a lot of flat land to do anything. But is there any other
322 way you can flip it? Or you could split it into two buildings that would be practical, or find a
323 way to have them face each other and have the garage doors internally with the driveway in the
324 middle? It’s hard to tell, but I was just curious if you had looked at any other options like that,
325 like the city suggested – maybe looking at, could we reconfigure something to make it a win-
326 win?”

327
328 Terry said, “The way I designed it in there, the buildings that have the doors facing south ... You
329 would probably gain 5 feet if you moved the building down. I have 15 feet now; I could move it.
330 Then you’d have a blind side facing the Pickle Factory. But then the slope starts to encroach on
331 how you would access them if you came from the north to have a door on that side. I’d have to
332 do some retaining walls. It’s really not functional.”

333
334 Katie asked Ald. Wulf if the board had formally held the public hearing.

335
336 Ald. Wulf called three times for anyone wishing to speak in favor of the requested variances and
Reviewed 6/18/2020 by Zach Peterson

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9

337 closed that portion of the meeting.

338

339 Ald. Wulf called three times for anyone wishing to speak in opposition to the requested variances
340 and closed that portion of the meeting.

341

342 Ald. Wulf read the following: *“All orders or decisions of the Board of Appeals granting a*
343 *variance, exception or conditional use, or reversing any action or order of the administrator*
344 *require the affirmative vote of four members.”* Ald. Wulf said that in order for the board to grant
345 a variance, it must find that the applicant, which has the burden of proof, has demonstrated the
346 following:

347

348 A. Unnecessary hardship due to the unique physical limitations of the property and not the
349 particular circumstances of applicant. The unnecessary hardship must not be self-
350 imposed by the applicant or the prior owners of the property. Further economic loss or
351 financial hardship cannot serve as a basis for justifying a variance.

352 B. The variance will not create a detriment to an adjacent or neighboring property. It will
353 not be contrary to the public interest or the public safety.

354 C. The variance shall not have the effect of allowing in any district uses prohibited in that
355 district; prevent a lower degree of flood protection that the flood protection elevation for
356 that particular site; or permit standards lower than those required by state law.

357

358 Terry noted he had spoken to Katie about presenting this to the Board of Zoning Appeals some
359 time ago. Terry’s question was inaudible on the recording.

360

361 Katie noted a Conditional Use Permit previously would have been required for the use, and she
362 said some of the rules in effect this evening were not in effect in 2019. Katie noted the United
363 Development Code had been approved March 10 and she told board members her notes
364 regarding this item (communication with Terry Weiland) date back to March 17. Katie told Terry
365 the setback still would have required a variance from the street yard setback with the previous
366 code.

367

368 Motion by Ald. T. Smith, second by Craig, to approve with the appropriate staff conditions a
369 request for variance filed by Terry Weiland, 600 L Hauser Road, Onalaska, WI 54650 on behalf
370 of Richard Gardner, N3553 Elm Drive, Stoddard, WI 54658 for the parcel located at 841 2nd
371 Avenue Southwest, Onalaska, WI 54650 (Tax Parcel #: 18-951-7) to allow a variance from the
372 Unified Development Code with respect to providing reduced perimeter fencing (Variance
373 Request No. 2).

374

375 On roll call vote: Ald. Diane Wulf – aye, Ald. Tom Smith – aye, Kristen Odegaard – aye, Craig
376 Breitsprecher – aye, Gargi Chaudhuri – aye. Motion carried, 5-0.

377

378 Motion by Craig, second by Ald. T. Smith, to approve with the appropriate staff conditions a

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379 request for variance filed by Terry Weiland, 600 L Hauser Road, Onalaska, WI 54650 on behalf
380 of Richard Gardner, N3553 Elm Drive, Stoddard, WI 54658 for the parcel located at 841 2nd
381 Avenue Southwest, Onalaska, WI 54650 (Tax Parcel #: 18-951-7) to allow a variance from the
382 Unified Development Code with respect to reducing the street yard setback from ten (10) feet to
383 one (1) foot adjacent to 2nd Avenue Southwest (Variance Request No. 3).

384

385 On roll call vote: Ald. Diane Wulf – aye, Ald. Tom Smith – aye, Kristen Odegaard – aye, Craig
386 Breitsprecher – aye, Gargi Chaudhuri – aye. Motion carried, 5-0.

387

388 Motion by Ald. T. Smith to approve with the appropriate staff conditions a request for variance
389 filed by Terry Weiland, 600 L Hauser Road, Onalaska, WI 54650 on behalf of Richard Gardner,
390 N3553 Elm Drive, Stoddard, WI 54658 for the parcel located at 841 2nd Avenue Southwest,
391 Onalaska, WI 54650 (Tax Parcel #: 18-951-7) to allow a variance from the Unified Development
392 Code with respect to reducing the required number of parking stalls to serve the facility
393 (Variance Request No. 4).

394

395 Motion dies for lack of a second.

396

397 Motion by Craig, second by Ald. T. Smith, to deny a request for variance filed by Terry Weiland,
398 600 L Hauser Road, Onalaska, WI 54650 on behalf of Richard Gardner, N3553 Elm Drive,
399 Stoddard, WI 54658 for the parcel located at 841 2nd Avenue Southwest, Onalaska, WI 54650
400 (Tax Parcel #: 18-951-7) to allow a variance from the Unified Development Code with respect to
401 not requiring the doors to be internally facing and allowing the doors to face the street and the
402 property line (Variance Request No. 1).

403

404 Craig said the Board of Zoning Appeals is charged with evaluating situations based on the
405 criteria and the guidelines established by the State of Wisconsin. Craig said, “I look at this,
406 generally speaking, as a tremendous use for this property. But by the same token, this flies in the
407 face of our recently adopted Unified Development Code. And there isn’t justification in the
408 criteria that we’re charged with evaluating to move forward with approval on this. That’s what
409 I’m bound to adhere to. It can’t be about my personal opinion. It has to be about the criteria we
410 use, and that has to be consistent and uniform for everybody. To grant this, in my mind, would
411 be precedent-setting. In other words, our Unified Development Code then no longer means
412 anything, and I just can’t go that direction. I’m sorry.”

413

414 Ald. T. Smith noted he, like Craig, also sits on the Plan Commission, which spent considerable
415 time working on the recently adopted UDC, and he said he sympathizes with Terry as the
416 location he has selected for the storage facility is ideal. Ald. T. Smith said to Terry, “I hope that
417 you can come back with something that would be workable, because I think that would be a good
418 place for one. And the location being industrial, there’s not going to be a lot of other things that
419 are going to be built there. I would love to see it on the tax rolls. It definitely makes sense to do
420 it. It’s a very difficult kind of thing, but as Craig said, we spent a lot of time building the new

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421 regulations. And to be the first one to make an exception on it – both of us are on the Plan
422 Commission – it really would not set a good precedent. As much as I hate to do that, I have to
423 support that we deny it.”

424

425 Ald. Wulf noted that board members now state why they are denying something, but she said she
426 believes that had been adequately handled under discussion.

427

428 On roll call vote: Ald. Diane Wulf – aye, Ald. Tom Smith – aye, Kristen Odegaard – aye, Craig
429 Breitsprecher – aye, Gargi Chaudhuri – aye. Motion carried, 5-0.

430

431 Motion by Craig, second by Ald. Wulf, to deny a request for variance filed by Terry Weiland,
432 600 L Hauser Road, Onalaska, WI 54650 on behalf of Richard Gardner, N3553 Elm Drive,
433 Stoddard, WI 54658 for the parcel located at 841 2nd Avenue Southwest, Onalaska, WI 54650
434 (Tax Parcel #: 18-951-7) to allow a variance from the Unified Development Code with respect to
435 reducing the required number of parking stalls to serve the facility (Variance Request No. 4).

436

437 Ald. T. Smith said, “To require that many parking spots for a storage area, to have that kind of
438 land wasted on it ... I agree with Terry that people are going to drop things off. There might be
439 somebody who will help [and] be one of the four allowed ones, but I just can’t imagine us
440 wasting space if I was a developer. I don’t think I would need more than four. To me, it just
441 makes no sense to require that much for something that’s going to be a storage unit. I will not be
442 supporting this.”

443

444 Craig said, “I truly don’t necessarily agree with that either, and I’m wondering at this point if it’s
445 something we shouldn’t go back and revisit at some point in time. I think it certainly bears more
446 study after hearing what Terry had to say. But given what we have in place ... The one other
447 thing about this that concerns me is the overlap for pedestrian areas and the potential hazards that
448 that could cause. Not that there’s that much traffic, but I think once you start down that road,
449 then that same criteria is expected to be applied in other instances. I’d just rather not go there.”

450

451 On roll call vote: Ald. Diane Wulf – aye, Ald. Tom Smith – nay, Kristen Odegaard – aye, Craig
452 Breitsprecher – aye, Gargi Chaudhuri – aye. Motion carried, 4-1.

453

454 **Adjournment**

455

456 Motion by Ald. T. Smith, second by Craig, to adjourn at 7:20 p.m.

457

458 On voice vote, motion carried.

459

460

461 Recorded by:

462

463 Kirk Bey

Reviewed 6/18/2020 by Zach Peterson