



## AGENDA FOR PLANNING COMMISSION

### MEETING NOTICE

A Planning Commission meeting will be held on **Wednesday, July 02, 2025 at 5:30 PM**  
in the **Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.**

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### Join Zoom Meeting

<https://us06web.zoom.us/j/2708608080?pwd=ZTZ0cmllVEFEb1dzVDNwdi91UHFYQT09>

Meeting ID: 270 860 8080

Passcode: 206751

One tap mobile +13126266799,,2708608080#,,,,\*206751# US (Chicago)

### AGENDA

Call to Order

Pledge of Allegiance

Roll Call

Approval: Minutes for 5 June 2025

Discussion: Zoning Amendments Presentation by Vandewall and Associates

Anyone Desiring to Appear Before the Commission

*(Members of the public will be allowed to speak on any issue that falls within the jurisdiction of the Planning Commission. The Commission will not be allowed to take action on any item discussed. If members of the public wish to comment on conditional use applications, they should wait until the public hearings for those applications.)*

Public Hearing: 317 Plastic Ave Conditional Use Permit Application

Approval: 317 Plastic Ave Conditional Use Permit Application

Approval: 231 Nicholas St Conditional Use Permit Application (AN&A Animal Boarding and Care)

Approval: 2005 N Superior Ave Site Plan

Approval: Monthly Director's Report

Approval: Monthly Building Permit Report

Approval: Fences, Signs, and Sheds < 120sqft Report

Approval: Monthly Code Enforcement Report

Approval: Update on Sign ICO 820 N Superior Ave (Dr. Mark Mueller)

Approval: Update on Sign ICO 205 Arthur St (Don Roscovius)

Discussion: Future Agenda Items

Approval: Next Meeting Date - 7 August 2025

### ADJOURNMENT

## Planning Commission – July 02, 2025

**NOTICE:** It is possible that a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Becki Weyer, City Clerk, at 819 Superior Avenue, Tomah, WI 54660.

# MINUTES FOR PLANNING COMMISSION

A Planning Commission was held on **Thursday, June 05, 2025 at 5:30 PM** in the Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.

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## Join Zoom Meeting

<https://us06web.zoom.us/j/2708608080?pwd=ZTZ0cmJLVeFEb1dzVDNwdi91UHFYQT09>

Meeting ID: 270 860 8080

Passcode: 206751

One tap mobile +13126266799,,2708608080#,,,,\*206751# US (Chicago)

## AGENDA

### Call To Order

- Meeting called to order by Mayor Paul Dwyer at 5:30pm.

### Pledge of Allegiance

### Roll Call

1. Mayor Paul Dwyer: Present
2. Alderperson John Glynn: Present
3. Alderperson Mitch Koel: Present
4. Citizen Eric Prise: Present
5. Citizen Tina Thompson: Present
6. Citizen Brian Rice: Present
7. Citizen Bryan Meyer: Present

### Approval: Minutes for 5 May 2025

- Motion by Mr. Prise to approve the minutes from 5 May 2025 as presented.
- Second: Alderperson Koel.
- Discussion: None.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay
  - Alderperson John Glynn: Yay
  - Alderperson Mitch Koel: Yay
  - Citizen Eric Prise: Yay
  - Citizen Tina Thompson: Yay
  - Citizen Brian Rice: Yay
  - Citizen Bryan Meyer: Yay

Anyone Desiring to Appear Before the Commission

*(Members of the public will be allowed to speak on any issue that falls within the jurisdiction of the Planning Commission. The Commission will not be allowed to take action on any item discussed. If members of the public wish to comment on conditional use applications, they should wait until the public hearings for those applications.)*

- No members of the public chose to speak during this agenda item.

Public Hearing: 231 Nicholas St. - Conditional Use Permit Application

- Motion to open the public hearing by Mr. Prise.
- Second: Alderperson Koel.
- Discussion: None.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay
  - Alderperson John Glynn: Yay
  - Alderperson Mitch Koel: Yay
  - Citizen Eric Prise: Yay
  - Citizen Tina Thompson: Yay
  - Citizen Brian Rice: Yay
  - Citizen Bryan Meyer: Yay
- Public hearing opened by Mayor Dwyer at 5:32pm.
- Citizen Matthias Klein
  - Mr. Klein lives adjacent to the applicant and voiced opposition to the approval of the permit. He stated multiple times that he did not purchase his home to live next to a business, and that he believes that business should be restricted to the appropriate zoning district. He presented a list of questions to the Planning Commission and asked Director Morales if he knew the answers to the questions. Mr. Klein was informed that public hearings are opportunity for the public to present their perspective to the Commission, but that the Commission does not typically respond directly to the public to afford everyone the opportunity to speak.
- Motion to close the public hearing by Mr. Prise.
- Second: Mrs. Thompson.
- Discussion: None.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay
  - Alderperson John Glynn: Yay
  - Alderperson Mitch Koel: Yay
  - Citizen Eric Prise: Yay
  - Citizen Tina Thompson: Yay
  - Citizen Brian Rice: Yay



- Citizen Bryan Meyer: Yay
- Mayor Dwyer closed the public hearing at 5:36pm.

Approval: 231 Nicholas St Conditional Use Permit Application (AN&A Animal Boarding and Care)

- Motion to approve the Conditional Use Permit for 231 Nicholas St by Mr. Prise.
- Second: Mrs. Thompson.
- Discussion:
  - Mr. Prise stated that he would like to know if Director Morales was able to answer any of the questions posed by Mr. Klein. Director Morales stated he would need the list from Mr. Klein.
  - Motion by Mr. Prise to allow Mr. Klein to address the Commission, second by Mrs. Thompson, and unanimous vote.
  - Mr. Klein provided the questions to Director Morales. Director Morales reiterated that the application for a conditional use permit is a zoning matter, and that many of the questions fall outside of a land use discussion.
  - Mayor Dwyer asked if the applicant was present to address Mr. Klein and the Commission's concerns, which she was not.
  - Director Morales reiterated that according to state statutes conditional use permits must be granted if the applicant agrees to adhere to the conditions imposed by the Commission.
  - Mayor Dwyer stated that he believed the vote should be tabled until the applicant can appear and answer the questions.
- Amendments:
  - Mr. Prise amended his original motion to table the vote until the July meeting, motion seconded by Mrs. Thompson.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay
  - Alderperson John Glynn: Yay
  - Alderperson Mitch Koel: Yay
  - Citizen Eric Prise: Yay
  - Citizen Tina Thompson: Yay
  - Citizen Brian Rice: Yay
  - Citizen Bryan Meyer: Yay

Public Hearing: 1320 Stoughton Ave. Conditional Use Permit Application

- Motion to open the public hearing by Mr. Meyer.
- Second: Mr. Prise.
- Discussion: None.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay

- Alderperson John Glynn: Yay
- Alderperson Mitch Koel: Yay
- Citizen Eric Prise: Yay
- Citizen Tina Thompson: Yay
- Citizen Brian Rice: Yay
- Citizen Bryan Meyer: Yay
- Mayor Dwyer opened the public hearing at 5:52pm.
- Citizen Dalton Lunde
  - The applicant for the permit provided justification for his request.
- Motion to close the hearing by Mr. Prise.
- Second: Mrs. Thompson.
- Discussion: None.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay
  - Alderperson John Glynn: Yay
  - Alderperson Mitch Koel: Yay
  - Citizen Eric Prise: Yay
  - Citizen Tina Thompson: Yay
  - Citizen Brian Rice: Yay
  - Citizen Bryan Meyer: Yay
- Mayor Dwyer closed the public hearing at 5:57pm.

Approval: 1320 Stoughton Ave Conditional Use Permit Application (Dalton Lunde)

- Motion to approve the conditional use permit by Mr. Prise.
- Second: Alderperson Glynn.
- Discussion:
  - Mr. Prise asked Director Morales if staff had any comments or concerns, and Director Morales replied that were none.
  - Alderperson Koel asked how much parking the facility would have, the answer was that one tenant would have to park on the street.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay
  - Alderperson John Glynn: Yay
  - Alderperson Mitch Koel: Yay
  - Citizen Eric Prise: Yay
  - Citizen Tina Thompson: Yay

- Citizen Brian Rice: Yay
- Citizen Bryan Meyer: Yay

Approval: Site Plan Review Application for 1500 Eaton Ave (Rush Hour Towing)

- Motion to approve the site plan by Alderperson Glynn.
- Second: Mr. Prise.
- Discussion:
  - Mr. Prise asked Director Morales if staff had any comments or concerns, and Director Morales replied that were none.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay
  - Alderperson John Glynn: Yay
  - Alderperson Mitch Koel: Yay
  - Citizen Eric Prise: Yay
  - Citizen Tina Thompson: Yay
  - Citizen Brian Rice: Yay
  - Citizen Bryan Meyer: Yay

Approval: Site Plan Review Application for 501 Gopher Ave (Tomah Health)

- Motion to approve the site plan by Alderperson Koel.
- Second: Alderperson Glynn.
- Discussion:
  - None.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay
  - Alderperson John Glynn: Yay
  - Alderperson Mitch Koel: Yay
  - Citizen Eric Prise: Abstained due to potential for conflict of interest.
  - Citizen Tina Thompson: Yay
  - Citizen Brian Rice: Yay
  - Citizen Bryan Meyer: Yay

Approval: Ordinance Authorizing Outdoor Dining in Downtown Tomah

- Item stricken from the agenda by the chair as the item falls under the jurisdiction of the Public Works and Utilities Commission.

Approval: Ordinance Establishing Local Regulation of Short-Term Vacation Rentals

- Motion to table this item until staff is ready to present a draft ordinance by Alderperson Koel.
- Second: Mrs. Thompson.
- Discussion: None.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay
  - Alderperson John Glynn: Yay
  - Alderperson Mitch Koel: Yay
  - Citizen Eric Prise: Yay
  - Citizen Tina Thompson: Yay
  - Citizen Brian Rice: Yay
  - Citizen Bryan Meyer: Yay

Approval: Amendment to Ordinance Sec. 8-61: Housing of farm and exotic animals prohibited, to allow chickens within city limits.

- Motion to table this item until staff is ready to present a draft ordinance by Alderperson Koel.
- Second: Mr. Meyer.
- Discussion: None.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay
  - Alderperson John Glynn: Yay
  - Alderperson Mitch Koel: Yay
  - Citizen Eric Prise: Yay
  - Citizen Tina Thompson: Yay
  - Citizen Brian Rice: Yay
  - Citizen Bryan Meyer: Yay

Approval: Monthly Director's Report

- Motion to table accept the Monthly Director's Report by Mr. Prise.
- Second: Alderperson Koel.
- Discussion: None.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay
  - Alderperson John Glynn: Yay
  - Alderperson Mitch Koel: Yay
  - Citizen Eric Prise: Yay

- Citizen Tina Thompson: Yay
- Citizen Brian Rice: Yay
- Citizen Bryan Meyer: Yay

**Approval: Monthly Building Permit Report**

- Motion to table accept the Monthly Building Permit Report by Mr. Prise.
- Second: Alderperson Koel.
- Discussion: None.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay
  - Alderperson John Glynn: Yay
  - Alderperson Mitch Koel: Yay
  - Citizen Eric Prise: Yay
  - Citizen Tina Thompson: Yay
  - Citizen Brian Rice: Yay
  - Citizen Bryan Meyer: Yay

**Approval: Fences, Signs, and Sheds < 120sqft Report**

- Motion to table accept the Monthly Fences, Signs, and Sheds < 120sqft Report by Mr. Prise.
- Second: Mrs. Thompson.
- Discussion: None.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay
  - Alderperson John Glynn: Yay
  - Alderperson Mitch Koel: Yay
  - Citizen Eric Prise: Yay
  - Citizen Tina Thompson: Yay
  - Citizen Brian Rice: Yay
  - Citizen Bryan Meyer: Yay

**Approval: Monthly Code Enforcement Report**

- Motion to table accept the Monthly Code Enforcement Report by Mr. Prise.
- Second: Alderperson Glynn.
- Discussion: None.
- Vote: 7-0, motion passed.

- Mayor Paul Dwyer: Yay
- Alderperson John Glynn: Yay
- Alderperson Mitch Koel: Yay
- Citizen Eric Prise: Yay
- Citizen Tina Thompson: Yay
- Citizen Brian Rice: Yay
- Citizen Bryan Meyer: Yay

Discussion: Zoning Change Request for Deputy Chief of Fire Jeremy Likely

- The Commission and Director Morales engaged in a discussion pertaining to property owned by Deputy Chief of the Fire Department Jeremy Likely. Guidance from the Commission to staff was to have Mr. Likely submit a zoning change request.

Discussion: Update on Sign ICO 820 N Superior Ave (Dr. Mark Mueller)

- Director Morales informed the Commission that the City Attorney reiterated the importance of adhering to the municipal code when applicable, and that one obstacle with respect to this issue is that Dr. Mueller is seeking to use the sign as a billboard.

Discussion: Update on Sign ICO 205 Arthur St (Don Roscovius)

- Director Morales informed the Commission that the City Attorney reiterated the importance of adhering to the municipal code when applicable, and that one obstacle with respect to this issue is that the sign is in the public right of way.

Discussion: Next Steps for Project Habitat For Humanity

- No significant update.

Discussion: Future Agenda Items

- Vote on the way forward for Dr. Mueller and Mr. Roscovius signs.

Approval: Next Meeting Date - 2 July 2025 (Wednesday Due to 4th of July Holiday)

- Motion to approve the next meeting date by Mr. Meyer.
- Second: Mr. Rice.
- Discussion: None.
- Vote: 7-0, motion passed.

- Mayor Paul Dwyer: Yay
- Alderperson John Glynn: Yay
- Alderperson Mitch Koel: Yay
- Citizen Eric Prise: Yay

- Citizen Tina Thompson: Yay
- Citizen Brian Rice: Yay
- Citizen Bryan Meyer: Yay

**ADJOURNMENT**

- Motion to adjourn by Mr. Prise.
- Second: Mrs. Thompson.
- Discussion: None.
- Vote: 7-0, motion passed.
  - Mayor Paul Dwyer: Yay
  - Alderperson John Glynn: Yay
  - Alderperson Mitch Koel: Yay
  - Citizen Eric Prise: Yay
  - Citizen Tina Thompson: Yay
  - Citizen Brian Rice: Yay
  - Citizen Bryan Meyer: Yay

Respectfully Submitted,

Nicholas Morales

Director of Economic Development and Zoning

## Potential City of Tomah Zoning Ordinance Amendments

City staff are seeking input from the LRPC and Plan Commission on a variety of zoning-related amendments recommended within the City's Comprehensive Plan and Housing Assessment. Some of the recommendations could be completed in a shorter time frame with less effort and others would require a more substantive overhaul of the ordinance. The short-term ideas are identified in green below, while the long-term ideas are shown in black text for consideration.

### 2024 Comprehensive Plan Zoning Recommendations

- Reduce existing residential zoning district lot sizes and setbacks, and increase building coverage standards.
  - See below.
- Remove multi-family zoning district's minimum lot size standards by unit and utilize a flat minimum lot size.
  - See below.
- Allow zero lot line multi-family development by-right and adapt bulk dimensional standards to provide that option.
  - See below.
- Allow accessory dwelling units (ADU) and/or in-family suites in single-family zoning districts with defined standards.
  - This would require creating new land uses for each in the code, defining the terms, and providing standards for each.
- Provide flexibility for residential infill development by allowing variable front setbacks by averaging existing development setbacks.
  - See below.
- Promote front porches and deemphasize front-loaded garages by reducing setbacks for porches, creating maximum front façade percentages for garages, and minimum front-loaded garage setbacks.
  - Porches – would require a new metric in the table below for front porch setback and allowing this to extent within the minimum front setback toward the street. However, may be accomplishing something very similar with the proposed reduction in front setbacks proposed below.
  - Max Garage Front Façade – would require a new metric in the table below for the maximum percentage of the principal building's front façade that could be comprised of front-loaded, attached garages (ex. 50%). However, may not be a priority at this time.
  - Min Garage Setback – would require a new metric in the table below for minimum front-loaded garage setback from the plane of the front façade of the principal structure (ex. even with building). However, may not be a priority at this time.
- Create a mixed-use (commercial and residential) land use that is permitted by-right in all commercial zoning districts that is percentage based, rather than requiring residential only above the ground floor.
  - This would require creating new land uses in the code, defining the terms used, and providing standards. A common metric used is 33%-50% of the ground floor must be nonresidential in all commercial districts, but within the downtown area, community's typically either require it above the ground floor or only allow residential in the back of the building (ex. 50' of nonresidential within the building facing the street). See the downtown zoning district item below.
- Promote infill and redevelopment by reducing business zoning districts lot sizes and setbacks, and increasing height.
  - See the downtown zoning district item below.
- Reduce minimum parking requirements for all land uses, consider establishing maximum parking requirements, require minimum bicycle parking standards, and allow shared parking situations by-right.
  - Already completed in 2024.



- Consolidate land uses into overarching land use types (personal and professional services vs. clinics, banks, offices, etc.).
  - There is a much bigger overhaul of the code required to accomplish this.
- Modernize land uses to include solar, electric vehicle charging, short-term rentals, community gardens, etc.
  - There is a much bigger overhaul of the code required to accomplish this.
- Increase user-friendliness by creating overarching land use tables by zoning district.
  - Already have a version of this, but if the other ideas above were implemented, then this would make sense as a next step.
- Create a defined list of Accessory Land Uses with defined standards and bulk dimensions.
  - There is a much bigger overhaul of the code required to accomplish this.
- Allow more than one building per lot with defined standards and address nonconforming sites, structures, and lots to promote infill and redevelopment.
  - Could change Section 52-9 to remove the requirement for only one principal building per lot for multi-family, commercial, and industrial sites. This could be accomplished relatively easily, but would require creating a new set of bulk standards for building separation in these zoning districts.
- Reduce the number of Conditional Uses in each zoning district and consider additional zoning districts to address Wisconsin Act 67 requirements.
  - There is a much bigger overhaul of the code required to accomplish this.
- Develop and modernize new design and landscaping standards by land use.
  - There is a much bigger overhaul of the code required to accomplish this.
- Rewrite the City's Sign Ordinance to become compliant with the U.S. Supreme Court Reed v. Gilbert decision (content neutrality).
  - This could be a standalone effort.

## **2022 Housing Assessment Zoning Recommendations**

- Allow smaller-lot single-family housing options (4,000-6,000 sf)
  - See below.
- Allow missing middle housing options (either reduce existing minimum lot size requirement per unit or use alternative approach of certain number of units permitted by-right no matter the lot size)
  - See below.
- Reduce parking minimums
  - Already completed in 2024.
- Allow greater flexibility for manufactured and modular home construction (allow in more areas than just R-4 and R-5 districts)
  - As we discovered recently, modular homes are actually permitted within the residential zoning districts today. This could be cleared up to avoid future confusion or it could be left as-is. It could make sense to potentially act upon an amendment if the Habitat for Humanity project comes to fruition.
- Allow in-family suites and/or accessory dwelling units
  - See note above.
- Allow mixed use development by right or CUP (only allowed above the ground floor now)
  - See note above.

## Key Changes

- R-1 District: reduce lot sizes, lot frontage, principal structure setbacks, and minimum lot area per dwelling unit standards, in addition to increasing height and maximum lot coverage standards.
- R-2 District: reduce lot sizes, lot frontage, principal structure setbacks, and minimum lot area per dwelling unit standards, in addition to increasing height and maximum lot coverage standards. Finally, create a zero lot line option within the standard R-2 district.
- R-3 District: reduce lot sizes, lot frontage, principal structure setbacks, and minimum lot area per dwelling unit standards, in addition to increasing height and maximum lot coverage standards. Finally, create a zero lot line option within the standard R-3 district.
- R-1, R-2, and R-3 District: proposed changes created uniformity across the districts for simplified application of the standards for both applicants and staff.
- R-6 District: Potentially remove this zoning district altogether because all it does is provide a zero lot line two-family option that can be accomplished instead with the R-2 changes proposed. This would require rezoning existing R-6 lots to R-2.
- Business District: This is applied on the zoning map all along Superior Avenue, but seems to have bulk dimensional standards that would be better for just the downtown area (small lot sizes and setbacks). No changes are proposed at this time, but the City could more effectively rename this to downtown and change the zoning map to apply only in that area.
- B-1 District: Potentially remove this zoning district altogether because it only applies to one parcel today and that property would fit within the B or B-2 district.

### Footnotes:

- (a) Potentially remove this provision because shopping centers aren't defined in the ordinance and the B-2 standard district could instead be applied.
- (b) Potentially remove this provision because it most likely doesn't even occur in the City and its simpler to say that dwelling units aren't permitted within industrial areas at all.
- (c) Potentially remove this as a footnote and instead just add another column to the table above where it applies.
- (d)-(g) no proposed changes
- (h)-(i) Potentially remove the lot averaging/percentage formula and make it simpler for applicants and staff to apply uniform standards.
- (j) Make consistent with the changes proposed above for zero lot line setbacks.
- (k) no proposed changes, other than adding a reference to the footnote for the proposed R-3 district's increase in height.
- (i) Potentially add this footnote because its referenced in the R-5 and R-6 zoning district text, but not in this table.

## What Do These Changes Accomplish?

- Greater flexibility for existing residential properties, infill development, and new development.
- Reflects modern building and development practices for a variety of residential formats.
- Greater consistency, continuity, and simplification across the residential zoning districts in terms of bulk standards and lot requirements.

- Increased user-friendliness with diagrams and unified standards across residential zoning districts.
- Doesn't fully address the downtown vs. outside of downtown commercial areas along Superior Avenue because a more substantial set of zoning map amendments would be required.
- Doesn't fully address all recommended changes from adopted plans/studies because they would require a more substantial set of zoning map amendments. They could be addressed down the road with amendments or a full rewrite.

## Section 52-40 Bulk Dimensional Standards

			Minimum Yard Requirements (Ft.)									
	Lot Requirements		Principal Buildings			Accessory Buildings		Maximum Building Height				
Zone	Area in Sq. Ft.	Frontage in Ft.	Front	Each Side	Rear	Each Side	Rear	Stories	Feet	% Max. Lot Coverage	Min. Lot Area Per Dwelling	Land Uses Permitted
R-1 Residential	7,200	60	(h) 25	(c) 10	(i) 30	(c) 3	3 (g)	2	30	30	7,200	1-family dwelling
Alternative Approach	6,000	40	20	8	20	3	3	2	35	60	6,000	1-family dwelling
R-2 Residential	7,200	60	(h) 25	(c), (j) 10	(i) 30	(c) 3	3 (g)	2	35	40	3,600	2-family dwelling
Alternative Approach	6,000 or 3,000 (j)	40 or 20	20	8 or 0	20	3	3	2	35	60	3,000	2-family dwelling
R-3 Residential	7,200	60	(h) 25	(c), (j) 10	(i) 20	(c) 3	3 (g)	3	40	60	1,800	Multi-family dwelling
Alternative Approach	7,200 or 3,000 (j)	60 or 20	20	8 or 0	20	3	3	4	55 (k)	75	750	Multi-family dwelling
R-4 Residential (I)	7,200	60	(h) 25	(c) 10	(i) 30	(c) 3	3 (g)	2	30	30	7,200	Manufactured dwelling
R-5 Residential												Manufactured dwelling park
R-6 Zero Lot Line	7,200	50	25	(c), (j) 10	30	(c) 3	3 (g)	2	30	40	3,600	Duplex; single family dwelling
B Business	(a) 3,000	20	None	(d) None	(d) 10	None	10	3	45	95	—	General business
B-2 Business	20,000	100	50	25	30	10	10	4	55 (k)	50	—	Highway business

<del>B-1 Office Business</del>	10,000	75	25	15	10	10	10	3	45	75	—	<del>Office business</del>
M-1 Industrial	20,000	100	25	(e) 15	(e) 20	10	10	3	45	50	(b)	Limited industrial
M-2 Industrial	20,000	100	25	(f) 25	(f) 20	10	10	3	45	60	(b)	General industrial
M-3 Industrial	20,000	100	25	25	20	10	10	3	45	60	(b)	Highway industrial
A-1 Agricultural	2 acres	100	100	50	50	50	50	—	50 (k)	—	—	Agricultural
C Conservancy	—	—	—	—	—	—	—	2	30	—	—	Parks & recreation
I Institutional	5,000	50	5	5	5	3	10	—	60 (k)	—	—	Hospitals, schools, government, churches

(a) ~~Shopping centers require a minimum of four acres, minimum frontage 300 feet, maximum height 35 feet, front yard 100 feet, rear 40 feet and side 40 feet.~~

~~(b) Dwelling units not permitted except for watchman's/caretaker's quarters, not for rental.~~

~~(c) Minimum side yard for street side of corner lot, 15 feet.~~

(d) Minimum side or rear yard when abutting a residential district is 15 feet.

(e) Minimum side or rear yard when abutting a residential district must be 50 feet.

(f) Minimum side or rear yard when abutting a residential district must be 100 feet.

(g) Accessory buildings must be placed in the rear yard or conform to the yard requirements of a principal building.

(h) Front yards. On every lot in a residential district and every existing residence in the business district, there shall be a front yard having a depth of not less than 25 **20** feet. ~~provided that: Where lots comprising 40 percent or more of the frontage on one side of a block are developed with buildings, the required front yard depth shall be the average of the front yard depths of the two adjacent main buildings, or if there is only one adjacent main building, the front yard depth of said main building shall govern but shall not be less than ten feet in any case; provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet in any case.~~

~~(i) Rear yards. On every lot in a residential district and every existing residence in the business district there shall be a rear yard having a depth of not less than 20 percent of the depth of the lot, provided such rear yard shall not in any case be less than 15 feet in depth.~~

(j) Zero feet on the side of a common wall with the adjacent structure. The opposite interior side-yard setback shall be ~~ten~~ **a minimum of eight** feet.

(k) All structures exceeding three floor levels or a height above grade of 45 feet shall require approval from the City of Tomah Fire Department.

**(i) Minimum 10 acres in area.**

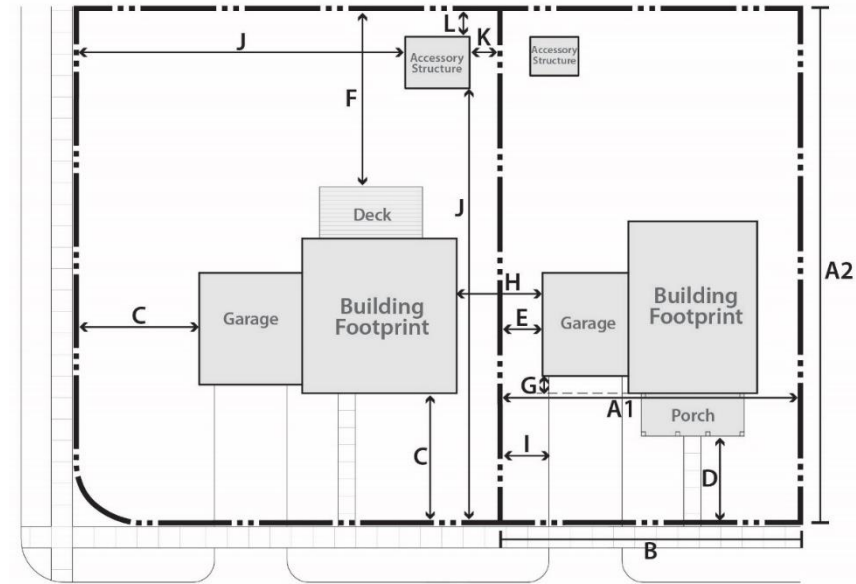
## Proposed Diagrams

To note, the key numbers and text would be adapted to reflect the bulk standards as displayed above in Section 52-40.

Figure X: R-1 Zoning District

### Key to Figure

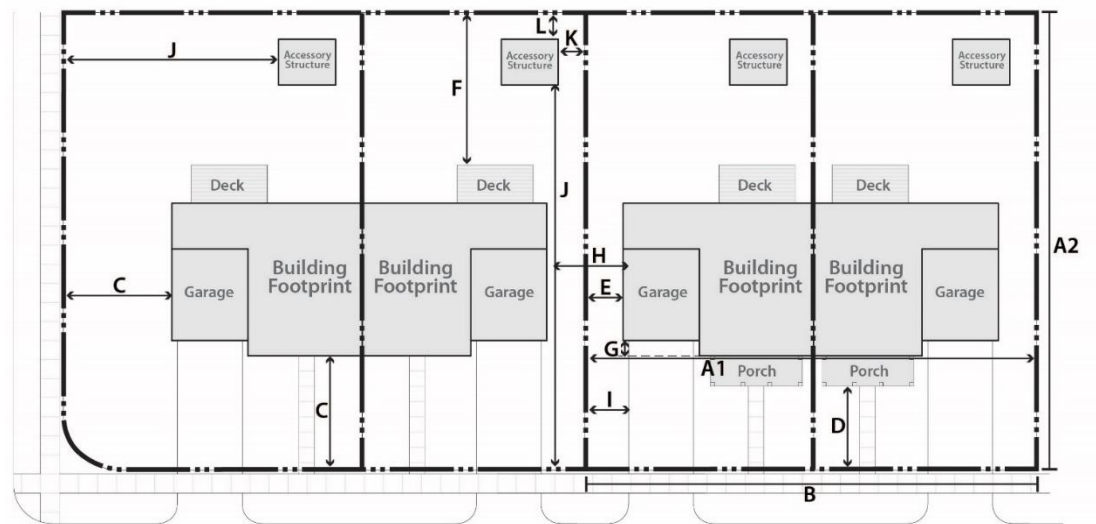
- A Minimum Lot Area ( $A1 \times A2$ )
- A1 Minimum Lot Width (at front setback line)
- B Minimum Lot Frontage at Right-of-Way
- C Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
- D Minimum Porch Setback from Front and Street Side Corner
- E Minimum Side Yard Setback – Interior
- F Minimum Rear Yard Setback and Attached Deck Setback (lot line to principal building or attached garage)
- G Minimum Front-Loaded Garage Setback (garage door to front plane of the principal structure)
- H Minimum Building Separation
- I Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
- J Minimum Accessory Building Front Yard or Street Side Corner Setback
- K Minimum Accessory Building Side Yard Setback – Interior
- L Minimum Accessory Building Rear Yard Setback



**Figure X: R-2 Zoning District**

Key to Figure

- A Minimum Lot Area ( $A1 \times A2$ )
- A1 Minimum Lot Width (at front setback line)
- B Minimum Lot Frontage at Right-of-Way
- C Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
- D Minimum Porch Setback from Front and Street Side Corner
- E Minimum Side Yard Setback – Interior
- F Minimum Rear Yard Setback and Attached Deck Setback (lot line to principal building or attached garage)
- G Minimum Front-Loaded Garage Setback (garage door to front plane of the principal structure)
- H Minimum Building Separation
- I Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
- J Minimum Accessory Building Front Yard or Street Side Corner Setback
- K Minimum Accessory Building Side Yard Setback – Interior
- L Minimum Accessory Building Rear Yard Setback



**Figure X: R-3 Zoning District**

Key to Figure

- A Minimum Lot Area (A1 x A2)
- A1 Minimum Lot Width (at front setback line)
- B Minimum Lot Frontage at Right-of-Way
- C Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
- D Minimum Porch Setback from Front and Street Side Corner
- E Minimum Side Yard Setback – Interior
- F Minimum Rear Yard and Attached Deck Setback (lot line to principal building or attached garage)
- G Minimum Front-Loaded Garage Setback (garage door to front plane of the principal structure)
- H Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
- I Minimum Accessory Building Front Yard or Street Side Corner Setback
- J Minimum Accessory Building Side Yard Setback - Interior
- K Minimum Accessory Rear Yard Setback

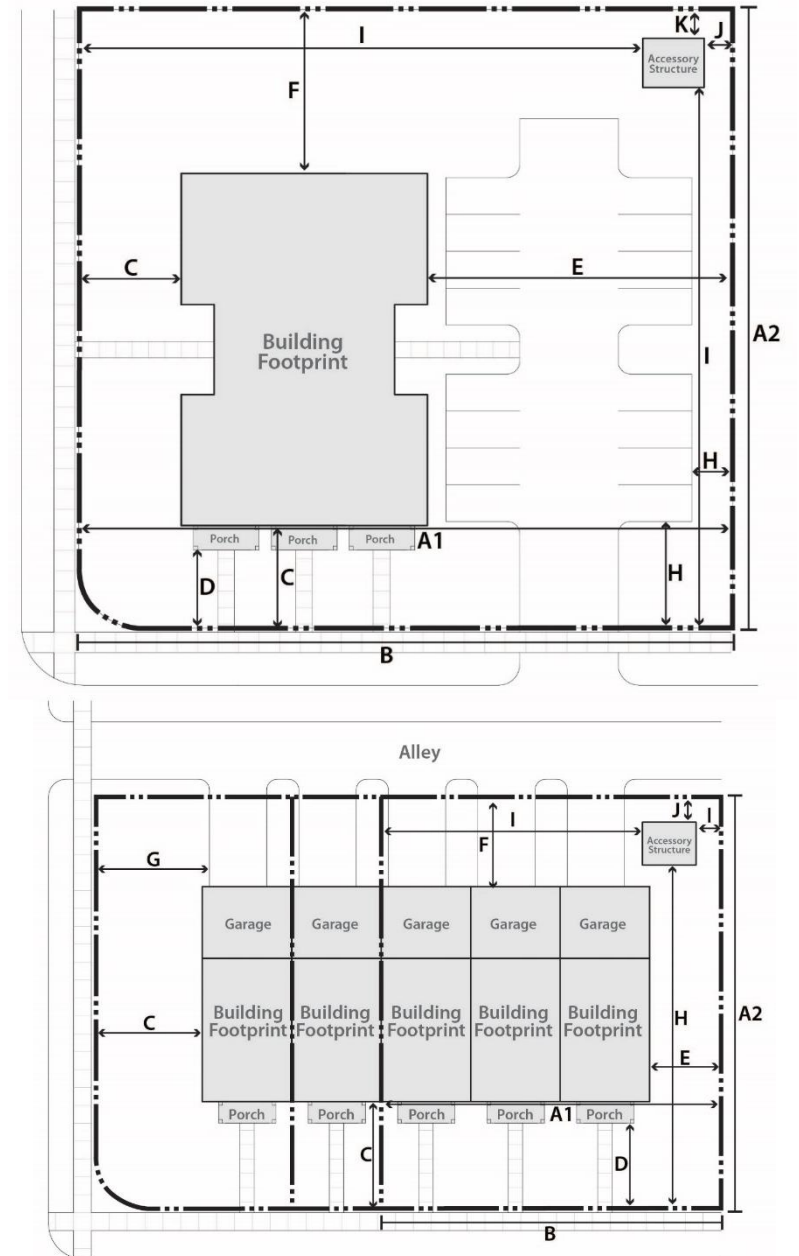
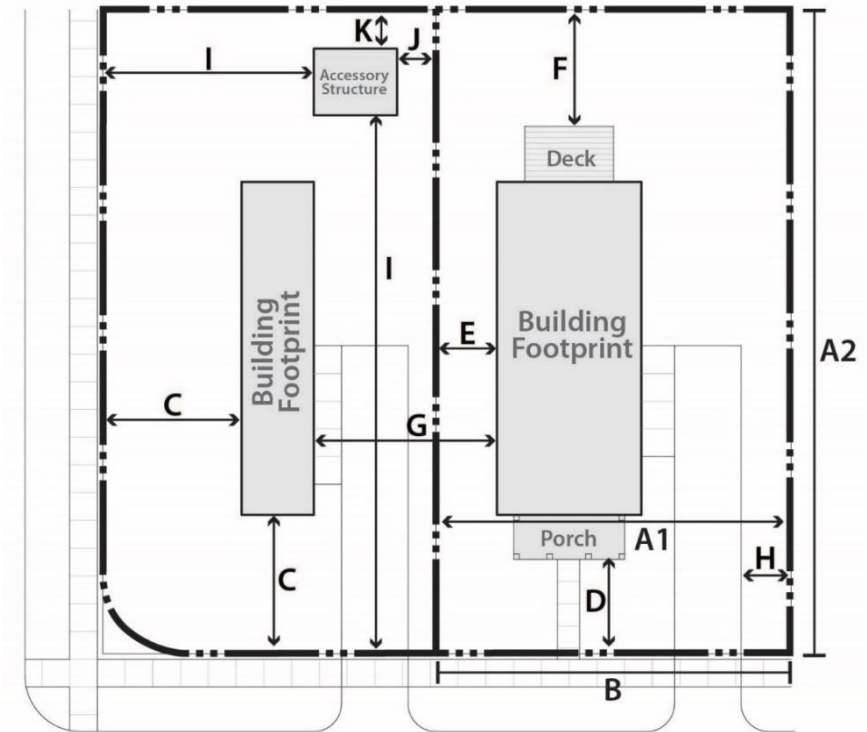




Figure X: R-4 and R-5

Key to Figure

- A Minimum Lot Area ( $A1 \times A2$ )
- A1 Minimum Lot Width (at front setback line)
- B Minimum Lot Frontage at Right-of-Way
- C Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
- D Minimum Porch Setback from Front and Street Side Corner
- E Minimum Side Yard Setback – Interior
- F Minimum Rear Yard Setback and Attached Deck Setback (lot line to principal building or attached garage)
- G Minimum Building Separation
- H Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
- I Minimum Accessory Building Front Yard or Street Side Corner Setback
- J Minimum Accessory Building Side Yard Setback – Interior
- K Minimum Accessory Building Rear Yard Setback



## STAFF COMMITTEE PREPARATION REPORT

**Agenda Item:** Approval of Conditional Use Permit for 317 Plastic Avenue

**Summary and Background Information:**

This property is currently zoned M-2 General Industrial District, and there are no staff concerns about this request. Additional conditions do not appear to be necessary at this time.

**Recommendation From:** Director of Economic Development and Zoning

**Minutes Attached:**

Yes ☒ No ☒

**Budget Account:** Not applicable.

**Fiscal Impact:** Not applicable.

**Staff Responsible for implementation:** Director of Economic Development and Zoning.

**Economic Impact:** None..

**Zoning/Rezoning Issues:** None.

**Supports Organizational Goals:**

Yes ☒ No ☐

**Questions from SET:** None.

**Grants Pursued/Opportunity Pursued:** Not applicable.

**Recommendation:** A motion to approve this item should read, “Motion to approved the Conditional Use Permit for 317 Plastic Avenue as presented by the applicant.”

**Nicholas M. Morales**  
**Department Director**

**1 July 2025**  
**Date**

**Committee:** **Planning Commission**  
**Meeting Date(s):** **1 July 2025**



Building & Zoning  
819 Superior Ave  
Tomah, WI 54660  
608-374-7429

## CONDITIONAL USE APPLICATION

This application shall be fully completed and submitted with the \$125 fee before the Zoning Department will process your application. Incomplete applications will be returned to you.

Completed applications must be received by the 1<sup>st</sup> working day of the month in order to schedule a public hearing on your proposal at the Plan Commission Meeting to be held during the current month.



The City of Tomah will publish a notice in the newspaper and notify all landowners, within 200 feet of the property you're proposing a conditional use, as to what you're proposing and where a public hearing will be conducted on your proposal.

<b>Property Address of Conditional Use Request:</b> <b>317 Plastic Avenue</b>		Parcel Number: <b>286-02606-5001</b>
<b>Property Owner:</b> <b>Jeremy Feutz</b>	Mailing Address: <b>W2553 Bakertown Road</b>	City, State, Zip: <b>Helenville, WI 53137</b>
Phone Number: <b>2623708223</b>	Email: <b>yardcare@yahoo.com</b>	Primary Contact <input checked="" type="checkbox"/>

<b>Applicant:</b> <b>Jeremy Feutz</b>	Mailing Address: <b>W2553 Bakertown Road</b>	City, State, Zip: <b>Helenville, WI 53137</b>
Phone Number: <b>2623708223</b>	Email: <b>yardcare@yahoo.com</b>	Primary Contact <input checked="" type="checkbox"/>

*The undersigned hereby makes an application at the location stated herein. The undersigned agrees that all work shall be done in accordance with the requirements of the City of Tomah Zoning Ordinance and with all other applicable City Ordinances and the laws and regulations of the State of Wisconsin.*

<b>Signature of Applicant:</b> 	Date: <b>5-26-25</b>
<b>Signature of Property Owner:</b> 	Date: <b>5-26-25</b>

<b>OFFICE USE ONLY:</b>	Date Received: <b>2 JUNE 2025</b>	Application Received by: <b>N. MORALES</b>
Zoning District:		

APPLICANT: Conditional Use Checklist	N/A
<b>Proposed Conditional Use:</b> Car, light/heavy Truck, and Equipment Repair and Sales. Would also like to continue part of my excavating/grading, trucking business hwer also. <hr/> <hr/> <hr/>	<input type="checkbox"/>
<b>Hours of Operation:</b> 7:00 a.m. To 8:00 P.M.	<input type="checkbox"/>
<b>Number of Employees:</b> At this time no employess	<input type="checkbox"/>
<b>Present Zoning Classification:</b>	<input type="checkbox"/>
<b>Description of Existing Use – Including Structures, if any:</b>	<input type="checkbox"/>
<b>What measures will be taken to prevent or control noise, odors, fumes, dust, vibrations, light, and other unusual activities or disturbances?</b> Only Noise should be the running of trucks or moving of equipment. No other concerns would apply. <hr/> <hr/> <hr/>	<input type="checkbox"/>
<b>What measures will be taken to provide sufficient off-street parking and loading spaces to serve the proposed use?</b> Must all vehicles and trucks should be able to park at this location. <hr/> <hr/> <hr/>	<input type="checkbox"/>

### PLOT PLAN

A plot plan shall be submitted with all conditional use permit applications. Use the last page of this application to draw your plot plan. The plot plan should be drawn to scale (indicate scale on map) and include items whether existing or proposed as follows:

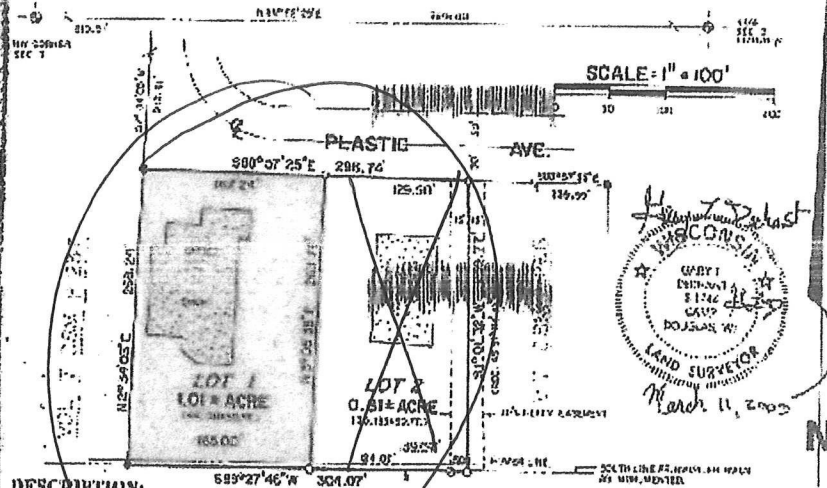
1. All structures on the property upon which the conditional use is being proposed. (Indicate the length, width, and height of each structure.)
2. All public roads, private driveways, and parking areas.
3. Wetlands, floodplains, and ordinary highwater mark of any navigable lake, river, or stream.

# CERTIFIED SURVEY MAP

Part of the Frac. NW1/4-Frac. NW1/4 of Sec. 3, City of Tomah,  
Monroe County, WI.

- ⊙ = Existing County Monument
- = Set 1"x24" iron pipe 1.13 lbs/lm. f.
- ⊙ = Existing 1" iron pipe
- ⊙ = Existing 3/4" iron bar

Bearings referenced to the North line of  
Frac. NW1/4, ASSUMED to bear  
N89°52'29"E.



## DESCRIPTION:

Those lands as recorded in Volume 8 CSM P 281, being located in part of the Fractional NW1/4- Fractional NW1/4 of Section 3, T17N-R1W, City of Tomah, Monroe County, WI.

Subject to easements, restrictions, covenants, and right of ways of record.

## SURVEYOR'S CERTIFICATE:

I, Gary L. Dechant, do hereby certify, that by the order of Pete Tharion, Construction Management, I have surveyed and mapped the property described here on and that the within map is a true and correct representation of the exterior boundaries of the lands surveyed and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and of Chapter 18 of the Monroe County Land Division Code to the best of my knowledge and belief.

*Gary L. Dechant* 3-11-2002  
DECHANT SURVEYING, LLC  
17655 Hornet Road Camp Douglas, WI 54618  
Ph. No. 468-427-3624

## CITY OF TOMAH PLANNING COMMISSION APPROVAL:

This certified survey Map is hereby approved by the Planning Commission of the City of Tomah, WI.

Chairman

Date

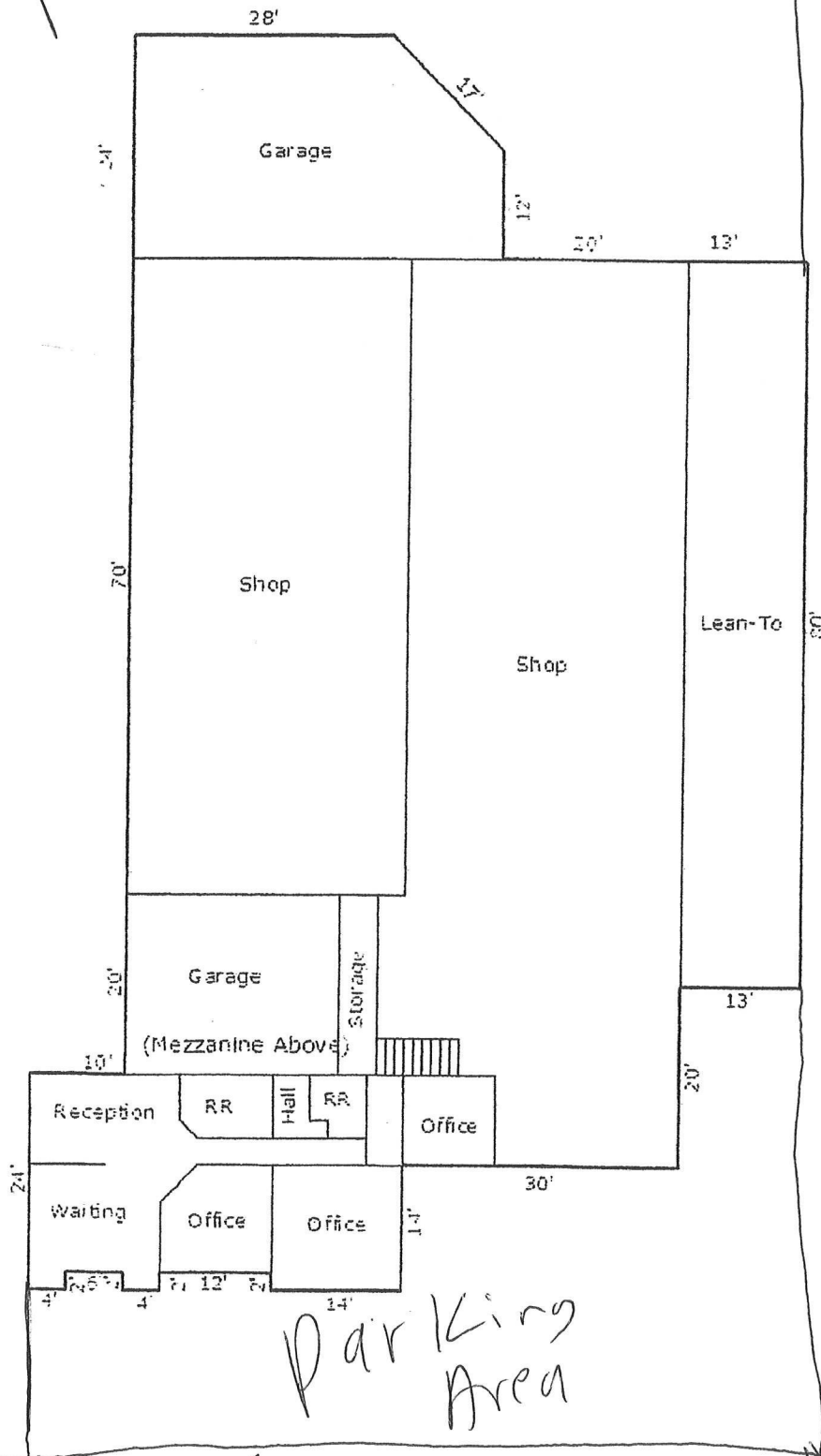
317 Plastic Avenue, Tomah, Wisconsin

Commercial Shop with Office

BUILDING SKETCH

Area

Parking Area



Plastic Avenue 27

City of Tomah

5/27/2025

Date	Type	Reference
5/27/2025	Bill	

Original Amt.
125.00

Balance Due	Discount
125.00	
Check Amount	

Payment
125.00
125.00

Premier Bank

125.00

CITY OF TOMAH  
819 SUPERIOR AVENUE  
TOMAH WI 54660

(608)374-7423

Receipt No: 2.000026334

Jun 2, 2025

J &amp; M YARD CARE, LLC

Licenses & Permits  
ZONING & USE PERMITS

125.00

Total:

125.00

CHECKS

Check No: 11091

125.00

Payor:

J &amp; M YARD CARE, LLC

Total Applied:

125.00

Change Tendered:

.00

06/02/2025 12:39 PM



**62.23 CITIES****Updated 23-24 Wis. Stats. 22**

council, the city plan commission, the board of public land commissioners, or if the city has neither, the city plan committee of the city council shall prepare and recommend a district plan and regulations for the city. Following the formulation of tentative recommendations a public hearing shall be held by, at the council's option, the council, the plan commission, the board of public land commissioners or the plan committee. The entity holding the hearing shall consider any comments made, or submitted, by the commanding officer, or the officer's designee, of a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. At least 10 days' prior written notice of any such hearings shall be given to the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed plan and regulations, and to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city, but failure to give such notice shall not invalidate such district plan or regulations. Publication of a class 2 notice, under ch. 985, of the tentative recommendations and hearings thereon must be made once during each of the 2 weeks prior to such hearing. If the proposed district plan and regulations have the effect of changing the allowable use of any property within the city, the notice shall include either a map showing the property affected by the plan and regulations or a description of the property affected by the plan and regulations and a statement that a map may be obtained from the city council.

b. The council may make changes in the tentative recommendations after first submitting the proposed changes to the plan commission, board of public land commissioners or plan committee for recommendation and report and after publishing a class 2 notice, under ch. 985, of the proposed changes and hearings thereon as well as the notice to the clerk of any contiguous municipality and to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city, as required in subd. 1. a. Hearings on the proposed changes may be held by, at the council's option, the council, the plan commission, the board of public land commissioners or the plan committee. The entity holding the hearing shall consider any comments made, or submitted, by the commanding officer, or the officer's designee, of a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. If the proposed changes to the proposed district plan and regulations have the effect of changing the allowable use of any property within the city, the notice shall include either a map showing the property affected by the changes or a description of the property affected by the changes and a statement that a map may be obtained from the city council.

2. The council may adopt amendments to an existing zoning ordinance after first submitting the proposed amendments to the city plan commission, board of public land commissioners or plan committee for recommendation and report and after providing the notices as required in subd. 1. b. of the proposed amendments and hearings thereon. In any city which is not located in whole or in part in a county with a population of 750,000 or more, if the proposed amendments would make any change in an airport affected area, as defined in sub. (6) (am) 1. b., the council shall mail a copy of such notice to the owner or operator of the airport bordered by the airport affected area. A hearing shall be held on the proposed amendments by, at the council's option, the council, the plan commission, the board of public land commissioners or the plan committee. The entity holding the hearing shall consider any comments made, or submitted, by the commanding officer, or the officer's designee, of a military base or

installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. If the proposed amendments have the effect of changing the allowable use of any property within the city, the notice shall include either a map showing the property affected by the amendments or a description of the property affected by the amendments and a statement that a map may be obtained from the city council. If the council does not receive recommendations and a report from the plan commission, board of public land commissioners or plan committee within 60 days of submitting the proposed amendments, the council may hold hearings without first receiving the recommendations and report.

2m. In any city which is not located in whole or in part in a county with a population of 750,000 or more, if a proposed amendment under subd. 2. would make any change in an airport affected area, as defined under sub. (6) (am) 1. b. and the owner or operator of the airport bordered by the airport affected area protests against the amendment, the amendment shall not become effective except by the favorable vote of two-thirds of the members of the council voting on the proposed change.

3. The council may repeal or repeal and reenact the entire district plan and all zoning regulations in accordance with subd. 1. The council may repeal or repeal and reenact a part or parts of the district plan and regulations in accordance with subds. 2. and 2m.

4. The city council shall maintain a list of persons who submit a written or electronic request to receive notice of any proposed zoning action that may be taken under subd. 1. a. or b. or 2. that affects the allowable use of the person's property. Annually, the city council shall inform residents of the city that they may add their names to the list. The city council may satisfy this requirement to provide such information by any of the following means: publishing a 1st class notice under ch. 985; publishing on the city's Internet site; 1st class mail; or including the information in a mailing that is sent to all property owners. If the plan commission, the board of public land commissioners, or city plan committee of the city council completes action on any tentative recommendations that are noticed under subd. 1. a., proposed changes to a proposed district plan and regulations that are submitted under subd. 1. b., or proposed amendments that are submitted under subd. 2., and the city council is prepared to vote on the tentative recommendations, proposed changes to a proposed district plan, and regulations or proposed amendments, the city council shall send a notice, which contains a copy or summary of the tentative recommendations, proposed changes to a proposed district plan, and regulations or proposed amendments, to each person on the list whose property, the allowable use of which, may be affected by the tentative recommendations or proposed changes or amendments. The notice shall be by mail or in any reasonable form that is agreed to by the person and the city council, including electronic mail, voice mail, or text message. The city council may charge each person on the list who receives a notice by 1st class mail a fee that does not exceed the approximate cost of providing the notice to the person. An ordinance or amendment that is subject to this subdivision may take effect even if the city council fails to send the notice that is required by this subdivision.

(da) *Interim zoning.* The common council of any city which has not adopted a zoning ordinance may, without referring the matter to the plan commission, enact an interim zoning ordinance to preserve existing uses while the comprehensive zoning plan is being prepared. Such ordinance may be enacted as is an ordinary ordinance but shall be effective for no longer than 2 years after its enactment.

(de) *Conditional use permits.* 1. In this paragraph:

a. "Conditional use" means a use allowed under a condi-

**23 Updated 23-24 Wis. Stats.****CITIES****62.23**

tional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. “Substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2. a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit’s duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city’s decision to approve or deny the permit must be supported by substantial evidence.

3. Upon receipt of a conditional use permit application, and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.

4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit’s duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.

5. If a city denies a person’s conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10. a., or if the decision is on an application for an approval, as defined in s. 781.10 (1) (a), under the procedures described in par. (e) 10. b.

(e) *Board of appeals.* 1. The council which enacts zoning regulations pursuant to this section shall by ordinance provide for the appointment of a board of appeals, and shall provide in such regulations that said board of appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. Nothing in this subdivision shall preclude the granting of special exceptions by the city plan commission or the common council in accordance with the zoning regulations adopted pursuant to this section which were in effect on July 7, 1973 or adopted after that date.

2. The board of appeals shall consist of 5 members appointed by the mayor subject to confirmation of the common council for terms of 3 years, except that of those first appointed one shall serve for one year, 2 for 2 years and 2 for 3 years. The members of the board shall serve at such compensation to be fixed by ordinance, and shall be removable by the mayor for cause upon written charges and after public hearing. The mayor shall designate one of the members as chairperson. The board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The mayor shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for. Annually, the mayor shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate

so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.

3. The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this section. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in the chairperson’s absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

3m. If a quorum is present, the board of appeals may take action under this subsection by a majority vote of the members present.

4. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

5. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate a stay would, in the officer’s opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

6. The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. In any action involving a listed property, as defined in s. 44.31 (4), the board shall consider any suggested alternatives or recommended decision submitted by the landmarks commission or the planning commission.

7. a. In this subdivision, “area variance” means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of appeals under this paragraph. In this subdivision, “use variance” means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

b. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special

**62.23 CITIES****Updated 23-24 Wis. Stats. 24**

conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

c. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

d. A property owner bears the burden of proving “unnecessary hardship,” as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner’s property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

e. The council of a city may enact an ordinance specifying an expiration date for a variance granted under this subdivision if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of appeals does not specify an expiration date for the variance, a variance granted under this subdivision does not expire unless, at the time it is granted, the board of appeals specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012.

f. A variance granted under this subdivision runs with the land.

8. In exercising the above mentioned powers such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.

10. a. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the board of appeals, commence an action seeking the remedy available by certiorari. The court shall not stay proceedings upon the decision appealed from, but may, on application, on notice to the board of appeals and on due cause shown, grant a restraining order. The board of appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

b. Notwithstanding subd. 10. a., a decision of the board of appeals on an application for an approval, as defined in s. 781.10

(1) (a), is subject to review under the procedures contained in s. 781.10.

14. Costs shall not be allowed against the board unless it shall appear to the court that the board acted with gross negligence or in bad faith, or with malice, in making the decision appealed from.

15. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

(ea) *Filing fees.* The common council may by ordinance or resolution establish reasonable fees for the filing of a petition for amendment of the zoning ordinance or official map, or for filing an appeal to the board of appeals.

(em) *Historic preservation.* 1. Subject to subds. 2. and 2m., a city, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance, or if a city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall, not later than 1995, enact an ordinance to regulate, any place, structure or object with a special character, historic, archaeological or aesthetic interest, or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. Subject to subds. 2., 2m., and 3., a city may create a landmarks commission to designate historic or archaeological landmarks and establish historic districts. Subject to subds. 2. and 2m., the city may regulate, or if the city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall regulate, all historic or archaeological landmarks and all property within each historic district to preserve the historic or archaeological landmarks and property within the district and the character of the district.

2. Before the city designates a historic landmark or establishes a historic district, the city shall hold a public hearing. If the city proposes to designate a place, structure, or object as a historic landmark or establish a historic district that includes a place, structure, or object, the city shall, by 1st class mail, notify the owner of the place, structure, or object of the determination and of the time and place of the public hearing on the determination.

2m. In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this paragraph, a city shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

3. An owner of property that is affected by a decision of a city landmarks commission may appeal the decision to the common council. The common council may overturn a decision of the commission by a majority vote of the common council.

(f) *Enforcement and remedies.* 1. The council may provide by ordinance for the enforcement of this section and of any ordinance or regulation made thereunder. In case of a violation of this section or of such ordinance or regulation such council may provide for the punishment by fine and by imprisonment for failure to pay such fine. It is also empowered to provide civil penalties for such violation.

2. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of this section or of any ordinance or other regulation made under authority conferred hereby, the proper authorities of the city, or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or



## STAFF COMMITTEE PREPARATION REPORT

**Agenda Item:** Approval of Conditional Use Permit for 231 Nicholas Avenue

### Summary and Background Information:

Appropriate conditions to establish for this Conditional Use Permit may include, but are not limited to, the following:

1. Construction of a permanent fence after receiving approval/permit from the Economic Development and Zoning Department.
2. Quiet hours that limit excessive noise of the animals from disturbing neighbors between the hours of 9:00pm and 7:00am.
3. Animal drop-off procedures that ensure the animal is leashed or caged during drop-off and pick-up to prevent animals from trespassing on neighboring properties.
4. No animal boarding for a single animal to exceed seven continuous days, with a minimum of 24 hours before the next seven day stay.
5. Should a neighbor in either of the two adjacent properties complain of excessive noise during quiet hours three times, the conditional use permit shall be revoked.
6. Business must be properly licensed and insured through the City Clerk's office and the appropriate County and State agencies.
7. All animals on the property must be current on vaccinations.
8. Animal feces must be picked and properly disposed of no less than once per day.
9. Must adhere to all municipal ordinances, state laws, and federal laws.
10. First issuance of this permit is good for a period not to exceed one year from the date of approval by the Planning Commission, with the requirement for reapplication at the expiration of this permit.

**Recommendation From:** Director of Economic Development and Zoning

### Minutes Attached:

Yes ☒ No ☒

**Budget Account:** Not applicable.

**Fiscal Impact:** Not applicable.

**Staff Responsible for implementation:** Director of Economic Development and Zoning.

**Economic Impact:** May decrease property value of 231 Nicholas Avenue and adjacent properties.

**Zoning/Rezoning Issues:** May set legal precedence for approval of like businesses in residential neighborhoods.

**Supports Organizational Goals:**

Yes ☒

No ☐

**Questions from SET:** None.

**Grants Pursued/Opportunity Pursued:** Not applicable.

**Recommendation:** A motion to approve this item should read, “The Conditional Use Permit for 231 Nicholas Avenue with the following conditions: list the above or additional conditions.”

**Nicholas M. Morales**  
Department Director

**1 July 2025**  
Date

**Committee:** Planning Commission  
**Meeting Date(s):** 2 July 2025



Building & Zoning  
819 Superior Ave  
Tomah, WI 54660  
608-374-7429

### CONDITIONAL USE APPLICATION

This application shall be fully completed and submitted with the \$125 fee before the Zoning Department will process your application. Incomplete applications will be returned to you.

Completed applications must be received by the 1<sup>st</sup> working day of the month in order to schedule a public hearing on your proposal at the Plan Commission Meeting to be held during the current month.

The City of Tomah will publish a notice in the newspaper and notify all landowners, within 200 feet of the property you're proposing a conditional use, as to what you're proposing and where a public hearing will be conducted on your proposal.

<b>Property Address of Conditional Use Request:</b> 231 Nicholas St Tomah WI 54660		<b>Parcel Number:</b>
<b>Property Owner:</b> Ana Rosa Rivera	<b>Mailing Address:</b> Same	<b>City, State, Zip:</b> Tomah WI 54660
<b>Phone Number:</b> (487) 226-8982	<b>Email:</b> ana.rosarivera7@gmail.com	<b>Primary Contact</b> <input type="checkbox"/>
<b>Applicant:</b> Ana Rosa Rivera	<b>Mailing Address:</b> Same	<b>City, State, Zip:</b> Tomah WI 54660
<b>Phone Number:</b> 11	<b>Email:</b> 11	<b>Primary Contact</b> <input checked="" type="checkbox"/>

The undersigned hereby makes an application at the location stated herein. The undersigned agrees that all work shall be done in accordance with the requirements of the City of Tomah Zoning Ordinance and with all other applicable City Ordinances and the laws and regulations of the State of Wisconsin.

<b>Signature of Applicant:</b> 	<b>Date:</b> Apr 22, 2025
<b>Signature of Property Owner:</b> 	<b>Date:</b> Apr 22, 2025

<b>OFFICE USE ONLY:</b>	<b>Date Received:</b>	<b>Application Received by:</b>
<b>Zoning District:</b>		

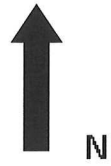
APPLICANT: Conditional Use Checklist	N/A
Proposed Conditional Use: <u>Temporary use until actual Care is built &amp; business building is constructed</u>	<input type="checkbox"/>
Hours of Operation: <u>9:00 am - 5:00 pm</u>	<input type="checkbox"/>
Number of Employees: <u>0</u>	<input type="checkbox"/>
Present Zoning Classification: <u>Residential</u>	<input type="checkbox"/>
Description of Existing Use – Including Structures, if any: <u>Patio for potty <sup>and play</sup> but inside there are resting</u>	<input type="checkbox"/>
What measures will be taken to prevent or control noise, odors, fumes, dust, vibrations, light, and other unusual activities or disturbances? <u>Excrement pickup is done daily, bark collars are used if necessary → haven't had to use them</u>	<input type="checkbox"/>
What measures will be taken to provide sufficient off-street parking and loading spaces to serve the proposed use? <u>Load and unload is not during commute to work hours clients will park at my driveway or in street directly in front of the house for no more than 10 minutes</u>	<input type="checkbox"/>

### PLOT PLAN

A plot plan shall be submitted with all conditional use permit applications. Use the last page of this application to draw your plot plan. The plot plan should be drawn to scale (indicate scale on map) and include items whether existing or proposed as follows:

1. All structures on the property upon which the conditional use is being proposed. (Indicate the length, width, and height of each structure.)
2. All public roads, private driveways, and parking areas.
3. Wetlands, floodplains, and ordinary highwater mark of any navigable lake, river, or stream.

Scale: 1" = 30 ft



Map

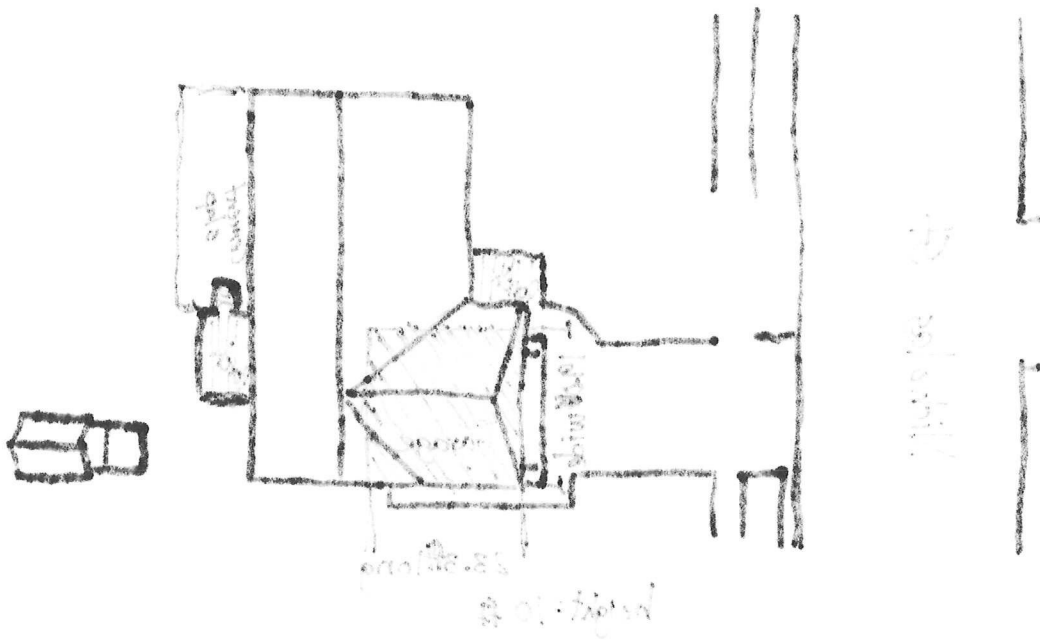
-  Business area
-  Non business area



80 08

0 10 20 30 40 50 60 70 80 90 100

0 10 20 30 40 50 60 70 80 90 100



Map  
of  
the  
house  
area



## INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Monroe County Herald** on the dates indicated below.

If changes are needed, please contact us prior to deadline at **(608) 269-9797**.

Notice ID: k9dKqmULOM2J4oqC0523 | **Proof Updated: May. 20, 2025 at 09:56am CDT**

Notice Name: Tomah Conditional Use Permit Public Hearing

**This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.**

FILER	FILING FOR
Nicholas Morales nmorales@tomahwi.gov (608) 374-7479	Monroe County Herald

The City of Tomah Planning Commission will hold a public hearing regarding the application for a conditional use permit for 231 Nicholas St, Tomah, WI 54660. The applicant is requesting that the above stated address be authorized as a place of business in accordance with the conditional uses listed in Chapter 52 of the Municipal Code. The public hearing will be held at the Tomah City Hall in the Council Chambers at 5:30pm on Thursday 5 June 2025.  
5/22 WNAXLP

Columns Wide:	1	Ad Class: Legals
Total Column Inches:	1.98	
Number of Lines:	16	

05/22/2025: Other	10.99
Notary Fee	2.00

Subtotal	\$12.99
Tax	\$0.00
Processing Fee	\$1.30
<b>Total</b>	<b>\$14.29</b>



# Economic Development and Zoning (EDZ)

## Priorities for February:

1. Operation Welcome Home (Housing)
2. Operation Phoenix (Downtown Revitalization)
3. Operation Clean Tomah (Code Enforcement)

## Administration

- Permanent Personnel: 2
- Contracted Personnel: 3 (V&A x 1, GEC x 2)
- Total: 5

## Logistics

- Vehicles: 1
- Resource Shortfalls: None

## Training:

- Collective Bargaining Agreements
- Municipal Code Chapter 52
- Code Enforcement Procedures

## Recently Completed Operations (Past 30 Days)

- 19 May New Employee First Day
- 19 May – 6 June New Employee Training
- 20 May Developer Recruitment
- 21 May CVB Meeting
- 23 May Enterprise Fleet Management
- 27 May Downtown Business and Property Owner Forum
- 29 May Mr. Thorson Meeting
- 30 May Tomah Health Groundbreaking Ceremony
- 2 Jun Building Inspector Meeting, Georgette Martin Meeting
- 3 Jun Strategic Zoning Rewrites Meeting, Tomah Health Site Plan Review
- 4 Jun CME Development
- 5 Jun Code Enforcement Training, Monroe County Grant Discussion
- 9 Jun Walmart Supercenter Project Meeting
- 12 Jun Jac's Steakhouse Façade Grant Inspection, 209 W Benton St Meeting
- 16 Jun Operation Phoenix KSU Study Meeting
- 17 Jun Monroe County Transitional/Supportive Housing Meeting

## Current Operations (Next 30 Days)

- 18 Jun Monroe County Single Family Housing Meeting
- 19 Jun DNR Ag Wetland Mitigation Meeting
- 24 Jun Eminent Development Meeting
- 25 Jun Monroe County Short Term Vacation Rental Meeting

## Future Operations (Next 30 Days – 1 Year)

- TBD Annual Planning (Capital Improvement Plan)
- TBD Update Downtown Master Plan (2017)

## Future Plans (1 Year – 5 Years Out)

- 2026 Update Parks and Open Space Plan (2021, must be updated every 5 years)
- 2030 Unified Economic Development Plan Due
- 2030 400-700 Housing Unit Target from 2022 Housing Study



Permit Number	Municipality	Date	Property Owner	Property Address	Parcel #	Est Cost	Census Code
25-0045-41-286	Tomah (city)	06/02/25	Tyler Bjorkman	115 West Nott St.	286011160000	\$5,000.00	131 - Electrical Only
25-0043-41-286	Tomah (city)	06/01/25	Katherine Nastachowski	308 Mclean Ave		\$20,000.00	120 - Decks And Porches
25-0042-41-286	Tomah (city)	06/01/25	Joshua Winrich	815 Butts Ave.	286-01682-0000	\$125,000.00	128 - Sheds
25-0041-41-286	Tomah (city)	06/01/25	Ho-chunk Nation	135 Wittig Road	286-02651-451	\$500,000.00	318 - Amusement, Social, / Recreational
25-0040-41-286	Tomah (city)	06/01/25	Morgan Ellsworth	215 Jefferson St	286-02713-000	\$6,500.00	434 - Residential Additions Alterations
25-0039-41-286	Tomah (city)	06/01/25	Tory Lugo	323 E Milwaukee St	28602060000	\$5,037.00	434 - Residential Additions Alterations
25-0038-41-286	Tomah (city)	06/01/25	Makyla Burkwalt	501 Mclean Ave.		\$2,000.00	131 - Electrical Only



6/1/2025 - 6/30/2025

Permit #	Permit Date	Permit Type	Project Description	Parcel Address
7002	6/27/2025			425 ARTHUR ST
7001	6/27/2025	Sign Permit	(1) new illuminated double faced monument sign with electronic message center. This is replacing existing illuminated monument sign.	
7000	6/26/2025	Fire Suppression System	189 head fire suppression system	1602 Rezin Rd
6999	6/21/2025	Fence	No maintenance vinyl privacy fence	321 W MILWAUKEE STREET
6998	6/19/2025	Fence	Wood privacy fence	1401 SUPERIOR AVENUE
6997	6/16/2025	Sign Permit	Replacing sign faces with new design on existing pole structure	111 W ANDRES STREET
6996	6/15/2025	Fence	Replacing current fence	613 ALYSSA STREET
6995	6/11/2025	Fence	Back yard fence	
6994	6/10/2025	Sign Permit	(1) set of halo lit channel letters	1620 TOWNLINE ROAD
6993	6/8/2025	Fence		614 WOODARD AVENUE



Total Fees	Construction Value
	0.00
\$40.00	
	0.00
\$20.00	0.00
\$20.00	0.00
\$40.00	0.00
\$20.00	0.00
\$20.00	0.00
\$40.00	0.00
\$20.00	0.00



# Permit Report

Permit #	Permit Date	Permit Type	Project Description	Parcel Address
6992	6/6/2025	Shed Permit<150 square feet	Pre built backyard storage shed	
6991	6/6/2025	Sign Permit	Sign on east side of my Hanger on my own property	1210 E CLIFTON STREET
6990	6/5/2025	Fence	Moving part of fence and add a bigger door	111 HOLLISTER AVENUE
6989	6/4/2025	Sign Permit	Change signage from Clarion Pointe to Red roof Inn	2005 N SUPERIOR AVENUE
6988	6/4/2025	Temporary Parking Exemption Permit	16 yd dumpster on road for disposal of unneeded objects	315 W NOTT STREET

**Total Records: 15**

Total Fees	Construction Value
	5,000.00
\$40.00	0.00
\$20.00	0.00
\$40.00	0.00
	0.00
\$320.00	5,000.00

6/30/2025



6/1/2025 - 6/30/2025

Case Date	Case #	Parcel Address	Violation Name	Violation Notes	Complaint Type
6/30/2025	2025038	1208 KILBOURN AVENUE	48-65- Grass Mowed & Maintained	grass taller than 8in.	Grass/Weeds
6/30/2025	2025039	319 E COUNCIL STREET	48-65- Grass Mowed & Maintained		Grass/Weeds
6/27/2025	2025015	223 Alyssa St.	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025016	237 Alyssa St.	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025017	309 ALYSSA STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025018	310 ALYSSA STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025019	429 Alyssa St.	52-209 - Fences and hedges.		Construction without permit



Due Date	Status
7/3/2025	Issued Order to Correct
7/3/2025	Issued Order to Correct
	Issued Order to Correct
7/11/2025	Issued Order to Correct
7/11/2025	Issued Order to Correct
7/11/2025	Issued Order to Correct
7/11/2025	Issued Order to Correct

## Code Enforcement Violation Report

Case Date	Case #	Parcel Address	Violation Name	Violation Notes	Complaint Type
6/27/2025	2025020	501 Alyssa St.	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025021	513 Alyssa St.	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025022	556 ALYSSA STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025023	601 ALYSSA STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025024	602 ALYSSA STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025025	615 ALYSSA STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025026	201 NICHOLAS STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025027	206 NICHOLAS STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025028	210 NICHOLAS STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025029	219 NICHOLAS STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025030	311 NICHOLAS STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025031	316 NICHOLAS STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025032	326 NICHOLAS STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025033	342 NICHOLAS STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025035	404 NICHOLAS STREET	52-209 - Fences and hedges.		Construction without permit

Due Date	Status
7/11/2025	Issued Order to Correct
7/11/2025	Issued Order to Correct
7/11/2025	Issued Order to Correct
7/11/2025	Issued Order to Correct
7/11/2025	Issued Order to Correct
7/11/2025	Issued Order to Correct
7/11/2025	Issued Order to Correct
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7/11/2025	Issued Order to Correct
7/11/2025	Issued Order to Correct
7/11/2025	Issued Order to Correct
7/11/2025	Issued Order to Correct



Case Date	Case #	Parcel Address	Violation Name	Violation Notes	Complaint Type
6/27/2025	2025036	407 NICHOLAS STREET	52-209 - Fences and hedges.		Construction without permit
6/27/2025	2025037	409 NICHOLAS STREET	52-209 - Fences and hedges.		Construction without permit
6/24/2025	2025014	103 CLARK STREET	Sec. 44-124 Parking restricted or prohibited		Multiple Violations
6/24/2025	2025014	103 CLARK STREET	Sec. 10-264. - Owner responsibility for maintenance.		Multiple Violations
6/24/2025	2025014	103 CLARK STREET	48-65- Grass Mowed & Maintained		Multiple Violations
6/5/2025	2025011	300 MC LEAN AVENUE	48-65- Grass Mowed & Maintained		Grass/Weeds
6/4/2025	2025010	116 W NOTT STREET	48-65- Grass Mowed & Maintained		Grass/Weeds
	<b>58725704</b>				

**Total Records: 29**

Due Date	Status
7/11/2025	Completed
7/11/2025	Issued Order to Correct
	Open
	Open
	Open
6/9/2025	Completed
6/9/2025	Completed

6/30/2025



30 April 2025

From: Director of Economic Development and Zoning  
To: City Plan Commission

Subject: DIRECTOR'S MEMORANDUM ICO 820 N. SUPERIOR AVE  
NONCONFORMING SIGN

References: None.

Enclosures: (1) City of Tomah Municipal Code Section 52, Article V: Signs  
(2) City of Tomah Sign Permit for 820 N Superior Ave dtd 5 January 2007

Dr. Mark Mueller, property owner of 820 N. Superior Ave, currently has a nonconforming sign on his property. After a review of enclosure (1), the sign causes the following violations:

- Sign was erected for a business that no longer exists.
- Sign is larger than 50 square feet and was erected on Superior Ave between Veterans and Clifton Street.

Mr. Shane Rolff, while still serving as the Building Inspector/Zoning Administrator, informed Dr. Mueller of the violations and informed him the sign needed to be removed. Dr. Mueller would like to keep the sign and lease it as an advertising billboard. The nonconforming nature of his sign does not meet the undue hardship criteria that Wisconsin State Law requires for a variance. However, Mr. Rolff issued Dr. Mueller a sign permit via the La Crosse Sign Company on 5 January 2007 (enclosure 3).

Staff is respectfully requesting from the City Plan Commission to disclose if there is additional context with regards to why a nonconforming sign was approved in 2007.

Nicholas M. Morales  
Director of Economic Development and Zoning  
Chairperson of the Senior Executive Team

Cc:

## ARTICLE V. - SIGNS

## Sec. 52-150. - Permit required.

No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit or without being in conformity with the provisions of this chapter, except those signs excepted in other provisions of this chapter. The sign shall also meet all the structural requirements of chapter 10.

(Code 1993, § 17.50)

## Sec. 52-151. - Signs excepted.

No sign shall be placed upon, over or in any public way, in any residential or agricultural districts provided that this section shall not be construed to prohibit the erection or placing of any authorized traffic sign, traffic signal or other traffic device or any other sign authorized by law or specifically permitted to project onto the public way by this chapter. All signs are prohibited in all residential and agricultural districts, except the following:

- (1) Signs over shop windows or doors of a nonconforming business establishment announcing, without display or elaboration, only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length.
- (2) Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which such signs are temporarily located.
- (3) Name, occupation and warning signs are temporarily located on premises.
- (4) Bulletin boards for public, charitable or religious institutions not to exceed 25 square feet in area, located on the premises.
- (5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (6) Official signs, such as traffic control, parking restrictions, information and notices.
- (7) Temporary signs or banners other than political candidate signs, may be posted on private property for five days or less in a 30-day period providing they are no closer than 20 feet to a traffic sign. Signs may be posted in the parkway of another property owner with the permission of that property owner. No sign may be posted on the parkways or boulevard adjacent to any federal or state trunk highways (U.S. 12 & 16 and STH 21 & 131) within the city limits.
- (8)

Signs for yard sales or rummage sales may be posted for five days or less in a 30-day period in the parkway between the sidewalk and curb of the street providing they are adjacent to the property of the sale, and are no closer than 30 feet to a traffic sign. Signs may be posted in the parkway of another property owner with the permission of that property owner. No sign may be posted on the parkways or boulevards adjacent to any federal or state trunk highways (U.S. 12 & 16 and STH 21 & 131) within the city limits.

(9) Political candidate signs may be posted on private property with the permission of the owner in accordance with state statutes for duration of posting.

(10) Electronic message centers shall be permitted pursuant to the requirements of section 52-152(18).

(Code 1993, § 17.51; Ord. No. 2014-09-10-D, § 2, 9-9-2014)

#### Sec. 52-152. - Sign restrictions.

Signs are permitted in all business and industrial districts subject to the following restrictions:

- (1) No sign shall be placed upon, over or in any public way, provided that this subsection shall not be construed to prohibit the erection or placing of any authorized traffic sign, traffic signal or other traffic device or any other sign authorized by law or specifically permitted to project onto the public way by this chapter. Signs, awnings, canopies or marquees may be permitted on, over or in the public way as a conditional use as provided under this chapter.
- (2) No sign shall be erected on any location where it may, by reason of its position, shape, color or other characteristics, interfere with, obstruct the view of or be confused with any authorized traffic sign, sign, traffic signal or other traffic device, nor shall any sign make use of the words: "STOP", "LOOK", "DRIVE IN", "DANGER" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- (3) Ground signs shall not be located within ten feet of any property line and shall observe the height restrictions pursuant to section 52-40 for principal structures. Ground signs shall not exceed 200 square feet on one side, nor 400 square feet on all sides for any one premises.  
Exception: Ground signs located in the B2 highway business district shall not exceed 70 feet in height and shall not exceed 300 square feet on one side, nor 600 square feet on all sides for any one premises.
- (4) Vacant lots upon which advertising signs now exist or which are erected pursuant to this chapter shall be maintained in an orderly fashion by the frequent and periodic removal of rubbish and maintenance of any vegetation growing on the lot.
- (5) No sign shall project over any part of any street, except where a business structure is located on the front property line. In such case, a sign may not extend more than five feet into any street.

- (6) At the termination of a business, commercial or industrial enterprise, all signs shall immediately be removed from the public view. Responsibility for violation shall reside with the property owner according to the latest official tax roll listings.
- (7) In a shopping center or industrial park, one freestanding identification sign may be permitted, showing the name of the center or park and represented businesses or industries. The area of the sign shall not be permitted within 20 feet of the right-of-way line of the street.
- (8) The total surface display area of business or industrial signs on the front facade of a building shall not exceed in square feet two times the number of linear feet of width of the building frontage. In the case of a building located on a corner lot, such square-foot display area on the side facing the secondary street may be increased by one time the number of linear feet of the length of the building which faces the secondary street. Such increased permitted display area shall be used only for the erection of a permitted sign on the length of the building that faces the secondary street. Where the premises abut a parking lot, the total of linear feet of the width or length of the building fronting on such parking lots. Such increased display area shall only be utilized by the erection of a permitted sign on that part of the building which abuts such parking lot. In no case shall more wall area usable for sign display be in excess of 200 feet and in no case shall more than one of the criteria stated in this subsection be used to calculate allowable sign area on any one building facade.
- (9) Business and industrial signs mounted on buildings shall not be permitted to project more than five feet beyond the building line.
- (10) No more than one business or industrial sign for each business on the premises shall be permitted on the front facade of any business or industrial building, including any advertisement permanently fastened to show windows or display cases. Only one business or industrial sign shall be permitted on each side or rear wall of a business or industrial building.
- (11) Necessary directional ground signs, which shall not exceed four square feet in area, shall be permitted. Permission to erect such signs shall be obtained from the director of public works and utilities.
- (12) Business and industrial signs may be internally lighted or illuminated by a good reflector, provided such lighting is so arranged as to prevent glare, and no sign shall be lighted by a lighting of intermittent or varying intensity. Flashing signs, signs which may be mistaken for traffic signal devices or diminish the visibility or effectiveness of traffic signal devices are prohibited.
- (13) Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress or for firefighting purposes or placed so as to interfere with any opening required for legal ventilation is prohibited.



- (14) No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.
- (15) a. Billboards, outdoor advertising signs and any business or industrial signs not located on the same property as the business or industry advertised shall be allowed only in commercial business and industrial zones and shall comply with the following: Minimum distance from grade to bottom of sign shall be eight feet. The sign erector shall furnish drawings indicating a minimum design of 30 pounds per square foot wind load capacity (100 mph wind). The maximum size of a sign shall be 300 square feet. Signs shall be spaced a minimum of 300 feet apart when on the same side of the roadway. Measurements shall be taken along the right-of-way. Signs shall be a minimum distance of 100 feet from an occupied residential dwelling. No signs larger than 50 square feet shall be erected on Superior Ave. between Veterans and Clifton Sts. In all other respects signs shall comply with state rules and regulations.
- b. Digital billboards shall require a conditional use permit and subject to the following requirements:
1. Restricted to the B2-highway business district and any industrial zoned districts.
  2. Brightness limited to 5,000 nits daytime, 500 nits nighttime.
  3. Signs shall be equipped with an automatic dimmer control.
  4. Malfunctioning signs shall be equipped to freeze in one position.
  5. Change in messages shall be limited to one second or less.
  6. Each message shall be in a fixed position for at least 7.5 seconds
  7. Digital billboards shall not exceed 300 square feet.
  8. Digital billboards shall provide a minimum of five hours of public service announcements per month.
  9. Digital billboards are prohibited from scrolling, flashing, animation or the appearance of movement.
- (16) Signs shall be permitted to hang from canopies or covered walks in business or industrial districts, provided there is only one sign not to exceed five square feet for each business and the sign is at least eight feet above ground level.
- (17) "Special Sale" or poster signs are permitted to be posted in store windows in the business district.
- (18) Electronic message centers shall be permitted in the following zoning districts subject to all applicable requirements prescribed by the zoning district in which the subject property is located and subject to the following:
- a. In C and I zones such signs may display animation so long as flashing is prohibited.

- b. In M1, M2, M#, and B zones such signs shall display static images for a period of at least one second before transitioning to another static image. The use of frame effects is permitted so long as flashing and animation are prohibited.
- c. All electronic message centers shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
- d. No electronic message center shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area measured as follows:

The square root of the product of the sign area and one-hundred.

$$\text{Measurement distance} = \sqrt{(12 \text{ sq. ft.} \times 100)} = 34.6$$

(Code 1993, § 17.52; Ord. No. 2013-09-04-D, § 1, 9-10-2013; Ord. No. 2014-09-10-D, §§ 3—6, 9-9-2014)

#### Sec. 52-153. - Nonconforming signs to be removed.

All signs or similar advertising structures that do not conform to the regulations of this chapter shall be removed by the person owning such nonconforming signs or the owners of property on which such signs are located within ten years from the date of the passage of the ordinance from which this chapter is derived. Should the owner of a nonconforming sign or the owner of property on which a nonconforming sign is located fail to remove such a sign within ten years, the building inspector shall, following 60 days' written notice to the owner of the sign and the owner of the property on which the sign is located, cause the sign to be removed at the expense of the owner of the sign.

(Code 1993, § 17.53)

#### Sec. 52-154. - Bond.

Before a permit is granted, every applicant for a permit for a sign, awning, canopy or marquee shall execute a surety bond in a sum to be fixed by the director of public works, not to exceed \$25,000.00, of a form and type approved by the city attorney, indemnifying the city by reason of the erection, construction or maintenance of such sign, awning, canopy or marquee. A liability insurance policy issued by an insurance company authorized to do business in the state and conforming to the requirements of this section may be permitted by the city attorney in lieu of a bond.

(Code 1993, § 17.54)

#### Secs. 52-155—52-176. - Reserved.



**City of Tomah**

**Building and Inspections Dept.**  
**819 Superior Ave.**  
**Tomah, WI, 54660**

07-005

*Gateway to Cranberry Country*  
**The City of Tomah**  
*Where The I Divides*

**Sign Permit**

**Permit Number:** SG2007-1

Page 1 of 2

Printed: 1/5/2007

**Applicant**

**Name:** Deer Creek Properties, LLC  
**Address:** 917 Oak St.  
Tomah, WI 54660

**Approval Date:**

**Phone:**

**Parcel**

**Parcel Number:** 28627121010

**Zoning:**

**Address:** 820 Superior Ave. N.

**Section:** **Township:**

**Range:**

**Addition:**

**Block:**

**Lot(s):**

**Legal Description:**

**Owners**

**Name:** Deer Creek Properties, LLC  
**Address:** 917 Oak St.  
Tomah, WI 54660

**Contractors**

**Contractor Type: Sign Erector**

**Name:** LaCrosse Sign Company  
**Address:** 1450 Oak Forest Drive  
Onalaska, WI 54650

**Phone:** 781-1450

**Fees and Receipts:**

Number	Description	Amount
FEE2007-10	Sign/Canopy	\$25.00
<b>Total Fees:</b>		<b>\$25.00</b>
RCPT2007-5		\$25.00
<b>Total Receipts:</b>		<b>\$25.00</b>

**Conditions**

**Date:** 1/5/2007

**Status:** Approved

**Code:**

**Condition Description:**

**Condition Comments:**

8' x 16' Pole Sign

**Other Fields:**

8' x 16' Pole Sign

Electric load of sign:

B Business District

\$0.00

Bus. / Pub. Frontage: 0

Square Footage Allowed: 0

Current Sign Area: 0

Proposed Sign Area: 128

Total Area: 0

Total area remaining: 0

Sign Height 14

Current Signs:

Proposed Signs:

8' x 16' Pole Sign

---

CITY OF TOMAH  
819 Superior Avenue  
Tomah, WI 54660  
(608) 374-7429



## APPLICATION FOR SIGN PERMIT

DATE 12-12, 20 06

LaCrosse Sign Co.  
(Applicant's name)

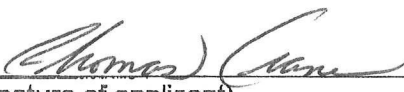
1450 Oak Forest Dr. - Onalaska, WI 54650  
(Applicant's mailing address)

608-781-1450      608-781-1451  
(Phone / Fax number)

Deer Creek Dental Clinic - 820 N. Superior Ave.  
(Address / Location of proposed sign)

Does hereby apply for permission to place a sign, on the described premises, to comply with City Ordinance #17.50. The fee of \$ 25.00 to be paid at the time of application.

Attached to this application is a complete drawing of the proposed sign, including location on premises, distance from lot lines and sign dimensions.

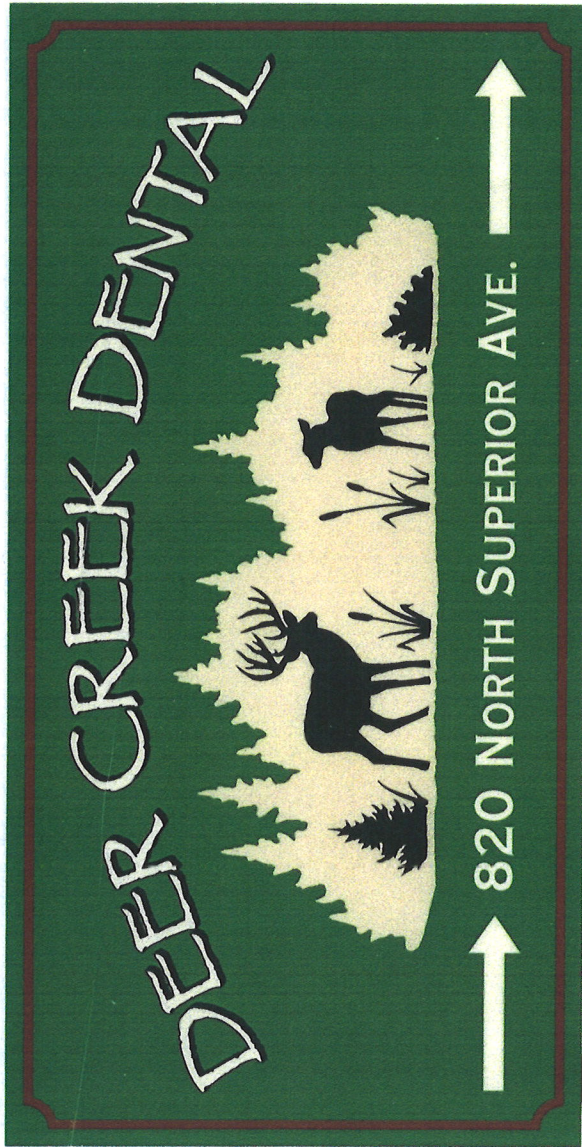
  
(Signature of applicant)

\*\*\*\*\*  
(This section for office use only)

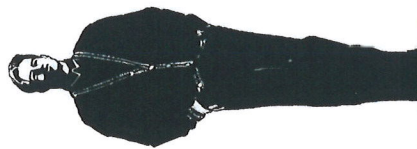
PERMIT: **GRANTED / DENIED**

  
Shane Rolff, Building Inspector

1-5-07, 2007  
Date



8' x 16' Billboard 6' above grade



© 11-17-06 FF JF SCALE: 3/8" = 1'-0"

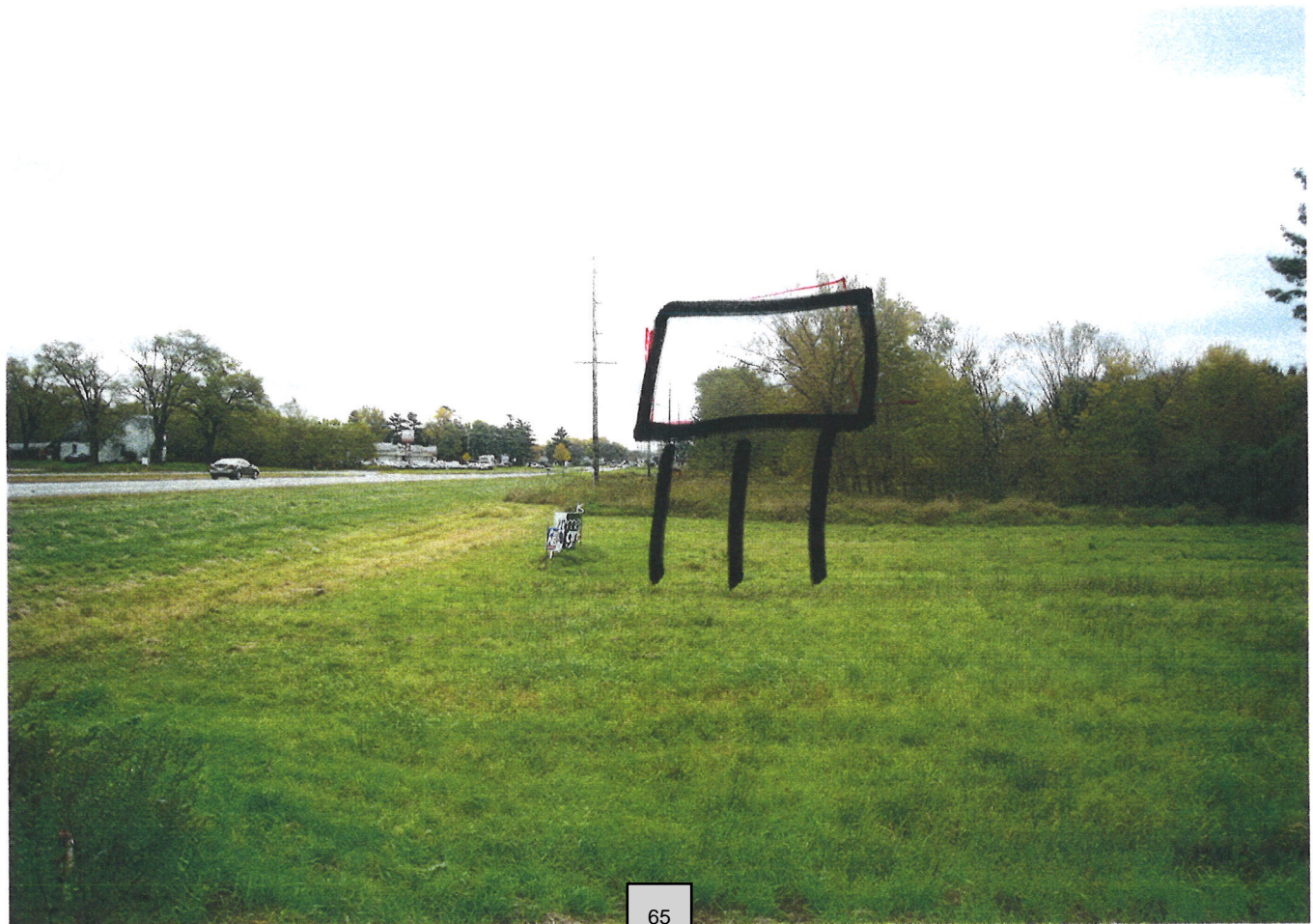
\*COLORS ON SKETCH ARE ONLY A REPRESENTATION, ACTUAL COLOR OF FINISHED PRODUCT MAY DIFFER

\* DEER CREEK 10-06 (19891)

APPROVED BY: *[Signature]*

This artwork is copyrighted and may not be otherwise used without permission. It is the property of La Crosse Sign Co., inc., and must be returned to them.







La Crosse Sign Co  
1450 Oak Forest Dr.  
Onalaska, WI 54650  
Ph: 608-781-1450  
Fax: 608 -781-1451

January 2, 2007  
City of Tomah, WI  
Inspection Dept

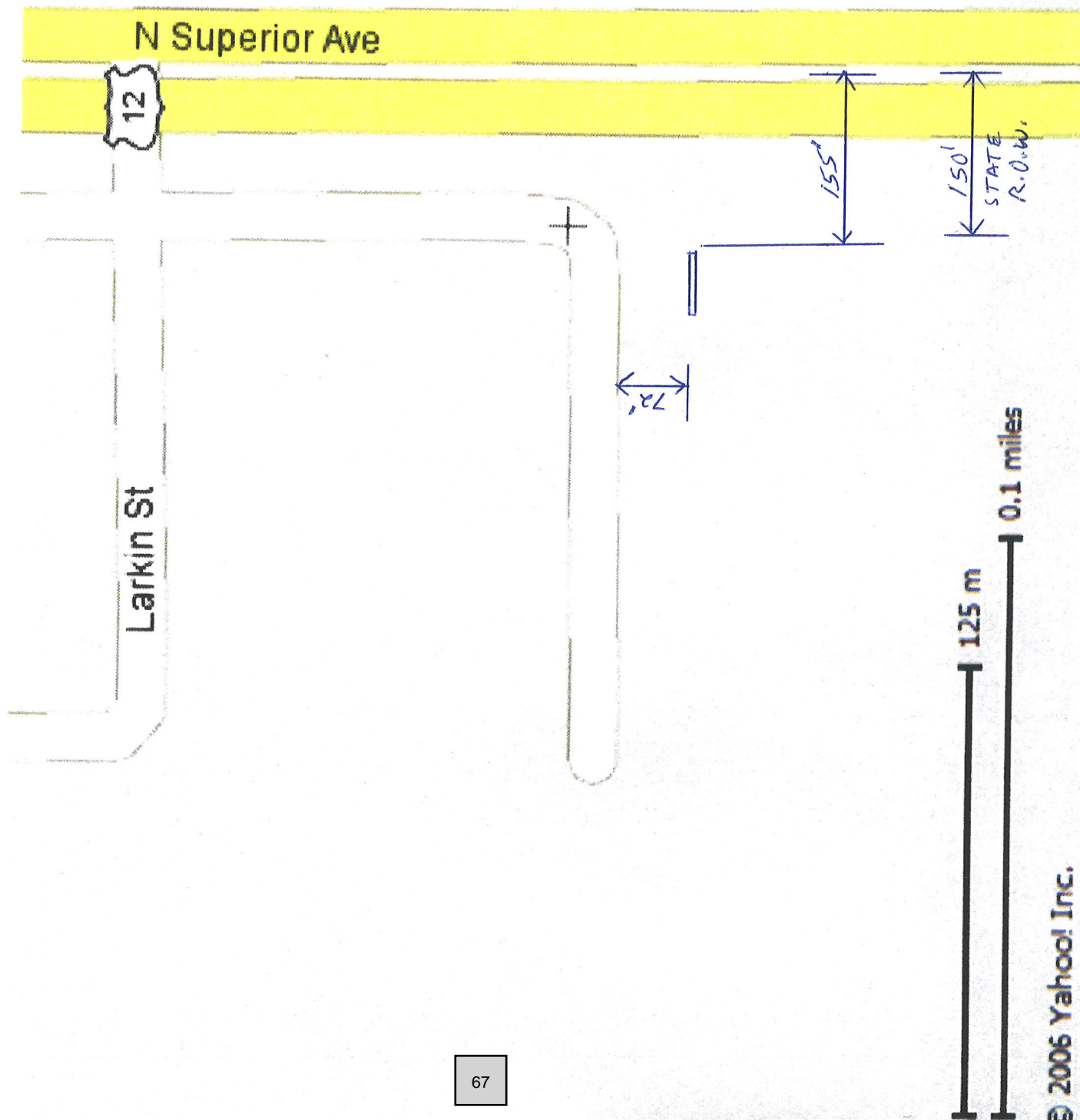
Shane,  
Enclosed is the site plan that you requested for the ground sign permit @ Deer Creek Dental

If all is in order please mail us permit or if you have futher questions or concerns please call Tom Crane @ 608-781-1450.

Thanks,  
Tom Crane  
La Crosse Sign Co.

**SIGN PERMITS**

Deek Creek Dental Sign  
Site plan for permit





30 April 2025

From: Director of Economic Development and Zoning  
To: City Plan Commission

Subject: DIRECTOR'S MEMORANDUM ICO 205 ARTHUR STREET  
NONCONFORMING SIGN

References: None.

Enclosures: (1) City of Tomah Municipal Code Section 52, Article V: Signs  
(2) E-mail Correspondence dtd 7 March 2024  
(3) City of Tomah Sign Permit for 205 Arthur St dtd 3 June 2008

Mr. Don Roscovius, property owner of 205 Arthur Street, currently has a nonconforming sign on his property. After a review of enclosure (1), the sign causes the following violations:

- Sign is in the public right of way (protected for sidewalk extension, utilities improvements, and traffic signs).
- Location of sign does not conform to 10 feet from the property line.
- Sign was erected for a business that no longer exists.

Mr. Shane Rolff, while still serving as the Building Inspector/Zoning Administrator, informed Mr. Roscovius of the public right of way violation one year ago (enclosure 2). Mr. Roscovius would like to keep the sign and have it re-faced for the business of his tenant. The nonconforming nature of his sign does not meet the undue hardship criteria that Wisconsin State Law requires for a variance. However, the City issued Mr. Roscovius a sign permit via the La Crosse Sign Company on 3 June 2008 (enclosure 3).

Staff is respectfully requesting from the City Plan Commission to disclose if there is additional context with regards to why a nonconforming sign was approved in 2008.

Nicholas M. Morales  
Director of Economic Development and Zoning  
Chairperson of the Senior Executive Team

Cc:



## ARTICLE V. - SIGNS

## Sec. 52-150. - Permit required.

No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit or without being in conformity with the provisions of this chapter, except those signs excepted in other provisions of this chapter. The sign shall also meet all the structural requirements of chapter 10.

(Code 1993, § 17.50)

## Sec. 52-151. - Signs excepted.

No sign shall be placed upon, over or in any public way, in any residential or agricultural districts provided that this section shall not be construed to prohibit the erection or placing of any authorized traffic sign, traffic signal or other traffic device or any other sign authorized by law or specifically permitted to project onto the public way by this chapter. All signs are prohibited in all residential and agricultural districts, except the following:

- (1) Signs over shop windows or doors of a nonconforming business establishment announcing, without display or elaboration, only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length.
- (2) Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which such signs are temporarily located.
- (3) Name, occupation and warning signs are temporarily located on premises.
- (4) Bulletin boards for public, charitable or religious institutions not to exceed 25 square feet in area, located on the premises.
- (5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (6) Official signs, such as traffic control, parking restrictions, information and notices.
- (7) Temporary signs or banners other than political candidate signs, may be posted on private property for five days or less in a 30-day period providing they are no closer than 20 feet to a traffic sign. Signs may be posted in the parkway of another property owner with the permission of that property owner. No sign may be posted on the parkways or boulevard adjacent to any federal or state trunk highways (U.S. 12 & 16 and STH 21 & 131) within the city limits.
- (8)

Signs for yard sales or rummage sales may be posted for five days or less in a 30-day period in the parkway between the sidewalk and curb of the street providing they are adjacent to the property of the sale, and are no closer than 30 feet to a traffic sign. Signs may be posted in the parkway of another property owner with the permission of that property owner. No sign may be posted on the parkways or boulevards adjacent to any federal or state trunk highways (U.S. 12 & 16 and STH 21 & 131) within the city limits.

- (9) Political candidate signs may be posted on private property with the permission of the owner in accordance with state statutes for duration of posting.
- (10) Electronic message centers shall be permitted pursuant to the requirements of section 52-152(18).

(Code 1993, § 17.51; Ord. No. 2014-09-10-D, § 2, 9-9-2014)

#### Sec. 52-152. - Sign restrictions.

Signs are permitted in all business and industrial districts subject to the following restrictions:

- (1) No sign shall be placed upon, over or in any public way, provided that this subsection shall not be construed to prohibit the erection or placing of any authorized traffic sign, traffic signal or other traffic device or any other sign authorized by law or specifically permitted to project onto the public way by this chapter. Signs, awnings, canopies or marquees may be permitted on, over or in the public way as a conditional use as provided under this chapter.
- (2) No sign shall be erected on any location where it may, by reason of its position, shape, color or other characteristics, interfere with, obstruct the view of or be confused with any authorized traffic sign, sign, traffic signal or other traffic device, nor shall any sign make use of the words: "STOP", "LOOK", "DRIVE IN", "DANGER" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- (3) Ground signs shall not be located within ten feet of any property line and shall observe the height restrictions pursuant to section 52-40 for principal structures. Ground signs shall not exceed 200 square feet on one side, nor 400 square feet on all sides for any one premises. Exception: Ground signs located in the B2 highway business district shall not exceed 70 feet in height and shall not exceed 300 square feet on one side, nor 600 square feet on all sides for any one premises.
- (4) Vacant lots upon which advertising signs now exist or which are erected pursuant to this chapter shall be maintained in an orderly fashion by the frequent and periodic removal of rubbish and maintenance of any vegetation growing on the lot.
- (5) No sign shall project over any part of any street, except where a business structure is located on the front property line. In such case, a sign may not extend more than five feet into any street.



- (6) At the termination of a business, commercial or industrial enterprise, all signs shall immediately be removed from the public view. Responsibility for violation shall reside with the property owner according to the latest official tax roll listings.
- (7) In a shopping center or industrial park, one freestanding identification sign may be permitted, showing the name of the center or park and represented businesses or industries. The area of the sign shall not be permitted within 20 feet of the right-of-way line of the street.
- (8) The total surface display area of business or industrial signs on the front facade of a building shall not exceed in square feet two times the number of linear feet of width of the building frontage. In the case of a building located on a corner lot, such square-foot display area on the side facing the secondary street may be increased by one time the number of linear feet of the length of the building which faces the secondary street. Such increased permitted display area shall be used only for the erection of a permitted sign on the length of the building that faces the secondary street. Where the premises abut a parking lot, the total of linear feet of the width or length of the building fronting on such parking lots. Such increased display area shall only be utilized by the erection of a permitted sign on that part of the building which abuts such parking lot. In no case shall more wall area usable for sign display be in excess of 200 feet and in no case shall more than one of the criteria stated in this subsection be used to calculate allowable sign area on any one building facade.
- (9) Business and industrial signs mounted on buildings shall not be permitted to project more than five feet beyond the building line.
- (10) No more than one business or industrial sign for each business on the premises shall be permitted on the front facade of any business or industrial building, including any advertisement permanently fastened to show windows or display cases. Only one business or industrial sign shall be permitted on each side or rear wall of a business or industrial building.
- (11) Necessary directional ground signs, which shall not exceed four square feet in area, shall be permitted. Permission to erect such signs shall be obtained from the director of public works and utilities.
- (12) Business and industrial signs may be internally lighted or illuminated by a good reflector, provided such lighting is so arranged as to prevent glare, and no sign shall be lighted by a lighting of intermittent or varying intensity. Flashing signs, signs which may be mistaken for traffic signal devices or diminish the visibility or effectiveness of traffic signal devices are prohibited.
- (13) Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress or for firefighting purposes or placed so as to interfere with any opening required for legal ventilation is prohibited.

- (14) No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.
- (15) a. Billboards, outdoor advertising signs and any business or industrial signs not located on the same property as the business or industry advertised shall be allowed only in commercial business and industrial zones and shall comply with the following: Minimum distance from grade to bottom of sign shall be eight feet. The sign erector shall furnish drawings indicating a minimum design of 30 pounds per square foot wind load capacity (100 mph wind). The maximum size of a sign shall be 300 square feet. Signs shall be spaced a minimum of 300 feet apart when on the same side of the roadway. Measurements shall be taken along the right-of-way. Signs shall be a minimum distance of 100 feet from an occupied residential dwelling. No signs larger than 50 square feet shall be erected on Superior Ave. between Veterans and Clifton Sts. In all other respects signs shall comply with state rules and regulations.
- b. Digital billboards shall require a conditional use permit and subject to the following requirements:
1. Restricted to the B2-highway business district and any industrial zoned districts.
  2. Brightness limited to 5,000 nits daytime, 500 nits nighttime.
  3. Signs shall be equipped with an automatic dimmer control.
  4. Malfunctioning signs shall be equipped to freeze in one position.
  5. Change in messages shall be limited to one second or less.
  6. Each message shall be in a fixed position for at least 7.5 seconds
  7. Digital billboards shall not exceed 300 square feet.
  8. Digital billboards shall provide a minimum of five hours of public service announcements per month.
  9. Digital billboards are prohibited from scrolling, flashing, animation or the appearance of movement.
- (16) Signs shall be permitted to hang from canopies or covered walks in business or industrial districts, provided there is only one sign not to exceed five square feet for each business and the sign is at least eight feet above ground level.
- (17) "Special Sale" or poster signs are permitted to be posted in store windows in the business district.
- (18) Electronic message centers shall be permitted in the following zoning districts subject to all applicable requirements prescribed by the zoning district in which the subject property is located and subject to the following:
- a. In C and I zones such signs may display animation so long as flashing is prohibited.

- b. In M1, M2, M#, and B zones such signs shall display static images for a period of at least one second before transitioning to another static image. The use of frame effects is permitted so long as flashing and animation are prohibited.
- c. All electronic message centers shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
- d. No electronic message center shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area measured as follows:

The square root of the product of the sign area and one-hundred.

$$\text{Measurement distance} = \sqrt{(12 \text{ sq. ft.} \times 100)} = 34.6$$

(Code 1993, § 17.52; Ord. No. 2013-09-04-D, § 1, 9-10-2013; Ord. No. 2014-09-10-D, §§ 3—6, 9-9-2014)

#### Sec. 52-153. - Nonconforming signs to be removed.

All signs or similar advertising structures that do not conform to the regulations of this chapter shall be removed by the person owning such nonconforming signs or the owners of property on which such signs are located within ten years from the date of the passage of the ordinance from which this chapter is derived. Should the owner of a nonconforming sign or the owner of property on which a nonconforming sign is located fail to remove such a sign within ten years, the building inspector shall, following 60 days' written notice to the owner of the sign and the owner of the property on which the sign is located, cause the sign to be removed at the expense of the owner of the sign.

(Code 1993, § 17.53)

#### Sec. 52-154. - Bond.

Before a permit is granted, every applicant for a permit for a sign, awning, canopy or marquee shall execute a surety bond in a sum to be fixed by the director of public works, not to exceed \$25,000.00, of a form and type approved by the city attorney, indemnifying the city by reason of the erection, construction or maintenance of such sign, awning, canopy or marquee. A liability insurance policy issued by an insurance company authorized to do business in the state and conforming to the requirements of this section may be permitted by the city attorney in lieu of a bond.

(Code 1993, § 17.54)


#### Secs. 52-155—52-176. - Reserved.

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**FW: Sign usage at Rosco's**

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**From** Casey Kinnear <ckinnear@TOMAHWI.GOV>  
**Date** Thu 2/20/2025 2:57 PM  
**To** Nicholas Morales <nmorales@tomahwi.gov>

 1 attachment (4 MB)  
205 Arthur St.--sign location.pdf;

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**From:** Shane Rolff <srolff@TOMAHWI.GOV>  
**Sent:** Thursday, March 7, 2024 8:32 AM  
**To:** dbroscovius@aol.com  
**Cc:** dpowell@holtandmon.com  
**Subject:** Re: Sign usage at Rosco's

Good morning, Donald. The current sign is located in the right of way. At no point are you permitted to install a sign in the right of way. There is no sign permit on file. See attached for illustration. Please give me a call to discuss.

Shane Rolff

City of Tomah

Zoning Administrator/Building Inspector

Senior Executive Team

[srolff@tomahwi.gov](mailto:srolff@tomahwi.gov)

Office: (608) 374-7429

Cell: (608) 343-9210

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**From:** k <[dbroscovius@aol.com](mailto:dbroscovius@aol.com)>  
**Sent:** Wednesday, March 6, 2024 4:05 PM  
**To:** Shane Rolff <[srolff@TOMAHWI.GOV](mailto:srolff@TOMAHWI.GOV)>  
**Subject:** Sign usage at Rosco's

Shane,

I have rented by building at 205 Arthur St. the Rosco's bait building to Performance heating & cooling LLC. I had informed them they were permitted to change the panels in my sign to reflect their business name. They informed me the city will not permit the use of the exiting sign as it sits but would have to move the sign. Could you please explain to me the reason for this ? If there is a city sign code change could you please provide me with it, This sign was permitted by the city when it was put up some 18 years or so ago. Their not asking to put up a renew sign just inserting a new business name in the panels.

Thanks  
Donald Roscovius



# City of Tomah

Building and Inspections Dept.  
819 Superior Ave.  
Tomah, WI, 54660

58984  
Roscos

Gateway to Cranberry Country  
**The City of Tomah**  
*Where The I Divides*

## Sign Permit

Permit Number: SG2008-11

Page 1 of 2

Printed: 6/3/2008

## Applicant

Name: Donald & Bonnie Roscovius  
Address: 205 Arthur St.  
Tomah, WI 54660

## Approval Date:

Phone:

## Parcel

Parcel Number: 28623890000  
Address: 205 Arthur St. -Bait Shop  
Section: Township:  
Addition: Block:  
Legal Description:

Zoning: B Business District  
Tomah, WI 54660  
Range:  
Lot(s):

## Owners

Name: Donald & Bonnie Roscovius  
Address: 205 Arthur St.  
Tomah, WI 54660

Phone:

## Contractors

### Contractor Type: Sign Erector

Name: LaCrosse Sign Company  
Address: 1450 Oak Forest Drive  
Onalaska, WI 54650

Phone: 781-1450

## Fees and Receipts:

Number	Description	Amount
FEE2008-132	Sign/Canopy	\$25.00

Total Fees: \$25.00

RCPT2008-100

Total Receipts: \$25.00

## Conditions

Date: 6/3/2008

Status: Approved

Code:

Condition Description:

Condition Comments:

35 sq ft ground sign on premises

## Other Fields:



*MAKE A STATEMENT!*

# I N V O I C E

**INVOICE #:** 005.58986-0

**DATE:** 06/30/08

CUSTOMER CODE	JOB NUMBER	DATE ORDERED	DATE COMP	SALESMAN	TERMS
ROSCBAI	58986	04/23/08	06/18/08	T-MARK	1%-10/NET 07/31/08

\*\*\* SOLD TO \*\*\*  
ROSCO'S BAIT & TACKLE

205 ARTHUR ST.  
TOMAH, WI 54660

\*\*\* JOB LOCATION \*\*\*  
ROSCO'S BAIT & TACKLE  
205 ARTHUR ST.  
TOMAH, WI 54660

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
	PER SIGNED PROPOSAL		
1	*FABRICATE AND INSTALL ONE INTERNALLY ILLUMINATED, DOUBLE FACED POLE SIGN PER QUOTE	7,690.00	7,690.00
1	PERMIT	25.00	25.00
1	PERMIT ACQUISITION	75.00	75.00
1	LESS DEPOSIT	3,500.00-	3,500.00-

THANK YOU!

(NOTE: \* INDICATES TAXABLE ITEMS)

S U B T O T A L		
WI WISCONSIN	5%	4,290.00
41 MONROE COUNTY	0.5%	384.50
		38.45

P L E A S E P A Y T H I S A M O U N T -----> 4,712.95

*Pd # 7-10-8  
2850*