



AGENDA FOR BOARD OF APPEALS

A Board of Appeals meeting will be held on **Thursday, October 01, 2026 at 5:00 PM**
in the **Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.**

Join Zoom Meeting:

<https://zoom.us/j/7689466740?pwd=dEdLR2hXK0ZYMK1qNU5vNFlwMzdSZz09>

Meeting ID: 768 946 6740 Password: Tomah2020

Dial by your location +1 312 626 6799 US (Chicago)

1. Join Zoom Meeting

CALL TO ORDER:

2. Pledge of Allegiance
3. Roll Call

GENERAL:

- [4.](#) approval of May 2026 Minutes
- [5.](#) Public Hearing: Request for area variance at 1730 Rezin Rd.
- [6.](#) Discussion: Request for area variance at 1730 Rezin Rd.
7. Future Agenda Items

ADJOURN:

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 Nicole Jacobs, City Clerk, at 819 Superior Avenue, Tomah, WI 54660.

MINUTES FOR BOARD OF APPEALS

A Board of Appeals meeting was held on **Thursday, May 7, 2026 at 5:00 PM** in the **Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.**

Meeting was called to order at 5:02 PM by Acting Chair, Chuck Schaeve

1. ROLL CALL

John Glynn (___P___), Chuck Schaeve (___P___), Joe Martinez (Excused), Eric Prise (___P___), Rick Murray (Excused), Eric Divine (___P___), Brian Rice (Absent).

2. Pledge of Allegiance

3. Approval of Minutes: A motion was made by Board member Prise to approve the minutes of Sept.25th,2025 with minor spelling amendments as discussed. The motion was seconded for approval of minutes by Alderman Glynn. All present voted in favor of approval.

4. Public Hearing for: REQUEST FOR AREA VARIANCE FROM THE CITY OF TOMAH ZONING ORDINANCE FOR THE RECONSTRUCTION OF A SIGN BY JESSICA CLARK AT 215 W CLIFTON STREET

Member Prise made a motion to open the Public Hearing for the Area Variance Request. Motion to open was seconded by Alderman Glynn. All Board members present voted in favor of opening the public hearing. The Public Hearing was opened at 5:06 pm. Appearing in favor of the appeal was Jessica Clark applying for the site of 215 W Clifton Street. She gave a brief description of the project. They are proposing to retain the existing signpost and install a new sign cabinet and faces at the top of the post which would be inside of the property line. She discussed some of the other alternatives and felt they presented some significant concerns with traffic, loading and safety. Acting Chair Schaeve asked for anyone else wishing to speak in favor, then for anyone who wished to speak in opposition. Hearing none, a motion was made to close the public hearing by Prise. The motion was seconded by Alderman Glynn. All board members present voted in favor of the motion. The public hearing was closed at 5:12 pm.

5. The board asked a few questions regarding set-back, sign design, location and other issues. A motion was made by Board Member Prise to approve the area variance request. The motion was seconded by Alderman Glynn. Significant additional discussion ensued about the role of the Board of Appeals. Administrator Handy discussed the staff report and the staff recommendation was to deny the variance request. Administrator Morales reminded the Board that it was a quasi-judicial body. Its actions are strictly laid out by state statutes. The three step process of reviewing this application was discussed. Alderman Glynn discussed that he felt the applicant was able to establish a case for steps one and two of the process and the issues he felt made a case for a hardship to be considered in step three. A clarification by member Prise that he made the motion to approve in order to get the subject open for discussion and wanted the motion to be in the positive to ensure appropriate discussion. Board member Divine discussed that he felt the applicant had other options available to them and that a case for a hardship was not made. It was clarified that a vote in favor of the motion would approve the area variance request, and that a vote in opposition to the motion would be a vote to deny the request. After discussion was completed Acting Chair Schaeve called for the vote. Members Prise, Divine and Acting Chair Schaeve voted in opposition to the motion; Alderman Glynn voted in favor of the motion. The motion was denied by a vote of 3 – 1.
6. Administrator Handy checked with the commission members to ensure all had been sworn in by the Clerk, and gave instructions if they had

7. A motion to adjourn was made by Board member Prise. The motions was seconded by Alderman Glynn. All present voted in favor of Adjournment. The meeting was adjourned at 5:36 PM.



City of Tomah Variance Application

A variance is a relaxation of a standard in a land use ordinance. Variances are decided by the City of Tomah Board of appeals. The zoning board is a quasi-judicial body because it functions almost like a court. The board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws, court decisions and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

Process

At the time of application you will be asked to:

1. **Complete an application** form and submit a \$219.00 fee;
2. **Provide detailed plans** describing your lot and project (location, dimensions and materials);
3. **Provide a written statement** of verifiable facts showing that your project meets the legal criteria for a variance (Three Step Test in Part 2); and
4. **Stake out lot corners or lines**, the proposed building footprint and all other features of your property related to your request so that the zoning board may inspect the site.

Following these steps, the zoning agency will publish notice of your request for a variance in the City's official newspaper noting the location and time of the required public hearing before the zoning board. Your neighbors and any affected state agency will also be notified. The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the zoning board to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of hearing. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and must then deny your application.

Variance Application

City of Tomah Board of Appeals

Part 1: General information and alternatives analysis

To be completed jointly by the applicant and zoning staff.

Date filed 8/27/2026 ☐ \$ 219.00 fee paid (payable to the City of Tomah) at the
Treasure's window

	Owner/agent	Contractor
Name	USEMCO Inc.	Quality Edge Builders LLC.
Address	1602 Rezin Rd, Tomah, WI 54660	9269 67 th St. S, Cottage Grove, MN 55016
Phone		

Address 1730 Rezin Rd. Tax parcel number 286-02585-0000 (subject parcel);
lot lines to be adjusted with 286-02586-0000 (west) and 286-02586-5000 (east)

Lot area & dimensions: 840,426 sq. ft. (19.3 ac.) for parcel 286-02585-0000 as presently
configured — irregular parcel; see plat of survey and Sheet C0-10, Site Data.

Zoning district: M-2 General Industrial District

****Legal description if property is undeveloped**

Current use & improvements:

The property is currently used as a manufacturing facility for USEMCO inc. specializing in the custom engineering, fabrication, and assembly of turnkey water, wastewater, and industrial pumping systems. The company designs and manufactures complete, prefabricated infrastructure systems that are delivered to project sites as fully assembled, tested units ready for installation.

The purpose and need of the project is to construct a building addition to support expanded coating, finishing, and production capacity at the existing USEMCO facility. Existing improvements on the property consist of an integrated manufacturing campus of approximately 102,800 square feet in three connected and adjacent buildings (62,000 SF, 31,000 SF and 9,800 SF), paved and gravel truck circulation, loading and outdoor staging areas, employee parking, and two existing stormwater detention basins (8 feet and 18 feet deep). The proposed addition is a one-story building of approximately 54,500 square feet, physically connected to and continuous with the existing plant, housing an enclosed paint booth, blast and finishing operations served by overhead bridge cranes, attached to the north side of the existing building.

A lot line adjustment is part of this project. Property lines will be adjusted with parcels 286-02586-0000 to the West and 286-02586-5000 to the East so the addition lies entirely within Parcel 286-02585-0000. The adjustment is described in the Site Plan Review application submitted to the City of Tomah Building and Zoning department on August 27, 2026.

Description of any prior petition for appeal, variance or conditional use:

None

Description and location of all nonconforming structures & uses on the property:

No existing structures are nonconforming.

Ordinance standard from which variance is being sought (section number and text):

Primary standard — City of Tomah Code of Ordinances, Chapter 52 (Zoning), Article VIII (Airport Regulations), § 52-231, Airport regulations, subsections (b), (c) and (g)(1).

§ 52-231(b) Zones. "All zones established by this section are as shown on the map, dated October 31, 1990, entitled, 'Height Limitation Zoning Map, Bloyer Field Airport, Tomah, Wisconsin', which is hereby adopted as part of this chapter and is on file with the city clerk."

§ 52-231(c) Height limitation zones. "Except as otherwise provided in this chapter, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location and no trees shall be allowed to grow to a height in excess of the height limit indicated on the map referred to in subsection (b) of this section."

§ 52-231(g)(1) Permits — Future structures. "No structure shall hereafter be constructed, erected or installed or be permitted to remain in any zone created by subsection (b) of this section until the owner or his agent shall have applied in writing for a permit therefor and obtained such permit from the airport manager, except structures less than 35 feet in height above the ground and within one-half mile of the airport boundary, structures less than 50 feet in height above the ground within the area beginning one-half mile from the airport boundary and extending to one mile from the airport boundary, and structures less than 100 feet in height above the ground within the area beginning one mile from the airport boundary and extending to three miles from the airport boundary. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Application for such permit shall indicate the use for which the permit is desired and shall describe and locate the use with sufficient particularity to permit the building inspector to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the building inspector shall issue the permit applied for."

The property lies within one-half mile of the Bloyer Field Airport boundary. The proposed addition exceeds 35 feet above the ground, so it is not within the exception in § 52-231(g)(1) and a permit is required; and it exceeds the height limit shown for this location on the Height Limitation Zoning Map adopted at § 52-231(b), so relief is required under § 52-231(c). Variances from § 52-231 are governed by § 52-231(h)(1).

Related standard — City of Tomah Code of Ordinances § 52-40, Schedule of Regulations, made applicable by § 52-201.

For the M-2 Industrial district, § 52-40 sets a maximum building height of 3 stories and 45 feet. "Building, height of" is defined at § 52-14 as "the vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof." The proposed addition is one story with a maximum height of 50 feet above grade and therefore also exceeds this standard by approximately 5 feet.

Not requested: § 52-203(c) provides that "[t]he height limitations of this chapter shall not apply to chimneys, church spires, belfries, standpipes, water towers, flag poles, monuments, transmission towers or cables, radio or television antennas or towers." Applicant understands the paint booth exhaust stacks, which extend to 56 feet above grade, to be excepted by that subsection and does not seek a variance for them. Applicant will conform to whatever reading the Zoning Administrator applies, and is separately confirming with the FAA Obstruction Evaluation Group that the 56-foot stacks are covered by Aeronautical Study No. 2026-AGL-8118-OE, which lists a studied height of 50 feet above ground level at each of the four building corners.

Describe the variance requested:

Approval to construct a one-story manufacturing addition whose maximum height is 50 feet above grade, exceeding both the height limit shown for this location on the Bloyer Field Airport Height Limitation Zoning Map (§ 52-231(b), (c)) and the 45-foot maximum building height for the M-2 district (§ 52-40).

Finish floor elevation is 973.18 (matching the existing plant floor). The roof steps from a low eave at 47 feet 11 inches above the floor to a high eave at 50 feet 0 inches; only a portion of the building reaches the maximum height. Top of structure at the four building corners is 1,021.1 to 1,023.18 feet above mean sea level, which is 55 to 57 feet above the established Bloyer Field airport elevation of 966.1 feet.

The increment of relief sought is approximately 5 feet over the M-2 standard. The building adds no floor levels, no dwelling units, no penthouse and no ornamental parapet above the roof line.

The Federal Aviation Administration has completed an aeronautical study of this structure at these coordinates and heights under 49 U.S.C. § 44718 and 14 CFR part 77 and issued a Determination of No Hazard to Air Navigation, Aeronautical Study No. 2026-AGL-8118-OE, dated August 24, 2026. The FAA found that the structure does not exceed obstruction standards and would not be a hazard to air navigation, and that marking and lighting are not necessary for aviation safety. A copy is attached.

Type of variance requested:

_____ **use variance** – permits a landowner to put a property to an otherwise prohibited use.

 X **area variance** – provides an increment of relief (normally small) from a physical dimensional restriction such as a building height or setback.

Describe the effects on the property if the variance is not granted:

The addition could not be built to the height USEMCO's product requires, and there is no other location on the property where a compliant building would serve the manufacturing use.

The height is set by the product and by the crane that lifts it.

USEMCO fabricates, coats and ships complete prefabricated water and wastewater pumping systems as finished units, and the size of those units has grown steadily over the years as the municipal systems they serve have grown. The building has to be tall enough to assemble, lift, coat and load the product it exists to produce.

The controlling dimension is crane hook height. The hook has to clear the tallest assembly being lifted, plus its rigging, plus the clearance required to move that load safely over the people and equipment below it. The design team set the hook at the lowest elevation that does not compromise that clearance — the height was driven down as far as safety allows and no further. Above the hook sit the crane bridge and rail; above those, the roof structure; and the roof is carried at a slope of ¼ inch per foot, the minimum the roofing system permits. Below the crane, the paint booth enclosure stands approximately 29 feet 7 inches with exhaust ductwork extending to approximately 34 feet. Every link in that chain is already at its minimum. The result is joist bearing at 47 feet 11 inches at the low eave and 50 feet 0 inches at the high eave.

A building capped at 45 feet does not house that assembly. This is not a matter of a tighter fit or reduced convenience. The crane could not be hung at a height that lifts USEMCO's product safely, and without the crane the addition cannot do the work it is being built to do.

The effect on the property is that its permitted M-2 manufacturing use could not be expanded in the one location where an expansion works. USEMCO would continue to operate under its existing finishing constraint, moving partially completed assemblies between indoor and outdoor areas and absorbing the rework, schedule and capacity losses that come with it.

Alternatives

Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below.

- a. Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

Applicant's alternatives analysis did not identify a compliant alternative that meets the project purpose. Seven site concepts were prepared and evaluated by I&S Group (ISG) and are attached as site maps (Site Concepts 01 through 07, ISG Project No. 25-33343). The same analysis, in its wetland-permitting form, was submitted to the WDNR as the Practicable Alternatives Analysis for Wetland Individual Permit IP-WC-2026-42.

(a) No build.

Avoids all relief. Rejected: it does not meet the project purpose. The finishing and coating constraint that is the reason for the project would remain.

(b) Build within 45 feet.

Rejected: 45 feet does not house the assembly described above. The crane could not be hung at a height that lifts USEMCO's product safely, and every element below it — hook clearance, bridge and rail, roof structure, and a roof already at the minimum ¼ inch per foot slope — is at its minimum. Deleting the crane or shrinking the booth removes the capability the addition exists to provide.

(c) The same volume in a wider, lower building.

Rejected on two independent grounds. A lower building does not serve USEMCO's product: the height is set by the crane and by what the crane has to lift, so adding floor area does not remove the need for the height — it only puts more floor under a roof that is still too low to build the product. Separately, the additional footprint has nowhere to go but into the delineated wetland bounding the uplands on the north and east, which would increase permanent fill above the 0.661 acre now before the WDNR.

(d) Expansion south, east or west of the existing building (Site Concepts 05 and 06).

Rejected: these layouts do not support an efficient manufacturing process. USEMCO's plant runs as a continuous flow from fabrication through coating, finishing, staging and shipping. Placing the addition on these faces of the building breaks that flow and forces product to double back through the plant or travel around it, adding handling, labor and cycle time to every unit. That cost lands on USEMCO's price per unit and directly affects its ability to compete. These areas are also the truck circulation, loading, oversized-load maneuvering and outdoor material storage the plant runs on today, and there is nowhere on the site to relocate them.

(e) Detached building on other uplands owned by USEMCO (Site Concepts 03 and 04).

Rejected: a detached structure separates fabrication, coating, finishing, staging and shipping, requiring oversized finished assemblies to travel outdoors between buildings. Fresh coating exposed to weather is a quality problem and moving oversized loads

through open yard is a safety problem. A detached building also does not answer the height question — wherever it sits on this property it needs the same interior height for the same crane and the same product.

(f) A new facility on a separate parcel.

Considered and rejected. Relocating an integrated manufacturing plant to a different parcel is not an alternative to a five-foot dimensional variance; it is abandonment of this property, and the variance standard asks what can be done with this property. A new plant on any parcel would still need the same height for the same crane and the same product, so relocation does not avoid the standard — it relocates it.

(g) Expansion immediately north with utility relocation (Site Concept 07).

Rejected: critical underground utilities serving the active plant occupy that area. Relocation would require major reconstruction, temporary service interruptions and extended disruption of manufacturing, and the concept does not reduce the required building height.

(h) Lower the finished floor to reduce height above grade.

Rejected: finish floor elevation 973.18 is fixed by the existing plant floor. Product is rolled between the existing building and the addition and forklifts move between them continuously — the crane rails do not carry across, so everything travelling between the two buildings travels on wheels at floor level. Any step between the floors stops that traffic. Excavating the addition below the existing floor would also set the floor below surrounding grade on a site bounded by wetland, creating a drainage and groundwater problem where none exists today.

- b. Alternatives you considered that require a lesser variance and reasons you rejected them. If you reject such alternatives, provide the reasons you rejected them.
The height has already been reduced to the minimum the use permits. There is no lesser variance available.

The 50 feet is the sum of a chain of minimums. Crane hook height is set at the lowest elevation that still clears USEMCO's tallest assembly, its rigging and the people and equipment the load passes over; the design team drove it down as far as safety allows. Above the hook are the crane bridge and rail. Above those is the roof structure. And the roof is carried at ¼ inch per foot, the minimum slope the roofing system permits — which is also why the low eave sits at 47 feet 11 inches and only the high eave reaches 50 feet. Below the crane, the paint booth enclosure stands approximately 29 feet 7 inches with exhaust ductwork extending to approximately 34 feet. Reducing any link in that chain either drops the hook below a safe lifting clearance or takes the roof below a drainable slope. The building is also a single story with no penthouse, no mezzanine above the booth and no ornamental parapet projecting above the roof line.

Moving the building does not produce a lesser variance either. Wherever the addition sits on this parcel it needs the same interior height for the same crane and the same product, and every other location on the property is either occupied by existing buildings and yard operations, detached from the plant, or in delineated wetland.

The paint booth exhaust stacks are the tallest features, at 56 feet above grade. They are excepted from the chapter's height limitations by § 52-203(c), and they were disclosed to the FAA in Form 7460-1, Item 17, as the total structure height. Their location is set by the booth they serve.

Part 2: Three-Step Test

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

1) Unique property limitations *(To be completed by the applicant)*

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

Do unique physical characteristics of your property prevent compliance with the ordinance?

- ☐ **X** Yes. Where are they located on your property? Please show the boundaries of these features on the site map that you used to describe alternatives you considered.

Yes. The proposed location is the only place on USEMCO's entire property where this addition can be built. Three characteristics of the property produce that result. Their boundaries are shown on the attached site maps and on Sheet C3-10, Site Plan.

1. The addition has to be physically attached to the existing plant.

USEMCO's process runs as one continuous flow from fabrication through coating, finishing, staging and shipping. Oversized assemblies are rolled between bays and forklifts move between them continuously, all at a single floor elevation of 973.18. A detached building would require finished and partly finished product to travel outdoors — exposing fresh coating to weather and moving oversized loads through open yard. That requirement fixes the addition to a face of the existing building, and Site Concepts 03 through 07 walk through why the north side is the only one that works.

2. The rest of the buildable land is already in use.

The remaining uplands hold the existing 62,000, 31,000 and 9,800 square foot buildings, truck circulation and loading, oversized-load maneuvering, outdoor material storage and staging, employee parking, and two stormwater detention basins 8 feet and 18 feet deep. Building on any of it would displace operations that have nowhere else on the site to go. Beyond those working areas, a delineated wetland complex — confirmed by the WDNR as Wetland Delineation Confirmation 2026-01691 — bounds the developable uplands on the north and east.

3. The property adjoins Bloyer Field Airport, which is the only reason the height zone reaches it.

The airport is owned by the City of Tomah and predates this application. An enclosed manufacturing building is among the most compatible neighbors an airfield can have — no residents, no assembly occupancy, no light or view intrusion — and keeping industrial use on the parcel adjacent to the field is the right long-term use for it. The identical building on an M-2 parcel elsewhere in Tomah would require no airport relief at all.

None of these conditions is self-imposed. The airport is not the Applicant's, the existing buildings and yard operations were built and are in use, and the wetland is a natural feature. The combination is specific to this parcel and is not so general or recurrent as to suggest the ordinance should instead be amended.

☐ No. A variance cannot be granted.

2) No Harm to Public Interests *(To be completed by zoning staff)*

A variance may not be granted which results in harm to public interests. In applying this test, the zoning board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public. These interests are listed as objectives in the purpose statement of an ordinance and may include:

- *Public health, safety and welfare*
- *Water quality*
- *Fish and wildlife habitat*
- *Natural scenic beauty*
- *Minimization of property damages*
- *Provision of efficient public facilities and utilities*
- *Achievement of eventual compliance for nonconforming uses, structures and lots*
- *Any other public interest issues*

Ordinance purpose:

Purpose(s) of standard from which variance is requested:

Analysis of impacts

Discuss impacts that would result if the variance was granted. For each impact, describe potential mitigation measures and the extent to which they reduce project impact (completely, somewhat, or minor). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term and cumulatively.

Short term impacts: (through the completion of construction)

Impact:

Mitigation:

Extent to which mitigation reduces project impact:

Impact:

Mitigation:

Extent to which mitigation reduces project impact:

Long term impacts: (after construction is completed)

Impact:

Mitigation:

Extent to which mitigation reduces project impact:

Impact:

Mitigation:

Extent to which mitigation reduces project impact:

Cumulative impacts: (What would happen if a similar variance request was granted for many properties?)

Impact:

Mitigation:

Extent to which mitigation reduces project impact:

Impact:

Mitigation:

Extent to which mitigation reduces project impact:

Will granting the variance harm the public interest?

- ☐ Yes. A variance cannot be granted.
- ☐ No. Mitigation measures described above will be implemented to protect the public interest.

3) Unnecessary hardship *(To be completed by the applicant)*

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

- For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests. This standard reflects the new *Ziervogel* and *Waushara County* decisions.
- For a use variance, unnecessary hardship exists only if the property owner shows that they would have no reasonable use of the property without a variance.

Note: While Wisconsin Statutes do not specifically prohibit *use variances*, there are a number of practical reasons why they are not advisable:

- Unnecessary hardship must be established in order to qualify for a variance. This means that without the variance, no reasonable use can be made of the property.
- Many applications for use variances are in fact administrative appeals. Often the zoning board is asked to determine whether a proposed use is included within the meaning of a particular permitted or conditional use or whether it is sufficiently distinct as to exclude it from the ordinance language. Such a decision is not a *use variance* but an appeal of the administrator's interpretation of ordinance text.
- Zoning amendments are a more comprehensive approach than use variances. Elected officials consider the larger land area to avoid piecemeal decisions that may lead to conflict between adjacent incompatible uses or may undermine land use plan and ordinance objectives. Towns have meaningful input (veto power) for zoning amendments to general zoning ordinances.
 - Zoning map amendments can change zoning district boundaries so as to allow uses provided in other zoning districts.
 - Zoning text amendments can add (or delete) permitted or conditional uses allowed in each zoning district.

Is unnecessary hardship present?

☒ **X** Yes. Describe:

Yes. For an area variance, unnecessary hardship exists where compliance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with the restriction unnecessarily burdensome. *Ziervogel v. Washington County Board of Adjustment*, 2004 WI 23; *State v. Waushara County Board of Adjustment*, 2004 WI 56. Both branches are satisfied here.

1. Compliance would prevent the permitted use in the only location where the use can be expanded.

Manufacturing is the use the M-2 district exists for, and it is the use USEMCO has made of this property for decades. The addition must attach to the existing plant, and the north side is the only face of the building where an attached addition fits — the rest of the site is existing buildings, truck circulation, loading, oversized-load maneuvering, outdoor storage and staging, and two detention basins, with delineated wetland beyond. In that one location, a building held to 45 feet cannot hang the crane at a height that lifts USEMCO's product safely. There is no compliant building on this property that does the work.

2. Conformity would be unnecessarily burdensome, and the burden would buy nothing.

The only configuration that could comply is a detached building set somewhere else on the property. USEMCO would then operate two plants instead of one: oversized assemblies moved outdoors between buildings, double-handled, with additional material-handling equipment and labor, and fresh coating exposed to weather and the rework that follows. Those are not one-time construction costs — they recur on every unit for the life of the building, and they land directly on the price USEMCO quotes against its competitors.

And the detached building would still need the same height. Wherever it sits on this parcel it houses the same crane lifting the same product. So the compliant alternative does not lower anything — it only makes the plant permanently worse. That is what makes the burden unnecessary in the sense the standard uses.

3. The purpose of each standard is already satisfied.

§ 52-231 exists to keep structures out of the air space aircraft need at Bloyer Field. The FAA has studied this structure at these coordinates and these heights and determined that it is not a hazard to air navigation and that marking and lighting are not necessary for aviation safety. As to § 52-40's 45-foot limit, the fire and life-safety concern that accompanies added height is answered by the mechanism the ordinance itself supplies at § 52-40 note (k) — City of Tomah Fire Department approval, which Applicant will obtain and accepts as a condition. Enforcing either limit against this building protects nothing that is not already protected.

4. On the role of cost.

Applicant does not offer cost as the hardship standing alone, and understands that financial hardship by itself will not support a variance. The hardship here is functional: the property has one location where the manufacturing use can be expanded, and in that location a compliant building cannot house the crane the product requires. Cost is offered for the purpose Ziervogel makes it relevant to — whether conformity would be unnecessarily burdensome.

5. The conditions are not self-imposed and were not created by a prior owner.

The size of USEMCO's product grew with the municipal systems it serves; the company did not choose to need a taller building. The airport belongs to the City and predates this application. The existing plant and its yard operations were built and are

in daily use. The wetland is a natural feature confirmed by the WDNR. Applicant did nothing to create the conditions on which it relies, and does not rely on the absence of neighbor objection, on nearby conditions, or on any prior variance.

6. The property is considered as a whole, and as a whole it cannot comply.

The parcel is 19.3 acres, but the test is not acreage — it is whether the permitted use can be expanded on the property in a configuration that complies. It cannot.

A lot line adjustment is part of this project, and it does not change that answer.

Adjusting a lot line moves an ownership boundary. It does not move the wetland, the airport, the existing plant or the equipment that has to fit inside the addition.

Wherever the boundary is drawn, the building still houses the same crane lifting the same product, and it still has to attach to the north side of the existing plant.

The relief asked for is the minimum: one story, no penthouse, no mezzanine above the booth, no ornamental parapet, hook height driven down as far as safety allows, and a roof already at the minimum ¼ inch per foot slope.

- ☐ No. A variance cannot be granted.

Part 3: Construction Plans

To be completed and submitted by the applicant.

Attach construction plans detailing:

- ☐ Property lines
- ☐ Vegetation removal proposed
- ☐ Contour lines (2 ft. interval)
- ☐ Ordinary high water mark if located in a Wetland/Shoreland Zoning District
- ☐ Floodplain & wetland boundaries
- ☐ Dimensions, locations & setbacks of existing & proposed structures
- ☐ Utilities, roadways & easements
- ☐ Location & extent of filling/grading
- ☐ Location & type of erosion control measures
- ☐ Any other construction related to your request
- ☐ Anticipated project start date — site improvements (erosion control, mass grading, for the site expansion): fall 2026. Building construction: spring 2027, completing by the end of 2027. Phasing as stated in the Site Plan Review application submitted August 27, 2026. Building construction is sequenced to follow issuance of WDNR Wetland Individual Permit IP-WC-2026-42.

Timing — request regarding § 2-140(c).

§ 2-140(c) provides that a variance expires within six months unless substantial work has commenced. An approval in September 2026 would run out in March 2027.

Applicant does not intend to commit to final design and engineering for the addition until the variance is granted, and building construction cannot begin until WDNR Wetland Individual Permit IP-WC-2026-42 issues — neither of which Applicant can accelerate. Applicant respectfully asks the Board to address this, either by a finding on

the record as to what constitutes substantial work commenced on this project, or by granting the variance for a term that reaches the start of construction.

Attachments submitted with this application:

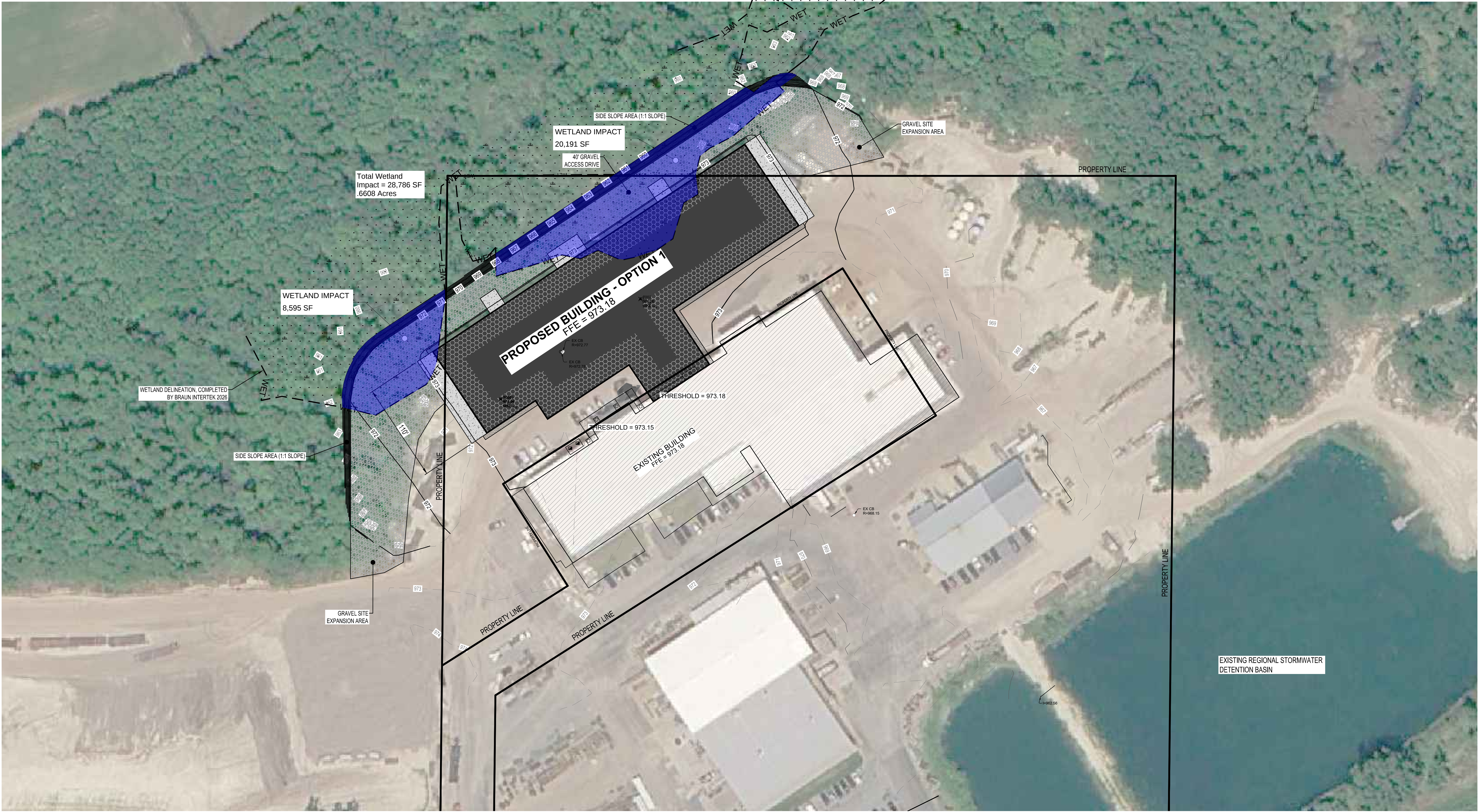
1. FAA Determination of No Hazard to Air Navigation, ASN 2026-AGL-8118-OE, issued August 24, 2026, with verified map (3 pages).
2. FAA Form 7460-1, Notice of Proposed Construction or Alteration, as filed, with Item 21 project description, lat/long corner exhibit and USGS 7.5-minute quadrangle map.
3. Alternatives site maps — Site Concepts 01, 01-Sections, 01-Profiles, 02, 03 & 04, 05 & 06 and 07 (I&S Group, ISG Project No. 25-33343).
4. Civil drawing set, USEMCO Paint Booth Addition — Site Expansion, ISG, dated August 25, 2026: C0-10 Site Data, C1-30 Pre-Construction Erosion Control Plan, C1-40 Erosion Control Plan, C2-10 Existing Site & Removal Plan, C3-10 Site Plan, C3-20 Utility Plan, C4-10 Grading Plan (2-foot contours).
5. USEMCO Paint Booth Addition – Architectural, exterior elevations showing the low eave at 47 ft 11 in., the high eave at 50 ft 0 in.
6. Wetland delineation and WDNR Wetland Delineation Confirmation 2026-01691; wetland boundaries as shown on the site plan.
10. Related filing — Site Plan Review application and cover letter dated August 27, 2026, which describes the lot line adjustment and the construction phasing.

I certify that the information I have provided in this application is true and accurate.

Signed: (applicant/agent/owner) Sean Rezin

Date: 8/27/2026

Remit to:
Charlie Handy
Zoning Administrator
819 Superior Ave.
Tomah, WI, 54660
(608)374-7511
chandy@tomahwi.gov



PROPOSED SITE CONCEPT 01

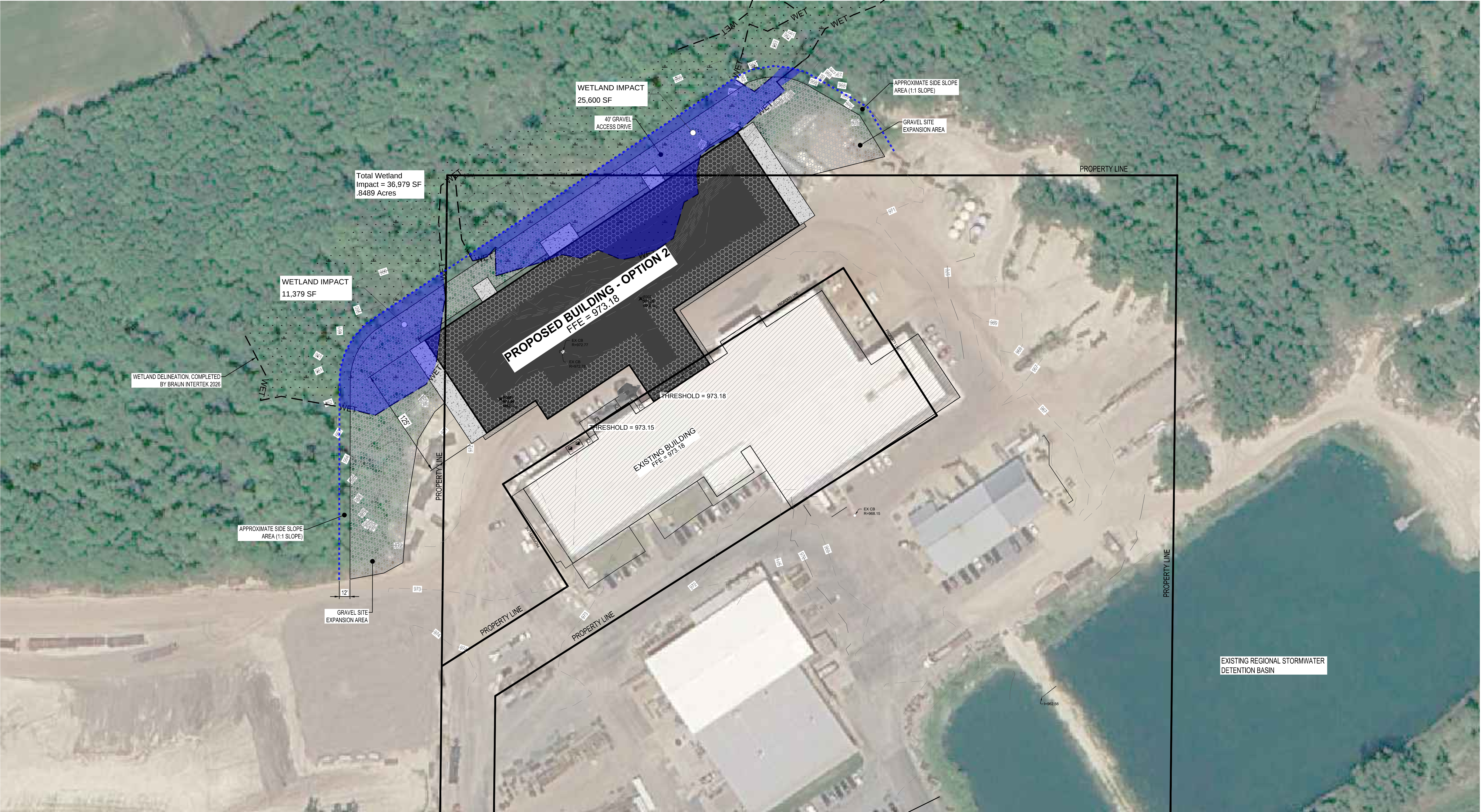


Architecture + Engineering + Environmental + Planning

USEMCO PAINT BOOTH ADDITION
TOMAH, WISCONSIN
ISG PROJECT NO. 25-33343



ISGInc.com

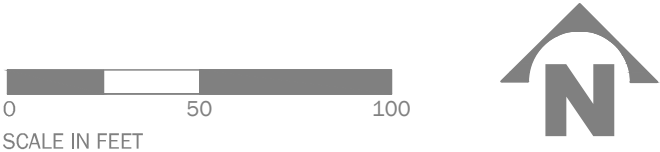


PROPOSED SITE CONCEPT 02

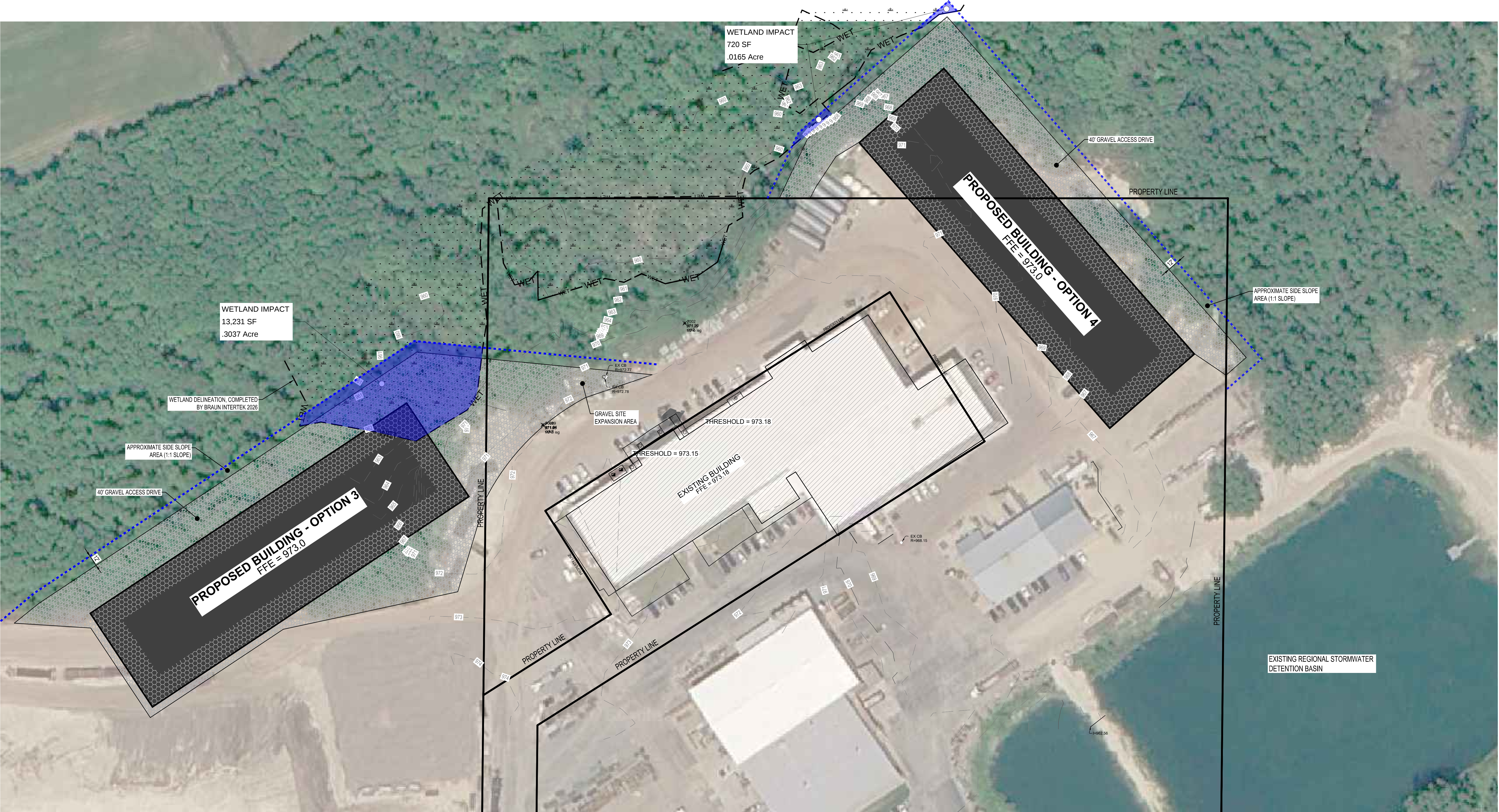


Architecture + Engineering + Environmental + Planning

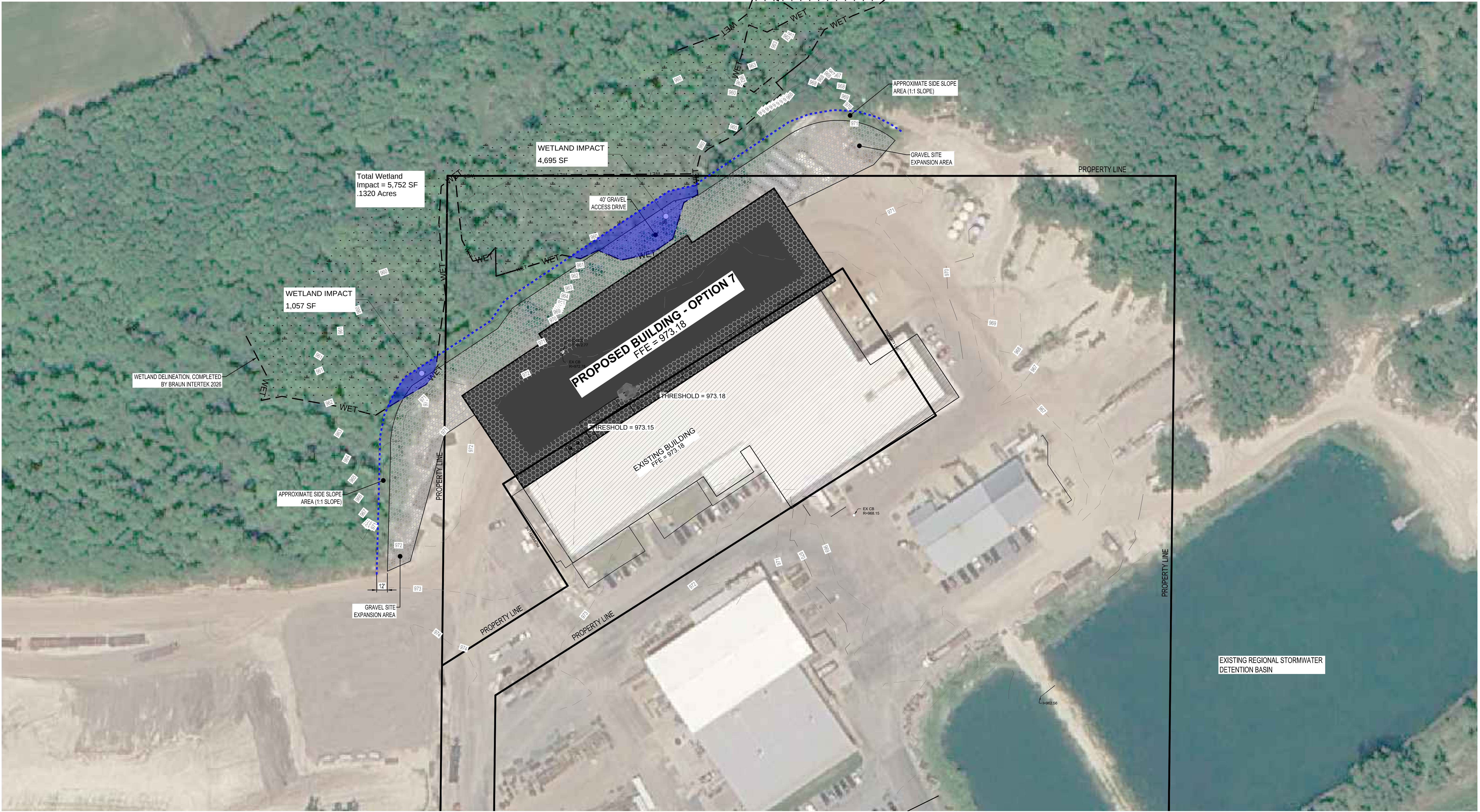
USEMCO PAINT BOOTH ADDITION
TOMAH, WISCONSIN
ISG PROJECT NO. 25-33343



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PROPOSED SITE CONCEPT OPTIONS 03 & 04

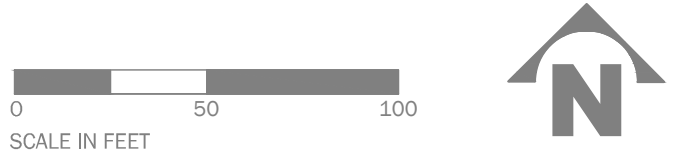


PROPOSED SITE CONCEPT 07

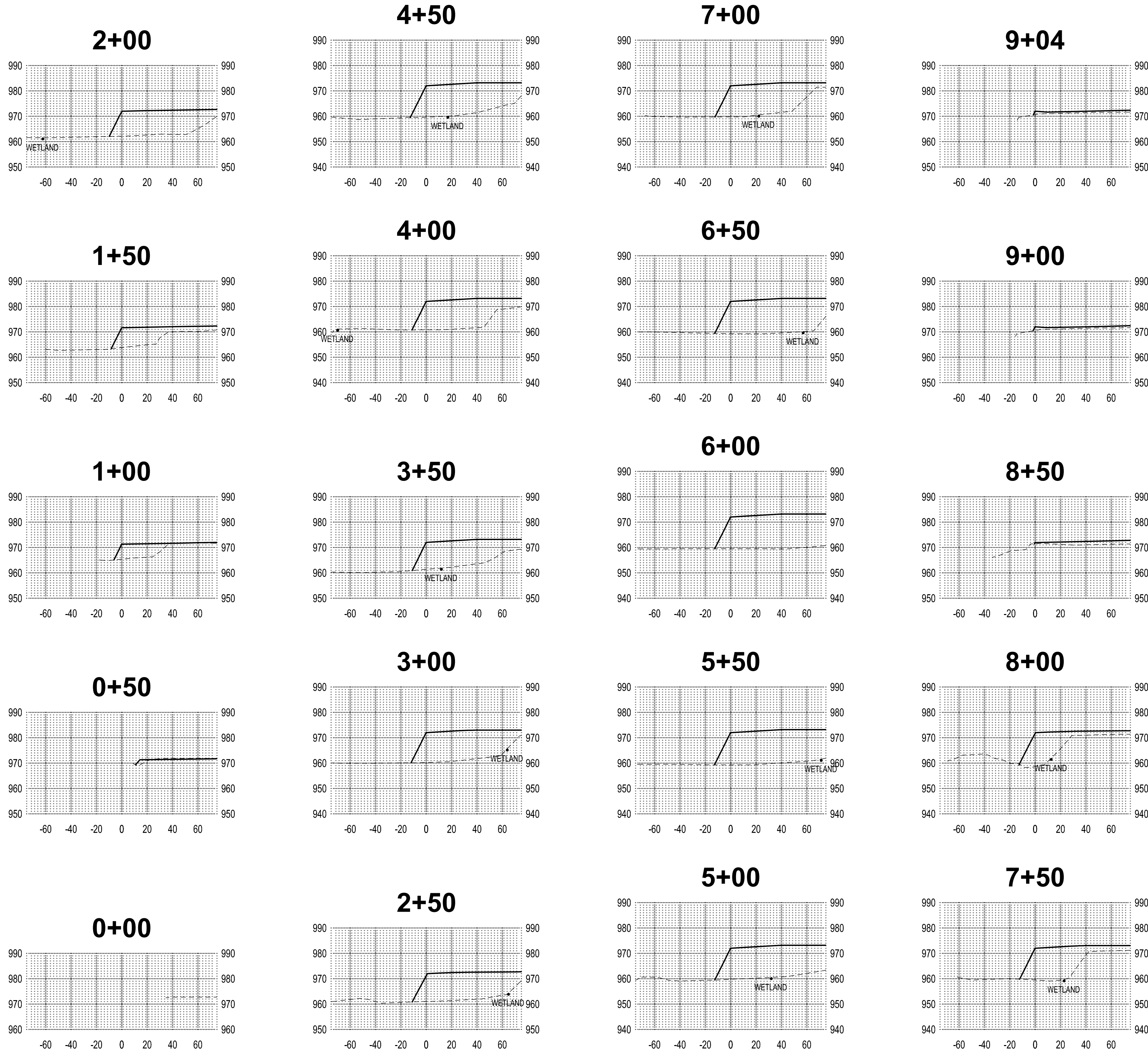


Architecture + Engineering + Environmental + Planning

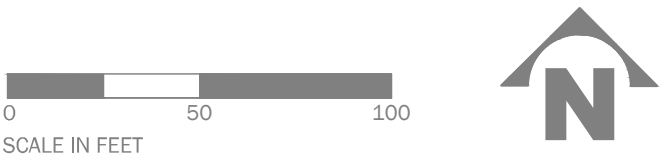
USEMCO PAINT BOOTH ADDITION
TOMAH, WISCONSIN
ISG PROJECT NO. 25-33343

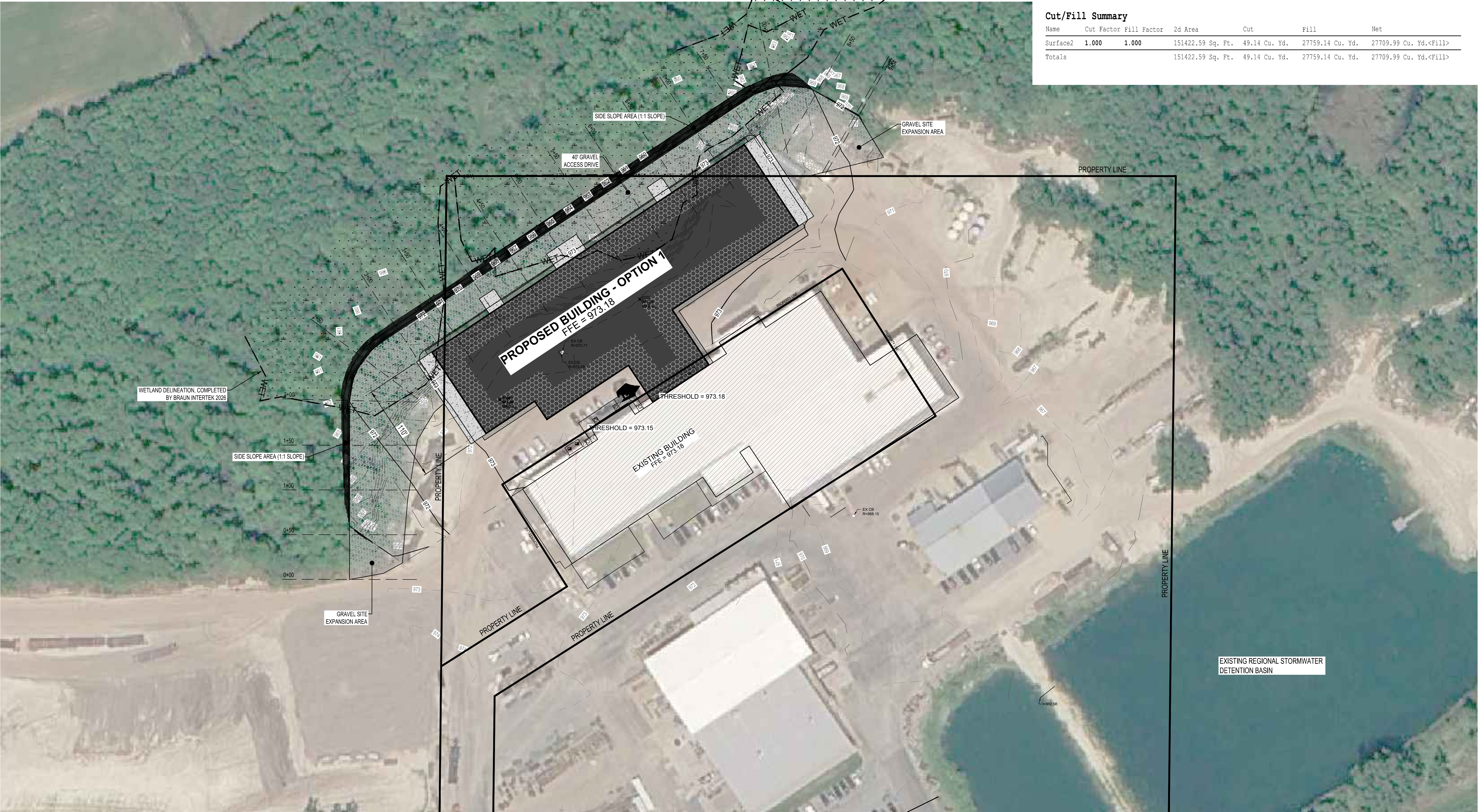


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PROPOSED SITE CONCEPT 01 - PROFILES





Cut/Fill Summary						
Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
Surface2	1.000	1.000	151422.59 Sq. Ft.	49.14 Cu. Yd.	27759.14 Cu. Yd.	27709.99 Cu. Yd.<Fill>
Totals			151422.59 Sq. Ft.	49.14 Cu. Yd.	27759.14 Cu. Yd.	27709.99 Cu. Yd.<Fill>

PROPOSED SITE CONCEPT 01 - SECTIONS



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2026-AGL-8118-OE

Issued Date: 08/24/2026

SEAN REZIN
HTTPS://WWW.USEMCO.COM
1602 Rezin Road
Tomah, WI 54660

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building New Paint and Assembly Building
County, State: Monroe, Wisconsin

Collected Point(s):

Label	Latitude	Longitude	SE	DET AGL	AMSL
pt-1	43-58-34.56N	90-28-24.30W	968 Ft	50 Ft	1018 Ft
pt-2	43-58-32.27N	90-28-29.09W	960 Ft	50 Ft	1010 Ft
pt-3	43-58-33.66N	90-28-23.47W	971 Ft	50 Ft	1021 Ft
pt-4	43-58-31.37N	90-28-28.26W	972 Ft	50 Ft	1022 Ft

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 N.

This determination expires on 02/24/2028 unless:

- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office.
- the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at 1-817-222-5915, or Rodney.H-CTR.Love@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2026-AGL-8118-OE.

Signature Control No: 706596368-720151825

(DNE)

Rodney Love
Technician

Attachment(s)
Map(s)

cc: FCC

Verified Map for ASN 2026-AGL-8118-OE



STAFF COMMITTEE PREPARATION REPORT

Agenda Item: Approval of a Variance to the Airport Height restrictions for USEMCO to build a new manufacturing facility at 1730 Rezin Rd.

Summary and Background Information:

USEMCO has applied for and received confirmed approval by the FAA to exceed the airport height restrictions imposed in an area adjacent to the Tomah Airport Runway. This request would also require the City to approve of a similar variance from these maximum height restrictions. With the FAA approval, the City's airport would not receive any kind of penalty or class downgrade if we also approve of this variance.

Recommendation From: Zoning Administrator has denied the site plan application because it does not meet the minimum standards of the zoning ordinance

Minutes Attached: Yes ☐ No ☒

Budget Account: Not applicable. **Fiscal Impact:** Not applicable.

Staff Responsible for implementation: Zoning staff.

Economic Impact: Significant regional economic impact with an existing large employer being able to expand their business footprint and create jobs and tax base.

Zoning/Rezoning Issues: No precedent is set to other potential variance requests for height restriction requests due to the FAA approval.

Supports Organizational Goals:

Yes ☒ No ☐

Questions from Administrator:

Grants Pursued/Opportunity Pursued: Not applicable.

Recommendation: NONE

A motion to approve this item should read, "Approve of The Area Variance request to exceed Airport Height Restrictions for the USEMCO project proposal at 1730 Rezin Rd. with the following Conditions:

1. The applicant is required to abide by all representations made during this hearing and in the application.
2. Applicant will abide by all conditions as set forth by the FAA conditioned upon the following:
3. Any required fire sprinkler system must be designed in accordance with NFPA 13 for the building's actual occupancy, manufacturing processes, storage commodities, storage configuration, and maximum storage height.
4. The available water supply and required fire flow must be verified.
5. Hydrant and fire department connection locations must be coordinated with the Fire Department.
6. Fire apparatus access must comply with NFPA 1, Chapter 18, including adequate roadway width, turning radius, load capacity, and unobstructed access for apparatus operations.

Charles Handy
Department Director

8-23-2026
Date

Committee: Planning Commission

Meeting Date(s): Sept. 03, 2026