



AGENDA FOR BOARD OF APPEALS

A Board of Appeals meeting will be held on **Thursday, December 07, 2023 at 12:00 PM** in the **Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.**

AGENDA

- A. Call to Order - Roll Call
- B. [Request for a temporary variance from the City of Tomah Airport Height Limitation Zone submitted by Wieser Bros., to erect a crane at 16202 Winnebago Ave for the construction of a building addition](#)

ADJOURNMENT

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.

CITY OF TOMAH BOARD OF APPEALS
STAFF COMMITTEE PREPARATION REPORT
December 7th, 2023

Agenda Item: Request for a temporary variance from the City of Tomah Airport Height Limitation Zone submitted by Wieser Bros., to erect a crane at 16202 Winnebago Ave. for the construction of a building addition.

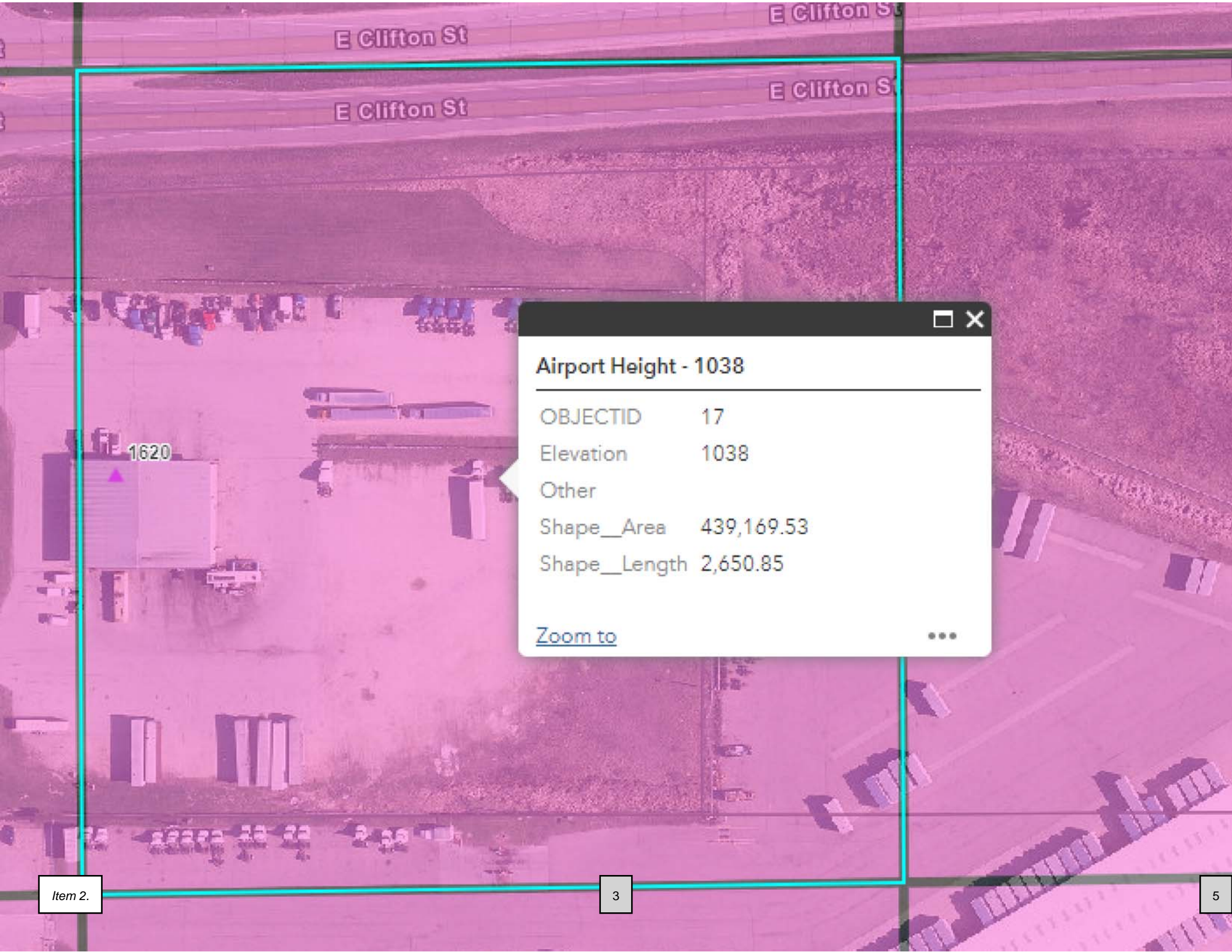
Summary and background information: The property at 1620 Winnebago Ave. is within the ½ mile boundary from Bloyer Field and the proposed crane exceeds 35’ in height; therefore, it is subject to the City of Tomah Airport Height Limitation Zone. The height limitation for the subject zone 1038 ft above sea level. The proposed crane maximum height is 160’ creating a maximum height above sea level of 1,135 exceeding the limitation by 97’. The Public Works and Utilities Commission (Airport Committee) has denied the permit. The applicant is seeking a temporary height variance of 97’ from the height limitation zone.

A Notice to Airmen (NOTAM), Also known as Notice to Air Mission (FAA definition), is a notice containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations.

Recommendation: I recommend approving the temporary height variance limited to the requested timeframe and conditional upon the applicant providing a NOTAM.

Shane Rolff
Zoning Administrator/Building Inspector

11/27/23
Date



E Clifton St

E Clifton St

E Clifton St

E Clifton St

1620

Airport Height - 1038

OBJECTID	17
Elevation	1038
Other	
Shape_Area	439,169.53
Shape_Length	2,650.85

[Zoom to](#)



Sec. 52-231. Airport regulations.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Airport means the Bloyer Field Airport located in Section 3, Town 17N, Range 1W, Monroe County, Wisconsin.

Airport hazard means any structure or object of natural growth which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

Nonconforming use means any structure or tree which does not conform to a regulation prescribed in this chapter or an amendment thereto as of the effective date of such regulation.

Person means any individual, firm, partnership, corporation, company, association, joint stock association or body politic and includes any trustee, receiver, assignee or other similar representative thereof.

Runway means a level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

Structure means any object constructed or installed by man.

Trees does not include shrubs, bushes or plants which do not grow to a height of more than 20 feet.

- (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.
- (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.
- (d) *Exceptions.* The restrictions contained in subsection (c) of this section shall not apply to objects which are less than 35 feet in height above ground level at the object site within one-half mile of the airport boundary, to structures less than 50 feet in height above ground within the area beginning one-half mile from the airport boundary or to structures less than 100 feet in height above ground within the area beginning one mile from the airport boundary and extending to three miles from the airport boundary.
- (e) *Nonconforming uses.*
- (1) *Not retroactive.* The regulations prescribed in this section shall not be construed to require the removal, lowering or other change or alteration of any nonconforming use or otherwise interfere with the continuance of any nonconforming use, except as otherwise provided by subsection (g)(2) of this section.
 - (2) *Changes.* Nothing contained in this article shall require any change in the construction, alteration or intended use of any structure if the construction or alteration of such was begun prior to the effective date of the ordinance from which this section is derived and if such is diligently prosecuted.
 - (3) *Removal.* This article shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.
- (f) *Administration.* The airport manager shall administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the building inspector upon a form furnished by him. Applications which are by this section to be decided by the airport committee shall be granted or denied within 15 days of the date of filing of the application, unless Federal Aviation Administration approval is requested. Applications for action by the board of appeals shall be immediately transmitted by the airport

committee to the board of appeals for hearing and decision. There shall be no charge for applications or permits.

(g) *Permits.*

- (1) *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.
- (2) *Existing uses.* Before any nonconforming structure may be replaced, altered or rebuilt, a permit shall be applied for and secured in the manner prescribed by subsection (1) of this section authorizing such change, replacement or repair. No such permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of the ordinance from which this section is derived or when the application for permit was made.

(h) *Appeals and review.*

- (1) *Variances.* Upon appeal in special cases the board of appeals may, after investigation and public hearing, grant such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this section would result in unnecessary hardship and such relief will do substantial justice and be in accord with the spirit of this chapter and does not create a hazard to the safe, normal operation of aircraft.
- (2) *Aggrieved person.* Any person aggrieved or affected by any decision or action of the building inspector made in his administration of this article may appeal such decision or action to the board of appeals.
- (3) *Procedure.* Any appeal taken pursuant to this article shall be in conformity with the procedure established by Wis. Stats. § 62.23(7)(e).

(Code 1993, § 17.75)

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 11/28/2023 \$ 125.00 fee paid (payable to the City of Tomah) at the Treasurer's window

	Owner/agent	Contractor
Name	LARSON PROPERTIES LLC C/O KYLE GILLET	WIESER BROTHERS GENERAL CONTRACTOR, INC. C/O CASEY STADLER
Address	500 FORD ROAD ST. LOUIS PARK, MN 55426	200 TWILITE ST. LA CRESCENT, MN 55947
Phone	651-361-1049	507-895-8903

Address 1620 WINNEBAGO AVE Tax parcel number 286-02649-0000

ACRES

Lot area & dimensions: 6.923 ~~sq. ft.~~ 591 ± x 521 ± ft.

Zoning district M-2 GENERAL INDUSTRIAL

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

Current use & improvements:

COMMERCIAL USE, WE ARE CONSTRUCTING A 120' x 94' ADDITION TO THE NORTH SIDE OF THE EXISTING FACILITY.

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

NONE.

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

NONE.

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

SEC. 52-231 AIRPORT REGULATIONS, SUBSECTIONS C, D, AND G1.

Describe the variance requested:

TEMPORARY USE OF A CRANE TO ERECT THE STRUCTURAL STEEL FOR THE BUILDING ADDITION, OUR MAX CRANE HEIGHT IS 160'. THE FLOOR SURFACE ELEVATION IS APPROX 975' ABOVE SEA LEVEL. OUR CRANE WOULD HAVE A MAX ELEVATION OF 1,135' ABOVE SEA LEVEL. 6 TEMP VARIANCE OF 97' FROM AIRPORT HEIGHT LIMITATION ZONE.

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.

* TEMPORARY CRANE USAGE.