



AGENDA FOR BOARD OF APPEALS

A Board of Appeals meeting will be held on **Thursday, May 07, 2026 at 5:00 PM**
in the **Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.**

Join Zoom Meeting:

<https://us06web.zoom.us/j/2708608080?pwd=ZTZ0cmllVEFEb1dzVDNwdi91UH FYQT09>

Meeting ID: 270 860 8080

Passcode: 206751

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

CALL TO ORDER:

1. Pledge of Allegiance
2. Roll Call

GENERAL:

- [3.](#) Approval of Minutes from 9-25-2025
- [4.](#) Public Hearing: Request for area variance at 215 W Clifton Street
- [5.](#) Discussion: Request for area variance at 215 W Clifton Street
6. Swearing In of New Officers

Eric Devien, citizen member, term expires 2029.

Rick Murray, 1st alternate, term expires 2029.

Brian Rice, certified builder, term expires 2029.

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.

Board of Appeals Minutes

Call to order

Chuck Schaeve at 1551

Roll Call

1. Chuck Schaeve - **present**
2. Eric Prise – **present**
3. Greg Wandschneider - **absent**
4. Jeremy Likely - **absent**
5. Joe Martinez - **present**
6. John Glynn - **absent**
7. Rick Murray – **present**

Discussion

- Schaeve states the reason for the meeting
 - Eric prise motions for public hearing, Rick Murray seconds, all aye in favor
 - Schaeve opens the floor up for discussion.
 - Frei does not have any new words to speak on this matter. Restates the undue hardship to them and their neighboring hotel for cost and construction to move sign.
 - Eric Prise asks chair if anyone wants to speak
 - Schaeve asks floor
 - MWRCD LLC, Jim Frei speaks about the electrical to sign permit and previous owners having a sign there and would like to know what permit they got if any.
 - Schaeve asks for any other comments or discussion
 - Prise motion at 359 to close public hearing, Murray seconds.
 - All in favor
 - Discussion
 - Eric Pris asked for staff comment on the variance process
 - Eric Pris feels that this is different from any applications for the sign.
 - Eric Pris makes motion to approve sign variance, Murray makes motion to second
 - All in favor except Schaeve

- Eric Pris makes motion to adjourn the meeting, murray seconds
- Chuck Schaeve closes meeting at 1602

Adjournment

- called for adjournment at
- second by
 - Adjournment by full vote
 - Chuck Schaeve - aye
 - Eric Prise –
 - Greg Wandschneider - absent
 - Jeremy Likely - aye
 - Joe Martinez - aye
 - John Glynn - absent
 - Rick Murray – aye

STAFF COMMITTEE PREPARATION REPORT

Agenda Item: 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

Summary and Background Information:

There is an existing non-conforming sign at 215 W Clifton Street which protrudes beyond the south property line, into the Clifton Street Road Right-of-way. The applicant is asking to retain the support post and reconstruct the sign at the top. The sign is proposed to start at the property line and be constructed to the north to remain within the property. Required sign set-back is currently 10'

Recommendation From: Zoning Administrator

Minutes Attached:

Yes No

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

Staff Responsible for implementation: Zoning staff.

Economic Impact: Not applicable. **Zoning/Rezoning Issues:** None

Supports Organizational Goals:

Yes No

Questions from Administrator:

Grants Pursued/Opportunity Pursued: Not applicable.

Recommendation: Deny

A motion to approve this item should read, "Approve of an area variance for a sign to be reconstructed with a 0' set-back to the south and west property line at 215 W Clifton St.

Administrator

Date

Charles Handy

Department Director

4-23-2026

Date

Committee: Planning Commission

Meeting Date(s): 7 May, 2026

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 4/13/26 \$ 219.00 fee paid (payable to the City of Tomah) at the Treasure's window

| | Owner/agent | Contractor |
|---------|---------------------------------------|------------|
| Name | Jessica Clark | |
| Address | 215 W. Clifton St. Tomah, WI 54660 | |
| Phone | | |

Address _____ Email - Tomahminimart21@gmail.com Tax parcel number 286017520000

Lot area & dimensions: _____ sq. ft., 150 x 95 ft.

Zoning district BUSINESS DISTRICT

**Legal description if property is undeveloped

Current use & improvements:

BP Gas Price Sign

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

NA

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

Sign @ SW corner see map

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

52-152 (3)

Describe the variance requested:

retain existing sign post and put new sign on top

Type of variance requested:

Set back / sign variance / Area

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

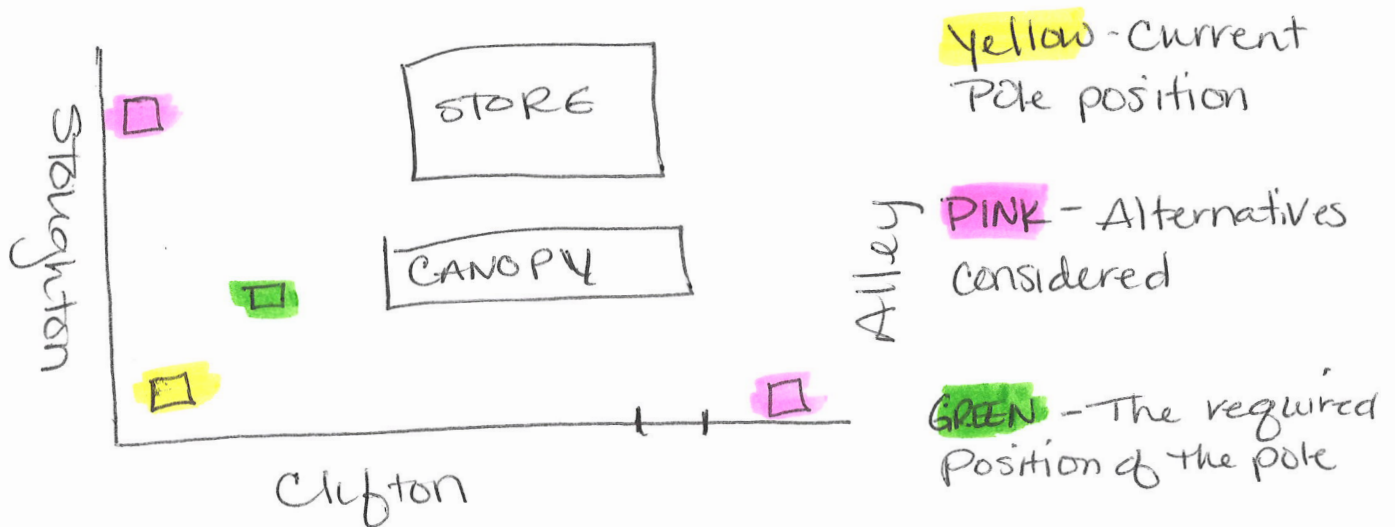
X **area variance** – provides an increment of relief (normally small) from a physical dimensional restriction such as a building height or setback.

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

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.



- 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.

~~Keep~~

There are requirements that the pole must be visible from the Road. Alley way is blocked by a tree

This position blocks traffic flow, in the middle of parking lot. prevents delivery trucks from parking in lot,

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?

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.

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?

Yes. Describe:

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

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

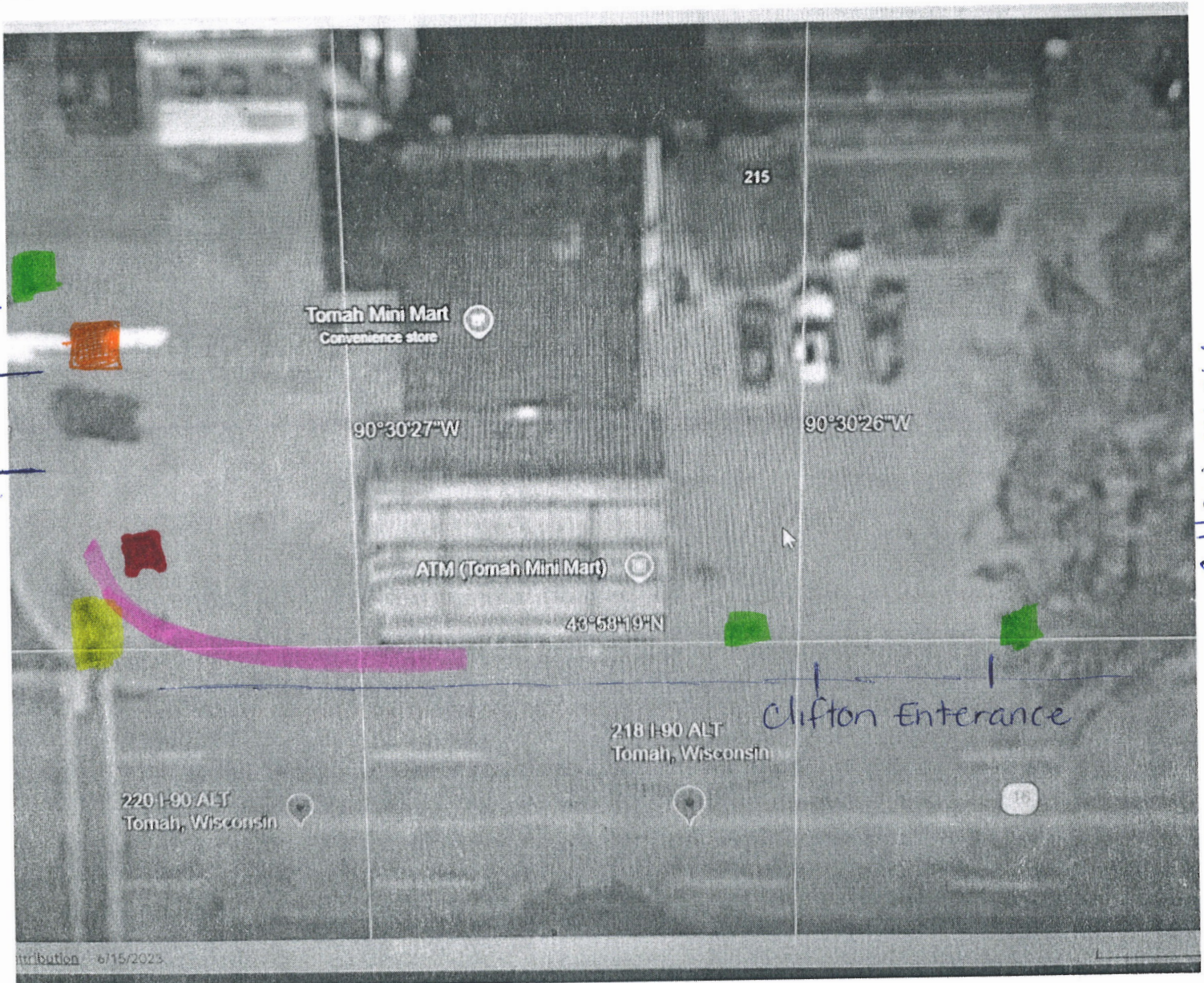
Signed: (applicant/agent/owner) _____

Date: 4/13/26

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

Stoughton
Entrance

Alley way



- Sign Position
- underground GAS TANK (manhole)
- Delivery truck parking
- Alternatives considered
- Position of ~~sign~~^{where} sign is being asked moved to