

**MINUTES OF THE VILLAGE OF WALDO
BOARD OF APPEALS
MONDAY, OCTOBER 30, 2017**

6:30 P.M. AT THE VILLAGE HALL
810 WEST SECOND STREET
WALDO, WI 53093

REGARDING 2 SETBACK VARIANCES FOR CONSTRUCTION
OF A WAREHOUSE/OFFICE BUILDING FOR ALL AMERICAN HVAC, LLC
TRAVIS THOMAS OWNER

LOCATION: PARCEL DIVISION WITH CHISSY'S PUB & GRILLE
CHISSY'S PARCEL #59191-771100 (NEW PARCEL NUMBER YET TO BE ASSIGNED)
NEW PROPERTY ADDRESS ASSIGNED AS 210 HIGH STREET, WALDO

Chairman Jim Piper called the meeting to order at 6:30 p.m. A tape recording of this meeting was made and will be stored with the meeting documents. Board of Appeals members Jim Piper, Tom Gilson, Roger Hintz, and Harold Veldboom were present. Bill Kvindlog was absent. (Alternate members Dennis Reinemann and Scott Liermann were also not in attendance.) Also present were Village President Gary Dekker, Village Trustee Mark Spitz, Travis Thomas (owner of All American HVAC, LLC, Scott Schmitt (Thomas's contractor; Valley Building Systems), Bruce Neerhof (Village building inspector/zoning administrator) and Village Clerk-Treasurer Michelle Brecht . Jim confirmed that the meeting was in compliance with the Open Meetings Law and that notification of a possible quorum of the Village Board was also posted in compliance with the Open Meetings Law. The clerk was asked if all BOA members had completed their oaths. Michelle confirmed that all but alternate Dennis Reinemann had completed their oaths. Chairman Piper asked Michelle to be the recording secretary and to take the roll. A quorum of BOA members was present. According to State Law, a majority of the BOA was present for decision purposes. Chairman Piper then read the agenda and included the following amendments:

Prior to item #5 Jim will read the following legal introduction and the following amended agenda:

"The Village Board of appeals is an appellate board required by state law in any municipality that has adopted a zoning ordinance. The board does not have authority to amend or repeal any provision of the zoning ordinance. Its authority is limited to appeals regarding interpretations of ordinance provisions, consideration of variances, and (if assigned by ordinance) consideration of conditional use permits. The board functions like a court. Its purpose is to give a full and fair hearing to any person whose property interests are affected by these matters. Its job is to apply the zoning ordinance and appropriate legal standards to the facts of each case. The board meeting and public hearings are open to the public. A taped recording is being made of the proceedings (or a court reporter is recording the proceedings)."

Agenda item #5 will have up to 4 parts: (all 4 speakers had submitted appearance slips)

- (1) Travis Thomas will make his appeal.
- (2) Bruce Neerhof will represent the Village as Zoning Administrator & Building Inspector and make his presentation
- (3) Adjoining property owner Jeffrey Lensink will share his viewpoints
- (4) JIM will invite the board to ask questions of the presenters

Agenda item #6:

When the board has the necessary facts, **the Chair will close the record**, and the board will deliberate and decide the matter in open session.

NOTE: The board will use the "Decision Form", "Conclusions of Law Form" and "Order and Determination Form" for reference. These are Area Variance requests.

The Board is welcome to reference their information binders during their deliberations.

There are **two** setbacks being requested. Both will need to be have determinations decided. A motion will be needed for both setbacks and a roll call vote for "a second".

Agenda item #7

The board will be directed to fill out and deliver to the Village Clerk the "Decision Form", "Conclusions of Law Form" and "Order & Determination Form" as soon as possible. You are requested to turn in your binders at that time as well. They will be re-issued on the occasion of another BOA session.

Agenda item #8

Motion to adjourn. Roll Call Vote

Chairman Piper invited Travis Thomas to speak. Mr. Thomas shared maps and building plans of his proposed construction project. He anticipates buying part of Chissy's parking lot and the green space west of the parking lot. He shared that he would like to situate the building up near High Street for two reasons. First of all, the lot will require a lot of fill to make it buildable. Without the zero variance setbacks, he would incur \$100,000 extra cost to bring in additional fill and situate the building further north on the lot. The proposed site position also allows for continued business visibility for Chissy's. The two business owners are discussing a joint advertising sign in the green space as well. Travis grew up locally and wants to stay local with the growth of his business. He feels the variance requests will not impede any future growth being that the adjoining properties include the cemetery and Hwy 57.

Building Inspector/Zoning Administrator Bruce Neerhof was then invited to speak. Bruce shared that variances should not be easily granted because the zoning codes are developed for a reason. Uniformity and consistency in a commercial/industrial development, for example, protects from one business encroaching on another business. This property is already zoned C2. The project is not encroaching on cemetery business and Hwy 57 isn't going anywhere. The front setback is usually protected for utility and snow removal purposes. Travis is going to be plowing his own yard and High Street as well so he isn't going to pile snow up against his building. The unique nature of this situation leads him to see no reason to deny the two variance requests.

Neighbor Jeffrey Lensink (220 High Street) was invited to speak. Jeff shared his concerns for the traffic flow on High Street. He has children and the neighbors do day care along the road. He said that FedEx trucks, etc. already go too fast for their comfort. He wondered if there could be a speed limit enforced and/or a child at play sign posted.

Chairman Piper then invited the Trustees to express their questions.

Roger Hintz asked Travis about his plans to expand in the future and if that would encroach in any way. Travis shared that the size of building is based on their 10 year growth model and is larger than their estimated maximum. Any expanding would have to be off of the office portion and there is no variance issue with that possibility.

Tom Gilson asked if the building's height could possibly obstruct a driver's view. Bruce shared that the plans would have to meet State restrictions so "no" that won't be a problem. It was also shared that Chissy's owner, Darrell Ringel, has wanted to see something built on this property for some time. He had thought about storage units but was concerned about their upkeep and the possibility of their growth obstructing the view of his restaurant. He is very pleased with the proposed building plans of All American HVAC.

Jim Piper asked about the water and sewer utilities to the property. Travis will have his own well drilled. His sewer service will work off of the existing lateral owned by Chissy's. His building will only use water with one office bathroom. It will not stress the lateral or the treatment plant and will actually help flush the line "so to speak". The line has been scoped and the flow is good from both ends.

Harold Veldboom asked about the size of trucks and the flow of traffic in and out. Will he have enough room on High Street? Will there be congestion when there's Farmer's Markets and hay auctions at the Chissy's parking lot? Travis shared that there won't be semi-trailer sized trucks. The biggest truck will be the size of a moving truck. There's 6 employees plus himself and his wife. They anticipate only one delivery per day and the employees to be coming and going early and again at the end of the day. They won't be in the way of the hay auction or the Farmer's Market since they will travel on High Street. They plan on maneuvering on the High Street cul de sac and backing into the building's service bay areas.

Travis was asked to address Mr. Lensink's concerns. Travis shared that all his employees, but one, have children. They currently operated in a residential neighborhood and are sensitive to and aware of the pedestrian and children presence. He is also willing to purchase a "Child at Play" sign. His 3 main delivery drivers all have their own children as well. They will be aware of the concerns and be conscious of their responsibility from the beginning of doing business. This is not a retail store so they have some control over the performance of the driver's doing business through the site. The employees will be at 6:30 a.m. and out by 4:30 p.m.; with the exception of one on-call technician that may have to come in at night. The FedEx drivers shouldn't be coming their way but only 10 times per year, so they shouldn't be a big concern. Travis also shared that he plans on snow plowing at least one lane down High Street first thing in the morning. This will be an improvement over the current situation on High Street. (Typically High Street is the last street plowed.) Bruce Neerhof said that he would approve of that proposition but that it should be a contractual situation with the Village and that he would need to provide a copy of his insurance liability coverage.

Roger Hintz asked for clarification about the second variance on the West side of the building. Travis showed him on his map.

At 7:04 Chairman Jim Piper closed the record and the Board began deliberations in open session.

Harold Veldboom said is good to get another business in Waldo. He also shared that it is hard to envision how else that piece of property could be used and the neighbors at the cemetery should have no complaints. All things considered, he didn't see a problem except to watch the traffic speed.

Jim Piper shared that another local business, Hauke Plumbing, works out of a residential neighborhood in Plymouth it is working for them.

Roger Hintz shared that when he first heard of this project, he was pleased and could see no objection. After hearing testimony, he is even more confident of having no objections.

Bruce Neerhof shared that if Travis was, indeed, never needing semi traffic, the Village could put a weight limit sign on the road. This is especially relevant being that the Village has plans to resurface High Street in 2019 with a surface intended for residential use.

Travis shared that he is more concerned about congestion during construction since they will be needing to haul in 140 loads of fill.

Chairman Piper asked the Board if there were any more comments for the record. Being none, he asked for a motion regarding the 2 requests. Harold Veldboom made a motion to approve both zero variances as described in the application. Roll Call seconds were made and recorded. The motion was approved. Travis Thomas was welcomed to Waldo!

Tom Gilson made a motion to adjourn the Board of Appeals. Roll Call seconds were made and recorded. The meeting was adjourned at 7:12 p.m.

Of note: The Board remained in the building while they filled out their paper work including;

- The "Decision Form"
- The "Conclusions of Law" Form
- The "Order and Determination" Form