



Meeting Minutes - Final

Board of Zoning Appeals

Wednesday, March 15, 2017

7:00 PM

3rd Floor Conference Room

Call to Order, Roll Call

Vice Chair Farmer called the meeting to order at 7:00 p.m. and explained the Board of Zoning Appeals meeting procedure.

Present: 4 - Douglas Farmer, Charles Clemence, Tom Knothe, Joe Konradt

Excused: 3 - Carol Haefs, Philip Nohr, Anastasia Gentry

Variance appeals:

Vice Chair Farmer opened the public hearing.

2574

An appeal regarding the regulation that requires 7,200 square feet of lot area for each lot at a property known as 2319 Madison St., La Crosse, Wisconsin.

Terry Thienes, 400 La Crosse Street, representing the Inspections Department, is sworn in to speak. Thienes states that the owner is proposing to split a lot zoned R-1. Municipal Code section 115-142 (c) (2) states that every lot in the single-family residence district not of record on September 15, 1966, shall have an area of not less than 7,200 square feet. The owner proposes an area of 5,530 square feet for lot 1 and an area of 5,533 square feet for lot 2. For this project to proceed as proposed the Board would have to grant two variances: a variance of 1,670 square feet for lot 1, and a variance of 1,667 square feet for lot 2.

Farmer asks about the September date. Thienes states that it means that the lot needs to have been parceled off on a lot of record before September 15, 1966. Farmer says that would explain why there are some lots in areas of the City that are smaller than 7,200 square feet. Thienes shows a survey map of what they plan to do; it is currently one parcel. They will split it down the middle.

Farmer asks if two single-family houses would be allowed on one parcel today. Thienes states that it would not be allowed. Right now it is legal-nonconforming because of when it was built. Konradt asks how long the houses have been there and Thienes responds that they might have been there since the 1930s. Thienes shows an aerial photo of the property and points out the garages on the alley and on 24th street.

Knothe asks if they desire is to split down the center and Thienes states that he is correct. Clemence asks if the houses are owned by different people right now; Thienes responds that it is one parcel and both houses are owned by UW-L. Farmer says it seems clear that at some point they could've drawn a line down the lot to match the size of the parcels across the alley. Thienes states that they could have and the square footage would be the same. A lot of 7,200 is a huge lot; it is about 72

by 100.

Knothe asks if the lot size of 5,530 square feet is in line with other lots in the neighborhood. Thienes responds in the affirmative; the property to the north is 133 by 40 or so square feet. Farmer states that the tell here is if they cut the lot the other way so that it would've looked like the rest of the block. We don't know who made the lot this way.

Speaking in Favor of the Request:

Jeff Morehouse, Paragon Associates, 632 Copeland Avenue, La Crosse is sworn in to speak. Morehouse states that this is a platted lot; you can see the horizontal line. In the 1930s when this was platted, there were two lots there and they did go the other way, but for whatever reason the houses were built crossing the lines. This is really to correct the problem that was created by someone in the past. Morehouse states that there really should be two lots and that is what they want to correct; the situation speaks for itself. Had they been platted the other way the square footage wouldn't have changed, it would still be two houses on two lots. Farmer asks who built the houses. Morehouse doesn't believe the University did. He confirms with someone in the audience that it was gifted to the University, they were not constructed by the University.

Knothe asks what the hardship would be. Morehouse responds that the hardship is the 7,200 square feet. Farmer asks how the University would be hurt if the Board does not grant the variance. Morehouse states that it would be difficult to sell houses that are not on their own lots. Knothe asks if it is just a financial hardship; he also asks how it has been used in the last five years. Morehouse states that the hardship is that the lot size of 7,200 square feet is not appropriate for two houses on two old lots. He states that what they are asking for is to go back to the pre-1966 standard.

Farmer asks if the intent of the University to sell. Morehouse responds that they do plan on that. Farmer states that there is probably a limited marketplace for lots with two houses. Knothe states that it would be a financial hardship which that cannot be cited as a reason for granting the variance. Konradt states that it does not talk about the tax status in the application and asks if they pay tax on them now. Farmer states that they probably are not taxable now and wouldn't be until they were sold.

Doug Pearson, UW-L, is sworn in to speak. Farmer asks Pearson if it is their intent to sell and Pearson responds that they will put them up for sale immediately. Pearson states that they have been vacant for almost three years and the cost for them to manage them as rentals is not worth the benefit. They have had some bad experiences with tenants so they decided to leave them empty.

Knothe asks how long the University has owned them. Pearson responds that they were gifted by Corps of Engineers who used to stay there. It has been a long time since they were gifted, and he is not sure of an exact date. Knothe asks if there are any alternatives to splitting these lots. Pearson responds that an alternative might be if the University would want to get back into the landlord business. Knothe asks about the condition of the houses and Pearson responds that they need some work.

Knothe asks if there has been talk of razing and building one house on the lot. Pearson responds that that they have not. Farmer states that the houses sit well on that spot. Farmer recalls that he remembers instructors living there for a while. The Department of International Affairs had international students staying there at one point in time. Knothe asks if there is anything unique about the real estate there. He also asks if there anything other than the financial aspect of getting rid of them that

causes a hardship. Pearson responds that they don't want to be in the landlord business.

Speaking in Opposition: none

Knothe: with regard to File 2574 regarding the property located at 2319 Madison Street, I hereby move that we grant said motion which allows for two variances. First a variance of 1,670 square feet for lot 1, and secondly, a variance of 1,667 square feet for lot 2. The unique condition of this property is the fact that it was built in such a way that the lots were under today's square footage requirements for the City. There is no hardship to the City; in fact, there would be better usage of the property if they can sell it as two individual residences. There would be undue hardship if the applicant is not allowed to proceed in this fashion.

Konradt seconded.

The motion carried by the following vote:

Yes: 4 - Farmer, Clemence, Knothe, Konradt

Excused: 3 - Nohr, Haefs, Gentry

2575

An appeal regarding the requirement for a yard shed to be a maximum of 120 square feet at 1815 Prospect St., La Crosse, Wisconsin.

Terry Thienes, still sworn, states that the owner has applied for a permit to allow a nonpermitted previously constructed 144 square foot yard shed to remain as is. Municipal Code 115-390 (2) (c) states that the maximum allowed area of a yard shed is 120 square feet. For this yard to proceed as is, the Board will have to grant a variance of 24 square feet to the 120 square feet maximum allowed area for a yard shed.

Thienes shows a basic plot plan of the property and points out the house, driveway, alley, and the shed. Farmer asks if Thienes has an aerial view of the property and he brings it up on the projector. Thienes points it out and states that it is 12 by 12. Konradt asks which shed is the one built without a permit and Thienes shows the correct shed and states that the small metal one will be gone. The brown one is the big one.

Knothe asks if Thienes knows if it is sitting on the grass or if there is some type of foundation. Thienes states that it is most likely a gravel floor; he has not been inside it. Farmer states that they can get confirmation from the owner. Knothe asks how it came to the attention of inspection and Thienes states that it happened to be on someone's route and it was there when it wasn't before. Knothe asks if there is electricity and Thienes states that he does not see any power lines and he doubts that there is any running underground. Clemence asks if it required a building permit and Thienes states that it would've required a permit, but this specific size would not have been permitted because it is too big.

Speaking in Favor of the Request:

Dan La Fleur and Tammy La Fleur, 1815 Prospect Street, are sworn in to speak. Dan La Fleur states that they are first-time homeowners and didn't know if they needed a permit or not. They needed storage so that's why they built the shed. The metal one was too small and leaky so they decided to build the bigger the 12 by 12 shed. Knothe asks when it was built and Dan responds that they built in September of last

year.

Dan La Fleur states that some people they talked to said they needed a permit and some said they didn't, so they just built it. Clemence asks what type of foundation it is on and Dan La Fleur states that it is gravel based; the foundation was brought in on a trailer. Farmer asks if it was a package. La Fleur responds that it was not store-bought, but it was built from the foundation. The base was prebuilt and they built it up from there. Tammy La Fleur states that they just want to keep what they have because there is no time in the future for the garage. The expense is just too much for a garage. Dan La Fleur adds that it is a gravel based driveway.

Farmer states that the board frequently sees people that who come in and the board senses that it is easier to ask forgiveness than permission. Dan La Fleur states that the storage in the house is not enough. With his disability, he cannot go down the stairs. Farmer asks why they did not make a simple phone call to the inspection department before they started. Dan La Fleur states that he wasn't sure where to go and what to do.

Knothe asks La Fleur if he has worked in the construction trades. La Fleur states that he has not really; a friend helped with a plan and that's what they did. The base came from a friend who had used it as a shed and they just improved on it. Clemence asks for clarification on what exactly they bought. Dan La Fleur responds that they bought the base from a friend and the rest is brand new. Tammy La Fleur adds that there is no electricity and no plans for that. They keep lawn mowers and a snow blower in it. Knothe asks why they did not get rid of the metal shed it when they were building the new one. Dan La Fleur states that it is holding their daughter's bunny rabbit in a cage and they didn't want it in the big shed. La Fleur says that now that it is getting warmer the metal shed will go and the rabbit will go outside in its cage.

Farmer asks the La Fleurs if they would be ok if they make the variance contingent on getting rid of the shed and they respond that it will be gone as soon as the snow is gone. Tammy La Fleur states that they have learned their lesson and they will call City Hall first. Knothe asks if any neighbors complained about the size of the shed and they respond that they have not heard any complaints. Farmer asks inspection department if the size of garages or tool sheds pivot around how much yard space there is or all that. He asks if Thienes has any idea if there is a limitation on storage sheds from keeping them from getting bigger than garages. Thienes states that the area of the rear yard determines how big of a garage you can put up. If you want a garage and storage shed, you are allowed to have both, but the cumulative area cannot exceed 35% of the rear yard. Storage sheds are limited to 120 square feet, so you didn't build two garages.

Speaking in Opposition: none

Knothe: with regard to File 2575 regarding the property located at 1815 Prospect Street, I hereby move that we grant the request for variance for this yard shed to remain as it is, with granting a variance of 24 square feet to the 120 square foot maximum allowed area for a yard shed. The unique condition that exists in that the property is already being used and they don't have a garage. There is no undue hardship to the public interest given that the ordinance was created to allow for access to the property and it is not an issue in this case. Lastly, the undue hardship would be the removal of this shed given the fact that it is already in place.

Farmer adds that if they did move it, there would be no place to store the lawn mower.

Konradt seconded.

The motion carried by the following vote:

Yes: 4 - Farmer, Clemence, Knothe, Konradt

Excused: 3 - Nohr, Haefs, Gentry

[2576](#)

An appeal regarding the regulations for the size and height of a monument sign, the size of an EMU sign, having two monument signs without having 200 lineal feet of street frontage, and seeing the EMU from a residentially zoned property at 3332 Commerce St., La Crosse, Wisconsin.

Brent Thielen, representing Fire Prevention & Building Safety, is sworn in to speak. Thielen states that the owner has applied for a permit to install a monument sign with an electronic message unit that does not comply with the height, area, or location regulations for a monument sign or the area and location regulations for an electronic message unit sign. Municipal Code 111-84 states that the size of the monument sign is limited to 60 square feet. The height of the sign is limited to 14 feet and limits monument signs to 1 sign for every 200 lineal feet of street frontage. Municipal Code 111-95 (b) (1) limits the size of electronic message unit message centers to 22 square feet. Municipal Code Table 111-95 (b) states that EMU signs shall be a minimum of 200 lineal feet from a residential district zoning line and shall not be visible from a residence or residential zoning district line.

The proposed sign would be the second monument sign located on the property with one street frontage less than 200 feet, with a total height of 25 feet and a total area of 196 square feet. The proposed EMU portion of the sign is visible from a residentially zoned property and has an area of 46 square feet. Farmer asks if there is already a sign there already and Thielen states that there is a small one there already and he points it out on a photo.

The Board will have to grant 5 variances for this project to proceed as proposed: 1) a variance of 11 feet to the 14 foot height limitation, 2) a variance of 136 square feet to the 60 square foot size limitation, 3) a variance of 24 square feet to the 22 square foot size limitation for EMU signs, 4) a variance to allow the EMU sign to be seen from a residence or a residentially zoned property, 5) a variance to allow an additional monument sign on a lot not having over 200 lineal feet of street frontage.

Thielen shows a drawing of the proposed sign. Farmer asks if 25 feet is too tall; Thielen responds in the affirmative. Farmer states that the interstate is adjacent to the sign and asks Thielen how many feet the interstate is over this property. Thielen states that it is 10 feet, as a rough guess. Farmer confirms that the sign is 25 feet tall so it would be only 15 feet over the interstate.

Konradt asks if a pylon base is considered in the calculation. Thielen states that there is no pylon base; that portion of the sign is included because it has a semi on it – and it is going to be made to look like a highway. It is included in the total footage. Farmer states that it counts against them because they have an exotic post and Thielen responds that he is correct.

Farmer asks if they would need any variances if the post area was plain. Thielen responds that they are not allowed to put a post. Only monument based signs are allowed in the city; there are specific widths and depths for the monument base in the code. Farmer asks if the monument sign specifications must involve addressing signs for places like dental offices more than things closer to interstates. Thielen states that

he does not know the intent behind the ordinance.

Konradt asks if the base is larger than it needs to be it needs to be. Thielen responds that it needs to be a minimum of 12 inches deep and 1/3 the width of the sign; it can be larger, but that is the minimum. Thielen adds that if they didn't have the graphics they would be ok. Farmer asks if the truck graphic is on one side and Thielen responds that it is on both the west facing side and the east facing side. The east facing side does not have an EMU sign facing the east.

Thielen shows the proposed sign location on an aerial view of the property. He points out the business and points out the residentially zoned property that has a house on it. Konradt asks if the other property (to the south) is also residential. Thielen responds that he does not believe the EMU sign is viewable from the other lot. The side walls of the structure itself are high enough to block the sign and the lot the sign will be on is over 200 lineal feet from the property to the south. Thielen also shows the monument sign that they already have in the front.

Konradt asks about the calculation of the street frontage. Thielen states that he does not have 200 feet on the side facing the residential lot. Farmer states that it is an odd lot that has frontage along the interstate, but you can't count it as street frontage. Knothe asks if they own the lot just to the south. Thielen states that the owner of the building owns that lot, but the business does not.

Knothe asks which way the LED faces; Thielen responds that it faces westerly because it runs at a tangent. The EMU doesn't face the other side. Knothe asks about the buildings across the highway; Thielen responds that they are in the City of Onalaska, but he does not know if they could see it. Thielen states that the City is not in charge of notifying City of Onalaska and that the area appears to be residential. Konradt asks which way the house faces; Thielen responds that it faces directly east to the street and it is closer to the street.

Speaking in Favor of the Request:

Bob Debauche, Fleet Paint and Body Repair, 3332 Commerce Street, is sworn in to speak. Debauche states that the board already saw the picture of the small monument sign and it is something they can live without if the board requests it. It is not a major concern to them. So that might be a solution. Debauche states that they felt like the 14 foot requirement was insufficient to accommodate the delivery that they want it to project for their business. Their type of business is geared around commercial vehicles.

Farmer asks Debauche for his estimate of how high the interstate is and he responds that it is roughly 14 or 15 feet, but it is hard to tell. Debauche says by the time they put the billboard up and put the EMU up, they are well below the interstate. It would be difficult to view. Knothe asks for confirmation that the EMU is just the digital light part and asks if they could build it without that. Debauch responds that they could; however, due to what they want to do with their company, it would be a great addition to the growth. And it translates the messages they want to the customer base.

Knothe asks if Debauche has talked to the landowner where the residential property is. Debauch states that he has and has a signature. Debauche says he has an acceptance letter with the required signature (which he shows to the board). Debauche says Casey, the owner of their building, is here in favor as well. Farmer confirms that the letter is from the residence; the adjacent property owner.

Farmer asks if the EMU will comply with the other aspects of the sign ordinances with

the number of changes per minute or second and Debauch responds that it will. Konradt asks about the size of the main portion of the sign. Debauch states that it is 14 by 8. Knothe asks if Casey is the owner and if Jeff is the owner across the cul de sac. Debauch says that the residential property to the south is not relevant because it is over 200 feet from them and can't see through the building. Clemence asks if the intent of the sign is to be advertising or to help their customers locate them. Debauch responds that it is both. Their customers do have trouble finding them because they are visible from the interstate, but it is around the corner and around a cul de sac.

Casey Weis, 3332 Commerce Street, is sworn in to speak. Weis states that the lot that Thielen mentioned to the south is still a house and is occupied. Weis adds that he received a letter from that property owner stating that he plans on redeveloping it into an industrial property at some point. Weis says that the base of the sign is decorative, but to it was the goal to have something different and looks nice. Weis states that he owns that lot to the immediate south of 3332 as well.

Weis states that it is a nice looking sign and will be a landmark for their customers to find them. The Fleet Company has chosen La Crosse as their second location. The interstate is probably 12-14 feet above there. It looks nice and Bob has done a really nice job with the place; he has gotten everything with the building and has gotten all of the permits. Konradt asks if the next property is leased and Weis states that he owns it and it is vacant right now. Weis says he will be putting up another building there similar to the one at 3332. The existing building has a 22 foot wall height and the next one will be roughly the same amount.

Speaking in Opposition: none

Knothe: with regard to File 2576 regarding the property currently located at 3332 Commerce Street, I hereby move that we grant the five variances requested by the petitioner. Namely, 1) a variance of 11 feet to the 14 foot height limitation, 2) a variance of 136 square feet to the 60 square foot size limitation, 3) a variance of 24 square feet to the 22 square foot size limitation for EMU signs, 4) a variance to allow the EMU sign to be seen from a residence or residentially zoned property, and 5) a variance to allow an additional monument sign on a lot not having over 200 lineal feet of street frontage.

The evidence in the case suggested and proved that the property had a unique condition in that its odd shape and location next to the interstate which is somewhere between 10 and 15 feet above it in height. There is no public interest that is being harmed; in fact, this may create a more usable and valuable piece of real estate. Lastly, it creates a hardship if we do not grant these five variances in that the petitioner's business and use of the property would be diminished. For these reasons I move that we grant the variances in total.

Konradt seconded.

The motion carried by the following vote:

Yes: 4 - Farmer, Clemence, Knothe, Konradt

Excused: 3 - Nohr, Haefs, Gentry

[2577](#)

An appeal regarding the requirement to provide 222 parking spaces; 1 for each 5 seats in the sanctuary, 1 for every 150 square feet of the parish hall, and 1 for every two employees at the lower level religious education

center at a property known as 2006 Weston St., La Crosse, Wisconsin.

Thienes states that the owner is proposing an addition to the south side of the church located at 2006 Weston Street. Municipal Code 115-393 (c) states that when the intensity of use of a nonresidential building is increased by the addition of seating capacity, dwelling units, storage or other units of measurement in this chapter. The parking facilities shall be increased for the intensity of use. The required off-street parking for this facility would be 222 spaces. The owner is proposing 66 off-street parking spaces. For this project to proceed as proposed, the Board will need to grant a variance of 156 off-street parking spaces to the required 222.

Farmer asks how many spaces they have now. Thienes states that they currently have maybe 15 or 20. Thienes points out what they are going to do on an aerial view of the property. He points out the parking they have now and a before and after of the project. Thienes points out where the expansion is going and where the addition is going. Konradt asks about the grey area on the map and Thienes responds that it will be a water retention area.

Thienes states that the area that is blacktopped will be turned into green space. They are going to keep the north side parking area and part of the current space. Konradt asks about the parking spaces that they will have and Thienes responds that they will have 47 and 19. Clemence asks for confirmation that their intention is to use Trane parking. Konradt asks for confirmation that they have 216 spaces now they will be getting rid of those and will be short 156. Konradt asks if they would have enough parking if they didn't take any out. Thienes states that they would be very close.

Thienes states that school used to sit where part of the parking lot is now and he points it out on the map. Farmer asks who owns the parking area off to the right; Thienes responds that the adjacent property is owned by Trane. Farmer says that the risk is that someday Trane Company might move and they wouldn't have those parking spaces. Clemence says they could pave it; Farmer says that there would be no obligation to unless they gave them a variance. Konradt asks if it residential all the way around except for the Trane property and Thienes responds that he is correct. Farmer states that you do these things because they make sense now, but Trane if develops the lot, they are under no legal requirement to convert the use back to asphalt.

Speaking in Favor of the Request:

Deacon Richard Sage, 2006 Weston Street, is sworn in to speak. Sage states that right now the southern area is a parking lot for 30 cars and that is where the new addition is going to be placed. The parish school was partly in the lot (he shows the area it was in). He points out that the blacktop area was the school playground. Sage says they are going to build an addition over the southern area and on the north create a 19 car parking lot for people with mobility issues which is due to be done in late April/early May depending on the weather. Sage says Mathy will be doing the work.

Sage says that as they are developing this property they are putting additional parking on the west side; with approximately 47 spaces and 19 gets them to 66 spaces total. The back area will be converted to green space. Farmer asks why and Sage responds that it would look very attractive and be a little ecologically-minded rather than being surrounded by blacktops and hard roofs. It would be a break from that type of atmosphere he adds. Konradt asks about the current condition of the back lot. Sage responds that it is an ok parking lot. Konradt asks if it is useful and Sage responds that it is usable. Sage says that when they took the school down a year and a half ago, they were going to remove it, but they held off because the City said they could delay it and use it as a staging area for the construction of the new

portion.

Sage says the new building will be 12,000 square feet on the main floor and nearly 11 or 12,000 on the lower level. The construction is set to begin in June. Sage says the hardship that occurred before the ordinance came into being and that is the placement of the church structure. The school was built (he points where it was) and the convent was built next to it. When the church was built in 1960, the front of the church had to face the Trane parking lot side. The parish has owned the entire two-block area since 1946. The main entrance was put at that end.

Sage says they asked their architects if they could change the access of the church and they responded that it is difficult; there is a choir loft in the back it is not practical. They have been using the Trane parking lot since 1960. And there are over 260 parking spaces there and they do have street parking around, but the people come to mass on Sundays aren't parking on the street or in front of the church on Horton or 21st street. Sage adds that no one uses the back (west side).

Knothe asks if they have a formal agreement with Trane Company. Sage responds that they don't really, but they have a letter of agreement that states they can use it. Since that time they have provided a certificate of insurance for Trane at their request. Sage says letter isn't notarized, but it creates the impression that it was a request for them to have. Knothe asks if there is a term listed on the letter and Sage responds that there is no term, they have been using it for 60 years.

Farmer states that the Board is governed by State Statute and Supreme Court conditions; one of those conditions is that the hardship can't be self-created. Sage responds that the City Council created the hardship after the fact. Farmer states that it will look better, and will be nicer for the neighborhood, but to some extent it is a case where they are creating a hardship. Knothe states that the easy thing is that they can turn it back into a parking lot if Trane decides to build there instead of having a parking lot. Sage responds that they would have to use their green space for parking in that event.

Konradt asks about the purpose of Trane's building there; Sage responds that it is Trane's engineering and development building is to the south. Konradt asks about the purpose of the new structure and Sage responds that it is the parish hall and religion education center. The parish hall will be used for funeral lunches and gatherings. Konradt says that the application says that it will not be in use at the same time of the church. Sage agrees and states that they would be using it more on the weekends which is also when Trane wouldn't be using their parking. Clemence asks what they will do when there is a weekday service. Sage responds that there is plenty of room there and he points out on the aerial view of the large lot that Trane has. Sage states that Trane employees park closer to the building and less towards the north end of the parking lot.

Clemence asks if it would be acceptable if a condition was put on the variance that they agree to turn the green space into the parking lot. Sage responds that they would not. Farmer states that they may have to defer it to include the legal language. Sage states that there have been occasions over the last few years to purchase that end of their property (proposed green space area), and they have declined because they might have to use that for parking for themselves.

Farmer again asks if they would accept a condition if it were put on the variance. Knothe states that he doesn't like that idea; they could leave it as a broken concrete parking lot as it is, or have a nice green space and rely on the parking lot that has been there since 1960. Knothe adds that he has been to large funerals there and

there has been plenty of parking. Konradt asks if there is a way to compromise on saving some of the green space for parking and Sage responds that they would give consideration to that. Sage states that the reality is that it is not being used now and the orientation of the church makes parking on the east side more practical.

Konradt asks if there is a difference of quality of the parking lot and Sage responds that the proposed portion it is not in yet. The green space is going to clip the corner of the current parking area. He points out on the aerial where the school was in part of the location where the new parking will be. Konradt asks how they determined the green space area. Sage says that the architect gave them a couple different designs. Konradt asks how they will access the new addition. Sage responds that there will be a new entrance so it does face west so it promotes that side of the property. The main entryway will be a canopy with pillars and then the parking will be on that side. There will be a secondary entrance attached to the church and a sidewalk will come to the entrance on that side.

Chuck Baron, 1731 Madison Street, is sworn in to speak. Baron says that there are a couple of important questions building the discussion here. The idea of increased intensity of use is one of them. The proposed building is only being proposed to support the spiritual nature of the church. They never will have competing events in both areas. What they will do is have people that attend mass or attend a funeral, use the parish hall afterward. Baron adds that to expect the church to provide parking as if all areas are used simultaneously is nonsensical.

Baron states that it is appropriate to take into account the agreement with Trane Company. They installed a sidewalk to benefit the parishioners. Baron states that the lot has served the parish for the entire existence. Asking the parish to pave half of the property is contrary to the overarching goals of the ordinance to reduce the unnecessary vast areas of parking areas and runoff. Baron also adds that it generates heat; he states that he was there today the parking lot has no snow on it. Baron reiterates that it would be redundant to the goals and purpose of the ordinance.

Baron states that the hardship is a legal myth as well. Historically, the church was oriented in the way that it was because adequate parking was existed. To expect he parish to have parking nearly two blocks away creates a hardship for their aging congregation. Konradt asks how they decided on the amount of parking spaces. Baron states that a representative from Paragon will talk on that.

Jeff Morehouse states that he will answer their question on the amount of spaces. Morehouse says that there was no magical source on how they came up with the number; it was just budget and need. Morehouse states that Inspection talked about the ordinance and when use is increased, the parking is also needed to increase. Morehouse states that this was a school of 900 and there was the same amount of parking. He poses the question that this is a decrease in use. Farmer asks if the proposed green space was the playground for the school. Morehouse responds that the asphalt area was the playground.

*Thienes states that the school had one parking spot for every two teachers. *Many people speaking at once * Morehouse states that the ordinance isn't talking about parking spaces; it is talking about increase or decrease in use; as the use goes, there were 900 students. Konradt adds that they don't park. Farmer states that it is a statistic and generates traffic and it was a playground. Clemence state the objective is not to interpret the ordinance they have to follow the rules of the Board.*

Reverend Brian Konopa, 2006 Weston Street, is sworn in to speak. Reverend

Konopa says that he appreciates the comments and the interest in doing what makes sense. Reverend Konopa says that they chose that amount of parking spaces, primarily because of the way the church is oriented and just in case some day that Trane did something different. Reverend Konopa says that they wanted to change the orientation and the entrance, but they heard over and over humorous stories it could be as simple as serving coffee and donuts to steer their congregation to exit a certain way, but it didn't end up working; people went into that direction toward their cars.

Reverend Konopa says that they are grateful of Trane because they do remove snow on the weekends. Reverend Konopa adds that the religious education center brings kids after school. They thought it would be good to have a drop-off zone, rather than have people circle around. They thought they'd have a route right through the lot so it would be just one driveway that also includes parking for accessibility. Reverend Konopa states that the northern spaces most likely won't even be used. Konradt asks what they will do if they have a need for more parking and Reverend Konopa states that Morehouse is as plans if they need to expand and if necessary have a massive parking lot. Reverend Konopa says that they maintain that is an extreme hardship.

Speaking in Opposition: none

Knothe: with regard to File 2577 regarding the property located at 2006 Weston Street, I hereby move that we grant the variance as requested, namely granting a variance of 156 off-street parking spaces to the required 222 as requested by the petitioner. The property is unique in that it appears it was never really a parking lot; it was a playground for the elementary school that was damaged by a tornado a few years ago and was razed. The public interest will be enhanced by the improvements to the property as indicated by the petitioner. A hardship would exist if we didn't grant the variance in that they would not be able to proceed they plan. For these reasons I move that we grant the variance as requested.

Konradt seconded.

The motion carried by the following vote:

Yes: 4 - Farmer, Clemence, Knothe, Konradt

Excused: 3 - Nohr, Haefs, Gentry

Adjournment

Meeting adjourned at approximately 8:39 p.m.