

FINDINGS OF FACT AND DECISION CONCERNING THE WAIVER FOR A SECOND DRIVEWAY AT 353 WEST SCHOOL STREET

An administrative appeal was held on September 29, 2026, before the City of Columbus Common Council at the Columbus City Hall, 105 N. Dickason Boulevard, Columbus, Wisconsin. Attorney Paul Johnson appeared for the City. Attorney Matthew Fleming appeared for Kyle and Heather Mosher. The alders in attendance and hearing the appeal were Ryan Rostad, Rhonda Fuller, Trina Reid, Michael Lawson and Amy Roelke.

The hearing addressed an appeal filed by Kyle and Heather Mosher concerning the Plan Commission's approval of a waiver allowing for a second driveway at the residential property located at 353 West School Street, which is owned by Gary Tucker. Mr. Tucker applied for a waiver for a second driveway and that request was approved by the Plan Commission on July 9, 2026.

The Council heard opening statements from counsel. The City submitted Exhibits 1 through 5 for the Council to consider. Exhibit 4 was the video recording of the July 9th Plan Commission meeting which addressed Mr. Tucker's application for the waiver. Exhibit 5 was the video recording of the September 10th Plan Commission meeting that addressed the Mosher's request to revoke the waiver granted on July 9th. The Council watched these videos during deliberations.

The Mosher's submitted a photograph as Exhibit 6. Ms. Heather Mosher also testified. Council then heard closing arguments from counsel. Prior to deliberations, Mr. Tucker submitted a packet of documents and photographs for the Council to consider, which was marked as Exhibit 7. Counsel for the City and the Mosher's reviewed the packet and did not object to the Council accepting and considering Exhibit 7. Separately, a citizen provided the mayor with a written public comment on the matter, but this was not accepted or considered by the Council as evidence.

After deliberations and considering all the evidence submitted, including Exhibits 1 through 7, the Council makes the following findings of fact:

1. The residential property located at 353 West School Street (hereinafter referred to as the "Property") is a corner lot adjoining both West School Street and South Main Street.

2. Mr. Gary Tucker owns the Property, and he applied for a wavier for a second driveway at the Property, which was granted by the Plan Commission on July 9, 2026.
3. The Property currently has a driveway located on West School Street that was installed in approximately 2018. At that time, the Property had a driveway located on South Main Street, but that driveway was removed when the new driveway was installed on West School Street.
4. Mr. Tucker's application for the waiver requested he be allowed to install a second driveway at the same location as the previous driveway on South Main Street.
5. The Moshers are neighbors to Mr. Tucker, and own and reside at the residence located at 423 South Main Street.
6. The Moshers requested the Plan Commission revoke the waiver granted to Mr. Tucker, and that request was heard by the Plan Commission on September 10, 2026. The Plan Commission took no action on the request, and the Moshers timely filed an administrative appeal.
7. The standard for granting the waiver requested by Mr. Tucker is contained in City Code Section 86-191(d)(1), which provides in relevant part:

The City Planning Commission may waive the requirements for residential, commercial or industrial driveways when, in its opinion, ***the waiving of the requirements will not have a detrimental effect on the safety of the general public.*** The Plan Commission may require the applicant for a waiver to submit an engineered plan that will effectively permit ingress and egress with a minimum of hazard or congestion to pedestrian and vehicle traffic bon on and off the street.

(emphasis added above in bold)

8. In considering all the evidence, the Council finds that there was insufficient evidence presented to the Plan Commission and to the Council at the appeal hearing to determine that the waiver will not have a detrimental effect on the safety of the general public.

Based on these findings, the Common Council REVERSES the granting of the waiver for a second driveway at the Property.

Dated October 6, 2026

Approval by:

Ryan Rostad

Rhonda Fuller

Trina Reid

Michael Lawson

Amy Roelke