

## ZONING BOARD OF APPEALS MINUTES OF APRIL 9, 2013

Meeting called to order by Chairperson Gerl at 5:01 p.m. in the 1<sup>st</sup> Floor Conference Room, Suite 108, City Hall Plaza.

**PRESENT:** Ed Gerl, Richard Kenyon, Robert Lewerenz and 1<sup>st</sup> Alternate Todd Zieglmeier

**EXCUSED:** Dean Markwardt and Ken Bargender

**ALSO PRESENT:** Planner/Zoning Administrator Miller and Deputy Clerk Panzer

**ZB13-03** Motion by Kenyon, second by Lewerenz to approve the minutes of January 8, 2013 as submitted.

### **Motion carried**

Deputy Clerk read the variance request from First Phoenix LLC (Copeland Building Corp.) for the temporary use of a crane at 1606 North St. Joseph Avenue, zoned SR-2, Single-Family Residential. The base elevation of this site is 1359 feet above mean sea level (AMSL). The "Airport Overlay & Height Limitation Zoning Map, Marshfield Municipal Airport, Marshfield, Wisconsin," as identified in Sec. 18-93(4), limits structures at this location to not exceed 1,399 feet above mean sea level (AMSL) with an exception for structures that do not exceed 50 feet above ground level (AGL). The Applicant is requesting a 15 foot temporary variance so the proposed crane could extend up to 55 feet above ground level (AGL), potentially reaching an elevation of 1,414 feet AMSL. The crane will be temporary and utilized during the construction of their new memory care facility.

### Background

First Phoenix wishes to utilize a temporary crane in order to construct their new memory care facility. Because of the elevation of the property and proximity to the Marshfield Airport, the size of the crane needed for construction exceeds the height limitation as set by the Height Limitation Zoning Overlay (HLZO) District.

A temporary variance cannot be administratively approved for this plan, based on Sections 18-93(8) of the Municipal Code. The Applicant is requesting a 15 foot temporary variance to exceed the 1,399 feet above mean sea level (AMSL) to allow the temporary crane to reach an elevation of 1,414 feet AMSL or 55 feet above ground level (AGL).

Planner/Zoning Administrator's statement of facts regarding the variance request:

1. The property is zoned "SR-2" Single Family Residential.
2. The property is located at 1606 St Joseph Avenue.
3. The Lot is 148,592.7 square feet in size, with 229 feet of lot frontage along West McMillan Street and 183 feet of lot frontage along North St. Joseph Avenue.
4. The Lot is a conforming lot in the "SR-2" District. Lot standards for the "SR-2" District are 20,000 square foot lot size and 100 foot lot width for Nonresidential Uses.
5. The site elevation of the location for the use of the crane is 1,359 feet Above Mean Sea Level (AMSL). The proposed crane would extend upwards of 55 feet Above Ground Level (AGL).
6. The allowable elevation for the HLZO is 1,399 feet AMSL.
7. The proposed use of a temporary crane would extend 15 feet into the maximum elevation of the Height Limitation Zoning Ordinance (HLZO).
8. The HLZO requires a determination from the FAA, the Wisconsin DOT and a recommendation from the airport manager.
9. The height of the proposed crane does not trigger review from the Federal Aviation Administration (FAA).
10. The Wisconsin DOT, Bureau of Aeronautics has also issued a letter regarding the request stating

“Since the FAA does not require a notice of proposed construction to be filled in this case, we will have no objection to the proposed structure so long as there are no objections from the Marshfield Airport.”

11. The Marshfield Airport Committee also recommended approval of the temporary variance with the condition that the crane be lowered at night and a flag be placed on the top of the crane when in use.

Planner/Zoning Administrator Miller mentioned that the zoning district reference in #4 of his statement of facts is incorrect. The “IP” reference should be “SR-2”.

**ZB13-04** Motion by Lewerenz, second by Zieglmeier to grant the variance request from First Phoenix LLC (Copeland Building Corp.) for the temporary use of a crane at 1606 North St. Joseph Avenue for a 15 foot temporary variance so the proposed crane can extend up to 55 feet above ground level (AGL), potentially reaching an elevation of 1,414 feet AMSL with the following conditions as requested by the Marshfield Airport Committee:

- 1) That the crane be lowered at night.
- 2) That a flag be placed on top of the crane when in use.

**Motion carried**

Planner/Zoning Administrator Miller summarized the 2012 Zoning Board of Appeals decisions.

Planner/Zoning Administrator Miller mentioned that the Mayor is working on Committee appointments for the Organization meeting which will be held on April 16<sup>th</sup>. He asked Ed Gerl if he would like to remain the chair of the Zoning Board of Appeals and Ed said he would. The Mayor is still looking for a 2<sup>nd</sup> Alternate for the Zoning Board of Appeals.

Motion by Kenyon, second by Lewerenz to adjourn at 5:15 p.m.

**Motion carried**

Lori A. Panzer  
Deputy City Clerk