

## ZONING BOARD OF APPEALS MINUTES OF AUGUST 13, 2013

Meeting called to order by Chairperson Gerl at 5:04 p.m. in the Executive Conference Room, Lower Level, City Hall Plaza.

**PRESENT:** Ken Bargender, Ed Gerl, Robert Lewerenz and Dean Markwardt

**ABSENT:** Richard Kenyon

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

**ZB13-011** Motion by Markwardt, second by Lewerenz to approve the minutes of May 28, 2013 as submitted.

**Motion carried**

Deputy Clerk read the variance request from Aaron Staab, on behalf of the Prairie Run Group, for a cul-de-sac street to exceed 500 feet in length measured from the right-of-way of Prairie Drive to the center point of the proposed cul-de-sac, located at 1919 Wildflower Drive, zoned "PD" Planned Development District. Sec. 19-64(j) of the Marshfield Municipal Code limits the length of a cul-de-sac to 500 feet. The Applicant requests a 42 foot variance to allow a 542 foot long cul-de-sac.

### Background

In the original plans of the Prairie Run Subdivision, Wildflower Drive was intended to extend to the unopened Sunflower Street right-of-way in the future as demand was needed. Recently the Prairie Run Group (the developers) has determined this is not presently economically feasible, because the land to the east of the original proposed street is already developed through the Town of McMillan. In order to continue with development on Wildflower Drive the developer has proposed a cul-de-sac street with an exception to exceed the maximum length of a cul-de-sac street. A cul-de-sac will enable better access for normal traffic, snow plowing and access for fire and safety vehicles than what is currently there (gravel hammerhead turn around).

If the proposed cul-de-sac was constructed at the maximum distance of 500 feet, the cul-de-sac would consume almost the entire frontage for Lot 6 (New Lot 1), which would limit the building envelope on the property due to setbacks and driveway requirements making more of the lot unusable. Extending the cul-de-sac street an extra 42 feet, for a total street length of 542 feet measured for the public right-of-way line at the nearest intersection of Prairie Drive to the center of the cul-de-sac, would consume less of Lot 6 and distribute more of the turnaround to the City street right-of-way and an unusable outlot.

The continued right-of-way of Wildflower Drive will not be vacated at this time and will leave the developer an option to extend the road at a future date. So essentially, the cul-de-sac is considered temporary, but the Applicants wanted to make sure that if they do move forward with vacating the road, the location will be permitted by the City.

The Fire Department has been contacted for their take on the proposed length of the cul-de-sac. They would allow a 10% exception to the standard cul-de-sac length. Therefore, they do not see an issue extending the cul-de-sac street an additional 42 feet.

Planner/Zoning Administrator Miller said that the owner of Lot 6 (New Lot 1) was agreeable to limiting the building envelope of his lot for this proposed cul-de-sac and anticipates this for the future construction on that site.

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

1. Section 19-64(1)(j) limits the length of a cul-de-sac to 500'.
2. The variance requested is for a 42' exception to the maximum cul-de-sac street length of 500'.
3. The proposed cul-de-sac right-of-way will be 120' in diameter.

**Summary Responses from Applicant**

**(The variance will not be contrary to the public interest.)** The proposed 120' diameter cul-de-sac area lies about 25% in a dedicated portion of unusable Outlot 1, about 25% in a dedicated portion of Lot 6 (New Lot 1) and about 50% in existing City street right-of-way. The current buyer of Lot 6 (New Lot 1) has agreed to the proposed cul-de-sac and dedication of portion of Lot 6 for it. The remnant of Outlot 1 will become another outlot.

**(Substantial justice will be done by granting the variance.)** The cul-de-sac will provide required turn-around at the north-east end of existing Wildflower Drive. The developer (Prairie Run Group) has determined it is not economically feasible to extend Wildflower Drive to Sunflower Street. The lands on the east side of that segment of Wildflower Drive are developed lots in the Town of McMillan. The proposed cul-de-sac enables the sale of Lot 6 at this time.

**(The variance is needed so that the spirit of the ordinance is observed.)** The proposed cul-de-sac provides a required turn-around at the end of a street in a substantially developed area of the subdivision. It will enable better access for normal traffic, snow plowing, and access for fire and safety vehicles.

**(Due to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship.)** The location of a cul-de-sac at the 500 feet maximum distance will almost take all of the frontage of Lot 6 (New Lot 1); thus, substantially limit the building envelop of the property due to setback and driveway requirements and making a larger portion of the lot unusable. Moving the cul-de-sac north (to the proposed location) would take up less of Lot 6.

Aaron Staab explained the old and new certified survey maps and the site plan for Lot 1 of Marathon County Certified Survey Map No. 15972 in detail and answered questions from the members of the Zoning Board.

**ZB13-012** Motion by Lewerenz, second by Bargender to grant the variance request from Aaron Staab, on behalf of Prairie Run Group, for a 42 foot variance to allow a 542 foot long cul-de-sac measured from the right-of-way of Prairie Drive to the center point of the proposed cul-de-sac, located at 1919 Wildflower Drive.

**Motion carried**

Motion by Bargender, second by Gerl to adjourn at 5:22 p.m.

**Motion carried**

Lori A. Panzer  
Deputy City Clerk