

ZONING BOARD OF APPEALS MINUTES OF SEPTEMBER 17, 2013

Meeting called to order by Chairperson Gerl at 5:00 p.m. in the 1st Floor Conference Room, Suite 108, City Hall Plaza.

PRESENT: Ken Bargender, Ed Gerl, Richard Kenyon, Robert Lewerenz, Dean Markwardt and 1st Alternate Todd Zieglmeier

ALSO PRESENT: Planner/Zoning Administrator Miller, Deputy Clerk Panzer and William Arndt

ZB13-013 Motion by Markwardt, second by Kenyon to approve the minutes of August 13, 2013 as submitted.

Motion carried

Deputy Clerk read the variance request from Don Nikolai Construction, representing V&H Automotive to construct a nonresidential accessory building between the principal building and street frontage on a double-frontage lot, located at 2414 North Central Avenue, zoned "CMU" Community Mixed Use Commercial District. Sections 18-51(3)(c) and 18-73(1) of the Marshfield Municipal Zoning Code restrict residential and nonresidential accessory buildings from being permitted to be located between the principal building and the street frontage.

Background

V&H Automotive is requesting a variance to construct a 3,285 square feet nonresidential accessory storage building on the northeast corner of the property, located at 2414 North Central Avenue, zoned "CMU" Community Mixed Use Commercial District. The proposed building would allow storage of equipment and trailers used for the business. The subject property is located in a manner that it has four different street frontages (Central Avenue, Northridge Street, Hamus Drive, and Wilderness View Drive). According to the new zoning code the orientation of the lot, having two parallel nonintersecting streets, is considered a double frontage lot, meaning it has at least two front yards. Plus, the lot also has a street side yard. The zoning code does not allow any detached accessory structure, residential or nonresidential to be constructed between the principal structure and any front or street side yard. Since the code does not allow for exceptions for detached accessory structures on lots with double frontages, even though the structure is proposed to be in the back of the development, V&H Automotive is required to request a variance to the zoning code.

In this case, the lot has four sides that front the public right-of-way, making it a unique situation with a hardship for finding a proper location for a detached accessory structure. The zoning code's intent of prohibiting detached accessory buildings was so ancillary structures wouldn't be an obstruction in a front yard or be a prominent part of a development. The proposed location for the accessory structure is primarily the rear yard, is well screened, and there is little traffic on Wilderness View Drive. It is presently a dead end street providing access primarily to the Three Oaks Golden Living Center and Hamus Park.

The Applicant proposes to meet all required regulations listed in the Community Mixed Use Commercial Zoning district. In addition to meeting required setbacks there is currently an existing row of pine trees that will provide a screening buffer to the north of the new development, along Wilderness View Drive.

Given the unique situation of double frontage lots, staff is looking to propose language for a zoning code amendment to allow for certain exceptions in these types of situations.

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

1. The property is located at 2414 North Central Avenue.
2. The property is zoned "CMU" Community Mixed Use Commercial District.
3. Lot standards for the "CMU" District require a minimum lot size of 12,000 square feet and lot width of 80 feet.
4. The lot is a conforming lot and has a lot width of 460 feet and is 16.08 acres (700,451.8 square feet) in area.
5. The lot also has approximately 1,970 feet of frontage.
6. The required front yard setback is 20 feet and the proposed structure will be approximately 30 feet from the right-of-way along Wilderness View Drive.
7. There are two existing accessory structures on site (car wash and shed) and the zoning code allows up to three accessory structures.

Summary Responses from Applicant

(How will the variance not be contrary to the public interest?) The building will still be located outside of the required setback and will be located toward the back of the development. Evergreens line the street frontage to the north providing screening along Wilderness View Drive. There is already a shed located on the northeast corner of the property.

(Will substantial justice be done by granting the variance?) The variance is needed so the proposed accessory building can be located in a functional place on the development.

(Is the variance needed so that the spirit of the ordinance is observed?) The intent of this provision of the zoning code shouldn't apply to double frontage lots and should be meant for accessory buildings in the front yard. Otherwise a residential property that has a double frontage lot wouldn't be able to have a shed or detached garage.

(Due to special conditions, will a literal enforcement of the provisions of the zoning ordinance result in unnecessary hardship?) The property fronts a public street on three sides. Prohibiting accessory structures in the back yard for anyone would be a hardship.

ZB13-014 Motion by Kenyon, second by Lewerenz to grant the variance request from Don Nikolai Construction, representing V&H Automotive to construct a nonresidential accessory building between the principal building and street frontage on a double-frontage lot, located at 2414 North Central Avenue.

Motion carried

Motion by Bargender, second by Markwardt to adjourn at 5:13 p.m.

Motion carried

Lori A. Panzer
Deputy City Clerk