

## ZONING BOARD OF APPEALS MINUTES OF MARCH 16, 2004

Meeting called to order by Chairman Zimmermann at 4:45 p.m. in the Council Chambers, City Hall Plaza.

**PRESENT:** Harry Blackwood, Dean Markwardt, Don Wink, Karl Zimmermann and 1st Alternate Marvin Duerr

**ABSENT:** Wallace Reek

**Also Present:** Planner/Zoning Administrator Curtiss, Director of Planning and Economic Development Miller, Deputy Clerk Panzer, Alderman Buttke, Henry Weister, Dawn Weister, Terry Johnsen, Jason Weiler, Jim Halverson and Alderman Beaudry (arrived at 4:55 p.m.)

Deputy Clerk read the variance request from Gary Martin to construct an addition to the existing building located at 605 East 4th Street, in the 'B-4' General Commercial District. Section 18-63(5)(f) of the Municipal Code requires a 20' rear yard setback. The applicant is requesting an 8' rear yard setback variance in order to attach the addition onto the west side of the building, in line with the north elevation which is 12' from the rear property line.

Planner/Zoning Administrator Curtiss went over her statement of facts.

**ZB04-004** Motion by Duerr, second by Wink to grant an 8' rear yard setback variance in order to attach the addition onto the west side of the building, in line with the north elevation which is 12' from the rear property line. All Ayes.

**Motion carried**

The Zoning Board of Appeals considered the following issues in granting the variance.

1. The existing commercial building is, at closest point, only 12' from the rear property line. The proposed expansion will not project any closer. Side yard and front yard setbacks will remain in compliance. The front yard area will actually exceed the minimum yard requirement, with a setback averaging 70-80 ft from 4th Street right-of-way.
2. The north elevation of the proposed addition would face the parking/access area of Wolf Electric Company at the rear property line. The rear of the existing dental office building faces a warehouse addition on the neighboring Wolf property. The rear yard area on the Wolf property is nonconforming as well, with only 18 ft from the warehouse to the lot line.
3. The reduction of the rear yard down to 12' should not impact the service area at the rear of the building addition. The existing dental office building currently has a functioning service area within a 12' rear yard.
4. Neighbors have been notified of the request. To date, there have been no objections to this variance request.

Deputy Clerk read the variance request from Quality Ingredients Corporation to reconstruct a two-story building and raise the height of the existing evaporator building at 211 East Depot Street, in the 'M-2' Light Industrial District. Section 18-64 (3)(f) of the Municipal Code requires a 50' front yard setback from East Depot Street. Section 18-64 (3)(h) requires that the total floor area ratio of buildings not exceed more than .50 coverage of the lot area. Section 18-64 (3)(g) requires that a structure not exceed 35' in height. The applicant is requesting a 50' front yard setback variance, a lot coverage variance, and a 55' height variance, in order to reconstruct the existing building 0' from East Depot Street right-of-way, exceed the maximum lot coverage, and raise the height of the existing evaporator building by 30'.

Planner/Zoning Administrator Curtiss stated that the Zoning Board held a public hearing last week Tuesday on this variance request and they requested additional information from Quality Ingredients relating to the process of changing from the baghouse system to the new drying system. She also stated that the Board asked her to check with the City Attorney regarding imposing a condition that they could set to change the existing performance standards on the property. She did hear back from Attorney John Hutchinson and he researched statutes regarding that process from the State level down to the City level. He was only able through the statutes to reference authority at the County level. His opinion is that the City does not have the authority to define an emission standard.

Some discussion was held on Quality Ingredients emission test results.

Alderman Buttke stated that the Weisters are still concerned of what has happened in the past particularly on their vehicle and their house. They realize that according to the DNR code, that there is not a whole lot that they can do. He hopes that Quality Ingredients will watch and work with them so there aren't any more problems of this nature. He suspects having the higher stack may help get the emissions away from their house. He stated that the Weisters are also concerned with the existing system because it is outdated.

Alderman Beaudry arrived at 4:55 p.m.

Duerr stated that sometimes when a company puts in a different system and the new system is better than what their existing system is, the DNR will come back and make the company conform the old stack to the new stack. He has seen it happen with Weyerhaeuser and different corporations around. So that is one of the things that we have going for us.

Alderman Buttke encouraged people to first contact Quality Ingredients and secondly the DNR if they still have problems. With working with the Wastewater Industry, he is quite familiar with how the DNR works. What happens many times, is that when you clean something up better than what it was before, the DNR will change your limits. He doesn't know if that is possible here, but it could happen. So hopefully it is going to work out. It's not the end of the line if there are problems.

**ZB04-005** Motion by Wink, second by Markwardt to grant a 50' front yard setback variance, a lot coverage variance, and a 55' height variance, in order to reconstruct the existing building 0' from East Depot Street right-of-way, exceed the maximum lot coverage, and raise the height of the existing evaporator building by 30'. All Ayes.

**Motion carried**

The Zoning Board of Appeals considered the following issues in granting the variance.

1. The building will be reconstructed within the same footprint of the current building. Adjoining buildings in the industrial complex, located along the E. Depot Street frontage, are also built at a zero setback. The structure(s) face similar industrial uses across E. Depot Street, where the buildings are only setback approximately 10' from the right-of-way.
2. The reconstructed building should not significantly increase, if at all, the current floor area ratio on the parcel where the main industry is located. The current floor area ratio is .81, with approximately 70,500 sq. ft. of floor area to 86,592 sq. ft. of lot area. The lot coverage on the site, even though exceeding the .50 maximum in a 'M-2' Industrial District, is similar in intensity to the development on lots in the nearby downtown commercial district.

3. The proposed height increase of the evaporator building will not exceed the maximum elevations identified in the "Height Limitation Zoning Map, Marshfield Municipal Airport, Marshfield, Wisconsin." Based on the map, the height restrictions for structures in this section of the City are limited in the range of 110-114 ft above mean sea level.
4. The site is located in proximity to the 'B-5' Downtown Central Business District, where buildings can be constructed up to 100' in height. There are structures of varying scale in the nearby commercial districts and the surrounding neighborhood.
5. The adjoining residentially zoned properties to the west would be most impacted by the increase in the height of the evaporator building. Quality Ingredients Corporation owns the properties, with the exception of 113 & 117 N. Maple Ave. The applicants plan to request rezoning on their properties for the purpose of future industrial-related development.
6. There were objections from neighbors, but the Zoning Board doesn't have the authority to define an emission standard.

Motion by Markwardt, second by Blackwood to adjourn at 4:58 p.m.

**Motion carried**

Lori A. Panzer  
Deputy City Clerk