

ZONING BOARD OF APPEALS MINUTES OF SEPTEMBER 13, 2005

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

PRESENT: Harry Blackwood, Dean Markwardt, Wallace Reek, Don Wink and Karl Zimmermann
Also Present: Planner/Zoning Administrator Curtiss, Deputy Clerk Panzer, Darrel DeLeske, Deann Robus and Dee Schultz

Deputy Clerk read the variance request from Joseph & Kristen Ledger for a 9' x 12' deck at 1012 S. Adams Avenue, zoned 'R-3' Single Family Residential. Section 18-62(4)(f) requires a minimum 25' front yard setback. Section 18-04(6) requires a special 50' setback from major streets. Applicants request a 28' major street setback variance for a deck constructed 22' from S. Adams Avenue.

Planner/Zoning Administrator Curtiss stated that this item was postponed last month in order to re-advertise the more restrictive requirements of the major street setbacks. She presented a statement of facts regarding the variance request.

Zimmermann questioned if the deck was a free-standing deck.

Markwardt questioned if there were plans for Park Street to go through to the west of Adams Avenue.

Planner/Zoning Administrator Curtiss said that she did not know and would have to clarify these things.

Zimmermann recommended postponing the variance request since the applicants were not present.

ZB05-24 Motion by Markwardt, second by Wink to postpone the consideration of the variance request of Joseph & Kristen Ledger until next week's special meeting or until the next regular meeting depending on whether or not the applicants are able to attend the September 20th meeting. All Ayes.

Motion carried

Deputy Clerk read the variance request from Marshfield Furniture to construct a 30' addition on the south end of a manufacturing building at 137 W. Ninth Street, zoned 'M-2' Light Industrial. Section 18-64(3)(f) requires a minimum 50' front yard setback. The applicant requests a 32.2' front yard setback variance from Chestnut Avenue.

Planner/Zoning Administrator Curtiss explained the variance request.

Darrel DeLeske explained Marshfield Furniture's plans in detail. He explained that when they took the 3 story building out, there was a loading dock that was in between the 3 story building and the existing building where they received all of their fabric. When the old building came down the loading dock went with it. The old dock came in off of Chestnut Avenue. Trailers were backing in and off the street all the time when making deliveries. With the new plan, the dock will be on the west side so that the trucks making deliveries are off of the street. It will be a two story structure. The second floor will be used for storage and more fabric. They will take the roof line that is on the existing building and carry that straight out. The reason for bringing it all the way out to the end of the building is that there are two 2nd floor existing doorways and they would be an access to there. The conveyor comes up in the southeast corner. The driveway would be on the south side where the existing driveway is already.

He mentioned that it is difficult for the trucks to get in there. They are driving on the neighbor's lawn across the road. They want to get the traffic off of that street. In the wintertime it is really difficult because of the snow banks.

Planner/Zoning Administrator Curtiss presented a statement of facts regarding the variance request.

ZB05-25 Motion by Reek, second by Markwardt to grant a 32.2' front yard setback variance from Chestnut Avenue. All Ayes.

Motion carried

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

1. There is questionable compliance with all six conditions necessary to obtain a variance as specified in Section 18-35(2) of the Municipal Code.
2. The property is zoned 'M-2' Light Industrial.
3. The 'M-2' district requires a minimum 50' front setback.
4. The property is irregular-shaped. The property has frontage and setback requirements along W. Ninth Street and Chestnut Avenue.
5. Most, if not all, of the existing buildings along the Chestnut Avenue & Ninth Street frontage are pre-existing and non-conforming to the current 'M-2' front setback requirements.
6. The 30-ft addition is proposed on the south side of an existing, non-conforming structure. The structure is located 18.8' from the front lot line along Chestnut Avenue, as confirmed by an 'as-built' survey. The structure extends 32.2' into the required front yard setback.
7. The zoning code requires that nonconforming structures shall not be enlarged or altered in any way which increases the degree of non-conformity, except as permitted by the Zoning Board of Appeals.
8. The applicant indicates that the proposed addition on the south side of the existing building is necessary to connect to the existing conveyor system. A loading dock is proposed on the west end of the addition, consistent with the existing building.
9. Public notice has been published and neighbors have been notified.

Deputy Clerk read the variance request from Deann Robus to construct a 6' x 12' frost wall and second story addition at 400 E. 14th Street, zoned 'R-5' Medium Low-Density Single and Two-Family Residential. Section 18-62 (6)(f) & 18-04 (5)(k) require a minimum 25' front yard setback along South Cherry Avenue. The applicant requests a 12' front yard setback variance.

Dee Schultz explained the plans for the addition in detail.

Reek commented that in that neighborhood nothing conforms.

Planner/Zoning Administrator Curtiss summarized her statement of facts regarding the variance request. She pointed out that this is a corner lot that is 44' wide. She indicated that in a lot of cases it is difficult to provide a reasonable use. She explained that if this property weren't developed and then a residential structure under the zoning came in to develop it would be very difficult to build and sometimes impossible without a variance.

ZB05-26 Motion by Wink, second by Blackwood to grant a 12' front yard setback variance. All Ayes.
Motion carried

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

1. There is questionable compliance with all six conditions necessary to obtain a variance as specified in Section 18-35(2) of the Municipal Code.
2. The property is a 44-ft-wide corner lot.
3. The property is zoned R-5 residential.
4. Corner lots are required to maintain a side yard setback on public streets (Section 18-04(5)(k) which is the same as the required front yard setback, unless otherwise required by the code.
5. The front yard setback requirement of the R-5 district is a minimum of 25 feet.
6. Corner lots, designed at minimum widths, are difficult to develop without application of averaging provisions or granting of variances. The Subdivision & Platting Ordinance, Section 19 of the Municipal Code, requires new corner lots be designed with extra width to provide adequate building setbacks from side streets.
7. The averaging provisions of Section 18-04(5)(g) may apply to corner lots to allow less restrictive side street side yard setbacks based on setbacks of the two nearest lots on the side street. The homes to the south would allow an averaged setback of around 22 feet, not a benefit to the subject property.
8. The house is a nonconforming structure, located at closest point only 9 feet from S. Cherry Avenue.
9. The new additions would increase the degree of existing nonconformity and extend new structures in the required setback area by 12 feet.
10. The zoning code requires that nonconforming structures shall not be enlarged or altered in any way which increases the degree of non-conformity, except as permitted by the Zoning Board of Appeals.
11. Public notice has been published and neighbors have been notified.

Planner/Zoning Administrator Curtiss informed the committee of a legislative change. AB 24 is now known as Act 34 and specifies that if a quorum is present the board of appeals may take action by a majority vote. Act 34 took effect August 30, 2005.

Planner/Zoning Administrator Curtiss informed the Zoning Board members that she is trying to put together a training workshop with Lynn Markham from the UW Extension. She is one of the people who put together the Zoning Handbook that we are using. There is a new handbook available that she will bring to us when we have our workshop. She gave us a video to view, but the quality is not good.

Planner/Zoning Administrator Curtiss recommended that the Zoning Board of Appeals look at adopting their own procedures per our Zoning Code. There are no formal procedures adopted and there never has been. State Statutes say that our own procedures shall be in addition to normal procedures.

Planner/Zoning Administrator Curtiss indicated that she would like to revise the application. She asked the Zoning Board members if they had any specific concerns or areas that they would like to be covered in future training.

Discussion took place regarding Zoning Board of Appeals procedures and future training sessions.

Motion by Reek, second by Markwardt to adjourn at 5:33 p.m.

Motion carried

Lori A. Panzer
Deputy City Clerk