

ZONING BOARD OF APPEALS MINUTES OF JANUARY 10, 2006

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

PRESENT: Dean Markwardt, Wallace Reek, Don Wink, Karl Zimmermann and 1st Alternate Jim Asplin

EXCUSED: Marvin Duerr

ALSO PRESENT: Planner/Zoning Administrator Curtiss, Director of Planning and Economic Development Miller, Deputy Clerk Panzer, Mayor Meyers, Mike Nicksic, David Gouin, Mark Boehlke, Paul Rodenbeck, Todd Felhofer, and Pat Saucerman

ZB06-01 Motion by Reek, second by Wink to approve the minutes of December 13, 2005 as submitted. All Ayes.

Motion carried.

Deputy Clerk read the variance request from The School District of Marshfield to construct a gymnasium/kitchen addition on the southwest corner of the Lincoln Elementary School building at 1201 E. 17th Street, zoned "R-4" Low-Density Single and Two-Family Residential District. Section 18-62 (5)(f) requires a 35' minimum front yard setback for non-residential uses. Section 18-04(6) requires a special 50' major street setback from 17th Street. The applicant requests an 11' front setback variance from Felker Avenue and a 15' major street setback variance from 17th Street.

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

1. The property contains almost 7-acres, zoned "R-4" Residential (Low-Density Single and Two-Family District).
2. The property is bounded by four public streets: 15th Street on the north, Madison Avenue on the east, 17th Street on the south, and Felker Avenue on the west.
3. The site is currently developed with an existing 33,379-S.F. Educational-Institutional Building. The building is located on the south and west portions of the property. Parking is located along the 17th Street frontage, with access from 17th Street and Madison Avenue. The north and eastern portions of the property are undeveloped, but used as physical education and play areas.
4. The existing building is located 50' from E. 17th Street, 122.8' from Felker Avenue, approximately 140' from Madison Avenue and over 200' from E. 15th Street.
5. The attached site plan proposes a gymnasium addition on the southwest end of the existing building.
6. The gymnasium addition as proposed would create a setback of 24' from Felker Avenue and a 35' setback from E. 17th Street.
7. Section 18-62(5)(f) of the Municipal Code requires a 35' minimum front yard setback for non-residential uses.
8. Section 18-04 (6) requires a special 50' setback along existing and proposed major streets shown in the transportation plan of the Sept. 13, 1994 Comprehensive Plan. East 17th Street is classified in this plan as a collector street between Peach Ave and Washington Avenue.
9. Section 18-04(5)(g) & (6)(a) provide exceptions to the district setback and 50' major street setback where the average depth of existing front yards on the two lots nearest to the lot in question and *within the same block front* is less than the least front yard depth prescribed elsewhere in the chapter, the required depth of the front yard on such lot may be modified to be not less than the average depth of the existing front yards.

10. This lot does not qualify under the averaging provisions of Sections 18-04(5)(g) or 18-04(6) because the entire block front is developed as the institutional use.
11. The applicant indicates several design considerations for proposing the gym addition on the southwest corner of the building. In the attached narrative, the applicant also makes a point that if the gym addition were oriented in a north-south direction or moved northward at this location, it could possibly meet the setback requirements.
12. The physical character of the property does not exhibit any unique property limitations, such as steep slopes, wetlands, etc., which would prevent the property owner from developing on the north and east sides of the building or property.
13. Public notice was published on January 3, 2006. Neighbors have been notified.

Planner/Zoning Administrator Curtiss added that she spoke with the Director of Public Works and there are no plans to widen or classify 17th Street as a street requiring more right-of-way. This fact was not included in her report.

Mark Boehlke of Hoffman LLC spoke on Lincoln Elementary School's behalf. In working on this school, the public referendum approved the additions that are proposed and we evaluated different alternatives on where to locate those on site. Typically for a new elementary school site we would be looking at 15-20 acres and here we are land locked to 7 acres. We can't expand that at all because of the streets.

Reasons for locating addition as they did:

- 1) For educational purposes and Phy Ed purposes they want to try to maintain the existing hard surface (play area and grass play area) for school use and use as public recreational space by the neighborhood.
- 2) The gym is a little bit larger space than most of the components of the school and a little bit higher and it would create some problems if it were located in some other areas next to the school. Along with structural problems, there would be some snow removal problems if it were located on the other side of the school adjacent to some of the classrooms.
- 3) The schools are usually designed with a common core area and they are trying to maintain that in this school, so students have a similar distance to travel within the building and they are centrally located within the building.
- 4) They don't want to lose valuable hard surface play area, which is nicely located.
- 5) It creates a better front for the building front entrance.
- 6) There are some really nice large trees that they would like to maintain.

Zimmermann expressed concern about blocking traffic view. He wondered if the School District had worked with the Engineering Department.

Paul Rodenbeck said that he spoke with Tom Turchi and blocking the view was not one of the issues.

Asplin mentioned that if they turned the proposed addition north and south, they wouldn't need a variance.

Paul Rodenbeck said that they would still need a variance from 17th Street if they do that and the reason for not doing that is because of the mature elm trees.

Todd Felhofer, Principal of Lincoln Elementary School, said that if they rotate it too far to the north they may run into a problem with the possible circle drive they want to put in. Right now, the only drop off is on the street.

Zimmermann questioned what would happen to the entry on 17th Street.

Todd Felhofer replied that the existing 17th Street entrance would be used strictly for deliveries or bus deliveries.

Reek asked if the two building additions could be reversed. The larger gymnasium would fit into the U shaped unit and then you wouldn't have to have a variance.

Mark Boehlke explained that this would create some loading problems; it would also take away the light from some of the classrooms.

Asplin stated that the School District is concerned about the distance that the kids will have to walk if the addition were to be put on the north end of the building, but a little exercise won't hurt the kids. He mentioned that the kids don't play on the northeast end of the school a whole lot anymore. He has two grandchildren that went to Lincoln School that he picked up many times and he would not like to see an addition built there.

Mike Nicksic presented a layout of options for the proposed addition.

Reasons he is opposed to the proposed addition:

- 1) View from his front window would be blocked by a close to 30' wall. His beautiful view of the trees, the playground, and the flagpole would be gone.
- 2) Safety issue. He felt that if the variance is granted the Lincoln Lions sign and two trees will have to be relocated because they will be in the way of the vision triangle.

He also felt there should be a four way stop at that corner of Felker Avenue and 17th Street, because it is a school zone and because the amount of traffic has picked up in that area since the stop signs were taken out at Palmetto. It is a straight shot now all the way to Washington Avenue. He sees many vehicles that do not follow the speed limit.

He felt that if the proposed addition were turned 90 degrees, they wouldn't have to take the sign and those trees out and you would still have a clear view of 17th Street.

Director of Planning and Economic Development Miller said that they can build the expansion on the northern part of the building and from a planning stand point that is a more appropriate place to be. She said that when city staff met with the principal and Mark Boehlke, city staff recommended that they turn the building the other way as is shown in B of Mike Nicksic's layout. It would be a shame to lose those trees, however that is not a reason to grant a variance for a major street setback or any street setback. It is more appropriate to develop to the standards as set up in the zoning code.

Reek likes trees, but felt that a tree shouldn't stop the addition from going through.

Dave Gouin spoke in opposition of the variance request. He likes looking at the beautiful trees. He felt that the developer, the planner, the architect should seriously look at putting the whole thing on the back

side of the school. There is a ton of room on the north side and east side of the school. It definitely will be more costly, snow load could be a problem, but as an architect or developer you should be able to figure out how to alleviate that snow load.

Mark Boehlke commented on the amount of traffic on 17th Street. He said that he didn't know if there is anything the School District can do or if there is any solution that will have an impact on it. They have looked at putting the addition on the north side or other sides of the building, but there are a lot of reasons why this proposal made sense beyond the ones that he described.

Other reasons why this proposal made more sense:

- 1) Drainage
- 2) Existing storm sewer
- 3) From recommended educational standards, this site is substandard already.

Paul Rodenbeck explained that putting the gym and cafeteria, centrally located is a much preferred educational standard for school buildings. In remodeling the school, we should make it a well working, well run school. Traffic flow in the school is good. He said that he could see turning the gym and only asking for a setback variance on the 17th Street side. That would be acceptable, but putting it on one end or the other and having to have the kids walk a block to go to gym class and a block to go to their lunch time would be unacceptable.

Todd Felhofer said that they will need to look at what is the most solid education. That is one of the reasons behind the whole referendum was equity and trying to address needs for the next 30 or 50 years. By locating it on either end, we are kind of taking a step in the other direction when we should be going forward. Exercise is good for the kids, but it takes a great deal of time when you are marching 1st graders all the way down to the entire length of the building to get gym class. That is a lot of wasted time and they will have to make that trip again for lunch. Certainly, we want to be good with the financial aspects of this and be a good trustee of public dollars. We have an opportunity here of not spending that money on really what would be non-educational impacting type things like reinforcing the roof. The children are not going to see that, nor is the taxpayer really going to see the value in that, but it would have to be done.

Mike Nicksic said that for the record, he is not fighting this part of the addition other than which way the gym sits. He commented on the elm trees. If you check the elm to the west, there is a likely chance that that one is diseased. There is a major light streak running down it now. If you remove one, the disease is in the roots and it spreads out to the next one.

Pat Saucerman said that the current drawing would be the most adequate and serve our interest best for academic purposes, for the interest of the kids, and obviously for the parents of the school for the fact that we are trying to save what we possibly can.

Todd Felhofer indicated that he was comfortable with rotating it. His main concern was trying to preserve the trees.

ZB06-02 Motion by Asplin, second by Reek to deny the variance request as is.

Markwardt stated that he would vote against the motion, because he felt that the proposal as presented is the best solution in terms of location of the gym and aesthetics and he doesn't see that the encroachment on the right-of-way is significant enough to be a deterrent.

Reek felt that the property owner's opinions should be evaluated and thought about.

Vote on motion **ZB06-02**; Asplin, Reek and Zimmermann voted aye, Wink and Markwardt voted nay.
Motion carried.

Motion by Wink, second by Reek to adjourn at 5:41 p.m.
Motion carried

Lori A. Panzer
Deputy City Clerk