ZONING BOARD OF APPEALS MINUTES OF AUGUST 8, 2006

Meeting called to order by Vice-Chairman Duerr at 4:48 p.m. in the Executive Conference Room, City Hall Plaza.
PRESENT: Marvin Duerr, Dean Markwardt, Wallace Reek, Don Wink and 2nd Alternate Donald Schnitzler
ABSENT: Karl Zimmermann
ALSO PRESENT: Planner/Zoning Administrator Curtiss, Director of Planning and Economic Development Miller, Deputy Clerk Panzer, George C. Schmoller and Chris DeLeske

ZB06-022 Motion by Wink, second by Schnitzler to approve the minutes of July 11, 2006 as submitted.

Planner/Zoning Administrator Curtiss mentioned that the Konopa variance is a dead issue. He no longer needs a variance. He and his neighbor have worked something out.

Vote on motion **ZB06-022**; All Ayes.
Motion carried

Deputy Clerk read the variance request from Marshfield Clinic to construct a new medical research facility on the east side of Balsam Avenue, north of W. Kalsched Street, on property currently addressed as 605 W Kalsched St., zoned "I" Public & Semi-Public Institutions District. Section 18-65 (3) (f) of the Municipal Code requires 35-ft front and corner yard setbacks from public streets. Applicant requests a 27-ft setback variance in order to construct the west wall of the new building 8-ft from the Balsam Avenue right-of-way.

Background: The Marshfield Clinic is planning a new 3-story medical research facility, located north of and connected to the existing Laird Center. The west wall of the new building does not meet the minimum 35-ft setback of the "Institutions" District.

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

1. The property is located in the "I" Public and Semi-Public Institutions District and supports part of the medical clinic and medical research uses of the Marshfield Medical Campus.
2. The subject parcel is over 10-acres in size, bounded by public streets on all four sides.
3. The minimum lot size in the "I" District is 1-acre.
4. The property is currently developed with a 51,000+ sq. ft. medical research building, a 33,000 sq. ft. clinic/office building and a large patient/employee parking lot.
5. The new building is proposed to connect to the existing Laird Center in order to tie into the skywalk system. The western most wall of the building will setback only 8' from Balsam Avenue.
6. The property on the west side of Balsam Avenue is owned by Saint Joseph's Hospital, zoned institutional and is developed as a parking lot.
7. Balsam Avenue, even though it is a public street, is utilized almost exclusively for clinic/hospital business.
8. The proposed 8' setback should not create any corner vision problems from public street intersections, driveways or loading dock entrance of the new building.
9. The variance request is substantial, well over ¾ the required setback. In 1996, the Zoning Board granted a 27' setback variance from Balsam Avenue to build the existing Laird Center in its current location.

ZB06-023 Motion by Schnitzler, second by Markwardt to grant the variance request from the Marshfield Clinic. All Ayes.
Motion carried

Deputy Clerk read the variance request from Chris DeLeske to construct a storage shed along the E. 15th St. frontage of the lot at 1421 S. Apple Avenue, zoned "R-4" Single and Two-Family Residential. Section 18-04 (2) (e) of the Municipal Code requires that accessory structure setbacks on corner lots shall be no less than 20-feet. Applicant requests an 8-ft setback variance in order to build the storage shed 12-ft from the E. 15th Street right-of-way.

Background: The property owner proposes to build a new 422-sq. ft. storage shed. The proposed location is at the south boundary of the property along E. 15th Street. The structure does not meet the minimum 20-ft setback, as laid out on the site plan.

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

1. The property is located in the R-4 District with a lot size of 11,760-square feet and lot width of 112-feet.
2. The minimum lot size in the R-4 District is 8,700-square feet and the minimum lot width is 60-feet.
3. The property is a corner lot and is developed with single-family dwelling and attached garage with driveway access to the residence from Apple Ave frontage.
4. The site plan indicates the storage building would be located along the E. 15th Street frontage of the corner lot, only 12' from the lot line.
5. Several existing residences along 15th Street are built closer than the required 25' front setback of the R-4 district. However, no detached accessory structures were noted in other front or corner yards along this street.
6. "Averaging provisions" allow reduced setbacks for accessory structures on corner lots based on other non-conforming buildings in the area, but only down to a 20-ft setback.
7. Primary reasons for maintaining a minimum 20' setback for accessory structures on corner lots is to maintain adequate vision clearance from nearby streets and driveways, to provide adequate off-street parking space for any related driveway access to the accessory structure to prevent vehicles from parking over sidewalks, and for aesthetic reasons.
8. A driveway is currently located along the 15th frontage. The owner indicates that one reason for the proposed location is to take advantage of the existing driveway. The driveway location is not detailed on the site plan.
9. The location would not appear to create any vision clearance problems from nearby driveways or streets, but may not provide adequate driveway length in front of the structure for off-street parking.
10. The variance request is almost half the requirement.
11. The lot is a large lot under the R-4 district and has a deep rear yard for a corner lot.

Planner/Zoning Administrator Curtiss added that based on the layout of the storage building, it appears that the driveway would still serve some function for the new storage shed. She pointed out that the storage shed could be developed on the property at this particular location without requiring a variance if it were pushed back into the lot.

Duerr expressed concerns of what would happen if the variance is granted and Apple Avenue gets curb, gutter and sidewalk. If sidewalk, curb and gutter are constructed than the shed would be closer to the sidewalk than 12', which at that time could create a site problem.

Director of Planning and Economic Development Miller pointed out that the driveway that is there is in public right-of-way. Any parking of a vehicle in this driveway will be parking over public right-of-way and is a concern.

Duerr felt that the Zoning Board of Appeals needed to consider the long term effect of the variance.

Reek pointed out that the house is that close to the road already. He recommended putting some type of exclusion on the variance that the driveway can not be used for storage of a vehicle.

Chris DeLeske said that the driveway is already there, but can be taken out if need be.

Markwardt pointed out that the building is not intended to be a garage and it is going to be set back as far as the 15th Street side of the house and the same set back as the house to the east.

Chris DeLeske said that his house is 12' away from the street and his neighbor's house is approximately 15' away from the street and if it makes a difference, he would put his shed at the same distance as the neighboring house.

Markwardt indicated that doing this would reduce the variance to 5' instead of 8'.

Markwardt pointed out that there is some slab work there and asked if it would be removed.

Chris DeLeske responded yes.

ZB06-00 Motion by Reek, second by Markwardt to grant the variance request from Chris DeLeske with a 15' setback instead of a 12' setback.

Discussion was held on whether or not conditions should be attached to the variance regarding the driveway.

Chris DeLeske explained that the only reason that he would use the driveway would be to back up to the shed for loading and unloading purposes.

Duerr felt that a condition should be added to the variance. His suggestion was if the driveway is used for anything other than to load and unload it will have to be removed.

Reek withdrew his motion and Markwardt withdrew his second.

ZB06-24 Motion by Reek, second by Markwardt to grant a 5' setback variance to Chris DeLeske with a condition that no vehicle will be left on the existing driveway except for loading and unloading. If the driveway is violated by parking consistently, the driveway will have to be removed.

Enforcement of parking in the driveway was discussed.

Vote on motion **ZB06-24**; All Ayes.
Motion carried

Planner/Zoning Administrator Curtiss mentioned that there were originally three variance requests in the public notice but one of the items was published with an error of a wrong address, so it will be re-advertised and scheduled for the next regular meeting.

The following items were reviewed and discussed in detail:
Proposed variance application
Proposed appeal application
Proposed rules of procedure
Proposed revision to Section 18-35 (2) Variances. Findings required

Planner/Zoning Administrator Curtiss will make necessary changes for implementation.

Motion by Markwardt, second by Schnitzler to adjourn at 5:52 p.m.
Motion carried

Lori A. Panzer
Deputy City Clerk

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