SPECIAL ZONING BOARD OF APPEALS MINUTES OF JANUARY 18, 2010

Meeting called to order by Chairman Markwardt at 5:02 p.m. in the 1st Floor Conference Room, Suite 108, City Hall Plaza.

PRESENT: Ed Gerl, Dean Markwardt, Todd Zieglmeier, 1st Alternate Kenneth Bargender and 2nd

Alternate Scott Noble

ABSENT: Richard Kenyon **EXCUSED:** Wallace Reek

ALSO PRESENT: Planner/Zoning Administrator Miller, Deputy Clerk Panzer, John Nitzsche and

Alderperson Wagner

ZB10-001 Motion by Gerl, second by Noble to approve the minutes of October 13, 2009 as submitted. All Ayes.

Motion carried

The minutes of October 13, 2009 were received and placed on file at the December 8, 2009 Common Council meeting.

Deputy Clerk read the variance request from Miron Construction Co., Inc. for the temporary use of a crane at 1307 N St. Joseph Avenue, zoned "I" Institutional (Public and semipublic institutions district). The applicant requested a temporary variance to erect a crane that would exceed the maximum height restriction of 1399' above mean sea level (AMSL) by 131' to a maximum elevation of 1530' AMSL.

Background

Miron Construction Co., Inc. wished to utilize a temporary crane in order to construct the new Family Health Care Administration Center. Because of the elevation of the property, the size of the crane needed for construction exceeded the height limitation as set by the HLZO.

A temporary variance could not be administratively approved for this plan, based on Sections 18-65 (6) (h) of the Municipal Code. The applicant requested a 131-ft variance to exceed the 1399-ft Above Ground Level (AGL) elevation restriction, in order to construct the facility.

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

- 1. The property is zoned 'I' Public and semipublic institutions district.
- 2. The property is located at 1307 North St. Joseph Avenue.
- 3. The lot is 1,073,478-sq. ft. in size, with 838.0 ft of lot frontage along North St. Joseph Avenue.
- 4. The lot is a conforming lot in the 'I' District. Lot standards for the 'I' District are 43,560 sq. ft. lot size and 200 ft lot width.
- 5. The elevation of the location for the use of the crane is 1350' Above Mean Sea Level (AMSL). The proposed crane would extend upwards of 180' AGL.
- 6. The proposed use of a temporary crane would extend 131-ft into the maximum elevation of the Height Limitation Zoning Ordinance (HLZO)
- 7. The HLZO requires a determination from the FAA as well as an approval from the airport manager.
- 8. The Federal Aviation Administration (FAA) has reviewed this request for a temporary variance to the HLZO and has sent a letter declaring their temporary determination that this proposal poses no hazard to air navigation.
- 9. The Marshfield Municipal Airport has also submitted a memo stating its approval of the temporary use of a crane at this location.

Planner/Zoning Administrator Miller said Miron Construction needs to extend their crane 180' above the site elevation of 1,350' in order to build the new Family Health Care Administration Center. The

Municipal Code doesn't mention temporary variances, so he talked with City Attorney Hutchinson and Attorney Harold Wolfgram and they both felt bringing this temporary variance request to the Zoning Board of Appeals was the right course of action.

Planner/Zoning Administrator Miller said this is a unique situation. The area of the hospital is one of the highest points in the City and in order to do build this facility they need to erect that crane to a certain height. Miron Construction put lights, a beacon and a flag on the crane as a safety precaution.

Planner/Zoning Administrator Miller distributed a letter from Chad VerBerkmoes, Air Methods Pilot, Safety Officer which indicated that the construction crane will not be a safety hazard to their helicopter operations at St. Joseph's Hospital.

Planner/Zoning Administrator Miller said from a safety perspective everyone that needed to sign off on it has done so.

John Nitzsche, Project Superintendant for Miron Construction Company, said they should be done using the crane in about three weeks.

Planner/Zoning Administrator Miller said Miron Construction has been good in communicating with the City.

Planner/Zoning Administrator Miller recommended approving the variance request based on the following findings of fact:

- 1. Based on the elevation of this site, the use of a crane is needed to complete construction of a facility that is otherwise conforming to all other sections of the Marshfield Municipal Code.
- 2. Granting the variance would not negatively impact the public interest related to the safety, aesthetics or environment

ZB10-002 Motion by Zieglmeier, second by Gerl to grant a temporary variance to erect a crane that would exceed the maximum height restriction of 1399' above mean sea level (AMSL) by 131' to a maximum elevation of 1530' AMSL at the location of 1307 North St. Joseph Avenue with the conditions that the variance terminates on June 1, 2010 and that it also meets the conditions of local Airport staff and the FAA. All Ayes.

Motion carried

Motion by Noble, second by Zieglmeier to adjourn at 5:13 p.m. All Ayes.

Motion carried

Lori A. Panzer Deputy City Clerk