

SPECIAL ZONING BOARD OF APPEALS MINUTES OF JULY 22, 2010

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

PRESENT: Ed Gerl, Wallace Reek, Richard Kenyon, 1st Alternate Kenneth Bargender, 2nd Alternate Scott Noble and Todd Zieglmeier (arrived late).

ABSENT: Dean Markwardt

ALSO PRESENT: Planner/Zoning Administrator Miller and Heath Heck, Saint Joseph's Hospital

ZB10-007 Motion by Kenyon, second by Bargender to approve the minutes of June 8, 2010 as submitted. All Ayes.

Motion carried

Planner/Zoning Administrator Miller read the variance request from Saint Joseph's Hospital for the temporary use of a crane at 611 N Saint 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 246' to a maximum elevation of 1645' AMSL.

Background

St. Joseph's Hospital wished to utilize a temporary crane in order to construct a mechanical room (penthouse) on top of the third story. Because of the elevation of the property, the size of the crane needed for construction exceeds 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 246-ft variance to exceed the 1399-ft Above Ground Level (AGL) elevation restriction, in order to construct the mechanical room.

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 611 N St. Joseph Avenue.
3. The Lot is 264,950 sq. ft. in size, with 620 ft of lot frontage along N. St. Joseph Ave and 427 ft of lot frontage on Kalsched St.
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 1645' Above Mean Sea Level (AMSL). The proposed crane would extend upwards of 330' Above Ground Level (AGL).
6. The proposed use of a temporary crane would extend 246-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 (see attached letter).
9. The Marshfield Municipal Airport has also submitted a memo stating its approval of the temporary use of a crane at this location (see attached memo).

Planner/Zoning Administrator Miller said St. Joseph's Hospital needs to extend their crane a maximum of 330' above the site elevation of 1,315' in order to build the new mechanical room.

Miller also added that the helipad was notified and they did send a letter stating that the crane will not impact flight operations around the helipad.

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 safety, aesthetics or environment.

And with the condition of:

1. The crane must be removed from the site by December 31, 2010.

ZB10-008 Motion by Noble, second by Kenyon to grant a temporary variance to erect a crane that would exceed the maximum height restriction of 1399' above mean sea level (AMSL) by 246' to a maximum elevation of 1645' AMSL at the location of 611 North St. Joseph Avenue given that the conditions and requirements of the Federal Aviation Administration are followed and that the crane be removed by December 31, 2010. All Ayes.

Motion carried

Miller reviewed the proposed changes to Sec. 18-65 of the Marshfield Municipal Code to allow for an Administrative Approval for temporary variance requests as they relate to the use of cranes. Miller explained that this would be very narrow in scope and would only be approved if specific conditions are met (FAA and Airport Manager would have to determine that the use would pose no hazard to air navigation). Additionally, a public hearing would likely not be necessary as the request would not go before the Zoning Board of Appeals.

Overall, the Board felt that it was in their best interest to continue to have public hearings for temporary variances when using cranes so that the public could comment on it if they desired. The Board chose not to pursue modifying the Municipal Code to allow for Administrative Approval for temporary variances for cranes.

Miller explained that he spoke with the Fire Department about making photo identification badges for the Zoning Board of Appeals members for site visits on variance applications. The Zoning Board felt it was a good idea and that Miller should pursue getting identification badges for the members as long as the cost was less than \$100.

Motion by Kenyon, second by Noble to adjourn at 5:40 p.m. All Ayes.

Motion carried

Josh Miller
Planner/Zoning Administrator