

ZONING BOARD OF APPEALS MINUTES OF MAY 8, 2012

Meeting called to order by Chairperson Gerl at 5:00 p.m. in the 1st Floor Conference Room, Suite 108, City Hall Plaza.

PRESENT: Ken Bargender, Ed Gerl, Richard Kenyon, Robert Lewerenz, Dean Markwardt and 1st Alternate Todd Zieglmeier

ALSO PRESENT: Planner/Zoning Administrator Miller, Deputy Clerk Panzer, Chad Durrant, Glenn Brost, Jr. and Ralph Hederer

Mayor Meyer by duty of statute appointed Ed Gerl as Chairman for the Zoning Board of Appeals at the Common Council meeting of April 24, 2012.

Nominations were held for Vice Chairperson.

Bargender nominated Richard Kenyon.

There being no further nominations:

ZB12-01 Motion by Markwardt, second by Lewerenz to close the nominations and cast a unanimous ballot for Richard Kenyon for Vice Chairperson.

Motion Carried

ZB12-02 Motion by Kenyon, second by Lewerenz to approve the minutes of October 11, 2011 as submitted.

Motion carried

Deputy Clerk read the variance request from Church of Christ for a variance to the minimum lot width to allow the combination of two parcels that would create a nonconforming flag lot, for property located in the 1500 block of West Adler Road, including the unaddressed portion to the north, legally described as:

The west 45 feet of Lot 2 of Wood County Certified Survey Map 6925 in Volume 24, Page 25 being part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 25 North, Range 3 East, City of Marshfield, Wood County, Wisconsin.

ALSO

Lot 1 of Wood County Certified Survey Map 6928 in Volume 24, Page 28 being part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 25 North, Range 3 East, City of Marshfield, Wood County, Wisconsin.

Section 19-02(22) of the Municipal Code defines a flag lot as a lot lacking the requisite minimum lot width or frontage on an existing or proposed street, having direct access to the street through a narrow leg or land where access to a road is provided along the long, narrow "flag pole" and the usable land itself is the rectangular flag at the end of the pole. Section 19-64(4)(g) prohibits flag lots. Section 18-62(e)(2) requires a minimum lot width of 80 feet for nonresidential uses. The current lot width is 45 feet and the applicant is requesting a 35 foot variance to the minimum lot width for the parcel adjacent to Adler Road.

Background

In 2000, the Church of Christ purchased an approximately 3.4 acre lot north of the existing residential property (back lot) in the 1500 block of West Adler Road. The Church also purchased a separate lot from an adjacent land owner to provide access to the lot. The access lot is 45 feet wide, and 6,740 square feet

in area and does not meet the minimum lot width or size requirements. During the original land division for the back lot, a 30 foot side strip of land was dedicated to the City for a greenway, which is now part of the bike trail. This land dedication cut off access to Lincoln Avenue. When the Church purchased the property, they had an understanding that they would have access from Adler Road.

When the Church began discussing the development with the City, staff pointed out that the lots could not be combined without a variance because it would create a nonconforming flag lot.

Ultimately, the property will need to be combined and that may be accomplished by combining the legal descriptions, or with a survey. Staff is recommending that a survey be completed to combine the lots.

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

1. The properties are located in the 1500 block of West Adler Road.
2. The access lot on Adler Road is a nonconforming lot with an area of 6,740 square feet and a width of 45 feet.
3. The back lot to the north has an area of 148,575.6 square feet and a width of 295.4 feet.
4. The property is zoned 'R-3' Standard Single-Family Residential district. Section 18-62(4)(d)(2) requires a minimum lot size of 12,000 square feet and Section 18-62(4)(e)(2) requires a minimum lot width of 80 feet for nonresidential uses such as a church.
5. The back lot does not have frontage and is undevelopable without frontage.
6. Combining the two lots together would create a nonconforming flag lot.
7. Section 19-02(22) of the Municipal Code defines a flag lot as a lot lacking the requisite minimum lot width or frontage on an existing or proposed street, having direct access to the street through a narrow leg or land where access to a road is provided along the long, narrow "flag pole" and the usable land itself is the rectangular flag at the end of the pole.
8. Section 19-64(4)(g) prohibits flag lots.
9. The Church purchased the land with the understanding that the property would be buildable and was not aware of the changes to the subdivision ordinance.

Planner/Zoning Administrator Miller said the rules have changed making it more restrictive for them to do this. It still would have been prohibited under the previous code, but their variance request wouldn't have been as great.

Summary Responses from Applicant

(Unnecessary Hardship) "The original understanding between the Church and the City was to allow access to the proposed general assembly building on Adler Road. Access would not be granted on Lincoln Avenue. The 45' wide lot was never combined with the larger parcel to the north and the subdivision ordinance had since changed, prohibiting flag lots and limiting the option to develop the property. The two lots are both nonconforming and undevelopable as stand-alone lots.

(Unique Property Circumstances) "This property is bordered to the north and west by city-owned property. The south and east are boarded by developed residential properties. The variance being requested is to utilize the south lot as a driveway access on Adler Road." The city-owned property to the west prevents access on Lincoln Avenue. The Church needs to create a flag lot in order for the lot to be developable. The change in the subdivision ordinance is why the variance is required.

(No Harm to Public Interests) "There has been a sign posted stating "Future Home of Church of Christ" on the property for many years now so it is not a surprise to the surrounding neighborhood. Also, the Church had the understanding that the City would allow the Church access to the development from Adler Road through the 45' wide lot adjacent to Adler Road."

Kenyon asked if the lot west of the flag lot was vacant and if it was for sale.

Planner/Zoning Administrator Miller confirmed that the lot west of the flag lot is vacant.

Chad Durrant said they haven't looked into the availability of that particular lot.

Kenyon asked if anyone present was speaking against the variance request and if any negative comments had been received.

Planner/Zoning Administrator Miller explained that there has been a sign out there that says "future home of church" for many years, so anyone buying or moving into the area was certainly well aware of it. Only one person contacted him after the notices were sent out. That property owner lives on Schmidt and his property is adjacent to the east and abuts the church's property. He was just curious about it and wondered if there would be any discussion on the design of the church at this meeting. He said he was well aware of the sign when he bought his property and he doesn't have an issue with the variance request, because he feels it would be better for the church to have their access off of Adler Road rather than off of Lincoln.

Markwardt asked why a driveway or a culvert couldn't be put in across the Greenway.

Planner/Zoning Administrator Miller said it is not so much because of the physical limitations. The City doesn't want to have access on Lincoln, because it is a busy street. Fewer access points decrease the chance of accidents. If there is an access point close to the trail there would be more conflicts. There may also be some visibility issues with trees along the trail. Plus they would be crossing City property to do that and the City doesn't want to give up land that they acquired for the purpose of a Greenway.

Planner/Zoning Administrator Miller said he spoke with the Fire Chief just before this meeting and in doing so discovered that the Church of Christ may need more access than they currently have. Faith Fellowship Church on McMillan Street was required to have two 20' wide driveways; one going in and one going out. Anything over 150' triggers the need for additional driveway access to get in and out, but there are other factors that determine the driveway width. Even if this variance is approved they may have to do something else to meet the Fire Department's standards.

Chad Durrant said he talked with Deputy Fire Chief Erickson about this prior to having the plans. The square footage for our building will be under the sprinkler requirements. We are not going to fall into a typical church category. It is going to be a small structure roughly 7,000 square feet. The Fire Department looks at the number of occupancy and distance off the road. The variance is what is needed to go forward to the next step.

Planner/Zoning Administrator Miller said we may not have every piece of information and they may need to come back to the Zoning Board of Appeals again at some point, but at least this gives them enough go ahead to start fundraising and making plans.

ZB12-03 Motion by Markwardt, second by Kenyon to grant the variance request from Church of Christ to allow a lot width variance of up to 35' with the condition that the access lot be surveyed to allow the combination of two parcels that would create a nonconforming flag lot, for property located in the 1500 block of West Adler Road, including the unaddressed portion to the north.

Motion carried

Planner/Zoning Administrator Miller summarized the 2011 Zoning Board of Appeals decisions.

Motion by Kenyon, second by Lewerenz to adjourn at 5:46 p.m.

Motion carried

Lori A. Panzer
Deputy City Clerk