

ZONING BOARD OF APPEALS MINUTES OF JUNE 12, 2012

Meeting called to order by Chairperson Gerl at 5:03 p.m. in the 1st Floor Conference Room, Suite 108, City Hall Plaza.

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

EXCUSED: Ken Bargender

ALSO PRESENT: Planner/Zoning Administrator Miller, Deputy Clerk Panzer, Derek McGrew and Jeffrey Gaier

ZB12-04 Motion by Kenyon, second by Markwardt to approve the minutes of May 8, 2012 as submitted.

Motion carried

Deputy Clerk read the variance request from Marshfield Utilities for property located at 601 West Cleveland Street (Grant Mini Park), zoned "R-5" Medium Density Single and Two-Family Residential, for a 44 foot variance for the existing water tower and antenna not to exceed 138 feet above ground level (AGL), at an elevation of 1,443 feet above mean sea level (AMSL). The "Airport Overlay & Height Limitation Zoning Map, Marshfield Municipal Airport, Marshfield, Wisconsin," as identified in Sec. 18-65(6)(d) of the Municipal Code, requires structures at this location to not exceed 1,399 feet above mean sea level (AMSL). The request includes the existing tower and antenna, as well as future telecommunication antennas to be placed on the tower at or below the 1,443 feet above mean sea level (AMSL) elevation.

Background

Marshfield Utilities currently has a water tower and antenna located on the Grant Mini Park property at 601 West Cleveland Street. They have requested that a variance be granted to the existing structures with the understanding that additional antennas will be placed at or below the requested variance elevation in the future. The existing tower is 128 feet above ground level (AGL), or at an elevation of 1,433 feet above mean sea level (AMSL). The existing antenna extends 9 feet, 7 inches above the water tower, placing it at an elevation of approximately 1,443 feet AMSL. Ground level at this location is 1,305 feet AMSL.

On January 9, 1990, Marshfield Utilities received a 26 foot height variance to the Airport Overlay Height Limitation Zoning Ordinance (HLZO) to construct a water tower at 1,425 feet AMSL. However, when the water tower was constructed, it was built 8 feet taller than the granted variance would allow, 128 feet AGL. This was only recently discovered by staff when an application for new antennas was submitted. In 2004, Marshfield Utilities placed a whip antenna on top of the water tower, increasing the encroachment into the HLZO. It is staffs' understanding that Marshfield Utilities believed that antennas were exempt from the HLZO requirement and that the FAA only reviewed structures over 200 feet AGL. Subsequently, a variance was never applied for on the existing antenna.

Marshfield Utilities has requested an "after the fact" variance as the tower was constructed taller than what was originally approved. Additionally, Marshfield Utilities needs the existing antenna on top of the water tower to communicate with the City's wells. Line of sight is required for this communication and the existing elevation is necessary to achieve that.

The encroachment of both the water tower and antenna into the HLZO were unintentional and Marshfield Utilities went through the correct process in 1990 by applying for and receiving the variance for the original water tower design. However, at some point, the water tower design was altered and the tower was constructed at a greater height than what was originally approved. Additionally, Marshfield Utilities

assumed that antennas were exempt from the HLZO and installed an antenna that is now needed to communicate with the City wells.

A telecommunications company is requesting to place 9 additional telecommunication antennas on top of the water tower, but below the existing Marshfield Utility antenna. It is possible that in the future additional antennas could be placed on top of this water tower, but they would be below the requested variance height of 1,443 feet AMSL.

A variance could not be administratively approved for this plan, based on Sections 18-65 (6) (e) (5) and 18-65 (6) (h), of the Municipal Code. The Applicant requested variances from the Height Limitation Zoning Ordinance that restricts the height of all structures at this location to an elevation of 1399 feet AMSL.

Planner/Zoning Administrator Miller said this issue was brought forward to the Airport Committee back in May. They reviewed the request and because it is an existing situation and because the existing antennas are necessary for water system function they did recommend approving this variance with one condition which was to place a beacon at the elevation at the highest point.

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

1. The property is located at 601 West Cleveland Street at Grant Mini Park in the "R-5" Medium Density Single and Two-Family Residential district.
2. The lot is 70,050 square feet in size with the existing tower located on the west side of the property.
3. The Lot is triangular in shape with the largest frontage along Doege Street.
4. The height of the existing antenna is 138 feet AGL.
5. The maximum elevation permitted at this location by the Height Overlay Zoning Ordinance (HLZO) is 1,399 feet AMSL.
6. The base elevation of the proposed tower location is 1,305 feet AMSL. The total height of the tower would reach 1,443 feet AMSL, exceeding the (HLZO) for property at this location by 44 feet.
7. The Applicant is requesting a 44 foot variance from the HLZO.
8. The original variance request for the tower was for 26 feet, 120 feet AGL, at an elevation of 1,425 feet AMSL. When the tower was constructed, it was built 128 feet AGL at an elevation of 1,433 feet AMSL, exceeding the requested variance elevation by 8 feet.
9. In 2004, a 9 foot, 7 inch antenna was placed on top of the water tower for a total height of 138 feet AGL at an elevation of 1,443 feet AMSL.
10. Additional future antennas will be placed on the water tower that will be at or below the existing antenna elevation of 1,443 feet AMSL.

Derek McGrew said the most important part of the communication from that antenna is to alert the Utility Commission should someone try to access the water tank.

Summary Responses from Applicant

(Unnecessary Hardship) "The property has been identified as a suitable location and elevation for a water tower. The infrastructure for the water tower and communication with the wells via the antenna is needed for the operation of the City's electric and water supply and it already exists at this location."

(Unique Property Circumstances) "The water tower has been at this location and elevation for over 20 years. Additionally, the antenna that was placed on top of the water tower has been there since 2004. In 8 years, there have been no adverse impacts to the City, neighboring properties, or air navigation. The water tower is needed for the City's water supply and the antenna is needed to achieve line of sight

communication with the City's wells and with the City's electrical system. An after the fact variance is necessary to address the existing heights of the water tower, existing antenna, and future telecommunication antennas."

(No Harm to Public Interests) "The water tower and communication with the City's wells is necessary for Marshfield Utilities to operate the City's water supply and communications with the electrical substations allows the Utility to control the electrical system. Additionally, the FAA and Bureau of Aeronautics letters state that the additional height to the water tower is no hazard to air navigation."

ZB12-05 Motion by Kenyon, second by Lewerenz to grant the variance request from Marshfield Utilities for a 44 foot variance for the existing water tower, antenna and future antennas not to exceed 138 feet above ground level (AGL), at an elevation of 1,443 feet above mean sea level (AMSL) with the stipulation that a beacon be installed on top of the water tower for air safety per the Airport's recommendation.

Motion carried

Motion by Zieglmeier, second by Kenyon to adjourn at 5:13 p.m.

Motion carried

Lori A. Panzer
Deputy City Clerk