

ZONING BOARD OF APPEALS MINUTES OF JANUARY 8, 2013

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

PRESENT: Ken Bargender, Ed Gerl, Richard Kenyon, Robert Lewerenz and Dean Markwardt

ALSO PRESENT: Planner/Zoning Administrator Miller, Deputy Clerk Panzer and Chris Helwig

ZB13-01 Motion by Kenyon, second by Bargender to approve the minutes of November 6, 2012 as submitted.

Motion carried

Deputy Clerk read the variance request from PreventionGenetics for the temporary use of a crane at 3814 South Business Park Avenue, zoned "IP" Industrial Park. The "Airport Overlay & Height Limitation Zoning Map, Marshfield Municipal Airport, Marshfield, Wisconsin," as identified in Sec. 18-93(4), limits structures at this location to not exceed 1,325.4 feet above mean sea level (AMSL). The Applicant is requesting a 122 foot temporary variance so the proposed crane could extend up to 200 feet above ground level (AGL), potentially reaching an elevation of 1,447 feet AMSL. The crane will be temporary and utilized during the construction of their new facility.

Background

PreventionGenetics wishes to utilize a temporary crane in order to construct their new two-story facility in the Mill Creek Business Park. Because of the elevation of the property and proximity to the Marshfield Airport, the size of the crane needed for construction exceeds the height limitation as set by the Height Limitation Zoning Overlay (HLZO) District.

A temporary variance cannot be administratively approved for this plan, based on Sections 18-93(8) of the Municipal Code. The Applicant is requesting a 122 foot temporary variance to exceed the 1,325.4 feet Above Ground Level (AGL) elevation restriction, in order to construct the new facility. The Applicant estimates the crane will be utilized for up to 9 months, but the use will be intermittent.

The FAA is proposing to raise the Marshfield Airport's minimums for approaches when the crane is in use. In order to initiate the use of the crane, the FAA requires that a Notice to Airmen (NOTAMs) be submitted, and that the crane is lighted and flagged when in use. The FAA must be notified when the crane is not in use so the Marshfield Airport can reduce the minimums to the base level.

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

1. The property is zoned "IP" Industrial Park District.
2. The property is located at 3814 South Business Park Avenue.
3. The Lot is 550,737 square feet in size, with 622 feet of lot frontage along Business Park Avenue and 854 feet of lot frontage along Corporate Drive.
4. The Lot is a conforming lot in the "IP" District. Lot standards for the "IP" District are 20,000 square foot lot size and 100 foot lot width.
5. The site elevation of the location for the use of the crane is 1,247 feet Above Mean Sea Level (AMSL). The proposed crane would extend upwards of 200 feet Above Ground Level (AGL).
6. The allowable elevation for the HLZO is 1,325.4 feet AMSL.
7. The proposed use of a temporary crane would extend 122 feet into the maximum elevation of the Height Limitation Zoning Ordinance (HLZO).
8. The HLZO requires a determination from the FAA, the Wisconsin DOT and a recommendation from the airport manager.
9. 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.

10. The Wisconsin DOT, Bureau of Aeronautics has also issued a letter regarding the request.
11. The Marshfield Airport Committee has also reviewed the request and provided a recommendation to approve with the condition that the FAA requirements were met and that staff work with the FAA to figure out how to reduce the minimums when the crane is not in use. Staff has already talked to the FAA and when the crane is not being used for a substantial period of time, the contractor will release the NOTAM, reducing the minimums.

Planner/Zoning Administrator Miller said the Airport Committee met on December 27th and discussed this variance request. He explained that they had some reservations at first, but don't now as long as the minimums aren't raised for the entire 9 month period and as long as Notice to Airmen (NOTAMs) are submitted five business days ahead of time when the crane is being utilized and staff negotiates with the Federal Aviation Administration (FAA) to lower the minimums when the crane is not in use.

Planner/Zoning Administrator explained that the crane would be in use for a two week period at a time and then if it is down for more than a week or so, the NOTAM should be released, so it is not holding up the Airport's minimums. The crane will be down the end of March for a longer period of time and then it will be used again come June or July when they finish the air handlers. The determination by the FAA is good for a year. This temporary variance would be for the duration of 9 months with the conditions that the NOTAMs are put in place per the FAA requirements and released per the request of the Airport. The FAA is also requiring that the crane be illuminated with a beacon per their standards as well as a flag and that it be taken down at night and when not in use.

Chris Helwig, Design Unlimited agreed to be the responsible person to submit NOTAMs. He expects to have 90% of the crane work done by the end of March. He explained that the crane will be removed when the setting of the structural components is complete and that the crane will be brought in again when it is time to put the air handlers up. The crane will be down at night and when not in use.

ZB13-02 Motion by Markwardt, second by Lewerenz to grant the variance request from PreventionGenetics for the temporary use of a crane at 3814 South Business Park Avenue for a 122 foot temporary variance so the proposed crane could extend up to 200 feet above ground level (AGL), potentially reaching an elevation of 1,447 feet AMSL with the following conditions set forth by the FAA and agreed to by the Airport Committee:

- 1) Notice to Airmen (NOTAM) be submitted.
- 2) The crane be illuminated and flagged when in use.
- 3) The FAA be notified when the crane is not in use, so the Marshfield Airport can reduce the minimums to the base level.

Motion carried

Motion by Kenyon, second by Lewerenz to adjourn at 5:17 p.m.

Motion carried

Lori A. Panzer
Deputy City Clerk