

Board of Zoning Appeals

Minutes

October 3, 2023

Members Present: Gordon Kinder, Art Luetke, John Robertson, Ken Brost, Blake Draper

Staff Present: Andrew Bremer, Jim Trebian, Kong Thao

1. CALL TO ORDER

Kinder called the meeting to order at 5:00 p.m. then asked Bremer to provide an explanation for conflicts of interest.

2. PUBLIC APPEARANCES.

There were no attendees in the meeting room and none attending virtually.

3. APPROVAL OF MINUTES.

- a. Motion to approve the minutes of the August 24, 2023 Board of Zoning Appeals meeting. Motioned by Draper and seconded by Brost to approve the August 24, 2023 Board of Zoning Appeals minutes. Motion passes 5-0.

4. ANNOUNCEMENT OF PROCEEDINGS

Bremer provided background on the purpose and authority of the Board of Zoning Appeals, the announcement of proceedings, and procedure for the meeting as included in packets.

5. PUBLIC HEARING

- a. Public Hearing on a request by CHS for a variance to the front yard setback requirements of Sec. 62-72 for the M-IC Zoning District to construct an approximate 15' x 14'6" building addition at 4103 Triangle Street, McFarland, WI.

Bremer provided summary of the request made by CHS and indicated to the Board approximate location of the proposed addition.

Kinder opened the public hearing at 5:08 p.m.

Applicant Opening Statement. Derek Pirkl, applicant and Terminal Supervisor for CHS, recited the oath before providing his opening statement. Pirkl provided a summary of the request, referencing the site's need for the addition and the benefits to the drivers. Pirkl shared the conditions of the existing practices for the site and how the addition would improve workflow activities.

Staff Opening Statement. Bremer began summary of the staff report then went back to recite the oath before proceeding. Bremer indicating Staff support for the request, while

also mentioning that Jim Trebian, the Village Building Inspector, is attending the meeting via ZOOM and is available for any questions or testimony if needed. Bremer mentioned also that the application would require a site/design review permit from the Plan Commission at their upcoming meeting on October 17, 2023, clarifying the need for both Board of Zoning Appeals and Plan Commission approvals.

Applicant Case. Kevin Sorg, Bachmann Construction, recited the oath before providing the applicant's case. Sorg commented on the Village's setback requirement, purpose of the addition, and feasibility of the selected site. Russ Kowalski, GMK Architects, was in attendance in the community room as the architect of record for the building submittal. Kowalski did not speak. There were no witnesses called by the Applicant. Bremer asked the Applicant if there were any known Wisconsin DNR setback requirements to the existing bollards adjacent to the addition, used for the monitoring wells. Pirkl is unsure of any setback requirements but will follow up with their environmental team on the topic prior to the Plan Commission site design review meeting. Kinder opened the meeting to comments or questions from the Board. The Board did not have any questions for the Applicant.

Staff Case. Bremer provided staff summary addressing Staff comments related to the zoning code's six standards for a variance. Staff did not find any concerns with the six standards and are in support of the application as submitted following up on the earlier question on proximity concerns to the monitoring wells. Kinder opened the meeting to comments or questions from the Applicant and the Board for Staff. The Applicant and the Board did not have any questions for Staff.

Kinder surveyed the public for any opinion testimony. Bremer stated the Department did not receive any letters or testimony prior to the publication of the meeting's packet or the meeting. There were no attendees in-person and virtual who wished to speak on the item. The Applicant and Staff did not have any rebuttal statements. The Applicant and Staff did not have any closing statements.

Kinder closed the public hearing at 5:26 p.m.

6. BUSINESS.

a. Discussion and action on a request by CHS for a variance to the front yard setback requirements of Sec. 62-72 for the M-IC Zoning District to construct an approximate 15' x 14'6" building addition at 4103 Triangle Street, McFarland, WI.

Kinder surveyed the Board members for discussion on the item. Luetke and Roberston did not have any concerns or comments. Brost stated the application to be a reasonable request. Draper and Kinder concurred with Staff's opinions as provided in the staff report regarding justification for the approval, including:

1. The layout of the petroleum tanks predates the Village zoning regulations and the characteristics of those tanks and related apparatus, including applicable federal safety

design requirements, limit locations on the property to place the restroom addition in compliance with the front yard setback requirements.

2. Alternative locations for the construction of an accessory structure within the property would diminish the effective use and intent of the restroom addition.
3. The request for a variance places the addition as far back from the front lot line as possible within the existing site constraints.
4. The desire for the building addition is not financially motivated.

Brost motioned to approve the variance request to the front yard setback requirements of Sec. 62-72 for the M-IC Zoning District to construct an approximate 15' x 14'6" building addition at 4103 Triangle Street, McFarland, WI. Motion was seconded by Luetke. Motion passes 5-0.

7. SCHEDULE NEXT MEETING DATE.

- a. To be determined.

8. ADJOURNMENT.

Brost motioned to adjourn, seconded by Luetke. Motion passed 5-0. Meeting adjourned at 5:30 p.m.