

ZONING BOARD OF APPEALS

**Fire Department
March 27, 2008 5:30 PM**

CALLED TO ORDER 5:50pm

PRESENT: Amy Zott, Bill Goulding, Edna Miller, Ron Patla and Dan Snyder. Absent: None.

Excused: Bill Goulding and Edna Miller from the public hearing for the Veterans Memorial Building request for a variance from 315-88. Floodplain nonconforming uses.

APPROVAL OF MINUTES: The minutes of February 26, 2008 were approved on a motion by Dan Snyder seconded by Edna Miller.

CITIZEN COMMENTS: None.

APPEAL: By Burlington Veterans Memorial Building Corporation regarding the property located at 588 Milwaukee Avenue for a variance from Section 315-88 in general, including 315-88A(2)(d) of the zoning ordinance, which states in part that no modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming use in compliance with the applicable requirements of the floodplain provisions.

Appearing in favor of the variance request was Tom Stelling, Architect, 181 W. Chestnut St, the Burlington city mayor, Claude Lois, the city attorney Tom Kircher and the city administrator Kevin Lahner. Also in attendance were Jim Mckusker, Bill Campbell and Jerry Fettes of the Veterans Building Board as well as a number of other veterans. No one appeared opposed to the variance request. The City, in the presence of Zoning Administrator Pat Scherrer, was not opposed to granting the variance.

DISCUSSION: The applicants were requesting a variance so that the Veterans Memorial Building located in Echo Park may be remodeled and enlarged. It was noted that the building is unique in that it is a not for profit building used for veterans activities as well as other public uses for the benefit of the Burlington community. The building is zoned I-1 and its current use is permitted in that district as it is not located in the floodplain as shown by the city maps however, it's in a floodplain according to DNR calculations. The enlarged and remodeled building would improve the structure, appearance and its general use and as such would be a benefit, not a detriment to the community.

RULING: As the economic hardship was not self imposed but rather the result of the DNR calculations and as the additional requirements of FEMA for buildings located in a floodplain would be met and as the work to be done on the building is necessary for the

continued use of the building by the veterans and the community on a motion by Ron Patla, second by Dan Snyder, reflecting the same the Zoning Board of Appeals voted to grant the Variance unanimously.

RECOMMENDATION: To the Common Council for a text amendment to Section 315-54C(6) of the zoning ordinances which states "accessory uses and detached accessory uses shall not be closer than three feet to any lot line, nor ten feet to any alley line in all residential districts". A motion by Bill Goulding, second by Dan Snyder, to include the wording, "except in residential districts where the required ten feet setback from the alley line may be reduced to the average of the abutting structures on each side, but in no case less than five feet, was approved.

OTHER BUSINESS: The Board asked the City Attorney to clarify 315-102C. Rules of Procedure as to what constitutes a quorum as prior to a recent change, four votes were required to grant a variance. The zoning ordinance now says "if a quorum is present (action may be taken) by a majority vote of the members present". The City Attorney stated that the Board had five members, a majority, three constituted a quorum, if only three member were present, than only two votes would be required to grant a variance.

ADJOURNMENT: The Chairman of the Zoning Board of Appeals, Amy Zott, declared the meeting adjourned at 6:35 pm on Thursday March 27, 2008.

Respectfully Submitted,
Bill Goulding