



AGENDA
Zoning Board of Appeals

Thursday, August 16, 2017 at 5:30 p.m.
City of Burlington Fire Station – 165 W. Washington Street

John Lynch, Jr.
Dan Snyder
Lori Clarke
Suzanne Boucher
Tom Steffy

1. Call to order
2. Roll Call
3. Approval of Minutes: June 22, 2017 and June 28, 2017
4. Citizen Comments
5. Letter and Communications: None
6. Old Business: None
7. Public Hearing:
 - A. A Public Hearing to hear Public comment regarding the consideration of a variance from Section 315-36F and 315-12.1B3, Setbacks and yards, for property located at 324 Congress Street (Congress Street Park), to construct a new bathroom shelter closer to Congress Street to alleviate an ADA hardship.
8. New Business:
 - A. Consideration to approve a Zoning Variance application from the City of Burlington for property located at 324 Congress Street, to construct a new bathroom shelter closer to Congress Street to alleviate an ADA hardship.
9. Adjourn

NOTE: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.

City of Burlington
Board of Zoning Appeals Minutes

Date of Meeting: June 22, 2017

Members Present: John Lynch, Jr., Dan Snyder, Suzanne Boutcher and Lori Clarke

Other Appearances: Mayor Jeannie Hefty, Brenda Owens of Sign Crafters on behalf of Big R Stores

1. The meeting was called to order at 5:30 p.m.
2. A motion was made by Dan Snyder to approve the February 15, 2016 minutes and seconded by Lori Clarke.
3. No citizens comments
4. Motion made by Dan Snyder to close public hearing, seconded by Lori Clarke

The appeal requests:

1. Review, reversal, or modification of the Zoning Administrator's permit refusal, correction order or interpretation.
2. A variance from the City of Burlington Zoning Code specifically the following Ordinances: Section 315-71E.

New Business:

This meeting was called to consider approval of a Zoning Variance application from Big R Stores for property located at 1058 Milwaukee Ave, to install a sign greater than the allowable 15 feet. Proposed sign would be 25 feet in height, 10 feet greater than maximum allowable height.

Discussion on Big R sign variance:

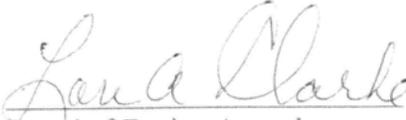
Mayor Jeannie Hefty was present to make comments on behalf of Joe Devorcan, of Fox River Plaza, LLC, who is in support of the variance. This property is zoned B-1, maximum allowable sign height is 15 ft.

According to Brenda Owens of Sign Crafters, all but one other sign for the Big R stores is 25 feet in height. The current ordinance allows up to 15 feet, however, a monument sign is preferred and would be in alignment with the current signage at that location, with the exception of Kentucky Fried Chicken, which is grandfathered in.

Motion was made by John Lynch to table this discussion until input can be had from Greg Guidry, Zoning Administrator and John Bjelajac, City Attorney, and reconvene as soon as possible.

Motion by John Lynch, seconded by Suzanne Boutcher, to table this matter.

Motion to adjourn meeting by John Lynch, second by Dan Snyder. Meeting was adjourned at 6:06 p m.


Board of Zoning Appeals
Secretary

City of Burlington Board of Zoning Appeals Minutes

Date of Meeting: June 28, 2017

Members Present: John Lynch Jr., Dan Snyder, Suzanne Boucher

Other Appearances: Gregory Guidry, Zoning Administrator

1. The meeting was called to order at 5:30 p.m.
2. No minutes to approve.
3. No citizen's comments were received.
4. No letters or communications were received.
5. Old business (see 7 below)
6. A Public Hearing was called to order at 5:31 p.m. to consider a variance from Section 315-71E, signs, for property located at 1058 Milwaukee Avenue, to install a sign of 25 feet in height. No public comments were received and the hearing was closed at 5:32 p.m.
7. Continuance of Business

A presentation was made by David Wilson, Big R, as a continuance of the June 22, 2017 meeting regarding the subject variance request about the desire of the company to install a 25 foot high sign. Mr. Wilson stated that the sign height was considered the company standard for their stores. Mr. Wilson stated that the requested variance was a company "want" not "need." He did not offer any additional justification for the variance request.

There was a general discussion about the role of the Board and their responsibilities. In addition, the Board asked a variety of question of Mr. Wilson as well as Building/Zoning Administrator Gregory Guidry regarding sign options and previous City commitments to Big R.

Following the discussion, a motion was made to deny the zoning variance by Suzanne Boucher and seconded by Dan Snyder. The motions carried 3-0.

A motion to adjourn the meeting was made by Dan Snyder, seconded by Suzanne Boucher. Motion carried 3-0

Meeting adjourned at 6:00p.m.

Dan Snyder
Board of Zoning Appeals

THE ZONING BOARD OF APPEALS IN AND FOR THE CITY OF BURLINGTON

Notice of Hearing on
Proposed Zoning Variance Permit
P-1/FC, Park/Floodplain District

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that the Zoning Board of Appeals of the City of Burlington, Racine County, Wisconsin, will conduct a hearing to receive evidence pertinent to its consideration of an appeal from:

Owner: City of Burlington
Applicant: Carina Walters
Location: 324 Congress Street
Zoning: P-1/FC, Park/Floodplain District
Use: Ballpark
Variance Requested: A variance to Section 315-36F and 315-12.1B3 of the Zoning Ordinance. To allow the construction of a new bathroom shelter closer to Congress Street with a setback from the right-of-way of 5 feet (instead of 40 feet) and, the building of 8 feet from the side yard (instead of 40 feet) in the shoreland. To alleviate an ADA hardship.

NOTICE IS FURTHER GIVEN that a hearing on the above-mentioned Zoning Variance Request will be held by the Zoning Board of Appeals at the Fire House, in the City of Burlington on:

WEDNESDAY, AUGUST 16, 2017 DURING THE MEETING OF THE ZONING BOARD OF APPEALS SCHEDULED TO BEGIN AT 5:30 P.M. OR SHORTLY THEREAFTER

CITY OF BURLINGTON
ZONING BOARD OF APPEALS

Dated at Burlington, Wisconsin, 31st day of July 2017.

Carina Walters, City Administrator

*Published in the Burlington Standard Press
August 3rd & August 10th, 2017*



CITY OF BURLINGTON

Building & Zoning Department
300 N. Pine Street, Burlington, WI, 53105
(262) 342-1163 - (262) 763-3474 fax
www.burlington-wi.gov

For Office Use Only
Date Filed 7/24/17
Amount Paid \$
Received By KA (Initials)

ZONING FORM NO. 4
MODEL APPEAL OR APPLICATION

TO THE ZONING BOARD OF APPEALS FOR ZONING VARIANCE

Instructions

Appeals and applications shall be filed with the Zoning Administrator. The Zoning Administrator shall refuse appeals or applications that are not complete or are not legible.

Appeals

I hereby acknowledge of written notification of the Zoning Administrator's permit refusal or notice of violation and do, therefore, appeal to the Board of Zoning Appeals for one of the following (check one):

- 1. Review, reversal or modification of the Zoning Administrator's permit refusal, correction order or interpretation.
X 2. A variance to Section 315-30. F & 315-12.1 B3 of the Zoning Ordinance.

Date of previous appeal (if any):

Application

I hereby apply for one of the following (please check one):

- 1. An interpretation of the regulations of the Zoning Ordinance or the boundaries of the Zoning Map.
X 2. Permission to substitute a more restrictive non-conforming use for an existing one.
3. A determination that an unspecified or unclassified use is permitted in a district.
4. A temporary use permit.

Date of previous application (if any):

Disposition of previous application:

Names and Addresses

Applicant or Appellant: City of Burlington

Owner of the site: City of Burlington

Architect:

Professional Engineer: Kapur and Associates

Contractor:

Description of the Subject Site

Address of premises affected: 324 Congress St (Congress St. Ball Park)

Lot: _____ Block: _____ Subdivision: _____

Lot size: _____

Metes and bounds description (please attach: _____

Zoning district classification: P-1, Park District

Description of existing operation or use: bath room

Description of the proposed operation or use: bath room - ADA compliant

Number of employees: -0-

Type of structure: permanent bathroom facility

Terms of ordinance: _____

Variance requested: Setbacks

Reason for petition: To bring bathroom compliant with ADA Requirements

Attachments

The following required items shall be attached for all appeals and applications:

Plat of Survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plate of survey shall show the location, elevation and use of any abutting lands their structures within forty (40) feet of subject site.

Names and Addresses of all abutting and opposite property owners within 300 feet of the area.

Additional Information as may be required by the Plan Commission, City Engineer, Zoning, Building, Plumbing or Health Inspectors.

Fee Receipt from the Treasurer in the amount of \$ 150.00.

An appeal of the Zoning Administrator's permit refusal, correction order or interpretation shall be accompanied by a statement as to why the Zoning Administrator's decision is in error. An appeal for a variance shall be accompanied by a statement of facts listing the appellant's special conditions that would cause a literal enforcement of the Zoning Ordinance to result in practical difficulty or unnecessary hardship. An application for a determination of unclassified uses shall be accompanied by a complete description of the process, operation of use and comparisons with similar uses.

Date: 7/24/17

Owner/Owner's Agent: Carina G. Walters

Print Carina G. Walters
Signature

Gregory Guidry

From: Carina Walters
Sent: Tuesday, July 11, 2017 8:14 AM
To: Gregory Guidry; Anderson, Kristine
Cc: Megan Watkins; Greg Governatori
Subject: FW: Congress St Restroom
Attachments: Congress Restrooms.pdf

All~
Received the following sketch from Greg and I believe we will need to take the modification of the Congress Street bathroom to the ZBA. Gregory, please correct me if I am incorrect; however, this will fall within the non-conforming boundaries and would need to ask the ZBA to move the existing shelter closer to the street as this will alleviate an ADA hardship.

Thoughts?

Carina

324 Congress St
Zone P-1/FC

From: Gregory L. Governatori [mailto:ggovernatori@kapurinc.com]
Sent: Monday, July 10, 2017 5:09 PM
To: Carina Walters <cwalters@burlington-wi.gov>
Subject: Congress St Restroom

Hi Carina,

Here is a 8.5x11 sketch for you to include for the variance process!

Have a Great Night!

Greg

KAPUR & ASSOCIATES, INC.
CONSULTING ENGINEERS
An employee-owned company

P-315 - ~~36~~ F - 40' min Ref W
40' side

Floodway + Concomery
FC 315 - 12.2 appealed

315 - 12.1 B 3 structures chp 119
75' from shore

Chp 119 Floodway

FIELD

existing bath 13' from side yard fence
25' from retain wall
wall 6' from side walk
wall 20" tall
steps

EXISTING RESTROOM

PROPOSED RESTROOM
SETBACK 9'

33.85'

O BORE

Retain wall

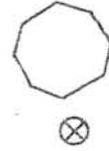
Side walk

VLV 20" Tall wall

MOVING RESTROOM
WILL ELIMINATE STEPS
AND MEET ADA REQUIREMENTS

STREET

SA



CONSI
7711 N. P
MILWAUKI
Phone: 41
www.

PROJEC
BEAL

LOCATI
Bur

CLIENT

RELE

REVIS

1
2
3
4
5
6
7
8
9
10

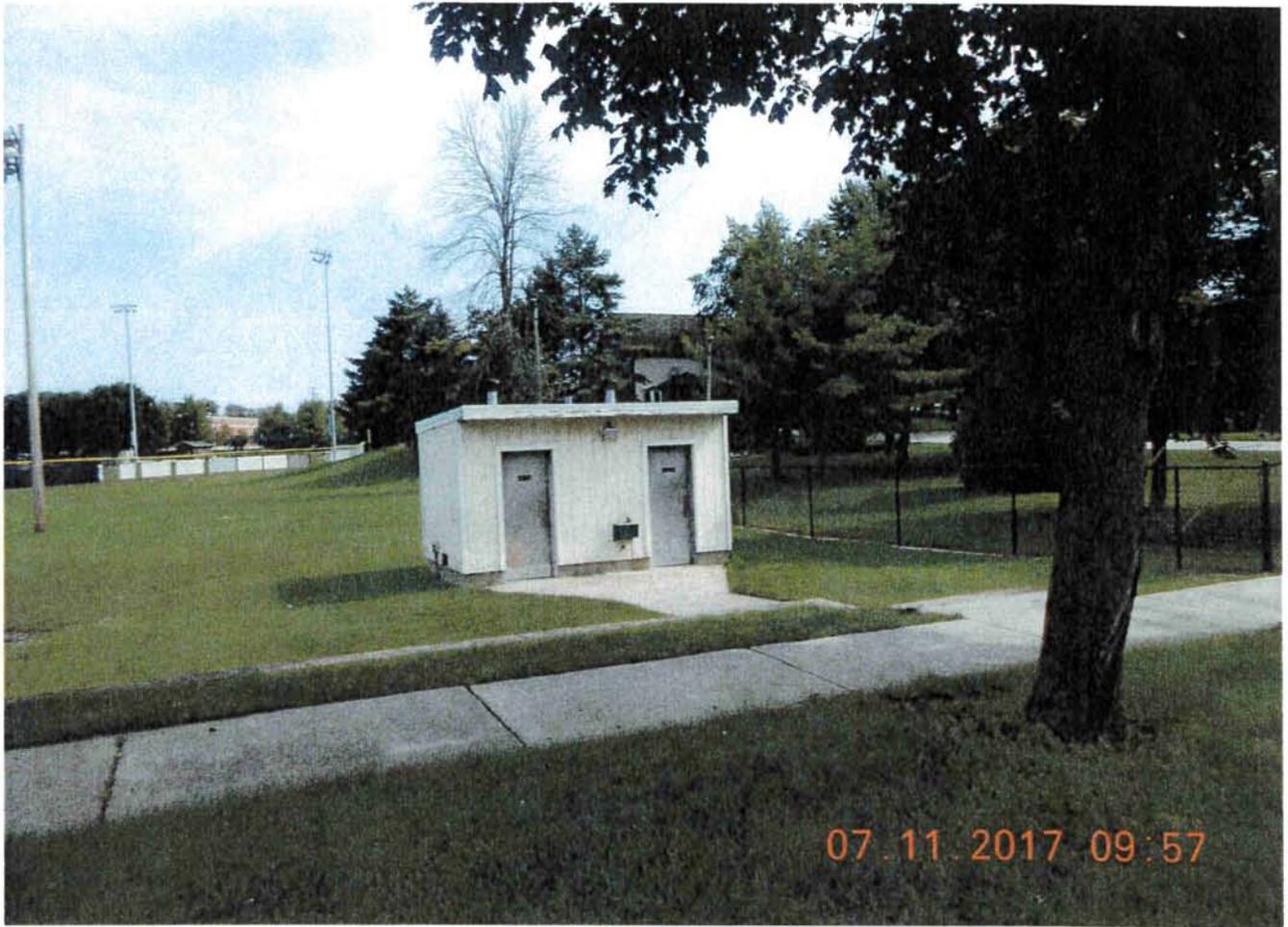
NOR

SCA
SEA

SH
E

PR
PR
DA

SF



07.11.2017 09:57



07.11.2017 09:57



City of Burlington, WI
Friday, July 28, 2017

Chapter 315. Zoning

Article III. Zoning Districts

§ 315-36. P-1 Park District.

The P-1 Park District is used to provide for areas where the open space and recreational needs, both public and private, of the citizens can be met without undue disturbance of natural resources and adjacent uses.

A. P-1 permitted uses.

- Botanical gardens and arboretums
- Fairgrounds
- Forest reserves (wilderness areas)
- Golf courses without country club facilities
- Historic and monument sites
- Ice skating
- Parks: general recreation
- Parks: leisure and ornamental
- Picnicking areas
- Play fields or athletic fields
- Play lots or tot lot
- Recreation centers
- Swimming pools
- Tennis courts

B. P-1 accessory uses. Buildings accessory to the permitted recreational use.
[Amended 3-18-2003 by Ord. No. 1716(30)]

C. P-1 conditional uses (see § 315-130).

- (1) Utilities.
- (2) Drive-in movies.
- (3) Archery ranges.
- (4) Golf courses with country club/restaurant facilities.
- (5) Golf driving ranges.

- (6) Miniature golf.
 - (7) Skeet and trap shooting ranges, provided that the firing of rifle arms and shotgun slugs shall not be permitted directly toward or over any highway, road, or navigable water, toward any building or structure, or toward any population concentration within 1 1/2 miles of the site.
- D. Lot area and width (also see Article VI). Lots in the P-1 Park District shall provide sufficient area for the principal structure and its accessory structures, off-street parking and loading areas as required by Article V of this chapter, and all required yards.
- E. Building height (also see Article VI). No building or parts of a building shall exceed 35 feet in height.
- F. **Setback and yards** (also see Article VI).
- (1) A minimum building setback of 40 feet from the right-of-way line of all public streets shall be required.
 - (2) There shall be a side yard on each side of all buildings not less than 40 feet in width.
 - (3) There shall be a rear yard of not less than 40 feet.
- G. Exterior lighting standards and lighting plan required.
[Added 6-6-2006 by Ord. No. 1798(2)]
- (1) Ball diamonds, playing fields, golf driving ranges, tennis courts, and similar outdoor recreational facilities have unique requirements for nighttime visibility and generally have limited hours of operation. These uses (excluding their associated off-street parking lots) may be exempted by the Plan Commission from the exterior lighting standards of this subsection if the applicant can satisfy the Plan Commission, upon site plan and lighting plan review, that the following requirements are met:
 - (a) Any exterior light sources shall not exceed the maximum permitted post height of 70 feet.
 - (b) If the luminaire is shielded in either its orientation or by a landscaped bufferyard to prevent light and glare spillover to adjacent residential property(s) or residential zoning districts, then the luminaire may exceed a total cut-off angle of 90°. The maximum permitted illumination at the interior bufferyard line of all required bufferyards shall not exceed two footcandles.
 - (2) Exterior lighting plans shall be required for new development or redevelopment of existing exterior lighting in the P-1 Park District. At the time any exterior light is installed or substantially modified in the P-1 District, and whenever a zoning permit application is made for new development or redevelopment, an exterior lighting plan shall be submitted to the Plan Commission in order to determine whether the requirements of this subsection have been met and that adjoining property will not be adversely impacted by the proposed lighting.
 - (a) A lighting plan submitted pursuant to the requirements of this subsection shall have, at a minimum, the following elements:
 - [1] A catalog page, cut sheet, or photograph of the luminaire, including the mounting method, a graphic depiction of the luminaire lamp (or bulb) concealment, and graphic depiction of light cutoff angles.
 - [2]

City of Burlington, WI
Friday, July 28, 2017

Chapter 315. Zoning

Article II. General Provisions

§ 315-12.1. Special site regulations for shoreland areas.

[Added 5-6-2003 by Ord. No. 1721(1)]

In all of those shoreland areas of the City of Burlington annexed or attached to the City of Burlington after May 7, 1982, the following minimum lot sizes, building setbacks, cutting of trees and shrubbery, filling, grading, lagooning, dredging, ditching, and excavating regulations shall apply:

- A. Minimum lot sizes. Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare and protection against pollution of the adjacent body of water.
 - (1) Lots served by public sanitary sewer shall have a minimum lot width of 65 feet and a minimum area of 10,000 square feet.
 - (2) Lots not served by public sanitary sewer shall have a minimum width of 150 feet and a minimum area of 40,000 square feet. When there is a reasonable likelihood that unsewered lot will be sewerred within 10 years and that the required frontage thereafter will be 75 feet, the City Plan Commission or subdivider may cause dotted lines to be drawn across the center of the lots applicable on plat and zoning maps so as to notify prospective purchasers of that possibility.
- B. Building setbacks. Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards, and avoid water pollution.
 - (1) Minimum yard setback requirements for new single-family residential parcels created in the shoreland area shall be as follows:
 - (a) Lots served by public sanitary sewer shall have the following minimum yard setback requirements:
 - [1] Shore: 75 feet.
 - [2] Street: 25 feet.
 - [3] Rear: 25 feet.
 - [4] Side: 10 feet.
 - (b) Lots not served by public sanitary sewer shall have the following minimum yard setback requirements:
 - [1] Shore: 75 feet.

[2] Street: 50 feet.

[3] Rear: 50 feet.

[4] Side: 15 feet

(2) Unless an existing development pattern exists, a setback of 75 feet from the ordinary high-water mark of an adjacent body of water to the nearest part of a building or structure shall be required for all buildings and structures except piers, boat hoists, and boathouses. If an existing development pattern exists, shore yards may be reduced to the average of the shore yards existing on the abutting properties within a distance of 100 feet of the subject site but shall not be reduced to less than 50 feet.

(3) Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance requirements; see Chapter 119. [Amended 3-6-2012 by Ord. No. 1943(20)]

(4) The use of boathouses for human habitation and the construction or placing of boathouses beyond the ordinary high-water mark of any navigable waters shall be prohibited.

C. Boathouses located within shoreland areas. Boathouses located within shoreland areas shall be regulated as follows:

(1) Boathouses accessory to residential uses may be located within a shore yard but shall:

(a) Be no closer than 20 feet to the average annual high-water elevation of the stream, lake, pond, or wetland. The Zoning Board of Appeals may vary this distance; in no case, however, shall boathouses be allowed to project beyond the shoreline.

(b) Not exceed one boathouse on the premises for each shoreland lot.

(c) Not exceed a height of 15 feet above the high-water elevation.

(d) Not exceed 250 square feet in horizontal area covered.

(e) Not be closer than 15 feet to any side lot line.

(f) Be constructed in such a manner as to orient the main opening of the boathouse toward the body of water.

(g) Be used strictly for the storage of boats and water-related recreational accessories.

(2) The use of a boathouse for human habitation is prohibited. No plumbing, heating or cooking facilities may be provided in or for a boathouse.

(3) The roof of a boathouse shall not be used as a deck or for other such purposes, nor shall railings be placed on top of the boathouse.

D. Cutting of trees and shrubbery clearing.

(1) Tree cutting and shrubbery clearing are prohibited except for home and park site development, access roads, customary trimming, dead tree removal, stream and drainage projects approved by the City Plan Commission, and managed timber harvesting under a State of Wisconsin District Forester's plan within the following distances from high-water elevation:

(a) Lakes 50 acres or more in area: 300 feet.

(b) Lakes less than 50 acres in area: 200 feet.