

ZONING BOARD OF APPEALS
June 30, 2009 5:30 PM Fire Department

APPROVED

CALLED TO ORDER 5:30pm

**PRESENT: Amy Zott, Bill Goulding, Dan Snyder, David Wawrzyniakowski,
Ron Patla and Jon Schultz.**

Absent: Joel Weis. Excused: None.

**APPROVAL OF MINUTES: The minutes of October 21, 2008 were approved on a motion by Dan Snyder,
seconded by Ron Patla.**

CITIZEN COMMENTS: None.

**APPEAL: By John Davies regarding the property located at 356 Conkey Street for a variance from
Section 315-54C(1) of the zoning ordinance, which states in part that accessory uses and detached
accessory structures are permitted in the rear yard only. And 315-54C(4) accessory uses and detached
accessory structures shall have a maximum height of fifteen feet. And 315-54C(5) accessory uses
and detached accessory structures shall not occupy more than 20% of the existing rear yard.**

**Appearing in favor of the variance request was John Kivlin of Convergence Energy, Lake Geneva, WI
and John Davies, 356 Conkey Street, Burlington. No one appeared opposed to the variance request. The
City, in the Presence of Zoning Administrator Pat Scherrer, was opposed to granting the variance. Also
in attendance were Ruth Milatz, 165 Reynolds Ave. Bill Milatz, 157/159 Reynolds Ave. and Tom Tess
217 Lewis St. all of Burlington.**

**COMMENTS: Bill Milatz spoke of the history of the property and asked if this was the first solar
project in the City of Burlington and why Mr. Davies wanted to put up the solar array on this property.
Tom Tess asked about the reflection that this might cause and if that was a matter of public safety and
asked why the solar array wasn't being placed on the roof of the house.**

**DISCUSSION: The primary issue is that Wis. Stat. Section 66.0401 Regulation relating to solar and
wind energy systems limits the authority of local governments to restrict systems to only three reasons:
The protection of public health or safety. Does not significantly increase the cost of the system or
significantly decrease its efficiency. Allows for an alternative system of comparable cost and efficiency.**

**This is the first solar energy system issue to come before this board. The reflection this might
cause seems to be the only specific public safety issue and to place the system on the roof would
increase the cost by an estimated \$21,871.98 to reinforce the existing roof. Finally the board was not
made aware of any comparable systems.**

**RULING: This Board questions its qualifications to hear this issue and therefore proceeding with the
public hearing would not be prudent until more information is gathered. Also the Board remains unsure
of its authority to consider restrictions under Stat. 66.0401.**

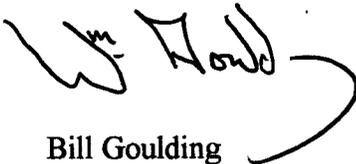
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MOTION: By Amy Zott, seconded by Ron Patla, to table this matter and give the appellant up to 30 days to provide information on the exact system to be installed, any alternatives regarding efficiency and cost and/or why no other solution is practical, provide education material regarding reflections, electrification and other public safety issues with the system, was passed unanimously.

MOTIONS: On a motion by Amy Zott, with a second by David Wawrzyniakowski, the Board adjourned into executive session at 6:25 pm. On a motion by Amy Zott, with a second by David Wawrzyniakowski, the Board returned to open session. No further business was conducted.

ADJOURNMENT: On a motion by Amy Zott, with a second by David Wawrzyniakowski, the meeting was adjourned at 6:40 pm on Tuesday June 30, 2009

A handwritten signature in black ink, appearing to read "Bill Goulding", with a large, sweeping flourish extending to the right.

**Bill Goulding
Secretary**