

REGULAR MEETING OF THE BOARD OF APPEALS
CITY OF HUDSON
Thursday, February 22, 2018

The Board of Appeals meeting was called to order by Chairman Neset at 5:01 p.m.

PRESENT. Breanne Berning, Nick Hallbeck, Jon Huhn, Karen Neset, and Mary Claire Potter

ABSENT. Carah Koch

OTHERS PRESENT. Clarence "Buck" Malick, Pat Nolan, Dennis Kroll, Ginger Alden, Ryan Cari, Dan Burnam, Matt Frisbie, Steve Metcalf, Kathy Metcalf, LouAnne Berg, Joel Larsen, David Estreen, Mike Leverty, David Schofield, Emily Sorenson, Mike Johnson, and others present.

Discussion and possible action on December 6, 2016 meeting minutes. Motion by Potter, seconded by Berning to approve the minutes of the December 6, 2016 Board of Appeals meeting. All ayes (5-0). Motion Carried.

Discussion and possible action on February 12, 2018 meeting minutes. Motion by Potter, seconded by Hallbeck to approve the minutes of the February 12, 2018 Board of Appeals meeting. All ayes (5-0). Motion Carried.

Public Hearing on a variance application from Monarch Ventures, LLC, 721 First Street requesting variance for construction pursuant to City of Hudson Municipal Code §255-18(A), Wisconsin Administrative Code NR118.06(5), *Slope Preservation Zone Standards* and NR118.06(1)(f)(1), *Bluffline Setback* to allow for construction within the slope preservation zone, Appeal No. 238.

Chairman Neset read the public hearing notice and opened the public hearing.

David Schofield, MSA consultant, summarized the staff report.

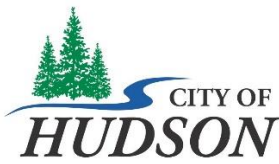
Matt Frisbie and Dan Burnam with Ayers Associates presented the overall site plan for the proposed project.

Ginger Alden, 720 First Street, 1S, spoke in opposition to the proposed variance noting the large building footprint size, a need to retain a transitional zoning next to parkland, and the purpose of NR118 to protect the wild and scenic St. Croix River.

Steve Metcalf, 331 Sou Line Road & 720 First Street, 3S, commented on the scale of the proposed building and noted that redevelopment of the site should stay within the scale of the existing house.

Dennis Kroll, 720 First Street, 1N, read his letter in opposition to the proposed project and requested that the Board should not grant a variance.

Clarence "Buck" Malick, 413 Brookwood Drive, highlighted the use of neighboring sites such as the park, Phipps Center for the Arts, and library by the public. He noted that the Board could grant a variance conditionally to restrict building size.



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Gary Zappa with Zappa Brothers, 716 Sixth Street N, commented on the history of disturbance and grading that has occurred at the site and along the City path west of the property.

Pat Nolan, 1121 First Street, inquired upon the seven (7) new parking stalls proposed to be added to First Street with the proposed project.

Kathy Metcalf, 331 Sou Line Road & 720 First Street, 3S, highlighted portions of the letter submitted by the St. Croix River Association.

Ryan Cari, Monarch Ventures attorney, highlighted the need for a variance at 721 First Street due to the slope limitations of the site.

Johnson acknowledged the ten letters that were received by the Community Development Department prior to the meeting including:

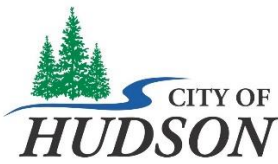
- Charles Byrne – 720 First Street, 3N
- Susan Byrne – 720 First Street, 3N
- Judy Freund – 275 Cove Road
- Ginger Alden – 720 First Street, 1S
- Charles Alden – 720 First Street, 1S
- Steve Metcalf – 331 Sou Line Road & 720 First Street, 3S
- Joyce Law
- LouAnne Berg – 720 First Street, 2N
- Deb Ryun – St. Croix River Association
- Lars Glockzin – 115 River Street

Motion by Potter, seconded by Hallbeck to close the hearing. All ayes (5-0). Motion Carried.

Discussion and Possible Action on a variance application from Monarch Ventures, LLC, 721 First Street requesting variance for construction pursuant to City of Hudson Municipal Code §255-18(A), Wisconsin Administrative Code NR118.06(5), Slope Preservation Zone Standards and NR118.06(1)(f)(1), Bluffline Setback to allow for construction within the slope preservation zone, Appeal No. 238. Discussion was held. Motion by Hallbeck, seconded by Potter to grant a variance to allow for construction within the slope preservation zone and bluffline setback based on the following:

- 1) *Denial of variance would result in hardship to the property owner due to physical characteristics of the site.*

Strict adherence to the requirements of NR 118.06(1)(f)(1) and NR 118.06(5) would result in an unbuildable lot without the granting of a variance for construction within the slope preservation zone and bluffline setback.



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- II) *The conditions upon which a petition for a variance is based are unique to the property for which variation is being sought.*

The site presents unique limitations and conditions due to slopes and constraints by the existing First Street and setback from the ordinary high water mark off of the St. Croix River.

- III) *The petition for a variance is not based exclusively upon a desire to increase the value or income potential of the property.*

The granting of the variance is not based on a desire to increase the value or income of the potential property.

- IV) *The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.*

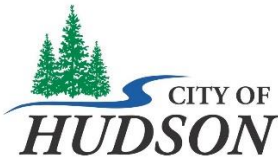
The requested variance is not believed to be detrimental to adjacent properties or the public welfare. Construction can be performed without damaging the waterway or wildlife with the proposed building siting far back from the waterway. Construction proposes minimal damage and minimal removal of vegetation.

- V) *The proposed variance will not jeopardize the spirit and general and specific purposes of the Zoning Code.*

Construction within the slope preservation zone and bluffline setback would not undermine the spirit of the spirit of the Zoning Code.

NR 118 Findings:

- *Preservation of the scenic and recreational resources of the riverway, especially in regard to the view from and use of the river;*
The view from the river will be minimally impacted. Photos of the proposed development site submitted by the applicant show views from the river slightly upstream, directly offshore, and slightly downstream that significantly cover the site during leaf-on conditions.
- *The maintenance of safe and healthful conditions;*
The proposed development does not appear to create unsafe or unhealthy conditions to the property or adjoining properties.
- *The prevention of and control of water pollution, including sedimentation*
Construction can occur without impacting the downstream waterway. The developer will also be required to obtain Chapter 30 Permit and Notice of Intent Permit as required.

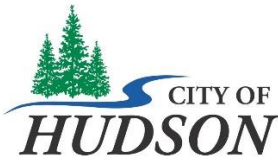


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- *The location of the site with respect to floodways, floodplains, slope preservation zones and blufflines;*
The developer took measures to create a proposal that fits within NR 118 requirements including a shoreland setback of 100 feet from the OHWL, structure located at least two feet above the regional flood elevation, and structure height.
- *The erosion potential of the site based on degree and direction of slope, soil type and vegetative cover;*
Construction can be performed without damaging the waterway or wildlife. Construction proposes minimal damage and minimal removal of vegetation. Erosion control measures include catch basins and silt fences. The Conditions of Approval require the property owner to obtain State Plan Approvals which include a construction site erosion control permit.
- *Potential impact on terrestrial and aquatic habitat;*
Construction can be performed without damaging the waterway or wildlife with the proposed building siting far back from the waterway. Proposed construction will include minimal damage with site specific erosion control measures and minimal removal of vegetation.
- *Location of the site with respect to existing or future access roads;*
There are no proposed modifications to existing or future access roads that would impact this development.
- *Adequacy of proposed wastewater treatment*
Necessary wastewater treatment required by the site is adequate.
- *Compatibility with adjacent land uses.*
The Conditions of Approval require the property owner to obtain approval for amendments to the Zoning Map and Comprehensive Plan by the Common Council including approval of compatibility with adjacent land uses if the requested B-4 zoning is approved.

Approval is granted with the following conditions:

- Property owner must obtain final development plan approval from Plan Commission and Common Council.
- Property owner must obtain approval for amendments to the Zoning Map and Comprehensive Plan, and necessary conditional use permits from the Common Council.
- Property owner to obtain Building Permit and State Plan Approvals as needed prior to construction activities.
- Any omissions of any conditions not listed shall not release the property owner/developer from abiding by City Ordinances.



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- All conditions run with the land and are binding upon the property owner and all heirs, successors, and assigns. The sale or transfer of all or any portion of the property does not relieve the original property owner from meeting any conditions.

All Ayes (5-0). Motion Carried.

Discussion and Possible Action on revised Board of Appeals Rules of Procedure. Motion by Potter, seconded by Hallbeck to approve the revised Board of Appeals Rules of Procedure. All Ayes (5-0). Motion Carried.

COMMUNICATIONS AND ITEMS FOR FUTURE AGENDAS.

Appeal No. 234 Findings and Conclusion Notice. Shared with Board.

Appeal No. 235, 236, and 237 Findings and Conclusion Notice. Shared with Board.

ADJOURNMENT. Motion by Hallbeck, seconded by Potter to adjourn at 6:40 p.m. All Ayes (5-0). Motion Carried.

Respectfully submitted,
Emily Sorenson, Community Development Clerk

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