

Zoning Board of Appeals Minutes
May 13, 2020

- 1) Call to Order: Meeting was called to order at 5:00pm.
- 2) Site Inspections: Viewed the following properties:
 - a. Variance – BelGioioso Cheese – N8495 Hwy 55.
- 3) Roll Call: Present: Craig Majewski, John Jung, Tom Capper, Scott Chicoine, 1 seat vacant.
Staff present: Mark Mommaerts, AICP (Planner).
- 4) Return to Municipal Building: Returned to Municipal Building from site inspections at 5:17pm.
- 5) Pledge of Allegiance: Pledge was recited.
- 6) Approve Minutes: Motion (Jung/Majewski) to approve the October 1, 2019 minutes. Motion carried unanimously.
- 7) Public participation: There was no public comment.
- 8) Convene Meeting and Enter Public Hearing: The Public Hearing was opened at 5:30pm. The following petitions were heard:
 - a. Variance – BelGioioso Cheese – N8495 Hwy 55. The hearing notice was read into the record. Testimony was taken from Amy Beland, BelGioioso Cheese (Petitioner), Dave Schmidt, BelGioioso Cheese, and Jay McKeefry, Schuh Construction who spoke in favor of the variance request. Beland stated that in order to maintain plant viability, without this expansion the plant may shut down. The basis of the height is due to the height of the equipment needed. BelGioioso is exploring options to bring the height down to approximately 100-feet. The 10-foot setback is in line with the setback on existing portions of the plant. Schmidt stated the spray dryer is 110-feet tall and stated technical language about the process of atomizing water droplets under pressure to evaporate and start drying the material. A slight odor from the process occurs, similar to the baking process. The dryer will run 24/7 for 4 days a week. The 100-foot option is still under review by the company. The delivery time for the dryer is 12-18 months. McKeefry stated the exterior material on the bottom 34-feet is EFIS and the upper portion is metal panels. The building will be designed to meet all state building codes. Beland stated the dryer placement on the site is

limited due to the layout of the existing building. Schmidt stated that there may be 55 more truck loads per week in additional traffic. Beland stated that the existing parking along Schaefer Road will be moved behind the building. McKeefry stated the area between the additions and the road will be paved. Schmidt stated BelGioioso is completed another project in replacing the wastewater treatment plant to help reduce odor issues.

Don Mielke, W5484 Mielke Road, spoke in opposition to location of plant. He feels it is better suited in an industrial park.

Dave VanElzen, W5223 Schaefer Road, spoke in opposition. He stated illumination of the height as a factor, odor as a factor, and well water as a factor.

Randy Theimer, W4255 Schaefer Road, spoke in opposition. He asked if there were DOT concerns with shading and icing of roads. He also stated that they added a tower in 2018 so they should not need another one and called it poor planning.

Wayne Fischer, no address given, spoke in opposition. He stated lost water due to well issues and odor as factors.

Dean Peters, vacant land owner to west of property, spoke in opposition. He stated he has no desire to build house on his property which was a long term plan of his. He also stated the tower is not part of the natural beauty of the area, nor should it be. He also stated odor, noise, water, and shadowing concerns as factors.

John Zornow, no address give, spoke in opposition. He stated that BelGioioso owns 23-acres and they can place the tower somewhere else on the property. He also stated snow drifting issues as a factor.

Joe Mueller, W4991 Hwy 55, spoke in opposition. He stated that the proposal is a nuisance with odor and traffic. He also stated that is was in the wrong location and feels it should be in an industrial park. He stated that he is a County Supervisor and received several call against this project.

Wendy Yingling, W5484 Mielke Road, spoke in opposition. She stated it is too close to the road and referenced accidents.

Staff memo to the Zoning Board of Appeals dated May 13, 2020 was included.

9) Close Public Hearing and Reconvene Regular Meeting: The Public Hearing was closed and the regular meeting reconvened at 6:08pm.

10) Items for Discussion and Possible Action: The following items were discussed:

a. Variance – BelGioioso Cheese – N8495 Hwy 55. The Zoning Board of Appeals had general discussion regarding the variance requests.

The Zoning Board of Appeals found the following in regards to the setback variance from Section 117-90(n)(1):

1. That the setback variance will not harm the general public as the building currently encroaches into the setback area further than the proposed additions.
2. That the proposed use of the property will not change

3. That the property is unique in that the existing building currently encroaches into the front setback requirement. The proposed additions will not further encroach into the setback.
4. That the building currently does not meet setback requirements, denial of the setback variance would deprive the applicant of a right they currently have.
5. That the building was constructed prior to current zoning setbacks and its setbacks are unique to the area.
6. That the variance request is not self-created.

Motion (Majewski/Capper) to approve the setback variance. Motion carried 4-0.

The Zoning Board of Appeals found the following in regards to the height variance from Section 117-90(m)(1):

1. That the potential shadows created by the 120-foot structure is contrary to the public interests.
2. That the literal interpretation of the zoning ordinance will not deprive the applicant of rights commonly enjoyed by other properties because the 120-foot height does not apply to exempt structures of the zoning ordinance and are not similar to existing towers/structures on the site.

Motion (Jung/Majewski) to deny the 120-foot petition/application for the height variance. Motion carried 4-0.

11) Adjourn: Motion (Jung/Capper) to adjourn at 6:38pm. Motion carried 4-0.

Dated: May 15, 2020

Prepared by: Mark Mommaerts, AICP, Planner

 6/16/2020

Craig Majewski, Secretary Date
Zoning Board of Appeals