

Zoning Board of Appeals Minutes

June 16, 2020

- 1) Call to Order: Meeting was called to order at 5:01pm.
- 2) Roll Call: Present: Craig Majewski, John Jung, Tom Capper, Scott Chicoine, 1 seat vacant.
Staff present: Mark Mommaerts, AICP (Planner).
- 3) Pledge of Allegiance: Pledge was recited.
- 4) Approve Minutes: Motion (Cappe/Jung) to approve the May 13, 2020 minutes. Motion carried unanimously.
- 5) Public participation: There was no public comment.
- 6) Convene Meeting and Enter Public Hearing: The Public Hearing was opened at 5:04pm. The following petitions were heard:
 - a. Variance – BelGioioso Cheese – N8495 Hwy 55. The hearing notice was read into the record. Testimony was taken from Chris Renier, Renier Architects (Petitioner), Dave Schmidt, BelGioioso Cheese, and Jay McKeefry, Schuh Construction who spoke in favor of the variance request. Renier stated that new drying equipment will be housed in the building. McKeefry stated this request is a reduction in height from the previous request due to finding a different manufacturer and new drying process. He stated that the addition is located as proposed due to the adjacency to the evaporator building and that the evaporator feeds directly into the dryer. Renier stated that the dryer will replace a portion of the existing building. ZBA Jung asked about the exterior materials. Renier stated that the exterior materials will be the same as the existing evaporator tower. ZBA Capper asked when the existing building was built and about water usage. Schmidt stated that the original building is nearly 100 years old. Planner Mommaerts stated that the variance is for the building height and that questions should relate to the building height. Wayne Fischer, W4927 Hwy 114, spoke in opposition. He asked where the wetness comes from and how can the smell be improved. Schmidt responded that the water comes from the whey and that no extra water is used during this process. He also stated the smell is from the wastewater ponds and that a new wastewater treatment plant is under construction. Dave VanElzen, W5223 Schaefer Road, spoke in opposition. He stated the same concerns as Mr. Fischer.

Don Mielke, W5484 Mielke Road, spoke in opposition. He asked how the existing tower was constructed and how additional water will not be used.

Planner Mommaerts explained the existing tower was granted a permit under the zoning ordinance.

Schmidt explained that water will not be added to the material or whey drying process. Water will be used to wash the trucks in accordance with regulatory requirements. Since additional trucks may be coming to the site, additional water may be used.

Molly Mueller, N8260 Pigeon Road, spoke in opposition. She asked when or how the issues of water and smell can be addressed.

Planner Mommaerts replied that those issues can be addressed with the Village Board. They have a meeting on the last Tuesday of June.

Randy Theimer, W4255 Schaefer Road, spoke in opposition. He asked about industrial zoning because the tax records indicate commercial zoning. He also asked about the shading documents and why they are not to scale.

Planner Mommaerts stated that the zoning map indicates industrial zoning for the properties.

McKeefry responded that the shading drawings are not to an engineering scale but they are to a relative scale to the drawing itself.

Wendy Yingling, passed on opportunity to speak.

ZBA Capper asked about groundwater effects.

Schmidt responded that BelGioioso was issued a new DNR permit in January 2020 and they are working on compliance.

ZBA Majewski asked about the shadowing chart and why noon was chosen and not morning or evening times.

McKeefry explained the shadowing chart last month showed the morning, noon, evening conditions at winter and summer. It was asked to show shadowing throughout the year so mid-month was provided at midday, know that the evening and morning was already provided earlier.

Planner Mommaerts read an email letter from John & Kay Zornow. The letter was in opposition.

Staff memo to the Zoning Board of Appeals dated June 16, 2020 was included.

- 7) Close Public Hearing and Reconvene Regular Meeting: The Public Hearing was closed and the regular meeting reconvened at 5:42pm.
- 8) 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 height variance from Section 117-90(m)(1):

1. That reduction of the tower height from 120-feet to 91-feet does not substantially increase the harm to the public interest or further harm the public interest.
2. That the proposed use of the property will not change.
3. That the process used to transform whey into other marketable forms is unique to this building and property.
4. That there are exemptions for height limitations for bell towers, cooling towers, antennas, and other similar structures. The refining process for the whey product necessitates a larger building footprint than the exemptions typically allow. The building currently has several towers that exceed the height limitation. The proposed height will match the height of an existing portion of the building, a right already enjoyed by the property.
5. That due to the nature of the building use, as a whey processing plant, it is unique to the area.
6. That the variance request is not self-created.

Motion (Jung/Majewski) to approve the height variance from Section 117-90(m)(1) submitted by BelGioioso Cheese with the condition that the maximum height of 91-feet, to match the existing height of the building be used. Motion carried 4-0.

9) Adjourn: Motion (Jung/Majweski) to adjourn at 5:50pm. Motion carried 4-0.

Dated: June 17, 2020

Prepared by: Mark Mommaerts, AICP, Planner

 12/1/2020

Craig Majewski, Secretary Date
Zoning Board of Appeals