



Dane County

Minutes

Board of Adjustment

Thursday, January 22, 2015

6:30 PM Room 354, City-County Building, Madison, Wisconsin

Room 354, City-County Building, Madison, Wisconsin

A. Call To Order

Chair Schulz called the meeting to order at 6:30 PM.

Also Present: Staff: Hans Hilbert, Assistant Zoning Administrator

Present 5 - Chair STEVEN SCHULZ, Vice Chair SUE STUDZ, MARY HALEY, ROBERT PULVERMACHER, and AL LONG

B. Public Comment for any Item not listed on the Agenda

Chair Schulz offered an opportunity for public comment on general items not included on the current agenda. There were no registrants for public comment.

E. Appeals from Previous Meetings

1. Appeal 3662. Appeal by Madison Water Utility (Jon Strand PE, SHE, Inc., Agent), for a variance from maximum allowable height of a structure permitted within the Dane County Regional Airport Height Limitation Zone as provided by Section 78.03, Dane County Code of Ordinances, to allow replacement of an existing water tower at 1352 Northport Dr, being Lot 1, Certified Survey Map 12189 in the NE 1/4 SW 1/4 Section 25, Town 08 North, Range 09 East, City of Madison.

VARIANCES REQUESTED: 88 Feet.

Al Larson, Madison Water Utility, provided a revised statement to the Board containing a FAA determination, dated 12/22/2014, of "no hazard to air navigation" for the proposed tower.

Scott Langer, City of Madison Traffic Department, stated that the tower was critical for emergency radio communication for this portion of the city and the airport.

Dave Jensen, Dane County Regional Airport, stated that the airport maintains their original position but would not be appealing the FAA determination.

Motion: Schulz/Studz to conditionally grant 88 feet of relief to the airport height limitation zone requirement to allow for the replacement of the existing water tower as proposed by the Madison Water Utility. The applicant shall satisfy the following condition(s):

- 1. The structure shall be marked and lighted as outlined in chapters 3(Marked) 4, 5(Red) and 12, of the Advisory Circular AC 70/7460-1K.*
- 2. Within five days after the structure reaches its greatest height, proponent is required to file Part II of the FAA form 7460-2.*

Finding of Fact:

Existing:

- Existing water Tower w/ communication equipment.*
- Tower is located on County owned property leased to the Madison Water Utility.*
- Existing communication equipment is used by airport security.*

Proposed

- Teardown/Rebuild water tower with communication equipment to expand capacity of tower.*

Zoning Notes:

- Property is located within the City of Madison, not within Dane County Zoning jurisdiction.*
- AHL is regulated by DCCO Chapter 78. Variances may be granted only upon an express finding that granting the variance will not result in a hazard to aviation.*

History:

- December 15, 1992, BOA granted AHLZ relief for water tower located in section 23, City of Madison. (Appeal 2350)*
- August 26, 1993, BOA granted AHLZ relief for water tower located in Token Creek (Anderson Rd). (Appeal 2428)*

Conclusions:

- 1) Unnecessary Hardship: The Water Utility supplies drinking water under the*

regulation of the Wisconsin Department of Natural Resources. Regulations require the water to be tanked and pressurized. Not granting relief would require the Utility to locate a tower outside of the immediate service area creating an unnecessary burden for the Utility to meet the requirements of both the DNR and DCCO.

2) *Unique Limitations of the Property:* The tower location requires it to be elevated higher than the lands surrounding it. The existing tower was originally built to serve the Dane County Sanitarium, later the tower was transferred to the Madison Water Utility to be operated as a municipal water tower. The existing communication equipment utilizes the towers ideal location to provide infrastructure without creating more tall structures in close proximity to the airport.

3) *No Harm to Public Interests/No hazard to air navigation:* In a determination dated 12/22/2014 the Federal Aviation Administration found no hazard to air navigation for the proposed replacement of the water tower. Moreover, the proposed tower will be built at the same location and height of an existing tower which the Dane County Regional Airport has stated does not affect current airport operations in anyway.

Motion carried: 5 - 0

This BOA Appeal was approved

Ayes: 5 - SCHULZ, STUDZ, HALEY, PULVERMACHER and LONG

F. Reports to Committee

Hilbert updated the Board on pending litigation against the Board and the upcoming meeting schedule. The Board took no action.

H. Adjournment

The Board adjourned by consensus at 7:15 PM.

A motion was made by HALEY, seconded by LONG, that the be approved. The motion carried by a voice vote.