

MAY 23, 2019 BOA PUBLIC HEARING STAFF REPORT

Appeal 3696: Appeal by the Village of DeForest (Allen Reuter, 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 existing communications equipment atop water tower to remain in place at 4209 Anderson Rd being Lot 1, CSM 7441 in the NW 1/4 SW 1/4, Section 9, Town of Burke.

OWNER: Village of DeForest

AGENT: Allen Reuter

LOCATION: 4209 Anderson Rd

ZONING DISTRICT: UTR Utility, Transportation and Right-of-way district

COMMUNICATIONS:

Town of Burke: 11/20/2018 acknowledgement of variance, no action or comments submitted.

Dane County Regional Airport: 4/19/2019, no objection provided the variance is granted with the following condition:

“Applicant shall comply with all requirements, conditions and recommendations set forth in the Federal Aviation Administration’s Determination of No Hazard to Air Navigation related to Aeronautical Study No. 2019-AGL-1242-OE and dated April 12, 2019, or any modifications thereto approved by the FAA or required by law.”

Federal Aviation Administration: 4/12/2019 Aeronautical study, attached.

Facts of the Case:

Existing:

- Water tower with communication equipment, allowed by conditional use permit, mounted atop located within the airport height limitation zone of the Dane County regional airport. Additional communication equipment has been mounted on the tower which was not permitted by the conditional use permit which has resulted in a zoning violation.

Proposed

- In an effort to correct the zoning violation the applicant has applied for a new conditional use permit to allow the new communication equipment to remain on the tower. This equipment exceeds the airport height limitation and can only be permitted if a variance is granted. The Dane County Zoning and Land Regulation committee has postponed action on the conditional use permit request until such a time that the Board of Adjustment grants or denies the variance request.

Zoning Notes:

- Applicant requested that the public hearing be deferred until such a time that the FAA completed the aeronautical study. When the study was completed the request was placed on the next available public hearing.

History

- 1993, Variance 2428 granted 61 feet of relief from the AHLZ to allow the construction of a water tower.
- 1997, CUP 1426 granted for 4 communication towers atop existing water tower.
- 2001, Zoning permit issued for colocation of communication equipment.
- 2007, CUP 2032 granted amending CUP 1426 for number and location of communication equipment allowed on the water tower.
- 2012, Zoning permit to allow 3 new antennas to be placed on the water tower.
- 2015, Zoning permit to allow new antenna on tower and equipment building on site.
- 2018, CUP 2450 application submitted to amend conditions of CUP 2032.
- Violation History: See attached timeline of violation history beginning in 2018.

VARIANCES REQUESTED: Purpose: Allow new communication equipment on top of existing water tower.

Variance from Airport Height Limitation Zone:

Maximum height allowed: 1006 ft.

Actual Height: 1082 ft.

VARIANCE NEEDED: 76 ft.