

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
DATE 7/5/18

- Town and/or agency's comments:
1. The FAA provided a "Determination of No Hazard to Air Navigation" for a maximum height of 978' or less to the owner.
 2. The EAA/Wittman Field determined the structure height maintained plenty of clearance for aircraft approaching the runway.
 3. Town requests statement from UC stating the town is held harmless if variance is approved

CRITERIA AND ADVISORY FINDINGS

23.7-234 "Basis of decision" (required for all Ch. 23 Town/County Zoning Code, Ch. 26 Floodplain Zoning Code, and Ch. 27 Shoreland Zoning Code variances)

- 1. Criteria: The requirement in question would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with such requirement unnecessarily burdensome and such circumstances were not self-created.**
 - a. Finding(s): Findings for approval: The proposed structure height is necessary for continued operation of the grain elevator with the infrastructure that is already in place and there is no other compliant location on the property for the grain tower.
 - b. Findings for denial: The height limitation has not prevented the property owner from acquiring reasonable use of the property to date.
- 2. Criteria: The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in questions.**
 - a. Finding(s): Findings for approval: There is no other place on the property to locate the grain tower that will meet the height limitation imposed by the Wittman Regional Airport Zoning Code. Additionally, the critical infrastructure is already in place for the grain elevator operation.
 - b. Findings for denial: There are no unique physical characteristics that exist on the property that prevent the owner from operating the existing grain elevator.
- 3. Criteria: The granting of the variance will not be contrary to or harm the public interest given the general purposes of the zoning regulations and the specific purposes of the requirement in question.**
 - a. Finding(s): Findings for approval: Granting of the variance will not harm public interest given the fact that the FAA concluded there would be no hazard to air navigation.
 - b. Findings for denial: Granting of the variance will be contrary to the purpose of the Wittman Regional Airport Zoning Code.

Based upon the above findings, it is the opinion of the Board that all criteria of have (have not) been met.

STAFF RECOMMENDATION

Approval

Approval with conditions X

Approval not as requested

Approval not as requested with conditions

Denial

ADVISORY CONDITIONS:

1. 1. The proposed 145-ft structure does not require lighting but if voluntarily done shall follow FAA Advisory circular 70/7460-1 L Change 1.
2. 2. FAA Form 7460-2 shall be e-filed with FAA if project is abandoned or within 5 days of project completion.
3. 3. Town prefers lighting at peak of structure