



**City of Milton  
Zoning Board of Appeals  
Thursday, March 27, 2014**

**6:00 p.m.**

Council Chambers, Lower Level  
Shaw Municipal Center  
430 E. High Street

**Note: Please contact City Hall at 868-6900 if you are unable to attend to ensure that we have a quorum.**

1. Call Meeting to Order
2. Approve Agenda
3. Approve Minutes – September 19, 2013
4. Public hearing to consider a request received from Charter/NEX Performance Films, 1264 E. High Street, for a Variance for a rear yard setback reduction to allow for construction of an addition to the existing business.
5. Discussion and action regarding a request from Charter/NEX Performance Films, 1264 E. High Street, for a Variance for a rear yard setback reduction to allow for construction of an addition to the existing business.
6. General Items
7. Motion to Adjourn

\*\*Please note that upon reasonable notice, at least 48 hours in advance, efforts will be made to accommodate the needs to disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's office at 868-6900, 430 E. High Street, Milton, WI 53563.

Notice is hereby given that a majority of the Common Council may be present at the Zoning Board of Appeals Committee meeting scheduled for above noted date and time to gather information about a subject over which they have decision-making responsibility. This constitutes a meeting of the City Council pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis. 2d 553, 494 N.W. 2d 408 (1993) and must be noticed as such, although the Council will not take any formal action at this meeting.

Posted by: Michelle Ebbert  
03/21/14

City of Milton  
Zoning Board of Appeals ~ Thursday, September 19, 2013

**Call Meeting to Order**

Acting City Clerk Schroeder called the meeting to order at 6:00 p.m.

Present: Theron Dosch, Ken Holland, Tom Kevern, Carl Schultz, Alt. #1 Bruce Lippincott, and Alt. #2 Larry Laehn.

Also Present: Acting City Clerk Leanne Schroeder.

Excused Absence: Chairperson Jim Polarski and Director of Public Works Howard Robinson.

**Selection of Chairperson**

T. Dosch nominated K. Holland to serve as Chairperson in the absence of Chairperson Polarski. C. Schultz seconded the motion and carried.

**Approve Agenda**

C. Schultz moved to approve the agenda. B. Lippincott seconded the motion and carried.

**Approve Minutes – August 22, 2013**

B. Lippincott pointed out a correction to the August 22, 2013 minutes. Bruce Lippincott should be listed as Alt. #1 and Larry Laehn should be listed as Alt. #2. B. Lippincott moved to approve the minutes with the correction. C. Schultz seconded the motion and carried.

**Public hearing to consider a request received from Edward Bruns, 118 Romar Drive, for a Variance to reduce the side yard setback to allow for construction of a garage or carport**

Chairperson Holland opened the Public Hearing at 6:04 p.m.

Mr. Bruns addressed the committee, stating that he has discussed his project with his neighbors and none of them have voiced an objection to the construction of a garage addition. He said he was not sure when he would be able to start the project and asked if there was a time limit on the variance. The committee was not aware of a deadline for the variance, noting that the variance would be in effect indefinitely and would remain with the property.

Acting City Clerk Schroeder stated she would consult Director of Public Works Robinson and contact Mr. Bruns if the variance included a time limit for completing his project.

Chairperson Holland asked Mr. Bruns if the addition would be a carport or garage, and Mr. Bruns stated he was not sure yet, that it would depend on pricing.

B. Lippincott inquired about the length of the addition. Mr. Bruns stated it would be fourteen feet long.

T. Kevern asked what was on the other side of his property line. Mr. Bruns stated his neighbor's house was about 20 to 25 feet from his garage, and there would be 20 feet between the back of his garage and his neighbor's garage. Mr. Bruns noted that his property is wider in the front than in the back.

Chairperson Holland closed the Public Hearing at 6:08 p.m.

**Discussion and action regarding a request from Edward Bruns, 118 Romar Drive, for a Variance to reduce the side yard setback to allow for construction of a garage or carport**

Chairperson Holland read the standards that must be met in order to grant a variance.

*Unnecessary Hardship - which is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity, is unnecessary burdensome.*

*Unique Property Limitation – a unique physical characteristics of the property, not the desires of or condition personal to the applicant, must prevent the applicant from development in compliance with the zoning ordinance*

*Protection of the Public Interest – in granting of a variance must neither harm the public interest nor undermine the purposes of the ordinance. The board's actions should be consistent with the objectives states in their local ordinance, which (in the case of a floodplains or shoreline ordinance) has been adopted to meet minimum state statutory requirements.*

*Additional Court – Established Principles – Violations by or variances granted to neighboring owners do not justify a variance. Variances attach to the property as a permanent right. Once a variance is granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to the previous owner if all of the conditions that are attached to the variance are met.*

Discussion followed.

Chairperson Holland felt as though the property is unique in its dimensions and Mr. Bruns' request is reasonable.

C. Schultz did not see any problems with the request, noting that two car garages are commonplace today.

L. Laehn noted there would still be room for emergency vehicles and equipment to maneuver if necessary.

C. Schultz moved to grant a Variance to Edward Bruns, 118 Romar Drive. T. Dosch seconded the motion and carried.

### **General Items**

Acting City Clerk Schroeder stated there were not any pending applications for Zoning Board review, so there was no immediate need to set another meeting date.

### **Motion to Adjourn**

L. Laehn moved to adjourn the meeting at 6:18 p.m. T. Dosch seconded the motion and carried.

Respectfully submitted,

Leanne Schroeder  
Acting City Clerk



## OFFICE OF THE DIRECTOR OF PUBLIC WORKS MEMORANDUM

**To:** Zoning Board of Appeals  
Mayor Brett Frazier and Common Council  
**From:** Director of Public Works Howard Robinson  
**Date:** Agenda Review – March 27, 2014

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**Agenda Item #4 Public Hearing to consider a request received from Charter / NEX Performance Films, 1264 E. High Street, for a Variance for a rear yard setback reduction to allow for construction of an addition to the existing business.**

**Agenda Item #5 Discussion and action regarding a request received from Charter / NEX Performance Films, 1264 E. High Street, for a Variance for a rear yard setback reduction to allow for construction of an addition to the existing business.**

**Submitting Staff Member:** Howard Robinson, Director of Public Works

**Recommended Action:** To grant a variance to Charter / NEX Performance Films, 1264 E. High Street, for a rear yard setback reduction to allow for a building addition.

**Description:** Charter / NEX Performance Films has requested a Variance to allow for a rear yard setback reduction for a building addition. This property is zoned M-1 and requires a 40 foot rear yard setback.

Charter / NEX is situated on an odd shaped lot that was developed following the installation of the railroad. The shape of the lot is not a self-imposed hardship. The nature of the manufacturing business requires the addition and all interior operations to be established in straight lines. The shape of the lot does not allow the proper construction in consideration to the location of the railroad. Therefore, the business is requesting a variance for a rear yard setback reduction to allow for a building addition to the existing location.

The proposed addition will be to the east of the existing site. They have met all Site Plan Requirements set forth by Plan Commission and the site plan was approved contingent upon granting of a Variance.

Staff has reviewed the request and recommends approval of the variance. No complaints, questions, or concerns have been received by Staff in regard to this request.

**Attachments:** Notice of Public Hearing, Application for a Variance, and Site Plan Attachments



## NOTICE OF PUBLIC HEARING

The City of Milton Zoning Board of Appeals will hold a public hearing on Thursday March 27<sup>th</sup>, 2014, at 6:00 p.m. in the lower level Council Chambers of 430 E. High Street, to consider a request received from Charter/NEX Performance Films, 1264 E. High Street for a Variance for a rear yard setback reduction to allow for construction of an addition to the existing business per section 78-815 of the City of Milton Code of Ordinances. This property is located at 1264 E. High Street. This property is zoned M-1 (Manufacturing).

**Sec. 78-815. Area Requirements (5) Rear yard setback: 40 feet.**

All interested persons or their agents will be heard at said hearings after which final determinations will be made. This notice is given under Section 78 of the Municipal Code of Ordinances.

James Polarski, Chairman

Request received in office: 02/28/2014

Published in The Milton Courier: 03/06/2014

Notices mailed to the following: 03/06/2014

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New England Extrusion / Charter NEX Films, 1264 E. High Street Milton WI 53563  
 Striegl Properties 1162 E. High Street Milton WI 53563  
 Schiefelbein Enterprises 416 Sunnyside Drive Milton WI 53563  
 B & B Assets LLC W837 Violet Road Genoa City WI 53128  
 KT Enterprises of Milton 310 Sunnyside Drive Milton WI 53563  
 Marshall Properties 222 Sunnyside Drive Milton WI 53563  
 Adee Holdings LLC PO Box 2925 Janesville WI 53547  
 Stetson Real Estate 124 Sunnyside Drive Milton WI 53563  
 Bonnie Plants 121 Somerville NE Decatur AL 35601  
 Hull Farms 7818 N. Consolidated Road Edgerton WI 53534  
 B&S Real Estate Holdings 616 Gateway Drive Milton WI 53563  
 Rex Colt LLC 621 Gateway Drive Milton WI 53563  
 Frank Bua 1155 E. High Street Milton WI 53563  
 Leann Stluka 4128 N. County Road KK Milton WI 53563  
 Browntown Mill Inc 1115 E. High Street Milton WI 53563

Mayor, Brett Frazier

City Administrator, Jerry Schuetz

City Attorney, Mark Schroeder

City Clerk, Michelle Ebbert

Director of Public Works, Howard Robinson

Police Chief, Dan Layber

City Assessor, Lee De Groot

Common Council Members

Ald Dave Adams

Ald Nancy Lader

Ald Theresa Rusch

Ald Maxine Striegl

Ald Don Vruwink

Ald Anissa Welch

Zoning Board of Appeals: Chair James Polarski, Theron Dosch, Ken Holland, Thomas Kevern, Carl Schultz, Bruce Lippincott (Alt #1) and Larry Laehn (Alt. #2)

Plan Commission Members: Lynda Clark, Ethel Himmel, Nancy Lader, Dave Ostrowski, Howard Robinson and Maxine Striegl.

Individuals who are unable to attend the Public Hearing may submit comments to:

- MAIL: Milton City Hall, 430 E. High Street, Milton WI 53563
- E-MAIL: [meebbert@milton-wi.gov](mailto:meebbert@milton-wi.gov) or [hrobinson@milton-wi.gov](mailto:hrobinson@milton-wi.gov)
- PHONE: 868-6900
- FAX: 868-6927



# City of Milton Application and Record

Application Date: February 28, 2014 Date to be Reviewed by Plan Commission: March 11, 2014  
 Applicant Name/Agent: Quam Engineering, LLC / Ryan Quam Date to be Reviewed by Common Council: \_\_\_\_\_  
 Owner of Property: NEX Performance Films Date to be Reviewed by Zoning Board of Appeals: March 27th  
 Business Name: NEX Performance Films  
 Address: 1264 East High Street  
 City/State/Zip: Milton, WI 53563  
 Telephone: (608) 868-5757  
 Email: COEXinfo@charternex.com

Fee Required:	Date Paid
Conditional Use Permit \$250.00	
Rezoning \$250.00	
Variance <u>\$250.00</u>	<u>3/10/2014</u>

Reason for Request/Appeal or Reason Permit was Refused: Variance request to allow northeast building corner to intrude 16' into 40' rear yard setback. Variance is required because the rear property line is not parallel to the existing building and the proposed building walls and interior mechanicals need to extend and be parallel to existing lines. See attached description of manufacturing process hardship.

### Property Location for Project

Address: 1264 East High Street

Legal Description: Lot 1, Rock County Certified Survey Map, Volume 22 of Certified Survey Maps Pages 239 to 241.

Description of Premise (Including Existing and Proposed Buildings): Existing building and parking lot to be expanded with 161' 6 7/8" x 110' building addition with drive and loading dock.

Current Zoning: (circle one) A1 A2 B1 B2 B3 C1 C2 (M1) M2 MR R1 R2 R3 R4 PUD SP

Proposed Zoning: (circle one) A1 A2 B1 B2 B3 C1 C2 (M1) M2 MR R1 R2 R3 R4 PUD SP

Present Use: Manufacturing monolayer, coextruded and barrier films.

Proposed Use: (Same)

Present Occupancy: NEX Performance Films Proposed Occupancy: (Same)

Name of Proposed Subdivision: N/A

Surveyor's Name: Marissa Manning, LLC Address: 306 West Quarry Street

Property Lot Size: 544,898 sq. ft. (square feet or acres) Overfield, WI 53531

Lot Size of Preliminary Land Division: N/A Lot Size of Final Land Division: N/A

Building Setback Front: N/A Side: N/A Rear: 40'

Building Setback Corner: N/A Side: N/A Rear: 40'

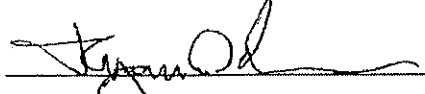
Number of Stories: 1 plus Mezzanine Number of Rooms: 8 Height: 25' to Eave  
90' to Tower

Architect: Keller Inc. General Contractor: Keller, Inc.

Off Street Parking: Yes Number of Stalls: 33

Estimated Cost of Work: \$1,500,000

The undersigned hereby agrees that the foregoing information is true and accurate, and that if this permit or request is granted, all work will be done in accordance with this application and all the Ordinances of the City of Milton.

Applicant Signature: 

Print Name: Ryan D. Quam Quam Engineering, LLC

Recommendations by Director of Public Works: \_\_\_\_\_

\_\_\_\_\_

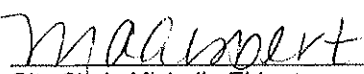
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Filed this 28 day of February, 20 14

Director of Public Works / Building Inspector, Howard Robinson

  
City Clerk, Michelle Ebbert

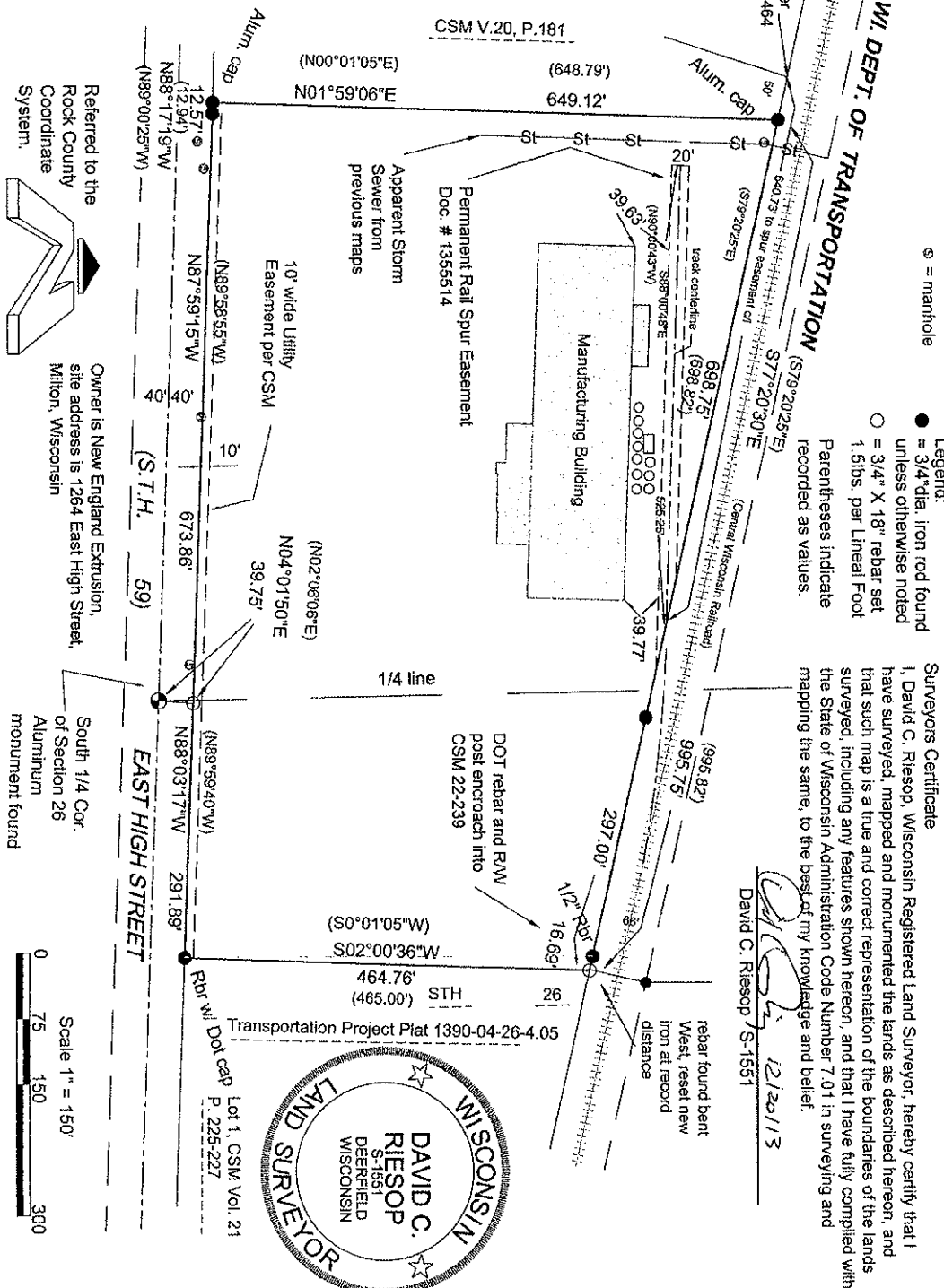
Publication Date: 3/6/2014

The location of the proposed addition has been determined with respect to the production flow for the manufacturing unit within Charter/NEX. The manufacturing process that currently exists in the production facility is linear. Raw material is received at one location, is distributed to the production plastic "bubble" blowing lines and the final product exits at the opposite linear end of the facility. For the expansion it was discovered that the production needs that are required to make this plant a feasible location to support production needs as opposed to a number of the other Charter/NEX plants in the country, the length of the addition would place it into the zoning setback line for the rear of the property. It was determined that any change to the linear flow of the product or the reduction of lines by designing a smaller facility would make the process inefficient. Therefore it was decided that this length of proposed building with the number of lines accommodated would make this facility most viable to solve the production needs of the company and therefore would require the request for exceeding the boundary of the zoning setback.



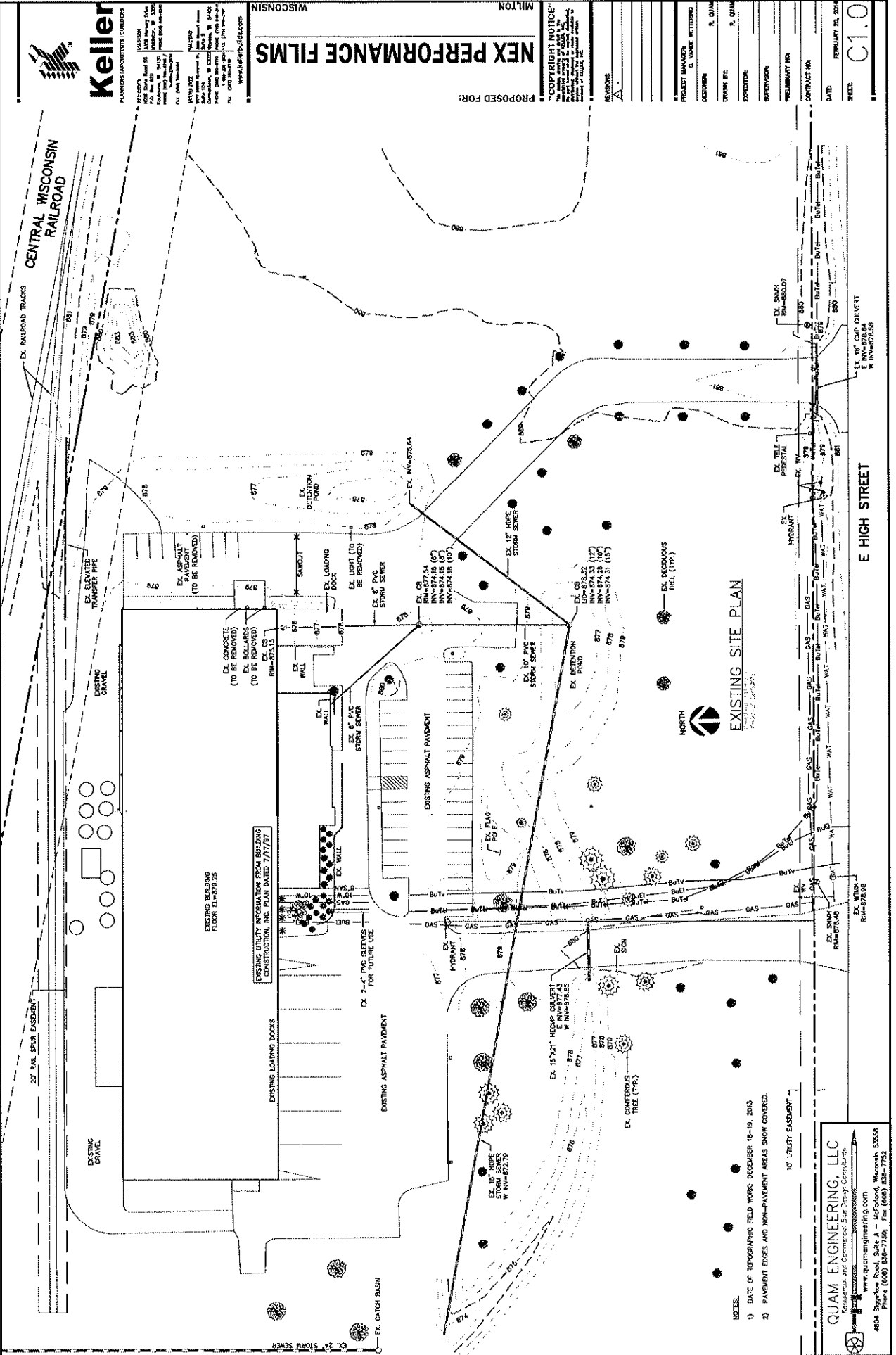
# Plat of Survey

Lot 1, Rock County Certified Survey Map, Volume 22 of Certified Survey Maps, Pages 239 to 241, being part of the SE 1/4 of the SW 1/4 and part of the SW 1/4 of the SE 1/4 of Section 26, T.4N., R.13E., City of Milton, Rock County, Wisconsin



**Wisconsin Mapping, LLC**  
*surveying and mapping services*  
 306 West Quarry Street, Deerfield, Wisconsin 53531  
 (608) 764-5602

Dwg. No. 4430-13 Date 12/18/2013  
 Sheet 1 of 1



**Keller**  
 PARTNERS ARCHITECTS BUILDERS  
 1000 North 10th Street  
 Milwaukee, WI 53233  
 Tel: 414.224.2000  
 Fax: 414.224.2001  
 www.kellermb.com

**NEX PERFORMANCE FILMS**  
 PROPOSED FOR: MILTON

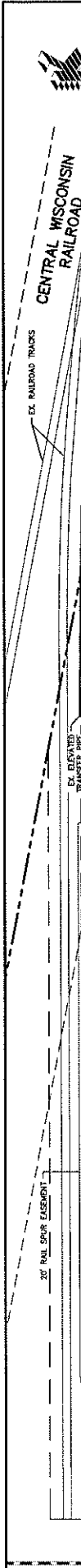
**REVISIONS**

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	12/19/13

**PROJECT MANAGER:** C. TUCKER WETTING  
**DESIGNER:** R. QUAM  
**DRAWN BY:** R. QUAM  
**EXISTING SITE PLAN**  
 PRELIMINARY NO. \_\_\_\_\_  
 CONTRACT NO. \_\_\_\_\_  
 DATE: FEBRUARY 22, 2014  
 SHEET: **C1.0**

**QUAM ENGINEERING, LLC**  
 Residential and Commercial Site Design Consultants  
 www.quamengineering.com  
 4604 Sigelkow Road, Suite A - McFarland, Wisconsin 53558  
 Phone: (608) 838-7755; Fax: (608) 838-7752

- NOTES:**
- DATE OF TOPOGRAPHIC FIELD WORK: DECEMBER 18-19, 2013
  - PAVEMENT EDGES AND NON-PAVEMENT AREAS SHOWN COVERED.



**Keller**  
 PLANNERS/ARCHITECTS/ENGINEERS  
 1521 Westpark Drive  
 Suite 200  
 Madison, WI 53713  
 Phone: 608.264.5555  
 Fax: 608.264.5555  
 www.kellerusa.com

PROPOSED FOR: MILTON

NEX PERFORMANCE FILMS

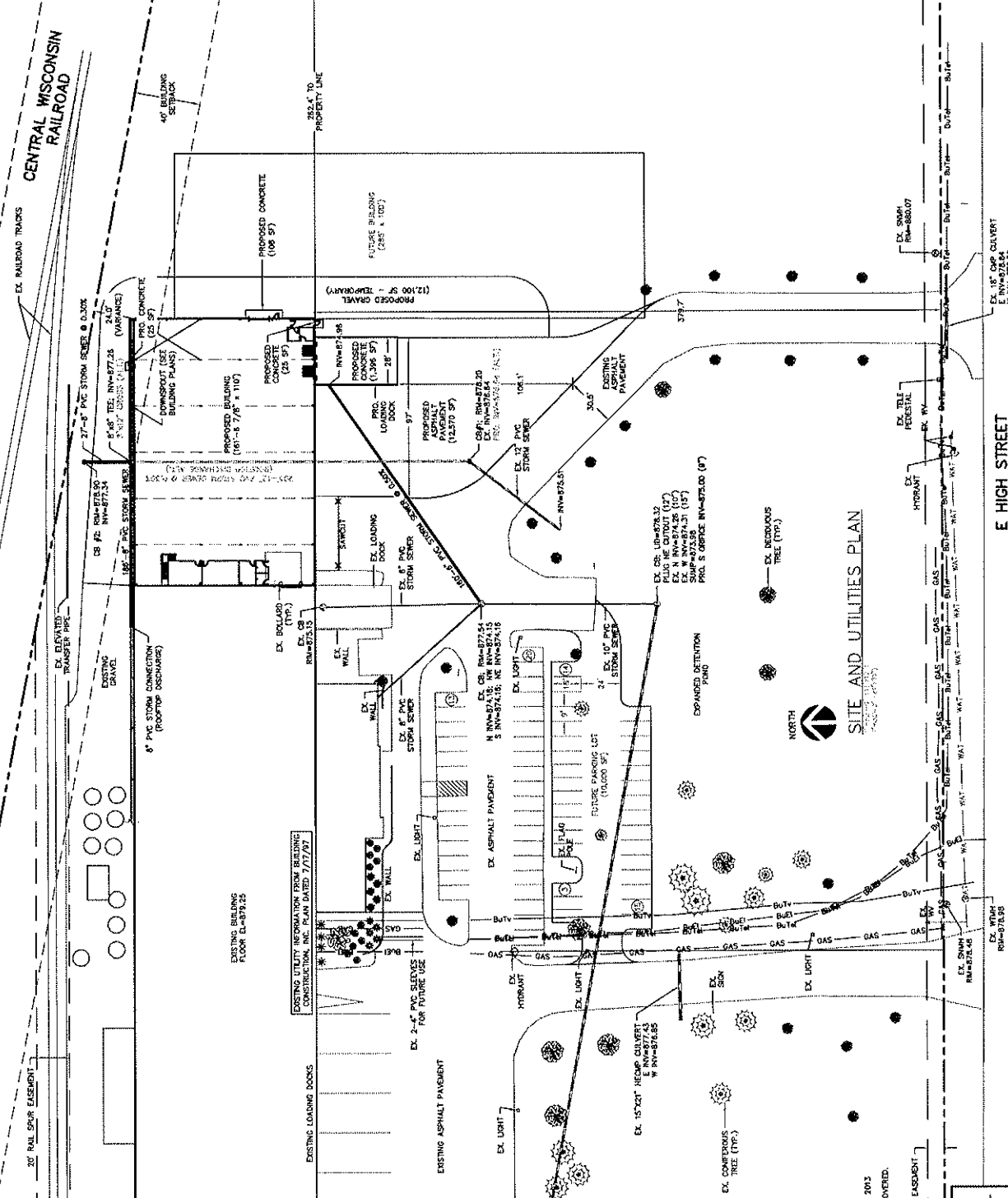
WISCONSIN

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REVISIONS

NO.	DESCRIPTION	DATE

PROJECT MANAGER: R. QUAM  
 DESIGNER: R. QUAM  
 DRAWN BY: R. QUAM  
 EXISTING UTILITIES: R. QUAM  
 SUPERVISOR: R. QUAM  
 PRELIMINARY NO.:  
 CONTRACT NO.:  
 DATE: MARCH 7, 2014  
 SHEET: C2.0




**SITE LABEL INFORMATION**  
 TOTAL LOT AREA = 543,018 SF  
 TOTAL IMPROVED AREA = 148,000 SF (27.26%)  
 FUTURE GREEN SPACE = 322,000 SF (59.13%)

- NOTES:**
- 1) DATE OF TOPOGRAPHIC FIELD WORK: DECEMBER 18-19, 2013
  - 2) PAVEMENT EDGES AND NON-PAVEMENT AREAS SHOWN COVERED.

**QUAM ENGINEERING, LLC**  
 A Division of Quam Engineering, Inc.  
 4804 Springdale Road, Suite A - McFarland, Wisconsin 53558  
 Phone: (608) 533-7280, Fax: (608) 533-7252  
 www.quamengineering.com





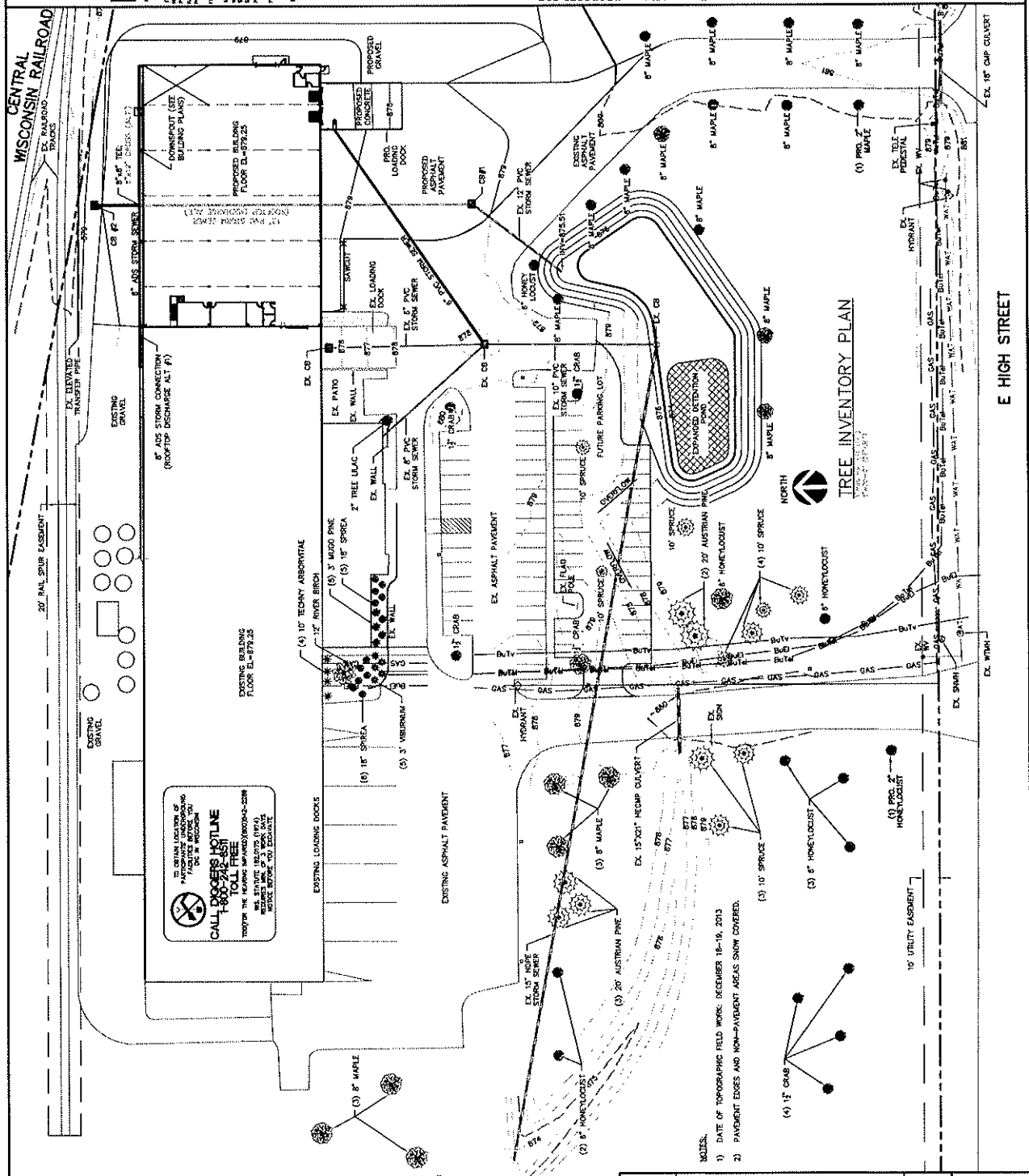
**Keller**  
PLANNERS ARCHITECTS BUILDERS

OFFICE: 1200 North 10th Street, Suite 200, Madison, WI 53706  
TEL: (608) 784-1000  
WWW.KELLERWI.COM

PROPOSED FOR: MILTON 1264 E. HIGH ST. WISCONSIN

**NEX PERFORMANCE FILMS**

DATE: MARCH 7, 2013  
SHEET: C4.0



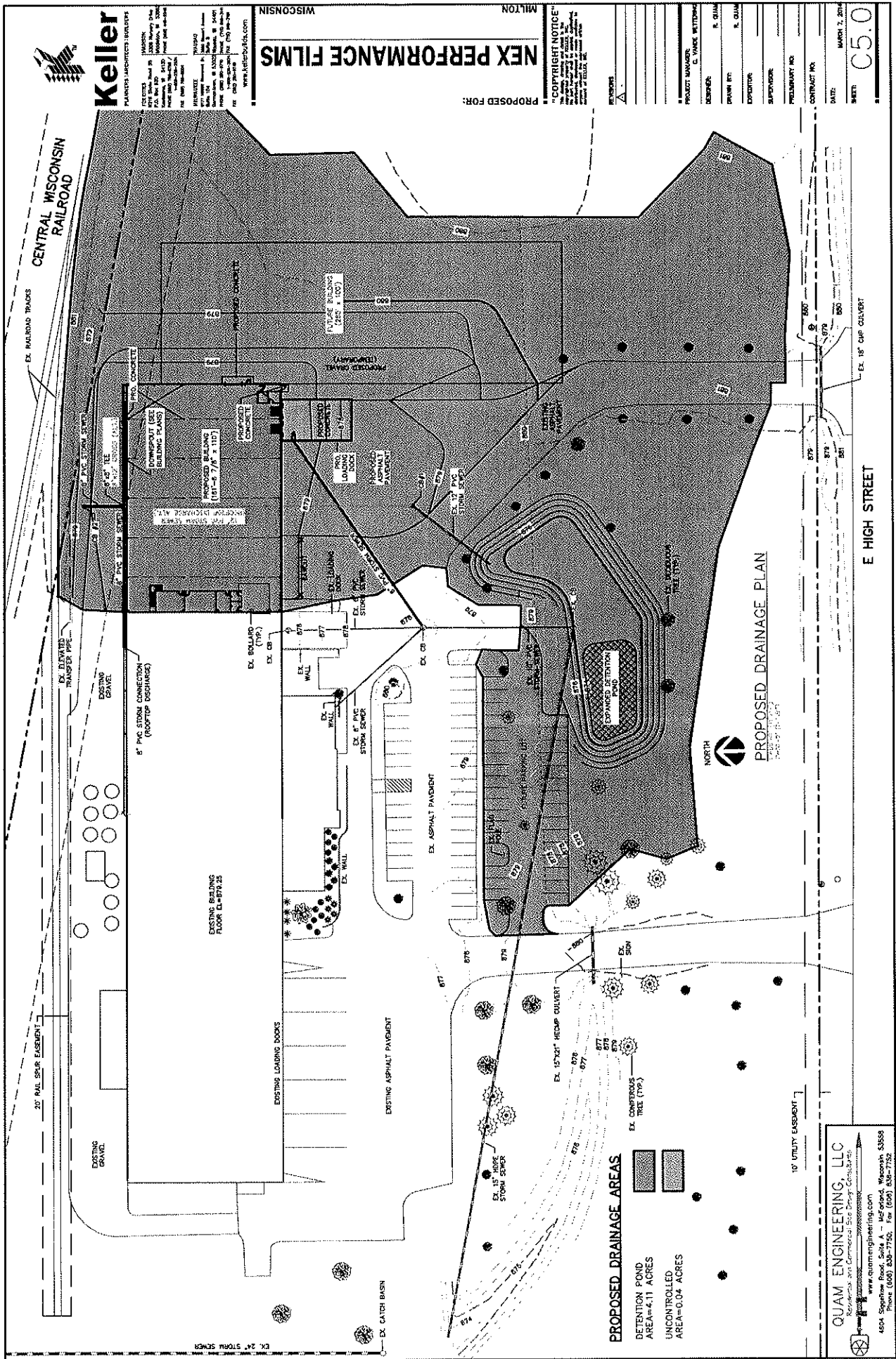
**PLANT LIST**

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92	(Symbol)	White Birch	12-18'	4"	10'	Plant
93	(Symbol)	White Birch	12-18'	4"	10'	Plant
94	(Symbol)	White Birch	12-18'	4"	10'	Plant
95	(Symbol)	White Birch	12-18'	4"	10'	Plant
96	(Symbol)	White Birch	12-18'	4"	10'	Plant
97	(Symbol)	White Birch	12-18'	4"	10'	Plant
98	(Symbol)	White Birch	12-18'	4"	10'	Plant
99	(Symbol)	White Birch	12-18'	4"	10'	Plant
100	(Symbol)	White Birch	12-18'	4"	10'	Plant

**NOTES:**

- DATE OF TOPOGRAPHIC FIELD WORK: DECEMBER 18-19, 2013
- PAVEMENT EDGES AND NON-PAVEMENT AREAS SHOWN CONDENSED.

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PROJECT MANAGER	C. WALKER, WETTING
DESIGNER	E. QUAM
DRAWN BY	E. QUAM
EXERCISE	
SUPERVISOR	
PRELIMINARY NO.	
CONTRACT NO.	
DATE	MARCH 2, 2014
SHEET	C5.0

**PROPOSED DRAINAGE AREAS**

- RETENTION POND  
AREA=4.11 ACRES
- UNCONTROLLED  
AREA=0.04 ACRES

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