

VILLAGE OF NEW GLARUS
ZONING BOARD OF APPEALS
Village Hall Board Room – 319 2nd Street
6/11/24 6:00 PM
Zoom Link: <https://us02web.zoom.us/j/81009608889>

REGULAR MEETING

1. Call to Order
2. Approval of Agenda
3. Public Hearing & Consideration/Discussion: Variance per § 305-20(E)1 [re: Height] of the Municipal Code of the Village of New Glarus. Property located near 2400 Hwy 69 [Tax parcels 23-024-019.0024 & 23-024-019.0031].
4. Adjournment

Jesse Donahue, Chair
Zoning Board of Appeals

POSTED:

N.G. Village Hall	6/7/24
N.G. Post Office	6/7/24
Bank of New Glarus	6/7/24



Kelsey A. Jenson, Clerk

PURSUANT TO APPLICABLE LAW, NOTICE IS HEREBY GIVEN THAT A QUORUM OR A MAJORITY OF THE NEW GLARUS VILLAGE BOARD TRUSTEES MAY ATTEND THIS MEETING. INFORMATION PRESENTED AT THIS MEETING MAY HELP FORM THE RATIONALE BEHIND FUTURE ACTIONS THAT MAY BE TAKEN BY THE NEW GLARUS VILLAGE BOARD.

PERSONS REQUIRING ADDITIONAL SERVICES TO PARTICIPATE IN A PUBLIC MEETING MAY CONTACT THE VILLAGE CLERK FOR ASSISTANCE AT 527-2510

RELIEF FROM ZONING CODE REGULATIONS REQUEST

New Glarus Brewing Co

5/15/24

Dear Village of New Glarus Committee,

I am writing to request a relief from zoning code regulation for Village Municipal Code section 305-20 “Zoning for Industrial District” section E (1) for “Height” for an upcoming building addition.

The New Glarus Brewing Company continues to grow and prosper, holding its ground as a world class brewery with local roots here in New Glarus. They were recently named number 11 on the list of top Craft Brewing Industry Production in the nation, despite only selling to their friends here in Wisconsin. As the brewery strives to keep pace with demand, they are planning an expansion to include needed spaces for Production, Offices and beer depot.

The Brewery, located at 2400 Hwy 69 south of town, sits on a plateau on top of a hill. As space on top of the plateau has been filled, the only answer is to build down the hill. Guests will now be able to enter at the bottom of the hill and the new building will step up the hill to connect to our existing facility. This connection is required to maintain employee and material access across the spaces, which is vital for facility operations.

The ground level of the existing facility sits at the highest point on the plateau. The site then drastically dips down, as you can see from the drawings attached. The extreme topography change is what creates a need for a variance. It is unfeasible for any addition to stay under a height of 35’ as the site drops 60’ feet of elevation.

This variance request is not contrary to the public interest and will not endanger public safety and welfare due to the Brewery’s remote and generally isolated location. All abutting property and land parcels are owned by New Glarus Brewing Co or Founders Dan & Deb Carey. These abutting properties are Zoned as Agricultural Transition. The open fields will not be impacted by this height variance any more than the existing natural hills and tree lines. Furthermore, this addition will be towards the East of the existing facility. Therefore, it will not visually impact areas such as Hwy 69 or views from the village. The high tree lines creates a natural visual barrier for areas to the North and South.

This variance request will be in accord with the spirit of the zoning ordinance as the site is zoned Industrial, intended primarily for the use of manufacturing. Without this variance, the brewery will not be able to maintain connection to its existing manufacturing facility. Traffic for over 120 employees and large pallets of heavy materials would be severed from the manufacturing heart at the existing facility. Without the variance, the addition will not be able to produce or manufacturer.

If this variance is granted, substantial justice will be done as it allows the Brewery to continue to function as it always has, as a national marker for brewing excellence in a beautiful and historically designed space drawing visitors from all across the globe to our beautiful community in Green County.

Thank you for your consideration. I look forward to visiting with you at your meeting on June 20th to clarify any remaining questions you have.

Katherine May
AIA, NCARB

CHECKLIST FOR RELIEF FROM ZONING CODE REGULATIONS APPLICATION
(VARIANCE)

Completed zoning code relief application must be submitted to Village Clerk's Office, along with fee and other requirements outlined by checklist. **Applications must be received 30 days prior to the Plan Commission meeting in order to be placed on agenda to meet publication deadlines.** The Plan Commission meets the 3rd Thursday of each month.

The application will be placed on agenda only after the completed form, fee and supporting documentation have been filed with the Village Clerk's Office. The Plan Commission will hold a public hearing, review and make a final determination on the application.

Required Items:

- ☒ 1. Completed relief from zoning code regulations application.
- ☒ 2. Scale drawing showing the location and size of the property, existing improvements, existing and proposed front, side and rear yards, all abutting properties and improvements thereon and the requested change or addition.
- ☒ 3. If exception, variance is requested, attach list of names and addresses of owners of property within 100 feet of premises of opposite street frontage.
DRAWINGS SHOWS AND MEMO NOTE ADJACENT PROPERTY OWNERS ARE NEW GLARUS BREWING CO OR IT'S FOUNDERS DEB & DAN CAREY
- ☒ 4. Attachments as applies to specific request (see application).
- ☒ 5. Fee of \$150.00 (Resolution R10-05)

PERMIT FEE: _____
PERMIT NO. _____

VILLAGE OF NEW GLARUS
APPLICATION FOR RELIEF FROM ZONING CODE REGULATIONS

TODAY'S DATE: 5-15-2024

APPLICANT NAME: New Glarus Brewing Co
ADDRESS: 2400 Hwy 69, New Glarus WI 53574
TELEPHONE: 608 527 5850

SITE ADDRESS: 2400 Hwy 69, New Glarus WI 53574

SITE OWNER [if different from applicant]:
NAME: _____
ADDRESS: _____
TELEPHONE: _____

SITE DESCRIPTION:

Lot	Block	Sub-division	or	metes & bounds
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PRESENT USE OF PROPERTY: Industrial
PROPOSED USE OF PROPERTY: Industrial

CURRENT ZONING OF SITE: Industrial

PURPOSE AND GROUNDS OF APPLICATIONS [check below the relief requested by this appeal]

- / / **Appeal from order requirement decision or determination of Inspector.**
Attach separate sheet giving reasons why you claim this order, requirement, decision or determination is erroneous.
- /x / **Request for Variance.** Attach separate sheet explaining:
1. Variance requested, include Municipal Ordinance Section Number.
 2. What special conditions exist which will cause practical difficulty or unnecessary hardship if the variance requested is not granted;
 3. Why variance requested is not contrary to the public interest and will not endanger public safety and welfare;
 4. Why variance requested will be in accord with the spirit of the zoning ordinance;
 5. How the variance, if granted, will cause substantial justice to be done.

NOTE: All requests for variance shall first come before the Plan Commission, if denied by the Plan Commission they may be appealed to the Village Board; if denied by the Village Board they shall be appealed to the Board of Appeals.

// Application for interpretation of Zoning Regulations or District Boundaries.

- 1. Attach separate sheet giving applicable section of municipal code, requested construction and reasons supporting such construction.
- 2. Plan Commission Recommendation: _____

// Request for substitution of more restrictive nonconforming use for existing nonconforming use. Attach copies of the following:

- 1. Certification of Zoning Administrator to legality of present nonconforming use.
- 2. Documents showing date of commencement of present use; value of improvements on date use became nonconforming, present value of all existing improvements and estimated present value of all additions and alterations from date of nonconformity.
- 3. Plan Commission Recommendation: _____

// Application for unclassified or unspecified use.

- 1. Use requested: _____
- 2. Plan Commission Recommendation: _____

// Temporary use application.

- 1. Describe use requested: _____
- 2. Date of Commencement: _____
- 3. Date of Termination: _____
- 4. Plan Commission Recommendation: _____

// Application for special exception.


- 1. Describe use requested: _____
- 2. Zoning District: _____
[Attach separate sheet explaining why requested use will be in accordance with the spirit of the zoning ordinance and not contrary to public interest. Attach plot plan showing proposed improvements and landscaping and relationship of proposed improvements to all surrounding properties. Attach map of area showing present zoning and use of all properties within 1,000 feet.]
- 3. Plan Commission Recommendation: _____

NOTICE TO APPLICANT:

Each Appeal or Application shall be accompanied by a **scale drawing** showing the location and size of the property, existing improvements, existing and proposed front, side and rear yards, all abutting properties and improvements thereon and the requested change or addition. [305-101(C)]

If exception, variance is requested, attach list of names and addresses of owners of property within 100 feet of premises of opposite street frontage.

I swear that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.



Applicant Signature

Municipal Ordinance
§ 305-104, 265-52(Subdivision Variance)

PRESENTED TO VILLAGE CLERK: _____

REFERRED TO BUILDING INSPECTOR: _____

REFERRED TO PLAN COMMISSION OR BOARD OF APPEALS: _____

PLAN COMMISSION REVIEW: _____

DETERMINATION: _____

PUBLIC HEARING DATE: _____

PUBLISHED: _____

NOTICES MAILED: _____

PLAN COMMISSION DETERMINATION: _____

PUBLIC HEARING DATE: _____

PUBLISHED: _____

NOTICES MAILED: _____

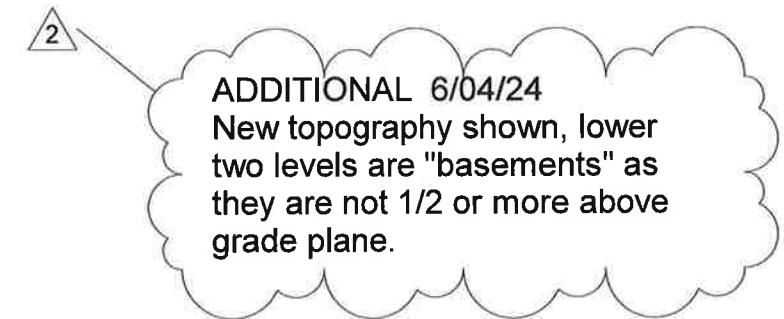
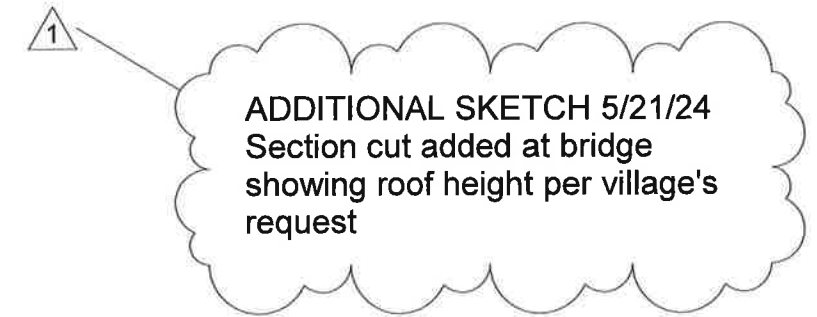
VILLAGE BOARD DETERMINATION: _____

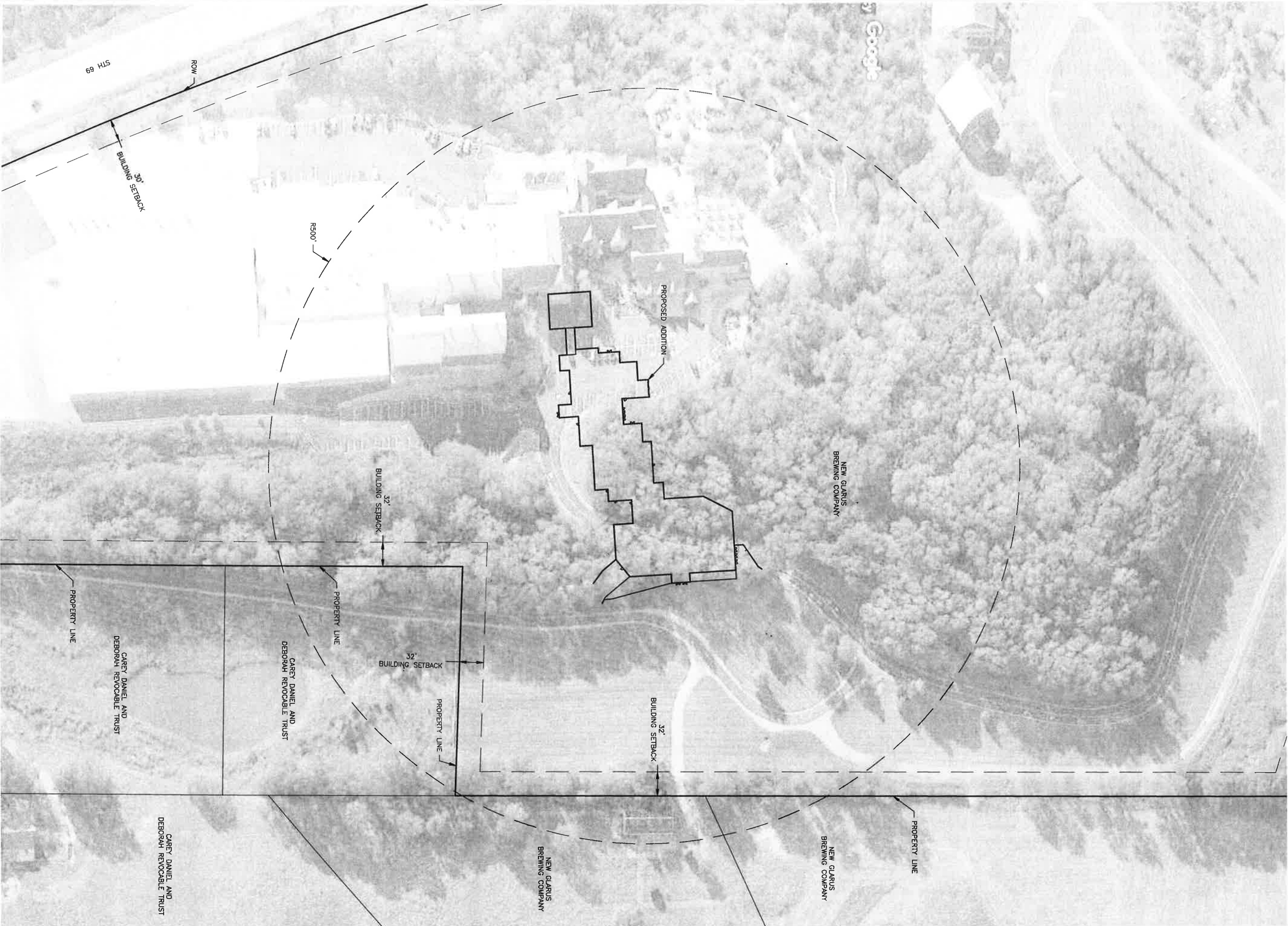
PUBLIC HEARING DATE: _____

PUBLISHED: _____

NOTICES MAILED: _____

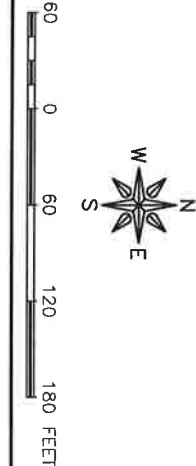
BOARD OF APPEALS DETERMINATION: _____





PROPERTY LINES

6/20/2023-10/03/23-1800 Design-Only, TP-223A UND LUT LINE MAP
PLAT DATE 5/15/24



FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL
ILLINOIS DESIGN FIRM NO. 184-003523

ILLINOIS
IOWA
WISCONSIN



To: New Glarus Zoning Board of Appeals

From: Mark Roffers, AICP, Village Planning Consultant

Date: June 6, 2024

Re: Maximum Height Variance Application, Proposed Building Expansion, New Glarus Brewing Company

Requested Approval: Variance from normal 35 foot maximum building height in the Industrial zoning district.

Other Recent, Pending, and Future Approvals: On May 7th, the Village Board annexed parcels onto which the building expansion is proposed. On June 5th, the Village Plan Commission recommend that these annexed parcels be rezoned to the Village's Industrial zoning district, matching the zoning for the remainder of the New Glarus Brewing Company site in the Village. The Village Board is scheduled to consider this rezoning at its June 18th meeting. If the rezoning and variance are approved, the Brewery intends to move forward with detailed site, engineering, and architectural plans, which will require subsequent Village approval.

Site Area: With the recent annexation, the New Glarus Brewing Company-owned site in the Village totals close to 54 acres.

Current Land Use and Topography: The site of the proposed building expansion is mostly wooded. The ground surface elevation ranges from 900 feet near the proposed eastern extent of the new/expanded building to about 941.5 feet next to the existing brew hall building on the plateau, where the proposed building expansion would connect. The subject property contains an existing paved driveway from Highway 69 to the customer parking lot, plus a part of the Carey's private driveway.

Proposed Use: Building expansion consisting of a brewhall addition connected to a larger new production, office, and depot building to the east. The connection would be via a bridge over an existing driveway on the plateau. Architectural design is not complete. Exterior materials are proposed to be a combination of stone, brick, wood, and stucco; roof materials are proposed to be asphalt shingle and metal with roof lines gabled or at least sloped in some manner; and colors are proposed to vary in keeping with the existing building. Public driveway and parking access would be reconfigured. Some trees would be removed and others retained, with new landscaping also added.

Current and Proposed Zoning: The entire site is in process of being zoned Industrial, where the normal maximum building height is 35 feet and three stories. By ordinance, building height is to be measured as the vertical distance from the ground level at the front of a building to the highest point of the roof in the case of a flat roof, or to the midpoint of a gable roof. Also by

ordinance, only a basement having 1/2 or more of its height above surrounding ground surface ground grade is included as a “story”.

A definitive calculation of proposed building height is challenged by this definition, significant topographic changes, existing and proposed building configuration, and current uncertainty regarding which roofs will be gabled by ordinance definition. Still:

- The highest point of the proposed building addition is proposed to not exceed the highest point on the existing building.
- The “brewhall addition” section, directly connected to the existing building, is proposed to be 49 feet tall as measured from current adjacent ground/pavement level to an anticipated roof eave/peak midpoint (assuming a gable roof) and 62 feet to its peak.
- Particularly with proposed topographic changes, no part of the proposed building addition will exceed three stories as the term “story” is defined by ordinance.
- The maximum height of the east end of the larger production building component, once adjacent surface grades are changed as proposed, scales from the map to be between 50 and 60 feet, depending on the significance/presence of any “gable roof” section.

Recommendation: After consideration of any testimony given at the public hearing, I recommend that the Zoning Board of Appeals approve a motion that first finds that the petitioner’s request has met the criteria for the granting of a variance based on the reasons provided in the June 6, 2024 memo of the Village Planner, then grants a variance to the maximum Industrial district building height requirement of Section 305-20 E (1) the zoning ordinance associated with the New Glarus Brewing Company’s building expansion project, subject to the following conditions:

1. The land shall have been rezoned to the Industrial zoning district for the variance to take effect.
2. The variance enables building height consistent with that shown on the “Relief from Zoning Code Regulations Request”, last revised 6/04/24, for a building addition generally as shown on “Property Lines” and “Topography” maps plotted on 5/15/24.
3. The building expansion shall be outfitted with a fire suppression system and perimeter access consistent with the fire code as interpreted by the Fire Department.
4. To mitigate perceived building height and off-site impacts, the building expansion project shall include architectural detailing, color selections, exterior lighting (meeting ordinance section 305-118), woodland preservation and mitigation (per Section 305-137), and landscape plantings (per Section 305-135), as determined by the Village Plan Commission as part of site plan approval.
5. Prior to building permit issuance, the owner shall obtain Village approval and record a certified survey map to place the building expansion project entirely on one lot with the existing brewhall building (thereby avoiding any lot line setback violation).
6. By ordinance, the variance shall expire six months after issuance if substantial work on the building expansion project has not commenced, unless extended in writing by the Zoning Administrator.

See the following pages for an analysis against the required variance review standards in Section 305-104 E of the zoning ordinance, which are based on State statutory requirements.

APPLICABLE REVIEW STANDARD	EVALUATION	COMMENTS
(1) An exceptional or extraordinary circumstance or special factors are present on the subject property, which are not present on most other properties in the same zoning district. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original lot; unusual topography or elevation; or because the lot was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed	Standard met	The hardship results from the unusual topography of the lot. Most other properties zoned Industrial do not have such significant changes in topography, which challenge development and efforts to construct a building expansion of complying height on all sides. The proposed “downhill” building height will allow the building addition to properly align with the existing “uphill” portion of the building.
(2) Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.	Standard met	This is not the only reason for the variance. See comments under criterion (1) above.
(3) Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;	Standard met	The hardship does not appear to have been imposed by the petitioner. The project is adding (not reducing) land to the petitioner’s property in the Village.
(4) Violations by, or variances granted to, neighboring properties shall not justify a variance.	Standard met	The petitioner has not referenced any variances granted to or any violations by neighboring properties as justification for the variance.

APPLICABLE REVIEW STANDARD	EVALUATION	COMMENTS
(5) The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)	Standard met, subject to adherence to erosion control, stormwater management, and topography preservation standards.	In the absence of a zoning ordinance, the project would likely be able to be constructed as proposed, with proper building techniques to counteract the significant grade change. The petitioner and its architect and engineer consider the site to be buildable. As they proceed with site planning, they should be aware of requirements in Section 305-10 C of the zoning ordinance (preservation of topography), Chapter 135 (construction site erosion control), and Chapter 260 (stormwater management). State stormwater management requirements will also apply.
(6) The factors identified in (1) above would unreasonably prevent the property owner from using the subject property for a permitted purpose, or would render conformity with this chapter unnecessarily burdensome. The applicant shall clearly indicate how the requested variance makes the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.	Standard met	The petitioner indicates that space on the top of the plateau has been filled, leaving the only answer to building expansion interests to build down the hill. For operational efficiency, the expansion is proposed to be physically connected to the existing building on the plateau, which is a primary reason for the building height variance request. The Industrial zoning district's maximum building height is relatively low. Maximum heights in comparable districts in other area villages often range from 45-60 foot range. This may be, in part, a function of fire protection. See below.
(7) The granting of the proposed variance shall not impose a substantial detriment to adjacent properties. The applicant shall clearly indicate how the proposed variance will have no substantial detriment on adjacent properties.	Standard met	All adjacent properties are either owned by the Brewing Company or the Careys, for nearly ¼ mile east and southeast. See below for discussion of potential impacts on non-adjacent properties.
(8) The proposed variance would make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.	Standard met	Other Industrially-zoned properties of 50+ acres would be able to enjoy building potential of comparable floor area as that proposed by the Brewing Company. The slope of the Brewing Company's property is driving the variance request.

APPLICABLE REVIEW STANDARD	EVALUATION	COMMENTS
<p>(9) The granting of the proposed variance would not result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development.</p>	<p>Standard met, subject to recommended conditions on page 2 of this memo</p>	<p>The Fire Chief has indicated no problem with the height being requested. He did note that a ladder truck, borrowed from Verona, Monroe, or Mount Horeb, would be required to access the tallest part of the building expansion. Attention to fire prevention, mitigation, and service strategies will be important through building planning and construction.</p> <p>The perceived height of the building should mostly be from the east/northeast, away from the Village, Highway 69 views, and dense housing and other development. The nearest housing units are about ¼ mile east along Valley View Road in the Town. Nearly all of the residences along Valley View Road are southeast of the proposed building expansion project; the Little Sugar River valley is northeast. For the building expansion project, high quality building materials, earth tone colors, woodland preservation/mitigation, new tree plantings, and lighting controls will help mitigate off-site impacts. A few of these components have specific zoning ordinance standards that should be referenced by project designers.</p> <p>The proposal is consistent with the New Glarus Comprehensive Plan, with continued attention to blending the building addition with the site and area. The Plan promotes tourism, economic development, and business park expansion, and identifies this site for future “business park” uses. The Plan also endeavors to maintain and enhance New Glarus’s scenic qualities, including by considering the visual impact of new development. A related policy in planned “business park” areas is to “preserve and blend with surrounding residential character through appropriate building scale, building appearance, landscaping, screening, signs...”</p>