## WEST ALLIS COMMON COUNCIL LICENSE AND HEALTH COMMITTEE CITY OF WEST ALLIS

In the Matter of the Variance Permit Extension Request of

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

MOTOR CASTINGS COMPANY	MO	TOR	CAS	TINGS	COM	PANY
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STATE OF WISCONSIN	)
	) ss
COUNTY OF MILWAUKEE	)

Upon deliberation and consideration of the petition presented to the License and Health Committee and the public hearings held on November 28, 2017, the Committee finds:

## **FINDINGS OF FACT:**

- That Motor Castings Company possessed a valid variance permit for its property at 1323
   South 65<sup>th</sup> Street, West Allis, Wisconsin;
- 2. Said variance was originally issued on or around February 2, 2011 and had been most recently extended by the Common Council on or around March 17, 2015 for three years;
- 3. That Motor Castings Company, by representative Joseph Kempen, properly filed a request for extension of said variance permit on November 2, 2017;
- 4. That the City Clerk's office properly notified the applicant and nearby property owners by mail on November 10, 2017 of the public hearing scheduled on November 28, 2017. See attached copy of Notice of Public Hearing (Exhibit 1) and Affidavit of City Clerk Monica Schultz (Exhibit 2);
- 5. That Motor Castings Company has not found a cost effective solution for further muffling the noise of its dust collector pulsars as indicated in their request for a variance extension..
- 6. That one community member appeared at the November 28, 2017 hearing and requested information as to why the variance would be extended for an additional five years rather

than a shorter time span. The community member did not publicly voice any other specific

complaints or concerns.

7. That Health Commissioner Sally Nusslock does not oppose the extension of the permit;

8. That Motor Castings Company has significantly abided by the current noise variance

during the current three (3) year variance extension;

9. That the need for a variance permit extension outweighs any adverse impacts of granting

the extension;

10. That the variance permit extension will not negatively impact the health, safety, or welfare

of the community and will not cause a deleterious effect on the property values or quality

of life in the area.

**CONCLUSIONS OF LAW:** 

1. That based upon the foregoing findings of fact specifically related to: a lack of any new

complaints, Motor Castings Company's strict compliance with the current noise variance

extension, and the fact that control technology needed to satisfactorily comply with the

decibel level is available at only a prohibitive cost; the License and Health committee

finds that a sufficient basis exists to grant the variance permit extension request of Motor

Castings Company for five (5) years.

**RECOMMENDATION:** 

1. Therefore, the License and Health Committee recommends to the Common Council of the

City of West Allis that the variance permit extension of the original Noise Variance issued

to Motor Castings Company on February 2, 2011 shall be granted for a period of five (5)

years.

Dated at this \_\_//\_\_ day of December, 2017.

Michael J. Czaplowski

License & Health Committee

West Allis Common Council



#### CITY OF WEST ALLIS

### NOTICE OF PUBLIC HEARING

Tuesday, November 28, 2017

NOTICE IS HEREBY GIVEN that the License and Health Committee of the City of West Allis will meet on Tuesday, November 28, 2017 at 6:00 p.m. or as soon thereafter as the matter may be heard, at West Allis City Hall, 7525 W. Greenfield Ave., West Allis, Wisconsin, in Room 128, on the following:

Request for a five year extension of the Noise Variance granted to the Motor Castings Company at 1323 S. 65 Street.

You may express your opinion in writing to the <u>City Clerk, clerk@westalliswi.gov</u>, prior to the meeting or orally at such public hearing.

Dated at West Allis, Wisconsin, this 10<sup>th</sup> day of November, 2017.

Monica Schultz City Clerk

XHIBIT

#### NONDISCRIMINATION STATEMENT

The City of West Allis does not discriminate against individuals on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities.

### AMERICANS WITH DISABILITIES ACT NOTICE

Upon reasonable notice, the City will furnish appropriate auxiliary aids and services, when necessary, to afford individuals with disabilities an equal opportunity to participate in and to enjoy the benefits of a service, program or activity provided by the City.

## LIMITED ENGLISH PROFICIENCY STATEMENT

It is the policy of the City of West Allis to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services on providing meaningful access to our programs, services and/or benefits.

# WEST ALLIS COMMON COUNCIL LICENSE AND HEALTH COMMITTEE **CITY OF WEST ALLIS**

In the Ma	itter of	the		
Variance	Permit	Extension	Request	of

<b>MOTOR</b>	<b>CASTINGS</b>	COMPANY,
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# AFFIDAVIT OF MONICA SCHULTZ

STATE OF WISCONSIN	)	
	)	SS.
COUNTY OF MILWAUKEE	)	

Monica Schultz, being first duly sworn on oath, deposes and says:

- 1) That she is employed as the City Clerk for the City of West Allis and has been so employed since June 2, 2014.
- 2) That on November 2, 2017, the City Clerk's Office received a variance permit extension request from Motor Castings Company.
- 3) That on November 10, 2017, the City Clerk's Office notified Motor Castings Company and all property owners on: the east side of S. 65 St. between W. Greenfield Ave. and W. Washington St.; the east and west side of S. 64 St. between W. Greenfield Ave. and W. Mineral St.; the north side of W. Greenfield Ave. between S. 64 St. and S. 65 St.; the north side of W. Madison St. between S. 63 St. and S. 64 St.; and the north side of W. Washington St. between S. 63 St. and S. 64 St., by mail of the public hearing scheduled on November 28, 2017 at 6:00 p.m. or as soon as the matter may be heard.

Dated this \_\_\_\_ day of December, 2017.

CITY OF WEST ALLIS

Monica Schultz

City Clerk

**EXHIBIT** 

Subscribed and sworn before me This \_/| \_\_\_ day of December, 2017.

Notary Public, Milwaukee County

State of Wisconsin

My Commission Expires: Person

Drafted by:
Nicholas S. Cerwin
Assistant City Attorney
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