

**SPECIAL MEETING  
PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:40 P.M.  
October 25, 2010**

A special meeting for the Pleasant Prairie Plan Commission convened at 5:40 p.m. on October 25, 2010. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; John Braig; Jim Bandura; and Judy Juliana (Alternate #1). Andrea Rode (Alternate #2) and Larry Zarletti were excused. Also in attendance were Jean Werbie-Harris, Community Development Director and Peggy Herrick, Asst. Planning/Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CITIZEN COMMENTS**

Tom Terwall:

If you're here for the only item on tonight's agenda, we would ask that you hold your comments until that item is brought up and we'll include your comments as a part of the official record. However, if you're here for any other item or wish to raise a question now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

- 5. NEW BUSINESS**
  - A. Consider the request of George and Kathy Easton for approval of a Lot Line Adjustment between the properties located at 9835 and 9834 33<sup>rd</sup> Court.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, this is a request of George and Kathy Easton for approval of a lot line adjustment. This is between the properties located at 9835 and 9834 33<sup>rd</sup> Court in the Village. The petitioners are requesting approval of a lot line adjustment to adjust the lot lines between 9835 33<sup>rd</sup> Court which is Lot 23 of the Rolling Meadows Subdivision. It's known as Tax Parcel Number 92-4-122-243-0115. It's owned by the Easton Revocable Trust. The second property is at 9834 33<sup>rd</sup> Court, Lot A of CSM 1569, and it's known as Tax Parcel Number 92-4-122-234-0112 owned by Keith and Cari Richter.

This proposed lot line adjustment is to adjust a portion of the common side lot line between the two parcels. The end result of the lot line adjustment will provide the required five foot setback for the detached garage that was constructed in 1984 by the owner at 9835 33<sup>rd</sup> Court. Both properties are zoned R-4, Urban Single Family Residential District. The R-4 District requires lots

to have a minimum frontage of 90 feet which can be reduced if on a curve or a cul-de-sac to not less than 45 feet, and they must have a minimum lot area of 15,000 square feet. Both lots will exceed the minimum lot area requirements of the R-4 District after the adjustment. The lot line adjustment complies with the requirements set forth in the Village Zoning Ordinance and the Land Division and Development Control Ordinance.

And just so the Plan Commission understands, back when the County was administering zoning for the Town of Pleasant Prairie, they did require property owners to sign basically waivers of foundation survey, and it would be the property owner's liability that if for some reason that at some point in the future that when they had the property surveyed if the structure did not meet proper setbacks, they would either need to adjust that structure, raze that structure or purchase land from the adjacent landowner in order to accommodate the required setback. And so that's what we have in this particular situation. They're acquiring just a very small piece of land from the adjacent lot in order to meet the setbacks and, therefore, to have that waiver of liability release for their property.

With that, the staff recommends approval of the lot line adjustment subject to the petitioner recording the proper transfer documents with the plat of survey for the lot line adjustment as an exhibit at the Kenosha County Register of Deed's office, and then providing a recorded copy back to the Village within 30 days of final approval.

Tom Terwall:

I assume that the Richter's are in line with this approving it?

Jean Werbie-Harris:

Yes, and they will actually need to sign and there will need to be a deed to transfer that land between the two landowners.

Tom Terwall:

Comments or questions?

Mike Serpe:

I just have one. Wasn't this inspected?

Jean Werbie-Harris:

It surely was back in 1984, but the building inspectors did not measure setbacks at that time. It was something that was measured by Kenosha County, but because of the size of the County what they did was they had property owners actually sign liability waivers so that it was the property owner's responsibility to come back and have it re-surveyed. So many years have passed, no one knew the difference, but these liability waivers get recorded on title, and so when you try to clear the title on your property that's when these things pop up and they need to get corrected. We've done a number of them over the last 20 some years.

John Braig:

Today when a building permit is issued, usually the lot line isn't visible or painted. What checks are made today to make sure that the building is in compliance?

Jean Werbie-Harris:

We require foundation surveys for new homes with garages and such. They have to submit foundation surveys.

John Braig:

Actually a survey is done. Okay, good. With that I'd move approval.

Mike Serpe:

Second.

Tom Terwall:

**MOVED BY JOHN BRAIG AND SECONDED BY MIKE SERPE TO APPROVE THE LOT LINE ADJUSTMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM AND SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

## **6. ADJOURN**

John Braig:

Move adjournment.

Judy Juliana:

Second.

Tom Terwall:

Moved and seconded to adjourn. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.

**Meeting Adjourned: 5:47 p.m.**