

**VILLAGE OF PLEASANT PRAIRIE  
ZONING BOARD OF APPEALS  
Tuesday, March 21, 2006  
5:00 PM**

Members Present: Christine Genthner, Chairperson; Mark Riley; Tom Glassman; Sheryl Berner; and David Hildreth. Bill Morris, Secretary and Jennie Holman were excused.

Also Present: Peggy Herrick, Assistant Village Planner and Zoning Administrator; Tom Shircel, Assistant Village Planner and Zoning Administrator; and Elaine Eppers, Clerical Secretary.

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

Christine Genthner:

I see one gentleman in the audience. If you're here on the agenda item I'll ask you to wait. If you have something else you'd like to address with us please come forward at this time.

5. **CONSIDER THE MINUTES OF THE JANUARY 17, 2006 BOARD OF APPEALS MEETING.**

Christine Genthner:

Do I have a motion?

Sheryl Berner--:

Motion to approve.

Tom Glassman:

I'll second that.

Christine Genthner:

We have a second. All in favor say aye.

Voices:

Aye.

6. NEW BUSINESS

- A. PUBLIC HEARING AND CONSIDERATION OF A TEMPORARY USE PERMIT for the request of Michael and Belva Bugge, owners of the property located at 6018 Springbrook Road to construct a new single-family home on said property and continue to reside in the existing home on the property during the construction. Upon completion of the new house the existing house will be razed. The property is located in a part of the Northeast One Quarter of U.S. Public Land Survey Section 34, Township 1 North, Range 22 East of the Fourth Principal Meridian, in the Village of Pleasant Prairie, County of Kenosha, State of Wisconsin and further identified further identified as Tax Parcel Number 92-4-122-341-0010.

Christine Genthner:

With that do we have application by the staff?

Peggy Herrick:

Yes.

Christine Genthner:

Do you swear to tell the truth, the whole truth and nothing but the truth?

Peggy Herrick:

I do. These are the finding of facts.

1. The request of Michael and Belva Bugge, owners of the property located at 6018 Springbrook Road to construct a new single-family home on said property and continue to reside in the existing home during the construction. Upon completion of the new house the existing house will be razed. This is shown on Exhibit 1 which is the application and related materials.
2. The property is located in a part of the Northeast One Quarter of U.S. Public Land Survey Section 34, Township 1 North, Range 22 East of the Fourth Principal Meridian, in the Village of Pleasant Prairie, County of Kenosha, State of Wisconsin and further identified further identified as Tax Parcel Number 92-4-122-341-0010.
3. The property is zoned R-4, (UHO) Urban Single-Family Residential District with an Urban Landholding Overlay District. That zoning map is shown in Exhibit 2.
4. Pursuant to Section 420-30 A of the Village Zoning Ordinance only one permitted principal structure shall be located on a single lot unless otherwise permitted.
5. The petitioner is requesting a Temporary Use Permit to construct a new single-family

home on this property and continue to reside in the existing home on the property during the construction. Upon completion of the new house the existing house will be razed. Therefore, for a short time frame there will be two permitted principal structures on the property.

6. The new dwelling is proposed to be located approximately 10 feet north of the existing house as shown on the drawing attached to the application and utilize the same driveway on Springbrook Road. Again, the application is shown as Exhibit 1.
7. As information, the property owner/applicant shall be aware that the Village has minimum zoning district requirements related to design standards for a single family house related to the height, square footage, length to width ratio, dwelling width, roof pitch, exterior building materials, setbacks and other uses that are allowed in the R-4 Zoning District. The new home shall be comply with all these standards.
8. The Village has previously and recently granted similar Temporary Use Permits for similar requests including:
  - a. April 15, 2003 for Katherine Fuller at 10413 32<sup>nd</sup> Avenue;
  - b. August 20, 2002, for James and Patricia Stollings at 9150 26<sup>th</sup> Avenue;
  - c. February 5, 2002 for Jason & Sharron Hyatt at 8925 89<sup>th</sup> Avenue;
  - d. November 21, 2000 for Steven Carver at 6710 116<sup>th</sup> Street;
  - e. August 17, 1999, for Alfred Lecy at 2619 104<sup>th</sup> Street; and
  - f. September 20, 2005 for John and Leah Schaut at 3101 104<sup>th</sup> Street
9. All of the abutting and adjacent property owners within 100 feet were notified via regular mail on February 21, 2006, and that's shown as Exhibit 3. The BOA agenda was published in the *Kenosha News* on March 7, 2006.

That concludes the Village's staff report.

Christine Genthner:

Thank you. Would anybody like to come forward at this time from the audience? Sir, could you come forward? Please state your name for the record and spell your last name.

Mike Bugge:

It's Mike Bugge, B-U-G-G-E.

Christine Genthner:

And your current address?

Mike Bugge:

6018 Springbrook.

Christine Genthner:

Mr. Bugge do you swear to tell us the truth, the whole truth and nothing but the truth?

Mike Bugge:

Yeah, no problem.

Christine Genthner:

What would you like to--

Mike Bugge:

Obviously it's my house. I don't have any problems as far as keeping up with the codes and all that kind of stuff. I don't know whether it's supposed to be taken care of here or I have to apply for another variance or something like this. A couple of the height deals. I want to try to build two buildings at the same time, a pole barn and a house at the same time. Now whether that's possible I don't know.

Peggy Herrick:

Sure, you just need to submit for building permits.

Mike Bugge:

Then obviously I want to try to build both of them at the same time.

Peggy Herrick:

That's not an issue. You already have an existing home on your property so you can submit for a detached garage, and then if this gets approved tonight you can go ahead and submit for a new single family home as well. We just need to make sure that all the setbacks are being met. If you build a detached garage first that it's not going to be in the way of the house.

Mike Bugge:

That's the reason for doing them simultaneously so I don't have to build one first.

Peggy Herrick:

Sure, you can build them both at the same time.

Mike Bugge:

The only other challenge I have with it is the height requirements. According to all the paperwork I've read here is you can't go any higher than 20 feet with an exterior building. If you build a 40 by 50--I'm planning on having the house itself having an attached garage. Behind it is going to be a pole barn. The pole barn itself is 40 by 50. All of this will fit in the parameters of setbacks and all that kind of stuff. The building or the 40 by 50 pole barn I'm up and over 20 feet real easy. Otherwise I've got to build a flat roof on the thing.

Christine Genthner:

I don't think we're prepared to respond to that tonight. Is that something he needs to submit with a building permit?

Mike Bugge:

Do I have to go through another appeal meeting?

Peggy Herrick:

Correct. If you're looking to vary from the ordinance requirements you would need to then submit another application and come before this Board. Whether or not they could grant the variance would be another issue. Are you building a single home or a two story home?

Mike Bugge:

Two story home.

Peggy Herrick:

So your house would be higher than 20 feet.

Mike Bugge:

Oh, yes, by far.

Peggy Herrick:

So that's not an issue as far as height, but the ordinance requires only a maximum of 20 feet in height. You'd have to prove to this Board that there is some unique circumstances that are on your property that won't allow you to build a 20--that wouldn't allow you to meet with the ordinance requirements.

Mike Bugge:

There's nothing on the property itself, just the fact that I want to try to build a two story pole barn and I can't build it and stay below 20 feet.

Peggy Herrick:

You can certainly apply for a variance for that but I don't think you'd meet the standards. But we can certainly go over those standards and what the application is for a variance. For granting a temporary use there are different standards than granting a variance. The State has separate criteria that the Board of Appeals must look at when granting a variance. They deal with unique limitations of the property that would prohibit you from meeting the ordinance, that there's an unnecessary hardship, that it's not self-imposed, and you'd have to prove all those things. I don't know that you could do that for a height variance for a detached garage.

Mike Bugge:

I understand. I'm just trying to kill two birds with one stone.

Peggy Herrick:

We can't go with that tonight because it wasn't properly noticed.

Mike Bugge:

It just came up within the last couple of weeks. Okay. Obviously that's my only big question about it. Thanks.

Christine Genthner:

Thank you. Staff recommendations?

Peggy Herrick:

The Village staff recommends approval of this Temporary Use Permit to construct a new single-family home on said property and allow the owners to continue to reside in the existing single-family dwelling on the property during construction for the following reasons:

- ✦ The situation of having two dwelling units on one parcel is only a temporary situation; whereby the existing, older house will be razed within 60 days after receiving a verbal occupancy for the new house.
- ✦ Only one single-family dwelling shall be and will be occupied at any given time.

Furthermore, the Village staff recommends that the Temporary Use Permit request be approved subject to the seven conditions as specified in the staff memorandum.

Christine Genthner:

With that we're done with the recommendations?

Peggy Herrick:

Yes.

Christine Genthner:

Then I'll close the public hearing. Do I have any questions of staff before we ask for a motion?  
Seeing none, do I have a motion?

Sheryl Berner:

I have a motion that we accept the staff's recommendation as to the criteria.

Mark Riley:

I would second that.

Christine Genthner:

We have a first and second. Do you need a roll call vote?

Peggy Herrick:

Sure.

Christine Genthner:

Aye, I support.

Mark Riley:

Support.

Tom Glassman:

Support.

Sheryl Berner:

Support.

David Hildreth:

Support.

Christine Genthner:

With that the temporary use permit subject to the recommendations set for by the staff has been approved.

**7. SUCH OTHER MATTER AS AUTHORIZED BY LAW.**

Mark Riley:

All these temporary use that we've given over the years I've sat through all of those, and I'm wondering if there is a good reason why that exception is not right in the, I'm not sure if I'm using the right word, the ordinance, why there couldn't be some time limitations and why that couldn't just be a matter of fact rather than sending our residents through these meetings for something we're going to grant anyway.

Peggy Herrick:

We can certainly bring a resolution before the Plan Commission to initiate an ordinance change.

Mark Riley:

Is there a good reason that I'm unaware of or that I haven't thought of?

Peggy Herrick:

We've been talking about the same thing that that should be something that should be done.

Mark Riley:

I know we all love the paperwork and to come out at night to see each other.

Christine Genthner:

It just seems like administratively something could be done.

Peggy Herrick:

Correct. Since we've done a number of these over the years and it's been the same conditions and there has never been an issue, we can certainly bring a resolution before the Plan Commission for them to consider an amendment to the zoning ordinance to make that an administrative process.

Mark Riley:

Then I would make that recommendation if it's so needed.

Peggy Herrick:

We can certainly look into that.

David Hildreth:

I would support that and second it.

Peggy Herrick:

We can't take any action on that because it's not on the agenda but we can certainly look into it.

## 8. ADJOURNMENT

Christine Genthner:

Seeing nothing else, do I have a motion to adjourn?

David Hildreth:

Yes.

Sheryl Berner:

Second.

Christine Genthner:

All in favor say aye.

Voices:

Aye.

Christine Genthner:

We're adjourned.