

**VILLAGE OF PLEASANT PRAIRIE
ZONING BOARD OF APPEALS
Tuesday, February 26, 2008
5:00 PM**

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

Also Present: Tom Shircel, Assistant Planner and Zoning Administrator; and Jan Petrovic, Executive Secretary.

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

Christine Genthner:

Other than people here to speak on the agenda item, does anybody else want to come forward?

- 5. CONSIDER THE MINUTES OF THE OCTOBER 23, 2007 BOARD OF APPEALS MEETING.**

Christine Genthner:

Do I have a motion?

Bill Morris:

Motion to approve.

Christine Genthner:

I have a motion to approve by Mr. Morris. Do I have a second?

Sheryl Berner:

I'll second.

Christine Genthner:

Ms. Berner seconds. Do we need just a voice vote?

Tom Shircel:

That's fine.

Christine Genthner:

All in favor of approving the minutes from the October 23, 2007 Board of Appeals indicate aye.

Voices:

Aye.

Christine Genthner:

Any nays? None. Do we need to take a voice vote on opening for public hearing?

Tom Shircel:

No, you do not.

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A TEMPORARY USE PERMIT for the request of Jeffery Nelson, owner of the property located at 5518 Springbrook Road (CTH "ML"), for a Temporary Use Permit to construct a new single-family home on the 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 Southwest One Quarter of U.S. Public Land Survey Section 26, 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 as Tax Parcel Number 92-4-122-263-0191.

Christine Genthner:

Do I have an application by staff?

Tom Shircel:

Yes, we do.

Christine Genthner:

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

Tom Shircel:

I do.

Christine Genthner:

Please proceed.

Tom Shircel:

These are the findings of facts for this case.

1. The request of Jeffery Nelson, owner of the property located at 5518 Springbrook Road, which is County Trunk Highway ML, for a Temporary Use Permit to allow the construction of a new single-family home on the 2.53 acre parcel 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.
2. The property is located in a part of the Southwest One Quarter of U.S. Public Land Survey Section 26, 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 92-4-122-263-0191.
3. The property has split zoning. The eastern portion of the property, where the existing house is located, is zoned R-4, Urban Single-Family Residential District. The western portion of the property, where the proposed new house is to be located, is zoned A-2, General Agricultural District. You can see that on the slide on the wall.
4. Pursuant to Section 420-30 A of the Village Zoning Ordinance, only one permitted principal structure, and in this case that would be the single-family dwelling, shall be located on a single lot unless otherwise permitted.
5. As noted, upon completion of the new house the existing house will be razed. Therefore, for a short time frame there will be two permitted principal uses on this property, thus the request for this temporary use permit.
6. The demolition of the existing dwelling will eliminate a nonconforming structure. The existing house is nonconforming in that it does not comply with the current 65 foot minimum street setback from Springbrook Road. The existing house is only setback approximately five feet from the Springbrook Road right-of-way line.
7. The new, 2-story single-family dwelling is proposed to have an approximate 30' x 50', which is 1,500 square feet, building footprint with attached front and rear porches.
8. The new dwelling is proposed to be set back approximately 140 feet from the street or front property line which is approximately 96 feet behind the existing house. Similar to the existing dwelling, the existing approximate 24' x 24' detached garage is to be demolished as shown on the applicant-submitted site plan. As information, with the

construction of the new dwelling with the greater street setback, the existing 576 square foot detached garage must be razed so as not to create a new nonconforming accessory structure located in the street yard. The ordinance states that you cannot have accessory structures in the street yard of a single family lot.

9. As shown on the applicant-submitted site plan, the portion of the existing driveway closest to Springbrook Road will be utilized to serve the new dwelling and to serve the future garage associated with the new dwelling. That you can see on the slide as well in the gray and the dashed gray lines.
10. Municipal water and sanitary sewer do not currently serve this property. Both utilities terminate within Springbrook Road approximately 1,200 feet northeast of the subject property. The Kenosha County Sanitarian will need to review, approve and grant a sanitary permit for any modifications to the existing on-site private sanitary sewer system or for any new private sanitary sewer system.
11. A few trees and scrub vegetation may be removed to accommodate the new dwelling.
12. The subject property does not contain any wetlands, 100-year floodplain or any shoreland jurisdictional area.
13. As information, the property owner/applicant shall be aware that the A-2 District has minimum zoning district requirements related to single family dwellings, and that would include such items as minimum square footage for the dwelling, height restrictions, setbacks, building separation distances and so forth, and further requirements related to other uses in the A-2 District. The new home, and any new accessory structures, shall be in compliance with all of these standards.
14. In keeping with the Board of Appeals standards set for similar previous Temporary Use applications, the existing house, detached garage and any other detached buildings that may be located in the street yard of the new dwelling and that would be between the front of the new dwelling and the street property line, shall be removed or razed within 60 days of occupancy of the new house. The petitioner shall completely remove the old house, detached garage and any other detached buildings that will be located in the street yard of the new dwelling, including the foundations of those structures, within 60 days after receiving a verbal occupancy for the new house and shall remove all debris from the property and restore and stabilize the area occupied by the old structures.
15. The Village has previously and recently granted similar Temporary Use Permits for similar requests including:
 - a. April 15, 2003, for Katherine Fuller at 10413 32nd Avenue.
 - b. August 20, 2002, for James and Patricia Stollings at 9150 26th Avenue.
 - c. February 5, 2002, for Jason & Sharron Hyatt at 8925 89th Avenue.
 - d. November 21, 2000, for Steven Carver at 6710 116th Street.

- e. August 17, 1999, for Alfred Lecy at 2619 104th Street.
 - f. September 20, 2005, for John and Leah Schaut at 3101 104th Street.
 - g. March 21, 2006, for Michael and Belva Bugge at 6018 Springbrook Road.
 - h. August 15, 2006, for Leon Robillard & Sandra O'Neil, at 2929 116th Street.
16. All of the abutting and adjacent property owners within 100 feet were notified of the Temporary Use Permit request via regular U.S. mail on February 12, 2008. And the Board of Appeals agenda was published in the *Kenosha News* on February 12, 2008.

With that, this is a public hearing and I know the applicant is in the audience and I'll turn it back to the Board.

Christine Genthner:

Thank you. Would the applicant or anybody on his or her behalf like to come forward and address the Board? You don't have to. Any questions for staff before we proceed with any recommendations? Seeing no questions, staff do we have a recommendation?

Tom Shircel:

Yes, we do. The Village staff recommends approval of the Temporary Use Permit to construct a new single-family home on this 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 occupied at any given time.

With that the staff recommends approval for the temporary use permit subject to the nine conditions listed in your agenda packet.

Christine Genthner:

Thank you. Any questions of staff on the recommendation before I close the public hearing? Seeing none, we'll close the public hearing. Do I have a motion?

Mark Riley:

So moved.

Christine Genthner:

Mr. Riley has moved to approve subject to the nine conditions.

Bill Morris:

I will second.

Christine Genthner:

Mr. Morris has seconded. Any discussion on the motion before we proceed to a vote? Seeing none, do you want to take a roll call vote?

Tom Shircel:

Yes, that would be best, yes.

Christine Genthner:

I approve the motion.

Bill Morris:

Approve the motion.

Mark Riley:

Approve.

Jennie Holman:

Approve.

Sheryl Berner:

Approve.

Christine Genthner:

With that the Temporary Use Permit is approved subject to the conditions set forth in the recommendation by staff.

7. SUCH OTHER MATTER AS AUTHORIZED BY LAW.

Tom Shircel:

There are none.

8. ADJOURNMENT.

Bill Morris:

I'll so move.

Jennie Holman:

I'll second that motion.

Christine Genthner:

We have a first and second to adjourn. All in favor say aye.

Voices:

Aye.

Meeting adjourned: 5:12 p.m.