

DRAFT

**VILLAGE OF PLEASANT PRAIRIE
ZONING BOARD OF APPEALS
Monday, October 10, 2011
5:00 PM**

Members Present: Christine Genthner, Chairperson; Jennie Holman; Steve Kumorkiewicz; and David Hildreth (Alternate #1). William Morris, Mark Riley and Tom Glassman were excused.

Also Present: Peggy Herrick, Assistant Zoning Administrator; and Jan Petrovic, Clerical Secretary.

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

Christine Genthner:

Do I have anyone who wants to address the Board? There will be a public hearing on the applicant's petition.

- 5. CONSIDER THE MINUTES OF THE MAY 24, 2011 BOARD OF APPEALS MEETING.**

Christine Genthner:

Everybody have a copy in their packet? Do I have a motion?

Jennie Holman:

I make a motion to accept the minutes.

David Hildreth:

I'll go ahead and second that.

Christine Genthner:

Ms. Holman made a motion to accept the minutes. There was a second by Mr. Hildreth. Any changes, additions, deletions before we vote on the motion? Seeing none, do you want a roll call, Peggy?

Peggy Herrick:

No, that's not necessary.

Christine Genthner:

All who are in favor of accepting the minutes from the May 24, 2011 Board of Appeals meeting say aye.

Voices:

Aye.

Christine Genthner:

No nays.

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF VARIANCES for the request of Eddie Zarletti, owner of the property located at 4503 75th Street for the following variances from the Village Zoning Ordinance to convert the vacant gas station building to a used car lot and minor repair shop to be known as Safeway Auto:

- (1) A variance from Section 420-50 to reduce the minimum number of required employee/customer parking spaces for the automobile sales/repair business to five (5) parking spaces rather than the seven (7) customer/employee parking spaces required. The required one (1) handicapped van accessible space will also be provided.**
- (2) A variance from Section 420-140 E (2) (d) to reduce the required setback for parking areas and maneuvering lanes to zero feet on north, south and west sides of the property and northeast corner of the property and reduce the required 10 foot setback to five (5) feet on the southeast corner of the property.**
- (3) A variance from Section 420-140 E (2) (e) to reduce the maneuvering lane on the north side of the building from 24 feet to 20 feet.**
- (4) A variance from Section 420-140 E (2) (f) to reduce the setback for the required garbage/recycling enclosure attached to the southwest corner of the building from three (3) feet to 2.5 feet from the south property line.**

The subject property is located in a part of the Northeast One Quarter of U.S. Public Land Survey Section 11, Township 1 North, Range 22 East of the Fourth Principal Meridian, in the Village of Pleasant Prairie and further identified as Tax Parcel Number 91-4-122-111-0035.

Christine Genthner:

With that do we have findings of fact by 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.

Christine Genthner:

Please proceed.

Peggy Herrick:

Thank you.

1. The petitioner is requesting the following variances from the Village Zoning Ordinance to convert a vacant gas station site/building to a used car lot and minor vehicle repair shop located at 4503 75th Street to be known as Safeway Auto:
 - A variance from Section 420-50 to reduce the minimum number of required employee/customer parking spaces for the automobile sales/repair business to five parking spaces rather than the seven customer/employee parking spaces required. The required one handicapped van accessible space will also be provided.
 - A variance from Section 420-140 E (2) (d) to reduce the required setback for parking areas and maneuvering lanes to zero feet on the north, south and west sides of the property and northeast corner of the property and to reduce the required 10 foot setback to five feet on the southeast corner of the property.
 - A variance from Section 420-140 E (2) (e) to reduce the maneuvering lane on the north side of the building from 24 feet to 20 feet.
 - A variance from Section 420-140 E (2) (f) to reduce the setback for the required garbage/recycling enclosure attached to the southwest corner of the building from three feet to 2.5 feet from the south property line.

The subject property is located in a part of the Northeast One Quarter of U.S. Public Land Survey Section 11, Township 1 North, Range 22 East of the Fourth Principal Meridian, in

the Village of Pleasant Prairie and further identified as Tax Parcel Number 91-4-122-111-0035. See Exhibit 1 for a copy of the application and related materials submitted on behalf of the petitioner.

2. The property is zoned B-2, Community Business District. As you can see from the overhead, it's located on the southwest corner of State Trunk Highway 50 and 45th Avenue.
3. The Village property records indicate that the original Town & Country gasoline service station building was constructed in 1957. Since the adoption of the first Kenosha County Zoning Ordinance in 1959, the service station use has been classified as a legal but nonconforming use. However, because the property has been unoccupied or vacant since the beginning of 2008 which is greater than 12-consecutive months, any use of the building/site would now need to conform to the current uses allowed in the B-2 District and all the requirements of the Village Zoning Ordinance.
4. The site, which is 9,599.6 square feet, has been completely paved with no separation to the adjacent Town N Country Shopping Center since the building and site was developed in the 1950s and 1960s and that's for about the last 50 years.
5. In 1989, the Village Zoning Board of Appeals granted a Variance which was Grant Document #89-004, to allow for the construction of a canopy over the existing gasoline pumps with a street setback of a minimum of 15 feet from the north property line, provided that no vehicle parking was allowed adjacent to STH 50. As a result of the new use on the site, the canopy has since been removed and parking is proposed to be adjacent to STH 50 according to a new Variance being considered at tonight's meeting. The Village will release the original Variance Grant Document #89-004 recorded as Document #825567 at the Kenosha County Register of Deeds. That original document is provided in your packet as Exhibit 2.
6. This property is also classified as a nonconforming lot in that the 0.22-acre site does not meet the minimum lot area requirements of 2.0 acres. So if this were a brand new lot being developed now and being created it would have to be a minimum of 2 acres. It's way short of that so it's considered a nonconforming lot.

Section 420-140 E (2) of the Village Zoning Ordinance allows for a nonconforming lot where a principal structure is located to continue to be used and further developed for an allowed use in the B-2 Business District subject to compliance with all applicable requirements of the Zoning Ordinance other than the minimum lot size and/or minimum public street frontage requirements that cause the lot to be nonconforming and of all other Village ordinances and codes provided, however, that in the event applicable requirements of the Zoning Ordinance cannot be complied with as a result of the lot's failure to satisfy the minimum lot size and/or minimum public street frontage requirements, then certain other specified requirements of this chapter, which is the zoning ordinance, shall be modified in accordance with this subsection to allow continued productive use and/or development of the lot if certain specified conditions are met.

Furthermore, said section indicates that the following items shall be evaluated sequentially and cumulatively to determine the minimum degree of such modification necessary to allow productive continued use and/or development of the nonconforming lot, as well as the maximum amount of such modification permitted by this section, and the extent and priority of such required modifications shall be as provided. So, in other words, the zoning ordinance already sets forth standards and reductions to regular setbacks because the lot is smaller. So these are the things that we go through to see what can be reduced as they go forward. And things that cannot be met based on these reductions that are already given in the ordinance would require a variance. So he's not applying for variances from these reductions, but things from these reductions he still can't meet because of the size of the lot.

Any existing or proposed accessory structure or proposed addition to an accessory structure on the lot shall be reduced in size or eliminated, as necessary to achieve compliance. All accessory structures, the pole sign, canopy, fuel islands have been removed from the site. So he's not proposing to add any new and he's also removing some that are not needed for this use.

If any necessary reduction or elimination of any proposed accessory structure or any proposed addition to such a structure does not allow compliance with the remaining applicable requirements, any extra principal structure or any proposed addition to any principal structure shall be reduced in size or eliminated, as necessary to achieve compliance. Again, as I stated before, there are no accessory structures or additions to the principal building are proposed other than the required garbage enclosure which all buildings are required to have. So that's a small fenced area that's being added on, but nothing else is being added to the building.

The minimum building size of the B-2 District is 4,000 square feet while the existing principal building is 1,263.4 square feet, which is below the minimum standards; therefore the principal building size is not practical to reduce any further.

If any necessary, if those first two reductions do not allow compliance with the requirements, then the required landscaped islands within the parking area shall be reduced in size or number or eliminated, as necessary to achieve compliance. Based on the plan there are no parking lot islands. The only landscaped islands are around the perimeter of the site so all those have been eliminated.

The next thing that's looked at if all of the above things were eliminated and reduced to an allowable size, then the next thing that's looked at is the setback of parking areas from the property lines, and they can be reduced from the 20 feet to an absolutely 10 feet. The petitioner is requesting to have a further reduction of that. He is requesting that the parking areas and maneuvering lanes continue to have the zero foot setback on the north, south and west sides of the property line and reduce the setback on the east side to five feet from the east property line. So the intent, if you look at the slide here, this will continue to be open and paved as it is. Nothing will change on this side. There's a five foot green space that is being proposed on the southeast corner of the site. Then this vision triangle area will be landscaped as well. On this slide the red line is the property line. So the variance being requested is to continue to allow no green space along these

three property lines and reduce this to five feet and just place the vision triangle area in green landscape. So that's one of the first variances being considered tonight.

The next item to be considered in reducing dimensional requirements on the site per the ordinance is to reduce the absolute minimum of 24 feet for maneuvering lanes on the site provided firefighting equipment can safely maneuver through the lot. This distance from the parking areas where he's proposing inventory parking spaces be provided, and here is the building, this dimension from the buildings between the parking lots can be reduced to about 20.66 feet rather than the 24 feet as required by the ordinance. This land width is achieved by reducing the vehicle inventory parking spaces to the zoning ordinance minimum requirements of 18 feet in length rather than the 19 feet as shown. So that's the second variance is to reduce this aisle width from 24 to about 20 feet.

The next thing that's looked at is if all the rest of the things that are done the site cannot still be built on to conform with the ordinance, then the required garbage and recycling enclosure may be detached. It's required to be attached, but it could be detached from the building provided the required enclosure is located in the side or the rear yard and is a minimum of three feet from the side and rear property lines. However, the Village Zoning Administrator may allow for the three foot setback to be reduced if proper screening is provided to the adjacent property. The required garbage enclosure which is required is proposed to be in this back location right here. It will be a fenced area, and it will be approximately 2.5 feet from that south property line.

The next thing we look at is the open space, and the ordinance allows the open space requirements to be reduced to the extent required by other modifications as described above. So the open space has been reduced on this site to 550 square feet or about 17 percent of the site. However, additional green space will be added in the right of ways of Highway 50 and 45th Avenue to define the entrance and exit areas on the site. So, again, this drawing indicates the red line is the property line, and the green indicates all the landscaped open spaced area. So this vision triangle is on the site and this little piece is on the site. That makes up about 550 square feet. The green areas outside the property line will also be landscaped and green. It will not all be open asphalt like it is right now, how everything is all open in this area, you can get in basically all two sides of the site. So it will have defined entrances at these two locations, and there will be landscaping and green areas in the right of way and on the site.

The ordinance further states if the modifications provided in this Section 420-140 E (2) which were just described above are not sufficient to allow the proposed use of the development activity on the line and compliance with the remaining applicable requirements of the zoning ordinance, such lot may only continue to be used or further developed provided a variance is granted.

7. The next section in the staff memo talks about the parking. Section 420-50 of the Village Zoning Ordinance requires the following minimum parking spaces for the proposed use. For an automobile repair business four spaces per 1,000 square feet of floor area, with repair space for motor vehicles not counted as parking space, plus one space for each full-time employee.

For automobile sales business one designated customer space for each 600 square feet of enclosed floor space, plus one space for each 2,000 square feet of outside display area. Required handicapped accessible parking spaces pursuant to the State Building Code.

The petitioner has indicated that there will be two full time employees, 810 square feet of outdoor car display of vehicles for sale area with five designated parking spaces, and the building is 1,263 square feet. Therefore, the minimum parking required for proposed use on this site for customer and employee parking is seven parking spaces plus one handicapped van accessible parking space. The petitioner is requesting to provide five vehicle inventory parking spaces, five customer/employee parking spaces and one handicapped van accessible parking spaces.

8. Based on the foregoing, the following variances from the zoning ordinance are being considered: A variance to reduce the number of parking spaces for employees and customers from seven which is required to five, to reduce it by two. The next variance is to reduce the side setbacks to five feet on the east property line and zero feet on the north, south and west property lines where a ten foot setback is required. The third variance is to reduce the maneuvering lane on the north side of the building from 24 feet to 20 feet. And the fourth variance is to allow the garbage enclosure to be 2.5 feet from the south property line than the required three feet. So those are the four different variances being requested tonight.
9. The Wisconsin Department of Transportation, DOT, Vision/Access Management Plan identifies that eastern entrance from the site to STH 50 will be removed. As part of the DOT's resurfacing and median relocation project in the spring of 2012, the median opening immediately west of 45th Avenue within STH 50 will be closed and the easternmost access from the site to STH 50 will be eliminated. The western most driveway access to STH 50 is being defined and will be a right-in right-out access to STH 50. And that's this one access point shown right here. The other access which is kind of over here is being eliminated. One access point from 45th Avenue directly across from the newly defined entrance to Ayra's Liquor and Cigar Store at 4417 75th Street will be defined by new curb and islands. So this entrance over here will be directly across the street from a new entrance being put in by Ayra's Gas Station which is being converted to a liquor and cigar store, so those will line up together.
10. Internal site access will provide for two way circulation in front of the building, about 20.66 feet in width, wherein a 24 foot maneuvering lane is required. The parking spaces adjacent to STH 50 are required to be 9 feet by 18 feet, not 9 feet by 19 feet as shown on the plans. Therefore, the maneuvering lane can be increased to about 20.66 feet. The plans currently say 19.66, but if we reduce that required parking by a foot we can get an additional foot for the maneuvering lane.

The Village Fire & Rescue Department does not object to this width due to the size of the building and close proximity to the adjacent right-of-way and paved parking areas within Town N Country shopping center. If the WI DOT modifies the Vision/Access Management Plan and determines that the western site access to STH 50 should be eliminated with the STH 50 reconstruction project in 2018, then one-way circulation in front of the building may be warranted. There is still potential in the future that this

access be eliminated. If that is eliminated at some point in time, staff is recommending that one-way traffic in one direction may be better suited for this site if that is ever eliminated.

11. As noted above, five parking spaces for outdoor car display of vehicles for sale will be provided. Those are along here. There's five spaces marked with an I on this overhead. There are five customer and employee parking spaces, and those are marked with C. There's two on this side, there's three over here, and this is the one handicapped van accessible parking space.

The owner, based on past experience, indicates the proposed parking provided will be adequate for the proposed use and understands that there is no parking allowed on STH 50 or 45th Avenue adjacent to the site. However, if the variance is granted by the Village Zoning Board of Appeals to allow for the reduction of minimum on-site parking spaces, and if the Zoning Administrator determines that on-site parking becomes an issue, the owner shall either eliminate vehicle for sale parking spaces and use them for customer parking or verify that the adjacent property will not object to employee or customer parking off-site in the Town N Country parking lot.

Again, everything south and west of this property is part of Town N Country Shopping Center, so it's all paved out there. There are no separations between those property boundaries. So something like that to share parking could be something that could be achieved very easily if on-site parking becomes a problem on this site.

12. Pursuant to the modifications allowed for a nonconforming lot as discussed above, the required landscape islands within the parking areas are allowed to be reduced, the setback for parking areas from the property lines of the lot are allowed to be reduced to 10 feet minimum, and the minimum percent of open space on the site is allowed to be reduced. Due to the size of the site, a variance to reduce the required setback for parking areas and maneuvering lanes from the required 10 feet to zero feet on north, south and west sides of the property and five feet on the east property line is required for the re-development of this site.

At this time the curb and landscaped area on the property and within 45th Avenue will be installed by the owner. The southern curb island defining the entrance on 45th Avenue shall be fully curbed including the southern portion of the island.

At this time no work will be done within the STH 50 right-of-way. The curb removal of the concrete/asphalt within the STH 50 right-of-way will be completed by the DOT next spring/summer 2012 during the first phase of the DOT STH 50 re-surfacing project. The WI DOT will install the curbs and install the grassy area within the right-of-way of STH 50; however, the owner will be required to install landscaping within the right-of-way of STH 50.

The plantings in the right-of-way of STH 50 will be required to be approved by the WI DOT. Planting within STH 50 right-of-way must be low growing and shall not exceed two feet in height within the vision triangle which is on the property. So that vision triangle is this area here which will allow traffic coming out of 45th Avenue to be able to

clearly see oncoming traffic.

A Maintenance Agreement must be entered into to ensure that the owner is responsible for the planting, replanting, weeding, cutting, trimming, watering and other maintenance of the lawn and plantings with the rights-of-way of STH 50 and 45th Avenue. The Agreement will also indicate that if the owner does not maintain the plantings, the Village will maintain them and then the adjacent landowner will be invoiced or assessed the costs as a special charge for the maintenance.

The entire property, since it was developed in the 1950s has provided no landscaping, with the exception of a few planters. The petitioner is proposing to add a five foot landscaped area on the east property line, add additional green space at the northeast corner so that cars are not parked within the vision triangle, and one entrance is defined on 45th Avenue. In addition, as noted above the WI DOT will allow for additional green landscaped area within the right-of-way after the re-surfacing project is completed in 2012 that will clearly define one entrance off of STH 50.

If this variance is approved, the open space will be increased from none, which is currently on the site, there's no landscaping or open space currently on the site, to provide about 550 square feet or about 17 percent of the site plus the additional green space added in the right-of-way of STH 50 and 45th Avenue to define the entrances and the exit areas.

13. As noted above the existing 1,263.4 square feet concrete block building was constructed in 1957, and the gasoline canopy and pumps have been removed. A new garbage and recycling enclosure is proposed to be constructed at the southwest corner of the building. The enclosure is proposed to be constructed of clear cedar board on board fencing stained to match the building and a variance to reduce the setback for the required garbage and recycling enclosure to the south property line is being requested to be reduced from 3 feet to 2.5 feet.

As noted before, each business in the B-2 District is required to have a garbage enclosure on site. Due to the size of the site the best location for this required dumpster is in the southwest corner of the building. In addition, an unrestricted cross-access has existed between the Town N Country shopping center and this site since the shopping center opened in 1963 which would continue to allow the garage trucks to access the dumpster weekly.

14. Pursuant to the application, which is Exhibit 1, the granting of these variances is supported by the current size and configuration of the existing parcel. This in an older neighborhood, existing parcel with an existing building making it impossible to comply with current zoning requirements. This is not an issue of the owner creating the hardship, but rather the hardship existing because of the existing conditions. Previous owners operated this location within a gas station and service facility for years without having to comply to the Village's Ordinance as they've changed only because of the change in ownership and that the site has been vacant for a period of time does compliance become required. This, in the absence of the zoning ordinance, situation would not exist.

15. All of the abutting and adjacent property owners within 100 feet of the property were notified via regular U.S. Mail on September 26, 2011. The Board of Appeals agenda was published in the *Kenosha News* on September 26, 2011. That is provided in Exhibit 3.
16. Under the State of Wisconsin Supreme Court case law pertaining to granting of variances, a variance may be granted only if the applicant can show that the standards set forth in the Statutes and interpretive case law for granting variances will be met. The Statutes provide that a variance may be allowed when it will not be contrary to the public interest; where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done.

So with that, that is the findings of fact for this application. Again, there are four separate variances being requested tonight to allow for the redevelopment of the former gas station for a used car lot and motor vehicle repair shop.

Christine Genthner:

Thank you. Since this is a public hearing, is there anybody else who would like to appear on this item? Mr. Morris, can you state your name for the record and provide a business address?

William Morris:

William Morris, 5308 31st Avenue, Kenosha, Wisconsin.

Christine Genthner:

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

William Morris:

I do.

Christine Genthner:

Please proceed.

William Morris:

I think in the presentation this evening from the staff which was excellent, I think that the real important issue really is stated in number 14 and really number 16. And that is you have this evening a petitioner who is looking at an existing site in an older portion of a commercial neighborhood within the Village, certainly a very small parcel it was emphasized tonight. The variances or the thought process that we put behind this as we started to lay out the site—could we bring the site plan back up? Thank you.

I think that if you went out there, which I'm sure you all did, what you saw was really nothing

more than a very sad, old little building surrounded by just a big black asphalt mat. And really our intention tonight and in the design of it was really to try to soften the site and make some pretty earnest attempts at complying with the zoning ordinance of the Village and adding green space which I think will add street appeal, help the building, help the operation, help basically the commercial vision that the petitioner has here for his business.

One of the things I want to emphasize when we looked at the law of the granting of variances, there was always this provision that the variances should not be self-inflicted, and I think tonight is truly a classic example of a very small parcel, an existing parcel. It's been here since the 1950s and truly not a situation created by the petitioner but one created by the very parcel itself. And that is in the 1950s pre-zoning a building was allowed to be built, it functioned for many years, and I think now what we're trying to do is make it viable so that it doesn't just become a blighted site or something that just sits there vacant and an eyesore for both the Village and unfortunately for malicious activities of people today which is a part of reality of life. But I think improve the site, add some landscaping, add some green space, add a viable business and make it a win-win for everyone involved. I thank you. If you have any questions we are certainly here to answer them.

Christine Genthner:

I just have a couple of questions real quick. With regard to the setback for the garbage recycling enclosure, did you look at other areas of the site to see if it was a potential to place it anywhere else?

William Morris:

We did. We actually looked at two or three different positions. One of the things, I guess let me just kind of emphasize, as we went through the process we actually met with the Village staff, I met with the Fire Chief and met with the Police Chief as well to kind of look at some of the issues that they would look at as important. And really as was mentioned earlier this evening when I met both with Chief Guilbert the vehicular movement is something that they look at. They have to. Let's face it let's hope they're never there, I hope they're never there, but certainly from his perspective tucking it into that small southwest corner was more of a positive thing to put it out of the way then to try to encumber and then have a garbage truck try to come and maneuver on either the east side or on the north side. And on the north side the unfortunate thing is then it's right in your street appeal. I'll just put it real blunt, that's like big time ugly.

We are going to, as was mentioned tonight, we have it detailed such that it will match the building. The petitioner I don't want to speak for him but he will be making it match and staining it so that it blends in well with the building and things of that nature. They don't need a large container in there as some businesses do. So it should be pretty unobtrusive.

Christine Genthner:

Thank you. Any other questions?

Steve Kumorkiewicz:

I'd like to make a comment. In this that you have for the garbage disposal it's 12 feet wide. I think it's six feet deep right now or five feet?

William Morris:

Yes.

Steve Kumorkiewicz:

So actually you're going to have access to that from the south side of the building?

William Morris:

That is correct.

Steve Kumorkiewicz:

My opinion is that it's the preferable location to keep it although you're going to enlarge it as it is right now, correct?

William Morris:

It doesn't exist right now.

Steve Kumorkiewicz:

You have a slab right there.

William Morris:

Yes, there is a small slab right there, yes.

Steve Kumorkiewicz:

And the entrance from 50 is there a possibility that if they enlarge Highway 50 that's going to be closed?

Peggy Herrick:

Correct. And there's a possibility if they enlarge Highway 50 that they'll be taking some of the site away as well.

Steve Kumorkiewicz:

The only access is going to be from 45th?

Peggy Herrick:

Potentially, yes, with cross-access that they've enjoyed back and forth with Town N Country right through here. That's why we recommended that if this ever gets eliminated then they want to consider one-way traffic through here, whatever direction.

William Morris:

And we have talked about it as well. In fact, as Peggy knows, I've had numerous both emails and discussions with Janet Canon with the DOT who is kind of the project coordinator on this thing. It's DOT. They are at best vague right now. She's really focused on really as was mentioned earlier the resurfacing and things of that nature that's going to happen next summer. There's really nothing that they will commit to pro or con because there's no plans as to what would happen. I appreciate that. They're not going to make a statement that they're going to acquire land from Mr. Zarletti or anything else, but we have talked about it, yes.

Steve Kumorkiewicz:

Thank you.

Christine Genthner:

Anything else, Mr. Morris?

William Morris:

No, thank you.

Christine Genthner:

Anybody else who wishes to come forward at this time and address the Commission? Seeing none, do we have staff recommendation?

Peggy Herrick:

Yes. Based on the findings of facts, the variance application filed, the Village staff finds that the application meets the requirements for granting the variances as requested. Again, those are four different variances. The first one is a variance from Section 420-50 of the Village Zoning Ordinance to reduce the minimum number of required employee/customer parking for the automobile sales and repair business to five parking spaces rather than the seven required; a variance from Section 420-140 E (2) (d) of the Village Zoning Ordinance to reduce the required setback for parking areas and maneuvering lanes to zero feet on the north, south and west lines of the property and the northeast corner of the property and to reduce the required ten foot setback to five feet on the southeast corner of the property.

The third variance is from Section 420-140 E (2) (e) of the Village Zoning Ordinance to reduce the maneuvering lane on the north side of the building from 24 feet to 20 feet. And the fourth variance is from Section 420-140 E (2) (f) of the Village Zoning Ordinance to reduce the setback

for the required garbage and recycling enclosure to be attached to the southwest corner of the building to reduce that setback from 3 feet to 2.5 feet from the south property line. If the Board finds that the application and the facts presented warrant the granting of the variances requested, then the following 11 conditions as stated in the staff report are recommended to be conditions of that approval.

Christine Genthner:

Thank you, Peggy. At this time then I will close the public hearing. Do I have a motion?

Steve Kumorkiewicz:

I'll make a motion to approve the request.

Jennie Holman:

Are the 11 conditions going to be read?

Christine Genthner:

Ms. Holman wants to know if the 11 conditions are going to be read. Is the motion just for clarification to approve the four variances as set forth in the petition together with the 11 conditions required by staff?

Steve Kumorkiewicz:

My understanding is it's already written here.

Christine Genthner:

Just for clarification. So, Ms. Holman, yes, the motion on the floor as I understand it is to approve the four requested variances along with the 11 conditions that are set forth in our packet of information which I understand has been provided to the applicant, correct?

Peggy Herrick:

Correct.

David Hildreth:

And they do not need to be read into the minutes at this point.

Steve Kumorkiewicz:

Subject to actually.

Christine Genthner:

Alright, so we have a motion. Do I have a second?

David Hildreth:

I'll second it.

Christine Genthner:

I have a motion and a second. At this time do you want a roll call?

Peggy Herrick:

Yes.

Christine Genthner:

I should say any discussion on the motion before we proceed further?

Steve Kumorkiewicz:

It's going to be a big improvement on the site, that's for sure.

Christine Genthner:

Take a roll call. I support the approval of the four requested variances.

Jennie Holman:

I approve all four variances yes.

Steve Kumorkiewicz:

Approve subject to the conditions.

David Hildreth:

I'll approve.

Christine Genthner:

With that, the motion is carried for the approval of the four variances as set forth in the petition together with the conditions that are required by staff and set forth in their documentation, all 11.

7. ADJOURNMENT.

Steve Kumorkiewicz:

So moved.

Jennie Holman:

Second.

Christine Genthner:

All in favor say aye.

Voices:

Aye.

Christine Genthner:

With that we're adjourned.