

**VILLAGE OF PLEASANT PRAIRIE  
ZONING BOARD OF APPEALS  
Tuesday, September 25, 2012  
6:00 PM**

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

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:

The matter will be open for a public hearing, but if there's anybody who'd like to come up and address the Commission at this time you can.

5. **CONSIDER THE MINUTES OF THE MARCH 12, 2012 BOARD OF APPEALS MEETING.**

Steve Kumorkiewicz:

Make a motion to approve.

Bill Morris:

I'll second.

Christine Genthner:

**I HAVE A MOTION BY STEVE KUMORKIEWICZ TO APPROVE AND A SECOND BY BILL MORRIS ON THAT. ANY COMMENTS OR ADDITIONS OR DELETIONS? CALL THE MOTION.**

Peggy Herrick:

I just want to make a comment. I believe the minutes that were attached said 2011 instead of 2012.

--:

It says 2012 on here.

Peggy Herrick:

Does it, okay. We did correct that.

--:

It does say meeting March 12<sup>th</sup>.

Peggy Herrick:

Correct, but in the minutes themselves.

Christine Genthner:

You're right, it does say number 5.

Peggy Herrick:

So I'd like to have that correction made.

Christine Genthner:

With that correction do I still have a motion and a second?

Steve Kumorkiewicz:

Yes.

Bill Morris:

Yes.

Christine Genthner:

All in favor of accepting the minutes say aye.

Voices:

Aye.

Christine Genthner:

Do you need a roll call for that?

Peggy Herrick:

No.

6. NEW BUSINESS

- A. PUBLIC HEARING AND CONSIDERATION OF A VARIANCE, for the request of William Wamboldt agent, from Section 420-86 B (1) (e) of the Village Zoning Ordinance to allow the existing 2,836 square foot detached accessory structure to remain on the property wherein the size exceeds the allowable limit for a detached accessory structure and will exceed the size of the first floor of the proposed new single family house proposed to be constructed on the property (the existing home is proposed to be razed) located at 11934 28th Avenue.

The subject property is located in a part of the U.S. Public Land Survey Section 36, Township 1 North, Range 22 East of the Fourth Principal Meridian, in the Village of Pleasant Prairie and further identified as Tax Parcel Number 92-4-122-361-0305.

Christine Genthner:

With that do I 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:

1. This is the request of William Wamboldt agent, for a variance from Section 420-86 B (1) (e) of the Village Zoning Ordinance to allow the existing 2,836 square foot detached accessory structure to remain on the property wherein the size exceeds the allowable limit for detached accessory structures and will exceed the size of the first floor of the proposed new single family house proposed to be constructed on the property. The intent is that the existing home will be razed. This property is located at 11934 28<sup>th</sup> Avenue. See Exhibit 1 for a copy of the application.
2. The subject property is located in a part of the U.S. Public Land Survey Section 36, Township 1 North, Range 22 East of the Fourth Principal Meridian, in the Village of Pleasant Prairie and further identified as Tax Parcel Number 92-4-122-361-0305.

3. Banks of Wisconsin, the current owner of the property has requested that the Village Board approve a Certified Survey Map to subdivide the 15.3 acre property into two lots and to withdraw the request for approval of the Final Plat for The Orchard Subdivision. This was a 19 lot subdivision proposed to be developed on this property. In addition, the owner is requesting to rezone the property and amend the Village's Comprehensive Land Use Plan. These three items are being considered by the Plan Commission on October 8, 2012 and the Village Board on October 15, 2012. I'm just going to give you a brief overview of those three so you can understand a little bit more of what's going on.

Certified Survey Map: Lot 1 is proposed to 5.3 acres within 250 feet of frontage on 28<sup>th</sup> Avenue. There is an existing home and detached building on this property. This property has an accepted offer to purchase from William and Kathy Wamboldt, the petitioners of the variance, who intend to raze the house, rebuild a new single family home and keep the existing detached garage on the site. The detached garage is allowed to stay only with approval of a variance being considered tonight. Lot 2 of this Certified Survey Map will be the remainder 10.1 acres with 153 feet of frontage on 28<sup>th</sup> Avenue. And that's shown on the slide in Exhibit 2.

Zoning Map Amendment: The portions of the property that are zoned PR-1, Park-Recreational District and R-3, Urban Single Family District, are proposed to be rezoned into the R-4, Urban Single Family Residential District. The portion of the property that is zoned C-1, Lowland Resource Conservancy District, will remain unchanged. The rezoning of the properties to the R-4, Urban Single Family District is consistent with the adjacent properties that are also zoned R-4, Urban Single Family Residential District. And that is shown on Exhibit 3.

Comprehensive Plan Amendment: The Village of Pleasant Prairie 2035 Comprehensive Land Use Plan Map 9.9 is proposed to be amended so that the zoning map and the land use map are consistent as required by our Comprehensive Plan. Specifically, Map 9.9 is proposed to be amended to remove the Park, Recreational and Other Open Space Lands without wetlands into the Low-Medium Residential land use designation for the property located at 11934 28<sup>th</sup> Avenue. Appendix 10-3 of the Village's 2035 Comprehensive Plan is also proposed to be updated to include this aforementioned amendment. Again, these three items, the Certified Survey Map, the Zoning Map Amendment and the Comprehensive Plan are proposed to be considered by the Village Plan Commission on October 8<sup>th</sup> and the Village Board on October 15<sup>th</sup>.

4. The previous property owners were proposing to develop this property into a single family subdivision with 19 single family lots to be known as The Orchard, and this is shown as Exhibit 5. Upon approval of the plat all of the structures on the property were proposed to be removed. On November 19, 2007 the Village Board conditionally approved the Preliminary Plat for The Orchard Subdivision pursuant to Resolution #07-77. The Preliminary Plat approval is valid for two years; however prior to the expiration of the Preliminary Plat, the Final Plat needed to be approved unless an extension was granted. On November 10, 2008, the Plan Commission held a public hearing related to the Final Plat, Development Agreement and related documents and recommended that the Village Board approve the Final Plat and related documents provided that all conditions

were satisfied prior to April 10, 2009.

On March 2, 2009, the Village Board approved an extension of The Orchard Final Plat until April 10, 2010 to comply with the conditions set forth at the November 10, 2008 Plan Commission public hearing and for the Village Board to consider the Final Plat and related documents. In addition, the Board approved another extension for the Preliminary Plat until April 10, 2010 pursuant Village Board Resolution #07-77. In addition to compliance with the conditions stated above, any additions, modifications or changes in Village, County, State or federal ordinances, polices or regulations that are in effect prior to the Final Plat being considered by the Village Board shall also apply to this final plat.

Another two year extension to comply with the aforementioned conditions of the Final Plat and the Preliminary Plat was approved on February 1, 2010, and again on April 2, 2012, and these approvals are to expire on April 10, 2014. As part of the Certified Survey Map of the two lots the owners are requesting to withdraw the Final Plat and just subdivide the property into two parcels. So the Zoning Map Amendment and the Comprehensive Plan Amendment are to rezone the areas that were rezoned pursuant to this plant back into the R-4 District. There's no need for the outlots that are zoned PR-1 where they were going to have retention basins remain in that zoning district since the plat is going away. So the entire property is proposed to be rezoned into the R-4 District to match the uses and the zoning of the adjacent properties with the exception of the wetlands which will remain C-1. So that just kind of gives you a little background of where we've been and how we've come to where we are today.

5. The petitioner tonight is requesting approval of a variance from Section 420-86 B (1) (e) of the Village Zoning Ordinance to allow the existing 2,836 square foot detached accessory structure which is 2,136 square foot in the enclosed building with a 700 square foot attached covered porch area. They are requesting this to remain on the property, however the size exceeds the allowable limit for a detached accessory structure and will also exceed the size of the first floor of the proposed new single family house which they're estimating that will be approximately 2,300 square feet.
6. At the time the structure was built the property was zoned A-2, General Agricultural District, and was used a part of the apple orchard business on this family. The structure became non-conforming when the property was rezoned for The Orchard Subdivision, with the understanding the buildings would be razed as part of the 19 lot subdivision.
7. According to the petitioner's application the accessory building is only 23 years old and was intended to be razed too. However, after further review, the petitioners determined that the building, its condition, charm and assets would meet their needs and continue to blend in with the existing neighborhood and is reminiscent of the active orchard business that occurred on the site. Therefore, instead of razing this building and building another detached building on the site, the petitioners are requesting to allow this building to remain and make exterior repairs to the building by adding siding to match their new home.
8. Currently the existing 2,836 square foot detached accessory structure exceeds the square footage of the first floor of the existing 2,111 square foot house. With the construction of

a new single family home that will be approximately 2,300 square foot the accessory structure will be less non-conforming. However, they'll still be non-conforming because it exceeds the first floor square footage. Currently the zoning ordinance allows for accessory structures on this size of lot not to exceed 2,000 square feet and not to exceed the first floor of the square footage of the house. So by granting this variance and allowing the building to remain, the building, again, will remain at 2,836 square feet which exceeds the size limit allowed in the district and exceeds the house size. So that's the variance being requested tonight.

9. All of the abutting and adjacent property owners within 100 feet of the properties were notified via regular U.S. regular mail on September 19, 2012 of this public hearing, and that's shown as Exhibit 6. The Board of Appeals agenda was published in the *Kenosha News* on September 11, 2012.
10. 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 statute 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 is done.

With that, the petitioner is in the audience if he has anything further to add or any questions you can certainly talk to him as well.

Christine Genthner:

At this time this is a public hearing. If anybody would like to come forward and address the Board at this time? Before you start, can I have you state your name for the record and provide a home address or business address.

Mike Willkomm:

Mike Willkomm, 11904 28<sup>th</sup> Avenue. My property is adjacent.

Christine Genthner:

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

Mike Willkomm:

Tell the truth, the whole truth and nothing but. Amen. yes.

Christine Genthner:

Thank you.

Mike Willkomm:

I'm in full support of the variance request. He's in the neighborhood. It's very similar to what we have in our neighborhood. It's going to be wonderful addition. Reuse, recycle. We have the barn, it's in great shape, little work, it's going to be a wonderful addition to the neighborhood and have them put the new house and get rid of the old house. It's been abandoned for a year already. So I'd like to see this happen.

Christine Genthner:

Thank you. Anybody else who would like to come forth at this time? Please state your name for the record and provide a home address.

Steve Bostrom:

Hi, Steve Bostrom, 1720 75<sup>th</sup> Street, Kenosha, Wisconsin.

Christine Genthner:

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

Steve Bostrom:

I do, thank you. Here representing Bank of Kenosha for the sale of this property. Here to answer any questions should you have any. And I would like to add just one brief comment as it relates to the marketing of this property. Our firm, Prudential Premier Properties, have had this property on the market for almost a year, and we've had several tire tickers. Most were interested in taking the house and rehabbing it. And this has been the first interested party that actually has considered taking the old home, which has fallen into disrepair down, and build something that I think would be a very nice addition to the neighborhood. So I am hopefully that you'll give them every consideration. Again, here to answer any questions of behalf of Bank of Kenosha. Thank you.

Christine Genthner:

Thank you. Anybody else who'd like to come forward at this time? Please state your name for the record and provide a home address.

Bill Wamboldt:

Bill Wamboldt, W220 Nippersink Road, Genoa City, Wisconsin.

Christine Genthner:

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

Bill Wamboldt:

I do.

Christine Genthner:

Thank you. You may proceed.

Bill Wamboldt:

I have a question about if it's the proper time to do this about razing this house. What did I see here? Do have two years before we build a new house?

Peggy Herrick:

The condition that staff is recommending is number 9 in the staff recommendations. If and when the existing home is razed and the detached structure is allowed to remain on the property without a principal building, however permits for the construction of the new home shall be issued within two years of granting of this variance. So you can tear down the house at any time. The condition is stating that the detached structure can remain without a house for two years.

Bill Wamboldt:

Okay, yeah, I just safety reasons, I don't know your concerns. I don't want -- we're not going to do anything with the house. I'm going to button it up or leave it locked, but I would like to take it down.

Peggy Herrick:

It's not required to take it down. You will have to take it down before you build your new house. You will just have two years from the date of this variance to have it taken down and your new to begin construction. That was the recommendation that Village staff is making.

Christine Genthner:

So if we accept that recommendation he doesn't have to wait two years but --

Peggy Herrick:

No, within that two years the new home would have to begin and the structure would be taken down within that two years. If you choose to do it beforehand this allows for the detached garage to remain on this property for up to two years before a house is built.

Bill Wamboldt:

What we're going to do is, you had that plan, we're going to move the house maybe 30 or 40 foot to the south in the same footprint, and setbacks will be within --



Peggy Herrick:

As long as you meet the minimum setbacks. In this district, R-4, as with the current R-3 it's ten foot from side property lines, so you just need to make sure you meet that setback 30 feet from the property line adjacent to 28<sup>th</sup> Avenue. So as long as you meet that and it's built forward of the detached building then there are no issues with slight moving of that. You'd just submit for permits, and we'd review it at that time to make sure you met all the setback requirements.

Bill Wamboldt:

Okay, I don't have any more questions.

Christine Genthner:

Thank you.

Jennie Holman:

I have a question. Can you tell me what this structure will be used for? Is there a purpose?

Bill Wamboldt:

Just I'm retired so the ultimate man cave, woodworking, whatever, personal hobbies. It's no business or nothing. I'm retired.

Jennie Holman:

Thank you.

Bill Wamboldt:

It's quite large, but you gave me a variance before on 85<sup>th</sup> Street. We had an outbuilding, just a hobby shop. I've always had that. The reason we went after this, at first I looked at the property, and it looked like more to tear down. We had a bid on the lot across the street and that was sold. But after I looked at the structure it's very sound inside. It's 2 by 6 walls and 12 foot ceilings. Whoever did the siding and everything is put on with staples and everything is loose on the outside. But, as you stated here, we're going to match it to the house. Maybe I'll button up on the siding, but I'm going to do all the overhangs and that before winter. So we will fix it up.

Peggy Herrick:

And the building inspection department, I talked with the building inspector today, Ralph Nichols, and he says he's been inside this building and it is very well built and structurally sound. The exterior like you said some of the siding is falling off and some of the gutters need to be fixed. But structurally the building is very sound.

Bill Wamboldt:

The electrical 100 amp service separate. It looks like it's done quite well. That's why we went after it. We pursued even more so after we seen how it was built. And if we can make it work we're going to try and make it work.

Steve Kumorkiewicz:

One issue that bothers me [inaudible] house, [inaudible] building, and I can't understand why there's an extension cord [inaudible] going from the house to this building when you've got power in the building.

Bill Wamboldt:

I didn't understand what you said.

Steve Kumorkiewicz:

A long extension cord what for?

Bill Wamboldt:

Oh, yes.

Christine Genthner:

Mr. Bostrom could you come back up so the record reflects who's talking. At this time, Mr. Bostrom, you have taken the stand again and you're still under oath if you could answer the question.

Steve Bostrom:

Thank you so much. As it relates to the question why was there an extension cord from the secondary structure to the home, the home electricity was deficient. And in order to keep the sump pump working it was necessary to run an extension cord to have the sump pump on so that we wouldn't have flooding inside the main structure. If we had the electricity on in the main structure that would operate the sump pump then there was a risk for fire. So that's why the electricity was shut off at the house, but we wanted to make sure we preserve the building as well.

Steve Kumorkiewicz:

Okay, thank you.

Christine Genthner:

Anybody else like to come forward? Please state your name for the record and provide an address.

Rhonda Wasurick:

Rhonda Wasurick, 11917 28<sup>th</sup> Avenue. So I'm pretty much kitty corner across the street from them.

Christine Genthner:

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

Rhonda Wasurick:

Nothing but the truth. We actually put up our own outbuilding about 15 years ago after we had been in the house for about three or four years. We were given the set guidelines of what we could build, how big we could build it and we followed all the regulations like we were told to do. We would have liked to have built ours a little bigger also but we didn't. We conformed. And I know my girlfriend on the next road over lives at 11737 26<sup>th</sup> Avenue. They actually had a two or three acre parcel, had a small house, and they built a barn all the way in the back before all the ordinance changes so their structure was quite large. They ended up selling the house and building a new house on that same structure with the barn and were made to put a second story addition on so it would comply with all the ordinances. And as far as I know they were never offered any type of a variance.

I'm all for the Wamboldts moving in. I'm happy to see that there's no subdivision coming in. I think all that is great. So I guess if I had to choose what would I rather have? I would rather let them keep it there. But, again, there's a lot of neighbors that have outbuildings that have conformed to what you guys have asked us to do. So I'm just kind of curious how do some people get variances and other people don't?

Peggy Herrick:

Well, any property owner can apply for a dimensional variance. This is a little bit different in that it's an existing building that's there so they're not building a brand new building.

Rhonda Wasurick:

My girlfriend's was also on 26<sup>th</sup> Avenue with is just a road over. And she said that they were never told of any type of a variance. I don't know if they never asked. But they were instructed once they showed their plans that they had to put a second story onto their house.

Peggy Herrick:

I don't know the specifics of that. I'd have to look in the property file and find out. There is a regulation that says the outbuilding cannot exceed the height of the house. And my understanding is their house will be higher than this outbuilding so they're not asking for a height variance, just a square footage variance to allow the existing building to remain. We can certainly look into that. But any property owner has the right to apply for a variance for any dimensional requirement of the ordinance.

Rhonda Wasurick:

Okay. And my other concern is if they do build it is there anything that's going to stop them if they did decide to do anything business-wise out of it or if they sell it to the next person and they decide to use it? I mean is there anything that's going to be able to stop that? I worry about truck traffic. I don't know. I'm just trying to foresee what the future has to hold for us.

Peggy Herrick:

Yes, the Village does have regulations related to home occupations and how much of a building they can occupy and what type of traffic can be done. Basically a home occupation cannot alter the residential character of the neighborhood. So it can't be a retail shop where people are coming to buy things or doing things like that. They're allowed I believe to use 25 percent of any building on the property as part of the home occupation. There are certain limitations. Yeah, 25 percent is the allowed area per building. No outside storage is allowed in connection with the home occupation. No chemical, mechanical or electrical equipment that is not normally part of a domestic or household equipment shall be used in connection with the home occupation. No machinery or equipment shall be used in connection with the home occupation that causes noise or other interference with radio or television reception. No commercial machine, repair or sharpening of equipment or machines shall be done on the property. No internal or external alterations which are inconsistent with the residential use. There's a few other ones. No display of products.

And there are a list of permitted types of home occupations, office like a lot of people do internet sales and they have their bookkeeping in their office at their site. Day cares are allowed for eight or fewer children in any home. There are prohibited uses that are specifically listed in the ordinance that includes restaurant or taverns, clinics, dog kennel or any kind of kennel, sale of explosive or fireworks, tattoo parlors, taxidermy, massage therapist, repair or restoration of motor vehicles or any permitted use allowed in the manufacturing district are prohibited as home occupations. So there are specific requirements for someone to run a business out of their home, and they do need to have a permit for that.

Rhonda Wasurick:

Okay, that was just one of my concerns is if this does happen and it changed hands is there any way then. I don't know, is there a way they could make this structure keep part of it and make it smaller to conform? Those are just some options where you could still do. But I definitely welcome them to the neighborhood. It's a great neighborhood to be in. I think everybody is very nice. But, again, when we built our structure we were allowed only to build so big, too. Do I don't know. I'm sure they kind of know part of that when they bought it that that might be an option. Thank you.

Christine Genthner:

Thank you. I think everybody in the audience has spoke except one person. Does anybody else want to come forward?

--:

[Inaudible] regarding taking a portion of the building down and [inaudible].

Christine Genthner:

Mr. Wamboldt, could you just come forward to the microphone because we just want to make sure for the public record that we can hear any response.

Bill Wamboldt:

That's kind of why we pursued the property because we had a meeting that sounded like we could do this possibly. If I bought the property and tore everything down I'd build 2,000 square foot. I like a lot of room.

Peggy Herrick:

That's one thing we discussed at the meeting was that the structure isn't a building with a lean to added on to so that porch area isn't an add on. Everything was constructed at one time. So it's not as easy as just taking the porch off and the building is smaller. So you can see the roof line on that drawing. It's all integrated with that. The Village ordinances do treat the building and its overhang because it has posts coming down holding up that roof as the square footage of the entire building. So the building itself as stated in the comments, let me just go back to that, the building is about 2,100 and the overhand area with the porch area is --

Bill Wamboldt:

10 by 70, 700.

Peggy Herrick:

Yes, 700 square feet. So we calculate building side including that overhang because it has supports coming down.

--:

So the internal part is 2,100.

Peggy Herrick:

The building part is 2,136.

Bill Wamboldt:

There's actually -- it's 30 by 70 which is 2,100. And then there's a 4 by 8 little mechanical building. They had a compressor cooler for the apple storage. That's your little 36 square foot on the outside and the overhang. Cost-wise I looked at the structure, I looked at the rafters, I crawled up in the attic and check and it's pretty solid. It looks terrible. Things like that will be changed. But it's worth for me cost effective-wise keeping it. I will build another building

someplace or wherever. But just as far as the cost factor I'd like to keep it.

Christine Genthner:

Thank you. Seeing nobody else do I have a recommendation by staff at this time?

Peggy Herrick:

Yes. Based on the findings of fact, and the variance application filed, the Village staff finds that the application may meet the requirements for the granting of the requested variance to allow the existing non-conforming detached building to remain on the property. If the Board finds that the application and the facts presented warrant the granting of the variance requested then the following conditions shall apply.

1. The lot shall be a minimum of two acres.
2. The detached structure shall only be located in a side yard or rear yard; therefore the new home shall be constructed between the detached structure and the street.
3. The detached structure shall be a minimum of 15 feet from a principal structure;
4. The detached structure shall be a minimum of 15 feet from any side or rear property line which it currently is and meets that requirement.
5. The detached structure shall not be used for human habitation or animal shelter.
6. The detached structure shall not exceed 20 feet in height and shall not exceed the height of the new home.
7. The living area of the new principal structure or the new home shall be shall be a minimum of 2,300 square feet.
8. The detached building shall be resided to match the new home prior to occupancy of the new home.
9. If and when the existing home is razed, then the detached structure is allowed to remain on the property without a principal building; however, permits for the construction of the new home shall be issued within two years of the granting of this variance which would be by September 25, 2014.
10. Proper permits shall be obtained from the Village for any demolition of the house. No work shall commence on the property prior to issuance of the required building and zoning permits.
11. The variance, if granted by the Village Zoning Board of Appeals, does not waive any other requirements which are imposed by the Village's Zoning or Land Division and Development Control Ordinances, building or municipal codes.

12. The Village staff shall prepare the required variance grant document that shall be executed by the property owners, and the owners shall pay the required recording and filing fees for variance to be recorded at the Kenosha County Register of Deeds Office. This variance shall be recorded prior to issuance of any building or zoning permits on the property.

Christine Genthner:

Before I close the public hearing are there any questions of staff based upon their recommendations?

Bill Morris:

Just one question if I could. I assume that because we're granting a variance prior to the Plan Commission and the Board amending the Comprehensive Plan, so I would assume staff is supporting the comprehensive amendment as well and the ratification of the previous subdivision?

Christine Genthner:

That was my question. Do we have to make this contingent upon both the Village --

Peggy Herrick:

If you'd like to. I mean if the zoning --

Bill Morris:

If that doesn't happen doesn't that negate everything we're doing because his petition will be for naught.

Peggy Herrick:

I guess I don't foresee that happening for the petitioner to withdraw the request for the final plat. I can't imagine the Board saying, no, do your final plat. And the zoning map amendment and the Comprehensive Plan are really just a procedural thing to correct the zoning because the final plat is not being pursued.

Bill Morris:

So you're going to have them withdraw the final plat first and then amend the Comprehensive Land Use Plan?

Peggy Herrick:

Well, it's all on the agenda on October 8<sup>th</sup>. There's like five items on the agenda or something like that related to all of this. I guess we can put a condition on here that if the certified survey map is not approved then this variance is not approved if you'd like to do that. We could add that

condition.

Christine Genthner:

Okay, so when we get to a motion we could potentially make that. Any other questions of staff before I close the public hearing?

David Hildreth:

I just wanted to be clear again. If this wasn't an overhang on the outside of the building, now we're talking about 100 square feet basically on the inside, right?

Peggy Herrick:

Correct.

Christine Genthner:

Any other questions of staff based upon the recommendations before I close the public hearing? With that I will close the public hearing. Do I have a motion?

David Hildreth:

I move that we accept the recommendations as presented here.

Bill Morris:

I'll second that with adding the condition, though, that the granting of this variance would be contingent on the Plan Commission and the Village Board following through with the eradication of the current plat and the approval of the CSM and the rezone or changing of the Comprehensive Land Use Plan in the Village.

Christine Genthner:

Mr. Hildreth, with that amendment would that be acceptable to you? Will you continue your motion?

David Hildreth:

Yes.

Christine Genthner:

With that do we have any discussion on the motion? Seeing none, roll call vote.

Jan Petrovic:

Christine Genthner?



Christine Genthner:

I will support the motion with the amendment that was placed into the record.

Bill Morris:

Aye, I support the motion.

Mark Riley:

Support.

Jennie Holman:

I support.

Tom Glassman:

I support.

Christine Genthner:

With that the motion is approved.

## **7. ADJOURNMENT.**

Christine Genthner:

Do I have a motion?

Bill Morris:

I'll so move.

Jennie Holman:

Second.

Christine Genthner:

I have a motion and a second to adjourn. All in favor say aye.

Voices:

Aye.

Christine Genthner:

With that we are adjourned.