

TO: Planning & Zoning Commission

RE: Conditional Use Permit for increase in square footage of accessory building, HB-1491-K-9, 3969 Valley Stream Cir.

FROM: Todd Gerbers, Director of Planning and Code Compliance

DATE: April 10, 2024

ISSUE: Consider Conditional Use Permit, HB-1491-K-9, 3969 Valley Stream Cir. – 1,280 square foot accessory building on property

RECOMMENDATION: Staff recommends conditional approval.

GENERAL INFORMATION

1. Applicant(s): Alex Maybrodsky
2. Parcel: HB-1491-K-9
3. Present Zoning: R-2: Residential District.

ANALYSIS:

The Conditional Use Permit verbiage for such accessory buildings reads as follows:

Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

The applicable detached accessory building regulation reads as follows:

May be the greater of 864 square feet or 1/60th the lot square footage, but shall not exceed 2,500 square feet.

*Detached accessory buildings located closer to a street right-of-way than the rear plane of the principal structure shall not exceed the lesser of 864 square feet or the maximum allowed accessory building square footage as described in Subsection **D(1)(b)***

BACKGROUND

The current property owner, Alex Maybrodsky, is proposing to construct a detached accessory building of 1,280 square feet on his property located at 3969 Valley Stream Cir. The current lot size of 59,633.64 square feet would allow up to 993 square feet of accessory building (1/60th of the lot square footage) by ordinance. This request would consist of a Conditional Use Permit as the new accessory building would not conform to the requirements identified in the zoning code. The two conditions that would require the CUP would be the request for an increase in maximum total accessory building square footage to 1,280 (287 square feet greater than the maximum noted in the ordinance) and the placement of the proposed building being closer to the street right-of-way than the rear plane of the principal structure exceeding the 864 square foot limit.

A similar request was before the Commission at the September 2023 meeting, but a motion to postpone to the October meeting was approved so that the applicant could revise the proposed building size and location. The applicant then requested to withdraw the request from the October 2023 meeting with the understanding that they would resubmit at a later date once they worked through a few things on their end as well as the Village reviewing the process for review such CUP requests (possible modifications to the accessory building ordinance). As you are aware, the ordinance has not been

revised as of yet, but the applicant has plans to move forward with updates to their existing dwelling and would prefer to have the same contractor construct the proposed accessory building if able. The applicant has decreased the requested square footage of the proposed building from the 2023 submittal from 1,728 to now 1,280 square feet (a 36'x48' to 32'x48' building) and attached is the new/revised request.

Village Staff has also discussed the possibility of enlarging the existing attached garage with the property owner, but by Village ordinance they are limited to no more than 50% of the total footprint of the garage and dwelling combined. With concerns of overall appearance with such a large garage addition, the property owner would prefer to proceed with the CUP request.

Therefore, the property owner is requesting review of a Conditional Use Permit to increase the size of the proposed building and allowing the increased building square footage to be located closer to the street than allowed by ordinance. The proposed building would comply the required setback of 40 feet from the front property line, it would just be placed partially in front of the existing garage and closer to the front property line than the rear plane of the existing principal structure. The property owner would be willing to plant some more trees near the new accessory building to help minimize the view of the new structure.

Attached is their conceptual site plan and draft Conditional Use Permit.

RECOMMENDATION/CONDITIONS

Staff would recommend that any approval of this CUP request to increase the allowable square footage to a total of 1,280 be contingent upon the following:

1. Planting of a minimum of 8 new arborvitaes (or similar) a minimum of 3 feet in height along the side (east) and southeast corner of the new detached accessory building
2. All four building elevations of the new structure are constructed of materials similar to those on the existing residential dwelling on the property
3. Maximum of one detached accessory building be allowed on site



- Rezoning Review
- Conditional Use Permit Review
- Planned Development Review
- CSM/Plat Review

Village of Hobart
 Dept of Planning & Code
 Compliance
 2990 S Pine Tree Rd
 Hobart WI 54155
 Phone: (920) 869-3809
 Fax: (920) 869-2048

APPLICANT INFORMATION

Petitioner: _____ Date: _____

Petitioner's Address: _____ City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Status of Petitioner (Please Check): Owner Representative Tenant Prospective Buyer

Petitioner's Signature (required): _____ Date: _____

OWNER INFORMATION

Owner(s): _____ Date: _____

Owner(s) Address: _____ City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Ownership Status (Please Check): Individual Trust Partnership Corporation

Property Owner Consent: (required)

By signature hereon, I/We acknowledge that Village officials and/or employees may, in the performance of their functions, enter upon the property to inspect or gather other information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Neighborhood Services Department for incomplete submissions or other administrative reasons.

Property Owner's Signature: _____ Date: _____

SITE INFORMATION

Address/Location of Proposed Project: _____ **Parcel #:** HB-_____

Proposed Project Type: _____

Current Use of Property: _____ **Zoning:** _____

Land Uses Surrounding Site: North: _____

South: _____

East: _____

West: _____

****Please note that a meeting notice will be mailed to all abutting property owners regarding your request prior to any Public Hearing.**

- **Application fees are due at time of submittal. Make check payable to Village of Hobart.**
- **Please refer to the fee schedule for appropriate fee. FEE IS NON-REFUNDABLE**

CONDITIONAL USE PERMIT / PLANNED DEVELOPMENT APPLICATIONS

Briefly explain how the proposed **conditional use/development plan** will not have a negative effect on the issues below.

1. Health, safety, and general welfare of occupants of surrounding lands.

2. Pedestrian and vehicular circulation and safety.

3. Noise, air, water, or other forms of environmental pollution.

4. The demand for and availability of public services and facilities.

5. Character and future development of the area.

I'm submitting for a conditional use permit to be able to build a larger garage 32' x 40', 1,280 sq ft. I have it set back so it's deeper into the property making less of it visible on approach from the roadway. The finish and exterior will match our house. We are going to change the color of our house to white during this project, we'll have new siding soffit, fascia, gutter's, trim and roof. Having the house remodeled will also make the neighborhood look better. The house has a walkup basement which makes it appear as a larger building on approach vs a ranch so the aesthetics of having a slightly larger garage won't look out of place. A couple of the neighboring houses on the street are two stories and larger, and have similar size extra garages so again I don't believe it will look out of place in the neighborhood either. I have spoken with all of my neighbors on the street in depth about the plans and the conditional use permit / exception process for the build and they all completely support it and are excited for us.

Having a larger garage will allow us to keep objects out of sight of neighbors and passers-by, leading to a cleaner and more organized neighborhood. We have recreational equipment and items that would not have to be stored outside with this solution.

I will plant cedars and pines along the edges of the property to appease any concerns with the view of the building from the road. I've already planted 18 trees, (pines, spruce and cedar around the property) they were 8' at planting 5 years ago and are between 20'-30' now and offer a great sight and noise barrier and a wooded feel.

This size fits perfectly in this spot with the required setbacks from neighboring property and my current building and allows for full use of 8ft sheets so there wouldn't be any material waste.

Thank you for considering my request, I hope decide on approval and find the effort I have put into ensuring it does not disrupt the neighborhood sufficient but if there is anything else I can do to help ease concerns please let me know.

Alex Maybrodsky

Date: 4/04/2024 - 12:23 PM
Design Name: Garage Design
Design ID: 329459126231
Estimated Price: \$20,979.19

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*



How to recall and purchase your design at home:



OR

1. On Menards.com, enter "Design & Buy" in the search bar
2. Select the Garage Designer
3. Recall your design by entering Design ID: 329459126231
4. Follow the on-screen purchasing instructions

How to purchase your design at the store:

1. Enter Design ID: 329459126231 at the Design-It Center Kiosk in the Building Materials Department
2. Follow the on-screen purchasing instructions



Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions.

MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully.

MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

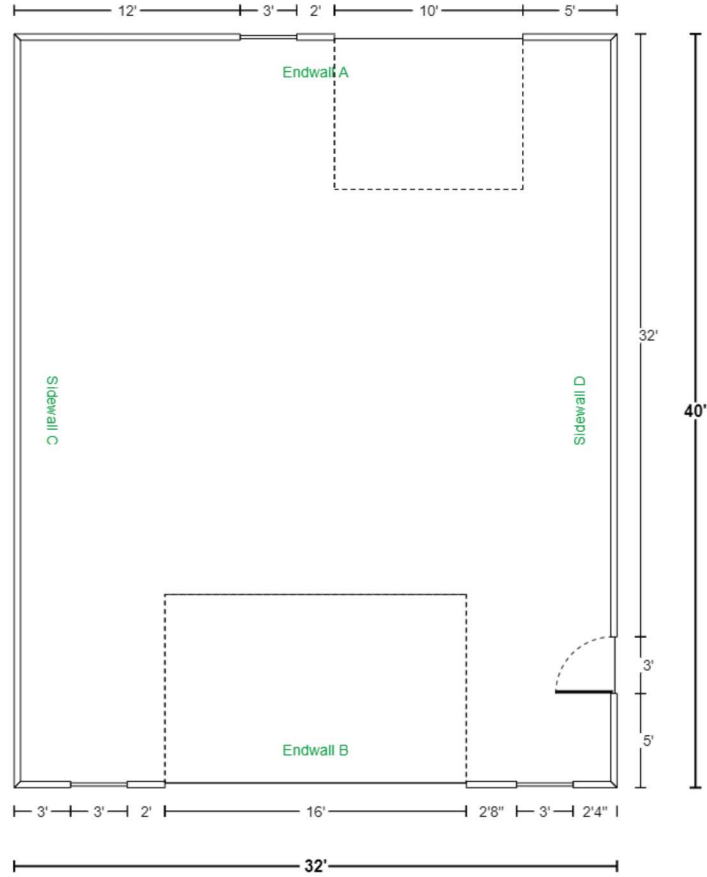
Date: 4/04/2024 - 12:23 PM
Design Name: Garage Design
Design ID: 329459126231
Estimated Price: \$20,979.19

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*



Design & Buy™

GARAGE



Date: 4/04/2024 - 12:23 PM
Design Name: Garage Design
Design ID: 329459126231
Estimated Price: \$20,979.19

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

MENARDS®

Design & Buy™

GARAGE



Date: 4/04/2024 - 12:23 PM
Design Name: Garage Design
Design ID: 329459126231
Estimated Price: \$20,979.19

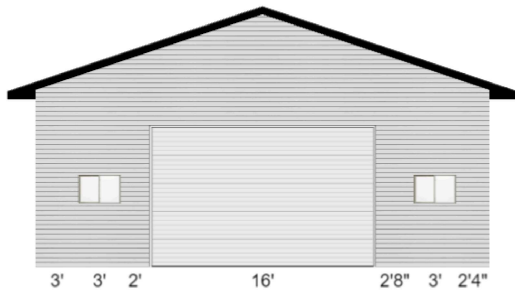
**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*



Dimensions

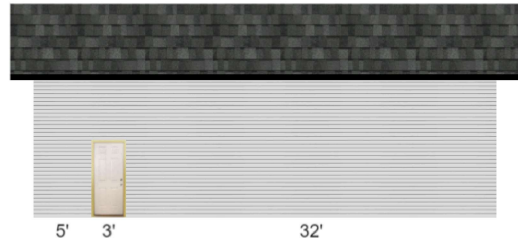
Wall Configurations

*Some items like wainscot, gutter, gable accents, are not displayed if selected.



ENDWALL B

- 16X10 White Ribbed Torsion Spring
- 36"W x 24"H JELD-WEN® Vinyl Slider
- 36"W x 24"H JELD-WEN® Vinyl Slider



SIDEWALL D

Mastercraft® 36W x 80H Primed Steel 6-Panel

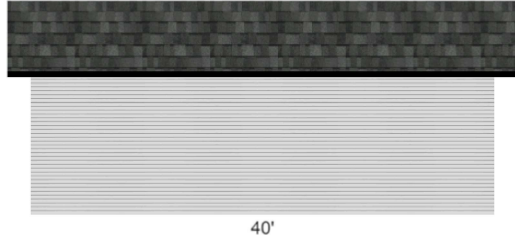
Date: 4/04/2024 - 12:23 PM
Design Name: Garage Design
Design ID: 329459126231
Estimated Price: \$20,979.19

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

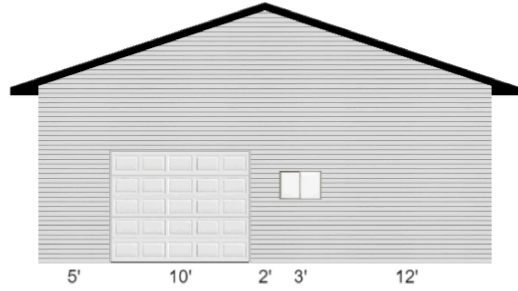


Design & Buy™

GARAGE



SIDEWALL C



ENDWALL A

10X8 White Raised Panel EZ Set Torsion Spring

36"W x 24"H JELD-WEN® Vinyl Slider

Date: 4/04/2024 - 12:23 PM
Design Name: Garage Design
Design ID: 329459126231
Estimated Price: \$20,979.19

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*



Materials

Building Type

Building Location Zip Code: 54155
Building Type: Gable

Building Info

Building Width: 32'
Building Length: 40'
Building Height: 12'
Wall Framing Stud: 2 x 6
Roof Framing: Truss Construction
Truss Type: Common (24" on center spacing)
Roof Pitch: 4/12 Pitch
Eave Overhang: 24"
Gable Overhang: 24"
Curb: None
Foundation Type: Thickened Slab
Custom Garage Plan: No I do not need a custom building plan

Date: 4/04/2024 - 12:23 PM
Design Name: Garage Design
Design ID: 329459126231
Estimated Price: \$20,979.19

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*



Wall Info

Siding Material Types:	Vinyl
Vinyl Siding:	ABTCO® Cedar Creek™ Double 4, Color: White
Vinyl Corner Trim Color:	White
Accent Material Type:	None
Wainscot Material Type:	None
Wall Sheathing:	7/16 x 4 x 8 OSB(Oriented Strand Board)
House Wrap:	Kimberly-Clark BLOCK-IT® 9'x75'House Wrap
Gable Vents:	None

Date: 4/04/2024 - 12:23 PM
Design Name: Garage Design
Design ID: 329459126231
Estimated Price: \$20,979.19

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*



Roof Info

Roof Sheathing:	1/2 x 4 x 8 OSB(Oriented Strand Board)
Roofing Material Type:	Architectural Shingle
Architectural Roofing:	Owens Corning® TruDefinition® Duration® Limited Lifetime Warranty Architectural Shingles (32.8 sq. ft.), Color: Estate Gray
Roof Underlayment:	Owens Corning® ProArmor® Synthetic Roofing Underlayment 42" x 286' (1,000 sq. ft.)
Ice and Water Barrier:	Owens Corning® WeatherLock® G Granulated Self-Sealing Ice and Water Barrier 3' x 66.7'(200sq.ft)
Fascia Material Type:	Textured Aluminum Fascia
Fascia:	6" x 12' Aluminum Rustic Fascia, Color: Black
Soffit Material Type:	Aluminum Soffit
Soffit:	16" x 12' Aluminum Vented Soffit, Color: Black
Gutter Material Type:	Steel
Gutter:	Pro-Steel 6 x 12' K-Style Steel Gutter
Ridge Vent:	Owens Corning® VentSure® 11-1/4" x 20' Shingle Over Ridge Vent
Roof Vents:	None

Openings

Service Door:	Mastercraft® 36W x 80H Primed Steel 6-Panel
Overhead Door:	16X10 White Ribbed Torsion Spring
Overhead Door:	10X8 White Raised Panel EZ Set Torsion Spring
Overhead Door Trim Type:	Vinyl
Vinyl Trim Color:	White
Windows:	36"W x 24"H JELD-WEN® Vinyl Slider
Windows:	36"W x 24"H JELD-WEN® Vinyl Slider
Windows:	36"W x 24"H JELD-WEN® Vinyl Slider

Date: 4/04/2024 - 12:23 PM
Design Name: Garage Design
Design ID: 329459126231
Estimated Price: \$20,979.19

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*



Additional Options

Ceiling Insulation:	None
Wall Insulation:	R-19 Kraft Faced Fiberglass Insulation 6-1/4" x 15" x 39.2' - 48.96 sq ft
Ceiling Finish:	None
Wall Finish:	None
Mounting Blocks:	No
Hydronic Radiant Heat:	None
Anchor bolt:	Grip Fast® 1/2 x 10 HDG Anchor Bolt w/ Nut & Washer
Framing Fasteners:	Grip Fast® 3-1/4 16D Vinyl-Coated Smooth Shank Sinker Nail - 5 lb. Box
Sheathing Fasteners:	Grip Fast® 2-1/2 8D Vinyl-Coated Smooth Shank Sinker Nail - 5 lb. Box
Roofing/Shingle Fasteners:	Grip Fast® 1-1/4 Electro-Galvanized Coil Roofing Nails - 7,200 Count
Truss Fastener:	FastenMaster® TimberLOK® 5/16 x 6 Hex Drive Black Hex Head Timber Screw - 50 Count
Overhead Opening Hardware:	No

Date: 4/04/2024 - 12:23 PM

Design Name: Garage Design

Design ID: 329459126231

Estimated Price: \$20,979.19

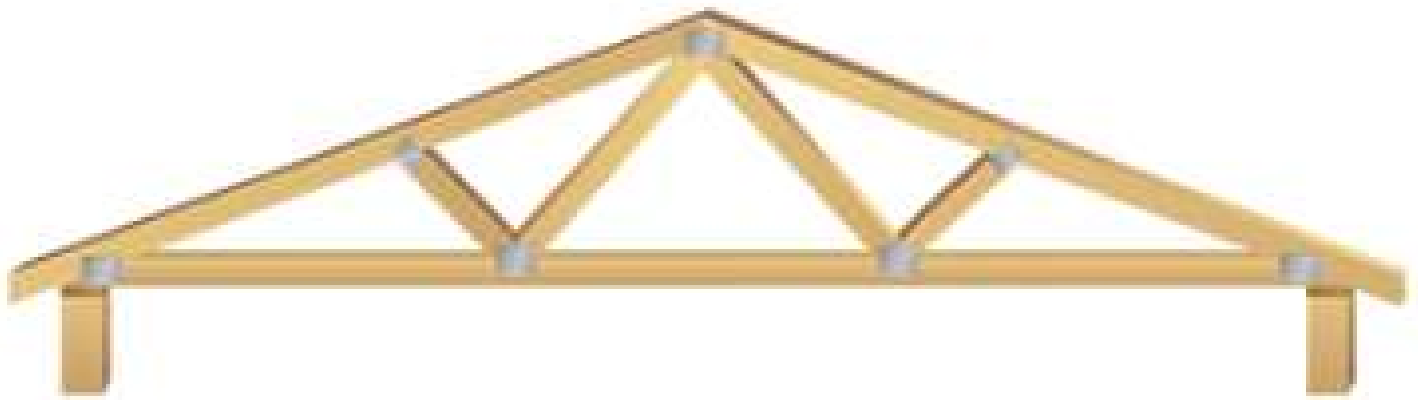
**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

MENARDS®

Design & Buy™
GARAGE

Helpful Hints for Garage Construction

- Studs are estimated 16 inches on center with single treated bottom plate and double top plate.
- For 10- and 12-foot-tall buildings studs should be cut for an approximate 10- or 12-foot plate height.
- If steel is estimated (Pro-Rib or Pro-Snap), the steel lengths should be verified based off the actual framing. Plate height (stud length), truss heel and other framing should be confirmed. Steel is estimated to the inch, make sure the lengths are accurate based on final overall building design.
- Trusses included are estimated at 2 feet on center spacing. The design is based on the zip code provided, design and loading should be verified.
- Trusses should not be cut or modified with the exception of trimming the truss tails to the correct overhang.
- The bottom chord is designed to support standard ceiling and insulation materials.
- Dropped end trusses are estimated with 18 inch and 24 inch gable overhangs.



Menards Building Checklist Planning

- Get a permit. Check restrictions, building codes or local zoning to make sure your design complies with all requirements.
- Contact local utilities to ensure construction will not disturb any electrical, cable or plumbing.
- If necessary, hire a professional to help with planning and construction.
- Consider site conditions including soil type, grade, and runoff before finalizing your design.
- Material estimates provided can be changed to meet your needs.
- Menards offers professional delivery of materials. Delivery is extra based on the distance from your local Menards store to your building site.
- Practice good safety habits, use PPE including eye protection & dust masks during construction.
- Make sure to follow good building practice and all manufacturer's instructions. Use all the hardware and fasteners recommended.

Date: 4/04/2024 - 12:23 PM
Design Name: Garage Design
Design ID: 329459126231
Estimated Price: \$20,979.19



Design & Buy™

GARAGE

*Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.

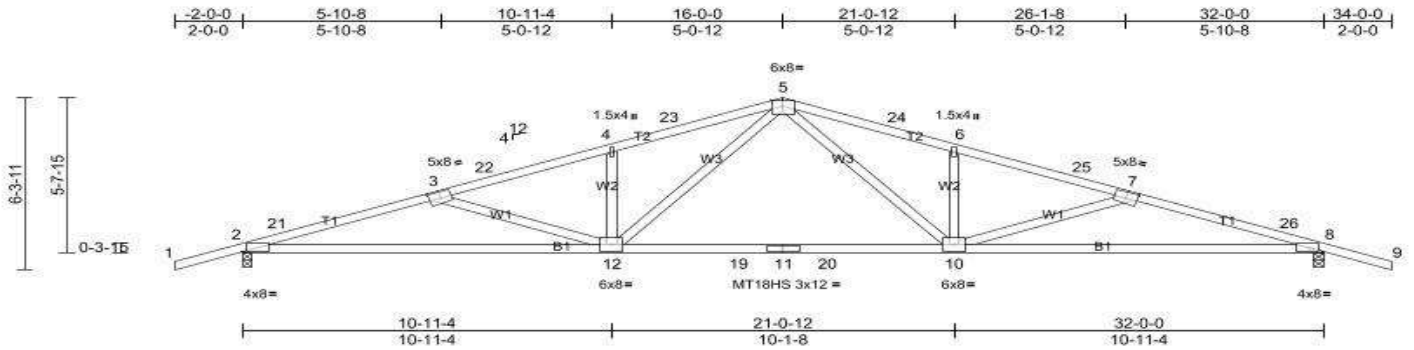
Job QTREC0807279	Truss C11032A	Truss Type COMMON	Qty 1	Ply 1	Job Reference (optional)
---------------------	------------------	----------------------	----------	----------	--------------------------

Midwest Manufacturing, Eau Claire, WI

Run: 8.61 S Aug 11 2022 Print: 8.610 S Aug 11 2022 MiTek Industries, Inc. Fri Sep 08 16:52:11

Page: 1

ID:CT9ivLP?MKP5x0iZ4sFr79zvpTb-4X7z3o1 KcQPdHzslkk2mlNml,hj9wO6iJ1wCiQydfro



Scale = 1/62

Plate Offsets (X, Y): [2:0-1-10,Edge], [3:0-4-0,0-3-0], [5:0-4-0,0-2-2], [7:0-4-0,0-3-0], [8:0-1-10,Edge]

Loading	(psf)	Spacing	2-0-0	CSI	0.79	DEFL	in	(loc)	l/defl	L/d	PLATES	GRIP
TCLL (roof)	42.0	Plate Grip DOL	1.15	TC	0.79	Vert(LL)	-0.53	10-12	>719	240	MT18HS	197/144
Snow (Ps/Pg)	41.6/60.0	Lumber DOL	1.15	BC	0.86	Vert(CT)	-0.80	10-12	>479	180	MT20	197/144
TCDL	10.0	Rep Stress Incr	YES	WB	0.58	Horz(CT)	0.16	8	n/a	n/a		
BCLL	0.0*	Code	IRC2018/TPI2014	Matrix-MR								
BCDL	10.0											
Weight: 116 lb FT = 15%												

LUMBER

TOP CHORD 2x4 SPF 1650F 1.5E *Except* T2:2x4 SPF No.2
 BOT CHORD 2x4 SPF 2100F 1.8E
 WEBS 2x4 SPF Stud *Except* W3:2x4 SPF No.2

BRACING

TOP CHORD
 BOT CHORD

Structural wood sheathing directly applied or 2-2-0 oc purlins.
 Rigid ceiling directly applied or 10-0-0 oc bracing.

MiTek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

REACTIONS

(lb/size) 2=2177/0-3-8, (min. 0-2-13), 8=2177/0-3-8, (min. 0-2-13)
 Max Horiz 2=-74 (LC 15)
 Max Uplift 2=-154 (LC 10), 8=-154 (LC 11)
 Max Grav 2=2208 (LC 21), 8=2208 (LC 22)

FORCES

(lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.

TOP CHORD 2-21=-5106/343, 3-21=-5103/356, 3-22=-4256/271, 4-22=-4158/280, 4-23=-4284/322, 5-23=-4158/334, 5-24=-4158/334, 6-24=-4284/322, 6-25=-4158/280, 7-25=-4256/271, 7-26=-5103/356, 8-26=-5106/343
 BOT CHORD 2-12=-260/4791, 12-19=-114/2952, 11-19=-114/2952, 11-20=-114/2952, 10-20=-114/2952, 8-10=-260/4791
 WEBS 4-12=-787/131, 5-12=-81/1829, 3-12=-907/148, 5-10=-81/1829, 6-10=-787/131, 7-10=-907/148

JOINT STRESS INDEX

2 = 0.86, 3 = 0.84, 4 = 0.51, 5 = 0.84, 6 = 0.51, 7 = 0.84, 8 = 0.86, 10 = 0.75, 11 = 0.87 and 12 = 0.75

NOTES

- Unbalanced roof live loads have been considered for this design.
- Wind: ASCE 7-16; Vult=115mph (3-second gust) Vasd=91mph; TCCL=4.2psf; BCDL=6.0psf; h=25ft; Cat. II; Exp B; Enclosed; MWFRS (envelope) exterior zone and C-C Exterior(2E) -2-0-0 to 1-2-6, Interior (1) 1-2-6 to 12-9-10, Exterior(2R) 12-9-10 to 19-2-6, Interior (1) 19-2-6 to 30-9-10, Exterior(2E) 30-9-10 to 34-0-0 zone; cantilever left and right exposed ; end vertical left and right exposed;C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
- TCLL: ASCE 7-16; Pr=42.0 psf (roof LL: Lum DOL=1.15 Plate DOL=1.15); Pg=60.0 psf; Ps=41.6 psf (Lum DOL=1.15 Plate DOL=1.15); Is=1.0; Rough Cat B; Fully Exp.; Ce=0.9; Cs=1.00; Ct=1.10
- Roof design snow load has been reduced to account for slope.
- Unbalanced snow loads have been considered for this design.
- This truss has been designed for greater of min roof live load of 12.0 psf or 1.00 times flat roof load of 41.6 psf on overhangs non-concurrent with other live loads.
- All plates are MT20 plates unless otherwise indicated.
- This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- * This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-06-00 tall by 2-00-00 wide will fit between the bottom chord and any other members, with BCDL = 10.0psf.
- Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 154 lb uplift at joint 8 and 154 lb uplift at joint 2.
- This truss is designed in accordance with the 2018 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1.

LOAD CASE(S)

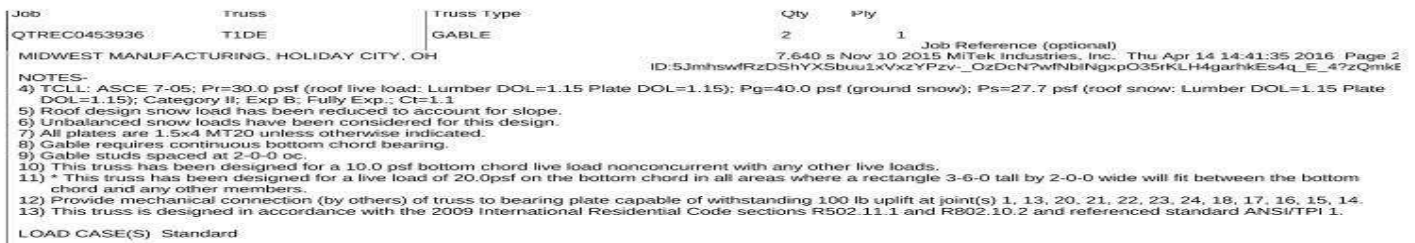
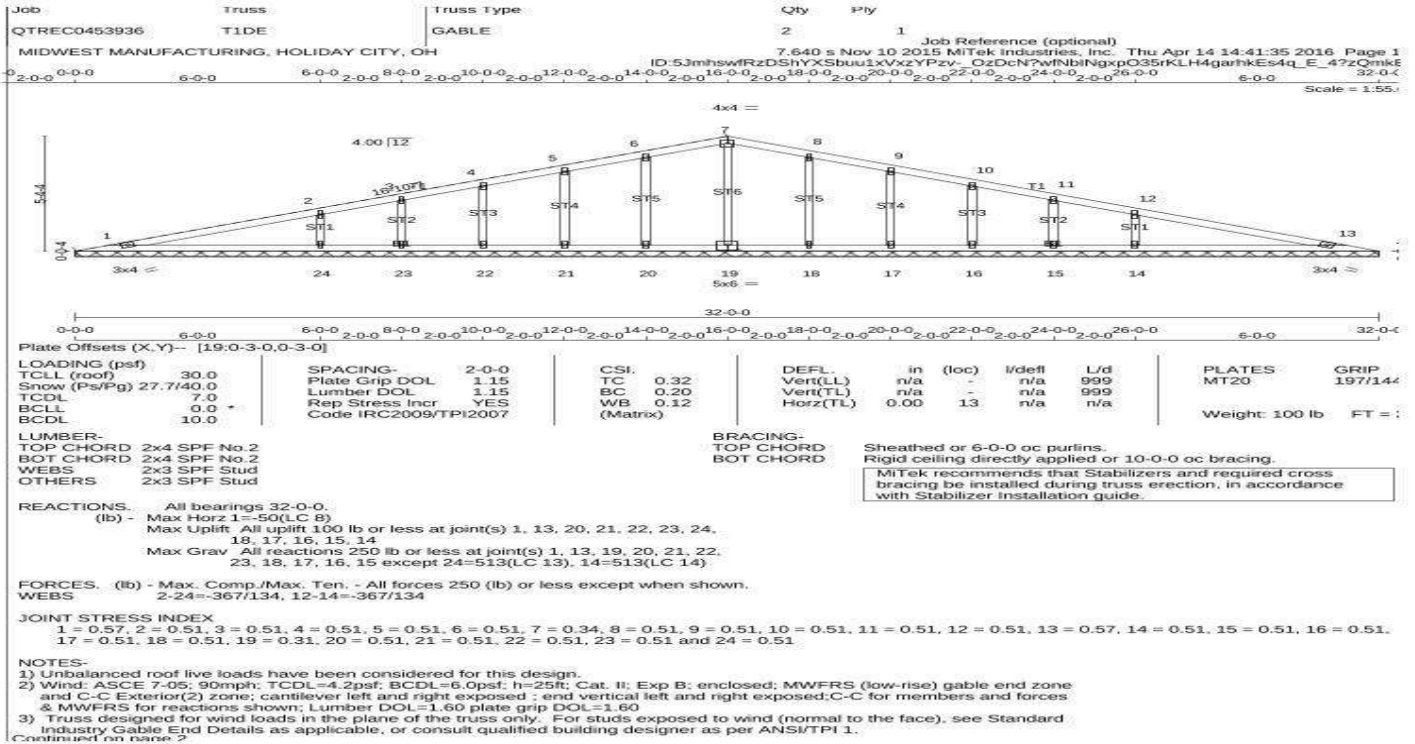
Standard

Date: 4/04/2024 - 12:23 PM
Design Name: Garage Design
Design ID: 329459126231
Estimated Price: \$20,979.19

*Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.



Design & Buy™ GARAGE





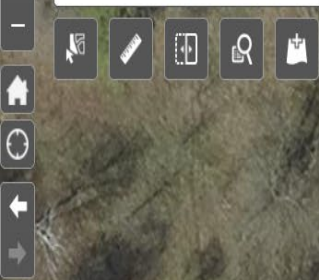
BrownDog

Official GIS map of Brown County WI

[More maps/data](#) [Help](#) [Zoning](#) [Surveys](#) [Change Address](#) [State Map](#)



Fetch Address, Parcel ID, & more



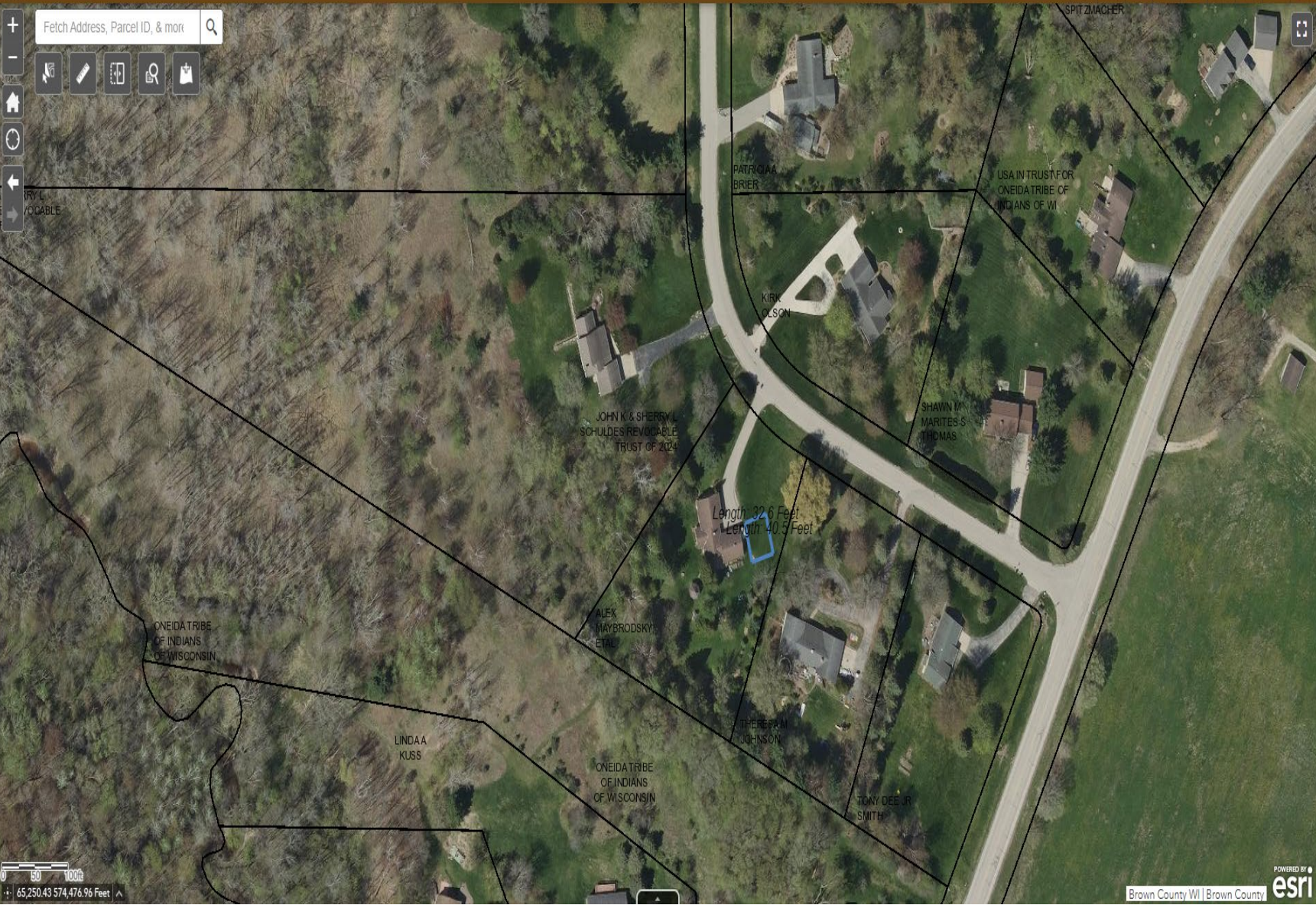
ALEX
MAYRODSKY
ETAL

0 20 40ft
65,430.85 574,151.34 Feet

Brown County WI | Brown County **esri** POWERED BY



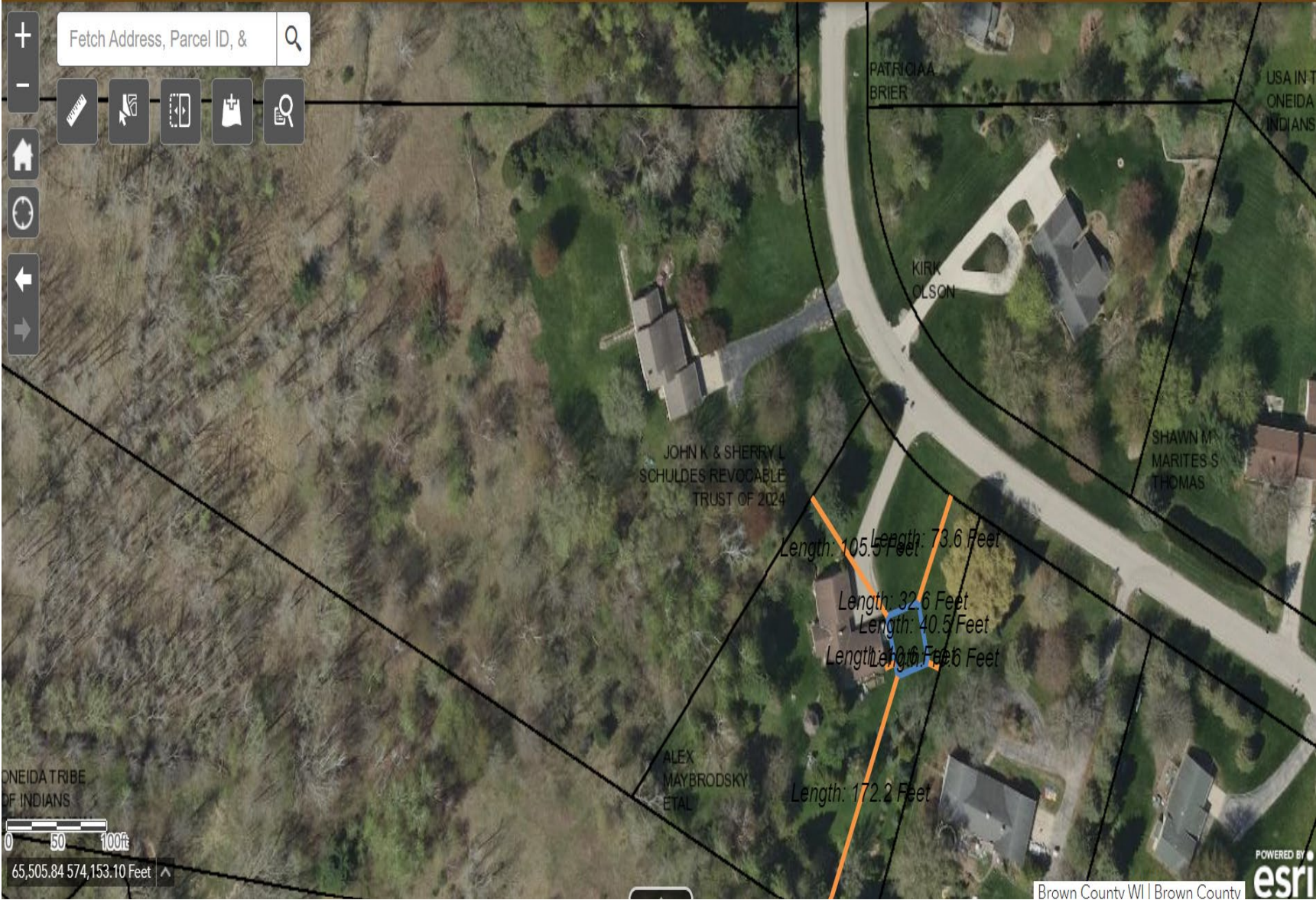
Fetch Address, Parcel ID, & more



0 50 100ft
65,250.43 574,476.96 Feet



Fetch Address, Parcel ID, &

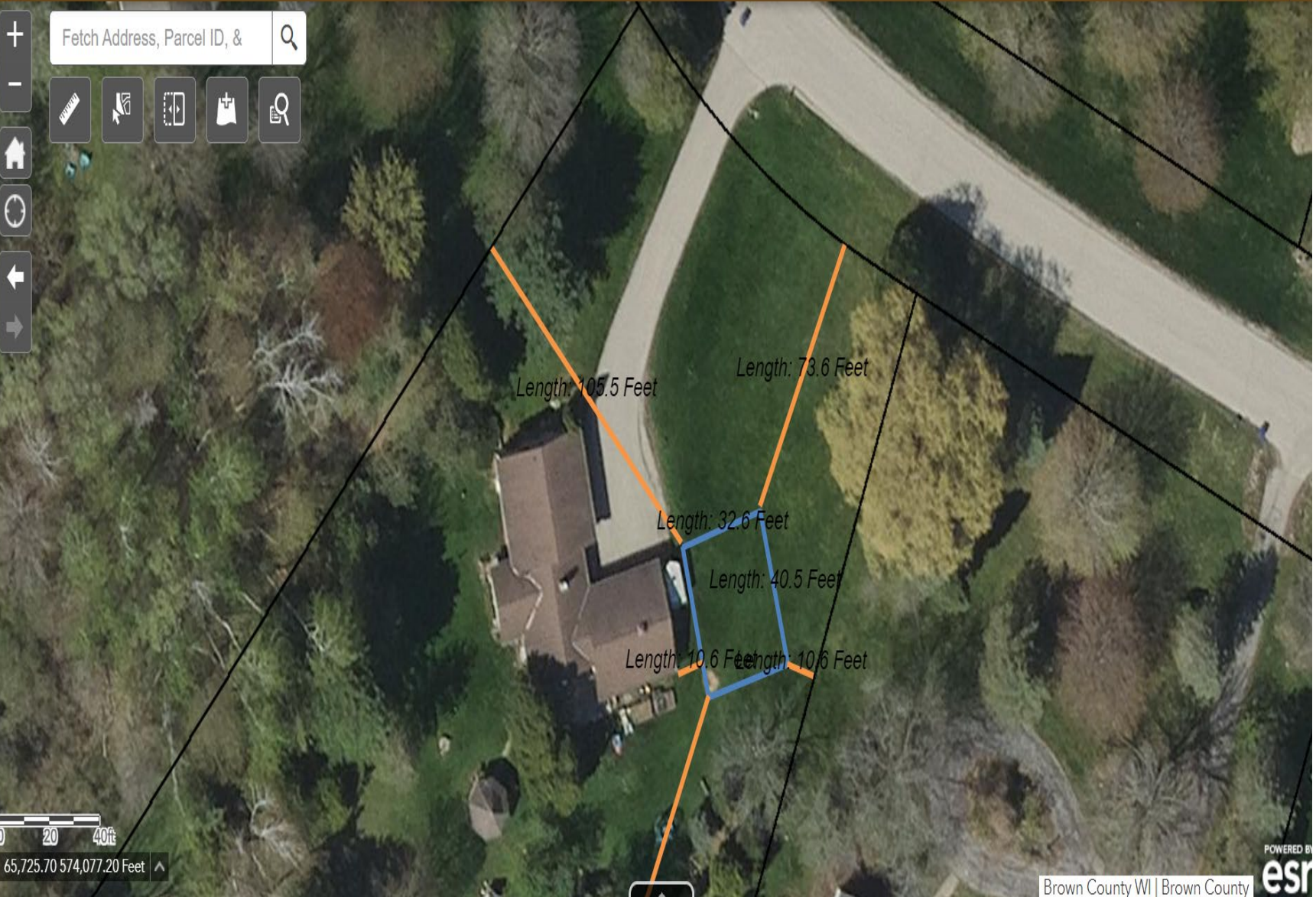


ONEIDA TRIBE OF INDIANS

65,505.84 574,153.10 Feet



Fetch Address, Parcel ID, &













65,725.70 574,077.20 Feet



Part of Brown County WI

LEGEND / KEY

-  Parcel Boundary
-  Condominium
-  Gap or Overlap
-  "hooks" indicate parcel ownership crosses a line
-  Parcel line
-  Right of Way line
-  Meander line
-  Lines between deeds or lots
-  Historic Parcel Line
-  Vacated Right of Way

A complete map legend (map key) is available at:
tinyurl.com/BrownDogLegend

Map printed
 9/7/2023



1:1,800

1 inch = 150 feet*

1 inch = 0.0284 miles*

*original page size is 8.5" x 11"
 *Appropriate format depends on zoom level

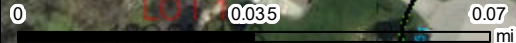
This is a custom web map created by an online user of the GIS map services provided by the

**Brown County Wisconsin
 Planning & Land Services
 Department**



(920) 448-6480

www.browncountywi.gov





TO: Planning & Zoning Commission

RE: Modifications/Amendments to the Zoning Ordinance, Chapter 295, Article XXXI, Section 295-342; Conditional Uses

FROM: Todd Gerbers, Director of Planning & Code Compliance

DATE: April 10, 2024

ISSUE: Discussion and action on modifications/ amendments to the Zoning Ordinance, Chapter 295, Article XXXI, Section 295-342; Conditional Uses

RECOMMENDATION: Staff recommends approval.

GENERAL INFORMATION

With prior changes to Wisconsin State Statutes relating to Conditional Uses, the Village of Hobart is proposing modifications / amendments to Chapter 295, Article XXXI, Section 295-342; Conditional Uses to have this section of the Village Zoning Code be in compliance with the statutes. These proposed modifications to the ordinance mainly provide more detailed information on the process and what is expected from the applicant during the submittal and review process. It also creates more standardized conditions utilized during the review process.

Attached is both the proposed conditional use ordinance along with the existing ordinance for review.

RECOMMENDATION/CONDITIONS

Staff recommends approval of the modifications / amendments to the Zoning Ordinance, Chapter 295, Article XXXI, Section 295-342; Conditional Uses subject to any changes identified by Village Attorney during their review.



ORDINANCE 2024-05

AN ORDINANCE TO REPEAL AND RECREATE A SECTION OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN, SPECIFICALLY SECTION 342 (CONDITIONAL USES) OF ARTICLE XXXI (ADMINISTRATION AND ENFORCEMENT) OF CHAPTER 295 (ZONING)

Purpose: The purpose of this Ordinance is to provide more detailed information on the process and what is expected from the applicant during the Conditional Use Permit submittal and review process. It also creates more standardized conditions utilized during the review process.

The Village Board of the Village of Hobart, Brown County, Wisconsin, does ordain as follows:

Section 1: Section 342 (Conditional Uses) of Article XXXI (Administration and Enforcement) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-342. Conditional uses.

A. Purpose of conditional uses. The purpose of a conditional use is to provide a reasonable degree of discretion in determining the suitability of certain uses of a special nature, so as to make impractical their predetermination as a principal use in a district. The development and execution of this article is based upon the division of the Village of Hobart into zoning districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land or public facilities and of the public need for the particular use at a specific location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district, provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses and are those uses specifically designated as conditional uses by the zoning district or which are classified as a conditional use under the review procedures in this article. The listing of a use as a conditional use is not a legislative determination that the use is inherently in the public interest in that district. [See All Energy Corp. v. Trempealeau County, 2017 WI 52 (2017)]

B. Authority of Planning and Zoning Commission and Village Board; requirements.

(1) Authority; intent. The Village Board may authorize the Zoning Administrator to issue a conditional use permit after review, public hearing, advisory recommendation from the Planning and Zoning Commission and approval from the Village Board, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this chapter and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. Such Village Board action, and the resulting conditional use permit, shall specify the period of time for which effective, if specified; the name of the permittee; the location and legal description of the affected premises.

Prior to the granting of a conditional use, the Village Board shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.

(2) General authority to require conditions. Per section 295-342 I., conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be recommended by the Planning and Zoning Commission and required by the Village Board upon their finding that these are necessary to fulfill the purpose and intent of this chapter.

(3) Compliance with other zoning conditions. Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses.

C. Initiation of conditional use request. Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use permit is sought, may file an application to use such land for one or more of the conditional uses provided for in this article in the zoning district in which such land is located, or for a conditional use substantially similar to a listed conditional use.

D. Application for conditional use.

(1) Application filing requirements. An application for a conditional use permit, accompanied by the application fee prescribed by the Village Board, shall be filed on a form prescribed by the Village. Such applications shall be forwarded to the Planning and Zoning Commission upon receipt by the Zoning Administrator or Village Clerk.

(2) Required plans/information. The plans/information required for review of all conditional use permit applications shall generally consist of any or all of the following, as required by the Zoning Administrator:

(a) Site development plan. A site development plan, which shall include and address:

1. Location of all buildings on lots, including both existing and proposed structures.
2. Location and number of existing and proposed parking spaces.
3. Vehicular circulation.

(b) Dimension plan. A dimension plan, which shall include and address:

1. Lot dimensions and area.
2. Dimensions of proposed and existing structures.
3. Setbacks of all buildings located on property in question.

4. Architectural elevations.

(c) Grading plan. A grading plan, which shall include and address:

1. Existing contour.
2. Proposed changes in contour.
3. Drainage configuration.

(d) Landscape plan. A landscape plan, which shall include and address:

1. Location of all existing major trees, and which trees are proposed to be removed.

(e) Statement. A written statement on why the conditional use is being applied for and what use is intended for the property.

(3) Additional information. In order to secure information upon which to base its determination, the Zoning Administrator may require the applicant to furnish, in addition to the information required above and for a building permit, the following information:

(a) Contours; soil types. A plan of the area showing contours, soil types, high-water mark, groundwater conditions, bedrock, slope and vegetation cover.

(b) Location of buildings; parking areas. Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping and lighting.

(c) Building and utilities plans. Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations.

(d) Filling/Grading plan. Specifications for areas of proposed filling, grading, or dredging.

(e) Other information. Other pertinent information necessary to determine if the proposed use meets the requirements of this chapter.

E. Planning and Zoning Commission review. Upon receipt of the application and the information required by section 295-342 D. above, the request for a conditional use permit shall be placed on the agenda of the first Planning and Zoning Commission meeting occurring after 10 days from the date of submission. The request shall be considered as being officially submitted when all the information requirements, including the payment of all applicable fees, are complied with. At such meeting, the Planning and Zoning Commission shall make an advisory recommendation regarding the application, and a record of the proceedings shall be kept in such a manner and according to such procedures as the Planning and Zoning Commission shall prescribe from time to time. The Village Board and/or Planning and Zoning Commission can, on its own motion, apply conditional uses when applications for rezonings come before their bodies.

F. Public hearing on application; notice.

(1) Hearing requirements. A public hearing shall be held on all conditional use permit applications. The public hearing shall be held by the Village Board. Due notice of the hearing shall be given to parties interested, as well as owners of property located within 100 feet of the property requesting the conditional use.

(2) Incomplete notice. Failure to fully comply with the notice to adjacent property owners shall not, however, invalidate any previous or subsequent action on the application.

G. Standards and considerations for conditional uses.

(1) Standards. No application for a conditional use shall be recommended for approval by the Planning and Zoning Commission, or approved by the Village Board, unless the following conditions are present:

(a) That the applicant has demonstrated that the application and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. Per § 62.23(7) (de)b, Wis. Stats., "substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

(c) That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

(d) That the establishment of the conditional use will not impede the normal and orderly use, development and improvement of the surrounding property for uses permitted in the district.

(e) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

(f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(g) That the conditional use shall conform to all applicable regulations of the district in which it is located.

(h) That the proposed use does not violate floodplain regulations governing the site.

(i) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

(2) Application of standards. When applying the above standards to any new construction of a building or an addition to an existing building, the Village Board and Planning and Zoning

Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district and the Village Comprehensive Plan.

(3) Additional considerations. In addition, in passing upon a conditional use permit application, the Planning and Zoning Commission and Village Board shall also evaluate the effect of the proposed use upon:

- (a) The maintenance of safe and healthy conditions.
- (b) The prevention and control of water pollution, including sedimentation.
- (c) Existing topographic and drainage features and vegetative cover on the site.
- (d) The location of the site with respect to floodplains and floodways of rivers and streams.
- (e) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (f) The location of the site with respect to existing or future access roads.
- (g) The need of the proposed use for a shoreland location.
- (h) Its compatibility with uses on adjacent land.
- (i) The amount of liquid waste to be generated and the adequacy of the proposed disposal systems.

H. Denial of application for conditional use permit. When an advisory recommendation of denial of a conditional use application is made by the Planning and Zoning Commission or an actual denial by the Village Board, the Planning and Zoning Commission and/or Village Board shall furnish the applicant, in writing, those standards that are not met and enumerate reasons the Planning and Zoning Commission and/or Village Board has used in determining that each standard was not met. Such findings may be in the form of meeting minutes.

I. Conditions and guarantees applicable to all conditional uses. The following conditions shall apply to all conditional uses:

(1) Conditions. Prior to the granting of any conditional use, the Planning and Zoning Commission may recommend and the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in section 295-342 G. above. Any condition imposed must be related to the purpose of the zoning code and be based on substantial evidence. In all cases in which conditional uses are granted, the Planning and Zoning Commission may recommend, and the Village Board shall require such evidence and guarantees as deemed necessary as proof that the conditions stipulated in

connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:

- (a) Landscaping;
- (b) Type of construction;
- (c) Construction commencement and completion dates;
- (d) Sureties;
- (e) Lighting;
- (f) Fencing;
- (g) Operational control;
- (h) Hours of operation;
- (i) Traffic circulation;
- (j) Deed restrictions;
- (k) Access restrictions;
- (l) Setbacks and yards;
- (m) Type of shore cover;
- (n) Specified sewage disposal and water supply systems;
- (o) Planting screens;
- (p) Increased parking;
- (q) Conditions pertaining to permit duration, transfer or renewal; or
- (r) Any other requirements necessary to fulfill the purpose and intent of this chapter.

(2) Site review. In reviewing each application and making its recommendation, the Planning and Zoning Commission shall evaluate each application and may request assistance from any source and or committee which can provide technical assistance. The Planning and Zoning Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.

(3) Signage. Signage shall be in compliance with municipal sign regulations.

(4) Alteration of conditional use. No alteration of a conditional use shall be permitted unless first approved by the Village Board.

(5) Architectural treatment. Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.

(6) Sloped sites; unsuitable soils. Where slopes exceed 6% and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

(7) Conditional uses to comply with other requirements. Conditional uses shall comply with all other provisions of this chapter such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or significant potential of accidents.

J. Planning and Zoning Commission recommendation; Village Board action.

(1) Planning and Zoning Commission advisory recommendation.

(a) Following referral of conditional use permit applications, the Planning and Zoning Commission may recommend that the Village Board authorize the Zoning Administrator to issue a conditional use permit for conditional uses specified in this chapter following their review, provided such uses are in accordance with the purpose and intent of this chapter, and, more specifically, the standards for conditional uses established in this article.

(b) The Planning and Zoning Commission shall make findings of fact and recommend such actions or conditions relating to the request as the Committee deems necessary to carry out the intent and purpose of this chapter.

(2) Village Board action.

(3) Upon receiving the recommendation of the Planning and Zoning Commission, the Village Board shall set the public hearing and place such recommendation(s) on the agenda for the next subsequent Board regular meeting following the scheduling of the public hearing. Such recommendations, including findings of standards not met as required by section 295-342 I., shall be entered in and made part of the permanent written record of the Village Board. The Village Board shall make, and record in the minutes of the Board or in a separate statement/report, findings of fact and may impose and require any conditions the Village Board considers necessary to protect the public health, safety and welfare when approving and issuing a conditional use permit. The Village Board's decision to approve or deny the permit must be supported by substantial evidence.

(4) If, upon receiving the recommendations of the Planning and Zoning Commission, the Village Board finds that specific inconsistencies exist in the review process or significant new facts have now been made available and thus the final determination of the Village Board will differ from the advisory recommendation of the Planning and Zoning Commission, the Village Board shall, before taking final action, refer the matter back to the Planning and Zoning Commission with the written record or separate statement/report explaining the specific reasons for referral. This referral action shall only be permitted one time with each conditional use permit application.

(5) Reapplication. No application for a conditional use permit which has been denied in whole or in part by the Village Board shall be resubmitted for a period of one year from the date of such denial, except on the grounds that substantial new evidence or proof of changes that would result in compliance with applicable conditions is included in the resubmitted application.

K. Validity of conditional use permit.

(1) Where the Village Board has approved or conditionally approved an application for a conditional use permit, such approval shall become null and void within 18 months of the date of the approval unless the Village Board has specified a different time line in its approval or the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted.

(2) A conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the Village may impose conditions such as, but not limited to, permit duration, transfer or renewal, in addition to any other conditions specified in granting the conditional use permit.

(3) The Village Board may extend such permit for a period of 90 days for justifiable cause if the conditional use permit included a permit duration condition, if application is made to the Village Board at least 30 days before the expiration of said permit.

L. Complaints regarding conditional uses. The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this code. Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in section 295-342 G. above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in section 295-342 J. above. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in 295-342 G. or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use as provided in section 295-342 J. Additionally, the offending party may be subjected to a forfeiture as set forth in this chapter and § 1-3, Penalties, of the Village Code. In the event that no reasonable modification of such conditional use can be made in order to assure that standards in 295-342 G. will be met, the Village Board may

revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefore. An appeal from a decision of the Village Board under this section may be taken to the Zoning Board of Appeals.

M. Consistency with Comprehensive Plan. Pursuant to § 66.1001(2m) (b), Wis. Stats., a conditional use permit that may be issued by the Village of Hobart does not need to be consistent with the Village Comprehensive Plan.

N. Appeals. Any action of the Village Board in granting or denying a conditional use permit application may be appealed to the Zoning Board of Appeals. In the alternative, any action of the Village Board in denying a conditional use permit application may be appealed directly to Circuit Court per § 62.23(7)(e)10., Wis. Stats. In the case of appeals to the Zoning Board of Appeals, a written request shall be made within 10 days after the date of the Village Board's action granting or denying the permit. Such request for appeal to the Zoning Board of Appeals shall be filed and reviewed pursuant to the procedures in section 295-340 of this chapter.

Section 2: Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

Section 3. This Ordinance shall be effective from and after its passage by the Village Board and publication as required by law.

Passed and approved this 7th day of May, 2024.

Richard Heidel, Village President

Attest:

Aaron Kramer, Village Administrator

CERTIFICATION

The undersigned, being the duly appointed Clerk of the Board of the Village of Hobart, certifies that the aforementioned is a true and exact reproduction of the original ordinance or resolution adopted by the Village Board.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on May 7th 2024.

(Seal)

Lisa Vanden Heuvel, Village Clerk