

MINUTES OF THE PLAN COMMISSION MEETING – JULY 9, 2012

Call to Order

The Plan Commission meeting was called to order at 6:00 p.m. by President Vanden Berg

Roll Call

PRESENT: President Vanden Berg
Trustee Jim Hietpas
Steve Eggert
John Elrick
Bill Van Berkel
Roy Van Gheem

ABSENT: Richard Schevers

ALSO PRESENT: Community Development Director Jim Moes, Village Administrator Charles Kell,
Village Clerk Vicki Schneider, Greg Enz

Public Appearance for Items Not on the Agenda

None

Moved by Commissioner Elrick, seconded by Commissioner Van Berkel to enter into Public Hearing.

Ayes 6, Nays 0 – Motion Carried

Public Hearing – Variance Request filed by Greg & Sherri Enz – 920 Sunnydale Ln. for construction of a deck

J. Moes stated the applicant is requesting a variance to add a deck to the existing home and deck which will connect to an existing above-ground swimming pool which is located 3 ft. 7 in. from the side lot line and 12 ft. from the rear lot line. The plan as proposed does not meet the dimensional requirements which are a minimum side yard setback of 7 ft. and rear yard setback of 20 ft. for the principle building and all attachments. J. Moes stated that Village Code considers the pool an accessory structure once it is connected to the principal structure. Mr. Enz stated that the reason for not moving the pool is because of the cost and he would still have an issue with not meeting the rear yard setback if the pool were moved because of the position of the house on the lot. Mr. Enz gave an example of a neighbor constructing a similar deck to their pool but the neighbor has plenty of space to meet the rear setback requirements and he doesn't have that flexibility. Commissioner Eggert stated in his opinion, it doesn't appear to be encroaching on the setback rules in a serious matter. Commissioner Van Gheem stated he had reviewed cases such as this and he doesn't see anything in this request to substantiate giving a variance as there is not a hardship and it is just a want and the deck would create non-conformance. J. Moes stated the Commission may want to look at the interpretation of whether a pool should be considered an accessory structure. Discussion took place on the distinction of an in-ground pool with just concrete around it not being considered an accessory structure compared to an above-ground pool, noting that if a deck was connected to either type it would be considered an accessory structure if it were connected to the principle structure. Commissioners discussed the issue of changing the ordinance on pools being considered accessory structures. C. Kell commented on problems that could arise if any attached structure could be connected to a pool. Mr. Enz and J. Moes both stated that the new deck would meet the required 7 ft. from the side lot line and if the pool wasn't there, construction of the deck would be fine. Commissioner Van Berkel commented that he is not in favor of changing ordinances to address individual situations and he believes it is the Commission's duty to see if a variance is reasonable. Discussion continued. J. Moes stated he did receive a phone call from a neighbor within 100 feet of this property and the person indicated that they were in favor of the Commission granting the variance.

Moved by Commissioner Elrick, seconded by Commissioner Van Berkel to exit the Public Hearing.

Ayes 6, Nays 0 – Motion Carried

Approve Minutes of the Plan Commission Meeting of June 11, 2012

Moved by Commissioner Elrick, seconded by Commissioner Van Berkel to approve the minutes of June 11, 2012 as presented.

Ayes 6, Nays 0 – Motion Carried

Action on Variance Request filed by Greg & Sherri Enz – 920 Sunnydale Ln. for construction of a deck

J. Moes reiterated that the proposed new deck does meet the setback requirements but the pool does not. Commissioner Van Berkel questioned if a stipulation could be put in the variance that if the pool had to be replaced, it had to be relocated to meet the setback requirements. J. Moes commented that it would be very difficult for any pool to meet the rear setback requirements on this lot. J. Elrick stated he supports the variance because the deck meets the setback requirements. Commissioner Van Gheem stated he considers the pool an accessory structure and he is not in support of granting the variance and while this home might not be so intrusive on the neighboring properties, what about the next one. Commissioner Elrick stated he is struggling with the issue because if the pool is in-ground it isn't an accessory structure but if it is above-ground it is.

Moved by Commissioner Elrick, seconded by Commissioner Van Berkel to approve the variance request for Greg & Sherri Enz at 930 Sunnydale Lane for construction of a deck based on the fact that the deck structure itself meets the requirements of the 7ft. side yard setback and the 20 ft. rear yard setback.

Ayes 5, Nays 1 (Van Gheem) – Motion Carried

Mr. Enz thanked the Commission for granting the variance.

Unfinished Business

None

Items for Future Agenda

Commissioners agreed that J. Moes should do some research on language addressing the situation with swimming pools as accessory structures and report back to the Commission at a future meeting.

Commissioner Eggert commented on the Comprehensive Plan and the railroad going through town not being addressed at all and the development of river front property not being addressed very well. J. Moes stated that during the public hearings on the Comprehensive Plan, the railroad was not brought up at all and the river properties are fully developed. J. Moes stated that at some time in the future, the Comprehensive Plan will be looked at for possible amendments. Staff suggested that Mr. Eggert discuss the railroad issues with the Public Works Director.

Adjournment

Moved by Commissioner Elrick, seconded by Commissioner Van Gheem to adjourn the Plan

Commission meeting at 6:36 p.m.

Ayes 6, Nays 0 – Motion Carried

VILLAGE OF LITTLE CHUTE

By: Michael Vanden Berg, Village President

Attest: Vicki Schneider, Village Clerk