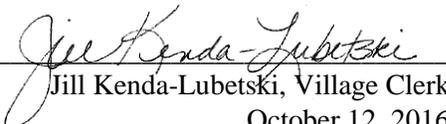


PLAN COMMISSION MEETING
Monday, November 14, 2016
Earl McGovern Board Room, 6:30 P.M.



PLEASE TAKE NOTICE that a meeting of the Brown Deer Plan Commission will be held in the Earl McGovern Board Room at the Village Hall of the Village of Brown Deer, 4800 West Green Brook Drive, Brown Deer, Wisconsin at the above noted time and date, at which the following items of business will be discussed and possibly acted upon:

- I. Roll Call
- II. Persons Desiring to be Heard
- III. Consideration of Minutes: October 17, 2016 – Special Meeting
- IV. Report of Staff/Commission Members
- V. Unfinished Business
- VI. Business Items
 - A) Public Hearing and Recommendation on a rezoning of multiple properties including; 8411 and 8406 N. 66th Street, 6720 and 6550 W. Dean Road and Lot 26 of the Elm Springs Subdivision (vacant parcel at NE corner of N. 64th Street and W. Dean Rd.) from R2 Single Family Residential to R3A Single Family Residential
 - B) Review and Approval of a special accessory use permit for front yard playground equipment at 4835 W. Parkland Avenue.
- VII. Adjournment



Jill Kenda-Lubetski, Village Clerk
October 12, 2016

PERSONS REQUIRING SPECIAL ACCOMMODATIONS FOR ATTENDANCE AT THE MEETING SHOULD CONTACT THE VILLAGE CLERK AT LEAST ONE BUSINESS DAY PRIOR TO THE MEETING.

**BROWN DEER SPECIAL PLAN COMMISSION
OCTOBER 17, 2016 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 5:40 P.M.

I. ROLL CALL

Present: President Carl Krueger; Trustees: Tim Schilz, Jeff Baker; Commissioners: Ted Wagner, Bill Hoffmann

Also Present: Michael Hall, Village Manager; Nate Piotrowski, Community Development Director; John Fuchs, Village Attorney

Excused: Commissioners: Jeff Jaroczynski, Ryan Schmitz, Al Walters

II. PERSONS DESIRING TO BE HEARD

None

III. CONSIDERATION OF MINUTES: August 8, 2016 – Regular Meeting

It was moved by Commissioner Hoffmann and seconded by Trustee Baker to approve the regular meeting minutes of August 8, 2016. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

None

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

- A) Review and Approval of a special accessory use permit for a fence at WITI Fox 6, 9001 N. Green Bay Road**

Mr. Piotrowski reviewed the proposal and introduced John Workman and Chuck Steinmetz of FOX 6.

Trustee Baker asked if the parking lot gates would open electronically. Mr. Workman replied that they would. Trustee Baker asked how the gates would work for visitors. Mr. Steinmetz replied that there would be an intercom system and cameras with internal security vetting visitor arrivals. Mr. Hoffmann asked if the Plan Commission action needed approval by the Village Board. Mr. Piotrowski replied that the Plan Commission had sole authority.

It was moved by Commissioner Hoffmann and seconded by Trustee Baker to approve the special accessory use permit. The motion carried unanimously.

VII. ADJOURNMENT

It was moved by Commissioner Wagner and seconded by Commissioner Hoffmann to adjourn at 6:49 P.M. The motion carried unanimously.



Nate Piotrowski, Community Development Director



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Public Hearing and Recommendation on a rezoning of multiple properties including; 8411 and 8406 N. 66 th Street, 6720 and 6550 W. Dean Road and Lot 26 of the Elm Springs Subdivision (vacant parcel at NE corner of N. 64 th Street and W. Dean Rd.) from R2 Single Family Residential to R3A Single Family Residential
PREPARED BY: Nathaniel Piotrowski, Community Development Director
REPORT DATE: November 9, 2016
Applicable Land Use Regulation: Village Code Sec. 121-7
VILLAGE ATTORNEY REVIEW: <input checked="" type="checkbox"/> Village Attorney has reviewed documents. <input type="checkbox"/> Village Attorney has not reviewed documents. <input checked="" type="checkbox"/> Documents provided to Village attorney.
COMPREHENSIVE PLAN REVIEW: <input checked="" type="checkbox"/> Staff has reviewed request for consistency with the Comprehensive Plan.

ANALYSIS:

Charlene Smith the property owner on the NW corner of N. 64th Street and Dean Road initiated the rezoning request for her property in order to facilitate the construction of a new single family home. The current R2 zoning would not allow for this long vacant lot to be developed because it does not meet lot width requirements of 100' on N. 64th Street. By shifting to R3A zoning the lot would become buildable as that district requires a lot width of only 66'. In addition it would allow for more favorable bulk regulations, including setbacks which could facilitate a second buildable lot if desired in the future.

Staff recognized that several parcels immediately to the west of this lot had similar dimensions and because they too are zoned R2, they are technically legal non-conforming (see attached map). Because of this non-conforming situation, Staff felt it made sense to include the 4 properties to the west in the rezoning. Rezoning these properties along with the applicant parcel would correct the non-conformity, create a buildable lot and would provide for a more logical extension of the R3A zoning district.

RECOMMENDATION:

Staff believes this rezoning makes sense and facilitates the redevelopment of a long vacant parcel while maintaining an appropriate single family residential zone. Please feel free to contact Nate Piotrowski at (414) 371-3061, if you have any questions.



In the Matter of rezoning property at multiple properties including; 8411 and 8406 N. 66th Street, 6720 and 6550 W. Dean Road and Lot 26 of the Elm Springs Subdivision (vacant parcel at NE corner of N. 64th Street and W. Dean Rd.) from R2 Single Family Residential to R3A Single Family Residential

Ordinance No. 16-

THE VILLAGE BOARD OF THE VILLAGE OF BROWN DEER DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. AMENDMENT.

The Village Code of the Village of Brown Deer, and in particular, the Zoning District Map thereunto appertaining, adopted by Section 121-7, is hereby amended to depict the following described real estate as being in the R3A – Single Family Detached Residence:

A map detailing the property affected by the ordinance may be obtained at the Brown Deer Village Hall, 4800 W. Green Brook Drive, Brown Deer Wisconsin during normal business hours.

SECTION II. EFFECTIVE DATE.

This Ordinance shall be in full force and effective after its passage and publication according to law.

PASSED AND ADOPTED by the Village Board of the Village of Brown Deer this 21st day of November, 2016.

Carl Krueger, Village President

Jill Kenda-Lubetski, Village Manager/Clerk



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION:	Plan Commission
ITEM DESCRIPTION:	Review and Approval of a special accessory use permit for front yard playground equipment at 4835 W. Parkland Avenue.
PREPARED BY:	Nathaniel Piotrowski, Community Development Director
REPORT DATE:	November 9, 2016
Applicable Land Use Regulation:	Village Code Sec.121-14 (c)(2)(j) and (d)
VILLAGE ATTORNEY REVIEW:	<input checked="" type="checkbox"/> Village Attorney has reviewed documents. <input type="checkbox"/> Village Attorney has not reviewed documents. <input checked="" type="checkbox"/> Documents provided to Village attorney.
COMPREHENSIVE PLAN REVIEW:	<input checked="" type="checkbox"/> Staff has reviewed request for consistency with the Comprehensive Plan.

ANALYSIS: The applicant is seeking to keep a swing set in their front yard by way of a special accessory use permit at 4835 W. Parkland Avenue. The attached aerial and site plan drawing shows the area defined as the front yard and the approximate location of the swing set. While the house faces W. Parkland Avenue, by code, the front yard is actually adjacent to N. 49th Street because that is the side of the property with the shortest frontage. Village code provides the following requirements for playground equipment, which restricts them to the rear yard (in this case the east side of the property):

“(c) Accessory structures and uses in yards.

(2) The following detached or attached accessory structures and uses are permitted and may be obstructions in yards and courts (“F” denotes front yards and side yards adjoining streets, “S” denotes interior side yards, “R” denotes rear yards, and “C” denotes open courts):

t. Playground and laundry-drying equipment: R, C.

The swing set has been in place for multiple months. Upon receiving complaints from the neighbors, Village Staff investigated and advised the owner that the swing set was not allowed in the front yard and it needed to be removed. Seeking relief from what they viewed as a hardship, the applicant applied to the Board of Appeals in late July (for playground & fence, since removed).

The Board of Appeals denied the request citing neighbor concerns over roadway visibility, and a general lack of hardship. Since that decision was made, the special accessory use category was created and the applicant is now seeking such a permit. In your packet is a survey of the property, photos of the swing set and rear yard where the swing set would be allowed. Also included is resident feedback, submitted during the Board of Appeals process. Staff also created a special accessory use permit which is included and would guide the use should it be approved.

RECOMMENDATION:

While the swing set issue generally does not meet the criteria of a true hardship by statutory definition for the Board of Appeals, the front yard definition for this property is somewhat unique. Further, a home expansion in the 1980’s created severely small rear and side yards which make a swing set location placement in these locations impractical. Staff believes that the granting of a special accessory use permit in this case would not adversely affect the harmonious nature of the neighborhood. Please contact Nate Piotrowski at (414) 371-3061, if you have any questions.

085-0199

SURVEYING ASSOCIATES, INC.

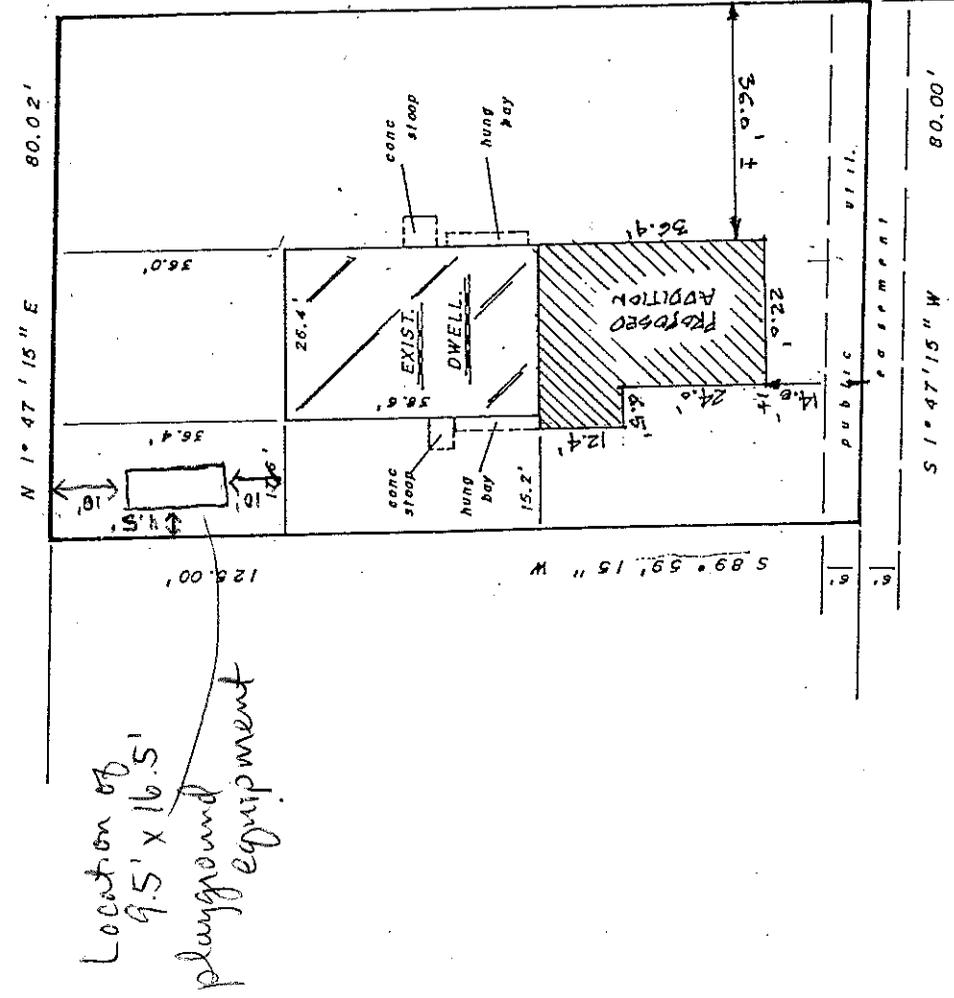
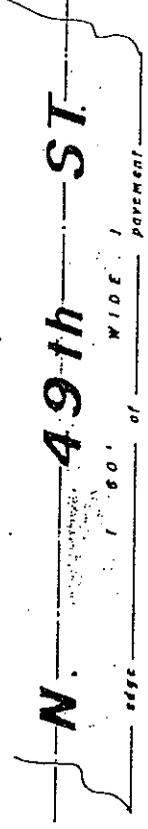
MEMBER WISCONSIN SOCIETY OF LAND SURVEYORS
AND AMERICAN CONGRESS ON SURVEYING AND MAPPING

2554 N. 100TH STREET
P.O. BOX 26596
WAUWATOSA, WISCONSIN 53226
(414) 257-2212

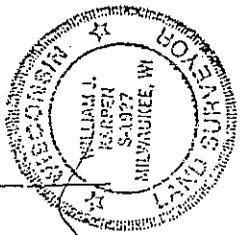
PLAT OF SURVEY

LOT 15, BLOCK 12, GOLF VIEW CREST ADDITION NO. 1, being a Subdivision of a part of the Northeast 1/4 of Section 14, in Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin.

Survey location: 4835 W. Parkland Avenue



Location of
9.5' x 16.5'
playground
equipment



Surveyed for: OLGA GUTMANN

"I hereby certify that I have surveyed the above described property and that the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and encroachments, if any."

"This survey is made for the use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one year from date hereof."

MONUMENTATION BY WRITTEN AGREEMENT WITH THE ABOVE NAMED CLIENT HAS BEEN WAIVED IN ACCORDANCE WITH A-E 5.01 (1) (b) OF THE WISCONSIN ADMINISTRATIVE CODE.

NOTE: THIS IS NOT AN ORIGINAL SURVEY UNLESS THIS SEAL IS RED.

William J. Kasper
WISCONSIN REGISTERED LAND SURVEYOR

OCT. 13, 1988
DATE

dll, rcp
FIELD WORK BY

bjt, dll
DRAWN BY

20702
JOB NUMBER

N 49TH ST

side yard adjoining a street

rear

front yard

4835

swing set approx

side yard

4821

4813

4805

7736

7693

7726

7705



Pro Swingset/fence

Nathan Piotrowski

From: Pam Deeds <dpdeeds@sbcglobal.net>
Sent: Monday, July 25, 2016 4:41 PM
To: Nathan Piotrowski
Subject: Hearing 7/28/16 re appeal of denial of playground equipment

Mr. Piotrowski,

I live at 4813 W. Parkland Ave.

Since I cannot attend the hearing pertaining to:

appeal of the denial of playground equipment and a fence in the front yard of 4835 W. Parkland Avenue

please accept this e-mail in lieu of my appearing personally.

I have specifically looked at the "fence" and "playground equipment" in question. The fence is not actually a fence, but ornamental landscape fencing interspersed with arbor vitae to create a border. It is actually on the side yard, as the house faces on Parkland and the landscaping materials in question are on the 47th St. side of the property.

The "playground equipment" is actually a swing set that is inside this border.

I see no reason whatsoever why the owner should be forced to remove them. The entire thing is very tidy and appealing. In fact, the property looks very nicely kept.

Please feel free to contact me if you require further comment or information.

Sincerely,

Pamela J. Deeds
(414) 232-1932

Nathan Piotrowski

From: KAREN BOUTELL <kboutell@sbcglobal.net>
Sent: Wednesday, July 27, 2016 10:46 AM
To: Nathan Piotrowski
Subject: 4835 W. Parkland Ave Dispute

Nate Piotrowski,

Hello, on behalf of John Boutell and myself, we just wanted to voice our opinion on the playground equipment and the fence that resides in the yard of 4835 W. Parkland Ave. My husband and I have no issues with the play set in my neighbor's yard. In all reality, I appreciate that they built the fence surrounding the play set because they are keeping their children safe while the children are having fun. Personally, while we are parents of two adult children, when they were younger we always tried to allow them to have fun outside. I believe if the Village of Brown Deer forced the residents of 4835 W. Parkland Ave to take down the play set and the fence that would force the children to sit inside and take part in more sedentary activities.

Thank you,

John and Karen Boutell

4835 W. Parkland Ave.

Neighbors within 200ft that are not
opposed to our side fence or swingset

NAME: ADDRESS: SIGNATURE:

Kendra Newson 4828 W Parkland Ave
Donald Evans " Kendra Newson

PAMELA DEEDS 4813 W PARKLAND AVE
BROWN DEER W/ 53223
Mahamud A WUSSE 4805 W Parkland
Ave

Amanda Pagonoud 7708 W. 49th St

Adam 4925 W. Parkland Ave 53113

ADAMSON 1818 W Parkland Ave CB

Baron Boutell 4900 W. Parkland Ave 53223

John R. Bortell 4900 W. Parkland Ave ⁵³²²³

Steven Dahms 1821 W Brown Deer Rd 53223



Dawn Jordan 4821 W. Parkland Ave 53223

Julie Kelly 4725 W. Parkland Julian M Kelly

Karen Haskel 4804 W Parkland

 4804 W Parkland

CHAO XIONG 4737 W. PARKLAND AVE

Monet Williams 4907 W. Parkland Ave 53223

Franklin 7655 W 49th St 53223

Rachel Franklin 7655 N 49th St 53223

Ezekiel family
7685 N. 49th Street

Wenke
7706 N 49th St.

KYLE PACE
7705 N 49TH ST
MP 62

Urnoff-Kvan
7684 N. 49th St.
Brown Beer, WI
David J. Kvan

Vivian Michaelson

7663 N 49th 414-892-0425

Jared Math

7662 N 49th 414 303 6295

Michael Hendee 785 307 0587

7662 N 49th st

Michael, K. Hendee, mil@maul.mil

Payton Brewer 7662 N. 49th

414 303 7900

Against

Village of Brown Deer
Attn: Board of Appeals
4800 W. Green Brook Dr.
Brown Deer, WI 53223

July 28, 2016

I received a notice that there will be a hearing held this evening by the Village regarding an appeal of the denial of playground equipment and a fence in the front yard at 4835 W Parkland Ave. I will not be able to attend the hearing in person, but I do have concerns regarding this matter.

I bought my house on 49th street in 2010 and would like to object to the variance to overturn the denial for the fence to be put in the front yard of this residence. I feel that the placement of such a fence would take away from the view of our street and that a front yard is not the place for such a fence or the appropriate placement of playground equipment. If this denial was to be overturned, I would be concerned that this would leave room for other such items to be placed in front yards throughout the neighborhood that would take away from the peaceful view we currently have on our street.

Thank you,
Mary Gorski
7727 N 49th St

Village of Brown Deer
Attn: Boards of Appeals
4800 West Green Brook Drive
Brown Deer, WI 532232

July 28, 2016

It has been brought to my attention by the Village there is a hearing set for an appeal of the denial of playground equipment and fence in front yard at 4835 W. Parkland Ave. Although I am unable to attend this hearing in person, I do have valid concerns I wish to have heard.

My name is Dawn Dibb, and my husband Trent and I purchased our home on 49th Street in 1999. I would like to object to the variance to overturn the denial for the fence to be placed in this front yard as this would obstruct my view of the corner of 49th & Parkland, and I would no longer be able to watch my child board the school bus. I have had children in the Brown Deer school system for 17 years, and my daughter is entering middle school this year. At this age the bus stop is on the corner of 49th & Parkland, and although she is old enough to wait at the bus stop alone, I do watch from my porch or our corner bedroom window to be sure that she has boarded the school bus and is safely on her way to school, and would expect to be able to continue to do so.

Regarding the playset, my opinion is that it is not appropriate to be that close to a road, as it is there for children's recreation, and definitely not a safe location to have such a structure. This also brings concerns with a variance opening further options, allowing other such not esthetically appealing items to be erected in other front yards, thus ruining the tranquil and peaceful view our street has had. I believe these types of items belong in backyards, keeping the appealing look of the street view we currently have in our community.

I am not sure what has led to this appeal, or why it is being considered for a variance to begin with if it is not within the village code, but I would like to request an explanation be given and that there is a clear understanding provided, to avoid any further neighborhood disturbances. We have lived here since 1999, and have always enjoyed spending time outside with our family. I have never had any reservations about having family or friends over to my home, until recently. It seems there must be some misunderstanding on this issue, plotting anger and aggression towards neighbors as I have witnessed a recent disturbance with yelling and threats being called out. I am the leader of a Brown Deer Girl Scout troop, and have a Girl Scout summer party scheduled at my home for this evening. I have held these gatherings many times without any reservations, but after the recent disturbance this issue has caused, and knowing this hearing will conclude while I still have these families over, I am hoping a peaceful resolution is found.

Thank You,
Dawn Dibb
7726 N 49th Street
Brown Deer, WI 53223













