



**136 North Monroe Street, Waterloo, Wisconsin 53594-1198**  
**Phone (920) 478-3025**  
**Fax (920) 478-2021**

**NOTICE OF A CITY OF WATERLOO  
PLAN COMMISSION MEETING**

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public and the news media, the following meeting will be held:

**MEETING: PLAN COMMISSION**  
**DATE: TUESDAY, MAY 23, 2017 TIME: 7:00 p.m.**  
**LOCATION: 136 N. MONROE STREET, MUNICIPAL BUILDING COUNCIL CHAMBERS**

to consider the following:

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF PREVIOUSLY UNAPPROVED MEETING MINUTES – May 3, 2017
3. CITIZEN INPUT
4. UNFINISHED BUSINESS
  - a. Dale Kraus, Owner Of The Property Located At 391 Van Buren Street - Conditional Use Permit Request To Allow The Construction Of An Additional 40' X 60' (2,400 Sq. Ft.) And 21' Height Accessory Building In A R-2 Single Family Residential District.
  - b. Uniform And Effective Enforcement Of The Zoning Code
5. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS
  - a. Considering The Following Updates: Zoning Maps, Conditional Use Forms And Comprehensive Plan Map
6. ADJOURNMENT

*Mo Hansen*

Mo Hansen, Clerk/Treasurer

Posted, Distributed & Emailed: 5/18/2017

Members: Leisses, Thompson, Crosby, Butzine, Reynolds, Lannoy and Springer

PLEASE NOTE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above meeting(s) to gather information. No action will be taken by any governmental body other than that specifically noticed. Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request such services please contact the clerk's office at the above location.

**WATERLOO PLAN COMMISSION – MINUTES**  
**May 3, 2017**

PUBLIC HEARING

1. CALL TO ORDER -- CONDITIONAL USE PERMIT – DALE KRAUS - PROPERTY LOCATED AT 391 VAN BUREN STREET.  
The Applicant, Dale Kraus, Owner Of The Property Located At 391 Van Buren Street, Is Requesting A Conditional Use Permit To Allow The Construction Of An Additional 40' X 60' (2,400 Sq. Ft.) And 21' Height Accessory Building In A R-2 Single Family Residential District. Bob Crosby, in the Mayor's absence called the public hearing to order at 3:00 p.m. Plan Commissioners Attending: Leisses, Crosby, Butzine, Lannoy and Reynolds. Absent: Springer and Thompson. Others attending: Dale Kraus, Terry Sauer and Clerk/Treasurer Hansen.
  - a. DISCUSSION: Applicant Dale Kraus said he intended to use the building to store an RV and equipment used to maintain his seven acre parcel; the building would be 75 feet from the street; it would be stick built with exterior materials not yet determined. He said the adjacent buildings are two stories. Kraus said surveying the entire seven acres to produce a certified survey map to combined two lots he owns involved with the request, would be expensive. He said placement of the structure on other side of the existing home was not feasible because of slope and an existing orchard. He estimated that his budget would be \$60,000
2. ADJOURN PUBLIC HEARING. At 3:14 pm. a motion was made by Reynolds, seconded by Leisses to close the public hearing. VOICE VOTE: Motion carried.

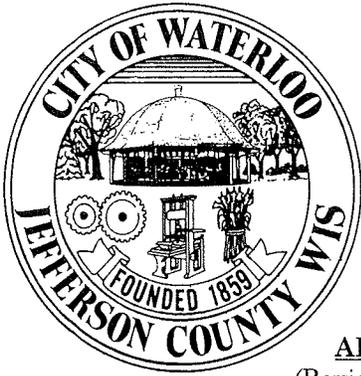
PLAN COMMISSION REGULARLY SCHEDULED MEETING

1. CALL TO ORDER AND ROLL CALL. Plan Commissioners Attending: Leisses, Crosby, Butzine, Lannoy and Reynolds. Absent: Springer and Thompson. Others attending: Dale Kraus, Terry Sauer and Clerk/Treasurer Hansen.
2. APPROVAL OF PREVIOUSLY UNAPPROVED MEETING MINUTES – February 28, 2017 (March 28, 2017 no meeting). MOTION: Moved by Butzine, seconded by Lannoy to approve the meeting minutes as presented. VOICE VOTE: Motion carried.
3. CITIZEN INPUT. None.
4. NEW BUSINESS
  - a. Dale Kraus, Owner Of The Property Located At 391 Van Buren Street - Conditional Use Permit Request To Allow The Construction Of An Additional 40' X 60' (2,400 Sq. Ft.) And 21' Height Accessory Building In A R-2 Single Family Residential District. DISCUSSION: Reynolds commented that the structure would be 75 feet removed from the road, behind existing neighboring structures. Lannoy questioned the building size saying he had been in some accessory structures in Waterloo that were big, but not this big. Lannoy said it was a city lot not a rural lot. Lannoy and Butzine asked if the neighbors had been consulted. Kraus replied that one house was in disrepair, and he didn't know the neighbors. He said he had talked to the other. Crosby asked if reducing the size was possible. Krause said he was making an investment in the property and the size would mean he would remain in Waterloo. The Plan Commissioners considered whether or not a survey map should be done first. Leisses said approval could be granted conditioned upon a map approval. Butzine said he had a problem with the building size. He asked if it would affect the value of the neighboring homes. Kraus said a nearby house has exposed insulation and is in disrepair. Crosby asked if more building details were available. Krause circulated a rendering saying it was not his plan but similar. Reynolds said the size was greatly over the allowed amount. MOTION: Moved by Lannoy, seconded by Butzine to table the matter asking the applicant to provide contractor drawings or similar and to provide communication from the neighbors regarding their views on the project. VOICE VOTE: Motion carried.
  - b. Uniform And Effective Enforcement Of The Zoning Code. DISCUSSION: Attendees reviewed Hansen's February memo. The after-the-fact Sellnow conditional use request was referenced. Lannoy said the information provided as part of the Zwieng conditional use permit was incomplete compared to the Town of Portland process. Hansen described limitations of only acting on complaints. Crosby said the enforcement for a blighted Polk Street property was not enough. Crosby said the downtown veterans memorial was an example of the City not stepping up to take care of its own responsibilities. Hansen described linking Fire Inspections and Building Inspections. It was noted that Chris Butschke should attend a follow-up meeting to help identify a way forward on the topic.
5. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS
  - a. Considering The Following Updates: Zoning Maps, Conditional Use Forms And Comprehensive Plan Map

6. ADJOURNMENT. MOTION: Moved by Lannoy, seconded Butzine to adjourn. Approximate time: 4:05 pm.



Mo Hansen  
Clerk/Treasurer



136 NORTH MONROE STREET, WATERLOO, WISCONSIN 53594-1198  
Phone (920) 478-3025  
Fax (920) 478-2021  
cityhall@waterloowis.com

**APPLICATION FOR CONDITIONAL USE PERMIT**  
(Review and Action by City Plan Commission/Common Council)

Number: \_\_\_\_\_ Date Filed: 4/11/2017 Fee Paid: 285<sup>00</sup> Pd 4/11/17  
#33003

Location of Property: 391 Van Buren St, Waterloo

Applicant: Dale A. Kraus

Address: 391 Van Buren St, Waterloo Telephone: 920-342-3883

Owner of Property: Dale A. Kraus

Address: 391 Van Buren St, Waterloo Telephone: \_\_\_\_\_

Contractor: To be determined

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Architect or Professional Engineer: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Legal Description of Property: S1/2 OutLot 122, ASR PLT-ALSO PART OF N1/2 Vacated Alley lying directly Southerly and adjoining

Land Parcel Size: .288/5.79 acres Present Use: Vacant Zoning District: R-2

Type of Existing Structure (if any): None

Proposed Use of the Structure or Site: Storage Number of Employees: \_\_\_\_\_

Terms of Municipal Code

Conditional Use Requested

Maximum accessory building height 15 ft + 864 sq ft

Requesting 21 ft height + 2400 sq ft

Specify Reason(s) for Application: (for example, insufficient lot area, setback, etc.)

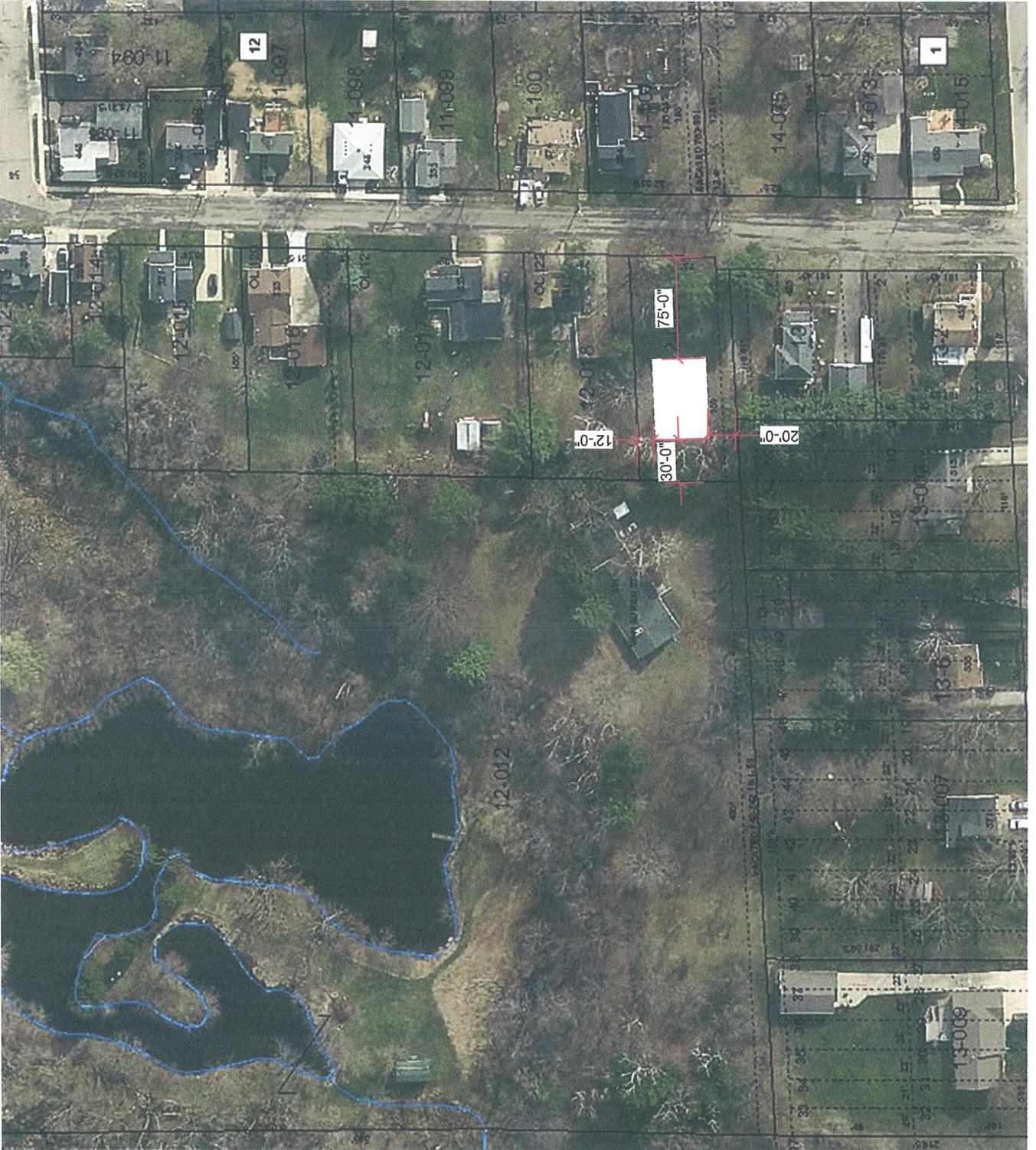
More storage space is required for such a large + complex property. The .28 acre lot for the proposed structure will be combined with a 5.8 acre lot with home.

**ATTACH THE FOLLOWING:**

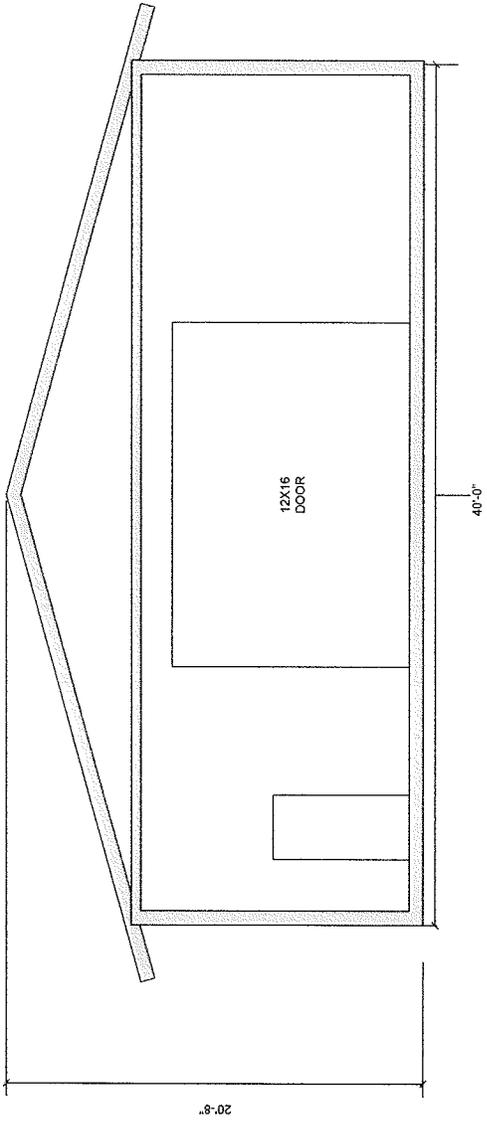
1. Adjoining owners, all names and addresses of all abutting and opposite property owners within 200 feet.
2. Site Plan showing the area involved, its location, dimensions, elevations, drainage, parking, etc., and location of adjacent structures within 200 feet.

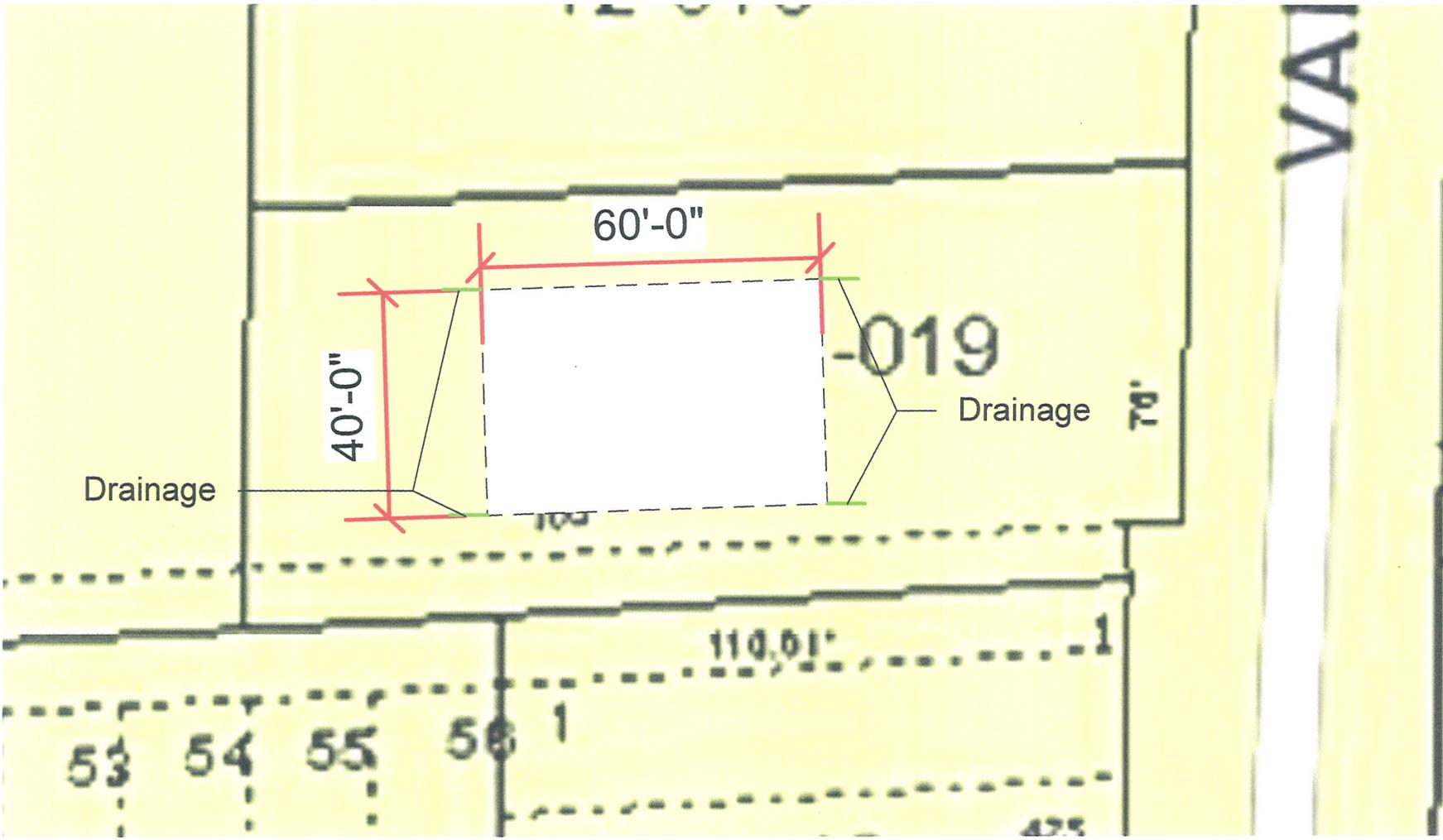
Date: April 10th 2017

Dale A Kraus  
Signature of Applicant









**TO:** PLAN COMMISSION  
**FROM:** CLERK/TREASURER  
**SUBJECT:** UNIFORM & EFFECTIVE ENFORCEMENT OF THE ZONING CODE  
**DATE:** FEBRUARY 28, 2017

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## UNIFORM & EFFECTIVE ENFORCEMENT OF THE ZONING CODE ITEMS TO CONSIDER

### WHO DOES WHAT?

(1) The Plan Commission and the governing body are responsible for deliberating on the merits of submitted plans, and ordinances & amendments related to land use. That means setting policy, considering rezoning, conditional use permits and plan review.

(2) By design or otherwise, accountability for zoning administration is not clear. Section 385-32 of the municipal code says in regards to zoning enforcement: "Enforcement. It shall be the duty of the Building Inspector, with the aid of the Police Department, to enforce the provisions of this chapter." But for decades Waterloo has not had a contract with a building inspection company which specifies zoning enforcement work. Little to no time is allocated to ensure compliance, unless a complaint is filed, making uniform enforcement a challenge. The ordinances route sign permit approvals to the Clerk/Treasurer as it does is the decision on whether or not project design review is required for a project. Applications, petitions and zoning related forms are to be filed with the Clerk/Treasurer.

### ZONING, FIRE INSPECTIONS & BUILDING INSPECTIONS.

Dan Burrows with SafeBUILT has said the annual fire inspection is an untapped opportunity to also identify zoning and building inspection issues.

But generally we act only based on a complaint. Challenges with such a complaint based system are two-fold: (a) if everyone wants to circumvent compliance, simply have nobody complain; and (b) in Waterloo feuding neighbors frequently carry on repeated tit-for-tat "complaints wars" for, literally, years. These complaints pull resources from other issues.

### OPPORTUNITIES FOR IMPROVEMENT.

1. Include "complete by" or permit expiration dates when issuing conditional use permits.
2. Better communicated plan submittal requirements.
3. Improved tracking of conditions placed on permits.
4. Moving past a complaint based enforcement system with clearer assignment of responsibilities.
5. Having a plan with a purpose. As stated by Rebecca Roberts from the Center for Land Use Education (January 2016, Whitewater) "Zoning amendments should meet suggested rezoning criteria: (a) consistent with the comprehensive plan; (b) meet criteria for the proposed district; (c) be compatible with adjacent uses; and (d) should provide a public purpose or benefit, not merely benefit an individual property owner."