

**PLANNING COMMISSION MINUTES  
CITY OF FORT ATKINSON  
APRIL 12, 2016  
964<sup>th</sup> MEETING**

CALL TO ORDER.

The meeting was called to order by Chairman Trebatoski in the Council Chambers of the Municipal Building at 4:00 pm.

ROLL CALL.

Present: Commissioners Frame, Greenhalgh, Hartwick, Highfield, Zastrow, City Engineer Andy Selle and City Manager Matt Trebatoski. Also present: City Attorney Chris Rogers, Building Inspector Brian Juarez and Clerk/Treasurer Michelle Ebbert.

APPROVE MINUTES OF MARCH 8, 2016 PLANNING COMMISSION MEETING.

Cm. Greenhalgh motioned, seconded by Cm. Zastrow to approve the minutes of the March 8, 2016 Planning Commission meeting. Motion carried.

REVIEW AND APPROVE REQUEST FOR A CONDITIONAL USE PERMIT TO CREATE A ZERO LOT LINE DWELLING FOR THE PROPERTY LOCATED AT 507 JACKSON STREET/506 NELSON STREET

Engineer Selle introduced the request that was submitted in January. At that time, review was conducted by Department Heads with concerns from the Water Utility that both units required separate water laterals per the Public Service Commission of Wisconsin. Since January, the property owner has installed the additional water lateral to conform to requirements. The Fire Department also expressed concern regarding the fire wall between the two units. Inspector Juarez reviewed the code requirements and the purpose of a fire wall as it pertains to a zero lot line dwelling.

Commissioner Greenhalgh expressed concern for the property becoming two separate parcels. Could one unit deteriorate, be torn down or re-sided without the other unit doing the same? Inspector Juarez replied that is possible, however the City has Building Codes that are to be followed that include the condition of properties.

Manager Trebatoski confirmed the properties each have separate sewer laterals.

Cm. Frame moved to approve the request for a conditional use permit to create a zero lot line dwelling for the property located at 507 Jackson Street/506 Nelson Street. Seconded by Cm. Highfield and carried.

REQUEST TO REZONE PROPERTY AT 922 EAST STREET FROM R-1 (SINGLE FAMILY RESIDENTIAL TO R-2 (TWO FAMILY RESIDENTIAL). (PROPERTY WAS PREVIOUSLY A NON-CONFORMING TWO-UNIT RESIDENTIAL DWELLING. HOWEVER, SINCE IT SAT VACANT FOR MORE THAN SIX MONTHS, PER CODE IT REVERTS BACK TO ITS LEGAL ZONING WHICH IS R-1).

Inspector Juarez provided a correction to the item. The property has sat vacant for more than twelve months. Engineer Selle reviewed the request submitted by the new property owner to rezone the property at 922 East Street from R-1 to R-2. This property is located in R-1 zoning and had been considered an existing non-conforming property as it was a two unit dwelling in a single family dwelling zoned area.

Zoning Code reads as follows:

**15.8.9 NON-CONFORMING USES**

*In order to avoid individual hardship whenever reasonable, and not in conflict with the general welfare of the City of Fort Atkinson, and for purposes herein outlined, the following provisions shall apply to all districts:*

**A. Non-Conforming Uses Permitted:** *Except as herein specified, the lawful use of any building, structures or land existing at the time of the enactment of this Code may be continued although such use does not conform to the provision of this Code.*

***D. Discontinuance:*** *If a non-conforming use is discontinued for a period of one (1) year, any future use of the building and premises shall be in conformity with the provisions of this Code.*

Inspector Juarez stated the intent of the Zoning Code is to phase out properties that are non-conforming. This intent dates back to prior code revisions pre-1968.

Cm. Greenhalgh asked if the new property owner was aware of the code, zoning and vacancy for more than twelve months. Inspector Juarez confirmed the owner was aware during the offer to purchase. The owner, Sam Lombardo, was present and confirmed his knowledge of the code and the vacancy of the units. He requests the Commission to rezone to allow the rental of two units versus the rental of one large house.

Cm. Greenhalgh moved to deny the request to rezone property located at 922 East Street from R-1 to R-2 as it is a non-conforming use and per code 15.8.9.D *if a non-conforming use is discontinued for a period of one (1) year, any future use of the building and premises shall be in conformity with the provisions of this Code.* Motion seconded by Engineer Selle and carried 6-1 with Cm. Zastrow opposed.

#### ADJOURNMENT

Cm. Frame moved, Cm. Greenhalgh seconded the motion to adjourn the Planning Commission meeting at 4:26 pm. Motion carried.

Respectfully submitted,

Michelle Ebbert  
Clerk/Treasurer