

**MINUTES OF THE VILLAGE OF JOHNSBURG  
MAY 10, 2016 MEETING OF THE  
PLANNING AND ZONING COMMISSION**

**CALL TO ORDER** – Acting Chairman Letzter called the meeting to order at 7:00p.m. in the Village Hall.

**Commission Members Present**

Kim Husby (Absent)  
Mark Niggemann  
Scott Letzter  
Tom Benck  
Curt Larsen  
Beth Foreman  
Bobbie Wiltse

**Petitioners**

Barb Franz  
Dick and Mary Wantuch (not in attendance)  
Khanh Nguyen, contract purchaser  
Michael Wurster, attorney for contract purchaser

**FRANZ VARIANCE REQUEST**

Barb Franz was in attendance to request a variance to 7.1 Accessory Buildings and Structures, more specifically 7.1-2 to permit the placement of an accessory structure on a parcel prior to the establishment or construction of the main building to which it is an accessory; and to 7.1-7 to allow for the construction of a domestic storage shelter not exceed 400 square feet in size and 12 feet in height in lieu of the otherwise permitted 168 square feet in size and 10 feet in height. The variance is to permit the construction of a storage shelter for personal, residential use.

Ms. Franz presented her request and explained that the variance will allow her to construct a shelter under which she will store her vintage camper and a boat. Acting Chairman Letzter collected the proof of publication and mailing receipts. He then read the public notice.

**QUESTIONS FROM THE BOARD**

Commission Member Benck questioned the dimensions of the structure.. Ms. Franz stated that it would be a 20' x 20' wood frame structure with a metal roof. Commission Member Benck also questioned if she would be putting gravel down and who will build the structure. Ms. Franz responded that she will not put down gravel, only a dirt floor. She stated that George Diedrich is the contractor for the project. Commission Member Foreman expressed concern regarding how the neighbors will feel about the project. Ms. Franz stated that they all think it's an improvement. Foreman informed the petitioner that any structure can't take up more than 30% of the property, so in the future to keep in mind that she cannot exceed that amount of lot coverage. Acting Chairman Letzter questioned if there is or will be a driveway leading up to the camper. Ms. Franz stated that there isn't a driveway and she does not plan one in the future.

**QUESTIONS FROM THE FLOOR**

No Questions from the floor.

## **SUMMARY**

Ms. Franz summarized that she is requesting the variance to permit a structure 20x20 in size that will store a camper and a boat. It will not have a gravel floor and will not have a connecting driveway.

Commission Member Foreman moved to recommend approval of the request for a variance to permit the placement of an accessory structure on a parcel prior to the establishment or construction of the main building and to permit said structure to be 400 square feet in size and 12 feet in height in lieu of the otherwise permitted 168 square feet in size and 10 feet in height. The variance is limited to a storage shelter for personal residential use. Commission member Niggemann seconded the motion. All Commission members present voted aye. Motion carried.

## **WANTUCH VARIANCE REQUEST**

The contract purchaser, Khanh Nguyen was in attendance with his attorney, Mike Wurster regarding a request for a special use permit to accommodate the keeping of more than four domestic animals on a zoning parcel. Said special use is for the keeping of six dogs residing on the parcel in a non-commercial capacity. Acting Chairman Letzter collected the proof of publication and mailing receipts. He then read the public notice.

Mr. Nguyen presented his request and explained that his plan is to purchase the property and move in with his family and six dogs. He added that he plans to fence off about an acre of the property to minimize the visual impact to the neighbors. Mr. Nguyen stated that the dogs will not be out roaming outside of the fenced in area and when he is not home, the dogs will be inside the house.

## **QUESTIONS FROM THE BOARD**

Commission Member Benck questioned if he plans to have more dogs in the future. Mr. Nguyen stated, that he will not have any more dogs than the six he has now. Commission Member Foreman questioned the type of dogs the petitioner has. Mr. Nguyen stated that they are American Bulldogs and they weigh between 40-50 lbs. Commission Member Foreman questioned the fencing he plans to build. Mr. Nguyen stated that the fence will help minimize the visual impact to the neighbors and will also provide an area for the dogs to get out for a little time each day. He explained that the oldest dog is nine years old and the rest are about 4-5 years old. Commission Member Wiltse questioned whether the dogs will be out when he is not home. Mr. Nguyen stated that the dogs will only be out when he is at home. Acting Chairman Letzter questioned if the dogs are kept on the property in a commercial capacity. Mr. Nguyen stated that the keeping of the dogs is for his personal use only.

## **QUESTIONS FORM THE FLOOR**

Pam Langenberg of 3613 N. Riverside Drive expressed concern regarding the keeping of six dogs. She explained that she has one dog and it can be a bit noisy so she is concerned with the amount of noise that may occur from six dogs. Mr. Nguyen stated that the noise level of the dogs is controlled through training. Commission Member Foreman stated that she understands the concern regarding noise but if they are kept in the house the majority of the time it should not be an issue..

## **SUMMARY**

Mr. Nguyen stated that he will make sure the dogs remain well trained and they will also be in the house the majority of the time. He emphasized that his request is for the keeping of his own personal dogs and he will not look to upgrade to a commercial use.

Commission Member Wiltse moved that a recommendation be made to grant the Special Use Permit for the keeping of six dogs in a non-commercial capacity. Seconded by Commission Member Foreman. The Commission emphasized that the Special Use Permit is limited to six dogs. All Commission Members presented voted aye. Motion carried.

**ADJOURNMENT** – Commission Member Wiltse moved to adjourn. Seconded by Commission Member Foreman. All Commission Members present voted aye. Motion carried at 7:42 p.m.

Respectfully Submitted,

*Timothy Haynes*  
*Administrative Assistant/  
Collector*