

CITY OF PLYMOUTH
BOARD OF APPEALS

OFFICIAL MINUTES – June 2, 2022

1. **Call to order and roll call:** The meeting was called to order at 5:00 PM. On call of the roll, the following members were present: Carole O'Malley, Grace Meyer, Ken Stoffregen, and alternate member Jacki Pottratz.
2. **Approval of October 14, 2021 minutes:** Motion was made by Pottratz/Meyer to approve the minutes. All voted aye. Motion carries.
3. **Public hearing and consideration of a petition from Plankview Green Development, LLC, for a variance for a Multi-Family Residential District: Parcel #59271821042 & 5927182107 on Eastern Ave, Plymouth, WI. Plankview Green Development, LLC is seeking a variance from PMC 13-1-26(d) to allow more than 12 dwelling units for each building and a variance from PMC 13-1-26(d) to allow more units per sq. ft. :** O'Malley read the petition submitted by the applicant. Chris Merklein, a representative from Van Horn, was the first one to speak from the petitioners. Merklein asked the board to consider allowing them to build a 42 unit building on the parcel otherwise the project does not make sense financially. Erick Drazkowski from Excel Engineering also representing Van Horn/Plankview Green went over the more of the numbers for the property. The parcel is about 9 acres and 4 ½ of it is wetlands. He noted the building footprint is below the allowable percentage for building footprints on the site. The City Zoning Code does not allow no more than 12 units per building. They are looking to develop 42 units in one of the buildings. The City Zoning Code also doesn't allow a parcel considered 50% wetland area to construct anything greater than eight additional dwelling units. Drazkowski went through a calculation to show if the sentence regarding the parcel being 50% wetlands not having 8 additional units was taken out, they would meet the requirements for allowable area of development if. Drazkowski claimed they have hardships due to wetlands, floodplain, grade transition and the regional pond. Richard Strong stated that Chuck Van Horn has made a commitment to transform the east corridor of Plymouth. He explained that he would like to develop that parcel and has made it his goal. He explained in order to make money doing this, there has to be a certain number of units and asked the Board for help. Don Pohlman asked how the 42 units can be considered when the code states 12 units without Council making a change to the Ordinance. Instead of a Board of Appeals exemption Pohlman asked if the Council should look at Ordinance change if that is what the Board is seeking. Attorney Fieber explained the Board should be looking at hardships to make their decision. The Board may decide that this is a legislative change instead of a decision made by the Board of Appeals. O'Malley observed if the Board granted this variance, it would be a one-time thing. If the Council changed the ordinance, it would open it up to anyone. Pete Scheuerman, Zoning Administrator, explained that when he

receives a request like this, he refers to the Ordinance and either you can or can not do it. He has reviewed the application and finds no hardships. The desire or justification to create a development that is not currently allowed by Ordinance is not a hardship. Scheuerman stated that this is a new development proposal. There was not a loss of existing nonconforming building. The plan must conform to the Ordinance that applies. In regards to no harm to public interest the ordinance that they are seeking a variance from is designed to allow green space and densities that are desired within the City. Extra comments were added before the public hearing was closed. Attorney Fieber went through each one of the three hardships with the Board, asking them to vote on each one. Fieber reminded the Board the application needs to meet all three of the hardships to grant a variance. The Board was asked if an unnecessary hardship exists? O'Malley and Stoffregen voted yes. Meyer and Pottratz voted no. A tie vote means the hardship is not met. The Board was asked if physical limitations of the property – rather than the circumstances of the applicant – prevent compliance with applicable standards? Everyone on the Board voted yes. The Board was asked if granting the variance will not harm the public interest? Everyone on the Board voted yes. With only 2 of the 3 hardships met the variance is not met.

4. **Adjourn:** Motion was made by Pottratz/Meyer to adjourn the meeting. A unanimous aye vote was cast. Motion carries.