



Report to Village Board

Agenda Item: APPEAL - 896 GARDNER PARK (CIULLA) CONDITIONAL USE PERMIT

Meeting Date: April 8, 2024

Referring Body: Plan Commission

Committee Contact: Chris Voll

Staff Contact: Peter Wegner, CD/PZ Director

Report Prepared by: Peter Wegner, CD/PZ Director

AGENDA ITEM: 896 GARDNER PARK (CIULLA) CONDITIONAL USE PERMIT

OBJECTIVE(S): To review the Conditional Use Permit and related documents for the placement of a second principal building on the parcel located at 896 Gardner Park Road.

HISTORY/BACKGROUND: The applicant proposes to place a second principal building on an 11.17-acre parcel, currently zoned RR-5. The justification for the Conditional Use is to care for the applicant's elderly family members. The existing 950sf principal building would be occupied by their elderly family. The proposed second 3400sf principal building would be occupied by applicant's family of five (5).

On January 30, 2024, the Planning Commission approved the Conditional Use Permit to place a second principal building at 896 Gardner Park Road. On January 30, 2024, Joel Straub submitted a written notice of aggrievement to the Village of Kronenwetter Zoning Administrator appealing the Planning Commission's issuance of the Conditional Use Permit per § 520-121 F below.

January 30, 2024 7:57am

Dear Mr. Wegner,

Pursuant to § 520-121 F., this letter is to serve as a formal written notice of aggrievement to the Village of Kronenwetter Zoning Administrator as it pertains to the Klockziem Conditional Use Permit (CUP) request that was reviewed on Wednesday, January 24, 2024 by the Kronenwetter Plan Commission. If the CUP was not granted, please disregard this letter.

Sincerely,
Joel Straub

A person is “aggrieved” when the decision has a direct effect on the person’s legally protected interests. Mr. Straub’s notice of appeal did not specify the basis for his appeal. As a result, I sent the following email to Mr. Straub.

January 30., 2024 11:21am

Joe,

How were you aggrieved? What are you appealing? What remedy are you requesting?

Respectfully,

PETE

Below is the response I received from Mr. Straub. No additional information, specifying the basis for appeal, was received.

January 30, 2024 1:56pm

Pete,

Appearance of Impropriety — 01/24/24 Plan Commission Packet Item 8.G.

Regards,

Joe

Filing an appeal stays (puts on hold) the decision appealed. On January 30, 2024 at 10:22am an e-mail was sent to John Ciulla (owner) and Dean Klockziem (Builder) advising them “to stop-work on any and all activities related to the placement of a second principal building on your property located at 896 Gardner Park Road. This email serves as written notification that the Village of Kronenwetter Zoning Administrator received a formal notice appealing the Conditional Use Permit granted by the Planning Commission on January 24, 2024.”

§ 520-121. - **Conditional use permits.**

F. Appeal to village board. An appeal of a decision under subsection E may be taken to the village board by any person, firm or corporation or any officer, department, board, commission or agency of the village who is aggrieved by the decision. Such appeal shall be made in writing to the zoning administrator within ten days after the date of the commission's decision. In the case of an appeal:

- (1) The zoning administrator and building inspector shall issue no permits to enable commencement or continuation of building and other activities authorized by the conditional use permit and shall issue a stop-work order for any such activities already commenced.
- (2) The zoning administrator shall immediately notify the applicant and property owner of the appeal in writing and shall schedule the appeal for village board consideration.
- (3) The village board shall, by resolution, make a final decision to grant, with or without conditions, or to deny each application for a conditional use permit after receiving and reviewing the commission's findings and making its own findings as to whether or not the proposed use will satisfy the standards for approval set forth in

subsection G and shall have all of the powers of the commission under this section. The village board's determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.

RECOMMENDED ACTION: The Planning Commission held a public hearing on January 24, 2024. There was no opposition from the public at that time. The commission approved the conditional use as proposed, accepting the findings of fact contained within the staff report.

Per § 520-121 F(3), “The village board shall, by resolution, make a final decision to grant, with or without conditions, or to deny each application for a conditional use permit after receiving and reviewing the commission's findings and making its own findings as to whether or not the proposed use will satisfy the standards for approval set forth in subsection G (see below) and shall have all of the powers of the commission under this section.”

§ 520-121. - **Conditional use permits.**

G. Review criteria for conditional use permit. Each requested conditional use permit shall meet the following criteria (achieve "yes" answers) to be approved:

- (1) Is the proposed conditional use in harmony with the comprehensive plan, this chapter, and any other plan, program, or ordinance adopted by the village?
- (2) The proposed conditional use does not, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the comprehensive plan, or any other plan, program, map, or ordinance adopted by the village?
- (3) Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
- (4) Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property?
- (5) Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?

ATTACHMENTS: Conditional Use Permit application, staff report and recording.