



Village of Hobart  
Village Office 2990 S. Pine Tree Rd, Hobart, WI  
[www.hobart-wi.org](http://www.hobart-wi.org) - [www.buildinhobart.com](http://www.buildinhobart.com)

Notice is hereby given according to State Statutes that the **PLANNING AND ZONING COMMISSION** of the Village of Hobart will meet on Wednesday April 10<sup>th</sup> 2024 at 5:30 PM in the Village Office. **NOTICE OF POSTING:** Posted this 5<sup>th</sup> day of April, 2024 at the Hobart Village Office, 2990 S. Pine Tree Rd and on the village's website.

## **MEETING NOTICE – PLANNING AND ZONING COMMISSION**

**Date/Time: Wednesday April 10<sup>th</sup> 2024 (5:30 P.M.)**

**Location: Village Office (2990 South Pine Tree Road)**

### **ROUTINE ITEMS TO BE ACTED UPON:**

1. Call to order/Roll Call.
2. Certification of the open meeting law agenda requirements and approval of the agenda
3. Approval of Minutes of the March 13<sup>th</sup> 2024 meeting (Page 2)
4. Public Comment on Non-Agenda Items

### **ACTION ITEMS**

#### **5. DISCUSSION AND ACTION - Consider a Conditional Use Permit (HB-1491-K-9, 3969 Valley Stream Circle) – 1,280 square foot accessory building on property (Page 3)**

The current property owner, Alex Maybrodsky, is proposing to construct a detached accessory building of 1,280 square feet on his property located at 3969 Valley Stream Cir. The current lot size of 59,633.64 square feet would allow up to 993 square feet of accessory building (1/60th of the lot square footage) by ordinance. This request would consist of a Conditional Use Permit as the new accessory building would not conform to the requirements identified in the zoning code. The two conditions that would require the CUP would be the request for an increase in maximum total accessory building square footage to 1,280 (287 square feet greater than the maximum noted in the ordinance) and the placement of the proposed building being closer to the street right-of-way than the rear plane of the principal structure exceeding the 864 square foot limit.

#### **6. DISCUSSION AND ACTION - Modifications/ amendments to the Zoning Ordinance, Chapter 295, Article XXXI, Section 295-342 (Conditional Uses) (Page 25)**

With prior changes to Wisconsin State Statutes relating to Conditional Uses, the Village of Hobart is proposing modifications / amendments to Chapter 295, Article XXXI, Section 295-342; Conditional Uses to have this section of the Village Zoning Code be in compliance with the statutes. These proposed modifications to the ordinance mainly provide more detailed information on the process and what is expected from the applicant during the submittal and review process. It also creates more standardized conditions utilized during the review process.

#### **7. ADJOURN**

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Aaron Kramer, Village Administrator

NOTE: A quorum of the Village Board may be present at this meeting, but no official Board action or discussion will take place.

COMMISSION MEMBERS: Rich Heidel (Chairperson), Dave Dillenburg (Vice-Chairperson), Jeff Ambrosius, Tom Dennee, David Johnson, Bob Ross, John Rather

**NOTE:** Page numbers refer to the meeting packet. All agenda and minutes of Village meetings are online: [www.hobart-wi.org](http://www.hobart-wi.org). Any person wishing to attend, who, because of disability requires special accommodations, should contact the Village Clerk at 920-869-1011 with as much advanced notice as possible. Notice is hereby given that action by the Board may be considered and taken on any of the items described or listed in this agenda. There may be Board members attending this meeting by telephone if necessary.



Village of Hobart Planning & Zoning Committee Minutes  
 Hobart Village Office; 2990 S. Pine Tree Rd, Hobart, WI  
 Wednesday, March 13, 2024 – 5:30 pm

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**1. Call to order/Roll Call.**

The meeting was called to order by Rich Heidel at 5:30 pm. Roll call: Jeff Ambrosius, aye; Tom Dennee, aye; Dave Dillenburg, aye; David Johnson, aye; John Rather, aye; Bob Ross, aye; Rich Heidel, aye.

**2. Verify/Modify/Approve Agenda:**

Motion by Tom Dennee to approve the agenda as presented, seconded by Dave Johnson. All in favor. Motion carried 7-0.

**3. Approval of Minutes of the February 14<sup>th</sup> 2024 meeting:**

Motion by Jeff Ambrosius to approve the February 14, 2024 minutes as presented, seconded by John Rather. All in favor. Motion carried 7-0.

**4. Public Comment on Non-Agenda Items:**

No one spoke.

**5. DISCUSSION AND ACTION - Consider a request to rezone a portion of parcel HB-709, 600 Trout Creek Rd. Block, from A-1: Agricultural District to ER: Estate Residential District and a Portion of Parcel HB-709-1, 695 Trout Creek Rd., from ER: Estate Residential District to A-1: Agricultural District**

The property owners of multiple parcels in the 600 and 700 Block of Trout Creek Rd. (HB-709, HB-709-1, HB-695, HB-695-2, HB-703, and HB-700) are currently having a Plat of Survey completed to retrace existing parcel lines. There will not be any new parcels created or any removed as part of this Plat of Survey. With the retracement of parcel lines, there are portions of two parcels (HB-709 & HB-709-1) that will require rezoning so that the newly aligned parcels only have one zoning district. The rezoning request includes a portion of parcel HB-709, 600 Trout Creek Rd. Block, from A-1: Agricultural District to ER: Estate Residential District and a portion of parcel HB-709-1, 695 Trout Creek Rd., from ER: Estate Residential District to A-1: Agricultural District.

Appearing before the board:

Mark Lemere, 4055 Hidden Trl.

Motion by Bob Ross to recommend approval to rezone a portion of parcel HB-709, 600 Trout Creek Rd. Block (area noted as "Parcel E" on the attached Plat of Survey), from A-1: Agricultural District to ER: Estate Residential District and a portion of parcel HB-709-1, 695 Trout Creek Rd. (noted as "Parcel F" on the attached Plat of Survey), from ER: Estate Residential District to A-1: Agricultural District. Seconded by Tom Dennee. All in favor. Motion carried 7-0.

**6. Adjourn:**

Motion by Rich Heidel to adjourn at 5:38pm, seconded by Jeff Ambrosius. All in favor. Motion carried 7-0.

Respectfully submitted by Lisa Vanden Heuvel, Village Clerk.



**TO: Planning & Zoning Commission**

**RE: Conditional Use Permit for increase in square footage of accessory building, HB-1491-K-9, 3969 Valley Stream Cir.**

**FROM: Todd Gerbers, Director of Planning and Code Compliance**

**DATE: April 10, 2024**

**ISSUE:** Consider Conditional Use Permit, HB-1491-K-9, 3969 Valley Stream Cir. – 1,280 square foot accessory building on property

**RECOMMENDATION:** Staff recommends conditional approval.

### **GENERAL INFORMATION**

1. Applicant(s): Alex Maybrodsky
2. Parcel: HB-1491-K-9
3. Present Zoning: R-2: Residential District.

### **ANALYSIS:**

The Conditional Use Permit verbiage for such accessory buildings reads as follows:

*Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.*

The applicable detached accessory building regulation reads as follows:

*May be the greater of 864 square feet or 1/60<sup>th</sup> the lot square footage, but shall not exceed 2,500 square feet.*

*Detached accessory buildings located closer to a street right-of-way than the rear plane of the principal structure shall not exceed the lesser of 864 square feet or the maximum allowed accessory building square footage as described in Subsection **D(1)(b)***

### **BACKGROUND**

The current property owner, Alex Maybrodsky, is proposing to construct a detached accessory building of 1,280 square feet on his property located at 3969 Valley Stream Cir. The current lot size of 59,633.64 square feet would allow up to 993 square feet of accessory building (1/60<sup>th</sup> of the lot square footage) by ordinance. This request would consist of a Conditional Use Permit as the new accessory building would not conform to the requirements identified in the zoning code. The two conditions that would require the CUP would be the request for an increase in maximum total accessory building square footage to 1,280 (287 square feet greater than the maximum noted in the ordinance) and the placement of the proposed building being closer to the street right-of-way than the rear plane of the principal structure exceeding the 864 square foot limit.

A similar request was before the Commission at the September 2023 meeting, but a motion to postpone to the October meeting was approved so that the applicant could revise the proposed building size and location. The applicant then requested to withdraw the request from the October 2023 meeting with the understanding that they would resubmit at a later date once they worked through a few things on their end as well as the Village reviewing the process for review such CUP requests (possible modifications to the accessory building ordinance). As you are aware, the ordinance has not been

revised as of yet, but the applicant has plans to move forward with updates to their existing dwelling and would prefer to have the same contractor construct the proposed accessory building if able. The applicant has decreased the requested square footage of the proposed building from the 2023 submittal from 1,728 to now 1,280 square feet (a 36'x48' to 32'x48' building) and attached is the new/revised request.

Village Staff has also discussed the possibility of enlarging the existing attached garage with the property owner, but by Village ordinance they are limited to no more than 50% of the total footprint of the garage and dwelling combined. With concerns of overall appearance with such a large garage addition, the property owner would prefer to proceed with the CUP request.

Therefore, the property owner is requesting review of a Conditional Use Permit to increase the size of the proposed building and allowing the increased building square footage to be located closer to the street than allowed by ordinance. The proposed building would comply the required setback of 40 feet from the front property line, it would just be placed partially in front of the existing garage and closer to the front property line than the rear plane of the existing principal structure. The property owner would be willing to plant some more trees near the new accessory building to help minimize the view of the new structure.

Attached is their conceptual site plan and draft Conditional Use Permit.

### **RECOMMENDATION/CONDITIONS**

Staff would recommend that any approval of this CUP request to increase the allowable square footage to a total of 1,280 be contingent upon the following:

1. Planting of a minimum of 8 new arborvitae (or similar) a minimum of 3 feet in height along the side (east) and southeast corner of the new detached accessory building
2. All four building elevations of the new structure are constructed of materials similar to those on the existing residential dwelling on the property
3. Maximum of one detached accessory building be allowed on site



**CONDOMINIUM ANNOUNCEMENT AND ACTION**

Briefly explain how the proposed **conditional use development plan** will not have a negative effect on the issues below.

1. **Health, safety and general welfare of occupants of surrounding lands.**

2. **Pedestrian and vehicular circulation and safety.**

3. **Noise, air, water or other forms of environmental pollution.**

4. **The demand for and availability of public services and facilities.**

5. **Character and future development of the area.**

I'm submitting for a conditional use permit to be able to build a larger garage 32' x 40', 1,280 sq ft. I have it set back so it's deeper into the property making less of it visible on approach from the roadway. The finish and exterior will match our house. We are going to change the color of our house to white during this project, we'll have new siding soffit, fascia, gutter's, trim and roof. Having the house remodeled will also make the neighborhood look better. The house has a walkup basement which makes it appear as a larger building on approach vs a ranch so the aesthetics of having a slightly larger garage won't look out of place. A couple of the neighboring houses on the street are two stories and larger, and have similar size extra garages so again I don't believe it will look out of place in the neighborhood either. I have spoken with all of my neighbors on the street in depth about the plans and the conditional use permit / exception process for the build and they all completely support it and are excited for us.

Having a larger garage will allow us to keep objects out of sight of neighbors and passers-by, leading to a cleaner and more organized neighborhood. We have recreational equipment and items that would not have to be stored outside with this solution.

I will plant cedars and pines along the edges of the property to appease any concerns with the view of the building from the road. I've already planted 18 trees, (pines, spruce and cedar around the property) they were 8' at planting 5 years ago and are between 20'-30' now and offer a great sight and noise barrier and a wooded feel.

This size fits perfectly in this spot with the required setbacks from neighboring property and my current building and allows for full use of 8ft sheets so there wouldn't be any material waste.

Thank you for considering my request, I hope decide on approval and find the effort I have put into ensuring it does not disrupt the neighborhood sufficient but if there is anything else I can do to help ease concerns please let me know.

Alex Maybrodsky

Date: 4/04/2024 - 12:23 PM  
Design Name: Garage Design  
Design ID: 329459126231  
Estimated Price: \$20,979.19

*\*Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*



**How to recall and purchase your design at home:**



OR

1. On Menards.com, enter "Design & Buy" in the search bar
2. Select the Garage Designer
3. Recall your design by entering Design ID: 329459126231
4. Follow the on-screen purchasing instructions

**How to purchase your design at the store:**

1. Enter Design ID: 329459126231 at the Design-It Center Kiosk in the Building Materials Department
2. Follow the on-screen purchasing instructions



**Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions.**

MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully.

MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.



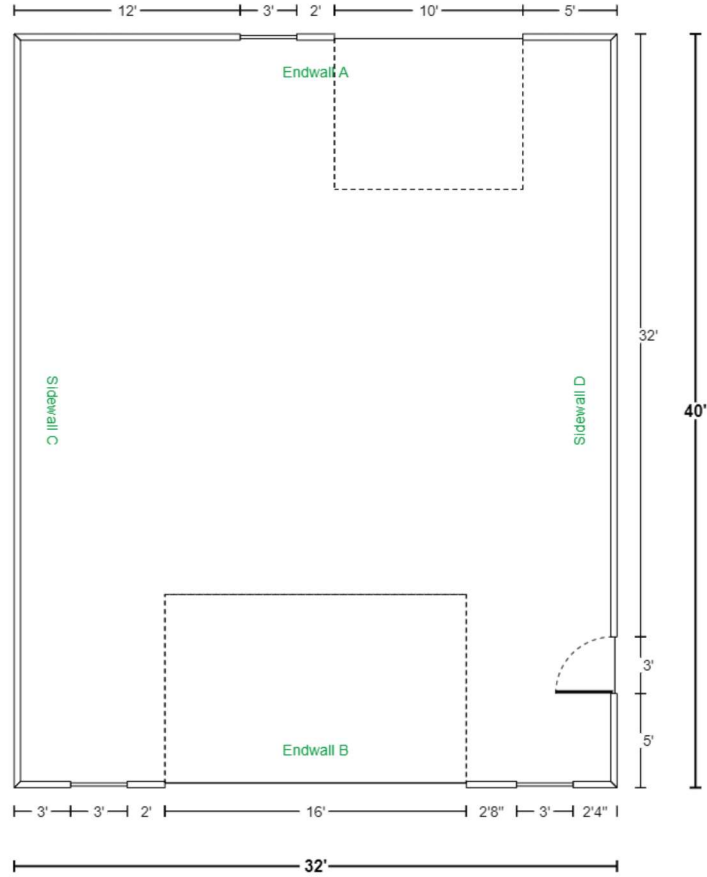
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# Design & Buy™

## GARAGE



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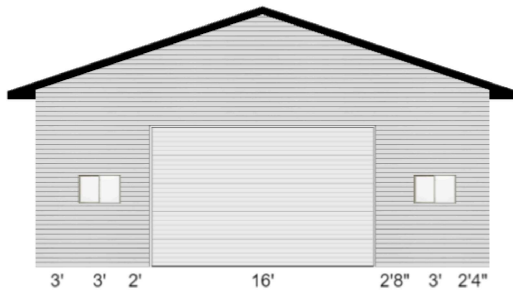
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## Dimensions

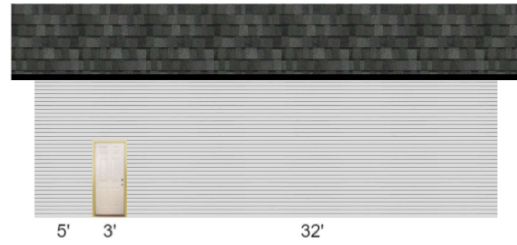
# Wall Configurations

\*Some items like wainscot, gutter, gable accents, are not displayed if selected.



### ENDWALL B

- 16X10 White Ribbed Torsion Spring
- 36"W x 24"H JELD-WEN® Vinyl Slider
- 36"W x 24"H JELD-WEN® Vinyl Slider



### SIDEWALL D

Mastercraft® 36W x 80H Primed Steel 6-Panel

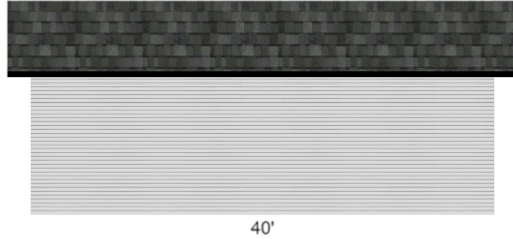
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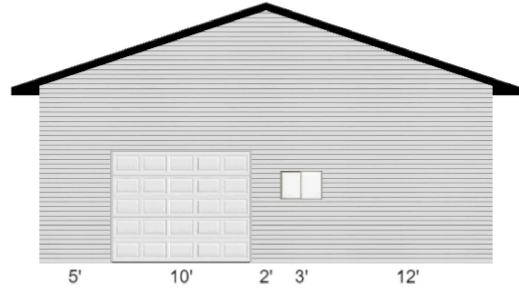


# Design & Buy™

## GARAGE



**SIDEWALL C**



**ENDWALL A**

10X8 White Raised Panel EZ Set Torsion Spring

36"W x 24"H JELD-WEN® Vinyl Slider

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## Materials

### Building Type

Building Location Zip Code: 54155  
 Building Type: Gable

### Building Info

Building Width: 32'  
 Building Length: 40'  
 Building Height: 12'  
 Wall Framing Stud: 2 x 6  
 Roof Framing: Truss Construction  
 Truss Type: Common (24" on center spacing)  
 Roof Pitch: 4/12 Pitch  
 Eave Overhang: 24"  
 Gable Overhang: 24"  
 Curb: None  
 Foundation Type: Thickened Slab  
 Custom Garage Plan: No I do not need a custom building plan

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**Wall Info**

Siding Material Types:	Vinyl
Vinyl Siding:	ABTCO® Cedar Creek™ Double 4, Color: White
Vinyl Corner Trim Color:	White
Accent Material Type:	None
Wainscot Material Type:	None
Wall Sheathing:	7/16 x 4 x 8 OSB(Oriented Strand Board)
House Wrap:	Kimberly-Clark BLOCK-IT® 9'x75'House Wrap
Gable Vents:	None

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**Roof Info**

Roof Sheathing:	1/2 x 4 x 8 OSB(Oriented Strand Board)
Roofing Material Type:	Architectural Shingle
Architectural Roofing:	Owens Corning® TruDefinition® Duration® Limited Lifetime Warranty Architectural Shingles (32.8 sq. ft.), Color: Estate Gray
Roof Underlayment:	Owens Corning® ProArmor® Synthetic Roofing Underlayment 42" x 286' (1,000 sq. ft.)
Ice and Water Barrier:	Owens Corning® WeatherLock® G Granulated Self-Sealing Ice and Water Barrier 3' x 66.7'(200sq.ft)
Fascia Material Type:	Textured Aluminum Fascia
Fascia:	6" x 12' Aluminum Rustic Fascia, Color: Black
Soffit Material Type:	Aluminum Soffit
Soffit:	16" x 12' Aluminum Vented Soffit, Color: Black
Gutter Material Type:	Steel
Gutter:	Pro-Steel 6 x 12' K-Style Steel Gutter
Ridge Vent:	Owens Corning® VentSure® 11-1/4" x 20' Shingle Over Ridge Vent
Roof Vents:	None

**Openings**

Service Door:	Mastercraft® 36W x 80H Primed Steel 6-Panel
Overhead Door:	16X10 White Ribbed Torsion Spring
Overhead Door:	10X8 White Raised Panel EZ Set Torsion Spring
Overhead Door Trim Type:	Vinyl
Vinyl Trim Color:	White
Windows:	36"W x 24"H JELD-WEN® Vinyl Slider
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**Additional Options**

Ceiling Insulation:	None
Wall Insulation:	R-19 Kraft Faced Fiberglass Insulation 6-1/4" x 15" x 39.2' - 48.96 sq ft
Ceiling Finish:	None
Wall Finish:	None
Mounting Blocks:	No
Hydronic Radiant Heat:	None
Anchor bolt:	Grip Fast® 1/2 x 10 HDG Anchor Bolt w/ Nut & Washer
Framing Fasteners:	Grip Fast® 3-1/4 16D Vinyl-Coated Smooth Shank Sinker Nail - 5 lb. Box
Sheathing Fasteners:	Grip Fast® 2-1/2 8D Vinyl-Coated Smooth Shank Sinker Nail - 5 lb. Box
Roofing/Shingle Fasteners:	Grip Fast® 1-1/4 Electro-Galvanized Coil Roofing Nails - 7,200 Count
Truss Fastener:	FastenMaster® TimberLOK® 5/16 x 6 Hex Drive Black Hex Head Timber Screw - 50 Count
Overhead Opening Hardware:	No



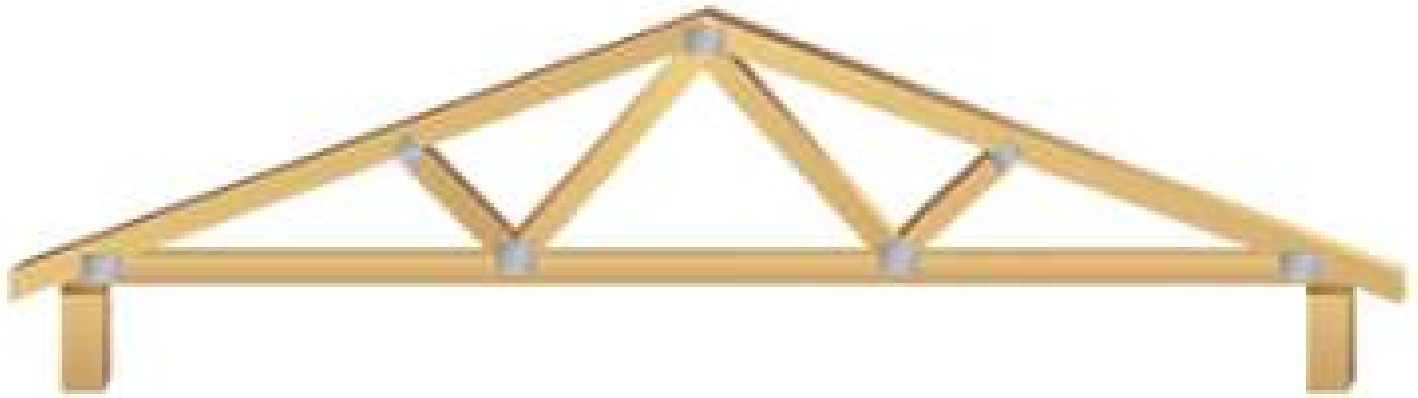
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## Helpful Hints for Garage Construction

- Studs are estimated 16 inches on center with single treated bottom plate and double top plate.
- For 10- and 12-foot-tall buildings studs should be cut for an approximate 10- or 12-foot plate height.
- If steel is estimated (Pro-Rib or Pro-Snap), the steel lengths should be verified based off the actual framing. Plate height (stud length), truss heel and other framing should be confirmed. Steel is estimated to the inch, make sure the lengths are accurate based on final overall building design.
- Trusses included are estimated at 2 feet on center spacing. The design is based on the zip code provided, design and loading should be verified.
- Trusses should not be cut or modified with the exception of trimming the truss tails to the correct overhang.
- The bottom chord is designed to support standard ceiling and insulation materials.
- Dropped end trusses are estimated with 18 inch and 24 inch gable overhangs.



## Menards Building Checklist Planning

- Get a permit. Check restrictions, building codes or local zoning to make sure your design complies with all requirements.
- Contact local utilities to ensure construction will not disturb any electrical, cable or plumbing.
- If necessary, hire a professional to help with planning and construction.
- Consider site conditions including soil type, grade, and runoff before finalizing your design.
- Material estimates provided can be changed to meet your needs.
- Menards offers professional delivery of materials. Delivery is extra based on the distance from your local Menards store to your building site.
- Practice good safety habits, use PPE including eye protection & dust masks during construction.
- Make sure to follow good building practice and all manufacturer's instructions. Use all the hardware and fasteners recommended.

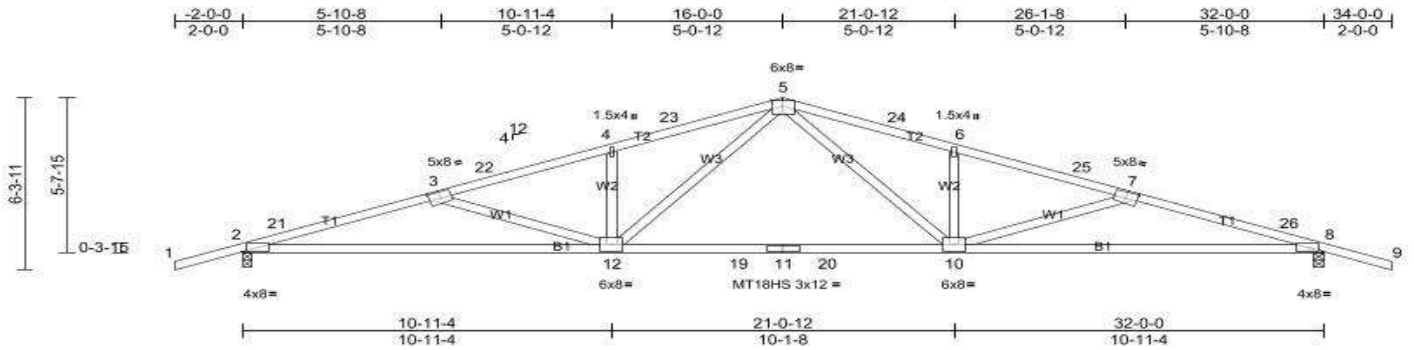
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Job QTREC0807279	Truss C11032A	Truss Type COMMON	Qty 1	Ply 1	Job Reference (optional)
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Midwest Manufacturing, Eau Claire, WI Run: 8.61 S Aug 11 2022 Print: 8.610 S Aug 11 2022 MiTek Industries, Inc. Fri Sep 08 16:52:11 Page: 1  
 ID:CT9ivLP?MKP5x0iZ4sFr79zvpTb-4X7z3o1 KcQPdHzLk2mlNml,hj9wO6iJ1wCiQyfdro



Scale = 1/62

Plate Offsets (X, Y): [2:0-1-10,Edge], [3:0-4-0,0-3-0], [5:0-4-0,0-2-2], [7:0-4-0,0-3-0], [8:0-1-10,Edge]

Loading	(psf)	Spacing	2-0-0	CSI	0.79	DEFL	in	(loc)	l/defl	L/d	PLATES	GRIP
TCLL (roof)	42.0	Plate Grip DOL	1.15	TC	0.79	Vert(LL)	-0.53	10-12	>719	240	MT18HS	197/144
Snow (Ps/Pg)	41.6/60.0	Lumber DOL	1.15	BC	0.86	Vert(CT)	-0.80	10-12	>479	180	MT20	197/144
TCDL	10.0	Rep Stress Incr	YES	WB	0.58	Horz(CT)	0.16	8	n/a	n/a		
BCLL	0.0*	Code	IRC2018/TPI2014	Matrix-MR								
BCDL	10.0											
Weight: 116 lb FT = 15%												

**LUMBER**

TOP CHORD 2x4 SPF 1650F 1.5E \*Except\* T2:2x4 SPF No.2  
 BOT CHORD 2x4 SPF 2100F 1.8E  
 WEBS 2x4 SPF Stud \*Except\* W3:2x4 SPF No.2

**BRACING**

TOP CHORD  
 BOT CHORD

Structural wood sheathing directly applied or 2-2-0 oc purlins.  
 Rigid ceiling directly applied or 10-0-0 oc bracing.

MiTek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

**REACTIONS**

(lb/size) 2=2177/0-3-8, (min. 0-2-13), 8=2177/0-3-8, (min. 0-2-13)  
 Max Horiz 2=-74 (LC 15)  
 Max Uplift 2=-154 (LC 10), 8=-154 (LC 11)  
 Max Grav 2=2208 (LC 21), 8=2208 (LC 22)

**FORCES**

(lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.

TOP CHORD 2-21=-5106/343, 3-21=-5103/356, 3-22=-4256/271, 4-22=-4158/280, 4-23=-4284/322, 5-23=-4158/334, 5-24=-4158/334, 6-24=-4284/322, 6-25=-4158/280, 7-25=-4256/271, 7-26=-5103/356, 8-26=-5106/343  
 BOT CHORD 2-12=-260/4791, 12-19=-114/2952, 11-19=-114/2952, 11-20=-114/2952, 10-20=-114/2952, 8-10=-260/4791  
 WEBS 4-12=-787/131, 5-12=-81/1829, 3-12=-907/148, 5-10=-81/1829, 6-10=-787/131, 7-10=-907/148

**JOINT STRESS INDEX**

2 = 0.86, 3 = 0.84, 4 = 0.51, 5 = 0.84, 6 = 0.51, 7 = 0.84, 8 = 0.86, 10 = 0.75, 11 = 0.87 and 12 = 0.75

**NOTES**

- Unbalanced roof live loads have been considered for this design.
- Wind: ASCE 7-16; Vult=115mph (3-second gust) Vasd=91mph; TCCL=4.2psf; BCDL=6.0psf; h=25ft; Cat. II; Exp B; Enclosed; MWFRS (envelope) exterior zone and C-C Exterior(2E) -2-0-0 to 1-2-6, Interior (1) 1-2-6 to 12-9-10, Exterior(2R) 12-9-10 to 19-2-6, Interior (1) 19-2-6 to 30-9-10, Exterior(2E) 30-9-10 to 34-0-0 zone; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
- TCLL: ASCE 7-16; Pr=42.0 psf (roof LL: Lum DOL=1.15 Plate DOL=1.15); Pg=60.0 psf; Ps=41.6 psf (Lum DOL=1.15 Plate DOL=1.15); Is=1.0; Rough Cat B; Fully Exp.; Ce=0.9; Cs=1.00; Ct=1.10
- Roof design snow load has been reduced to account for slope.
- Unbalanced snow loads have been considered for this design.
- This truss has been designed for greater of min roof live load of 12.0 psf or 1.00 times flat roof load of 41.6 psf on overhangs non-concurrent with other live loads.
- All plates are MT20 plates unless otherwise indicated.
- This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-06-00 tall by 2-00-00 wide will fit between the bottom chord and any other members, with BCDL = 10.0psf.
- Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 154 lb uplift at joint 8 and 154 lb uplift at joint 2.
- This truss is designed in accordance with the 2018 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1.

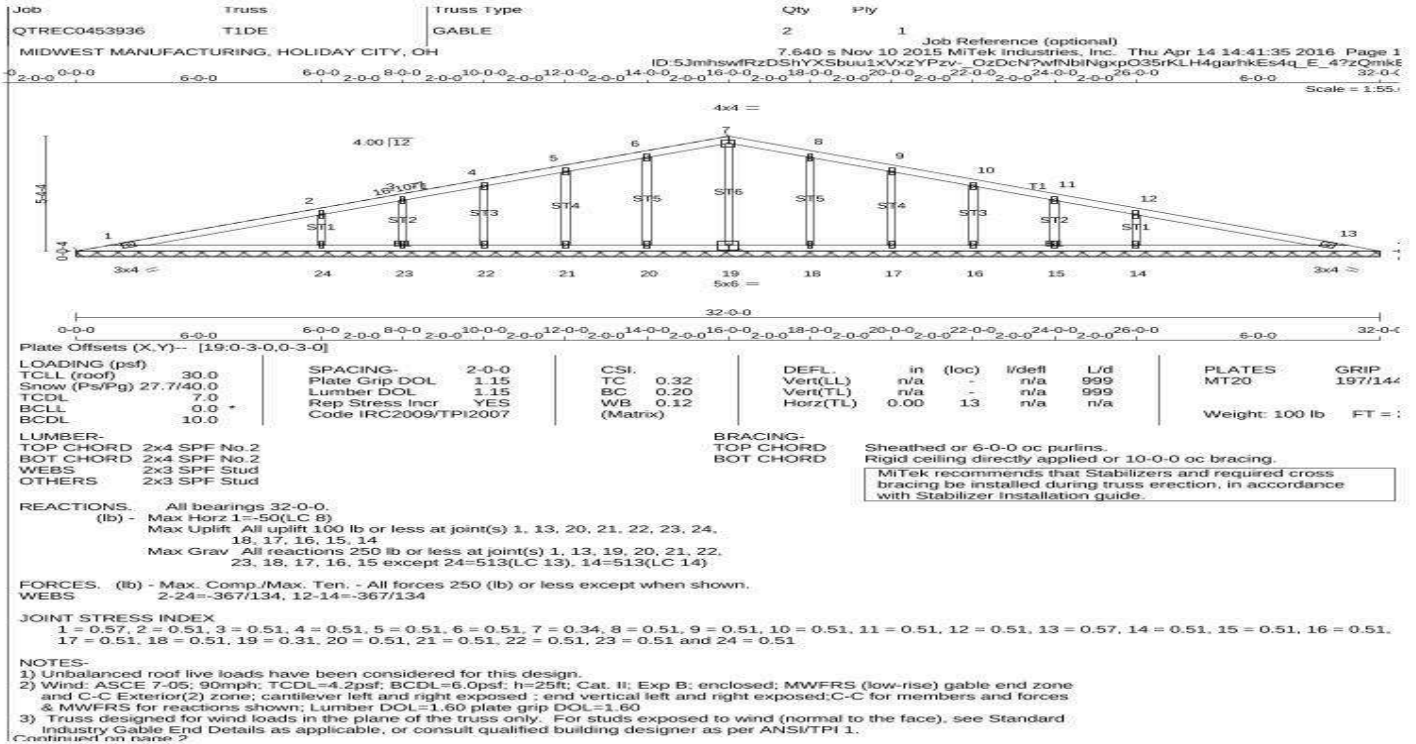
LOAD CASE(S) Standard

Date: 4/04/2024 - 12:23 PM
Design Name: Garage Design
Design ID: 329459126231
Estimated Price: \$20,979.19

\*Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.



Design & Buy GARAGE



Job: QTRREC0453936, Truss: T1DE, Truss Type: GABLE. Includes job reference, date, and a list of notes detailing design assumptions and specifications.



The screenshot displays a web-based GIS application interface. At the top, a dark brown header contains the logo "BrownDog" and the text "Official GIS map of Brown County WI". To the right of the header are several utility icons: a map, a search icon, a mail icon, a window icon, a warning icon, a graduation cap icon, a printer icon, and a share icon. Below the header is a search bar with the placeholder text "Fetch Address, Parcel ID, & more" and a magnifying glass icon. On the left side, there is a vertical toolbar with icons for zooming in (+), zooming out (-), home, refresh, and navigation arrows. The main map area shows an aerial photograph of a residential property. A blue rectangle is drawn on a grassy area, with two text labels indicating its dimensions: "Length: 32.6 Feet" and "Length: 40.5 Feet". The property is surrounded by trees and a driveway. In the bottom left corner, there is a scale bar showing 0, 20, and 40 feet, and a coordinate display showing "65,430.85 574,151.34 Feet". In the bottom right corner, there is a logo for "esri" with the text "POWERED BY" above it, and "Brown County WI | Brown County" below it.



BrownDog Official GIS map of Brown County WI More maps/data Help Zoning Surveys Change Address State Map

Fetch Address, Parcel ID, & more

SPITZMACHER

PATRICIA A BRIER

USA IN TRUST FOR ONEIDA TRIBE OF INDIANS OF WI

KIRK OLSON

JOHN K & SHERRY L SCHULDES REVOCABLE TRUST OF 2024

SHAWN M MARITES S THOMAS

Length: 32.6 Feet  
Length: 40.3 Feet

ALEX WYBRODSKY ETAL

ONEIDA TRIBE OF INDIANS OF WISCONSIN

LINDA A KUSS

ONEIDA TRIBE OF INDIANS OF WISCONSIN

THERESA M JOHNSON

TONY DEER SMITH

0 50 100ft  
65,250.43 574,476.96 Feet

Brown County WI | Brown County **esri** POWERED BY



**BrownDog** Official GIS map of Brown County WI More maps/data Help Zoning Surveys Change Address State Map

Fetch Address, Parcel ID, & [Search Icon]

Map navigation icons: Home, Refresh, Previous, Next, Measure, Copy, Print, Full Screen, Search.

Parcel Owners and Measurements:

- PATRICIA A BRIER
- USA IN T ONEIDA INDIANS
- KIRK OLSON
- SHAWN M MARITES S THOMAS
- JOHN K & SHERRY L SCHULDES REVOCABLE TRUST OF 2024
- ALEX MAYBRODSKY ETAL

Measurements (in feet):

- Length: 105.5 Feet
- Length: 73.6 Feet
- Length: 32.6 Feet
- Length: 40.5 Feet
- Length: 10.6 Feet
- Length: 172.2 Feet

Scale: 0 50 100ft

Coordinates: 65,505.84 574,153.10 Feet

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Brown County WI | Brown County



**BrownDog** Official GIS map of Brown County WI [More maps/data](#) [Help](#) [Zoning](#) [Surveys](#) [Change Address](#) [State Map](#)

Fetch Address, Parcel ID, &

Length: 105.5 Feet  
Length: 73.6 Feet  
Length: 32.6 Feet  
Length: 40.5 Feet  
Length: 10.6 Feet  
Length: 10.6 Feet











0 20 40ft  
65,725.70 574,077.20 Feet

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Brown County WI | Brown County



Part of Brown County WI

LEGEND / KEY

-  Parcel Boundary
-  Condominium
-  Gap or Overlap
-  "hooks" indicate parcel ownership crosses a line
-  Parcel line
-  Right of Way line
-  Meander line
-  Lines between deeds or lots
-  Historic Parcel Line
-  Vacated Right of Way

A complete map legend (map key) is available at: [tinyurl.com/BrownDogLegend](http://tinyurl.com/BrownDogLegend)

Map printed 9/7/2023



1:1,800

1 inch = 150 feet\*

1 inch = 0.0284 miles\*

\*original page size is 8.5" x 11"  
Appropriate format depends on zoom level

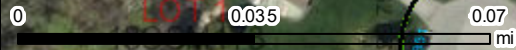
This is a custom web map created by an online user of the GIS map services provided by the

**Brown County Wisconsin Planning & Land Services Department**



(920) 448-6480

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**TO: Planning & Zoning Commission**

**RE: Modifications/Amendments to the Zoning Ordinance, Chapter 295, Article XXXI, Section 295-342; Conditional Uses**

**FROM: Todd Gerbers, Director of Planning & Code Compliance**

**DATE: April 10, 2024**

**ISSUE:** Discussion and action on modifications/ amendments to the Zoning Ordinance, Chapter 295, Article XXXI, Section 295-342; Conditional Uses

**RECOMMENDATION:** Staff recommends approval.

**GENERAL INFORMATION**

With prior changes to Wisconsin State Statutes relating to Conditional Uses, the Village of Hobart is proposing modifications / amendments to Chapter 295, Article XXXI, Section 295-342; Conditional Uses to have this section of the Village Zoning Code be in compliance with the statutes. These proposed modifications to the ordinance mainly provide more detailed information on the process and what is expected from the applicant during the submittal and review process. It also creates more standardized conditions utilized during the review process.

Attached is both the proposed conditional use ordinance along with the existing ordinance for review.

**RECOMMENDATION/CONDITIONS**

Staff recommends approval of the modifications / amendments to the Zoning Ordinance, Chapter 295, Article XXXI, Section 295-342; Conditional Uses subject to any changes identified by Village Attorney during their review.

**295-342 Conditional Uses****(Proposed)****A. Purpose of conditional uses.**

The purpose of a conditional use is to provide a reasonable degree of discretion in determining the suitability of certain uses of a special nature, so as to make impractical their predetermination as a principal use in a district. The development and execution of this article is based upon the division of the Village of Hobart into zoning districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land or public facilities and of the public need for the particular use at a specific location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district, provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses and are those uses specifically designated as conditional uses by the zoning district or which are classified as a conditional use under the review procedures in this article. The listing of a use as a conditional use is not a legislative determination that the use is inherently in the public interest in that district. [See *All Energy Corp. v. Trempealeau County*, 2017 WI 52 (2017)]

**B. Authority of Planning and Zoning Commission and Village Board; requirements.**

(1) Authority; intent. The Village Board may authorize the Zoning Administrator to issue a conditional use permit after review, public hearing, advisory recommendation from the Planning and Zoning Commission and approval from the Village Board, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this chapter and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. Such Village Board action, and the resulting conditional use permit, shall specify the period of time for which effective, if specified; the name of the permittee; the location and legal description of the affected premises. Prior to the granting of a conditional use, the Village Board shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.

(2) General authority to require conditions. Per section 295-342 I., conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be recommended by the Planning and Zoning Commission and required by the Village Board upon their finding that these are necessary to fulfill the purpose and intent of this chapter.

- (3) Compliance with other zoning conditions. Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses.

**C. Initiation of conditional use request.**

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use permit is sought, may file an application to use such land for one or more of the conditional uses provided for in this article in the zoning district in which such land is located, or for a conditional use substantially similar to a listed conditional use.

**D. Application for conditional use.**

- (1) Application filing requirements. An application for a conditional use permit, accompanied by the application fee prescribed by the Village Board, shall be filed on a form prescribed by the Village. Such applications shall be forwarded to the Planning and Zoning Commission upon receipt by the Zoning Administrator or Village Clerk.
- (2) Required plans/information. The plans/information required for review of all conditional use permit applications shall generally consist of any or all of the following, as required by the Zoning Administrator:
  - (a) Site development plan. A site development plan, which shall include and address:
    - (1) Location of all buildings on lots, including both existing and proposed structures.
    - (2) Location and number of existing and proposed parking spaces.
    - (3) Vehicular circulation.
  - (b) Dimension plan. A dimension plan, which shall include and address:
    - (1) Lot dimensions and area.

(2) Dimensions of proposed and existing structures.

(3) Setbacks of all buildings located on property in question.

(4) Architectural elevations.

(c) Grading plan. A grading plan, which shall include and address:

(1) Existing contour.

(2) Proposed changes in contour.

(3) Drainage configuration.

(d) Landscape plan. A landscape plan, which shall include and address:

(1) Location of all existing major trees, and which trees are proposed to be removed.

(e) Statement. A written statement on why the conditional use is being applied for and what use is intended for the property.

(3) Additional information. In order to secure information upon which to base its determination, the Zoning Administrator may require the applicant to furnish, in addition to the information required above and for a building permit, the following information:

(a) Contours; soil types. A plan of the area showing contours, soil types, high-water mark, groundwater conditions, bedrock, slope and vegetation cover.

(b) Location of buildings; parking areas. Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping and lighting.

(c) Building and utilities plans. Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations.

(d) Filling/Grading plan. Specifications for areas of proposed filling, grading, or dredging.

(e) Other information. Other pertinent information necessary to determine if the proposed use meets the requirements of this chapter.

**E. Planning and Zoning Commission review.**

Upon receipt of the application and the information required by section 295-342 D. above, the request for a conditional use permit shall be placed on the agenda of the first Planning and Zoning Commission meeting occurring after 10 days from the date of submission. The request shall be considered as being officially submitted when all the information requirements, including the payment of all applicable fees, are complied with. At such meeting, the Planning and Zoning Commission shall make an advisory recommendation regarding the application, and a record of the proceedings shall be kept in such a manner and according to such procedures as the Planning and Zoning Commission shall prescribe from time to time. The Village Board and/or Planning and Zoning Commission can, on its own motion, apply conditional uses when applications for rezonings come before their bodies.

**F. Public hearing on application; notice.**

(1) Hearing requirements. A public hearing shall be held on all conditional use permit applications. The public hearing shall be held by the Village Board. Due notice of the hearing shall be given to parties interested, as well as owners of property located within 100 feet of the property requesting the conditional use.

(2) Incomplete notice. Failure to fully comply with the notice to adjacent property owners shall not, however, invalidate any previous or subsequent action on the application.

**G. Standards and considerations for conditional uses.**

(1) Standards. No application for a conditional use shall be recommended for approval by the Planning and Zoning Commission, or approved by the Village Board, unless the following conditions are present:

(a) That the applicant has demonstrated that the application and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. Per **§ 62.23(7)(de)b, Wis. Stats.**, "substantial evidence" means facts and information, other than merely personal preferences or speculation,

- directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
- (b) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - (c) That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
  - (d) That the establishment of the conditional use will not impede the normal and orderly use, development and improvement of the surrounding property for uses permitted in the district.
  - (e) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
  - (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  - (g) That the conditional use shall conform to all applicable regulations of the district in which it is located.
  - (h) That the proposed use does not violate floodplain regulations governing the site.
  - (i) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- (2) Application of standards. When applying the above standards to any new construction of a building or an addition to an existing building, the Village Board and Planning and Zoning Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district and the Village Comprehensive Plan.

(3) Additional considerations. In addition, in passing upon a conditional use permit application, the Planning and Zoning Commission and Village Board shall also evaluate the effect of the proposed use upon:

- (a) The maintenance of safe and healthful conditions.
- (b) The prevention and control of water pollution, including sedimentation.
- (c) Existing topographic and drainage features and vegetative cover on the site.
- (d) The location of the site with respect to floodplains and floodways of rivers and streams.
- (e) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (f) The location of the site with respect to existing or future access roads.
- (g) The need of the proposed use for a shoreland location.
- (h) Its compatibility with uses on adjacent land.
- (i) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

**H. Denial of application for conditional use permit.**

When an advisory recommendation of denial of a conditional use application is made by the Planning and Zoning Commission or an actual denial by the Village Board, the Planning and Zoning Commission and/or Village Board shall furnish the applicant, in writing, those standards that are not met and enumerate reasons the Planning and Zoning Commission and/or Village Board has used in determining that each standard was not met. Such findings may be in the form of meeting minutes.

**I. Conditions and guarantees applicable to all conditional uses.**

The following conditions shall apply to all conditional uses:

(1) Conditions. Prior to the granting of any conditional use, the Planning and Zoning Commission may recommend and the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in section 295-342 G. above. Any condition imposed must be related to the purpose of the zoning code and be based on substantial evidence. In all cases in which conditional uses are granted, the Planning and Zoning Commission may recommend and the Village Board shall require such evidence and guarantees as deemed necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:

- (a) Landscaping;
- (b) Type of construction;
- (c) Construction commencement and completion dates;
- (d) Sureties;
- (e) Lighting;
- (f) Fencing;
- (g) Operational control;
- (h) Hours of operation;
- (i) Traffic circulation;
- (j) Deed restrictions;
- (k) Access restrictions;



- (l) Setbacks and yards;
  - (m) Type of shore cover;
  - (n) Specified sewage disposal and water supply systems;
  - (o) Planting screens;
  - (p) Increased parking;
  - (q) Conditions pertaining to permit duration, transfer or renewal; or
  - (r) Any other requirements necessary to fulfill the purpose and intent of this chapter.
- (2) Site review. In reviewing each application and making its recommendation, the Planning and Zoning Commission shall evaluate each application and may request assistance from any source and or committee which can provide technical assistance. The Planning and Zoning Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (3) Signage. Signage shall be in compliance with municipal sign regulations.
- (4) Alteration of conditional use. No alteration of a conditional use shall be permitted unless first approved by the Village Board.
- (5) Architectural treatment. Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (6) Sloped sites; unsuitable soils. Where slopes exceed 6% and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that clearly indicate that the soil conditions are adequate

to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

- (7) Conditional uses to comply with other requirements. Conditional uses shall comply with all other provisions of this chapter such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or significant potential of accidents.

**J. Planning and Zoning Commission recommendation; Village Board action.**

- (1) Planning and Zoning Commission advisory recommendation.

- (a) Following referral of conditional use permit applications, the Planning and Zoning Commission may recommend that the Village Board authorize the Zoning Administrator to issue a conditional use permit for conditional uses specified in this chapter following their review, provided such uses are in accordance with the purpose and intent of this chapter, and, more specifically, the standards for conditional uses established in this article.

- (b) The Planning and Zoning Commission shall make findings of fact and recommend such actions or conditions relating to the request as the Committee deems necessary to carry out the intent and purpose of this chapter.

- (2) Village Board action.

- (3) Upon receiving the recommendation of the Planning and Zoning Commission, the Village Board shall set the public hearing and place such recommendation(s) on the agenda for the next subsequent Board regular meeting following the scheduling of the public hearing. Such recommendations, including findings of standards not met as required by section 295-342 I., shall be entered in and made part of the permanent written record of the Village Board. The Village Board shall make, and record in the minutes of the Board or in a separate statement/report, findings of fact and may impose and require any conditions the Village Board considers necessary to protect the public health, safety and welfare when approving and issuing a conditional use permit. The Village Board's decision to approve or deny the permit must be supported by substantial evidence.

- (4) If, upon receiving the recommendations of the Planning and Zoning Commission, the Village Board finds that specific inconsistencies exist in the review process or significant new facts have now been made available and thus the final determination of the Village Board will differ from the advisory recommendation of the Planning and Zoning Commission, the Village Board shall, before taking final action, refer the matter back to the Planning and Zoning Commission with the written record or separate statement/report explaining the specific reasons for referral. This referral action shall only be permitted one time with each conditional use permit application.
- (5) Reapplication. No application for a conditional use permit which has been denied in whole or in part by the Village Board shall be resubmitted for a period of one year from the date of such denial, except on the grounds that substantial new evidence or proof of changes that would result in compliance with applicable conditions is included in the resubmitted application.

**K. Validity of conditional use permit.**

- (1) Where the Village Board has approved or conditionally approved an application for a conditional use permit, such approval shall become null and void within 18 months of the date of the approval unless the Village Board has specified a different time line in its approval or the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted.
- (2) A conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the Village may impose conditions such as, but not limited to, permit duration, transfer or renewal, in addition to any other conditions specified in granting the conditional use permit.
- (3) The Village Board may extend such permit for a period of 90 days for justifiable cause if the conditional use permit included a permit duration condition, if application is made to the Village Board at least 30 days before the expiration of said permit.

**L. Complaints regarding conditional uses.**

The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or

discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this code. Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in section 295-342 G. above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in section 295-342 J. above. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in 295-342 G. or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use as provided in section 295-342 J. Additionally, the offending party may be subjected to a forfeiture as set forth in this chapter and § 1-3, Penalties, of the Village Code. In the event that no reasonable modification of such conditional use can be made in order to assure that standards in 295-342 G. will be met, the Village Board may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefore. An appeal from a decision of the Village Board under this section may be taken to the Zoning Board of Appeals.

**M. Consistency with Comprehensive Plan.**

Pursuant to § 66.1001(2m)(b), Wis. Stats., a conditional use permit that may be issued by the Village of Hobart does not need to be consistent with the Village Comprehensive Plan.

**N. Appeals.**

Any action of the Village Board in granting or denying a conditional use permit application may be appealed to the Zoning Board of Appeals. In the alternative, any action of the Village Board in denying a conditional use permit application may be appealed directly to Circuit Court per § 62.23(7)(e)10., Wis. Stats. In the case of appeals to the Zoning Board of Appeals, a written request shall be made within 10 days after the date of the Village Board's action granting or denying the permit. Such request for appeal to the Zoning Board of Appeals shall be filed and reviewed pursuant to the procedures in section 295-340 of this chapter.

**§ 295-342. Conditional uses. [Amended 1-2-2019 by Ord. No. 2018-17 ]**

- A. Purpose. To place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.
- B. Initiation. Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this chapter in the zoning district in which the land is located.
- C. Application. The application for a conditional use shall be filed with the Hobart Village Clerk-Treasurer on a form so prescribed by the Village of Hobart. The application shall be accompanied by such plans and/or data prescribed by the Village Planning and Zoning Commission and shall include a statement, in writing, by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts, based on substantial evidence as defined in Subsection G below. Such application shall be reviewed by the Village Planning and Zoning Commission and a written recommendation submitted thereon to the Village Board.
- D. Hearing on application. Upon receipt in proper form of the written recommendation referred to in Subsection C, the Village Board shall hold a public hearing on the proposed conditional use. Due notice of the hearing shall be given to parties of interest, as well as owners of property located within 100 feet of the property in appeal. The Board shall reach a decision within 60 days from the filing of the conditional use request.
- E. Authorization. For each application for a conditional use, the Village Planning and Zoning Commission shall report to the Village Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed conditional use is not acted upon within 90 days of the date upon which said application was filed with the Hobart Village Clerk-Treasurer, it shall be deemed to have been denied.
- F. Standards.
  - (1) No conditional use shall be recommended by the Village Planning and Zoning Commission, unless said Commission shall find that the conditions comply with Article II, Intent, Purpose, and Severability, and is based on substantial evidence as defined in Subsection G below.
  - (2) The Planning and Zoning Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.
  - (3) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or park requirements may be recommended

by the Planning and Zoning Commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.

- G. Substantial evidence. Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
- H. Conditions and guarantees. Before issuing a conditional use permit, the Village Planning and Zoning Commission may recommend and the Village Board shall stipulate such conditions and restriction upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subsection F above. In all cases in which conditional uses are granted, the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.