



TO: Planning & Zoning Commission

RE: Consider Conditional Use Permit, Increase Animal Units, HB-210-2, 2264 S. Pine Tree Rd.

FROM: Todd Gerbers, Director of Planning and Code Compliance

DATE: February 12, 2025

ISSUE: Consider Conditional Use Permit allowing a maximum of 10 animal units, exceeding the 5 units permitted in the ER: Estate Residential District

RECOMMENDATION: Staff recommends conditional approval

GENERAL INFORMATION

1. Applicant(s)/Petitioner(s): Chue Vang
2. Owner(s): Chue Vang and Shor Yang
3. Parcel: HB-210-2
4. Address: 2264 S. Pine Tree Rd.
5. Present Zoning: ER: Estate Residential District

BACKGROUND

The current property owners, Chue Vang and Shor Yang, of the property located at 2264 S. Pine Tree Rd (HB-210-2) are requesting consideration of a Conditional Use Permit increasing the number of animal units permitted from 5 to 10 animal units in the ER: Estate Residential zoning district.

Presently the property owners are using their permitted 5 animal units for raising chickens, and they are requesting to increase the allowable animal units to 10 to raise additional chickens. Based on the attached application and supporting documents, they plan to have the maximum of 25 chickens (0.4 animal units per chicken). They also plan to build additional chicken coop with an attached fenced in run area to house and provide security for the chickens. They do not plan to let the chickens be free range on their property. Additionally, they plan to use the chicken waste as fertilizer for the planned garden in the northeast corner of their lot.

The adjacent properties are currently zoned as follows, R-2-R: Rural Residential to the north, ER: Estate Residential to the east, and A-1: Agricultural to the south.

RECOMMENDATION/CONDITIONS

Assuming proper care and maintenance (waste disposal, housing, containment), Staff recommends conditional approval of 10 animal units subject to the following conditions and any conditions the Commission might identify:

1. The additional 5 animal units are limited to chickens as noted in the application
2. Chickens shall be fenced in housed in an accessory structure (i.e. chicken coop) and shall not be able to be free range
3. The Conditional use Permit may be brought back to the Village Board for consideration and revocation if the activities of the operation result in repeated nuisance complaints, and/or violations of Village, County, State, or Federal regulations, rules, or laws;
4. Conditional Use Permit shall be brought back to the Village Planning and Zoning Committee and Village Board for review prior to any transfer in land ownership of the parcel.



- Rezoning Review
- Conditional Use Permit Review
- Planned Development Review
- CSM/Plat Review

Village of Hobart
 Dept of Planning & Code
 Compliance
 2990 S Pine Tree Rd
 Hobart WI 54155
 Phone: (920) 869-3809
 Fax: (920) 869-2048

APPLICANT INFORMATION

Petitioner: CHUE VANG Date: 1/30/2025
 Petitioner's Address: 2264 S PINE TREE RD City: DE PERE State: WI Zip: 54115
 Telephone #: 920-366-7512 Email: YANGSHOR@YAHOO.COM

Status of Petitioner (Please Check): Owner Representative Tenant Prospective Buyer

Petitioner's Signature (required):  Date: 01/30/2025

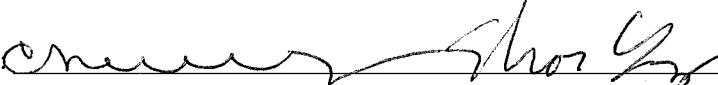
OWNER INFORMATION

Owner(s): CHUE VANG AND SHOR YANG Date: 01/30/2025
 Owner(s) Address: 2264 S PINE TREE RD City: DE PERE State: WI Zip: 54115
 Telephone #: 920-366-7512 Email: YANGSHOR@YAHOO.COM

Ownership Status (Please Check): Individual Trust Partnership Corporation

Property Owner Consent: (required)

By signature hereon, I/We acknowledge that Village officials and/or employees may, in the performance of their functions, enter upon the property to inspect or gather other information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Neighborhood Services Department for incomplete submissions or other administrative reasons.

Property Owner's Signature:  Date: 1-30-2025

SITE INFORMATION

Address/Location of Proposed Project: 2264 S PINE TREE RD Parcel #: HB- 210-2

Proposed Project Type: CONDITIONAL PERMIT USE - SEEKING 10 ANIMAL UNITS

Current Use of Property: RESIDENTIAL Zoning: ER

Land Uses Surrounding Site:

North:	<u>A1</u>
South:	<u>A1</u>
East:	<u>R2R</u>
West:	<u>A1</u>

****Please note that a meeting notice will be mailed to all abutting property owners regarding your request prior to any Public Hearing.**

- Application fees are due at time of submittal. Make check payable to Village of Hobart.
- Please refer to the fee schedule for appropriate fee. FEE IS NON-REFUNDABLE

CONDITIONAL USE PERMIT / PLANNED DEVELOPMENT APPLICATIONS



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

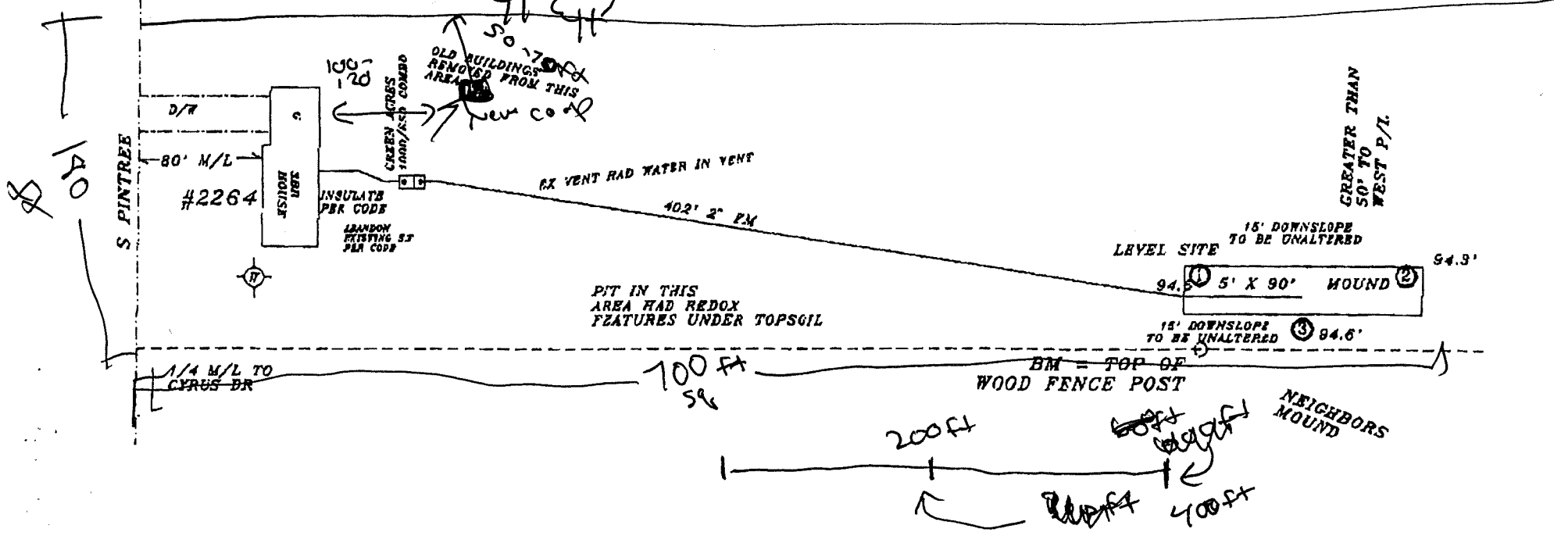
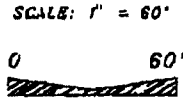
<p>1. Health, safety, and general welfare of occupants of surrounding lands. Seeking approval for 10 animal units, 25 chickens, we clean our chicken coops at least once a week and we will use the chicken manure as fertilizer and compost for the garden we plan to have on the south side of the property. Some chickens will be in a fenced area outside of the coop, but they will be fenced in and no chicken will be free range, ensuring health and safety and welfare of our neighbors.</p>
<p>2. Pedestrian and vehicular circulation and safety, -NA- Chickens will not be free range.</p>
<p>3. Noise, air, water, or other forms of environmental pollution. our chickens are more than 200ft away from the well and mound. we keep our chickens and coops clean and the air around our home and chickens do not smell.</p>
<p>4. The demand for and availability of public services and facilities. -NA-</p>
<p>5. Character and future development of the area. we plan to build a 140 sqft chicken coop in the back of the house towards the east side of the property, approx 120-150 yards away from the house. the new coop would be fully enclosed, minimizing the chicken noise.</p>

PLOT PLAN

Neule
AREA SUITABLE FOR MOUND
JON PETERS
NW, S13, T23, R19E
VILLAGE OF HOBART
BROWN COUNTY
5 ACRES

LEGEND

- BENCHMARK (BM) = 100'
- BM = VRP/HRP
- WELL = 
- PIT = 
- LOT LINE = - - - - -
- R/W = - - - - -
- TERRAIN FEATURE = ·····
- ROAD SURFACE = _____



A1



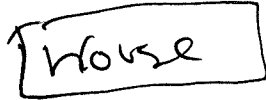
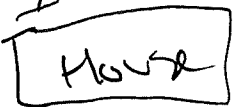
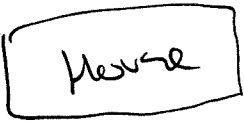
New coop



50-70 ft

100-120 ft

700 ft



R2R

ER

A1

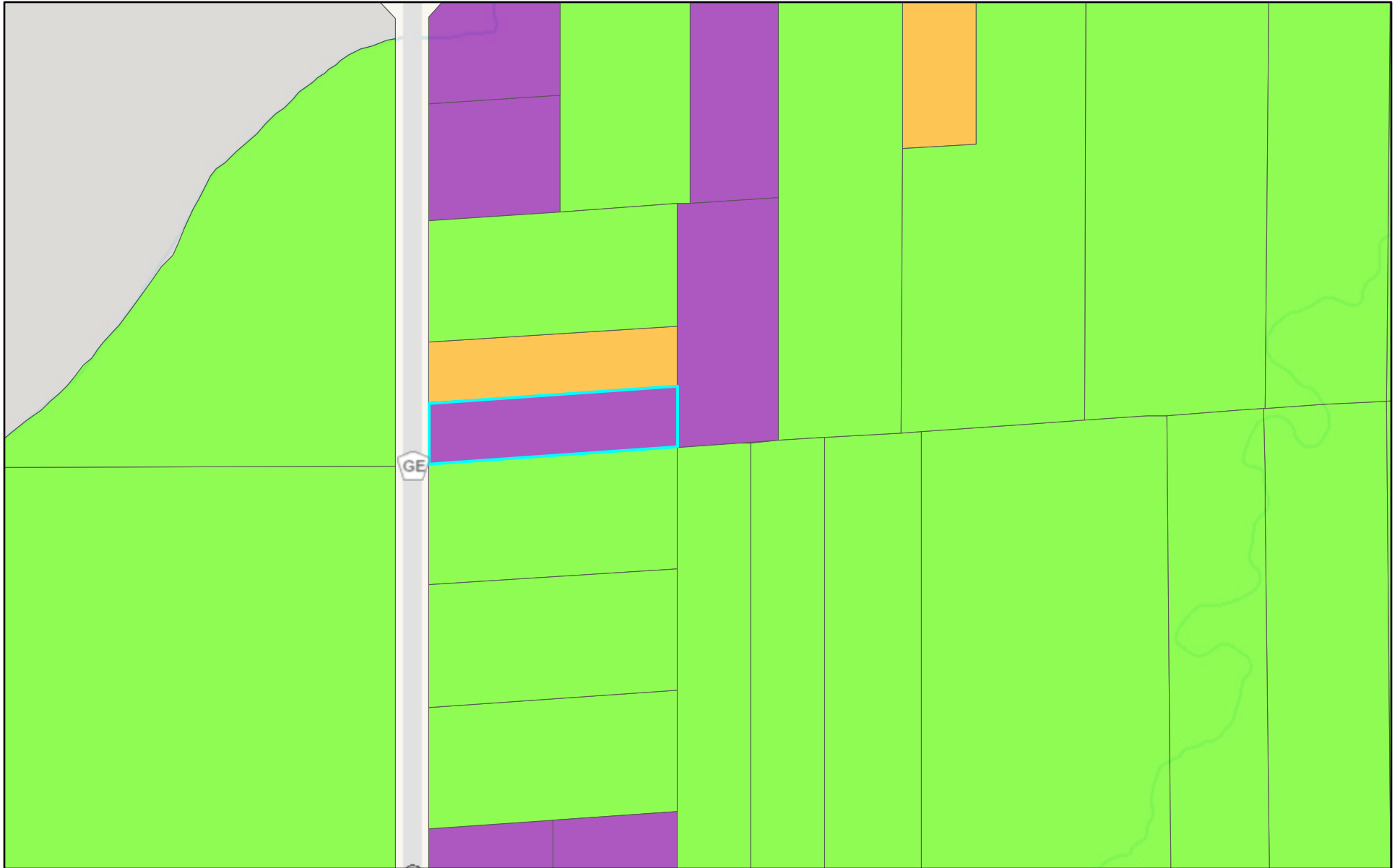
← 780 ft →

S. Pine-tree rd

A1







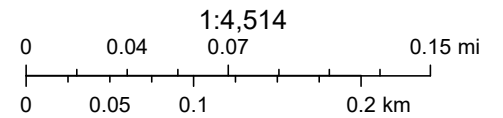
Village of Hobart Zoning



2/6/2025, 12:12:10 PM

Zoning

-  A-1: Agricultural District
-  ER: Estate Residential District
-  R-2-R: Rural Residential District
-  I-1: Limited Industrial District



Brown County, Robert E. Lee & Associates, Inc.

ORDINANCE 2025-02

AN ORDINANCE TO REPEAL AND RECREATE SECTION 17 (SWIMMING POOLS) OF ARTICLE IV (GENERAL PROVISIONS) OF CHAPTER 295 (ZONING) OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN

Purpose: The purpose of this Ordinance is to amend the current Ordinance relating to the regulations of swimming pools by including with the same requirements as swimming pools, and also permitting automated pool covers as an exemption to the fence barrier requirement.

The Village Board of the Village of Hobart, Brown County, Wisconsin, does ordain as follows:

Section 1: Section 17 (Swimming Pools) of Article IV (General Provisions) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-17. Swimming pools.

A. No construction or installation of a swimming pool (pools) shall begin unless a permit therefor has been obtained. The application for such permit shall be accompanied by a site plan showing the size, location and description of the property.

B. Permanent above or in-ground pools shall comply with setback requirements of the zone in which the proposed pool is to be located. In determining this setback for aboveground pools with permanent fencing or decks, any deck, walkway, or similar structure shall be considered part of the pool.

C. Fencing. All pools requiring a permit shall be encompassed by fencing as provided under this section.

(1) Structural requirements. All fences under this section shall be constructed in such a manner to comply with the following requirements:

a. The fence shall be able to withstand a minimum of 200 pounds of force in any direction.

b. The fence shall be so designed and constructed so as to prevent penetration of an object greater than six (6) inches in diameter.

c. All such fences shall be constructed with a self-closing and locking door or gate which complies with all other height and structural requirements of this section.

(2) Permanent in-ground pools shall be encompassed by a freestanding fence not less than forty-eight (48) inches nor more than ninety-six (96) inches from the ground level. Such fence shall be no less than three (3) feet from the pool at its nearest point. The fence shall comply with Subsection C (1) of this section.

(3) Above-ground pools. Above-ground pools shall be encompassed by fencing which complies with one or any combination of options listed below and complies with Subsection C (1) of this section.

a. A fence of not less than forty-eight (48) inches nor more than ninety-six (96) inches from the ground level encompassing the entire pool and complies with Subsection C (1) of this section.

b. A fence, no closer than three (3) feet to the pool, provided such fence be at least thirty-six (36) inches above the top edge of the pool and not less than forty-eight (48) inches nor more than ninety-six (96) inches from ground level.

c. A fence attached to a deck or walkway, provided such fence is at least thirty-six (36) inches above the surface of the deck or walkway and complies with this section.

d. A pool that has a wall not less than forty-eight (48) inches from ground level, provided all steps, Ladders, or other means of pool access are removed or locked gaining access when the pool is not in use.

(4) Exceptions. Fencing shall not be required if the following are provided:

a. Pools completely enclosed within a building.

b. Pools constructed or installed with a safety cover that meets the standards of the American Society for Testing and Materials (ASTM). Pool covers shall be automated and comply with the following requirements:

1. An automated pool cover is defined as a mechanism that, when engaged, securely covers a swimming pool, providing safety and energy efficiency.

2. Automated pool covers shall be installed in accordance with the manufacturer's specifications.

3. Automated pool covers shall be operated by a key-operated switch, ensuring that the cover cannot be inadvertently engaged or disengaged by unauthorized users.

4. Pool covers shall be able to fully enclose the pool when not in use.

5. Property owner shall maintain the automated pool cover in good working order at all times, including regular inspections for wear and tear.

D. No person shall operate a public swimming pool on any premises zoned residential. The operation of a public swimming pool on residential premises is declared to be a public nuisance. A public swimming pool is any swimming pool operated by the owner or lessee thereof for financial gain, no matter how incidental the financial gain is to the overall operation.

E. No residential swimming pool shall be so located, designed, operated, or maintained as to interfere unduly with the enjoyment of the property rights by owners of property adjoining the swimming pool or located in the neighborhood.

F. Lights used to illuminate any residential swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises.

G. No person shall make, continue or cause to be made or continued at any residential swimming pool any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others. In the operation of a residential swimming pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time within louder volume than is necessary for convenient hearing of the persons who are in the residential swimming pool premises, shall be prohibited.

Section 2: Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

Section 3. This Ordinance shall be effective from and after its passage by the Village Board and publication as required by law.

Passed and approved this 18th day of March, 2025.

Richard Heidel, Village President

Attest:

Aaron Kramer, Village Administrator

CERTIFICATION

The undersigned, being the duly appointed Clerk of the Board of the Village of Hobart, certifies that the aforementioned is a true and exact reproduction of the original ordinance or resolution adopted by the Village Board.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on March 18th 2025.

(Seal)

Lisa Vanden Heuvel, Village Clerk