



THESE ARE THE MINUTES OF THE **PLAN REVIEW BOARD** MEETING HELD ON THURSDAY, **OCTOBER 22, 2020** AT 4:30 P.M. IN THE COMMON COUNCIL CHAMBERS OF CITY HALL, 2000 NORTH CALHOUN ROAD, BROOKFIELD, WISCONSIN

MAYOR STEVE PONTO PRESIDING

MEMBERS PRESENT: Alderman Mark Nelson, Commissioner Mike Smith (3 members physically present to meet quorum)

STAFF PRESENT: Neighborhood Planning Coordinator, Richard VanDerWal

1. Roll Call

Mayor Ponto called the Plan Review Board meeting to order at 4:38 p.m. A quorum was present.

2. Announcements

- a. Approval of these items must also be given at the regular Plan Commission meeting of November 9, 2020 and the Common Council meeting of November 17, 2020.
- b. The next regularly scheduled Plan Review Board meeting will be held on November 19, 2020.

3. New Business

a. Jan Mueller: CSM

Request of Jan Mueller – Owner, 225 North Beaumont Avenue, Brookfield, WI 53005, for approval of a preliminary survey and final Certified Survey Map for one lot in Bluemound Park Estates, vacant parcel “E” in Block 7, at said address. (SE ¼ of Sec. 26) – RV

Richard VanDerWal reported:

1. The applicant’s lot is located in Bluemound Park Estates, one of five subdivisions platted in the 1920s with “city size” lots – typically 75’x125’. The City zoning code terms these lots “substantially substandard”. Over the years the City adopted resolutions defining the minimum lot combination, or portions thereof necessary to constitute a buildable site. Resolution No. 5269 (Resolution) for Bluemound Park Estates was adopted in 1994 and is attached (along with supporting Exhibit “A”) to this report for reference.
2. Exhibit “A” to the Resolution depicts applicant’s vacant parcel as parcel number “E” in block “7” being declared buildable through Certified Survey Map (CSM). The applicant is requesting approval of a CSM to make the lot buildable. City water service charge is paid and sanitary sewer service lateral will be secured through surety.

3. 2017 Wisconsin Act 67 establishes that, notwithstanding any other law or rule, or any action or proceeding under the common law, no political subdivision may enact or enforce an ordinance or take any other action that prohibits a property owner from doing any of the following:
 - I. Conveying an ownership interest in a substandard lot.
 - II. Using a substandard lot as a building site if all of the following apply:
 - a. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - b. The substandard lot or parcel is developed to comply with all other ordinances of the political subdivision
4. The applicant's lot has never been developed. Required improvements will be completed to City standards and recording of CSM satisfies Resolution No. 5269. Act 67 entitles applicant to a building permit for the lot.

Recommendation: Request is consistent with all applicable ordinances and City standards, there are no grounds to deny the request. Staff recommends approval subject to installation of required lot improvements, securing of water/sanitary sewer laterals via surety, and Engineering Division review and approval, including technical corrections, prior to recording.

Jan Mueller, owner, appeared before the board for comments and/or questions.

Alderman Nelson asked Mr. VanDerWal to confirm the lots of Resolution 5269 were determined to be substandard lots in the past and that because of the state statute, the City has no legal basis to deny building on the lots.

Mr. VanDerWal confirmed Alderman Nelson's conclusion and added further clarification that the City proactively identified the "City sized" lots as buildable through these resolutions provided they perform the necessary actions listed in the associated resolution. He stated that in this case, in order for the lot to become buildable, Resolution 5269 denotes a CSM is required. He added that there are other situations where the resolutions may identify one parcel and another parcel need to be combined in order to form, though still a substandard lot, a buildable lot. He ended by stating that regardless of what the resolution may require, Act 67 permits the owner to construct on the lot. This process is just to meet all local ordinances and resolutions with regard to creating a lot considering what rights have already been established to the applicant through Act 67.

Alderman Nelson asked for confirmation that they are not being asked to create this lot out of other lots, that this is already a lot all by itself, this is not land owned by two adjacent property owners, nor is it one big lot being divided.

Mr. VanDerWal said that was correct.

Alderman Nelson asked if all the other lots came before the Plan Review Board, would they be entitled to the same rights and process?

Mr. VanDerWal stated that is correct as long as they meet all of the stipulations that were listed in the staff report regarding Act 67 and local ordinances.

Alderman Nelson asked if any of the other lots have come forward for a similar request.

Mr. VanDerWal answered that at this time there has not been any others.

Alderman Nelson asked for confirmation that in the future, assuming all the conditions are met, the rest of these lots, A-J, could all come before the Board for approval.

Mr. VanDerWal confirmed that if they have remained vacant and that other owners have not used the lands for construction or expansions of their homes over the original lot lines, then yes.

Alderman Nelson asked if the City Attorney agrees with these conclusions.

Mr. VanDerWal stated yes.

Citizen Member Smith stated all of his questions were answered.

Both Alderman Nelson and Citizen Member Smith concluded that the request was fairly straight forward.

Mr. VanDerWal agreed and commented that it was placed on the Plan Review Board agenda for that reason.

Jan Mueller thanked the Board for taking up the request.

Motion by Alderman Mark Nelson, seconded by Citizen Member Mike Smith to approve the staff's recommendation. Motion carried 3-0.

4. Adjournment

Motion by Citizen Member Mike Smith, seconded by Alderman Mark Nelson to adjourn the Plan Review Board meeting. Motion carried 3-0. 5:42 p.m.

Minutes respectfully submitted by Richard VanDerWal, Neighborhood Planning Coordinator