Tuesday, October 4, 2005

Planning and Zoning Committee Regular Monthly Meeting and Public Hearings
Columbia county Administration building
Portage, WI 53901

12:00 Noon

Meeting called to order by Chair, Harlan Baumgartner

Present – Harlan Baumgartner John Healy, John Stevenson, Harlan Horton and Phil Baebler

Present from the Planning and Zoning Office – John Bluemke, Mike Stapleton and Jeannine Baertsch

Also present – Susan Martin, Chair Columbia County Board of Supervisors
Attorney Doug Kammer, Scott and Joyce Felicijan, and the Town Board of Lowville

Harlan Baumgartner – Any additions to the agenda?

John Bluemke – Delete Item #6 (Waiver of Road Frontage for Eric Anderson, Sky High Camping Resort, Town of Caledonia.

Approval of Agenda - Motion by John Healy, seconded by Harlan Horton to approve the agenda with the change. Motion carried unanimously.

Approve of Minutes – Motion by Harlan Horton to approve the final draft of the September 6th minutes, 2nd by Phil Baebler. Motion carried unanimously.

Harlan Baumgartner – Asks the Town Board of Lowville to come forward. The purpose of this meeting is to discuss the letter form the Town Board of Lowville and to try to come to a resolution between the Town Board of Lowville, the Felicijan’s and the Planning and Zoning Committee.

Harlan Baumgartner – Our responsibility is to come before County Board with a final decision. It disappoints me that we didn’t have this discussion with the Town before we went to County Board.

Harlan Baumgartner – Any questions of the Committee? No response.

John Bluemke – We need to encourage Towns input. Will write a policy if Committee desires.

Harlan Baumgartner – Any questions of the Committee? No response.
Town Board of Lowville – We would like to have the Committee develop a policy.

John Stevenson – The Felicijan’s have wanted to bring this to a close since last March.

Town Board of Lowville – Would like to get this over with also. We gave the Felicijan’s what they wanted. They want to rezone back to Ag now. On 5 acres they can’t build their building bigger than their house. If it goes back to Ag they are in worse shape. The Felicijan’s would be good neighbors and an asset to the Town of Lowville.

Harlan Baumgartner – Do you know what you would like to see on this property? The size of the building is the major issue.

Town Board of Lowville – Home Occupation we would have control over. A conditional Use we don’t have control.

Harlan Baumgartner – Milk hauling is the exclusive business. Size of the building is for discussion. Discussion follows.

Town Board of Lowville – Have a problem with how some people are saying this is ag related. It appears to be a commercial operation. We agreed in November with Rural Residential with a Home Occupation. It gave us control, otherwise we lose control of what could happen in the future.

John Bluemke – What I am hearing is to leave it Rural Residential because of the sunset clause, but the building size is an issue.

Town Board of Lowville – Asks this to stay Rural Residential and come up with something for size of the building. Allow them to build to make this work.

Harlan Horton – Asks about a waiver.

John Bluemke – Would have to go through Board of Adjustment.

Town Board – Asks if an 8,100 square foot building would look out of place on 5 acres? Asks if this property is split, could another ag building be built?

John Bluemke – Yes and ag building could be built on new lot.

Town Board – Asks if we could keep as is and give them another 1300 square feet?

Harlan Baumgartner – Have to go through the Board of Adjustment again and ask for a variance.

Discussion - Concerning the property being split into 2 parcels.

Town Board – If the property goes back to ag what happens?
John Bluemke – Use of the property is still residential – size of the accessory building is still an issue because it must be smaller than the house.

Harlan Baumgartner – Any questions of petitioner?

Attorney Doug Kammer – Mr. Bluemke and I do not agree. Milk hauling is not an ag related business. Town Board vetoed. Neighbors have a petition against. We have no authority to compromise. Up to the County Board to change the ordinance or Board of Adjustment to grant a variance. There are three ways you can do this: 1) Board of Adjustment to grant a variance. 2) County Board to change the ordinance. 3) Withdraw an appeal – strike 10% rule, building can be built.

Harlan Baumgartner – This is for a 8,712 square foot print?

John Bluemke – This is the Towns requirement as stated by their Plan Commission and Town minutes.

Town Board – They told us the building they had 3 trucks and 1 semi.

Harlan Baumgartner – They asked us for 4 trucks and we gave them 5.

Town Board – Can this be changed by anyone other than the Board of Adjustment?

Harlan Baumgartner – When ordinance was developed it was for home businesses.

Attorney Doug Kammer – They could live with 6% for the size of the building.

John Bluemke – Perhaps we should look at a different zoning district and if the town would agree – maybe they could restrict development or size by deed restriction.

Attorney Doug Kammer – If this committee would go to the County Board and ask for an ordinance change this would be the way to go.

Harlan Baumgartner – Any discussion by Committee?

John Stevenson – Would not be able to tell the size of the building by looking at it.

Town Board – Would compromise on the size of the building.

Town Board – 6% or 8,100 square feet are reasonable for the size of the building.

Town Board – Would a waiver be approved?

Harlan Baumgartner – Varinances are granted by the Board of Adjustment for hardships.
Town board – The Planning Commission voted yes to the rezoning to the rezoning conditioned upon the home occupation permit because there would be some control of the property.

John Bluemke – Minimum of 3 months for a zoning change.

Harlan Baumgartner – Could we do other changes to the ordinance at the same time?

John Bluemke – We could try to address this one separate so it doesn’t hold this one up.

John Stevenson – If we wait 3 months for an ordinance change – a year has gone by since this started.

Harlan Baumgartner – We have to have some direction here.

Town Board – The Town Board agreed to Rural Residential. Disagreed with the Planning Commission. Fells Felicijan’s did not live up to their end.

Attorney Kammer – As to 5% for the size of the building, no one would know the difference - 6% is reasonable.

Town Board – Can’t understand why we have to withdraw our veto.

Discussion.

John Bluemke – The County Board has not acted yet.

Harlan Baumgartner – If I had to go to County Board with the outcome of today, what do you want?

John Bluemke – Does Town want a permit with sunset clause?

Town Board – Feels the Town should have a sunset clause.

John Bluemke – If you put a Condition Use on this there will be no sunset. A sunset clause would go with a Home Occupation.

Harlan Baumgartner – Asks the Town about Home Occupation and if this is what you want?

Town Board – Yes.

Discussion on size of building.

Attorney Doug Kammer – Would change the ordinance for everyone in the district, not just the Felicijan’s.
John Bluemke – Maybe we should look at opening up a new district.

Discussion on ordinance change.

Harlan Baumgartner – No conclusion drawn, as the Planning and Zoning Committee will explore ordinance amendment.

John Bluemke - Consider what the building will be used for after no longer needed for a certain ag use.

Town Board – This meeting was called for clarification. I like getting together with the committee like this.

John Bluemke – We know the Town wants some control on the property.

Town Board – Permit gives protection to the petitioner also.

John Healy – Need to give these people something.

Harlan Baumgartner – This issue will be a priority item for the Department to review.

John Stevenson – Simple to take back to Board of Adjustment.

Phil Baebler – Go with amendment.

Harlan Horton – Need adjustment on size.

Harlan Baumgartner – It should be vetoed on County Board floor – Explore zoning change or new district.

Town Board – What happens if approved back to agricultural?

John Bluemke – If approved back to agricultural would have to apply standards of the agricultural district.

Harlan Baumgartner – We appreciate the Town coming.

Out of County Travel – John Bluemke informs the Committee of the following:
Mike and John will be attending a WCCA Meeting and Wisconsin Planning Association Meeting in Waupaca on October 19, 20, and 21.

Motion by John Healy, seconded by Phil Baebler to approve the Out of County Travel. Motion carried unanimously.
Approval of Vouchers – Motion by John Stevenson, seconded by Harlan Horton to approve the vouchers. Motion carried unanimously.

Comprehensive Planning – John Bluemke hands out information on the last meeting. Reports there was a good turn out. A few towns are behind, hoping they will catch up. We have to work on Ordinance changes and Comprehensive Planning. Next Comprehensive Planning Meeting will be the CPAC Meeting on October 19th also County Board night.

Mike Stapleton – Hands out information to the Committee on enforcement and goes over same.

John Healy – Comments on McQueen’s issues.

John Bluemke – Comments on Hohl’s business.

Harlan Baumgartner – In Joe Ruf’s decision - size of parcel is mentioned. If under 35 acres is 51% of income derived from the farm? – It is their opinion. Where does our Committee stand?

Discussion.

Recessed at 2:20PM

Reconvened at 4:00PM

Meeting called to order by Chair, Harlan Baumgartner

Notice of Public Hearings read by John Stevenson, Secretary

Present – Harlan Baumgartner, John Stevenson, John Healy, Harlan Horton and Phil Baebler

Present from the Planning and Zoning Office – John Bluemke and Jeannine Baertsch

A petition by Tim and Angelina Larson, Pardeeville, Wisconsin for a Conditional Use Permit under Section 16-1-5(b)(2)(j) of the Columbia County Zoning Ordinance to operate an auto repair business on property at N7912 Highway 44, described as Lot 1 of Certified Survey map Number 2209, Section 36, Town 13N, Range 10E, Town of Marcellon.

John Bluemke – Provided staff report prior. Committee found this is not a Farm Family Business. Hands out information to the Committee on Corporation Counsel’s decision.

Harlan Baumgartner – Any questions of staff by Committee?
John Healy – What is the Town Boards stand?

John Bluemke – Have to decide if this business should be here or not.

John Healy – 51% of income from other source.

Harlan Baumgartner – Asks for a motion whether this is a Farm Family Business or not?

Motion by Phil Baebler – To disapprove the request for a Conditional Use Permit because it does not qualify for a Farm Family Business and adopt the findings and conditions. Second by John Healy. Motion carried unanimously.

A petition by Marvin Holzem, Wisconsin Dells, Wisconsin to rezone from Agricultural to Single Family Residence, property at N9899 Highway 23, located in part of the N ½ of the NE ¼, Section 1, Town 13N, Range 6E, Town of Newport. Intent: To develop a subdivision.

Harlan Baumgartner – Any questions of staff by Committee? No response.

Harlan Baumgartner – Is petitioner present and wishing to add anything?

Marvin Holzem – No.

Harlan Baumgartner – Anyone in favor of the rezoning request? No response. Anyone in opposition to the rezoning request? No response.

Harlan Baumgartner – Any question of staff by Committee?

John Bluemke – We do have a petition signed by Michael Hess to be made a part of the record.

Harlan Baumgartner – As petitioner you have last say, is there anything you wish to add?

Marvin Holzem – No.

Harlan Baumgartner – The Public Hearing is closed.

Motion by Harlan Horton, seconded by John Stevenson to recommend approval of the rezoning request subject to: 1) The rezoning effective upon the recording of the final plat. Motion carried unanimously.

A petition by Richard and Christine Reents, Portage, Wisconsin to rezone from Agricultural and Agricultural No. 2 to Rural Residential, property at W11027 County O, described as Lots 68 and 69, River Hills Park, Section 4, Town 12N, Range 8E, Town of Lewiston. Intent: To resolve split zoning.
Harlan Baumgartner – States this was approved last month subject to the Town Board’s approval, but asked the Town if they had any comments.

Jon Steinhaus, Chair of Planning Commission for Lewiston – The rezoning is being done to bring the property into compliance.

Harlan Baumgartner – Any questions of the Town by the Committee. No response.

Harlan Baumgartner – again states this was approved last month subject to the Town Board’s approval.

A petition by Richard and Christine Reents, Portage, Wisconsin for a Major Home Occupation under Section 16-1-13(g)(4) of the Columbia County Zoning Ordinance to operate a dog kennel on property at W11027 County 0 described as Lots 68 and 69, River Hills park, Section 4, Town 12N, Range 8E, Town of Lewiston.

John Bluemke – Explains the Staff Report was given last month.

Harlan Baumgartner – As petitioner you have last say, is there anything you wish to add?

Attorney Smiley – No.

Harlan Baumgartner – Any questions of the Town?

John Steinhaus – These people should not have to pay for mistakes of the Town and the County. Feels this should be a kennel should Conditional Use without rezoning. John wrote a letter – did not answer my concerns. Kennel a Conditional Use in a Commercial District – would not stand up in court in my opinion.

Leon Heinze – Feels the Reents’s have worked with the Town and the County. Would like to see them go on with their business.

John Bluemke – Suggests Home Occupation with conditions does this. The Reents’s have been very cooperative. This is a business. Trying to be consistent with what we have done in the past.

Jon Steinhaus – Want to follow the ordinance. Go to County Board and get the ordinance changed.

Harlan Baumgartner – What if we lay this over for six months to sort this, is this feasible?

John Bluemke – Neighbor complaining is why we are here, don’t know how they will react.

Jon Steinhaus – Neighbor could go after this either way.
Leon Heinze – Don’t want a Commercial District here.

John Healy – Want protection for the Reents’s.

Attorney Smiley – Doing everything we can to bring into compliance. Gives us a permit to do this now and do what you have to do with the ordinance. By granting permit today, the Reents’s are done and you change the ordinance.

Harlan Baumgartner – If we grant this home occupation and address the kennel issue later how do we do it?

John Bluemke – If we make an amendment have to notify all towns - 2-3 months.

Jon Steinhaus – In Towns opinion not a Home Occupation but should be a Conditional Use. If Conditional Use they have to come under conditions. Can put as many conditions as you want.

Harlan Baumgartner – Conditional Use runs with the property.

John Bluemke – Comments on Conditional Use and yes it does run with the land.

Jon Steinhaus – Can take care of under definitions with Home Occupation.

Attorney Smiley – With a permit we can show it to A neighbor. Solve problem with issuing a permit.

Harlan Baumgartner – Do you carE if it is Home Occupation or Conditional Use?

Richard Reents – We are going to have business for 9 years. When we retire we will still live here.

Attorney Smiley – Legalize as we are by giving us a permit.

Harlan Baumgartner – Any questions of the committee for Town Board or Petitioner?

John Stevenson – Questions Conditional Use and Home Occupation.

Attorney Smiley – We could grant them an okay now and deal with issue later.

Jon Steinhaus – Give them the permit and clean up the mess later.

Harlan Baumgartner – Anything you wish to add?

Attorney Smiley – No.
Harlan Baumgartner – The Public Hearing is closed.


John Healy – Approve Home Occupation with correspondence being sent to the Town Board. Seconded by Phil Baebler. Motion carried unanimously.

Harlan Horton – If name of owner changes a new permit be granted without have to come back.

Harlan Baumgartner – Once this is changed it stays with the person.

Motion by John Healy, seconded by Harlan Horton to adjourn. Meeting adjourned at 5:05 PM.

Respectfully Submitted,

John Stevenson, Secretary  
Planning and Zoning Committee

Recording Secretary,

Jeannine C. Baertsch  
Office Manager

Cc: Committee Members  
Susan Martin, County Board Chair  
Jeanne Miller, County Clerk