

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING  
MINUTES –APRIL 2, 2015**

**ON-SITE INSPECTIONS:** The Committee made on-site inspections starting at 8:15 a.m. on the Kenneth Behnke Farms Inc. property, Town of Union and the Pat & Janet Barrett property, Town of Dayton.

Chm. Penney called the meeting to order at: 10:00 a.m. with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present.

D. Federwitz moved and W. Wilfuer seconded the motion to approve the agenda as presented. The motion was carried.

Public Comment: There was none.

**PUBLIC HEARINGS:**

The first public hearing was called to order at 10:04 a.m. by Chm. Penney. J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for the Waupaca County Comprehensive Plan Amendment. The Waupaca County Comprehensive Plan was adopted by the Waupaca County Board of Supervisors on September 18, 2007. The proposed amendment to the Comprehensive Plan Preferred Land Use Map is within the Town of Royalton. The map amendment is to ensure that the Waupaca County Comprehensive Plan remains consistent with the locally adopted comprehensive plan. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

**Ryan Brown, Planning & Zoning Director**, said the proposed amendment within the Town of Royalton, to the preferred land use map, is to generalize the Zoning Districts.

**Patricia Craig was sworn in to testify.** Ms. Craig said that at the December 11<sup>th</sup> meeting for the Town Board of Royalton the Town approved the Comprehensive Plan Amendment and the Zone changes.

**Sam Giambrone was sworn in to testify.** Mr. Giambrone was concerned that his property line changed according to the aerial view and was wondering if this had anything to do with the Zone change.

**Ryan Brown, Planning & Zoning Director**, said the Comprehensive Plan Amendment or Zone changes have no bearing on lot lines.

**Wendy Remington was sworn in to testify.** Ms. Remington was wondering if the amendment would affect the proposed land division of her property.

**Ryan Brown, Planning & Zoning Director**, explained the process for a land division and how it coincides with the current Zoning classification of her property and the proposed Zone change.

Chm. Penney called three times for any testimony in favor to the application. There was none.

Chm. Penney called three times for any testimony in opposition to the application. There was none.

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D. Federwitz moved and D. Kussmann seconded the motion to **APPROVE** the Comprehensive Plan Amendment for the Town of Royalton. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to approve the amendment. D. Kussmann moved and T. Murphy seconded the motion to close the hearing at 10:18 a.m. The motion was carried.

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The second public hearing was called to order at 10:19 a.m. by Chm. Penney. J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present. Deb Giuffre said that all the names of persons notified of the hearing for all properties being rezoned in the Township of Royalton are on file in the Planning & Zoning Department. All properties in the Township of Royalton that are not served by a public sewer and are currently zoned in the SR (Sewered Residential) District are being rezoned to the RR (Rural Residential) District. In addition, the following 10.25 acre parcel is being rezoned to the AWT (Agriculture and Woodland Transition) District: Carl S. & Mimi R. Ganzen. No public sewer currently exists or is being proposed in the foreseeable future. This rezone process is making the zoning consistent with its current use. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

**Ryan Brown, Planning & Zoning Director**, explained the properties currently zoned SR (Sewered Residential) District that are not served by a public sewer and no future plan to be sewered, are being rezoned to RR (Rural Residential) to be consistent with the current use.

**Sam Giambone** said he wanted to continue with the current septic system if there was no planned sewer.

**Ryan Brown, Planning & Zoning Director**, said there would be no change with the current septic system and if a public sewer were to be installed in the future, they would have the option to hook up.

**Robert Rehm was sworn in to testify.** Mr. Rehm said what effect does this have on any remodeling or expansion of the buildings on your property.

**Ryan Brown, Planning & Zoning Director**, said as far as remodeling internally of a structure, you would be working with the local Building Inspector. If you're going to be expanding any structures, you would be working with the Planning & Zoning office and also the local Building Inspector.

**Kelly Barrens was sworn in to testify.** Ms Barrens said are there implications for adding an outbuilding.

**Ryan Brown, Planning & Zoning Director**, said as long as you can meet the setbacks for the RR (Rural Residential) District there is no difference. Mr. Brown said that animal husbandry in the RR (Rural Residential) District requires a Conditional Use Permit, where as it was not available in the SR (Sewered Residential) District.

Chm. Penney called three times for any testimony in favor to the application. There was none

Chm. Penney called three times for any testimony in opposition to the application. There was none.

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D. Federwitz moved and T. Murphy seconded the motion to **GRANT** these Petitions for Zoning Map Amendments due to the following: The Town Board of Royalton has recommended approval of these rezones and they are consistent with the Town’s Comprehensive Plan. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the zone change. D. Kussmann moved and T. Murphy seconded the motion to close the hearing at 10:28 a.m. The motion was carried.

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The third public hearing was called to order at 10:29 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present. Deb Giuffre said that all the names of persons notified of the hearing for all properties being rezoned in the Township of Dayton are on file in the Planning & Zoning Department. All properties in the Township of Dayton that are not served by a public sewer and are currently zoned in the SR (Sewered Residential) District are being rezoned to the RR (Rural Residential) District. No public sewer currently exists or is being proposed in the foreseeable future. This rezone process is making the zoning consistent with its current use. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

**Ryan Brown, Planning & Zoning Director**, explained that the data base for the mailing list included the property owners that are served by public sewer. Mr. Brown said that a second letter was sent to the property owners that anybody that is currently served by a public sewer would remain SR (Sewered Residential) District. He said if your property is not serviced by public sewer, the zoning classification will be changed to RR (Rural Residential) District to reflect the current use.

**Thomas Mangert was sworn in to testify.** Mr. Mangert said his property is a storage building on three (3) acres and was wondering if there would be a change in the tax base. Mr. Mangert said that in the future if he wants to add a second building, would that be allowed.

**Ryan Brown, Planning & Zoning Director**, said the zoning has no implications on the taxes. Mr. Brown said that additional structures may be added if all the setbacks are met.

**Bob Ellis was sworn in to testify.** Mr. Ellis said he is the Chairman of the Chain O’ Lakes Sanitary District. Mr. Ellis expressed his concerns regarding the data mailing error. He said that the Chain O’ Lakes Sanitary District is not growing or expanding at this time.

**Chris Klein was sworn in to testify.** Mr. Klein said the Town of Dayton Planning Commission and the Town of Dayton Town Board recommends approval of the zone change.

Chm. Penney called three times for any testimony in favor to the application. There was none.

Chm. Penney called three times for any testimony in opposition to the application. There was none.

D. Kussmann moved and W. Wilfuer seconded the motion to **GRANT** these Petitions for Zoning Map Amendments due to the following: The Town Board of Dayton has recommended approval of these rezones and they are consistent with the Town’s Comprehensive Plan. Roll call vote was taken:

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J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the zone change. D. Kussmann moved and T. Murphy seconded the motion to close the hearing at 10:38 a.m. The motion was carried.

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The fourth public hearing was called to order at 10:39 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **Kenneth Behnke Farms Inc:** Located in part of the SW ¼ of the NW ¼ of Sec. 12, Town of Union, lying off of County Highway O, Waupaca County, Wisconsin; for a Conditional Use Permit application for a Telecommunications Tower in a PVRF (Private Recreation and Forestry) District on approximately 40 acres. The Committee, Ryan Brown, Planning & Zoning Director, and Jean Gliniecki, Zoning Administrator, made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

**Jim Weinmann and Lori Kopecky were sworn in to testify.** Mr. Weinmann said he is the representative for U.S. Cellular and U.S Cellular is proposing to replace the existing tower. Mr. Weinmann said the existing tower is not built to support the current technology or the future loading and subtenants loading. Mr. Weinmann said the existing tower will be removed upon the completion of the new tower.

Chm. Penney called three times for any testimony in favor to the application. There was none.

Chm. Penney called three times for any testimony in opposition to the application. There was none.

**Deb Giuffre** read two (2) letters, one (1) from the Town of Union recommending approval of the application and one (1) from the Waupaca County Highway Department with recommendations.

**Jean Gliniecki, Zoning Administrator,** said the Planning & Zoning Office recommends approval with the proper permits and to obtain a fire number.

D. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the application for Conditional Use Permit due to the following: The Town Board of Union has recommended approval of this request and it is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: The tower must be in accordance with all of the regulations in the Mobile Service Facilities and Support Structures Ordinance. The applicant must submit a report prepared by an engineer licensed by the State of Wisconsin certifying the towers ability to accommodate additional antennas. The applicant shall provide a performance bond or letter of credit for security for removal. The applicant must obtain a Fire Number for this parcel from the Waupaca County Land Information Office. The applicant must obtain a Land Use Permit from the Planning & Zoning Office prior to the construction of the telecommunications tower. The applicant must contact the local Building Inspector to see if a Building Permit is necessary for the construction of the telecommunications tower. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 11:57 a.m. The motion was carried.

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The fifth public hearing was called to order at 11:58 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **Pat & Janet Barrett**: Located in Camp Cleghorn in Sec. 4, Town of Dayton, lying along Court Road, Fire Number N2306, Waupaca County, Wisconsin; for a Conditional Use Permit application for the replacement of a structure to be used for human habitation that doesn't meet the 22 foot minimum width requirement in an SR (Sewered Residential) District. The Committee, Ryan Brown, Planning & Zoning Director, and Jean Gliniecki, Zoning Administrator, made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

**Pat & Janet Barrett were sworn in to testify.** Mr. Barrett said they would like to replace the existing mobile home within the same footprint and the existing mobile home will be removed prior to the installation of the new one.

**Ryan Brown, Planning & Zoning Director,** said there were some concerns regarding the private drive road right of way. In the Waupaca County Zoning Ordinance the road right of way is a thirty (30) foot setback. Mr. Brown said the mobile home would have to be moved 4 ½ feet to meet the setback of a one (1) rod road.

Chm. Penney called three times for any testimony in favor to the application.

**Chris Klein was sworn in to testify.** Mr. Klein said the Town of Dayton Planning Commission and Town Board recommend approval of the application. Mr. Klein said that he is opposed to the one (1) rod road right of way for a private drive or a public road unless it is existing because it doesn't give sufficient clearance.

Chm. Penney called three times for any testimony in opposition to the application. There was none.

**Deb Giuffre** read two (2) letters, one (1) from the Town of Dayton recommending approval of the application and one (1) from a neighboring property owner opposed of the application.

**Jean Gliniecki, Zoning Administrator,** said the Planning & Zoning Office recommends approval with the proper permits.

T. Murphy moved and W. Wilfuer seconded the motion to **GRANT** the application Conditional Use Permit due to the following: The Town of Dayton Planning Commission and the Town Board of Dayton have both recommended approval of this request and it is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: The applicant must meet the required setback of 30 feet to the road right-of-way with the placement of the manufactured home. The applicant must obtain a Shoreland Permit from the Planning & Zoning Office prior to the placement of the manufactured home on the property. The applicant must check with the local Building Inspector to see if a Building Permit is necessary for the manufactured home. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 11:22 a.m. The motion was carried.

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The sixth public hearing was called to order at 11:23 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **James E. & K. Bartz Revocable Living Trust**: Located in part of the W ½ of the NE ¼ of the NE ¼ of Sec. 13, Town of Wyoming, lying along County Highway G, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from a PURF (Public Recreation and Forestry) District to a PVRF (Private Recreation and Forestry) District to correct a mapping error on approximately 19.4 acres. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

**Jean Gliniecki, Zoning Administrator**, said the proposed Petition for Zoning Map Amendment from a PURF (Public Recreation and Forestry) District to a PVRF (Private Recreation and Forestry) District is to correct a mapping error.

**Ryan Brown, Planning & Zoning Director**, said the mapping error most likely occurred when the Town of Wyoming created their Zoning maps.

Chm. Penney called three times for any testimony in favor to the application. There was none.

Chm. Penney called three times for any testimony in opposition to the application. There was none.

T. Murphy moved and D. Kussmann seconded the motion to **GRANT** the Petition for Zoning Map Amendment due to the following: The Town Board of Wyoming has recommended approval of this request and it is consistent with the Town's Comprehensive Plan. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the zone change. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 11:26 a.m. The motion was carried.

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The seventh public hearing was called to order at 11:27 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **JWT Subtrust**: Located in part of the SE ¼ of the NE ¼ of Sec. 13, Town of Wyoming, lying along County Highway G, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from a PURF (Public Recreation and Forestry) District to a PVRF (Private Recreation and Forestry) District to correct a mapping error on approximately 38.8 acres Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

**Ryan Brown, Planning & Zoning Director**, said this parcel is also in the Town of Wyoming and is being recommended for a Petition for Zoning Map Amendment from a PURF (Public Recreation and Forestry) District to a PVRF (Private Recreation and Forestry) District to correct a mapping error.

Chm. Penney called three times for any testimony in favor to the application. There was none.

Chm. Penney called three times for any testimony in opposition to the application. There was none.

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D. Kussmann moved and T. Murphy seconded the motion to **GRANT** the Petition for Zoning Map Amendment due to the following: The Town Board of Wyoming has recommended approval of this request and it is consistent with the Town’s Comprehensive Plan. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the zone change. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 11:29 a.m. The motion was carried.

**REVIEW:**

- The Planning & Zoning Committee reviewed the request for an extension on the Conditional Use Permit (CP-030-14) for David C. & Deborah S. Schneider located in Sec. 36, Town of Farmington for a Telecommunications Tower and Equipment Shelter. D. Federwitz moved and T. Murphy seconded the motion to grant a six (6) month extension. The motion was carried.
- The Planning & Zoning Committee reviewed the request for an extension on the Conditional Use Permit (CP-004-14) for Anthony L. & Pamela J. Beyer located in Sec. 10, Town of Weyauwega for an Onsite Agricultural Retail (winery, brewery and pick your own produce). T. Murphy moved and W. Wilfuer seconded the motion to grant a twelve (12) month extension. The motion was carried.

D. Kussmann moved and W. Wilfuer seconded the motion to adjourn the meeting at 11:38 a.m. The motion was carried.

Debra L. Giuffre  
Recording Secretary

cc: County Clerk