

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES – SEPTEMBER 3, 2015**

ON-SITE INSPECTIONS: The Committee made on-site inspections starting at 8:30 a.m. on the Donald L. & Tanna L. Anthony property, Town of Scandinavia; and the James A. & Laura L. Spiegelberg property, Town of St. Lawrence.

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 10:02 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. Jean Gliniecki read the names of persons notified of the hearing for the **Town of Lebanon**. In 2011, the Township of Lebanon went through a comprehensive rezone. At that time some properties, which were primarily wetlands, were assigned the Zoning District of Resource Protection (RP). Waupaca County has since changed the RP Zoning District to a wetlands overlay. This has left those properties without an actual zoning district. The Township has assigned Private Recreation and Forestry (PVRF), Agriculture and Woodland Transition (AWT), Rural Residential (RR) or Agriculture Retention (AR) as the Zoning District to make it consistent with the surrounding area and the Comprehensive Plan. This does not eliminate the wetlands overlay. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Ryan Brown, Planning & Zoning Director, explained the RP (Resource Protection) overlay. Mr. Brown said the Town of Lebanon assigned PVRF (Private Recreation and Forestry), AWT (Agriculture and Woodland Transition), RR (Rural Residential) or AR (Agriculture Retention). Mr. Brown also explained the transfer of development rights.

Joanne Thoma was sworn in to testify. Ms. Thoma asked about the AR (Agriculture Retention) District zoning for an adjoining property used for hunting land.

Ryan Brown, Planning & Zoning Director, explained the AR (Agriculture Retention) District is the least restrictive district and the wetlands would be the determining factor for any development.

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. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the Petition for Zoning Map Amendment due to the following: The Town of Lebanon approved these requests 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 changes.

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T. Murphy moved and W. Wilfuer seconded the motion to close the hearing at 10:12 a.m. The motion was carried.

The second public hearing was called to order at 10:13 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. Jean Gliniecki read the names of persons notified of the hearing for **Donald L. & Tanna L. Anthony**: Located in part of the SW ¼ of the NE ¼ of Sec. 18, Town of Scandinavia, lying along Gilman Road, Fire Number N6327, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from an AE (Agriculture Enterprise) District to an RR-O (Rural Residential - Overlay) District to convert a single family dwelling into a two family dwelling within Farmland Preservation with a Conditional Use Permit application to allow for animal husbandry in a residential district on approximately 2 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.

Donald Anthony was sworn in to testify. Mr. Anthony said they would like to put an addition on to the current dwelling and convert it to a duplex, which requires a Petition for Zoning Map Amendment to rezone the property to the RR-O (Rural Residential - Overlay) District to remove that property from Farmland Preservation. Mr. Anthony said they would also like to be able to have animal husbandry which requires a Conditional Use Permit.

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.

Jean Gliniecki read two (2) letters, both from the Town of Scandinavia recommending approval of the Petition for Zoning Map Amendment and Conditional Use Permit application.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval with the proper permits, must evaluate the existing septic system and must follow the Animal Density Unit Standards as required by the Wisconsin Department of Agriculture, Trade and Consumer Protection Agency.

T. Murphy moved and W. Wilfuer seconded the motion to **GRANT** the Petition for Zoning Map Amendment due to the following: The Town of Scandinavia Planning Commission and the Town Board of Scandinavia have approved 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. The motion was carried.

D. Federwitz moved and D. Kussmann seconded the motion to **GRANT** the application for Conditional Use Permit due to the following: The Town of Scandinavia Planning Commission and the Town Board of Scandinavia have recommended approval of this request. The following conditions **MUST** be met: The applicant must obtain a Land Use Permit from the Planning & Zoning Office prior to construction of the addition of the second dwelling onto the single family dwelling. The applicant must have the existing

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sanitary system evaluated to make sure that it is sized and sited properly. If the building sewer is to be altered, then a Reconnect Permit must be obtained. The applicant must obtain a Building Permit from the local Building Inspector prior to construction of the addition of the second dwelling onto the single family dwelling. The applicant must follow the Animal Density Unit Standards as required by the Wisconsin Department of Agriculture, Trade and Consumer Protection Agency. 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 D. Federwitz seconded the motion to close the hearing at 10:28 a.m. The motion was carried.

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. Jean Gliniecki read the names of persons notified of the hearing for **James A. & Laura L. Spiegelberg**: Located in part of the SE ¼ of the SE ¼ of Sec. 14, Town of St. Lawrence, lying along North Rail Road, Fire Number E4390, Waupaca County, Wisconsin; for an after the fact Conditional Use Permit application for a structure to be used for human habitation that doesn't meet the 22 foot minimum width requirement in an AR (Agriculture Retention) District on approximately 38.06 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.

Carol Spiegelberg was sworn in to testify. Ms. Spiegelberg said she is the mother of James and Laura and is representing them. Ms Spiegelberg said the cabin is used for family hunting and the cabin was too small for the family. She said the family put the addition on the cabin to upgrade and enlarge the cabin.

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.

Jean Gliniecki read one (1) letter from the Town of St. Lawrence recommending approval of the application with the condition that the fill be cleaned out of the ditch.

Lowell Oppor was sworn in to testify. Mr. Oppor said he is a Supervisor for the Town of St. Lawrence. Mr. Oppor said that fill was used for access and needs to be removed from the ditch for drainage.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval with the proper permits and the condition as requested by the Town which is the applicant must clean the fill out of the ditch back to the normal condition for drainage purposes.

D. Kussmann moved and T. Murphy seconded the motion to **GRANT** the Conditional Use Permit application due to the following: The Town of St. Lawrence Planning Commission and the Town Board of St. Lawrence both have recommended approval of this request. The following conditions **MUST** be met: The applicant must have a County approved sanitary system on the property. The applicant must obtain a Land Use Permit from the Planning & Zoning Office for the cabin. The applicant must clean the fill out of the ditch back to the normal condition for drainage purposes. The applicant must obtain a Building

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Permit from the local Building Inspector for the cabin. 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 10:55 a.m. The motion was carried.

REVIEW:

Conditional Use Permit (CP-009-10) for William Harris located in Sec. 33, Town of Matteson for a structure being used for human habitation that doesn't meet the 22 foot minimum width requirement on approximately 12.5 acres in the AWT (Agriculture and Woodland Transition) District. D. Federwitz moved and D. Kussmann seconded the motion to **APPROVE** this review and unless the Planning and Zoning Office receives any complaints, this permit does not need to come back for any further review. The motion was carried.

UPDATE: Director's Report

- Intern, Ken Thompson's term is completed
- Rezones within Farmland Preservation

The next Planning and Zoning Committee meeting has been scheduled for Thursday, October 1, 2015.

D. Kussmann moved and W. Wilfuer seconded the motion to adjourn the meeting at 11:04 a.m. The motion was carried.

Debra L. Giuffre
Recording Secretary

cc: County Clerk