

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES – JANUARY 7, 2016**

ON-SITE INSPECTIONS: The Committee made on-site inspections starting at 8:30 a.m. on the Michael E. & Beth A. Petruzates property, Town of Matteson; the Breezy Hill Farms LLC property, Town of Lind and the Paul N. & Billi Jo Behnke property, Town of Lind.

Chm. Penney called the meeting to order at: 10:29 a.m. with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present.

D. Kussmann moved and T. Murphy seconded the motion to approve the amended agenda as presented. The motion was carried.

D. Federwitz moved and W. Wilfuer seconded the motion to approve the minutes from the November 5, 2015 meetings. The motion was carried.

Public Comment: **Mike Jameson** commented on the parking lot owned by Maiman Real Estate LLC, Wheelhouse; Town of Farmington relating to the Ordinance. **Robert Ellis** commented on the parking lot owned by Maiman Real Estate LLC, Wheelhouse; Town of Farmington regarding commercial use in a residential area.

PUBLIC HEARINGS:

The first public hearing was called to order at 10:37 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 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 Matteson**. 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, explained the proposed Comprehensive Plan Amendment in regards to the Michael and Beth Petruzates property to be able to create development rights and three (3) parcels. Mr. Brown said that the current use of the property meets the criteria to remove from Farmland Preservation.

DuWayne Federwitz, Planning & Zoning Committee member, said he is the Town of Matteson's Chairman, and the Town of Matteson has no problem with the proposed amendment.

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 application for Comprehensive Plan Amendment for the Town of Matteson. 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. Federwitz moved and D. Kussmann seconded the motion to close the hearing at 10:46 a.m. The motion was carried.

The second public hearing was called to order at 10:47 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 **Michael E. & Beth A. Petruzates**: Located in Government Lot 11 of Sec. 6, Town of Matteson, lying along County Highway DD, Fire Number N11850, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from an AR (Agriculture Retention) District to an AWT (Agriculture and Woodland Transition) District to remove the property from the Certified Farmland Preservation zoning district area and be able to create three (3) parcels to be used for residential/recreational on approximately 50.73 acres. The Committee 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.

Michael Petruzates was sworn in to testify. Mr. Petruzates said he would like to divide the property into three (3) parcels. Mr. Petruzates said he would like to sell the house and barn and keep thirty-five (35) acres for hunting.

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 Matteson recommending approval of the application and one (1) from the County Highway Department with recommendations.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval.

D. Federwitz moved and D. Kussmann seconded the motion to **GRANT** the application for Petition for Zoning Map Amendment due to the following: The Town of Matteson Planning Commission and the Town Board of Matteson 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. D. Kussmann moved and T. Murphy seconded the motion to close the hearing at 10:53 a.m. The motion was carried.

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The third public hearing was called to order at 10:54 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 **Breezy Hill Farms LLC**: Located in part of the NE ¼ of the NE ¼ of Sec. 10, Town of Lind, lying along Galilee Road, Fire Number E4039, 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 remove property from the Certified Farmland Preservation zoning district area for the creation of an eight (8) acre parcel for a non-farm residence with a Conditional Use Permit application to allow for animal husbandry in a residential district. The Committee 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.

Steve Bartel was sworn in to testify. Mr. Bartel said he is proposing to remove eight (8) acres from farm use with an existing house to sell, and a Conditional Use Permit to allow for animals for the perspective buyers. Mr. Bartel said he has given up the required development rights for this to occur.

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

Joseph and Sharon Smith were sworn in to testify. Mr. Smith said he and his wife are the perspective buyers and would like to have a fruit orchard and possible beekeeping in the future. Ms. Smith said that their intentions are basically a hobby farm and want the option to have animals.

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

Deb Giuffre read two (2) letters from the Town of Lind 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.

DuWayne Federwitz asked that the Townships be made aware of the use of development rights.

Jean Gliniecki, Zoning Administrator, said the Townships are sent the transfer of development rights information.

Ryan Brown, Planning & Zoning Director, explained the required process for the use of development rights.

D. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the application for Petition for Zoning Map Amendment due to the following: The Town of Lind Planning Commission and the Town Board of Lind 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.

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D. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the application for Conditional Use Permit due to the following: The Town of Lind Planning Commission and the Town Board of Lind have recommended approval of this request. The following conditions **MUST** be met: 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 T. Murphy seconded the motion to close the hearing at 11:04 a.m. The motion was carried.

The fourth public hearing was called to order at 11:05 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 **Paul N. & Billi Jo Behnke**: Located in part of the N ½ of the NE ¼ of the NE ¼ of Sec. 32, Town of Lind, lying along Gravel Road, Fire Number N493, Waupaca County, Wisconsin; for a Conditional Use Permit application for a structure to be used for human habitation that doesn't meet the 22 foot minimum width requirement in a PVRF (Private Recreation and Forestry) District on approximately 1 acre. The Committee 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.

Paul Behnke was sworn in to testify. Mr. Behnke said his father turned the property over to him and his sister ten (10) years ago. Mr. Behnke said the mobile home has been on the property since 1989 and he put the travel trailer there two (2) years ago. Mr. Behnke said they were unaware of any issues with the property.

Jean Gliniecki, Zoning Administrator, read and explained the regulations regarding the travel trailer, mobile home and habitation of the shed. Ms. Gliniecki said the setback from the mobile home to the road needs to be verified by the Planning & Zoning Office.

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 one (1) letter from the Town of Lind recommending approval of the application with conditions.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval with the proper permits and conditions. Ms. Gliniecki explained the requirement for a code compliant sanitary system.

Paul Behnke came back for rebuttal, Mr. Behnke said he has a contract for a portable toilet and will set up an appointment to verify the setback of the mobile home to the road.

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T. Murphy moved and W. Wilfuer seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Lind Planning Commission and the Town Board of Lind have recommended approval of this request with their conditions. The following conditions **MUST** be met: The applicant must have a County approved sanitary system on the property. The setbacks for the structures must be verified by the Planning & Zoning Office to make sure that they meet the requirements. There shall be no human habitation allowed in the storage structures. The parking of one (1) recreational vehicle in an accessory private garage or building, or in a driveway of an existing residential unit is permitted, provided no living quarter shall be maintained in excess of thirty (30) days during the calendar year. The applicant must obtain a Land Use Permit from the Planning & Zoning Office for all the structures. The applicant must obtain a Building Permit from the local Building Inspector for all the structures. 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 11:25 a.m. The motion was carried.

DISCUSSION & POSSIBLE ACTION:

- Resolution No. 37 (2015-2016) to adopt Comprehensive Plan Amendment in the Town of Matteson. D. Federwitz moved and D. Kussmann seconded the motion to **APPROVE** the Resolution for the Comprehensive Plan Amendment, Town of Matteson and recommend it to the Waupaca County Board for their approval at their January 19, 2016 meeting. The motion was carried.
- Brian K. Tesch et al located in Sec. 11, Town of Weyauwega, concerning a gazebo being placed in an F-W (Flood Way) District. D. Federwitz moved and D. Kussmann seconded the motion to **POSTPONE** any action on this project until the Committee’s first regularly scheduled meeting in May, 2016. The motion was carried.
- Thiel Pit, Towns of Little Wolf & Royalton – Attorney Andy Phillips discussed the determination of legal nonconforming status. D. Federwitz moved and D. Kussmann seconded the motion to **GRANT** the determination of legal nonconforming status. The motion was carried.

UPDATE: Director’s Report

- Information regarding the proposed Wheelhouse parking lot, Town of Farmington.

D. Kussmann moved and T. Murphy seconded the motion to adjourn the meeting at 12:18 p.m. The motion was carried.

Debra L. Giuffre
Recording Secretary
cc: County Clerk