

TOWN OF LIBERTY GROVE PUBLIC MEETINGS

Plan Commission

Date: Wednesday, January 13, 2021

Time: 7:00 PM

Place: Town Hall, 11161 Old Stage Road, ****Via zoom****

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: 12-9-20
5. Public input
6. Discussion and possible action: Short-Term Rental (STRs) Ordinance
7. Consider list of discussion items for transient operations to include, but not limited to the following: food trucks, peddling taverns, etc.
8. Correspondence
9. Future meeting dates
10. Adjourn

Anastasia Bell, Clerk/Treasurer

Deviation from posted order may occur

Audience members must ask for permission, during public input, to speak on topics they wish to address

Members of the Liberty Grove Town Board or any other Liberty Grove Town committee, who are not members of the body whose meeting agenda is published in this notice, are entitled, as any other citizen of the Town of Liberty Grove, to attend this meeting in an unofficial capacity. It is possible the attendance of one or more non-members may create a quorum of the membership of another body. Such a quorum is unintended and the non-members are not meeting for the purpose of exercising the powers or duties attendant upon their membership on any Town committee or board.

Town of Liberty Grove is inviting you to a scheduled Zoom meeting (teleconferencing). To join the Zoom Meeting enter the following on your computer:

<https://us02web.zoom.us/j/81928583064?pwd=MUIwR0owUGhUT3pLVFhyVjJ4UzRFQT09>

Meeting ID: 819 2858 3064

Password: 647166

To find your local number visit <https://zoom.us/join>. To join the meeting by telephone dial one of the numbers below based on your location.

(312) 626-6799 US (Chicago)

(301) 715-8592 US (Germantown)

(646) 558-8656 US (New York)

(346) 248-7799 US (Houston)

(253) 215-8782 US (Tacoma)

(669) 900-9128 US (San Jose)

Town of Liberty Grove
Minutes of the Plan Commission meeting on December 10, 2020

(This meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: 10-14-20 & 11-11-20
5. Public input
6. Consider variance application: Porcupine Bay Properties LLC (c/o James D. Woodrum) – setback from a side property line, parcel 018-66-0531A
7. Consider petition for map amendment: Ellen Rundle parcels 018-02-15322813P6 & 13P7
8. Discussion and possible action: Liberty Grove Campground overlay
9. Correspondence
10. Future meeting dates
11. Adjourn

Chair Nancy Goss called the meeting to order at 7:01pm. Commissioners Lou Covotsos, Bill Surbaugh, Paul Bokelmann, Anne Miller, and Paul Schwengel were present along with Administrator Walter Kalms, Clerk/Treasurer Anastasia Bell and 7 members of the public via teleconference (Zoom). Commissioner Michael Mercier was excused.

Surbaugh moved, Miller second to approve the agenda as posted. Passed 6-0.

Surbaugh moved, Miller second to approve the 10/14/20 minutes as presented. Passed 5-0 with Goss abstaining.

Goss moved, Schwengel second to approve the 11/11/20 minutes as presented. Passed 6-0.

Public Input – None

Porcupine Bay Properties LLC variance – James Woodrum stated that the proposal would be a simple addition to create long-term living quarters. Bell read a letter from David and Kathryn Wisner and this letter is attached to these minutes. Schwengel asked if consideration was made to add onto the south; Woodrum responded that building to the north is simpler based on the current house layout, building to the south would require a complete reorganization of the rooms. Miller indicated she had the same question and noted the current layout was not included in the application materials. Goss noted that a variance can only be granted if the following three criteria are satisfied. First, there must be a hardship due to unique property limitations and cannot be self-created; the purchase of a property knowing the size and limitations causes this property to fail this test. Secondly there must be no harm to the public interest; there are some public who feel they will be harmed due to lack of privacy. Thirdly, it must be proved to be unnecessarily burdensome to complete the project without a variance. Covotsos indicated that the size of the building is the only item that may allow for the application to be accepted; Goss reported that the County records confirm the current size of the building is 756 sq. ft. so it is already within compliance. **Goss moved, Schwengel second** to recommend the non-support of a variance for Porcupine Bay Properties LLC, parcel 018-66-0531A, due to the hardship being self-created, not being linked to property limitations, only structural limitations, and having other

options available for an addition which would not require a variance. Roll call vote with Covotsos, Bokelmann, Surbaugh, Miller, Goss, and Schwengel voting aye, no nays. Passed 6-0.

Rundle map amendment – Ellen Rundle stated that the properties are currently zoned two ways and she is attempting to sell the properties with her sister and the interested buyer wants to build a single-family home. Covotsos noted this would not suggest spot zoning and it would maintain the rural nature of the Town Comprehensive Plan. Schwengel stated the initial review of the County website shows the entire property as High Density H(D) and it would be consistent with the Town's plan. Goss indicated that future maps show this as Mixed-use Commercial (MC), which would be consistent with the Town Plan and would allow for a single-family home or a commercial operation as it is meant to be a transition between commercial and residential areas. Miller reported that historically split zoned parcels have been changed to the zoning based on the majority of that parcel which would be HD in this case. Kalms indicated this split may have happened based on the location between the condominiums and the park during a previous broad brush-stroke zoning process. Also, the Town has the power to veto the County's decision related to zoning changes and would need to submit a letter explaining they have agreed with the property owners and all other changes would be vetoed. **Covotsos moved, Goss second** that the Plan Commission recommend to the Town Board the rejection of the zoning change from HD and Single-Family 30 (SF30) for parcels 018-02-15322813P6 & 018-02-15322813P7 to one that is zoned SF30 and recommends that the Town Board veto any zoning change for these parcels other than MC. Roll call vote with Surbaugh, Covotsos, Goss, Schwengel, Miller, and Bokelmann voting aye, no nays. Passed 6-0.

LG Campground Overlay – Goss reported that this document has been reviewed by the Town's Attorney and she has confirmed with Mariah Goode at Door County Planning that there is no conflict with the attorney's comment. She also noted that concerns can be added/addressed related to rentals if needed. Covotsos inquired if the County would consider adopting this for the County. Goss replied that this currently follows the County ordinance and State guidelines with the focus on protecting Heartland 15 (HL) zones. Liberty Grove is one of the only areas that is affected due to the amount of HL. **Goss moved, Bokelmann second** that this overlay, which has been reviewed by the Town's attorney be sent to the Town Board to implement the request to the County for the Liberty Grove Campground Overlay. Passed 6-0.

Correspondence – None

The next meeting was tentatively scheduled for January 13, 2021 at 7:00pm.

Surbaugh moved, Miller second to adjourn at 8:15pm. Passed 6-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

David & Kathryn Wisner
11789 Porcupine Bay Road
Ellison Bay, WI 54210
920-854-6279 / 847-877-2410
December 7, 2020

11161 Old Stage Road
Sister Bay, WI 54234

Re: Application for Petition for Grant of Variance by Porcupine Bay Properties, LLC (c/o James D. Woodrum), Parcel #018-66-0531A, 11767 Porcupine Bay Road

To the members of the Town Plan Commission,

Thank you for the opportunity to address the Porcupine Bay Properties, LLC Petition for Grant of Variance for the zoning ordinance that requires principal structures to be setback at least 20 feet from a side property line.

We — David and Kathryn Wisner — own the property directly north of 11767 Porcupine Bay Road. The proposed addition to the 11767 Porcupine Bay Road house would be only 10'4" from our property.

We purchased our home at 11789 Porcupine Bay Road, along with the adjacent lot, in the summer of 2018.

Our intention was to make Ellison Bay our permanent residence after David retired from teaching in the next few years.

We began exploring the option of adding onto our small A-frame house and spoke with Door County Zoning Administrator Richard Brauer to see if we could build an addition to the south given that we owned the adjacent lot. We discovered that because of setback rules, we could only extend our house to the north toward the main road and increasingly crowded public access beach at the end of it. This would not give us the privacy we desired, and so we decided to explore building a separate house on our lot to the south, the one that is adjacent to the property owned by Porcupine Bay Properties, LLC. We met this summer with Fish Creek architect David Greene to walk our property and begin the planning process.

We are extremely limited in where we can build given the setback rules. As a result, our house would necessarily have to be long and very narrow. David Greene felt that we would need to use the entire available area for building so we can include the features we want like an attached garage.

The buildable area for our home would come within the allowed 20 feet of the Porcupine Bay Properties, LLC property line. If the variance in question is approved, their two-story addition will put them only 30 feet from our home, which we believe will infringe on our privacy and also affect our ability to sell our house or this lot in the future. We spoke with our Door County real estate agent, and she concurred, saying "Privacy is why people buy up here."

While we understand the desire to expand the living space of the Porcupine Bay Road, LLC house, we are curious to know why the proposed addition to the house could not be made to the south where there is a very large side deck. We reached out to local real estate lawyer James Downey of Blazkovec, Blazkovec & Downey, who reviewed the complete application for this variance as submitted to the town. He said, "I think their assertion that they cannot build anywhere else on the property is without merit. They can comply with the ordinance by replacing the deck with structure."

We hope that the Town Plan Commission will recognize the negative impact that the proposed variance will have on us and recommend that it not be approved. Thank you again for the opportunity to voice our concerns and objections regarding the Porcupine Bay Road, LLC petition for grant of variance.

Sincerely,
David & Kathryn Wisner



Town Clerk <tlibertygrove@gmail.com>

Sevastopol Draft #7

Nancy Goss <ngoss@libertygrove.org>
To: Town Clerk <tlibertygrove@gmail.com>

Sat, Jan 9, 2021 at 10:06 AM

1. Here's the link for the latest TOS STR draft, which is on the town website home page. <https://townofsevastopol.com/wp-content/uploads/2020/12/Sevastopol-Short-Term-Rental-Ordinance-Draft-7-clean.pdf> As discussed the major change coming in Draft 8 will be the inclusion of Property Rules that STR owners must abide by.

Hi Stacy,
Here is the extra info I would like to send to the Planning Commission.

Thanks!

nbg

TOWN OF SEVASTOPOL
Door County, Wisconsin

ORDINANCE NO. xx-xxxx

**SHORT-TERM RENTAL OF RESIDENTIAL DWELLINGS ORDINANCE
OF THE TOWN OF SEVASTOPOL
DOOR COUNTY, WISCONSIN**

1. Title

This ordinance shall be entitled "The Short-term Rental of Residential Dwellings Ordinance of the Town of Sevastopol, Door County, Wisconsin".

2. Purpose

The purpose of this ordinance is to ensure that the quality and nature of the Short-term Rentals operating within the Town of Sevastopol ("Town") are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the town.

3. State Statutes Adopted - Authority

The Board of Supervisors of the Town is granted authority for adopting this ordinance under s. 60.10(2)(c) and s. 60.22(3), Wisconsin Statutes. The Town Board adopts this ordinance under its general village powers authority and s. 66.1014 of the Wisconsin Statutes.

4. Definitions

- A. "Property Owner" means the person or entity who owns the residential dwelling that is being rented.
- B. "Resident Agent" means a person who is not the Property Owner and who is authorized to act as the agent of the Property Owner for the receipt of service of notice and remedy of municipal ordinance violations and for service of process pursuant to this ordinance.
- C. "Residential Dwelling" means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.
- D. "Short-term Rental" means a Residential Dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

5. Short-term Rental License

- A. No person may maintain, manage, or operate a Short-term Rental more than ten (10) nights each year without a Town Short-term Rental license issued pursuant to this ordinance.
- B. Licenses shall be issued using the following procedures:
 - 1. All applications for a Short-term Rental license shall be filed with the town clerk on forms provided. Applications must be filed by the Property Owner or authorized Resident Agent. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.

- 45 2. The town clerk shall issue a Short-term Rental license to all applicants following payment of
46 the required fee, receipt of all fully completed documentation and information requested by the
47 application, and application approval by town board or its designee.
- 48 3. A Short-term Rental license shall be effective for one year and may be renewed for additional
49 one-year periods. The annual licensing term begins July 1st and ends June 30th the following
50 year. A fully completed renewal application and renewal fee must be filed with the town clerk
51 at least forty-five (45) days prior to license expiration so that the town board or its designee, if
52 required, has adequate time to consider the application. The renewal application shall include
53 any updated information since the filing of the original application. An existing license becomes
54 void and a new application is required any time the ownership of a residential dwelling licensed
55 for Short-term Rentals changes.
- 56 4. The town board may suspend, revoke, reject or non-renew a Short-term Rental license or
57 license application following a due process hearing if the board determines that the licensee:
58 a) failed to comply with any of the requirements of this ordinance; b) has been convicted or
59 whose Resident Agent or renters have been convicted of engaging in illegal activity while on
60 the Short-term Rental premises on two (2) or more separate occasions within the past twelve
61 (12) months; or c) has outstanding fees, taxes, or forfeitures owed to the town in violation of
62 Town Ordinances.

63

64 6. Operation of a Short-Term Rental

65 Each Short-term Rental shall comply with all of the following requirements:

- 66 A. No person may maintain, manage, or operate a Short-term Rental more than ten (10) nights
67 each year without a Short-term Rental license. Every Short-term Rental shall be operated by a
68 Property Owner or a Resident Agent.
- 69 B. Each Short-term Rental shall hold a valid State of Wisconsin Tourist Rooming House License
70 issued by the Department of Agriculture, Trade and Consumer Protection (DATCP), and shall
71 provide proof of such license by attaching a copy to the initial license application and all
72 subsequent renewal applications.
- 73 C. Each Short-term Rental shall be licensed by the Door County Tourism Zone Commission
74 (DCTZC), and shall provide proof of such license by attaching a copy to the initial license
75 application and all subsequent renewal applications.
- 76 D. Each Short-term Rental shall comply with all of the following requirements:
- 77 (1) No Residential Dwelling may be rented for a period of less than six (6) consecutive nights.
- 78 (2) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be
79 permitted on site as a means of providing additional accommodations for paying guests or
80 other invitees.
- 81 (3) If the property is not served by a public sanitary sewer, a private onsite wastewater treatment
82 system (POWTS) in full compliance with this ordinance and in accordance with Chapter 21 of
83 the Door County Code must serve the property.
- 84 (4) If the property is serviced by public sanitary sewer, occupancy is limited to the number of
85 occupants authorized by the tourist rooming house license issued by DATCP. If the property is
86 served by a POWTS, occupancy is limited to the number of occupants for which the POWTS
87 was designed, or the occupancy granted by the State tourist rooming license, whichever is
88 less.
- 89 (5) Sufficient off-street parking shall be available to accommodate all vehicles on the Short-term
90 Rental premises. Off-street parking shall be in compliance with Door County Comprehensive
91 Zoning Ordinance, Chapter 7. . On-street parking for renters of the Residential Dwelling is
92 prohibited, consistent with Town Ordinance No. 05-2016.
- 93 (6) Pets that accompany a renter are subject to Town Ordinance No. 01-2012, with the following
94 additional requirements:

- (a) Pets must be under the control of their owner and on a leash when outside the dwelling. Pets may be tethered securely to a leash or pulley-run on the premises, provided that the tethered pet is at least ten (10) feet inside the premises lot line.
- (b) Pet owners must adhere to minimizing pet noise, independent of whether the pet is inside or outside the dwelling.
- (c) Pet owners are prohibited from leaving their pet unattended on the Rental Dwelling premises. Unattended pets are subject to impoundment under Town Ordinance No 01-2012.
- (7) Signage shall conform to applicable Town and Door County ordinances.
- (8) Rental dwellings must be able to accommodate reliable telephone communications in case of emergency.
- (9) Any outdoor event held at the Short-term Rental shall last no longer than one day occurring between the hours of 10AM and 10PM. From 10PM to 10AM quiet hours shall be enforced. All activities shall be in compliance with the Town noise ordinance and other applicable Town and Door County ordinances.
- E. The Property Owner must reside within seventy-five (75) miles of the Short-term Rental during periods in which the Short-term Rental is rented.
- (a) This requirement may be waived if there is a valid Resident Agent (point of contact) located in Door County, in such a case, the Property Owner shall provide a copy of the Resident Agent contract to the Town and notify the Town within thirty (30) days of termination of any such contract.
- (b) To qualify as a Resident Agent the representative must reside within Door County or be a corporate entity with offices located within Door County.
- F. The Property Owner and/or Resident Agent must provide the town with current contact information and must be available twenty-four (24) hours a day, seven (7) days a week by telephone or email. The town must be notified within twenty-four (24) hours of any change in contact information.
- G. Each Short-term Rental shall provide a set of property rules that communicates relevant Town ordinances, DCTZC Best Practices and/or recognized neighborhood association standards of conduct that renters and their guests are expected to follow as part of their rental contract. The property rules shall also be posted in the Residential Dwelling.
- H. The Property Owner and/or Resident Agent must provide the following information to neighboring residential property owners located within 200-feet of the Short-term Rental dwelling property in all directions no later than seven (7) days from the date rental dwelling permit is issued or any time the Property Owner/Resident Agent contact information changes:
- (a) Telephone and email contact information to enable neighboring residential property owner or Town personnel to contact the Property Owner or Resident Agent twenty-four (24) hours a day, seven (7) days a week regarding disturbances or issues arising in connection with the rental of a Residential Dwelling.
- (b) Provide copy of property rules or other standard of conduct that is provided to renters
- (c) Provide their DATCP license number.
- I. The Property Owner shall have and maintain homeowner's liability or business liability insurance for the premises that are used for short term rental and shall provide written evidence of such insurance with the initial license application and all subsequent renewal applications.

7. Penalties

- A. Any person, partnership, corporation, limited liability company, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$1000.00, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.

B. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this ordinance or otherwise.

8. Fees

Initial short-term rental application fee\$_____ \$500

Renewal short-term rental renewal application fee\$100.00

Late fees\$100.00

Inspections (as necessary)\$100.00

9. Severability

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

10. Effective Date and Publication

This ordinance shall become effective upon adoption and publication as required under s. 60.80, Wis. Stat.