PLAN COMMISSION MEETING MINUTES
of DECEMBER 17, 2024 at 7 PM

Members Present: Mike Calewarts, Keith Brunner, Jared Post, Kathy Janssen, Melissa Trepanier, Bill Krueger, Bill Hafs, Zoning Administrator, Michelle Wallerius, Clerk. Alex Sickel, Attorney for the Town.

Meeting called to order by Bill Krueger at 7:00 p.m.

1. Approve Minutes of November 4, 2024: Motion by Mike Calewarts and seconded by Jared Post to approve Minutes of November 4, 2024. MC

2. Nonconforming Use Permit and request to rezone parcel ND-116-3 from Ag-1 to Ag-R to construct a residential home on 4.42 acres with 100 feet of road frontage. This parcel is located at County Highway R and is zoned Ag-1: Steve Zeitler and Susan Karner from Coldwell Bankers present on behalf of property owner, Clem Kafka. Steve Zeitler handouts plat of survey which shows proposed driveway drawn in where existing culvert is located. Driveway is 16 feet – which allows for 10 foot set back from property lines; 2,000 sq foot home with three-stall garage drawn in with 25-foot setbacks and 25 feet set back from the steep slope per Brown County guidelines. Proposed mound system to be located near driveway, which would be 100x25 feet. Discussion of turnaround for emergency vehicles. There is a 6-foot existing utility easement to the north. Ed Ward of 5072 County Hwy R inquires when the plat was provided to the Commission, as he was not provided with a copy. Mr. Zeitler submitted it tonight. Mr. Ward questions the feasibility of a mound system as a soil site survey was done in October and it was noted that a holding tank would be recommended. Concern about drainage from his property if driveway is installed as proposed as the water flows southeast through the proposed driveway. Mr. Zeitler states a culvert would be required for the driveway and the map does not denote the area as a navigable stream so the issue of water flow could be addressed. Mr. Ward states the discussion of a non-conforming use permit would require an informational building permit and specific plans for a new home, what is being proposed is not being submitted to be constructed or built at this time; and the property is currently not zoned appropriately for this request to move forward. Susan Karner states a mound system or holding tank would actually be at the discretion of the new property owner and Brown County could make that determination. Attorney Sickel states Mr. Ward is correct the zoning of the parcel should be addressed first, prior to addressing the non-conforming use permit. The Plan Commission would need to consider the following factors: If this request is consistent with the Comprehensive Plan? Is there a need for more land in the district? Will this request impact traffic and other services? Does this request impact the enjoyment of adjourning landowners? Does this request create spot zoning? The Plan Commission can also recommend an alternative zoning if they feel that is more appropriate – such as R-1.

Melissa Trepanier states when this was originally discussed, the CSM that was presented was determined it was from 1998; when in fact the CSM was changed and from a different date. She feels the creation of a new CSM after the fact changes the circumstances and intent of what was previously presented. She feels this is a new request before them since this is not what was on file in 1998. Steve Zeitler states Ken Kafka who previously owned the Ward residence asked his father for additional property and Clem sold land to his son from parcel ND-116-3 and this was recorded by a quick claim deed. Mike Calewarts feels that constitutes a new CSM and would be bound by the zoning code as of that date. Melissa Treapanier states this request for rezoning does not meet the zoning requirement for a new home under the proposed Ag-R zoning. Still lacks frontage. Steve Zeitler feels the Boards original intent was to have it R-1 zoning when this CSM was approved in 1998. Melissa Trepanier states the Town did not have that zoning for any other parcel and that zoning was intended for parcels with sewer and water. Steve Zeitler feels the zoning should be consistent with what the neighboring properties are zoned. Plan Commission notes there are a number of parcels that are Ag-R in this area with commercial zoning to the south. Future growth in the Comprehensive Plan does denote this parcel as suitable for Ag-R.

Steve Zeitler states from the last meeting, he submitted what he thought the Commission was requesting. He worked to comply with the AG-R zoning requirements. Melissa Trepanier states at that meeting, the Plan Commission was under the assumption the CSM presented was from 1998, but it was not and actually changed. The Brown County land records reflect this parcel has 4.42 acres and your plat of survey shows 3.67 acers which is not consistent. Plan Commission reviews criteria for rezoning. The positives and negatives are equally balanced. Bill Hafs the Zoning Administrator states he personally walked the parcel and due to the landscape of the ravine and parcel, he feels it would be difficult to place a home on this parcel. Mr. Zeitler reviews Brown County records and feels the land from the quick claim deed in 2016 was added to Mr. Ward's property, but not deducted from this specific parcel. He states the County records are incorrect and not updated.

Susan Karner inquires what is the benefit to keep it agricultural? Plan Commission discusses if they approve the rezone, will potential buyers be made aware that the parcel remains non-conforming and are limited to the size or location of the home that could be built. If they cannot build where and what they want, they will be back to the Town requesting additional variances and changes, because the lot is limited. The Plan Commission feels it is premature it issue a non-conforming use permit; but if they rezone it to Ag-R they are almost saying it is buildable and the two are tied together. Melissa does not object to the rezoning, but a variance or non-conforming use permit would be necessary. Administrator Hafs states if the Plan Commission rezones, they are opening the door to potential building; but if they keep it Ag-1 it would limit it for potential buyers. Melissa states the setbacks meet all the requirements on the current

CSM, except for the frontage; but the main concern of the Plan Commission is will potential buyers be advised to all the issues or concerns that are raised with this lot. Administrator Hafs states it is a terrible parcel and should never have been split. Susan Karner inquires if Mr. Ward was to purchase it, he could not combine it with his due to the different zoning. Steve Zetiler states the CSM was approved by the Board with the intent for the rezone to R-1. The Clerk, states she reviewed the Minutes and the CSM was approved, but there is no reference to a rezone or other action on this parcel. Keith Brunner states the intent to rezone to R-1 is an assumption. Discussion the CSM was approved in 1998, but changed in 2016. Motion by Keith Brunner and seconded by Kathy Janssen to deny the rezoning request. Motion carried unanimously. 6-0. No need to address non-conforming use permit at this time. Motion by Keith Brunner and seconded by Melissa Trepanier to deny the non-conforming use permit. MC unanimously. 6-0. Public hearing to be held on January 13, 2025 at 6:45 p.m. with matter on Town Board agenda for January 13, 2025.

3. Any other business of the Commission may deem appropriate. No further business.

Motion by Mike Calewarts and seconded by Keith Brunner to adjourn at 8:05 pm.