

**DODGE COUNTY PLANNING, DEVELOPMENT AND PARKS COMMITTEE
MINUTES
March 20, 2017**

The Dodge County Planning, Development and Parks Committee met on March 20, 2017 at 7:00 p.m. on the 1st Floor of the Administration Building, Juneau, Wisconsin.

Chairman Schaefer called the meeting to order. Roll Call was taken. Members present were Tom Schaefer, Allen Behl, William Muche and Joseph Marsik. Members excused were Janice Bobholz. The staff present at the request of the Chairman was Joseph Giebel.

The Chairman asked the staff to confirm compliance with the open meeting laws and the public hearing notice requirements. Mr. Giebel noted that the meeting was properly noticed in accord with the open meeting law and noted that the required notices for the public hearings listed on the agenda were posted, mailed and published in accord with the statute and code requirements.

The agenda was reviewed.

Motion by William Muche to approve the agenda and allow the Chairperson to go out of order as needed to efficiently conduct the meeting. Second: Allen Behl. Motion carried.

ADMINISTRATIVE BUSINESS

1. The minutes from the March 6, 2017 meeting were reviewed by the Committee.

Motion by Joseph Marsik to approve the minutes as written.

Second by William Muche Vote: 4-0 Motion carried.

2. Joseph Marsik provided the Committee with information on a current Supreme Court Case that is being heard regarding a property rights dispute in Wisconsin. The case involves whether a County has the right to require substandard lots to be “merged” under their Subdivision Ordinances.

3. No Additional Per Diems.

The hearing procedures were read into the record.

PUBLIC HEARING

Dawn and Michael Faber – Request to rezone approximately 40-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District under the Land Use Code, Dodge County, Wisconsin to allow for the creation of 3 non-farm residential lots at this location. The property is located in part of the NE ¼ of the SW ¼, Section 9, Town of Leroy, the site address being W3921 N Point Road.

Motion by Allen Behl to submit a favorable recommendation to the County Board to rezone approximately 40-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural Zoning District under the Land Use Code, Dodge County, Wisconsin to allow for the creation of 3 non-farm residential lots at this location.

Second by William Muche Vote 4-0 Motion carried.

Motion by order of the Chair to adjourn the meeting.

Motion carried.

Meeting adjourned at 7:26 p.m.

Respectfully Submitted,

Allen Behl, Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.

Land Resources and Parks Department Staff Report

County Conditional Use Permit Application # 2017-0102

Owner:

Nicholas J. Maas
W6934 Arbor Road
Juneau, WI 53039

Filing Date: February 27, 2017

Hearing Date: April 3, 2017

Location

PIN#: 034-1115-3044-004

Location: Part of the SE ¼, SE ¼, Section 30, Town of Oak Grove, the site address being W6934 Arbor Road.

Applicants Request

An application for a County Conditional Use Permit was made by the applicant in order to bring the nonconforming residential use of the property into compliance with the C-1 General Commercial Zoning District in order to allow for the construction of a detached garage on this site.

Project Details:

The applicant owns an approximate 1.00 acre lot at this location and intends to construct a detached garage on the lot located at W6934 Arbor Road. According to the County's records, the applicant's property is located within a C-1 General Commercial Zoning District and single-family residential uses are listed as a conditional use within this district. The Department has no record of a conditional use permit having been issued for the residence on this lot and according to County records, the residential use of the property was established prior to the adoption of County Zoning Code by the Town of Oak Grove. The County considers the existing residential use of the property to be a legal existing, non-conforming use and the construction of a garage on this property would be considered by the County as an expansion of the legal, existing, non-conforming use of the property which is prohibited by the Code. A conditional use permit request has been submitted by the owner of the property in order to bring the existing residential use of the property into compliance with the Code, thereby allowing for the construction of the proposed garage on this property.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Oak Grove has adopted the County's Land Use Code. The property is located within the C-1 General Commercial Zoning District.

Review Criteria

1. Subsections 2.3.6.A through 2.3.6.H of the Land Use Code details procedural matters, the approval criteria and the form for the conditional use permit application. The Committee shall authorize the Land Use Administrator to issue a Conditional Use Permit (CUP) for conditional uses after review and a public hearing, provided that such conditional uses or structure are found to be in accordance with the purpose and intent of this Code and the approval criteria provided in Section 2.3.6.F and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the area.

Land Use Code Provisions:

1. Section 3.6 and Table 3.6-1 of the Land Use Code identifies "single family residences" as a conditional use in the C-1 General Commercial Zoning District.

2. Section 10.2.1 of the Code states that the lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Code may be continued although the use does not conform to the provisions of this Code. However, only the portion of the structure, land or water in actual use may be so continued, and the structure, land, water or area within which the use is contained may not be extended, enlarged, modified, added to, repaired, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order, so as to comply with the provisions of this Code, or in accord with Sec. 10.2.4.

Purpose Statement

The purpose of the C-1 General Commercial Zoning District is to promote compact commercial areas for smaller retail service and office uses that facilitate pedestrian, rather than vehicular, circulation and encourage shopping for a variety of goods and services, subject to appropriate standards.

Physical Features of Site

The features of the proposed construction and property that relate to the granting or denial of the conditional use permit request are as follows:

The site is located within the C-1 General Commercial Zoning District.

The topography of the site is gently rolling with slopes ranging from 0 to 3%;

Land Use, Site: Residential

Land Use, Area: Mixture of commercial, residential and agricultural uses scattered throughout the area along County Road I and County Road A.

Designated Archaeological Site: Yes No

Town Recommendation: Approve Deny No recommendation submitted

STAFF ADVISORY:

This staff advisory is only advice to the Planning, Development and Parks Committee. The Committee may or may not consider the advice of the staff and decision making authority is vested in the Committee only.

The staff has reviewed the proposal for compliance with the criteria listed in Sections 2.3.6.F of the code. The staff comments are listed in Exhibit A for review by the committee.

It is the staff's position that the continued residential use of this property and the construction of a garage on this site as proposed is in compliance with the applicable provisions of the Dodge County Land Use Code and the staff believes that the Committee will be able to make the findings necessary under Section 2.3.6.F of the code that are required to approve the Conditional Use Permit for this project. If approved with the following conditions, the staff believes that the project will not have an adverse effect on the adjacent land owners, the community or the environment and the proposal will be consistent with the purpose and intent of the Code.

CONDITIONS:

- 1. The applicant shall obtain the required permits and approvals for the proposed garage, prior to the construction of the garage.**

EXHIBIT A

Staff Review Comments

The staff has reviewed the proposal for compliance with the criteria listed in Section 2.3.6.F of the code. The staff comments are as follows:

2.3.6.F.2 Is the project compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

- It is the staff's position that if the project is constructed in compliance with the development standards of the code, the proposal will be compatible with the adjacent uses;

2.3.6.F.3 Will the proposed use be significantly detrimental to the public health, safety, and welfare?

- It is the staff's position that the continued residential use of the property will not have a significant detrimental impact on the adjacent properties or the community;

2.3.6.F.4 Will the project cause substantial diminution in value of other property in the neighborhood in which it is to be located;

- It is the staff's position that the continued residential use of the property will not have an adverse impact on the value of other property in the area;

2.3.6.F.5 Are public safety, transportation and utility facilities and services available to serve the subject property while maintaining sufficient levels of service for existing development?

- It is the staff's position that there are adequate public facilities to serve the property;

2.3.6.F.6 Are there adequate assurances of continuing maintenance for the project?

- It is the staff's position that there are adequate assurances of continuing maintenance for the project.

2.3.6.F.7 Will any significant adverse impacts on the natural environment be mitigated to the maximum practical extent?

- It is the staff's position that if the project is constructed in compliance with the development standards of the code, the project will not have any significant adverse impacts on the natural environment

2.3.6.F.8 The proposed use will not be located in any hazard areas, including floodplains, floodways, etc., unless any potential danger is mitigated to the maximum extent possible, and to the satisfaction of the Wisconsin Department of Natural Resources;

- It is the staff's position that the residential structure located on this property is not located within a hazard area.

2.3.6.F.1 Does the proposed project comply with all applicable provisions of this Code;

- It is the staff's position that the proposed project and the existing residential use of the property complies with the applicable provisions of the code.

Dodge County Planning, Development and Parks Committee Decision

County Conditional Use Permit Application # 2017-0102

Owner:

Nicholas J. Maas
W6934 Arbor Road
Juneau, WI 53039

Filing Date: February 27, 2017

Hearing Date: April 3, 2017

Location

PIN#: 034-1115-3044-004

Location: Part of the SE ¼, SE ¼, Section 30, Town of Oak Grove, the site address being W6934 Arbor Road.

Applicants Request

An application for a County Conditional Use Permit was made by the applicant in order to bring the legal existing nonconforming residential use of the property into compliance with the C-1 General Commercial Zoning District in order to allow for the construction of a detached garage on this site.

CONCLUSIONS OF LAW

Based on the facts presented in the application and at the public hearing the Committee concludes that:

2.3.6.F General Approval Criteria for Conditional Use Permits

Conditional Use Permits shall be approved by the Committee if they find that all of the following criteria have been met:

2.3.6.F.2 Is the proposal compatible with adjacent uses in terms of scale, site design, operating characteristics? (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

(Yes / No)

If not, what measures can be taken to mitigate any potential conflicts?

2.3.6.F.3 Will the residential use of this property be significantly detrimental to the public health, safety, and welfare?

(Yes / No)

If yes, what measures can be taken to mitigate the potential detrimental impacts?

2.3.6.F.4 Will the proposed residential use of this site cause substantial decrease in value of other property in the neighborhood in which it is to be located;

(Yes / No)

If yes, what measures can be taken to mitigate the decrease in the value of the properties?

2.3.6.F.5 Are public safety, transportation and utility facilities and services available to serve the subject property while maintaining sufficient levels of service for existing development?

(Yes / No / Not Applicable)

If not, what can be done to ensure facilities and services will be available?

2.3.6.F.6 Are there adequate assurances of continuing maintenance for the project?

(Yes / No/ Not Applicable)

If no, what measures can be taken to ensure continued maintenance?

2.3.6.F.7 Will there be any significant adverse impacts on the natural environment that require mitigation?

(Yes / No)

If yes, what measures can be taken to mitigate the potential adverse impacts on the environment?

2.3.6.F.8 Is the project located in any hazard areas? (floodplains, floodways, steep slopes, etc)

(Yes / No)

If yes, are there any measures that need to be taken to mitigate any potential dangers?

2.3.6.F.1 Does the proposed project comply with all applicable provisions of this Code?

(Yes / No)

If not, what changes must be made to bring the project into compliance with the code?

Are any conditions for approval needed in this case to mitigate any potential adverse impacts on the adjacent properties, the environment or the community?

(Yes/No)

- 1. The applicant shall obtain the required permits and approvals for the proposed garage, prior to the construction of the garage.

Others

Does the committee believe that the Conditional Use Permit Request meets the approval criteria in Section 2.3.6.F of the County Land Use Code? (Yes / No)

Motion by _____ to approve the conditional use permit request based upon the previously mentioned findings and conditions.

Motion second _____

Vote

Allen Behl	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Janice Bobholz	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
William Muche	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Joseph Marsik	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Tom Schaefer - Chairman	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter the committee

- Granted preliminary approval of the conditional use permit subject to the conditions listed above and the Land Use Administrator is directed to issue a conditional use permit incorporating the decision of this Committee.
- Granted the conditional use permit request as proposed and the Land Use Administrator is directed to issue a conditional use permit incorporating the decision of this Committee.
- Denied the conditional use permit request as proposed. The committee finds that the proposal does not meet the following approval criteria of the code:

Expiration of Approval Any order issued by the Committee requiring a Zoning official to issue a conditional use permit shall become void after one year unless the applicant or appellant shall have met the conditions of approval for such permit and a conditional use permit has been issued by the Zoning official within such time, provided, that the time may be extended when so specified by the Committee.

Revocation. This order may be revoked by the Committee in accord with Section 11.4.4 of the Dodge County Land Use Code after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals. This decision may be appealed by any person or their agent aggrieved by this decision or by any officer, department, board or bureau of the County, or by any affected town board. Such appeals shall be filed with the Dodge County Land Resources and Parks Department or the review and decision making body from whom the appeal is taken within 30 days after the date of written notice of the decision or order of the review and decision making body. The County assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

Dodge County Planning, Development and Parks Committee

Signed _____ Attest _____
Chairperson Secretary

Dated: _____ Filed: _____



DODGE COUNTY
LAND RESOURCES & PARKS DEPARTMENT
 127 E. OAK STREET • JUNEAU, WI 53039
 PHONE: (920) 386-3700 • FAX: (920) 386-3979
 E-MAIL: landresources@co.dodge.wi.us

**CONDITIONAL USE PERMIT
 APPLICATION**

THIS AREA FOR OFFICE USE ONLY	
Activity No. 17010a	Permit Issued Date
Application Date: 2-24-17	Receipt #: 895685
	Sanitary Permit #:

Application Fee: \$350 (After the Fact Application Fee - \$700)

Please complete page 1 and 2 of this application form and submit the application form with all of the required information listed in the "Application Checklist" for your project. PRINT OR TYPE. Use blue or black ink, do not use pencil. The Dodge County Land Resources and Parks Department will not consider your application unless you complete and submit this application form, the applicable information listed in the "application checklist" for your proposed project and the application fee. Personally identifiable information on this form will not be used for any other purpose, but it must be made available to requesters under Wisconsin's open records law [s.19.31-19.39, Wis. Stats.].

(1) NAMES & MAILING ADDRESSES	(2) PROPERTY DESCRIPTION			
Applicant (Agent) Nicholas MAAS	Parcel Identification Number (PIN) 034-1115-3044-004			
Street Address W 6934 Arbo Beach	Town DAK GROVE	T 11	N 15	R 15
City • State • ZipCode Juneau, WI 53039	1/4 SE	1/4 SE	Section 30	Acres 30
Property Owner (if different from applicant)	Subdivision or CSM (Volume/Page/Lot)			
Street Address	Address Of Property (DO NOT include City/State/ZipCode)			
City • State • ZipCode	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

(3) PROPERTY USE	(4) PROPOSED PROJECT
<p align="center">Current Use Of Property</p> <input type="checkbox"/> Vacant Property <input checked="" type="checkbox"/> Single-Family Residential <input type="checkbox"/> Active-Working Farm Operation <input type="checkbox"/> Business • Industrial • Commercial • (Describe below) Other _____	<p align="center">(Please check/complete all that apply below)</p> <input type="checkbox"/> Non-Farm Residential Lot <input checked="" type="checkbox"/> Single Family Residence <input type="checkbox"/> Two-Family Residence <input type="checkbox"/> Multi-Family Residence <input type="checkbox"/> Tavern or Restaurant <input type="checkbox"/> Professional Office <input type="checkbox"/> Non-Metallic Mine/Quarry <input type="checkbox"/> Wind Tower <input type="checkbox"/> Create/Expand Business <input type="checkbox"/> Wildlife Pond > 2-acres <input type="checkbox"/> Wireless Communications Tower <input type="checkbox"/> Contractor's Offices and Storage Yards <input type="checkbox"/> Filling, Grading or Dredging in the Shoreland District Other: Building Detached Garage Bring residential uses of property into compliance with U-1 District.
DNR Notice	
<p>DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.</p>	

(5) CERTIFICATE

I, the undersigned, hereby apply for a Conditional Use Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that I have read the DNR Notice shown above. I affirm that all work performed will be done in accordance with the Dodge County Land Use Code and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for purposes of obtaining information pertinent to my application request and to conduct land use code inspections.

Signature **[Signature]** Date **2/18/17**

Daytime Contact Number **(920) 941-0025**

AREA BELOW THIS LINE FOR OFFICE USE ONLY

PLANNING, DEVELOPMENT & PARKS COMMITTEE ACTION

Date of Decision _____ Decision _____

<input type="checkbox"/> APPROVED	CONDITIONS	Land Resources and Parks Department
<input type="checkbox"/> DENIED		Date: _____

Dodge County Quick Mapper

3844-000

The data used to create this map is a compilation of records, information, and data from various city, county and state offices and other sources. This map is only advisory, does not replace a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.



A

ROW

COUNTY ROAD A

COUNTY ROAD A

ARBOR RD

OAK GROVE

to be removed

to be removed

N5293

3011-007

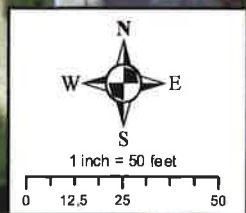
3017-000

N5294

3011-000

W6925

Dodge County Land Resources & Maps



General	Floodplain/Wetland	COUNTY ZONING	
Urbanized Roads	Floodplain (May 19th 2014)	PLANNED UNIT DEVELOPMENT	GENERAL COMMERCIAL
Soils	Flood Storage Areas (2014)	HARTFORD EXTRATERRITORIAL	EXTENSIVE COMMERCIAL
Airport Ordinance 3-Mile Buffer	DNR Wetland (2006)	GENERAL AGRICULTURAL	LIGHT INDUSTRIAL
Sewer Service Areas	DNR Wetland Points (2006)	PRIME AGRICULTURAL	INDUSTRIAL
Elevation Contours (2' & 10')	<u>Shoreland Zoning</u>	ONE FAMILY RESIDENTIAL	CITY OR VILLAGE
<u>WI Historical Society</u>	Lake/Pond/Slough Buffer	TWO FAMILY RESIDENTIAL	RIGHT OF WAY
Historic Structures	Lakes/Ponds/Sloughs	MULTI-FAMILY RESIDENTIAL	WATERBODY
Archaeological Sites	Rivers/Streams/Creeks		
Survey Areas	Horicon Marsh (860' Contour)		

Date: 2/27/2017

Nicholas & Kathleen Maas Town of Oak Grove, Sec. 30

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A north arrow is located in the bottom right corner, pointing upwards. Below it is a scale bar with markings at 0, 37.5, 75, and 150 feet. The text below the scale bar reads: "Dodge County Land Resources & Parks 2012 Aerial Photo One Inch = 150 Feet".