

**TOWN OF LODI  
PLAN COMMISSION MEETING MINUTES  
OCTOBER 9, 2017**

**1. Call to order & roll call:** Meeting called to order at 6:00 pm by Chairman Krause. 5 Commission members present: Kris Krause, Tom Marx, Jack Pfister, Robert Robbins, James Bechen. Absent (excused): Terry Martindale, James Matras. Also present: Dan Schrum (Ayres Associates), Atty. Lawrence Bechler (Murphy Desmond, S.C.), Atty. Paul Johnson (Boardman & Clark, LLP), Scott Hewitt (Grothman & Associates Land Surveyors), Robert Rapp, Roberta Arnold.

**2. Certified Survey Map (CSM) involving Parcels 11022-267.01 & 11022-267.B, at W11527 CTH V, owned by the Virgil E. & Wanda L. Wetzel Living Trust, c/o Steve Wetzel:** Hewitt – what we’re looking at here is a CSM that shows 3 parcels. Lot 1 is an unbuildable Parcel 267.D, owned by Virgil & Wanda Wetzel Trust that has a boathouse, Lot 2 is Parcel 267.02 owned by Roger & Donna Wetzel with a rental home on it, Lot 3 includes parcels 267.B & 267.01 which has the Virgil & Wanda Wetzel home plus an old unoccupied cottage on 267.B. This area has been Wetzel family property for many years, and uses a shared driveway. Atty. Johnson is working on an easement/shared driveway agreement to continue that for the buyer of the Virgil & Wanda Wetzel property with the home and cottage on it. Krause – talking with Schrum it looks like the CSM as prepared by Hewitt is not correct. Hewitt – it is incorrect at this time, and will be corrected before being recorded at Columbia County. The CSM shows a 70’ right-of-way for CTH V between Parcel 267.D and CTH V (greatly reducing the size of that parcel), which is not how the county shows it. There’s a lot of history relating to this area. Originally Virgil Wetzel owned all the property from his home to CTH V on that side of the shared driveway. Then Virgil deeded the parcel, though not exactly as shown on previous CSM (now owned by Roger & Donna with rental home) to his father, and his father built a home on it. Approx. 1992 Roger & Donna Wetzel took over ownership of that parcel. In working on this we’re doing a lot of housecleaning on things that were deeded and not formally recorded. Bechler – this CSM makes it look like the county has road right-of-way 140’, which I can’t believe they (the County) would want it. It’s important to get that cleared up because a boathouse is shown as 2.6 off of that road right-of-way. I would think that there needs to be a covenant recorded with Lot 1 that it can not be conveyed as a residential building lot, and can’t be conveyed without the other Virgil Wetzel lot being conveyed with it. Krause – shouldn’t Lot 1 be called an Outlot, and then Lot 3 would become Lot 1 and Lot 2 would remain Lot 2 (owned by Roger & Donna Wetzel). Bechler – I’d think Virgil & Wanda Wetzel would be compensated for the loss of land in Lot 1 to the County. Hewitt – WP&L had title to it already via a fee simple. Bechler – possibly we should require a title report on these properties to clarify. Another question, on your CSM you show the Parcel 267.01 the same as previously shown on a CSM.

Krause – (1) Lot 1 on the CSM shouldn’t be a lot. But you’re (Hewitt) are saying you’re just drawing it as Virgil Wetzel. Hewitt – that reduced Lot 1 is going to be deeded to Martin & Mary Kay Wetzel (so that he has waterfront with the boathouse). That parcel, as shown by Columbia County, is incorrect, so this CSM has corrected that. Bechler – have you discussed this all with the County? Hewitt – yes. Krause – I talked with John Bluemke of CCP&Z but the only thing we focused on was what is Lot 1 in this CSM, with Virgil & Wanda Wetzel’s home and old cottage. Hewitt – I can take everything out of this CSM and have it just include what’s shown as Lot 2 and Lot 3 on this CSM, removing Lot 1.

Krause – where we’re at is asking you (Hewitt) to fix Lot 1. Hewitt – Virgil/Wanda Wetzel have an accepted offer for Lot 1 of this CSM with a closing coming up. Hewitt – I can change Lot 1’s title to Outlot (and Lot 3 to Lot 1, and Lot 2 stays Lot 2). Bechler – if the County widens CTH V they could end up tearing down the boathouse. Hewitt – it’s not the only building possibly in the right-of-way of CTH V improvements. Bechler – but it’s what we’re looking at tonight. Krause – do we ask him to make this a 2 lot CSM (not including what is shown as Lot 1 now) so that this doesn’t hold up closing on the Virgil & Wanda Wetzel sale. Hewitt – it seems a

hardship for the Town to require Lot 1 be removed from the CSM in order to possibly get approval of the CSM. Krause – the cleanest way to handle this right now is to take Lot 1 off of the survey. Pfister, Robbins, Marx – agree. Bechen – either they fix it or take Lot 1 off of the CSM. Hewitt – I just don't understand what is "broken" here. Krause – you (Hewitt) could be wrong in your understanding of the documents you've obtained, and only a title search is going to clarify that. Hewitt – there was a title commitment done with the CTH V original plans, and I have it on file back at my office. This CSM is drawn based on the CTH V proposed road project's road right-of-way. Marx – if removing Lot 1 from this CSM keeps it from holding up the sale process I see no problem with doing that. Krause – if you (Hewitt) go back to your office, talk to your clients, and look at the document you have relating to highway right-of-way, we can have another Plan Commission meeting prior to the October 30<sup>th</sup> Town Board meeting. Bechler – when you come back please provide proof what is currently shown as Lot 2 includes the 47' piece of land next to the house, between it and Parcel 267.D with the boathouse.

Hewitt – are there any problems with the driveway easement? Bechler – Atty. Johnson knows what we want for Shared Driveway Agreements, so he can prepare that. Atty. Johnson – yes.

*Bechen/Pfister motion to table until October 25<sup>th</sup> meeting; MC 5-0.*

**3. Certified Survey Map involving Parcels 11022-258.42, owned by Cave Bluff, LLC/Timothy & Teresa Escher), N2378 Summerville Park Road; Lodi, WI 53555, and Parcel 11022-258.37, owned by Noel & Laura Mattei, W11288 Cactus Acres Road:** Krause – what's changed since last March? Atty. Johnson – Tim Escher looked at the map during the delay until October 2017 (due to requirements of Mattei's lender) and wants to make Lots 3 and 4 to be larger (> 1 acre, per Columbia County) so as to be buildable sites, and have access to Bay Drive. Krause – Lot 2 will be Conservation, with access from the south (66' shared access & utility easement off of Cactus Acres Road). Escher requests that the 33' wide access easement shown for Lot 2, 3 and 4 be vacated. Krause – do we care of that easement is vacated? General consensus among PC members is that vacating that is fine. Krause – Escher needs a variance to allow the 33' wide access easement for Lot 3 to Bay Drive.

*Pfister/Robbins motion to table until October 25<sup>th</sup> Plan Commission meeting; MC 5-0.*

**4. Rezone involving Parcel 11022-301, owned by Robert & Yoshiko Rapp, ~~W11362~~ W11632 CTH V, from C-2/PD-2 (General Commercial in a Planned Commercial District) to R-1/PD-1 (Single Family Residential in a Planned Residential Development District):** Krause – earlier this year we made a revision to the Comprehensive Plan because we'd had other citizens of the town who either owned land along this portion of CTH V and/or developers interested in these parcels. So these properties were changed from Commercial to C-2/PD-2 (General Commercial in a Planned Commercial District). Banks would not finance home purchases for homes that were on land zoned Commercial. What this change left us with is that the actual zoning did not change the underlying zoning of Commercial. Bechler – the County Summary Report states "*the house was present on the property prior to adoption of the Columbia County Zoning Ordinance by the Town of Lodi. When the ordinance was adopted the subject property was classified as Commercial, which had the effect of making the existing dwelling a nonconforming use, since the Commercial District does not permit residential dwellings. The use and maintenance of a nonconforming house is permitted to continue, but the ordinance requires that upon destruction beyond 50% of the structure's equalized assessed value, it is not to be restored except in compliance with the regulations of the district which, as is mentioned above, do not permit single family dwellings. Trying to buy or finance a nonconforming use can be difficult*", is incorrect. WSS 59.69(10) says "(10) Nonconforming Uses: **(ab)** In this subsection "nonconforming use" means a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance. **(am)** An ordinance enacted under this section may not prohibit the continuance of the lawful use of any building, premises, structure, or fixture for any trade or industry for which

*such building, premises, structure, or fixture is used at the time that the ordinances take effect, but the alteration of, or addition to, or repair in excess of 50 percent of its assessed value of any existing building, premises, structure, or fixture for the purpose of carrying on any prohibited trade or new industry within the district where such buildings, premises, structures, or fixtures are located, may be prohibited. The continuance of the nonconforming use of a temporary structure may be prohibited. If the nonconforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the ordinance.*

Bechen – so if we change the zoning on this property as requested if the current home were destroyed he could build a new home? Bechler – yes, he could rebuild even without the rezone. It is wrong that banks deny financing for homes on Commercial-zoned property. Krause – it boils down who pays for this. There wasn't a fee attached to this application. Goeske – that was done based on the fact that the fee was waived for Rademacher's same rezone (next door to Rapp).

*Bechen motion to recommend approval of rezone as requested with address corrected; MC -50.*

**5. Minutes of July 11, 2017 meeting minutes:** Krause – I send my version with minor grammatical corrections. *Marx/Bechen motion to approve minutes with Krause edits; MC 5-0.*

**Next meeting date:** Wednesday, October 25<sup>th</sup> @ 5:00 pm.

**6. Adjourn:** *Bechen/Robbins motion to adjourn at 7:45 pm; MC 5-0.*

*April D. Goeske*  
Clerk-Treasurer