

**JOINT PLAN COMMISSION
&
SPECIAL TOWN BOARD MEETING
MINUTES
FEBRUARY 11, 2020**

1. Call to order & roll call: Plan Commission called to order by Acting Chairman James Layne. Members present: James Layne, Jane Zavoral, Brian Henry, Chad Wolter; Absent: Kris Krause, Bob Robbins, Jack Pfister. Special Town Board called to order by Chairman Brian Henry. Members present: Brian Henry, James Brooks, Aaron Arnold, Chad Wolter; Absent: Jon Plumer. Also present for the Town: Attorney Lawrence Bechler, Engineer Ben Peotter.

Present: (2) Jackie McGinnity, Theresa Valencia, Joleen Nelson; (3) Cheryl Kline, Ron Maple; (4) & (5) Jim Grothman (Grothman Surveying), (4) Kathy Kearney, (5) Zack Stone, Diane Wickham. Audience: Roberta Arnold, Bob Collins,

2. Raymond & Aileen Brager Trust (Jackie McGinnity & Theresa Valencia, Trustees) - Certified Survey Map & Waiver of Access (County form "Subdivision Variance") for Lots 2 & 3: Involving 1.78-acre Parcel 11022-608 (Theresa Valencia) located @ W10209 CTH K, 3.11-acre Parcel 11022-609 (Brager Trust) located at W10211 CTH K, both in Section 26, and 35.68-acre Parcel 11022-710 (Brager Trust) in Section 35 located across CTH K from W10209 & W10211.

Atty. Bechler – The Brager trustees are adjusting some of the lot lines between the 3 parcels; 2 of the lots do not have access to the County Highway (K). The issues I see are (1) there was a driveway agreement from 1997, and where the property is located for the joint driveway does not match how it's shown on the CSM. It would appear that the driveway in its current configuration does not reach the 35-acre parcel (Lot 3); it has to match. McGinnity – we have presented a revised CSM. Bechler – are you attaching this new CSM to the old driveway agreement. McGinnity – I have a new driveway agreement prepared (not received prior to this meeting). Bechler – they are not in a recordable format, that will have to be taken care of. On the south side of Lot 3 the fence at the west end is 35' from the surveyed lot line, the fences need to be moved to match the current corrected CSM. Valencia – those are not our fences, they belong to the adjacent property owner(s). Bechler – you should discuss moving the fences to along the lot line to deter adverse possession claim.

Peotter – the lot to the north looks to have a driveway minor encroachment to the neighboring property. Bechler – there's a little triangle where the driveway encroaches onto the neighboring property, unless the neighbor doesn't care and approves an easement for you.

Items needed for conditional approval with the following items are furnished in time for the Town to notify the County of them:

1. Waiver of access (Subdivision Variance) for Lots 2 & 3
2. Proper legal joint driveway agreement providing access to CTH K for all 3 Lots to have legal access to CTH K.
3. Change CSM so that driveway does not encroach onto neighboring property, or get an easement from the neighbor.
4. Arrange for relocation of the fences on the north and south lines of lot 3.

Plan Commission motion: *Henry/Wolter motion to approve the CSM contingent upon the 4 conditions listed above being satisfied before Columbia County action and final signatures; MC 4-0.*

Town Board motion: *Brooks/Arnold motion to approve the CSM contingent upon the 4 conditions listed above being satisfied before Columbia County action and final signatures; MC 4-0.*

3. Onsgard Family Trust dated 02/10/2009 (Cheryl K. Kline, Trustee) - Variances to Road Setback and Ordinary High-Water Mark: Parcel 11022-133, located @ N2696 Summerville Park Road in Section 5. Current home under order to be razed, variances needed so new home can be built:

Bechler – there was an "Order to Raze and to Removing Buildings, Debris and Personal Property" served on 05/16/2019 (by Wisconsin's Choice Legal Services, Inc.) signed by Cheryl K. Kline, Trustee for the Onsgard Family Trust, which was not answered or any action taken by Ms. Kline within the 30 days stated in the Order. Thus, since nothing was happening to comply with the raze order, Columbia County Circuit Court Case No. 19CV180 was filed on June 27, 2019, which is currently pending in Circuit Court (next telephone status conference scheduled for March 13, 2020 @ 8:30 AM). The Onsgard Trust now has applied for several variances required by Columbia County Zoning in order to built a new home after the current home is razed. This lot is so small that without variances there would only be a building footprint of 225 sq. ft. available to build a home. This application seeks to build a home 42' from the centerline of road (24' from the right-of-way) and 54'3" from the Ordinary High Water Mark, using setback averaging of other homes in that area.

Kline – my parents purchased this land in 1954, a year after I was born. We've gone over 4 building plans with the County, they actually came out to the property and provided us with a diagram which shows the building site outline we need to stay within. We've spent money on a CSM that wasn't needed, and have waited for phone calls that never happened, been harassed by the Town Attorney, and been told by the courts there's nothing on file with the county. (Note: This is incorrect, it was filed as stated above. Maple - I've been building houses for 50 years and have never had to jump through so many hoops to build a home.

Bechler – with variances the Plan Commission and Town Board are working with County ordinances regarding setbacks, etc..., these are not Town ordinances, but the town does review them and make recommendations to the County.

Bechler – the town also needs to determine whether it can recover it's costs for the raze order, etc... Goeske has the figures on that. Goeske – approximately \$3,500 to-date. Kline – I will NOT pay that. Bechler – that is not for you to determine, that is a decision for the town board to make.

Brooks – I've been part of the actions on this property since it started, starting with junk vehicles and boats removed, and then to get the house raze. We've had non-compliance upon non-compliance upon, etc... But we still moved forward with the raze order. The Town of Lodi definitely SHOULD recover its costs for the raze order, etc... I'm happy to hear that you are planning on building a new home on this property.

Bechler – I'm find a letter from 2018 where the Onsgards were notified that their house was in violation of several town ordinances.

Plan Commission motion: *Wolter/Zavoral motion to approve variances as outlined* by the county (below); MC 4-0.*

01/21/20 memo "Town Variance Recommendation" from Columbia County Planning & Zoning: 16-110-030 (1) Setbacks

The required road setback is 30 feet from the Right-of-Way or 63 feet from the centerline of Summerville Park Road, whichever is greater. The minimum setback to the Ordinary High-Water Mark (OHWM) is 75 feet. The property owners are proposing to remove the existing cabin and replace it with one single family dwelling. Because of the location and shape of this lot, meeting the minimum setbacks would give them an approximate allowable building footprint of 225 square feet, as shown on the attached site plan. The property does qualify for averaging to the OHWM

which allows them to maintain a setback of 54'-3" from the OHWM. ~~The Raimers are~~ Kline is seeking a variance to the road setback. They are proposing to be 42 feet from the centerline of Summerville Park Road or 24 feet from the right-of-way.

Town Board motion: *Brooks/Arnold motion to approve variances as outlined* by the county (above); and also for the Town of Lodi to recoup its costs related to the raze order; MC 4-0.*

4. Kevin & Kathy Kearney - Certified Survey Map: Combining current Lots 76 and 77 in Parcel 11022-234.1 into one lot. Located @ N2497 Rapp Road in Section 8 @ N2497 Summerville Park Road:

Grothman – this is an existing parcel that consists of 1 lot and a portion of another lot. Back in 1992 we adjusted part of the lot line on the south side because the neighboring driveway encroached onto the Kearney’s parcel. The Kearney’s are looking to make this into a single Lot and possibly remove the duplex on it and build a single-family home. In recent years the adjacent parcels (Guppy Getaway/Epping) had to do the same with their parcels that included 2 lots. Peotter – all issues have been identified and I’ve talked to Grothman about the spelling error in the word “clinet” that should be “client” at the bottom of the CSM. Kearney – I understand that when I build the new home I will need to get variances approved prior to that.

Plan Commission motion: *Wolter/Henry motion to approve the CSM as submitted; MC 4-0.*

Town Board motion: *Brooks/Arnold motion to approve the CSM as submitted; MC 4-0.*

5. Zachary Stone - Rezone: 1.0-acre Parcel 11022-515.B. Located @ N1420 Fair Street in Section 22. Current zoning is C-2 General Commercial. Need to rezone to R-1 Single Family Residential so that owner can raze building(s) on the property and built a new home:

Grothman – what we have here is an existing legal non-conforming parcels that is zoned C-2 General Commercial but has a single-family home on it.

Plan Commission motion: *Wolter/Zavoral motion to approve rezoning from C-2 General Commercial to R-1 Single Family Residential; MC 4-0*

Town Board motion: *Arnold/Brooks motion to approve rezoning from C-2 General Commercial to R-1 Single Family Residential; MC 4-0*

Brooks/Arnold motion for the Town Board to adjourn at 7:30 p.m.

6. Minutes of November 12, 2019: *Henry/Wolter motion to table until next meeting; MC 4-0.*

7. Next meeting date: March 10, 2020

8. Adjourn: *Henry/Wolter motion for Plan Commission to adjourn at 7:32 p.m.; MC 4-0*

April D. Goeske
Clerk-Treasurer