

TOWN OF BELGIUM
PLAN COMMISSION MINUTES
July 20, 2016

Call to Order: Chairperson Tom Winker called the Plan Commission meeting to order at 7:00 p.m. Pledge of Allegiance recited. Quorum established. Verification of agendas posted at Town Hall, Port Washington State Bank and Belgium Post Office in compliance with WI Open Meetings Law.

Present: Plan Commission members Larry Bares, Al Poull, Charlie Parks, Dennis Dimmer, Matt Fuller, John Paulus, Secretary Ginger Murphy, Jeremy Spriggs, Al Wollner, Francis Kleckner, Jim Hubing, and Mitch Maersch from the *Ozaukee Press* and Rodney Schoeter from the *Sounder*. Jeremy Risch not present.

Minutes: Motion by Poull to approve the minutes of the May 18, 2016, meeting and second by Fuller; motion carried unanimously.

Spriggs Land Division Request: Jeremy Spriggs, 7246 Cty Rd LL (tax key 01-001-05-001.00), to divide the existing home with 5-7 acres from the 57.39-acre parcel in the A-1 Farmland Preservation zoning district. Jeremy purchased the property in March as a rental property and is currently renting the home and land. A local farmer wants to purchase land, and Jeremy wants to retain ownership of the residence. Jeremy asked for an explanation as to the difference between his request and the Conine land division which occurred in March, 2015. There are two reasons. The first reason is that the new Zoning Ordinance is more restrictive, and the second is the Farmland Preservation Program (FPP) which the Zoning Ordinance was updated to include is also more restrictive. Charlie Parks referred to Section 3.3 which clearly states the intention of the A-1 district is to preserve farmland. This land division will create another buildable parcel in the A-1 district. The land with the residence would need to be rezoned to A-2 removing it from FPP. Charlie then referred to Section 9.6 which states A-1 Farmland Preservation lands cannot be rezoned unless the Town Board finds that after a public hearing all of the following:

1. The Land is Better Suited for a use not allowed in the A-1 District;
2. The Rezoning is Consistent with the Town comprehensive plan and the Ozaukee County certified farmland preservation plan; and
3. The Rezoning will not Substantially Impair or Limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

Charlie feels it is not the town's responsibility or job to facilitate driving equity out of the land for the homeowner, but only to officiate the land, and this will be one of those cases where another home could be built on the remaining farmland. The land with the residence would have to be rezoned to A-2, and in order to rezone, it must apply to Section 9.6. This land division would create another 35-acre building site and set precedence concerning rezoning. Al Poull initially feels it cannot be done. Tom Winker feels that the previous farmland preservation program was hard to monitor. The new FPP restricts how the Town decides to rezone, and it is meant to work for the Town to protect the farmland. John Paulus reiterated that the purpose of consolidation of farms was to help the farm. He feels that the farmer who wants to purchase the land should not be allowed to split off a 35-acre buildable parcel and leave a 20-acre substandard parcel. Dennis Dimmer feels that it may be considered because this is farmed land. Discussion turned to Section 9.6 which is State of WI regulation for the FPP program. Charlie feels this is a different type of request as it is for financial gain. He felt that by acknowledging that the ordinance is written for preservation of land, we can avoid situations such as realtors buying up property to split and build. He asked the Plan Commission if this case satisfies Section 9.6 to rezone. Every request must satisfy all three points in Section 9.6. Dimmer stated a scenario where a farmer would want to sell the land and keep 10 acres with the residence. How do we allow consolidation of farms? Poull felt points 2 and 3 (section 9.6) are attainable with Spriggs' request but point 1 is not. Dimmer disagreed because the use is not changing. He felt "the land is better suited" by remaining farmland, but not if someone wanted to build a house. Jeremy Spriggs stated if he was a farmer and living in the house, how would that would be a different situation? Paulus would like assurance that the land will be farmed. Charlie Parks thinks that if the town allows this request, there will be more cases of the same. Poull stated if the Town can assure that the 50 +/- remaining acres stays together, he is fine with the division; a substandard parcel cannot be created. Winker reminded everyone that the decision made tonight will set precedence. He also stated Jeremy has been

TOWN OF BELGIUM
PLAN COMMISSION MINUTES
July 20, 2016

patiently waiting more than two months, but we need more time to think this through and to get opinions from Rick Kania at SEWRPC and Andrew Struck. Al Poull thanked Jeremy for coming to the Plan Commission *before* going forward with his plan.

Wollner Accessory Structure Height: Alvin Wollner, 7234 Luxemburg Ln (tax key 01-006-02-026.00), to construct an accessory structure in excess of 15 feet. Zoning Ordinance Section 5.2A allows for Plan Commission recommendation concerning height on a case-by-case basis. Al Wollner stated he want to build a shop and presented a map of where the shop will be placed as well as building plans. The structure will be approximately 100' from the house in the back yard. In order to get machinery in the shop, he wants to install a 16' door and a loft which will require 23' 6" in height. Al Poull feels that this is a good fit. John Paulus questioned the need for a 16' door in R-1 and is concerned this will be a commercial building. Poull asked Paulus if he thinks the height should be lower, and Paulus thinks allowing this in R-1 district will set precedence. Al Wollner assured the Plan Commission the building will not be used for a business. Motion by Fuller to allow this request, and second by Bares only if written assurance is obtained that a business will not be conducted in the Residential Zoning District. Fuller, Bares, Poull, Dimmer, and Winker in favor. Paulus and Parks opposed. Motion carried.

Substandard Parcels & Multiple Tax Keys:

Charlie Parks reiterated the need to address multiple tax keys, and due to the length of the meeting this evening, the issue will be addressed another time.

Adjourn: Meeting adjourned at 8:30 p.m.

Respectfully Submitted,
Ginger Murphy, Secretary