

**PLAN COMMISSION MINUTES
5500 SCHOFIELD AVENUE
WESTON, WI 54476
MONDAY, FEBRUARY 14, 2011 – 6:00 P.M.**

I. CALL TO ORDER

Village President, Fred Schuster called the meeting to order at 6:00 p.m. Members present were DPW Keith Donner, Dave Diesen, John Evans, Mark Maloney, and Dan Froelich. Mike Stenstrom was excused. Village Trustee Loren White, and Karen Schmutzler were present. Village Administrator, Dean Zuleger, Community Development Director, Jennifer Higgins, were no audience members present.

II. UNFINISHED BUSINESS

A. TABLED – PROPOSED CHANGES TO BUILDING PERMIT FEES AND REQUIREMENTS

**M/S/P Evans/Diesen: to take this discussion off the table.*

Zuleger explained that at the previous request of Plan Commission, staff went through the list, and staff removed fees or permits for anything that staff felt did not add any incremental value to the building, or was not a safety concern. Zuleger stated that Tatro has certain parameters and specifications that he has to follow per the codes. What staff did was remove certain things (such as furnace, shingles). Anywhere there is a structural kind of improvement for safety purpose (load bearing, windows, fire safety) would require a permit. Zuleger reiterated that we looked at whether it adds value or has safety implications that it would be wise to have the building inspector inspect it.

Evans feels that several of the items are too far reaching and unrealistic, and that people are not going to follow them. Evans gave an example of people who choose to finish off their basements, that he feels 99.9% of those people (who do the construction themselves) will not come in for a permit. Zuleger stated that our Village Assessor would then catch it. It was explained that if a contractor repeatedly does this kind of work without a permit, we would go after the contractor; but if it is a homeowner who finishes off the basement without a permit, we probably would not penalize the homeowner. Zuleger commented that what a lot of people do, is build a bedroom down in their basement, without the proper ingress/egress; which then it falls on the Village for allowing a bedroom in the basement without a proper entrance or exit. Tatro commented that currently by State code, we have to be sure that basement bedrooms have the proper lighting, ventilation, windows, ingress and egress in case of an emergency. Evans stated that if this is mandated by State code, then we should list on the permit “as mandated by state code”.

Evans believes we are a local level and we should not have to put our residents at risk of violating, when we know they will violate. Maloney stated that we are picking the safety issue, we should not be looking at items such as kitchen cabinets, countertops, etc.

Higgins requested Plan Commission go through each of the 20 proposed changes to the permit fees and requirements. The results of the changes as discussed are as follows:

1) New construction or addition to a building: **No changes**

2) Remodeling of a house or building: **No changes**

3) Finishing off of unfinished basement or other unfinished area: **Base it on a \$3,000.00 value**

- 4) Installation or replacement of plumbing fixtures (where piping needs to be reconstructed for the installation or replacement): **No changes**
- 5) Installation of electrical wiring (new circuit or extension to existing circuit). Electrical service up-grades (replacement of electrical panel or increase in size): **Okay**
- 6) Installation of new fireplace and new permanently installed air conditioner (residential): **Okay**
- 7) Construction, alteration, or installation of garage, yard shed, or gazebo (tarp-type sheds and metal canopy structures are not allowed): **Okay**
- 8) Re-siding, new fascia & soffit, replacement windows or doors (more than 2 or if opening size is changed) (no permit required for window sash replacements only). New window or door (where new opening has to be made in building): **Base it on a \$3,000.00 value**
- 9) Roof re-decking or framing repairs replacement of shingles with metal roof (metal roofs must be hidden fastener type): **Okay**
- 10) Installation of new kitchen cabinets and or counter top, bathroom remodeling: **Strike this item from list**
- 11) Installation or replacement of drywall or plaster in any room if greater than 50% room surface: **Strike this item from list**
- 12) Installation of fences: **Okay**
- 13) Installation of permanent swimming pool: **Okay**
- 14) Installation, alteration or resurfacing of driveway or parking pad driveway: **Okay**
<<There was discussion on residents who bring their concrete driveway beyond the R.O.W line. We should note on the permit they can blacktop/concrete up to the driveway aprons in the R.O.W.>>
- 15) Decks new, alterations of, and repairs to: **Base the \$35.00 permit fee on a \$1,000.00 improvement (or more) of the deck.**
- 16) Sun rooms and enclosed porches: **Okay**
- 17) Permanently installed in-ground irrigation systems: **Okay**
- 18) Demolition of primary or accessory structures: **Okay**
- 19) Street privilege permits for construction materials and equipment to be placed on Village streets for up to 30 days: **Permit to be based on complaints**
- 20) Moving permit for structures may require Plan Commission approval: **Okay**

Zuleger stated that staff will make corrections as stated and bring back next month.

**M/S/P Maloney/Evans: To approve based on recommendations written above. Q: Donner clarified with #15 that the \$75 applies on new decks, and \$35.00 applies if improvements made over \$1,000. Motion carried.*

III. PUBLIC COMMENT

None

IV. CONSIDERATION OF PLAN COMMISSION MINUTES

A. JANUARY 10, 2011

**M/S/P Diesen/Evans: to approve Plan Commission Minutes of January 10, 2011.*

V. CONSENT AGENDA ITEMS

A. STAFF APPROVED SIGN PERMITS

B. CERTIFICATES OF OCCUPANCY ISSUED

**M/S/P Diesen/Froelich: to acknowledge the staff-approved sign permits and certificates of occupancy issued by staff.*

VI. NEW BUSINESS

A. DISCUSSION OF PROPOSED CHANGES TO CHAPTER 34 FIRE PREVENTION AND PROTECTION – SPECIFICALLY IN REGARDS TO ADDRESSING

Higgins stated that this went before the Public Safety Committee. Higgins explained the addressing and the plaques with construction-type information being removed from Chapter 34. She explained that some of these items (if left in Chapter 34) may add unneeded costs to the construction and may cause us to lose the building or business to a neighboring community. Public Safety would like Plan Commission's comments on this for their upcoming meeting on February 17th.

**M/S/P Evans/Maloney: to send as corrected (by staff) to the Public Safety Committee.*

B. DISCUSSION OF SEC. 94.127.5 PROHIBITING SOLID FUEL-FIRED OUTDOOR HEATING DEVICES – CLARIFICATION OF DEFINITIONS

Zuleger explained that John Lorge owns property on corner of Alderson Street and Neupert Avenue. Kevin King, his neighbor, has a wood stove in his garage that heats his home and garage. Last year, during a meeting with Lorge and King over smoke issues, King agreed to and elevated his chimney. Staff has been to this area to try to witness the smoke issues, but have not noticed any. There has not been complaints made by any one else. The Village Attorney stated this is a private issue. Lorge feels we are not doing our due diligence. Zuleger stated that staff spoke with the Marathon County Health Department and the Wisconsin Department of Natural Resources, Division of Air Quality Management, and both agencies that regulate air quality and health in Marathon County stated that there is no way they would take on this issue, nor could they enforce it, and since they are the regulators on the environmental health of the nuisance issues, staff called Lorge back and told him that they are back to their original premise that this is a private nuisance. Staff talked to King, with regard to his burning, on when is not the good time for the smoke. Staff will ask King to consider increasing his chimney stack again and will advise King to clean up his yard this spring.

C. PROPOSED AMENDMENT TO SEC. 94.175(C) PERMITTED ACCESSORY USES IN AN AG (AGRICULTURE) ZONING DISTRICT

Higgins stated this is on the hoop barn topic. Permitted accessory use in AG and tying it to 40-acre minimum parcel or larger, must meet setbacks, and be affixed to ground.

****M/S/P Diesen/Donner: to approve the proposed amendment to Sec. 94.175(c) Permitted Accessory Uses in an AG (Agriculture) Zoning District.***

D. PROPOSED AMENDMENT TO SEC. 94.127(A)(3) FENCES – SPECIFICALLY SETBACKS TO PROPERTY LINES

Zuleger stated this is his issue, and most communities allow fences to be built on the property line, but they are considering moving the setback 1 foot off of the property line, and to take away the “fence viewing”. Schuster feels this will create trespassing issues. White stated that we need to be sure property owners are certain of their property lines, and most people do not know what the lines are.

Plan Commission agreed to leave this topic alone.

E. DISCUSSION OF PROPOSED TRADITIONAL NEIGHBORHOOD DEVELOPMENT ORDINANCE

Higgins stated this comes out of the Smart Growth Legislation that was done in 1999. Once a community reached a population of 12,500, we were supposed to have one of these in our ordinance as of January 1, 2010, and then it was changed it to January 1, 2011. Higgins stated that when she started working for the Village, back in 2003, we worked with Weber on this, and we changed our Article V (Site Plan Ordinance), we put some of the provisions in there, which then Weber informed Higgins that he felt the ROPD would work. Another issue recently came up, and Weber has a different view on this topic now. We need to get this into our ordinance, because it is different from our Planned Unit Development (OPD), which is just an overlay, which has the underlying zoning. Higgins stated this will work as a separate zoning district. It will be something special where a mixed unit development can occur. The State is requiring us to have a TNB ordinance. Zuleger stated that this will allow a mixed use, but will mitigate urban sprawl. Zuleger stated that Higgins has some future ideas/modifications to present on this ordinance in the near future, but we would like to adopt this model ordinance, which most communities have, and as we come back to discuss different planning strategies, we would make amendments of the model ordinance. This topic will come back for public hearing in the future.

F. RESIDENTIAL SUBDIVISION UPDATE

Schuster stated that he had requested Higgins to update the Plan Commission on possible new developments coming up. Higgins stated that she was recently made aware that there is someone interested in the Fernwood property (off of Weston Avenue). She stated that we may see some applications come in over the next few months. This will be a mixed-use development.

VII. FUTURE MEETING TOPICS

None

VIII. ADJOURN

****M/S/P Diesen/Froelich: to adjourn at 6:50 p.m.***

Respectfully submitted,



Valerie R. Parker,
Recording Secretary