

Plan Commission Meeting

Wednesday, March 7 2018

6:30pm

St Joseph Town Hall

Present: Anton Rang, Chris Matter, Dan Lynch, Theresa Schousek, Joy Packard, Carolyn Barrette (alt), Steve Balfanz and Jason Coyle, excused. Also: John Ringhofer, Doug Zahler, Mr & Mrs Ken Bauer, Charles Barrette, Fire Chief.

Chair Rang called the meeting to order and read the public notice. The Pledge was said. Lynch moved to adopt agenda with reordering of items. Seconded, passed.

Public Comments:

Doug Zahler commented that it seemed difficult to get on the PC agenda, and that he had had materials for the Bauers for tonight's meeting. General discussion. Problems with web site mentioned and feeling that persons on the old email list were not receiving town notices. Joy will talk with Nicole about problems with posting agendas, etc.

Items for Discussion and/or Action by Commission

1. Driveway Ordinance - Charles Barrette, Fire Chief, had asked to talk with the Plan Commission regarding establishing height and width regulations for driveways by ordinance so it can be enforced. The Fire Dept's new truck is higher than previous trucks and he is concerned about damage. He would like to see a minimum height and width standard on driveways to provide clearance for fire and other emergency equipment. He suggested 12 ft. height. Joy pointed out private roads might be subject to the same restrictions. A possibility might be in TOSJ Ord. Ch 149, but a separate ordinance regarding driveway and road restrictions, accessibility and fire number visibility might also be appropriate. An agenda item for the Public Works Committee will be arranged.
6. Variance Request – 1444 Triangle Drive, Houlton – John Eral
Applicant is seeking a revision of the variance approval granted last month to allow the home to have an 83' front setback from the Town road, versus current Town regulations that would require a 33' right of way setback and a 75' front yard set back totaling 108 ft. The set back request is a result of a hardship that is incurred by applicant in which the compliance with the existing town setback would cause the house to be 25 – 30 ft. further set back from the road than the two adjacent properties. If variance is granted, the new home would be in line with the home on the north and the garage set back of the home on the south side, and be in compliance with the County set back guidelines of 50'. Applicant also agrees to remove existing stand alone garage and would not have to remove any existing trees.

Lynch moved that the Plan Commission recommend to the Town Board the approval and granting of the variance for John Eral at 1444 Triangle Drive, Houlton WI., to 83 ft. set back from the center line of Triangle Drive. Rang seconded, Carried. Motion in entirety follows:

Lynch moved, Rang seconded:

I MAKE A MOTION TO **APPROVE** A WAIVER AND **GRANT** A VARIANCE OF THE ROAD SETBACK AS REQUIRED BY TOWN OF ST JOSEPH ORDINANCE ARTICLE II ROADS, SECTION 149-4 SETBACKS FOR A PARCEL LOCATED AT 1444 TRIANGLE DRIVE, HOULTON, WI 54082, PARCEL ID 030-2027-20-000, CURRENTLY OWNED BY JOHN ERAL FOR A

PRINCIPLE STRUCTURE TO BE BUILT BY J MICHAEL HOMES INC., AS SHOWN ON THE SUBMITTED APPLICATION DATED February 20, 2018. THE VARIANCE SHALL BE A 83 FEET SETBACK FROM THE CENTER LINE OF TRIANGLE DRIVE.

ADDITIONALLY, THE FOLLOWING FINDINGS OF FACT AND CONDITIONS DO APPLY FOR THE **GRANTING** OF THIS WAIVER AND VARIANCE:

FINDINGS OF FACT: WAIVER OF SETBACK FOR A PRINCIPLE STRUCTURE FROM SETBACK OF TRIANGLE DRIVE AT 1444 TRIANGLE DRIVE, HOULTON, WI 54082

- 1) John Eral, with J Michaels Homes, Inc. listed as Agent, has applied for a waiver of Town of St. Joseph Ordinance ARTICLE II: ROADS 149-4(A) SETBACKS which states the setback for Access Roads is 108 feet from the center of the road or 75 feet from the right-of-way line, whichever is greater.
- 2) John Eral, with J Michaels Homes Inc. listed as Agent, is requesting a waiver to a 83 foot setback from the centerline of Triangle Drive or approximately 50 feet from right-of-way line on the western portion of Triangle Drive and bordering the property located at 1444 Triangle Drive, Houlton, WI 54082.
- 3) John Eral, with J Michaels Homes Inc. listed as Agent, has requested a waiver and a variance before the construction of this principle structure.
- 4) Pursuant to St. Joseph Code Section 80-17D, the Plan Commission makes the following findings with respect to the request for a variance under St. Joseph Town Code 80:
 - a) The granting of this variance is consistent with the purpose and intent of Chapter 80
 - b) There are exceptional circumstances and unusual conditions that pertain to this property and are not so general or recurrent in nature as to suggest that Chapter 80 or Chapter 149 should be changed
 - c) This variance is not granted solely on the basis of economic gain or loss. There **is not** a self-imposed hardship.
 - d) Granting of this variance will not create substantial detriment to adjacent property or materially impair or be contrary to the purpose and spirit of Chapter 80 or the public safety or interest.
- 5) As provided in St. Joseph Town Code Chapter 149-19, the Plan Commission has heard this request for a waiver from Chapter 149 ROADS, DRIVEWAYS, etc and the literal provisions of this chapter where strict enforcement would be impractical or unduly burdensome because of circumstances unique to the individual property under consideration and it has been demonstrated by the applicant that the waiver **is** in keeping with the spirit and intent of this chapter.
 - a) The purpose of the waiver is not based exclusively upon a desire to increase the value of the income potential of the parcel of land
 - b) The granting of such waiver **is** necessary for the preservation and enjoyment of substantial

property rights of the applicant and the alleged uniqueness or special circumstances **have not** been created by any person having an interest in the waiver

- c) The granting of the waiver will not materially adversely affect the health, safety or general welfare of persons residing or working in the neighborhood of the property and will not, under the circumstance of this particular case, be materially detrimental to neighborhood aesthetics or injurious the property or improvements of the neighborhood
 - d) This waiver **is not** based on a mere inconvenience, a financial hardship or a self-created hardship for the applicant
 - e) This waiver shall provide only the minimum relief necessary to alleviate the hardship
- 6) The exceptional circumstances are as follows:
- a) The setbacks of the two adjacent properties are approximately 50 feet from the right-of-way of Triangle Drive.
 - b) The small size of this lot, approximately 1 acre, limits the buildable area for this principle structure and the 75 foot setback from the right-of-way of Triangle Drive creates a hardship for construction of the home indicated on the submitted plans.
- 7) This waiver and grant of variance pertains only to this principle structure and does not apply to any other structure or area within the parcel located at 1444 Triangle Drive, Houlton, WI 54082.
- 1) The Town of St. Joseph may incur additional fees including, not limited to, Building Inspection Fees, Attorney's Fees, and other costs, and other expenses pertaining to this waiver/variance request. The Town of St. Joseph will seek reimbursement of these costs from the applicant once they are determined.
 - 2) The Plan Commission has recommended to the Town Board **APPROVAL** of the Waiver and granting of the variance at its regularly scheduled meeting held Wednesday, March 7, 2018.
 - 3) This waiver and grant of a variance in no way pertains to, allows for, or affects other State and/or Federal laws, rules, or other requirements relating to this property. This setback variance/waiver only applies to the auxiliary structure that was the subject of the waiver application and is described in paragraphs 2 and 3.

Items for Discussion and/or Action by Commission (cont.)

- 3. Ordinance Updates:
Need to check on Ch. 149 for Fire Dept.
Matter brought up changes to Ch. 168 which is permissive.
- 4. Comprehensive Plan future land use map - changes in wording, naming and designation need to be made to be in compliance with new county verbiage.

5. Commission membership. John Ringhofer has applied and action needs to be taken on alternate spot.
2. Design regulations update. – Rang talked with Town attorney Munkittrick regarding her thoughts on Design Regulations and procedures to implement. He reviewed his notes from the conversation.

The public hearing will be March 28 at 7:00 PM. Eric Anderson, WCWRPC, will be asked to attend to discuss the regulations with the public and respond to questions. Members of the Town Board will be urged to attend. Procedures of the meeting discussed.

Recommendations to Town Board: Eral varance, 1444 Triangle Dr, Houlton WI

Approval of Prior meeting minutes: Barrette moved approval of the minutes of Feb 7, 2018. Seconded, Carried.

Items for next agenda: Bauer subdivision – Doug Zahler

Rang adjourned the meeting.

Carolyn Barrette
secretary