

PLAN COMMISSION  
MEETING MINUTES – August 27 2019

- 1) Call to Order: The meeting was called to order in the Harrison Municipal Building by Chairman Hietpas at 6pm.
- 2) Pledge of Allegiance: The Pledge was recited.
- 3) Roll Call: Members present were: Jim Fochs, Jim Lincoln, Buddy Lisowe, Kevin Hietpas, Darlene Bartlein, Pat Hennessey, and Dennis Reed.

Staff Present: Mark Mommaerts, Planner; Carie Krause, Deputy Clerk - Treasurer

- 4) Public Participation: None.
- 5) Approve Minutes: Motion (Fochs/Lisowe) to approve the minutes of July 30 2019. Motion carried 7-0.
- 6) Items for Discussion and Possible Action:
  - a) Certified Survey Map – Hopfensperger – N8147 Stommel Road: Planner Mommaerts introduced the item stating that the applicant is proposing a two-lot Certified Survey Map (CSM) for the property at N8147 Stommel Road. The applicant is seeking to split the house property from the surrounding agricultural property. Given the location of the house and driveway, the house lot (Lot 2) will divide the agricultural lands in half. The land division ordinance requires that all lands under 15-acres be surveyed as part of the CSM. Lot 1 is agricultural lands under 15-acres. The other remnant agricultural lands are to the south of Lot 2. This remnant exceeds 15-acres and does not have to be surveyed as part of this CSM.  
Motion (Fochs/Lincoln) to approve the Certified Survey Map for the property at N8147 Stommel Rd.  
Motion carried 7-0
  - b) Certified Survey Map = Mader – N8838 S. Coop Road: Planner Mommaerts introduced the item stating that the applicant is proposing a 2-lot Certified Survey Map (CSM) for the property at N8838 S. Coop Road. This property was recently split into a 4-lot CSM in April. The owner has two buyers for Lots 2-4. The buyers each wanted half of Lot 3. This CSM will combine Lots 2-4 of CSM #3762 into 2-lots. The property is currently zoned single-family residential (suburban) RS-1.  
Motion (Fochs, Bartlein) to approve the consolidation Certified Survey Map.  
Motion carried 7-0.

7) Items for Discussion:

- a) Zoning Ordinance – Fence in Drainage Easement Requirements: Planner Mommaerts introduced the item stating that currently an applicant wishing to construct a fence within a drainage easement must get written permission from the easement holder prior to issuance of a permit. If it is a utility easement then an “encroachment letter” from We Energies is typically all that is required. If it is a larger utility easement then approval from ATC is required. These approvals are relatively quick, We Energies can respond within a few days.

Drainage easements require approval from the Village. Currently, a request is made to the Village Board and is placed on the agenda for the Board to review. The Board has developed a “Permission to Occupy Drainage Easement” form that states that the fence may be removed if drainage issues occur. This form is recorded as part of the deed for future property owners. The issue with this process is time. Many times the applicant must wait 2-3 weeks for approval, or more depending on Board meeting schedule.

A few Board members have suggested a change to allow staff to approve fences within the drainage easement, provided the permission form is signed. The Plan Commission is asked to look at amending the ordinance to streamline the process.

The zoning ordinance language is as follows:

Sec. 117-54. - Accessory uses, buildings and structures.

- (a) *General regulations for accessory uses, buildings and structures. All accessory uses, buildings and/or structures shall abide by the following general regulations:*

- (1) *No accessory use, building and/or structure shall be constructed or established on a lot prior to the principal use or building being present or under construction, except temporary construction trailers.*
- (2) *When attached to the principal building, accessory buildings and/or structures shall comply with all requirements of this chapter applicable to the principal building, unless otherwise stated, including, but not limited to setback requirements, building height limits, and maximum lot coverage standards.*
- (3) *When not attached to the principal building, accessory buildings and/or structures shall comply with all requirements of this chapter applicable to*

*the accessory buildings and/or structures in the zoning district including, but not limited to setback requirements, building height limits, and maximum lot coverage standards.*

- (4) *Accessory buildings or structures in the RS-1, RS-2, and RT zoning districts shall not be located closer to the front lot line than is the principal structure, except those properties located adjacent to the shoreline of Lake Winnebago.*
- (5) *Accessory buildings or structures shall not be located within any recorded easement (utility, drainage, or other) without written consent of the entity controlling the easement.*
- (6) *The following, including but not limited to, truck, truck tractor, truck trailer, canopy or bus, or portion thereof, shall not be used for, storage purposes, as a principal use and/or structure or an accessory use and/or structure in any zoning district, unless otherwise stated in this chapter.*
- (7) *Any detached accessory use, building and/or structure with a water closet (toilet facility) shall require a conditional use permit, pursuant to article XI, Conditional Use Permits.*
- (8) *Accessory uses, buildings and/or structures shall be located on the same lot as the principal use, structure or building.*
- (9) *Detached accessory buildings shall not be used as a secondary dwelling.*

Recommended Action:

The Commission has several options in regard to the ordinance:

1. Keep the existing ordinance language requiring the Village Board to authorize structures in drainage easements on a case by case basis.
2. Amend the ordinance to allow a fence to be placed in a drainage easement subject to agreement to sign the permission form.
3. Amend the ordinance to remove restrictions and allow buildings or structures in easements.
4. Other:

Any changes to the ordinance affect the whole.

Staff recommends option #2 for fences only, all other buildings or structures require approval on a case by case basis. The intent for option #2 is to make it only apply to drainage easements. Storm sewer easements

should still receive Board approval. Utility easement should still require approval from We Energies.

Commissioners opinions were that if it restricts water flow, it should be denied. If it does not restrict water flow, Staff can approve it. Planner Mommaerts will put together a draft ordinance to review before going to the Village Board.

- b) Zoning Ordinance – Driveway Opening Requirements: Planner Mommaerts introduced the item stating that the property owner on Sumac Lane spoke to the Board about a driveway to their shed. The property owner constructed a shed with permit approval. The permit applicant did not include any information for a driveway. Staff was notified that a driveway out to Handle Drive was in the process of being constructed. Staff contacted the property owner to inform them that a second driveway was in violation of the zoning ordinance. The property owner decided to stop the paving at the property line. The property is on the southeast corner of Sumac Lane and Handle Drive. The house has an existing driveway out to Sumac Lane.

The Village Board has interest in amending the ordinance to allow for a second driveway. The Board is asking the Plan Commission to review the ordinance and make a recommendation to the Board for proposed changes, if any.

The zoning ordinance language is as follows:

Sec. 117-157. - Access.

All driveways installed, altered, changed, replaced or extended after the effective date of this chapter shall meet the following requirements.

- (1) *Openings. Openings for vehicular ingress and egress shall not exceed 36 feet for single-family and two-family developments and 42 feet for agricultural, multiple-family, commercial, and industrial developments as measured at the street right-of-way line unless a greater distance is approved by the plan commission.*
- (2) *Location. Vehicular entrance or exit shall not be less than 50 feet from a street intersection. Commercial and industrial vehicular entrances and exits shall not be less than 150 feet from any adjoining residential district.*
- (3) *Number. Only one vehicular opening is permitted per lot for single-family lots. Two vehicular openings may be permitted per lot for two-family lots. Multiple-family, commercial, and industrial developments are permitted one*

*vehicular opening per lot frontage unless a greater number is approved by the plan commission.*

*(4) When roadways exit to adjacent property rather than directly to a public street, permanent cross easement agreements shall be recorded which adequately guarantee that such exit may not be closed and that such roadways will not become a future liability for the town.*

*(Ord. No. 10-147, § 6.0(2), 7-27-2010; Ord. No. 11-162, 11-29-2011)*

The Board has several options in regard to the ordinance:

1. Keep the existing ordinance language allowing on 1 driveway per lot
2. Amend the ordinance to allow a driveway per street frontage
3. Amend the ordinance to allow 2 driveways per lot
4. Amend the ordinance to remove restrictions.
5. Other:

Any changes to the ordinance affect the whole Village and not just the property described in the example above.

The Commissioners opinions were to allow it with a minimum of 150ft deep, allow it if there is an actual structure to go to, allow it if there is room, allow it case by case, keep it simple

c) Report: Zoning Permits: Planner Mommaerts stated that total value is a little ahead of last year and that potential developments are being discussed.

8) Next Meeting Date: Tentative September 24 2019 at 6:00pm.

9) Adjourn: Motion (Lisowe/Fochs) to adjourn the meeting at 6:30pm.  
Motion carried 7-0.

Prepared by: Carie Krause, Deputy Clerk - Treasurer

Dated: September 9 2019