

## ZONING BOARD OF APPEALS AGENDA

Tuesday, June 1, 2021  
5:00 PM

- 1) Site Inspections
  - a. Approximately 5:00 pm – Smithouse LLC, W6123 Shagbark Hickory Ln
  - b. Approximately 5:10 pm – We Energies, N8900 County N
  - c. Approximately 5:20 pm – Scheurer, N6775 Hwy 55
- 2) Return to Municipal Building – Approximately 5:30pm
- 3) Call to Order
- 4) Roll Call
- 5) Pledge of Allegiance
- 6) Election of Vice-Chair
- 7) Election of Secretary
- 8) Approve Minutes
  - a. February 2, 2021
- 9) Public Participation (Non-Agenda Harrison Related Items)

*Please be advised per State Statute Section 19.84(2), information will be received from the public; be further advised that there may be limited discussion on the information received; however, no action will be taken under public comments.*
- 10) Convene Meeting and Enter Public Hearing– Approximately 5:30pm
  - a. Appeal – Smithouse LLC – W6123 Shagbark Hickory Ln
  - b. Variance – We Energies – N8900 County N
- 11) Close Public Hearing and Reconvene Regular Meeting
- 12) Items for Discussion and Possible Action
  - a. Appeal – Smithouse LLC – W6123 Shagbark Hickory Ln
  - b. Variance – We Energies – N8900 County N
  - c. Revisit Variance – Scheurer – N6775 Hwy 55
- 13) Adjourn

Any person with hearing disabilities or requiring special accommodations to participate in the meeting should contact the Clerk's Office (920-989-1062) at least 24-hours prior to the meeting. This is a public meeting. As such, a quorum of the Village Board, Plan Commission, or Committees may be in attendance. However, the only business to be conducted is for the Zoning Board of Appeals.  
Posted: May 21, 2021

**Zoning Board of Appeals Minutes**  
February 2, 2021

- 1) Call to Order: Meeting was called to order at 5:00pm by John Jung.
- 2) Pledge of Allegiance: Pledge was recited.
- 3) Roll Call: Present: Craig Majewski, John Jung, Tom Capper, , 1 seat vacant.  
Excused: Scott Chicoine. John Jung led the meeting in Scott's absence.  
Staff present: Mark Mommaerts, AICP (Planner).
- 4) Approve Minutes: Motion (Majewski/Capper) to approve the June 16, 2020 minutes. Motion carried 3-0.
- 5) Public participation: Alex Koch, N9219 N Harwood Road, stated that manure cannot be kept within 300-feet of the stream so he questioned how close the property line it will be kept, what about the manure in the pasture, and it is detrimental to his property if manure is kept tight up to the property line. Patrick Beach, N9215 N Harwood Road, stated the manure will be mixed with straw to allow for a stackable pile and that the property naturally slopes toward the creek or to the southeast so it will not run onto adjacent property and that the existing dirt pile will be removed. ZBA Jung asked about the length and width of the pasture. Mr. Beach stated that in the northwest corner of the property that the pasture is 30-feet wide and extends approx. 60-feet towards the east. He also stated that it is a hobby operation, not a big operation, and is being done for his daughter. ZBA Capper asked about the number of cattle. Mr. Beach stated they will start with 2-3 and see how it goes with up to 6-9 in future years. He stated that he has a farmer willing to take the manure. ZBA Jung asked if the manure storage will come from the manure in the building or from the pasture. Mr. Beach explained it will be for all the manure, but mostly from the building. Kelly Koch, N9219 N Harwood Road, stated that mixing straw with manure is not a solution and that it will negatively affect their property. Julene Baldwin, N9275 N Harwood Road, stated that the property is declining and why, if neighbors are opposed, can it be approved. Mr. Beach stated that he does not appreciate lies from neighbors. Planner Mommaerts stated that the issue at hand is the variance request for livestock on property less than 3-acres.
- 6) Items for Discussion and Possible Action: The following items were discussed:
  - a. Variance – Beach – N9215 N. Harwood Road. Planner Mommaerts stated Initially, there was concern about the number of livestock being raised on the property: At the December meeting, the applicant stated that he would start with 2-3 cattle and

work his way up to a dozen. He stated that this is a project he is working on with his children and would like to teach them along the way. Concerns were raised about the location of manure storage and runoff into the stream along the south side. The Zoning Board directed staff to obtain information from Calumet County regarding manure storage. This information is attached in a memo dated December 29, 2020 from Anthony Reali, County Conservationist. A quick review of the memo is that due to the navigable stream, manure storage is not allowed within 300-feet of the stream, which leave only a small location in the northwest corner of the property to store manure. According to Mr. Reali, the Village could require a crop consultant to prepare a plan to see if the nutrient management standards can be met. This would be a cost to the applicant. There is no county or village permit needed, but if the applicant/property owner is found to be in violation, then there could be daily fines. Concerns regarding food and water were addressed by the applicant who stated that there is a well on the property that will be able to provide water. He also stated that he lives within miles of the property and plans to be at the property daily to tend to the livestock. If he cannot be there, then someone from his family will be. Concerns regarding shelter were addressed by the applicant who stated that in addition to the 3-season pasture (along the north and west side of the property), there will be a 4-season pasture where the livestock will have access to the interior of the building. At the December meeting, the Zoning Board approved a motion to postpone action until more information can be provided, including a more detailed site plan indicating pasture dimension, time frame of when the building will be cleaned up and fencing installed, and information from Calumet County. The information from Calumet County is provided. A detailed site plan from the applicant will be provided as well. ZBA Jung expressed concern about the size of the manure storage area and the amount of manure there may be. Planner Mommaerts stated that the Calumet County Conservationist stated that a crop consultant could develop a nutrient management plan for the site. Mr. Beach was asked if he was okay with the decision being postponed until a nutrient management plan or manure storage plan could be developed. Mr. Beach stated that he was okay with the postponement. Motion (Capper/Majewski) to postpone, with verbal approval from Patrick Beach, until a nutrient management plan and/or manure storage plan can be submitted to the Village. Motion carried 3-0.

- 7) Items for Discussion: None.
- 8) Announcements/Correspondence/Meeting Attendance: None.
- 9) Adjourn: Motion (Majewski/Capper) to adjourn at 5:31pm. Motion carried 3-0.

*Dated: February 3, 2021*

*Prepared by: Mark Mommaerts, AICP, Planner*

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Craig Majewski, Secretary      Date  
Zoning Board of Appeals

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**ZONING BOARD OF APPEALS MEETING****VILLAGE OF HARRISON****From:**

Mark J. Mommaerts, AICP, Planner

**Meeting Date:**

June 1, 2021

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**Title:**

Appeal - Smithouse

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**Issue:**

Should the Zoning Board grant a short-term rental request upon appeal of a denied permit application?

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**Background and Additional Information:**

In September 2020, the Village adopted an ordinance for regulating short term rentals. At the time, there were resident complaints about homes being rented and issues with the renters. Since then, the Village received an application for a short-term rental by the applicant. The Village reviewed the applicant and denied based on the failure to adequately establish that the property constitutes a “residential dwelling” as that term is used in the Wisconsin Statutes.

Under the short-term rental ordinance (Ordinance V20-12), the applicant may appeal the denial of the short-term application to the Zoning Board of Appeals. Upon completion of a public hearing, the Zoning Board of Appeals may grant or reject the short-term rental request.

The Village is currently in the process of reviewing and possibly amending the short-term rental ordinance to address some of the issues raised by the applicant. The Plan Commission will be holding a public hearing on the amended ordinance on May 18<sup>th</sup>, and the Village Board may consider the ordinance at their meeting on May 25<sup>th</sup>. Staff will update the Zoning Board of possible ordinance changes at the June 1<sup>st</sup> meeting.

It should be noted that in the original application for the short-term rental, the applicant listed the property address at W6213 Shagbark Hickory Lane on the certified letter sent to the adjacent properties. Tax records and online mapping records indicate that the subject property has an address of W6123 Shagbark Hickory Lane. The Village received several emails from property owners referencing W6213. In fact, one email correspondence (Monday, March 15, 2021) questioned the address of the subject property.

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**Ordinance V20-12 Short Term Rentals:**

- See attached ordinance

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**Recommended Action:**

Based on the information provided, staff recommends the Zoning Board of Appeals reject the short-term rental request since the certified mailing listed the wrong address for the short-term rental property. Furthermore, staff recommends that the applicant reapply with correct information under the new ordinance upon adoption.

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**Attachments:**

- Ordinance V20-12
- Variance/Appeal Application & Packet/Submittals
- Resident emails regarding short term rental (March 15, March 8, March 6)
- Tax Record
- Aerial Map

**ORDINANCE V20-12**

**MUNICIPAL REGULATIONS ON SHORT TERM RENTALS**

**WHEREAS**, in order to promote the health, safety, and general welfare of individuals in the community at large; and

**WHEREAS**, the Village wishes to monitor and provide reasonable means for residents to mitigate impacts created by tourist housing dwelling units; and

**WHEREAS**, the Village wishes to implement rationally based, reasonably tailored regulations to protect the integrity of the Village's neighborhoods; and

**WHEREAS**, the Wisconsin State Statutes allow municipalities to enact or adopt a regulation on short term rentals;

**NOW THEREFORE**, the Village Board of the Village of Harrison, Wisconsin, does hereby adopt the following ordinance:

**SHORT TERM RENTAL ORDINANCE**

**Intent.**

It is the intent of this chapter to protect the public health, safety and general welfare of individuals in the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by short term rental dwelling units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the City's neighborhoods.

**Standards.**

All short-term rental properties shall conform to the following standards:

- (1) There shall be at least two designated off-street parking spots on the short-term rental property for guests;
- (2) All short-term rental property owners or guests must abide by the noise regulations;
- (3) The owner(s) of the property is the only individual(s) allowed to rent out the short-term rental property. Third-party property management companies are strictly forbidden.
- (4) There shall be a limit of two people per bedroom and two additional people. In no case shall a short-term rental dwelling unit exceed ten individuals;

- (5) Guests are not permitted to stay at a short-term rental property for more than 30 consecutive days;
- (6) No recreational vehicles (RVs), campers, tents, or other temporary lodging arrangements shall be permitted on site as a means of providing additional accommodations for paying guests or the owner of the property;
- (7) The owner(s) of the property must obtain a short-term rental permit before any rentals are allowed;
- (8) The short-term rental property shall be the primary residence of the applicant;
- (9) The owner(s) of the short-term rental property is responsible for all applicable lodging and room taxes;
- (10) Providing meals to guests is prohibited.
- (11) A short-term rental property may be rented up to 180 days within a calendar year.
- (12) Owner to provide proof of insurance at time of application.

**Permit procedure.**

The procedure to obtain a short-term rental permit consist of:

- (1) Applicant shall apply for the permit through the Village Planning office. The Village Planner shall review the proposed short-term rental application with the applicant to determine conformance to the required standards;
- (2) Applicant shall be given addresses of all residents (property owners and/or tenants) within 200 feet of the proposed short-term rental property. It is the applicant's responsibility to notify all residents listed and provide evidence to the Village Planner that they have been informed of the proposed short term rental property and the standards for short term rentals set forth in this article;
- (3) Should the Department of Community Development determine that the proposed short-term rental property complies with the established standards, a short-term rental permit shall be issued upon payment of a permit fee established by the Village Board;
- (4) Should the Village Planner determine that the proposal does not conform to the established standards or the applicant has not made a good faith effort to contact and

inform the neighboring residents, the proposed short term rental property may be denied. In such case, the applicant may petition the Board of Appeals for a public hearing, at which time the Board of Appeals may grant or reject the short-term rental request. A fee, as established by the Council, shall be charged to the applicant if such hearing is requested; and

(5) Short term rental permits shall expire one year after issuance and, once granted, may be renewed subject to the provisions of this section by completing a renewal form available from the Village Planning Department and by paying an annual permit fee established by the Council. Failure to apply in a timely manner for renewal, and/or failure to pay the annual permit fee, shall be grounds for revocation.

### **Special provisions.**

Special provisions for short term rental properties are as follows:


(1) Short term rental permits, once granted, may be revoked by the Village Planner or other authorized agent of the Village for cause. Complaints seeking the revocation of such permit shall be filed with the Village Planner. All such revocation hearings shall be conducted in accordance with the requirements for a short-term rental application hearing;

(2) Should a short term rental permit holder die or move to a new location, the existing permit shall automatically be terminated; except, that in the case of death, should a surviving spouse or child, residing at the same address, desire to continue the short term rental, written notice to that effect shall be given to the Village Planner for consideration to authorize continuation of that permit.

### **Inspection.**

There may be one annual inspection each year by the Village Planner or authorized designee. The Village Planning Department or authorized designee shall have the right at any time, upon reasonable request, to enter and inspect the premises for safety and compliance purposes.

Adopted by the Village Board of the Village of Harrison, Wisconsin this 29 day of September 2020.

  
Kevin Hietpas, Village President

  
Attest: Jennifer Weyerberg, Village Clerk



V21-013

**Village of Harrison**

W5298 Hwy 114  
 Harrison, WI 54952  
 Phone: 920-989-1062

**VARIANCE &  
 ADMINISTRATIVE APPEAL  
 APPLICATION**

Applicant Information			
Applicant Name (Indiv., Org. or Entity) Smithouse, LLC		Authorized Representative Gary A. Smith	
Mailing Address 1064 W. Willis Way		Title Member	
E-mail Address gsmiffer@gmail.com		Telephone (include area code) 920-268-9103	
		City Grand Chute	State WI
		Postal Code 54913	
		Fax (include area code)	

Landowner Information (if different than Applicant)			
Name (Organization or Entity)		Contact Person	
Mailing Address		Title	
E-mail Address		Telephone (include area code)	
		City	State
		Postal Code	
		Fax (include area code)	

Project or Site Location			
Site Name (Project): N/A		Location ID(s): 26974	
Site Address / Location: W6123 Shagbark Hickory Lane		Plat / CSM / Lot No.:	
Quarter: <input type="checkbox"/> NW <input type="checkbox"/> NE <input type="checkbox"/> SW <input type="checkbox"/> SE	Section:	Township:	N Range: E
Legal Description:			
Current Zoning:		Proposed Zoning:	
Current Uses:		Proposed Uses:	
Lot Dimensions:	Front:	Side:	Rear: Side: Lot Area: <input type="checkbox"/> acres or <input type="checkbox"/> square feet

Variance or Administrative Appeal Petition (see reverse side also)	
List which code section(s) requesting variance from or decision appealing:	Describe the Reason(s) for the Request (attach separate document if needed):
Appeal of 4/1/2021 Denial of Short Term Rental Application	Application is dated 2/22/2021 and was submitted on or about 3/4/2021. The grounds for the appeal are set forth on the attached Exhibit A.

Fees
<input checked="" type="checkbox"/> \$350.00

Certification & Permission	
<p><b>Certification:</b> I hereby certify that I am the landowner of the property which is the subject of this Application. I certify that the information contained in this form and attachments is true and accurate. I understand that failure to comply with any or all of the provisions of the ordinances and/or permit may result in notices, fines / forfeitures, stop work orders, permit revocation and cease &amp; desist orders.</p> <p><b>Permission:</b> As landowner of the property, I hereby give the permit authority permission to enter and inspect the property to evaluate this application, to determine compliance with the ordinances and to perform corrective actions after issuing proper notice to the landowner.</p>	
Applicant Signature	Date Signed 4/27/21
Landowner Signature (required)	Date Signed

LEAVE BLANK - FOR MUNICIPAL USE ONLY			
Application Withdrawal Signature (required):	Date Signed:	Reason:	
Date Complete	Fee Received \$ 350. <sup>00</sup>	Receipt No: 12460	
Application Received:	Date Paid: 4-29-21	Taken By: <i>[Signature]</i>	

**RECEIVED**  
 APR 29 2021

**VILLAGE OF HARRISON**

W5298 HWY 114  
MENASHA, WI 54952

Receipt Nbr: 12460  
Date: 5/03/2021

RECEIVED  
FROM AXLEY

\$350.00

<u>Type of Payment</u>	<u>Description</u>	<u>Amount</u>
Accounting	Zoning Permit Fee BOA APPEAL FEE CLIENT 26939/MATTER 86338	350.00

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TOTAL RECEIVED 350.00

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Receipt Memo: #8441

**Required Information** The following items are required attachments. An application will not be considered complete until all attachments are filed. (Please attach additional sheets if more room is needed.)

**Site Plan.** A detailed drawing, drawn to scale, indicating lot lines, roads, driveways, buildings/structures, setbacks and any other pertinent information shall be submitted.

**Project Plans.** A detailed drawing, drawn to scale, indicating all floor plans, elevations and any other pertinent information shall be submitted.

**Photos (Optional).** Photographs of the site, building or project may be submitted as part of the application.

**Written Statements.** Statements responding to the following criteria shall be submitted.

1. **Unique Property Limitations.** Unique physical limitations of the property (i.e. steep slopes, wetlands, etc.) that prevent compliance with ordinance requirements can be considered for a grant of a variance. The circumstances of an applicant (i.e. growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by an ordinance amendment request.

Unique features of this property which prevent compliance with the terms of the ordinance include:

2. **No Harm to Public Interests.** A variance may not be granted which results in harm to public interests. In applying this test, the Zoning Board of Appeals must consider the impact of the proposal and the cumulative impacts of similar projects on the interest of the neighbors, the entire community and the general public. These interests are listed in the Purpose and Intent section of the ordinance.

A variance will not be contrary to the public interests because:

3. **Unnecessary Hardship.** An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (i.e. excavating a pond on a cant lot and then arguing that there is no suitable location for a home). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Zoning Board of Adjustment must consider the purpose and intent of the zoning restriction, the zoning restrictions effect on the property and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests.

The unnecessary hardship is, and is present because:

**Basis for Approval:** Variances shall only be granted when the Zoning Board finds:

1. The variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of this ordinance.
2. The variance will not permit the establishment of a use which is not permitted or permissible in the district.
3. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
4. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.
5. The hardship is not shared generally by other land or buildings in the area.
6. The hardship results from the strict application of this ordinance and is not the result of self-created or self-imposed circumstances.

**SMITHOUSE, LLC**  
**ADMINISTRATIVE APPEAL APPLICATION**  
**EXHIBIT A**

The grounds for Smithouse, LLC's appeal of the April 1, 2021, denial of its Short Term Rental Application are as follows:

1. Smithouse, LLC ("Smithouse") owns residential property located at W6123 Shagbark Hickory Lane, Village of Harrison, Wisconsin (the "Rental House").
2. The Village of Harrison (the "Village") adopted Ordinance V20-12, Short Term Rentals (the "Ordinance").
3. The Ordinance requires that any short term rental properties be permitted by the Village.
4. On or about March 4, 2021, Smithouse applied for a short-term rental permit for the Rental House, which is not the primary residence of the Applicant, and which may be for a period of more than 30 consecutive days. (See Application, attached.)
5. The Ordinance and the Village's Short Term Rental Application (the "Application") both include the requirement that the "short-term rental property shall be the primary residence of the applicant."
6. The Ordinance's and the Application's requirement that short-term rental properties be the primary residence of the applicant violates Wis. Stat. § 66.1014.
7. The Ordinance and the Application both include the requirement that "Guests are not permitted to stay at a short-term rental property for more than 30 consecutive days."
8. The Ordinance's and the Application's requirement that guests are not permitted to stay at a short-term rental property for more than 30 consecutive days violates Wis. Stat. § 66.1014.
9. On April 1, 2021, the Village denied the Application because the Rental House was not the primary residence of the Applicant. (See 4/1/2021 Denial Letter, attached.)
10. The Village's denial of the Application was improper because the Village's Ordinance and Application are contrary to Wis. Stat. § 66.1014 and are therefore illegal.
11. Because the Village enacted the Ordinance which is contrary to Wis. Stat. § 66.1014, Smithouse is being treated differently regarding short-term rentals than other citizens of the state of Wisconsin whose properties are located in other municipalities who have not enacted ordinances contrary to Wis. Stat. § 66.1014.

Therefore, the denial of the Application should be reversed and the Application should be approved.



AXLEY BRYNELSON, LLP

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Robert C. Procter  
(608) 283-6762  
rprocter@axley.com

March 4, 2021

Village of Harrison  
Attn: Mr. Mark J. Mommaerts  
W5298 Hwy 114  
Menasha, WI 54952

RE: Short Term Rental Application  
Smithouse LLC  
Our file: 26939.86338

Dear Mr. Mommaerts:

We represent Smithouse LLC. Enclosed are the following:

- 1) Short Term Rental Application
- 2) Proof Of Notices Being Sent to Neighboring Property Owners
- 3) Proof of Insurance.
- 4) Check for \$400.

On the Short Term Rental Application, you will see that Smithouse LLC did not check or initial two boxes. First, it did not check the box stating that the property is its primary residence. Second, it did not check the box stating that guests will not stay for more than 30 consecutive days.

As you know, Wis. Stat. § 66.1014 prohibits municipalities from placing certain limits on the renting of residential dwellings. Specifically, it provides that a municipality “may not enact an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer.” Wis. Stat. § 66.1014(2)(a). Both of the above provisions (primary residence and 30 consecutive day limitation) violate this provision. The “primary residence” requirement acts as a prohibition on the renting of residential dwellings that are not the primary residence of the owner. The 30 consecutive day limitation prohibits the renting of a residential dwelling for more than 30 days for anyone that has a short term license.

Since those provisions of the Short Term Rental Ordinance violate the statute, they are unenforceable. *See* Wis. Stat. § 66.1014(2)(b).

March 4, 2021  
Page 2

Please process the enclosed application. If you have any questions or concerns, please contact me.

Sincerely,

AXLEY BRYNELSON, LLP



Robert C. Procter  
RCP:mma  
Enclosures

AFFIDAVIT OF MAILING

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF DANE )

Margaret M. Amlie, being first duly sworn on oath, deposes and says that she is a legal assistant in the offices of Axley Brynerson, LLP, Madison, Wisconsin; that on the 4th day of March, 2021, she mailed a copy of a letter from Smithhouse LLC and its enclosure by Certified Mail, securely enclosed in an envelope, with postage paid thereon and addressed to the following:

Mary E. Gronbach  
W6129 Maple Bluff Ln  
Menasha, WI 54952

Daniel C. Johnston  
N8962 Sugar Maple Way  
Menasha, WI 54952

Carrie B. Carr  
W6121 Maple Bluff Ln  
Menasha, WI 54952

Briana L. Hagany  
N8970 Sugar Maple Way  
Menasha, WI 54952

Samuel A. Statz and  
Marta J. Statz Jt Revocable Trust  
W6138 Maple Bluff Ln  
Menasha, WI 54952

Brian F. Hayes  
N8978 Sugar Maple Way  
Menasha, WI 54952

Greggory D. Johnson  
W6130 Maple Bluff Ln  
Menasha, WI 54952

Suzanne L. DeGroot-Ostermann  
N8986 Sugar Maple Way  
Menasha, WI 54952

Kimberly Area School District  
217 E. Kimberly Ave  
PO Box 159

Jason R. Islinger and Leah J. Islinger  
W6124 Shagbark Hickory Ln  
Menasha, WI 54952

Combined Locks, WI 54113  
Denise Zwirschitz  
W6122 Maple Bluff Ln  
Menasha, WI 54952

Faye A. Rusch  
W6132 Shagbark Hickory Ln  
Menasha, WI 54952

Matthew C. Rietveld  
W6131 Shagbark Hickory Ln  
Menasha, WI 54952

Brian G. Stammer  
W6140 Shagbark Hickory Ln  
Menasha, WI 54952

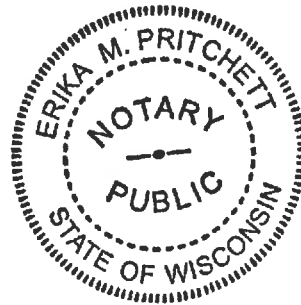
Emily R. Nash  
W6139 Shagbark Hickory Ln  
Menasha, WI 54952

Village of Harrison  
W5298 Hwy 114  
Menasha, WI 54952

*Margaret M. Amlie*  
\_\_\_\_\_  
Margaret M. Amlie

Subscribed and sworn to before me  
this 4th day of March, 2021.

*Erika M. Pritchett*  
\_\_\_\_\_  
Printed name: Erika M. Pritchett  
Notary Public, State of Wisconsin.  
My commission expires 10/16/2022





Dear Neighbor:

I own the property at W6213 Shagbark Hickory Lane in the Village of Harrison. I have historically rented that property out. The Village of Harrison has adopted a Short Term Rental Ordinance, and I am applying for a Short Term Rental Permit to allow my property to be rented out on a short term basis.

Enclosed with this letter is a copy of the Village's Short Term Rental Ordinance, which sets forth the standards for short term rentals.

If you have questions, you should contact the Village Planner Mark J. Mommaerts at [mmommaerts@harrison-wi.org](mailto:mmommaerts@harrison-wi.org).

Sincerely,

Smithouse, LLC

Gary Smith

Enclosure

## **Ordinance V20-12. Short Term Rentals.**

### **Intent.**

It is the intent of this chapter to protect the public health, safety and general welfare of individuals in the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by short term rental dwelling units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the Village's neighborhoods.

### **Standards.**

All short-term rental properties shall conform to the following standards:

- (1) There shall be at least two designated off-street parking spots on the short-term rental property for guests.
- (2) All short-term rental property owners or guests must abide by the noise regulations.
- (3) The owner(s) of the property is the only individual(s) allowed to rent out the short-term rental property. Third-party property management companies are strictly forbidden.
- (4) There shall be a limit of two people per bedroom and two additional people. In no case shall a short-term rental dwelling unit exceed ten individuals.
- (5) Guests are not permitted to stay at a short-term rental property for more than 30 consecutive days.
- (6) No recreational vehicles (RVs), campers, tents, or other temporary lodging arrangements shall be permitted on site as a means of providing additional accommodations for paying guests or the owner of the property.
- (7) The owner(s) of the property must obtain a short-term rental permit before any rentals are allowed.
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- (9) The owner(s) of the short-term rental property is responsible for all applicable lodging and room taxes.
- (10) Providing meals to guests is prohibited.
- (11) A short-term rental property may be rented up to 180 days within a calendar year.
- (12) Owner to present proof of insurance at time of application.

### **Permit procedure.**

The procedure to obtain a short-term rental permit consist of:

- (1) Applicant shall apply for the permit through the Village Planning office. The Village Planner shall review the proposed short-term rental application with the applicant to determine conformance to the required standards.
- (2) Applicant shall be given addresses of all residents (property owners and/or tenants) within 200 feet of the proposed short-term rental property. It is the applicant's responsibility to notify all residents listed and provide evidence to the Village Planner that they have been informed of the proposed short term rental property and the standards for short term rentals set forth in this article.
- (3) Should the Village Planner determine that the proposed short-term rental property complies with the established standards, a short-term rental permit shall be issued upon payment of a permit fee established by the Village Board.
- (4) Should the Village Planner determine that the proposal does not conform to the established standards or the applicant has not made a good faith effort to contact and inform the neighboring residents, the proposed short term rental property may be denied. In such case, the applicant may petition the Board of Appeals for a public hearing, at which time the Board of Appeals may grant or reject the short-term rental request. A fee, as established by the Village Board, shall be charged to the applicant if such hearing is requested.
- (5) Short term rental permits shall expire one year after issuance and, once granted, may be renewed subject to the provisions of this section by completing a renewal form available from the Village Planning Department and by paying an annual permit fee established by the Village Board. Failure to apply in a timely manner for renewal, and/or failure to pay the annual permit fee, shall be grounds for revocation.

### **Special provisions.**

Special provisions for short term rental properties are as follows:

- (1) Short term rental permits, once granted, may be revoked by the Village Planner or other authorized agent of the Village for cause. Complaints seeking the revocation of such permit shall be filed with the Village Planner. All such revocation hearings shall be conducted in accordance with the requirements for a short-term rental application hearing.
- (2) Should a short term rental permit holder die or move to a new location, the existing permit shall automatically be terminated; except, that in the case of death, should a surviving spouse or child, residing at the same address, desire to continue the short term rental, written notice to that effect shall be given to the Village Planner for consideration to authorize continuation of that permit.

### **Inspection.**

- (1) There may be one annual inspection each year by the Village Planner or authorized designee. The Village Planning Department or authorized designee shall have the right at any time, upon reasonable request, to enter and inspect the premises for safety and compliance purposes.



# Village of Harrison

W5298 Hwy 114  
Menasha, WI 54952  
Phone: 920-989-1062

# SHORT TERM RENTAL APPLICATION

<b>Landowner Information</b>		
Name (Organization or Entity) <u>Smithhouse LLC</u>	Contact Person <u>Gary Smith</u>	Title <u>Member</u>
Mailing Address <u>1064 W. Willis Way</u>	City <u>Grand Chute</u>	State <u>WI</u>   Postal Code <u>54913</u>
E-mail Address <u>gsmithfer@gmail.com</u>	Telephone (include area code) <u>920-268-9103</u>	Fax (include area code)

<b>Project or Site Location</b>		
Site Address / Location: <u>W6123 Shagbark Hickory Ln</u>	Location ID(s): <u>26974</u>	Plat / CSM / Lot No.:
Quarter: <input type="checkbox"/> NW <input type="checkbox"/> NE <input type="checkbox"/> SW <input type="checkbox"/> SE	Section:	Township: N   Range: E

<b>Legal Description:</b>	
Current Zoning:	Current Use:
Lot Dimensions: Front:      Side:      Rear:      Side:	Lot Area: <input type="checkbox"/> acres or <input type="checkbox"/> square feet

**Project Information and Required Submittals (attach separate document if needed)**

I certify the following: (Please check and initial)

<input checked="" type="checkbox"/> I am the owner of the property being rented. <u>GS</u> (initial)	<input checked="" type="checkbox"/> All guests will be notified of Village noise regulations. <u>GS</u> (initial)
<input type="checkbox"/> This property is my primary residence. _____ (initial)	<input type="checkbox"/> Guests will not stay for more than 30 consecutive days. _____ (initial)
<input checked="" type="checkbox"/> All applicable room taxes will be paid. <u>GS</u> (initial)	<input checked="" type="checkbox"/> No meals will be provided to guests. <u>GS</u> (initial)
	<input checked="" type="checkbox"/> Proof of insurance. <u>GS</u> (initial)

**Rental Information (attach separate document if needed)**

- Number of bedrooms in your house to be rented? 5
- Approximately how many days do you plan on renting out your property per calendar year (Jan 1-Dec 31)? 180
- Maximum number of occupants? 14
- How do you intend to rent your house?
  - Rent entire house to guest(s).
  - Rent individual room(s) to guest(s).
  - Both.

**Notification of Surrounding Properties: (Please check and initial)**

I certify that I notified all residents (property owners and/or tenants) within 200 feet of the proposed short term rental property. GS (initial)

**Fee & Permit Type:**

\$400 New Permit       \$200 Annual Permit Renewal

**Certification & Permission**

Certification: I hereby certify that I am the landowner of the property which is the subject of this Application. I certify that the information contained in this form and attachments is true and accurate. I understand that failure to comply with any or all of the provisions of the ordinances and/or permit may result in notices, fines / forfeitures, stop work orders, permit revocation and cease & desist orders.

Permission: As landowner of the property, I hereby give the permit authority permission to enter and inspect the property to evaluate this application, to determine compliance with the ordinances and to perform corrective actions after issuing proper notice to the landowner.

Landowner Signature (required) [Signature]      Date Signed 2/22/21

<b>LEAVE BLANK – FOR MUNICIPAL USE ONLY</b>			inspections:
Date Complete Application Received:	Permit No.:	Date Approved:	

**Copy of Approved/Completed Permit:**

Sheriff Dept.     Fire Dept.     Building Inspector     Clerk



**ROAD AND RESIDENCE DWELLING PROPERTY  
AMENDED DECLARATIONS**

Named Insured:  
GARY A & KATHLEEN R SMITH  
1064 W WILLIS WAY  
GRAND CHUTE WI 54913

Agency: 7932-AB 952.314.1460  
IDEAL INSURANCE AGENCY INC  
33 10TH AVE S STE 110  
HOPKINS MN 55343

Policy Number: U68503-1

Policy Period: 04-01-20 to 04-01-21

Dwelling 1: Described Location or Structure:  
W6123 SHAGBARK HICKORY LN  
MENASHA WI 54952

Property Coverages and Limits:

Dwelling A	Property Deductible
\$287,000	\$500

Liability Coverages and Limits:

Premises Liability Each Occurrence	Medical Payments Each Person	Medical Payment Each Accident
\$300,000	\$1,000	\$10,000

Perils Insured Against and Premiums:

Fire and Lightning	Special Form	Liability Coverage	Premium
\$557.00	\$428.00	\$35.00	\$1,020.00

Dwelling 1 Forms and Endorsements:

F-317	(10-14) Wisconsin Dwelling Property Amendatory Endorsement.....	Included
F-369	(09-83) Dwelling Property Policy - Special Form .....	Included
F-951	(06-01) Rental Dwelling Liability Endorsement - Wisconsin .....	Included
H-112A	(04-02) Limited Fungi, Wet or Dry Rot, or Bacteria Coverage - Liability.....	Included
H-113A	(01-03) Limited Fungi, Wet or Dry Rot, or Bacteria Coverage - Property .....	Included

Dwelling 1 Premium..... Subtotal \$1,020.00

**ROAD AND RESIDENCE DWELLING PROPERTY  
AMENDED DECLARATIONS**

Page 2

Policy: U68503-1  
Effective Date: 04-01-20

Dwelling 1 First Mortgagee:  
US BANK NA ISAOA C/O US BANK HOME  
MORTGAGE  
PO BOX 961045  
FORT WORTH TX 76161  
Loan Number: 6700005946

Premium ..... \$1,020.00

**DWELLING PROPERTY  
AMENDATORY ENDORSEMENT**

**WISCONSIN**

The policy is revised in the following areas:

1. Other Coverages

In the Dwelling Property 2 - Broad Form and the Dwelling Property 3 - Special Form, the following Other Coverage is added:

**Collapse**

a. With respect to this Other Coverage:

- (1) Collapse means an abrupt falling down or caving in of a building or any part of a building with the result that the building or part of the building cannot be occupied for its intended purpose.
- (2) A building or any part of a building that is in danger of falling down or caving in is not considered to be in a state of collapse.
- (3) A part of a building that is standing is not considered to be in a state of collapse even if it has separated from another part of the building.
- (4) A building that is standing or any part of a building that is standing is not considered to be in a state of collapse even if it shows evidence of cracking, bulging, sagging, bending, leaning, settling, shrinkage or expansion.

b. We insure for direct physical loss to covered property involving collapse of a building or any part of a building if the collapse was caused by one or more of the following:

- (1) A Peril Insured Against for Coverage C - Personal Property. These perils apply to covered building and personal property for loss insured by this Other Coverage;
- (2) Decay that is hidden from view, unless the presence of such decay is known to an insured prior to collapse;
- (3) Insect or vermin damage that is hidden from view, unless the presence of such damage is known to an insured prior to collapse;
- (4) Weight of contents, equipment, animals or people;
- (5) Weight of rain which collects on a roof; or
- (6) Use of defective material or methods in construction, remodeling or renovation if the collapse occurs during the course of the construction, remodeling or renovation.

Loss to an awning, fence, patio, pavement, swimming pool, underground pipe, flue, drain, cesspool, septic tank, foundation, retaining wall, bulkhead, pier, wharf or dock is not included under items 2, 3, 4, 5 and 6 unless the loss is a direct result of the collapse of a building or any part of a building.

This coverage does not increase the limit of liability applying to the damaged covered property.

2. Perils Insured Against

- a. The Peril Insured Against entitled "Collapse of a building or any part of a building" is deleted.
- b. Any reference to "vacant for more than 30 consecutive days immediately before the loss" is changed to read: "vacant for more than 60 consecutive days immediately before the loss."
- c. The following is added to the peril Accidental Discharge or Overflow of Water or Steam:

In this peril, a plumbing system does not include a sump, sump pump or related equipment. (DP-2 and DP-3)

3. General Exclusions

a. Item 1, Ordinance and Law, is deleted and replaced by the following:

1. **Ordinance and Law.** The exclusion of loss occasioned by the enforcement of any law or ordinance regulating the use, construction, repair or demolition of property is deleted with respect to owner occupied dwellings covered by this insurance.

- b. The exclusion which reads "water which backs up through sewers or drains" is deleted and replaced by the following:

Water which backs up through sewers or drains or which overflows or discharges from a sump, sump pump or related equipment.

- c. Item 2, Earth Movement, is deleted and replaced by the following:

- 2. **Earth Movement**, meaning earthquake including land shock waves or tremors before, during or after a volcanic eruption; landslide; mudflow; earth sinking, rising or shifting; unless direct loss by fire or explosion ensues and then we will pay only for the ensuing loss.

4. Conditions

- a. Item 3, Concealment or Fraud, is deleted and replaced by the following:

**3. Misrepresentations, Concealment or Fraud**

- a. Under the Dwelling Property Policy, with respect to all persons and organizations covered under this policy, we provide no coverage for loss if, whether before or after a loss, one or more persons or organizations have:

- (1) Concealed or misrepresented any fact upon which we rely, and that concealment or misrepresentation is material and made with intent to deceive; or

- (2) Concealed or misrepresented any fact and the fact misrepresented contributes to the loss.

- b. Under any Rental Dwelling Liability Endorsement attached to this policy, we do not provide coverage to one or more **insureds** who have:

- (1) Concealed or misrepresented any fact upon which we rely, and that concealment or misrepresentation is material and made with intent to deceive; or

- (2) Concealed or misrepresented any fact and the fact misrepresented contributes to the loss.

- b. Paragraph a of item 4, Your Duties After Loss, is deleted and replaced by the following:

- a. Give notice as soon as reasonably possible to us or to our agent and within one year of the accident.

- c. The following is added to Item 10, Subrogation:

Our right to reimbursement out of the proceeds of any recovery from another may not be exercised until the person or organization to whom we have made payment under this policy has been fully compensated for their damages incurred less reduction for any contributory negligence.

- d. Item 13, Loss Payment, is deleted and replaced by the following:

**13. Loss Payment.** We will adjust all losses with you. We will pay you unless some other person is named in the policy or is legally entitled to receive payment. Loss will be payable 30 days after we receive your proof of loss and:

- a. Reach agreement with you; or
- b. There is an entry of a final judgment; or
- c. There is a filing of an appraisal award with us.

- e. Under item 15, Mortgage Clause, proof of mailing of a cancellation or nonrenewal notice to the mortgagee will be sufficient proof of notice.

- f. Item 17b is replaced by the following:

- b. We may cancel this policy only for the reasons stated below by notifying you in writing of the date cancellation takes effect. This cancellation notice may be delivered to you, or mailed to you at your last mailing address known to us. Proof of mailing shall be sufficient proof of notice.

- (1) When you have not paid the premium, whether payable to us or to our agent or under any finance or credit plan, we may cancel at any time by notifying you at least 10 days before the date cancellation takes effect.

- (2) When this policy has been in effect for less than 60 days and is not a renewal with us, we may cancel for any reason by notifying you at least 10 days before the date cancellation takes effect.

- (3) When this policy has been in effect for 60 days or more, or at any time if it is a renewal, we shall not exercise our right to cancel this policy unless:

- (a) There has been a material misrepresentation of fact which if known to us would have caused us not to issue the policy;
- (b) The risk has changed substantially since the policy was issued, except to the extent that we

should have foreseen the change or contemplated the risk in writing the contract; or

(c) There have been substantial breaches of the duties or conditions of this policy.

We will notify you at least 30 days before the date cancellation takes effect when cancelling for any of the above reasons.

(4) When this policy is written for a period of more than one year, we may cancel for any reason at anniversary by letting you know at least 60 days before the date cancellation takes effect.

g. Paragraph c of item 17, Cancellation, is deleted and replaced by the following:

c. When this policy is cancelled, the premium for the period from the date of cancellation to the expiration date will be refunded. When you request cancellation, or when we cancel, the return premium will be pro rata.

h. Item 18, Nonrenewal, is deleted and replaced by the following:

**18. Nonrenewal.** We may elect not to renew this policy. We may do so by delivery to you or mailing to you at your last mailing address known to us, written notice at least 60 days before the expiration date of this policy. Proof of mailing shall be sufficient proof of notice.

This policy shall terminate on the expiration date if:

- a. You have notified us or our agent that you do not wish this policy to be renewed; or
- b. We have mailed notice of renewal premium due to you not more than 60 days nor less than 10 days prior to the expiration date, which clearly states the effect of nonpayment of premium by the due date, and you fail to pay the renewal premium by the expiration date.

This policy shall terminate on the effective date of any other insurance policy issued as a replacement for any insurance afforded by this, with respect to any insurance to which both policies apply.

i. The following conditions are added:

**26. Knowledge by Our Agent.** Knowledge by our agent of any fact which breaches a condition of this policy shall be knowledge to us if such fact is known by the agent at the time the policy is issued or application is made or thereafter becomes known to the agent. Any fact which breaches a condition of this policy and is known to the agent when the policy is issued or application is made, shall not void this policy or defeat a recovery in the event of loss.

**27. Failure to Comply with a Condition.** No failure to comply with a policy condition before the loss and no breach of a promissory warranty affects our obligations under this policy unless such failure or breach exists at the time of loss and either:

- a. Increases the risk at the time of loss; or
- b. Contributes to the loss.

This does not apply to failure to tender payment of premium.

**28. Effective Time.** The time of inception and the time of expiration of this policy and any attached schedules or endorsements shall be 12:01 A.M. standard time. To the extent that coverage in this policy replaces coverage in other policies terminating at noon standard time on the inception date of this policy, coverage under this policy shall not become effective until such other coverage has terminated.

**29. Corporate Headquarters Address.**

Acuity  
2800 South Taylor Drive  
Sheboygan, Wisconsin 53081

All other provisions of this policy apply.



**DWELLING PROPERTY 3 - SPECIAL FORM**  
**Index of Policy Provisions**

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DATE	INVOICE NUMBER	MEMO	AMOUNT
03/03/2021	26939- 86338	01 -001 -12100-000	400.00
<b>TOTAL</b>			<b>400.00</b>



CHECK DATE: 03/03/2021  
 CHECK NUMBER: 000184043

TOTAL 400.00



OPERATING ACCOUNT  
 P.O. BOX 1767  
 MADISON, WI 53701-1767

184043



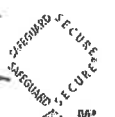
PAY: *Four Hundred and 00/100 Dollars*

NUMBER	DATE	AMOUNT
000184043	03/03/2021	*****400.00

TO THE ORDER OF **Village of Harrison**  
 W5298 Hwy 114  
 Menasha, WI 54952

TWO SIGNATURES REQUIRED IF OVER \$2000.

*[Signature]*  
 VOID IF NOT CASHED IN 180 DAYS



⑈ 184043 ⑆ 075900575 ⑆ 2213 300 318 ⑆



April 1, 2021

Smithhouse LLC  
Attn: Gary Smith  
1064 W. Willis Way  
Grand Chute, WI 54913

Property Address: Short Term Rental - W6123 Shagbark Hickory Lane

Dear Mr. Smith,

Your application for a short-term rental permit is denied. Grounds for denial include the fact that you did not adequately establish that the subject property constitutes a "residential dwelling," as that term is used in the Wisconsin Statutes.

The Village attorney researched the statute and legislative history and determined that a property owner must have personally used or must personally intend to use the subject property as a personal home, residence or sleeping place in order for 66.1014 to apply. Your application did not contain enough information to establish that you meet this threshold criteria. Please feel free to resubmit your application with additional evidentiary support in the future, and the Village will reconsider based upon the information provided at that time.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Mommaerts', with a long horizontal flourish extending to the right.

Mark J. Mommaerts, AICP  
Planner

cc: Robert Procter, Axley Brynelson, LLP



AXLEY BRYNELSON, LLP

• • • • •

MICHELLE E. MARTIN  
(262) 409-2288  
mmartin@axley.com

**VIA FED EX**

April 28, 2021

Village of Harrison  
Zoning Administrator  
W5298 Hwy 114  
Menasha, WI 54952

Village of Harrison  
Zoning Board of Appeals  
W5298 Hwy 114  
Menasha, WI 54952

RE: Appeal – Denial of Short Term Rental Application  
Smithouse, LLC

To Whom it May Concern:

We represent Smithouse, LLC. Enclosed are the following:

1. Application for Administrative Appeal; and
2. Check for \$350.

Thank you for your attention to this matter, and please contact me if you have any questions or comments.

Very truly yours,

AXLEY BRYNELSON, LLP

Michelle E. Martin  
MEM:dim  
Enclosures

## Mark Mommaerts

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**From:** bud rusch <budrusch@sbcglobal.net>  
**Sent:** Monday, March 15, 2021 9:35 AM  
**To:** Mark Mommaerts  
**Subject:** Info received RE request for rental permit, W6213 Shagbark Hickory Lane, Menasha, WI 54952

Good Morning Mark,

I tried to reach you at your office and was told you were working from home at this time. I have some questions and would like to visit with you regarding the above.

On March 6, 2021 a certified mail correspondence addressed to Faye A. Rusch was received at our residence. This was from the Axley law firm, Madison, WI. Enclosed was a notification from Smithouse, LLC with the name of Gary Smith also on it. This notification gave information pertaining to the plans for obtaining a permit from the Village of Harrison which would allow short term rental of property on Shagbark Hickory Lane.

A letter enclosed lists the property with the address of W6213 Shagbark Hickory Lane. Is this the correct address or should the address be W6123? In 2020, there were several trucks identified with WPS ( which I believe stands for Wisconsin Public Service) parked at the W6123 address for quite some time during the summer. Was this already rented out to them at that time? If so, was this the first time this property was rented out or were there previous rentals?

Attached to the letter was Page 2 of Harrison's Ordinance V20-12 which pertains to short term rentals. Who is applying for this permit, Smithouse LLC or Gary Smith? Under the standards section of this ordinance, (8) says "the short- term rental property shall be the primary residence of the applicant". Is this Mr. Smith's primary residence or is his primary residence at 1064 W. Willis Way, Grand Chute, WI.? (5) of this same section limits the rental period to no more than 30 consecutive days. Who is going to police this? And, if the 30 day period has ended, is there a chance for the parties renting the property to be gone for a day and then immediately beginning another 30 day period?

The property at W6123 Shagbark Lane is located across the street from the walking path leading to Woodland Elementary School. There are a lot of small children in the subdivision (Woodland Trails) this property is located in, many who walk or bike to the school. Their safety should be a concern when considering issuance of a permit for this property. I am sure parents of these children, whether they have contacted you or not, are concerned about this.

Please give me a call when you have a chance. Thanks.

Bud

## Mark Mommaerts

---

**From:** Martin Gronbach <mfgronbach@gmail.com>  
**Sent:** Monday, March 8, 2021 2:50 PM  
**To:** Mark Mommaerts  
**Subject:** Re: Short term rental permit

Hi Mark - As a follow up to our conversation, I have 2 main areas of concern with regard to compliance with ordinance V20-12.

1. Are the 6 bedrooms per the Airbnb listing for W6213 Shagbark Hickory in code compliance?
2. Is the property the primary residence of the applicant?

On Mon, Mar 8, 2021, 2:06 PM Martin Gronbach <mfgronbach@gmail.com> wrote:

Hi Mark - I have a couple questions for you regarding the notice we received regarding the short term rental permit application for W6213 Shagbark Hickory Lane.

Please let me know the best time to reach you and at what number. Conversely, you can call me at 920-410-0916.

Martin Gronbach  
W6129 Maple Bluff Ln.

## Mark Mommaerts

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**From:** Susan Hayes <hayess85@icloud.com>  
**Sent:** Saturday, March 6, 2021 1:29 PM  
**To:** Mark Mommaerts  
**Cc:** kevinhietpas@hotmail.com; Scott Handschke; Mark Van Hefty; darlenebartlein@new.rr.com; lou@lminsuranceservices.com; Pete Stier  
**Subject:** Short Term rental application

Dear Mr. Mommaerts:

Today we received a certified letter from Gary Smith who owns the property at W6213 Shagbark Hickory Lane. He is notifying the neighbors that he is applying for a short term rental permit for this house. However, according to Standard #8 of Ordinance V20-12, The property shall be his primary residence. It is not. He has not lived there in well over a year. It has been empty since before this ordinance went into effect. Also, when he did rent it out (without a state license) last summer and before, he used a third party management company. This would violate Standard #3. Mr Smith currently has it advertised in VRBO <https://www.vrbo.com/9110495ha?noDates=true&unitId=8131494>.

Therefore, his application should be denied.

Sincerely  
Susan and Brian Hayes  
N8978 Sugar Maple Way.

Access Type: Choose Category:

Public

Real Estate Property &amp; Tax

What do you want to do?

Tax Bills

Help

?

[Browser Setup Help](#)[Return to search results](#)[Property Summary](#)

Owner (s): <b>SMITHOUSE LLC (P)</b>		Location: <b>SE-SE, Sect. 9, T20N, R18E</b>	
Mailing Address: <b>SMITHOUSE LLC 1064 W. WILLIS WAY GRAND CHUTE, WI 54913</b>		School District: <b>2835 - KIMBERLY SCHOOL DISTRICT</b>	
Tax Parcel ID Number: <b>37544</b>	Tax District: <b>131-VILLAGE OF HARRISON</b>	Status: <b>Active</b>	
Alternate Tax Parcel Number: <b>131-0573-000390A-000-0-201809-00-4400</b>	Government Owned:	Acres: <b>0.3700</b>	
Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.): <b>153-626,J516-27 WOODLAND TRAILS SUB LOT 39 SEC 9-20-18</b>			
Site Address (es): <i>(Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.)</i> <b>W6123 SHAGBARK HICKORY LN MENASHA, WI 54952</b>			

**Select Detail -->**

&lt;Select Detail&gt;



Make Default Detail

Printer Friendly Page

View Interactive Map

**Summary of Subject Details:***NOTE: Not all subject details are available at every county.***Assessments:**

Assessment detail by year.

**Taxes:**

Tax history by year, links to tax payment history, and payoff calculator.

**Zoning:**

Rural zoning map for the selected parcel. Zoning is intended to be used as a reference only. Only rural zoning information is provided. For information about city or village zoning, please contact local officials.

**Districts:**

Special District information (Lake, Sanitary, TIF, BID).

**Parcel History:**

History of tax parcel changes. Parcel history is not available for changes made prior to January 2016. Changes made prior to this are available only by visiting the County.

**Documents:**

Documents related to selected tax parcel. There may be other documents related to this parcel that are not shown.

**Survey History:**

List of surveys performed on selected parcel or on parents of selected parcel. There may be surveys performed that are not available electronically through this portal.

**Sales History:**

List of all sales related to the selected parcel. There may be documents related to this parcel that are not shown.

**Parcel Map:**

Interactive map of the selected tax parcel. Maps are available for 'Active' parcels only.

**Permits:**

Listing of sanitary and/or land use permits associated with the parcel.

**Attachments:**

List of all saved files that have been associated with the parcel.

[Log in](#)



# Calumet County, WI



## Legend

- Address Point
  - County Boundary
  - Wisconsin Water
  - Unincorporated Community
  - Town Boundary
  - Point of Interest
  - Parcel Boundary
  - Property Hook
  - PLSS Section
  - State Parks
  - County Parks
  - Lake
  - River and Stream
  - Major Roads
  - Local Roads
  - Local Roads
  - Municipal Streets
  - Trail
  - Railroad
- Color 2018
- Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3



**DISCLAIMER:** This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

Author: Date Printed: 06/17/21 2:27 PM Source:	
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**ZONING BOARD OF APPEALS MEETING**

**VILLAGE OF HARRISON**

**From:**

Mark J. Mommaerts, AICP, Planner

**Meeting Date:**

June 1, 2021

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**Title:**

Variance – We Energies

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**Issue:**

Should the Zoning Board of Appeals grant a side-yard setback variance?

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**Background and Additional Information:**

The applicant is requesting a variance from a 25-foot side yard setback requirement for a natural gas regulation station. The property is located at N8900 County Road N, Loc ID 39164. The property is just north of the park & ride on County N and Hwy 10. The property is currently zoned General Agricultural [AG] which requires a 25-foot setback from the property line for buildings. The property is 62-feet wide by approximately 622-feet deep. The property appears to be remnant of a road that connected to Hwy 10 that has since been vacated. The property is currently owned by Calumet County and is utilized as part of the park & ride parking lot. The applicant is operating within an easement on the property.

The applicant has a natural gas facility at this location. The applicant plans to rebuild the natural gas regulation station and wishes to place a building over the equipment. Currently there is no building, just a fence area around the station. The proposed building is steel sided that are used to shield the regulation equipment from the weather and to provide security. The applicant states that the building will allow them to protect their equipment and provide safe and reliable gas into the distribution system. The proposed building is proposed to be 8-feet from the north property line. The project has received WisDOT approval.

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**Zoning Ordinance:**

117-80 (m)

(m) Yard requirements.

(1) Principal structure.

- a. Front yard. There shall be a minimum front yard of 50 feet, measured from the front lot line or right-of-way line, or from the right-of-way line of an officially mapped street, whichever is greater. There shall be a minimum front yard of 60 feet from a county road and 75 feet from a state or federal road, measured from the front lot line or right-of-way line, or from the right-of way line of an officially mapped street, whichever is greater. Front yard reductions may be provided pursuant to section 117-49(c)(6), front yard reduction.
- b. Side yard. There shall be a minimum side yard of 25 feet on each side, measured from the side lot line.

- c. Rear yard. There shall be a minimum rear yard of 50 feet, measured from the rear lot line.
- (2) Accessory structures.
  - a. Front yard. There shall be a minimum front yard of 50 feet measured from the front lot line or right-of-way line, or from the right-of-way line of an officially mapped street.
  - b. Side yard. There shall be a minimum side yard of 25 feet on each side, measured from the side lot line.
  - c. Rear yard. There shall be a minimum rear yard of 25 feet, measured from the rear lot line.
  - d. Distance from other structures. Accessory buildings or structures shall not be constructed or located closer than ten feet to any other structure on the lot, unless such building or structure receives a town building permit that meets the provisions of COMM 21.08, Wis. Admin. Code, relating to fire separation and dwelling unit separation.

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**Conclusions of Law/Requirements for a Variance [Section 117-360.]:**

Variations shall only be granted when the Zoning Board finds that:

1. The variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of this [Zoning] ordinance.  
*Staff finds that safety of the regulation equipment is in the best public interest to protect the gas distribution system.*
2. The variance will not permit the establishment of a use which is not permitted or permissible in the district.  
*Staff finds that the proposed use of the property will not change.*
3. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.  
*Staff finds that the property is old road ROW and is only 62-feet in width and that the easement location restricts the location of the proposed building.*
4. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.  
*Staff finds that buildings and structures are allowed within the AG zoning district.*
5. The hardship is not shared generally by other land or buildings in the area.  
*Staff finds that the property is unique due to the former use as ROW and overall width of the property. In addition, the need to protect the regulation equipment is unique to other properties in the area.*
6. The hardship results from the strict application of this ordinance and is not the result of self-created or self-imposed circumstances.  
*Staff finds that the variance is not self-created.*

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**Recommended Action:**

Based on the information provided, staff recommends approval of the Variance request in accordance with the plans submitted.

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**Attachments:**

- Aerial Map
- Variance Application & Submittals

# Calumet County, WI

## Legend

- Address Point
  - ▭ County Boundary
  - ▭ Wisconsin Water
  - Unincorporated Community
  - ▭ Town Boundary
  - ▭ Point of Interest
  - ▭ Parcel Boundary
  - ▭ Property Hook
  - ▭ PLSS Section
  - ▭ State Parks
  - ▭ County Parks
  - ▭ Lake
  - ▭ River and Stream
  - ▭ Major Roads
  - ▭ Local Roads
  - ▭ Local Roads
  - ▭ Municipal Streets
  - ▭ Trail
  - ▭ Railroad
- Color 2018
- ▭ Red: Band\_1
  - ▭ Green: Band\_2
  - ▭ Blue: Band\_3



**DISCLAIMER:** This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.



Author:	
Date Printed:	06/17/21 2:54 PM
Source:	

V21-012

Village of Harrison

W5298 Hwy 114  
 Harrison, WI 54952  
 Phone: 920-989-1062

**VARIANCE &  
 ADMINISTRATIVE APPEAL  
 APPLICATION**

<b>Applicant Information</b>			
Applicant Name (Indiv., Org. or Entity) We Energies		Authorized Representative Adam Ley / Jeff Rice	
Mailing Address 800 S. Lyndale Dr.		City Appleton	State WI
E-mail Address adam.ley@we-energies.com		Telephone (include area code) 9203042053 / 7152182002	Postal Code 51914
Fax (include area code)			
<b>Landowner Information (if different than Applicant)</b>			
Name (Organization or Entity) Calumet County Highway Dept.		Contact Person Brian Glaeser	
Mailing Address 241 East Chestnut		City Chilton	State WI
E-mail Address brian.glaeser@calumetcounty.org		Telephone (include area code) 9208491434	Postal Code 53014
Fax (include area code)			
<b>Project or Site Location</b>			
Site Name (Project): County N & Woodland Natural Gas Regulator Station		Location ID(s):	
Site Address / Location: East side of CTH N, Approx. 28' N CL Woodland Rd. (44.2143200,-88.3229500)		Plat / CSM / Lot No.: Tax Key 39164	
Quarter: <input type="checkbox"/> NW <input type="checkbox"/> NE <input checked="" type="checkbox"/> SW <input type="checkbox"/> SE	Section: S11	Township: 20 N	Range: 18 E
Legal Description: SW1/4 S11 T20N R18E			
Current Zoning: AG		Proposed Zoning: AG	
Current Uses: Natural Gas Regulation Station		Proposed Uses: Natural Gas Regulation Station	
Lot Dimensions: Front: 62 Side: 622 Rear: Side: 1018		Lot Area: 3.05 <input checked="" type="checkbox"/> acres or <input type="checkbox"/> square feet	
<b>Variance or Administrative Appeal Petition (see reverse side also)</b>			
List which code section(s) requesting variance from or decision appealing:	Describe the Reason(s) for the Request (attach separate document if needed):		
25-foot side yard setback For Structures	We Energies plans to rebuild this natural gas regulation station and would like to place a building over our equipment. The buildings are steel sided sheds that are used to block our regulation equipment from the weather elements and security. By having these buildings We Energies is able to protect our equipment and provide safe and reliable gas into the distribution system that feeds the homes in this area.		
<b>Fees</b>			
<input checked="" type="checkbox"/> \$350.00			
<b>Certification &amp; Permission</b>			
<b>Certification:</b> I hereby certify that I am the landowner of the property which is the subject of this Application. I certify that the information contained in this form and attachments is true and accurate. I understand that failure to comply with any or all of the provisions of the ordinances and/or permit may result in notices, fines / forfeitures, stop work orders, permit revocation and cease & desist orders.			
<b>Permission:</b> As landowner of the property, I hereby give the permit authority permission to enter and inspect the property to evaluate this application, to determine compliance with the ordinances and to perform corrective actions after issuing proper notice to the landowner.			
Applicant Signature Adam Ley		Date Signed 4/21/2021	
Landowner Signature (required) See attached Email form Brian Glaeser		Date Signed 4/21/2021	

<b>LEAVE BLANK – FOR MUNICIPAL USE ONLY</b>			
Application Withdrawal Signature (required):		Date Signed:	Reason:
<b>RECEIVED</b>  <b>APR 27 2021</b>		Fee Received \$ 350.00	Receipt No: 12371
		Date Paid: 4-27-2021	Taken By: <i>yjm</i>

**Required Information** The following items are required attachments. An application will not be considered complete until all attachments are filed. (Please attach additional sheets if more room is needed.)

**Site Plan.** A detailed drawing, drawn to scale, indicating lot lines, roads, driveways, buildings/structures, setbacks and any other pertinent information shall be submitted.

**Project Plans.** A detailed drawing, drawn to scale, indicating all floor plans, elevations and any other pertinent information shall be submitted.

**Photos (Optional).** Photographs of the site, building or project may be submitted as part of the application.

**Written Statements.** Statements responding to the following criteria shall be submitted.

1. **Unique Property Limitations.** Unique physical limitations of the property (i.e. steep slopes, wetlands, etc.) that prevent compliance with ordinance requirements can be considered for a grant of a variance. The circumstances of an applicant (i.e. growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by an ordinance amendment request.

Unique features of this property which prevent compliance with the terms of the ordinance include:

The property is old DOT highway ROW that was sold to the County for the placement of the park and ride. The Width of the property is only 62'. our design shows that our proposed building would be approximately 65' from our front yard road ROW. The side yard distances would be 8'-2" to the north property line and approximately 49' to the south property line. Our proposed building is 12' x 16' and due to the width of the lot and location of our easement we will require a variance for the side yard setback. We cannot make our site footprint any larger or shift the site due to the location of the Park and ride structure and the WISDOT permitting. This project had to be permitted by WISDOT (See attached completed permit).

2. **No Harm to Public Interests.** A variance may not be granted which results in harm to public interests. In applying this test, the Zoning Board of Appeals must consider the impact of the proposal and the cumulative impacts of similar projects on the interest of the neighbors, the entire community and the general public. These interests are listed in the Purpose and Intent section of the ordinance.

A variance will not be contrary to the public interests because:

The addition of a building over our regulation equipment will provide safer and more reliable natural gas service to the homes in this area because the building keeps our equipment safe and secure from the elements or vandalism. Regulation equipment requires a supply of gas to communicate the with the regulator to ensure that it is function properly. It is very important that this gas supply does not freeze so that is why we like to put in a building with a chemical heater to limit operational issues.

3. **Unnecessary Hardship.** An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (i.e. excavating a pond on a cant lot and then arguing that there is no suitable location for a home). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Zoning Board of Adjustment must consider the purpose and intent of the zoning restriction, the zoning restrictions effect on the property and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests.

The unnecessary hardship is, and is present because:

Without the addition of a building over our regulation equipment We energies will likely experience operational issues with the site. When gas is reduced from high pressure to low pressure the temperature of the gas also drops (universal gas law) and causes cause freezing in the regulation equipment. Without the building to keep the additional elements off the regulation equipment there may be more issues with providing reliable service to the homes int he area.

**Basis for Approval:** Variances shall only be granted when the Zoning Board finds:

1. The variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of this ordinance.
2. The variance will not permit the establishment of a use which is not permitted or permissible in the district.
3. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
4. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.
5. The hardship is not shared generally by other land or buildings in the area.
6. The hardship results from the strict application of this ordinance and is not the result of self-created or self-imposed circumstances.

3532

A(c)

417.4

313

WYOMING RD

200

N8873

33538  
2.65A(c)

380

(N) (N)

62

Village of Harrison

N8900

302s

622s

17s

572s

1018s

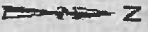
645s

39164

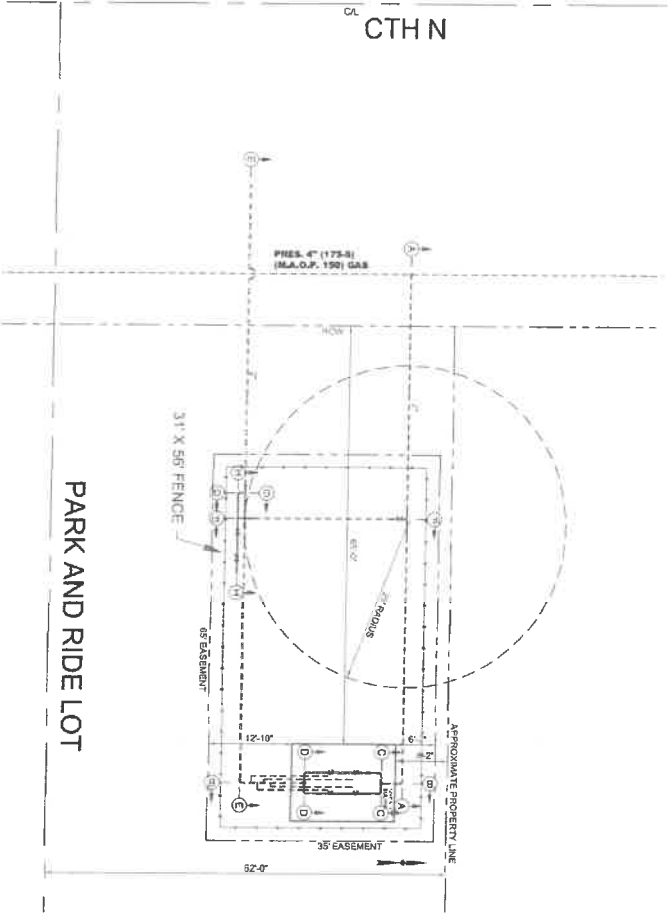
13

848s

4.16



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.



- GENERAL NOTES:**
1. REMOVE ALL EXISTING REGULATOR PARTS BEFORE WELDING AND LABEL WITH REGULATOR SERIAL NUMBER FOR MATCHED RE-ASSEMBLY.
  2. ALL EXPOSED AND UNCOATED PIPEWORK SHALL BE BLAST-CLEANED TO WHITE METAL AND PAINTED WITH VAPOR-PRIME PRIMER AND DUPONT 28P FINISH COAT.
  3. ALL BURIED BARE PIPE TO BE DOUBLE WRAPPED WITH 2 MIL POLYETHYLENE WRAP AND S.I.G. FOR 8 HOURS (PER 192.506(6)(C)S 106-42.3.1) CONTRACTOR TO PROVIDE NITROGEN.
  4. NITROGEN TEST COMPLETE INSTALLATION (PER 192.506(6)(C)S 106-42.3.1) CONTRACTOR TO PROVIDE NITROGEN.
  5. ALL WELDING ON PIPING COMPONENTS SHALL BE MADE IN ACCORDANCE WITH D.O.T.
  6. VISUAL INSPECTION AND APPROVAL OF ALL WELDS REQUIRED.
  7. REMOVE ALL BUTT WELDS, 1/4\"/>

Item	Quantity	Stock Number	Size	Description
1	4	Non Stock	2"	REGULATOR 20" X 14" MOONEY #16-50 30" LONG, CAVA CITY, SINGLE PORT, 75 DUOMO DIAMETER, W/ E, ANSI B80M WITH SERIES 20 PILOT (MOUNTING 21), BLUE SPRING JS-30 P.S.I.G., SERIES 24 METERING, TYPE 306 STAINLESS STEEL PILOT FILTER, AND TYPE 225 BURG SCREEN SCREEN, SET PRESSURE AT 60" P.S.I.G.
2	7	0033-6000	2"	VALVE, 2" BALL VALVE, W X WANG 150
3	2	0031-5120	2"	VALVE, 2" GATE VALVE W X W F 150M, CLASS 150
4	1	0031-4346	3"	VALVE, REULEY, 2" FISHER MORGES STEEL, F.E., R.F., ANSI 150 M, WITH GREEN PILOT, GREEN MAIN SPRING #164682002 RANGED 30-125 PSI, RED PILOT SPRING #164682720, RANGED 10-125 PSI, INCLUDING STAINLESS STEEL TUBING AND FITTINGS. INCLUDES 1/4" NPT TYPE 352 FISHER TYPE 2168 FILTER, 3/8" X 3/4" STEEL WITH STANDARD DOWN LENGTH AND SST O-RING SET PRESSURE AT 60" P.S.I.G.
5	1	0019-7659	2"	THE 2" X 1/2" WHEELER 1400 SERVICE
6	150	138165	2"	PIPE, 2" NPS, 12.75 FT, PER ASTM A306, GRADE B
7	80	131150	2"	ELL, 2" NPS, 10.75 FT, PER ASTM A306, GRADE B
8	20	158410	2"	ELL, 2" NPS, WELD GND, STD WALL, 15.5M, WT
9	5	197022	2"	THE 2" GND. B. STD WALL, 15.5M, WT
10	4	0031-6300	2"	INSULATING FLANGE SET GASKET, 2" ANSI 150M, DOUBLE WASHER SET TWO ONE PIECE
11	8	0015-3908	2"	FLANGE, 2" WELDONK, ANSI 150M, GND. B. STD. BONE, 3.2"
12	48	0015-3908	2"	STUD 5/8" X 6", ASTM A193, GND. B. STD. BONE, 3.2"
13	2	0043-3000	2"	GASKET, NING TYPE, 2" 1/8" THICK X 2.5/8" ID X 4 1/8" OD, 150M 2" WEATHER CAP
14	1	705900	2"	CAN, 2" ODM, GND. STD WELD
15	1	191210	2"	SADOLE, PIPE, 2 1/2" ADJUSTABLE SUPPORT ASSEMBLY.
16	6	795021	-	REGULATOR CONTROL ASSEMBLY PER ROOM
17	4	300000	1-3/4"	THE NO. 810 1-1/4" MEMBER #14750 1100W
18	4	197656	1-1/4"	ELL WELD 1-1/4" X 3/4" GND. B. STD. 140VIT
19	8	198407	1-1/4"	REDUCER WELD 1-1/4" X 3/4" GND. B. STD. 140VIT X 15M, WT
20	4	198100	1-1/4"	NIPPLE 1/4" X 3/4" THE 140VIT X 15M, WT
21	15	149223	1-1/4"	THE 140VIT X 15M, WT
22	20	149223	3/4"	THE 140VIT X 15M, WT
23	20	149223	3/4"	THE 140VIT X 15M, WT
24	20	149223	3/4"	THE 140VIT X 15M, WT
25	20	149223	3/4"	THE 140VIT X 15M, WT
26	25	149189	1-1/4"	THE 140VIT X 15M, WT
27	1	184423	1-1/4"	THE 140VIT X 15M, WT
28	1	141121	1-1/4"	THE 140VIT X 15M, WT
29	1	320256	1-1/4"	THE 140VIT X 15M, WT
30	1	320256	1-1/4"	THE 140VIT X 15M, WT
31	1	162426	1-1/4"	THE 140VIT X 15M, WT
32	1	151726	1-1/4"	THE 140VIT X 15M, WT
33	1	189175	1-1/4"	THE 140VIT X 15M, WT
34	1	0019-5067	2"	STOPPER, 2" WHEELER H-17150 1400 PSIG

**we energies**

100125A

100125A



### Calumet County

Owner (s):

**CALUMET COUNTY PARK & RIDE (P)**

Location:

**SW-SW,Sect. 11, T20N,R18E**

Mailing Address:

**CALUMET COUNTY PARK & RIDE**

School District:

**2758 - KAUKAUNA SCHOOL DISTRICT**

**MENASHA, WI 54952**

Tax Parcel ID Number:Tax District:

**39164**

**131-VILLAGE OF HARRISON**

Status:

**Active**

Alternate Tax Parcel Number:

**131-0000-0000000-000-0-201811-00-330C**

Government Owned:Acres:

**3.0546**

Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.):

**59-83,61-169**

**SW1/4 SW1/4 SEC.11-20-18 S62',EX PRT FOR HWY**

Site Address (es): *(Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.)*

**N8900 COUNTY N APPLETON, WI 54915**

## Jeff Rice

---

**From:** DOT DTSD NE UTILITY COORDINATION <dot.dtsd.ne.utility@dot.wi.gov>  
**Sent:** Tuesday, April 20, 2021 8:19 AM  
**To:** Ley, Adam  
**Cc:** Sheahan, Nathaniel; Calumet Co Brian; Verhagen, Timothy G - DOT; Tilleman, Roy - DOT; Michelle Maas  
**Subject:** 2021090 Approved WisDOT Utility Permit-- USH 10 and CTH N park & ride easement - Woodland Station Easement  
**Attachments:** 2021090.pdf

\*\*\* Exercise caution: This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or in unexpected emails. \*\*\*

Attached with this email is the approved utility permit for the work proposed in the Wisconsin Department of Transportation's (WisDOT) right-of-way. Follow all "**Special Supplemental Permit Provisions**" on **Page 1** of the approved permit application, the **Supplemental Permit Provisions** attached to the approved permit application, and the **Utility Accommodation Policy (UAP)**.

Please contact me with any questions or concerns about your utility permit.

Consult WisDOT's Highway Maintenance Manual [HMM 09-15-00](#) for information on utility installations in highway right-of-way. The HMM label is still interchangeable with the Utility Accommodation Policy, which is formerly HMM Chapter 96.

It is understood and agreed that approval of this and all WisDOT utility permits, is subject to applicant's full compliance with the pertinent statutes, as well as any rules and regulations of other jurisdictional agencies, which may be more restrictive, and with WisDOT's **Utility Accommodation Policy**, current edition. <http://www.dot.wisconsin.gov/business/rules/property-uap.htm>

Linda Skaleski  
Utility Permit Coordinator  
Wisconsin Department of Transportation  
Northeast Region  
920-492-4166  
[dot.dtsd.ne.utility@dot.wi.gov](mailto:dot.dtsd.ne.utility@dot.wi.gov)

If this is related to a records request, please email: [dotdtsdnerecords@dot.wi.gov](mailto:dotdtsdnerecords@dot.wi.gov)

**From:** Ley, Adam <Adam.Ley@we-energies.com>  
**Sent:** Thursday, March 18, 2021 8:55 AM  
**To:** Skaleski, Linda - DOT <Linda.Skaleski@dot.wi.gov>  
**Cc:** Sheahan, Nathaniel <Nathaniel.Sheahan@wecenergygroup.com>; Calumet Co Brian <Brian.Glaeser@calumetcounty.org>  
**Subject:** 2021090 -- USH 10 and CTH N park & ride easement - Woodland Station Easement

Hi Linda,

Per our discussion attached is the Permit application and preliminary drawings you requested.

Please let me know if you have any questions or need additional information.

Adam Ley  
We Energies | Engineer  
Gas System Operations  
800 S Lynndale Drive  
Appleton, WI 54914  
Office: 920-380-3303  
Cell: 920-304-2053

**From:** Ley, Adam  
**Sent:** Tuesday, March 9, 2021 3:10 PM  
**To:** 'Skaleski, Linda - DOT' <Linda.Skaleski@dot.wi.gov>  
**Cc:** Sheahan, Nathaniel <Nathaniel.Sheahan@wecenergygroup.com>; 'Calumet Co Brian' <Brian.Glaeser@calumetcounty.org>  
**Subject:** RE: USH 10 and CTH N park & ride easement - Woodland Station Easement

Hi Linda,

I wanted to follow up on the status of DOT permit.

Please let me know if you have any questions.

Adam Ley  
We Energies | Engineer  
Gas System Operations  
800 S Lynndale Drive  
Appleton, WI 54914  
Office: 920-380-3303  
Cell: 920-304-2053

**From:** Ley, Adam  
**Sent:** Tuesday, February 23, 2021 1:29 PM  
**To:** Skaleski, Linda - DOT <Linda.Skaleski@dot.wi.gov>  
**Cc:** Sheahan, Nathaniel <Nathaniel.Sheahan@wecenergygroup.com>; Calumet Co Brian <Brian.Glaeser@calumetcounty.org>  
**Subject:** RE: USH 10 and CTH N park & ride easement - Woodland Station Easement

Hi Linda,

Per our conversation I have copied one of our Land Management agents Nathaniel Sheahan. He will be able to help answer questions.

Please let me know if you need anything else.

Adam Ley  
We Energies | Engineer  
Gas System Operations

800 S Lynndale Drive  
Appleton, WI 54914  
Office: 920-380-3303  
Cell: 920-304-2053

**From:** Tilleman, Roy - DOT <[Roy.Tilleman@dot.wi.gov](mailto:Roy.Tilleman@dot.wi.gov)>  
**Sent:** Thursday, February 18, 2021 10:48 AM  
**To:** Ley, Adam <[Adam.Ley@we-energies.com](mailto:Adam.Ley@we-energies.com)>  
**Cc:** Skaleski, Linda - DOT <[Linda.Skaleski@dot.wi.gov](mailto:Linda.Skaleski@dot.wi.gov)>; Calumet Co Brian <[Brian.Glaeser@calumetcounty.org](mailto:Brian.Glaeser@calumetcounty.org)>  
**Subject:** RE: USH 10 and CTH N park & ride easement - Woodland Station Easement

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Good morning,

With there being no easement, a utility permit will be required from the State. Linda (cc'd on this email) will be in contact with you in regard to obtaining a permit. Have a great day.

RJ

**From:** Tilleman, Roy - DOT  
**Sent:** Wednesday, February 10, 2021 7:12 AM  
**To:** 'Ley, Adam' <[Adam.Ley@we-energies.com](mailto:Adam.Ley@we-energies.com)>  
**Cc:** Skaleski, Linda - DOT <[Linda.Skaleski@dot.wi.gov](mailto:Linda.Skaleski@dot.wi.gov)>  
**Subject:** RE: USH 10 and CTH N park & ride easement - Woodland Station Easement

Good morning,

Thank you for this information. Someone should be in contact with you next week regarding the proposed improvements. Have a great day.

RJ

**From:** Ley, Adam <[Adam.Ley@we-energies.com](mailto:Adam.Ley@we-energies.com)>  
**Sent:** Tuesday, February 09, 2021 5:03 AM  
**To:** Tilleman, Roy - DOT <[Roy.Tilleman@dot.wi.gov](mailto:Roy.Tilleman@dot.wi.gov)>  
**Cc:** Skaleski, Linda - DOT <[Linda.Skaleski@dot.wi.gov](mailto:Linda.Skaleski@dot.wi.gov)>  
**Subject:** RE: USH 10 and CTH N park & ride easement - Woodland Station Easement

Hi Roy,

Unfortunately all I can find is our as built from 1992 indicating that we applied/obtained and ROW easement for the station. We would only like to make upgrades to the existing station footprint of 35' x 60'.

The 35' x 60' area comes from our CAD Drawing. That area encompasses the footprint of all the aboveground and below grade facilities.

Our current above ground fenced in structure is approximately 25' x 10'. As part of this project we would like to gravel and fence in our entire site footprint 35' x 60'. We are not making our footprint

larger but instead are brining everything that is underground inside our fence line. We like to do this to avoid damages and for security purposes.

Please let me know if you have any additional questions.

Adam Ley  
We Energies | Engineer  
Gas System Operations  
800 S Lynndale Drive  
Appleton, WI 54914  
Office: 920-380-3303  
Cell: 920-304-2053

**From:** Tilleman, Roy - DOT <[Roy.Tilleman@dot.wi.gov](mailto:Roy.Tilleman@dot.wi.gov)>  
**Sent:** Monday, February 8, 2021 2:49 PM  
**To:** Ley, Adam <[Adam.Ley@we-energies.com](mailto:Adam.Ley@we-energies.com)>  
**Cc:** Skaleski, Linda - DOT <[Linda.Skaleski@dot.wi.gov](mailto:Linda.Skaleski@dot.wi.gov)>  
**Subject:** USH 10 and CTH N park & ride easement - Woodland Station Easement

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Good afternoon,

I work for the Wisconsin Department of Transportation and work directly with Brian Glaeser, Calumet County. You have been in contact with Brian regarding a utility easement at the 10 and N park & ride lot, I've attached an email chain for your reference.

We have been having some internal discussions. We show the State purchased some land here in 1932, but we haven't found a copy of the utility easement. Could you please send a copy of the easement you mention in the email chain?

Thank you.

RJ Tilleman  
Area Maintenance Specialist  
Wisconsin Department of Transportation  
Northeast Region  
Phone: 920-366-8044  
Fax: 920-492-5711  
[wisconsin.gov](http://wisconsin.gov)

## Jeff Rice

---

**From:** Brian P. Glaeser <Brian.Glaeser@calumetcounty.org>  
**Sent:** Tuesday, April 20, 2021 1:50 PM  
**To:** Ley, Adam  
**Subject:** RE: County N & Woodland Station

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Adam,

The county will not require permitting for your request. I recognize all of your permitting has been done through WisDOT. If you have any more questions or concerns please let me know.

Thanks,

**Brian P. Glaeser**  
Highway Commissioner  
Highway Department



241 E. Chestnut St | Chilton, WI 53014  
Phone (920) 849-1463 | Toll-Free (833) 620-2730  
Fax (920) 849-1405 | [www.calumetcounty.org](http://www.calumetcounty.org)

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**From:** Ley, Adam <Adam.Ley@we-energies.com>  
**Sent:** Tuesday, April 20, 2021 8:29 AM  
**To:** Brian P. Glaeser <Brian.Glaeser@calumetcounty.org>  
**Subject:** RE: County N & Woodland Station

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Hi Brian,

Please see the attached approved Utility permit from the WISDOT. We are currently reviewing on our side but I think that it is fairly closed to finalized.

I wanted to confirm that the County HWY Dept. does not have any additional requirements.

Please let me know if you have any questions or need any additional information.

Adam Ley  
We Energies | Engineer  
Gas System Operations  
800 S Lynndale Drive  
Appleton, WI 54914  
Office: 920-380-3303  
Cell: 920-304-2053

**From:** Brian P. Glaeser <[Brian.Glaeser@calumetcounty.org](mailto:Brian.Glaeser@calumetcounty.org)>  
**Sent:** Monday, February 1, 2021 8:41 AM  
**To:** Ley, Adam <[Adam.Ley@we-energies.com](mailto:Adam.Ley@we-energies.com)>  
**Subject:** RE: County N & Woodland Statio

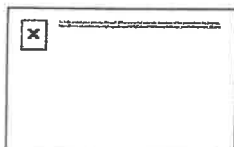
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Adam,

I will follow up with them again. They did respond to me telling me that they needed to do more research on this location, but I will reach out again and will get back to you hopefully early this week.

Thanks,

**Brian P. Glaeser**  
Highway Commissioner  
Highway Department



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**From:** Ley, Adam <[Adam.Ley@we-energies.com](mailto:Adam.Ley@we-energies.com)>  
**Sent:** Monday, February 1, 2021 7:20 AM

**To:** Brian P. Glaeser <[Brian.Glaeser@calumetcounty.org](mailto:Brian.Glaeser@calumetcounty.org)>

**Subject:** RE: County N & Woodland Statio

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Hi Brian,

Just wanted to follow up to see if we heard anything from the DOT regarding this request?

Adam Ley  
We Energies | Engineer  
Gas System Operations  
800 S Lynndale Drive  
Appleton, WI 54914  
Office: 920-380-3303  
Cell: 920-304-2053

**From:** Brian P. Glaeser <[Brian.Glaeser@calumetcounty.org](mailto:Brian.Glaeser@calumetcounty.org)>

**Sent:** Monday, January 18, 2021 7:43 AM

**To:** Ley, Adam <[Adam.Ley@we-energies.com](mailto:Adam.Ley@we-energies.com)>

**Subject:** RE: County N & Woodland Statio

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Adam,

I forwarded your request to the DOT to get more information from them. Once I hear back from them I will make sure to let you know. I would like some of the specifics from this park n' ride before I approve your request.

Thanks,

**Brian P. Glaeser**  
Highway Commisioner  
Highway Department



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mail or any attachment is prohibited. Please reply to the sender immediately if you have received the e-mail in error, and delete the original and any copy from your computer. Thank you.

**From:** Ley, Adam <[Adam.Ley@we-energies.com](mailto:Adam.Ley@we-energies.com)>  
**Sent:** Monday, January 18, 2021 6:41 AM  
**To:** Brian P. Glaeser <[Brian.Glaeser@calumetcounty.org](mailto:Brian.Glaeser@calumetcounty.org)>  
**Subject:** RE: County N & Woodland Statio

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Hi Brian,

I wanted to follow up on the email below.

Please let me know if there are any questions or other items I need to provide for you.

Thank you for your time.

Adam Ley  
We Energies | Engineer  
Gas System Operations  
800 S Lynndale Drive  
Appleton, WI 54914  
Office: 920-380-3303  
Cell: 920-304-2053

**From:** Ley, Adam  
**Sent:** Tuesday, January 12, 2021 7:43 AM  
**To:** 'brian.glaeser@calumetcounty.org' <[brian.glaeser@calumetcounty.org](mailto:brian.glaeser@calumetcounty.org)>  
**Subject:** County N & Woodland Statio

Hello Brian,

Per our conversation this morning:

We Energies has a natural gas regulator station located at the East side of CTH N, Approx. 28' N CL Woodland Rd. in the village of Harrison (Menasha) (44.2143200,-88.3229500)

The Parcel (tax key 39164) is owned by the Calumet County Park and Ride (address: N8900 COUNTY N, Menasha WI 54952). Our records show that we had an easement for the property of 35' x 60' which encompasses the footprint of all the aboveground and below grade facilities.

Please see our attached proposed drawing for this site. As said before our entire footprint for our existing site is approximately 35' x 60' (this includes our underground piping). Our current above ground fenced in structure is approximately 25' x 10'. As part of this project we would like to gravel and fence in our entire site footprint 35' x 60' . We are not making our footprint larger but instead are bringing everything that is underground inside our fence line. We like to do this to avoid damages and for security purposes.

I have also attached my correspondence with the village of Harrison who handles the zoning for this parcel.

Please let me know if you have any questions or need any additional information.

Adam Ley  
We Energies | Engineer  
Gas System Operations  
800 S Lynndale Drive  
Appleton, WI 54914  
Office: 920-380-3303  
Cell: 920-304-2053

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**ZONING BOARD OF APPEALS MEETING****VILLAGE OF HARRISON****From:**

Mark J. Mommaerts, AICP, Planner

**Meeting Date:**

June 1, 2021

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**Title:**

Revisit Variance - Scheurer

---

**Issue:**

Does the Zoning Board need to address any drainage concerns in relation to a variance granted?

---

**Background and Additional Information:**

In October 2019, the Zoning Board of Appeals (ZBA) granted a variance from a 25-foot side yard setback requirement for an accessory building. The variance was conditioned with the following:

1. The gutter and downspout system proposed by the applicant shall be installed and drain to the rear of the property.
2. The Zoning Board will revisit this item at a meeting approximately 11 months after completion of the accessory building to address drainage concerns, if any.
3. The proposed accessory building shall be no closer than 6-feet from the property line with a 1-foot overhang. The edge of the overhang shall be at least 5-feet from the property line.

The accessory building was completed in the spring/summer of 2020. At issue is condition #2 relating to revisiting this item to address drainage concerns, if any. To date, no written complaints have been received regarding drainage issues.

---

**Recommended Action:**

Based on the information provided, staff recommends if there are no drainage concerns that the Zoning Board of Appeals consider Condition #2 of the October 2, 2019 variance satisfied.

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**Attachments:**

- October 2, 2019 ZBA Decision Letter granting conditional approval

ZONING BOARD OF APPEALS  
VILLAGE OF HARRISON, WISCONSIN  
DECISION LETTER

Petitioner: Ben Scheurer  
Site Address: N6775 Hwy 55  
Site Loc. ID: 38576

**Findings:** Mr. Scheurer applied for a variance from Section 117-81(m)(b)(2) of the Village of Harrison Zoning Ordinance. Section 117-81(m)(b)(2) requires a 25-foot setback from a side property line for an accessory building. Mr. Scheurer proposed to construct an accessory building 6-7 feet from the side property line. The subject property is zoned General Agricultural [AG] and is located at N6775 Hwy 55, described as Lot 1 of CSM #364 being part of the SW1/4 of the NE1/4 of Section 12, T18N, R18E, Village of Harrison, Calumet County, Wisconsin.

**Hearing:** After due notice as provided by law, a public hearing was held by the Village of Harrison Zoning Board of Appeals on September 3, 2019 at 5:30PM at the Harrison Municipal Building to consider this petition/application for grant of variance. At said hearing, all those who desired to be heard were heard and their testimony was recorded. All testimony has been carefully considered.

**Decision:** The Village of Harrison Zoning Board of Appeals at their meeting on October 1, 2019 voted to conditionally approve the petition/application for the variance submitted by Mr. Scheurer by the following vote:

Craig Majewski: Aye  
John Jung: Aye  
Scott Chicoine: Aye  
Tom Capper: Aye

The conditions of approval are as follows:


1. The gutter and downspout system proposed by the applicant shall be installed and drain to the rear of the property.
2. The Zoning Board will revisit this item at a meeting approximately 11 months after completion of the accessory building to address drainage concerns, if any.

3. The proposed accessory building shall be no closer than 6-feet from the property line with a 1-foot overhang. The edge of the overhang shall be at least 5-feet from the property line.

Motion by Jung, seconded by Majewski, motion carried.

Conclusions: The conclusions of law for conditional approval of the variance are as follows:

1. That the variance is not contrary to the public interest because the accessory building location as proposed will reduce environmental impacts.
2. That accessory buildings, similar to the proposed building, are allowed accessory uses in the AG zoning district.
3. That previous code requirements allowed for an accessory building to be closer to the property line than current code and that placement of sanitary systems and well was likely based on the lesser setbacks.
4. That other properties in the AG zoning district are allowed accessory buildings/structures.
5. That the adjacent property has an accessory building approximately 5-10 feet from the property line.
6. That the variance is not self-created.



Scott Chicoine  
Zoning Board of Appeals, Chairman



Mark J. Mommaerts, AICP  
Recording Secretary

Dated: October 2, 2019

Filed: October 2, 2019

A party aggrieved by the decision of the Zoning Board of Appeals may commence an action seeking the remedy available by certiorari pursuant to State Statute within thirty (30) days after filing of the decision.