

Town of Perry  
Minutes of Land Use Committee  
Tuesday, October 5, 2004  
Perry Town Hall

1. Call to Order. Chairman Mick Klein Kennedy called the meeting to order at 8:04PM. Committee members present: Ann Windsor, Don Kellesvig, Dean Vogal, Roger Kittleson and Clerk Mary Price. Also in attendance: Larry Price, Dwayne Iverson, Bret Chisek, Joe Anderson, Cindy Anderson, Roger Parr, Leslie Parr, Dan Watson, Kay Watson, Dean Haag, Kathryn Gansner, William Gansner, Ken Ziegelbauer, Emory Opsal, Pat Downing, David Roberts, Ken Ziegelbauer.
2. Minutes of Previous Meeting – September 7, 2004. Ann Windsor moved and Don Kellesvig seconded a motion to approve the minutes of the September 7, 2004 Land Use Committee meeting as presented. Motion carried.
3. Managing motions – Postpone, Table, Approve, or Deny. Clerk Mary Price distributed reprinted pages of Roberts Rules of Order concerning Motions to Postpone or Table. Chairman Kennedy led a discussion to determine the correct motions to apply to incomplete applications presented to the Town.
4. Applications –
  - a. Matthew Plummer and Bret Chizek, Outlot 34 – Daleyville Site Plan change. Roger Kittleson moved and Ann Windsor seconded a motion to recommend approval of Matthew Plummer and Bret Chizek's application for a Site Plan change in Outlot 34. Chairman Kennedy reviewed comments at the site view and requested additional comments from neighbors and others in attendance. A representative of the Perry Lutheran Church's Council indicated that the Church prefers the new site. Kay Watson and Larry Price asked for clarification of the Town's prior approvals. Clerk Mary Price reported that, "On Oct. 13, 1998 the Town approved – the driveway shall be constructed off Hwy 78 if an easement can be obtained from Perry Lutheran Congregation. If an easement cannot be obtained, the alternate drive from Evergreen Ave. is acceptable." Motion carried.
  - b. Joe Anderson, 1088 STH 78, accessory building permit and variance. Chairman Kennedy requested comments from neighbors and others in attendance. Emory Opsal stated that in his opinion the garage as constructed causes a blind spot for drivers on Grinder Rd., and the garage is constructed too close to the potable water line. Kay Watson asked questions about the criteria for a hardship variance. Cindy Anderson presented a list of reasons for a hardship variance for this application – 1. garage needed to park their cars off of the streets. 2. garage makes it easier to place their twin daughters in their carseats. 3. garage is in the

same area as the foundation for the old building due to proximity of septic system and trees. 4. Title company and survey errors. The Committee reviewed hardships as defined by “Guidelines for Variance Applications, Dane County Board of Adjustment” 1, 2, 3 and 4. Dan Watson commented that he would need a permit and he would be required to meet the setback requirements if he applied to construct a building. Joe and Cindy Anderson said that the ownership of the road is in question and being reviewed by Dane County.

Ann Windsor moved and Don Kellesvig seconded a motion to recommend denial of Joe Anderson’s building permit application and variance. The Committee discussed Chronology as prepared by Clerk Mary Price, and reviewed date of construction and date of application, safety concerns, and neighbor comments.

Larry Price suggested that Dane Co. Ordinance 10.17(3)(a) and (b) Class C highways setback requirements and Variance 2, 3 and 7 might be applicable. Emory Opsal reported that neighbors indicated additional land was secured by Joe Anderson and Roger Anderson (Joe’s father) and garage could have been built off of Grinder Road. Larry Price reminded the Committee that only two variances were applied for in the Town in recent years – mobile home for J. Kittleson and a garage on Lee Valley Road. Dan Watson said that the garage is too big and should not be in the road.

Joe Anderson reported that according to Thom Grenlie’s letter the garage was on the foundation of the old barn which was also in the road. Roger Kittleson observed from the notations on the surveys that the new building was bigger than the original foundation. Joe Anderson said that he has received no complaints from his Grinder Road neighbors.

Mick Klein Kennedy reviewed the Chronology and concluded that it shows no intent to obtain a permit by the applicant. Kay Watson said that Dane Co. would deny other applicants if a building was constructed in a road. Clerk Mary Price reviewed her report at the Board of Adjustment hearing on Sept. 23.

The Committee reviewed Dane Co.’s “50% rule” – new building cannot exceed 50% of residence area. Survey indicates that the Andersons’ house is 1,870 sq. ft and the new building is 720 sq. ft. = less than 50%.

Motion carried.

- c. James Donlin, 1375 STH 78, accessory building permit. Don Kellesvig moved and Ann Windsor seconded a motion to recommend approval of James Donlin’s accessory building permit application. The Committee reviewed the discussion held at the site view, and the site plan. Motion carried.
- d. Roger Parr, 899 CTH JG, accessory building permit. Dean Vogel moved and Ann Windsor seconded a motion to recommend approval of Roger Parr’s accessory building permit application. Kay Gansner, neighbor, indicated that she had no objection. Motion carried.

- e. Katharine and William Gansner, on CTH JG, east of 877 CTH JG, Site Plan, Zoning Change, Building Permits, Driveway Construction Permit. Ken Ziegelbauer distributed soil type reports prepared by David Roberts for the Committee's review. Chairman Mick Klein Kennedy reported provisions in Section 8 of the Land Use Plan regarding Mapping Disputes, requiring "The Land Use Committee will submit these data to Dane County Land Conservation Department for review and comment or opinion concerning the findings." Dean Vogel reviewed questions with David Roberts concerning soil types. Mr. David C. Roberts, Professional Soil Scientist retired, [#117] presented his opinion on soil types and additional charts. William Gansner agreed that the soil map should be reviewed by the Dane Co. Land Conservation Department.

Ann Windsor moved and Roger Kittleson seconded a motion to postpone action until a report is received from the Dane Co. Land Conservation Dept. The Committee discussed comments received from Kevin Connors, Dane Co. Land Conservation Dept. and advised applicants to prepare exhibits for review without proposed buildings shown. Chairman Kennedy advised the applicants that the application would be evaluated according to other Land Use Plan criteria after the soil types report is received. Motion carried.

5. Land Use Plan – narrative. Clerk Mary Price distributed the proposed changes to Sections 1 and 2 for review. The Committee was asked to review the changes prior to the next public hearing.
6. Schedule meetings. The Committee reviewed scheduled meeting dates and determined that the November site views will be held on Saturday, October 30<sup>th</sup> and the Committee's meeting will be held on Thursday, November 4<sup>th</sup> due to Election Day on November 2<sup>nd</sup>.
7. Adjourn. Dean Vogel moved and Don Kellesvig seconded a motion to adjourn. Motion carried. The meeting adjourned at 10:25PM.

Respectfully submitted,

Mary L. Price, Clerk

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