

Town of Perry  
Minutes of Land Use Committee Meeting  
Wednesday, September 6, 2023  
Perry Town Hall, 10084 County A

1. Call to Order. Chairman Dean Vogel called the meeting to order at 8:02 PM. Committee members Ken Hefty, Bird Cupps, and Deputy Clerk Stephanie Zwettler were present. Also in attendance: Ryan Oehlhof, Brad and Karen Grundahl, Pat Downing, and David Jelle. Committee member Phoebe Blackman, Robert Anderson, and Remberto del Real attended via teleconference.
2. Minutes of Previous Meeting – August 2, 2023. Ken Hefty moved and Phoebe Blackman seconded a motion to approve the minutes of the Land Use Committee meeting held on August 2, 2023, as presented. Motion carried.
3. Brady Gomez, 313 STH 78 – accessory building permits. Phoebe Blackman moved and Ken Hefty seconded a motion to discuss the application. Motion carried.

Committee members reviewed the application and discussed the development of the constructed accessory buildings and one proposed accessory building. Robert Anderson, agent for the applicant, explained that the buildings were constructed to provide livestock shelter: four were built on the same site as the greenhouses from the previous owner, and three were additions to existing buildings. Bird Cupps commented that the buildings were constructed without approval from the Town, and all are located on Choice soil. The Committee acknowledged that the residence and all accessory buildings are on Choice soil. Committee members recalled observations from the 2022 site view of the proposed site for the accessory building adjacent to an existing agricultural building. The Committee reviewed the variances allowed in the Building Ordinance and determined that variances apply.

Ken Hefty moved and Phoebe Blackman seconded the motion to recommend approval of the accessory building permit application for buildings identified as #1-4, with a variance allowed by the Building Ordinance's Section 1.07(2)(a) and (b) due to agricultural use, and #5-7 as additions to existing accessory buildings. Bird Cupps opposed; motion carried.

Dean Vogel moved and Ken Hefty seconded a motion to recommend approval for the accessory building permit application for the proposed building identified as #8, with a variance allowed by the Building Ordinance's Section 1.07(2)(a) and (b) due to agricultural use. Motion carried.

4. Ryan & Lori Oehlhof, 365 Tyvand Rd – zoning change for 3 acres from RR-8 to TFR-08, site plan, driveway, and Conditional Use Permit for detached ADU (accessory dwelling unit) - update. Ken Hefty moved and Phoebe Blackman seconded the motion to discuss the application. Motion carried.

Chairman Dean Vogel explained that the application was tabled to obtain legal clarification on whether the U.S. Fair Housing Act and Americans with Disabilities Act could override the Town's Land Use Plan and Density Policy. Chairman Vogel read the response from legal counsel with the Wisconsin Towns Association.

Committee members also reviewed documents recorded with parcel 050635186000 and discussed the deed restrictions.

Chairman Vogel explained that the Town's Density Policy states, "When the density limit is reached, construction of additional dwellings will not be approved." Applicant Ryan Oehlhof presented additional information, advised reasonable accommodations for consideration, and requested a variance. Ken Hefty explained that the Town does not approve variances from the Town's Density Policy.

Ken Hefty moved and Phoebe Blackman seconded a motion to recommend denial of the zoning change, site plan, driveway, and Conditional Use Permit application based on the Land Use Plan Density Policy as submitted by Ryan and Lori Oehlhof. Motion carried.

5. Brad Grundahl, 11083 CTH A – informal discussion. Brad Grundahl presented information for a potential site plan. The Land Use Committee explained pertinent sections of the Land Use Plan and the requirements for the application process.
6. Comprehensive Plan amendments – community survey update. The Committee reviewed comments and results recorded from the community survey.
7. Pending applications – review and discussion. Deputy Clerk Stephanie Zwettler reported that Pat Heim submitted a revised site plan for the recently approved solar project.
8. Schedule meetings. Site views will be held on September 30, and the meeting and public hearings will be held on October 4, 2023, for applications submitted by September 15, 2023.
9. Adjourn. Ken Hefty moved and Dean Vogel seconded a motion to adjourn. Motion carried. The meeting adjourned at 10:11 PM.

Respectfully submitted,  
Stephanie Zwettler, Deputy Clerk

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