

# Town of West Point Plan Commission Minutes January 19, 2012

Pursuant to Wisconsin State Statutes s. 19.84 the Plan Commission of the Town of West Point held its semi-monthly meeting on Thursday, January 19, 2012 at the West Point Town Hall, N2114 Rausch Road, Lodi, Wisconsin. The meeting agenda was posted in three places as required by law and on the town's web site. Chairman Kevin Kessler called the meeting to order at 7: 35 p.m. Members present were Kevin Kessler, Nathan Sawyer, Sheila Landsverk, Wayne Houston, Fred Madison, Byron Olson and Gordon Carncross (Town Board Representative). Also present were Edith K. Eberle, Town Clerk and Jeff Clark, Town Attorney.

Agenda #2 – Approval of Agenda – A motion was made by Gordon Carncross to move agenda item #7 prior to agenda items #4, #5, #6, 2<sup>nd</sup> by Sheila Landsverk – motion carried unanimously.

Agenda #3 Approve Minutes – Copies of the January 5, 2012 Plan Commission minutes had been emailed to each member for their review. A motion was made by Sheila Landsverk to approve the minutes as presented, 2<sup>nd</sup> by Byron Olson – motion carried unanimously.

Agenda #3A Correspondence – Kevin Kessler stated that the Town of West Point has received copies of the recommended Columbia County Zoning Ordinance which was dated December 6, 2011. There will be an open house for member of Columbia County Board and Town Officials on February 15, 2012 at the Courthouse in Portage. The County Board is scheduled to consider adoption of the proposed Ordinance at their March 21, 2012 meeting. Copies of Section 12 – page 5 which has to do with Towns review of variances were given to each Plan Commission member. A letter was received from Attorney Loren Paulson of Lee, Kikelly, Paulson & Younger, dated January 18, 2012 regarding the easement issues related to the Ballweg land divisions and rezonings, items 4, 5 & 6 on the agenda. Attorney Paulson is representing Ron Hunt and Sheila Landsverk.

Agenda #7 2 acre CSM for Thomas and Nancy Bannan at N1897 State Highway 188. Tax Parcel #142. Jim Grothman is representing Tom and Nancy Bannan. Present representing the Bannan's were Tom Bannan and Nancy Bannan and Jim Grothman. Jim Grothman stated that the home

was built prior to 1977 and was Tom's mother's home. The 2 acre CSM constitutes a "farm consolidation" under the County zoning code and therefore the new lot does not need to be rezoned from the Ag. district. The parent parcel, consisting of 220 acres, supports 3 residential splits under the provisions of Section 6.00 of the Land Division and Subdivision regulations of the Town of West Point. Notwithstanding that the residence predated 1977 and the lot may remain in the Ag. district, the creation of the lot does require the use of one of the residential splits on the parent parcel. There is a second house on the parent parcel as well and thus there is one residential split remaining. The remaining 218 acres will remain zoned agriculture and both the lot and remaining acres will be subjected to satisfactory covenants and restrictions to comply with the Town's ordinance. A motion was made by Fred Madison to schedule a public hearing on March 1, 2012 contingent upon all documents/materials/fees and agreement to be responsible for all costs and expenses of the Town, including all attorney fees, being submitted by February 10, 2012, 2<sup>nd</sup> by Gordon Carncross - motion carried unanimously.

Agenda # 4 - Rezoning of house and 5 acres from Agricultural to Rural Residential for Kathy Ballweg at W12744 State Highway 60. Jim Grothman representing Kathy Ballweg. Tax Parcel 317.01

Agenda #5 - 5 acre CSM for Kathy Ballweg at W12744 State Highway 60. Jim Grothman representing Kathy Ballweg. Tax Parcel 317.01

Agenda #6 - CSM for Jon and Carrie Ballweg to do a Farm Consolidation at W12790 State Highway 60. Tax Parcel #321. Jim Grothman representing John and Carrie Ballweg. Present representing the Ballwegs was Kathy Ballweg, Jon Ballweg, Carrie Ballweg, Jim Grothman and Attorney Dale Carlson.

The Plan Commission decided to discuss the above three inter-related agenda items simultaneously:

CSM for Kathy Ballweg - Jim Grothman presented a map recreating and documenting the original "parent parcel" involving the Ballweg lands establishing that the 220 acre parent parcel is entitled to 3 development rights. Two of the development rights on the parent parcel have been used consisting of the Jon and Carrie Ballweg residence on STH 188 and the Kathy Ballweg residence for which the CSM is sought. One development right remains to be exercised in connection with the parent parcel. A revised

CSM map for Kathy Ballweg was presented by Jim Grothman consisting of a 5 acre parcel showing revised boundaries. The proposed CSM requires the public frontage requirement be waived. There is a 33 foot wide access easement serving 3 residences (Kathy Ballweg, Ron Hunt/Sheila Landsverk, and Kurt Reichert). This easement will not be used to provide access in connection with the future exercise of the remaining development right. Except for the proposed CSM lot and the Jon and Carrie Ballweg CSM lot, all of the remaining parent parcel shall remain as agricultural and open space except that one additional residence could be developed but shall be restricted to the remainder of Tax Parcel 321. The CSM lot and remaining lands will be subjected to covenants and restrictions under the provisions of Chapter 6 of the Town's Ordinances

Rezoning for Kathy Ballweg – Kathy Ballweg needs to rezone the CSM lot from Ag. to rural residential to support the existing residence subject to appropriate covenants and restrictions as noted above. The Town supports imposing agricultural overlay on all of the parent parcel except the CSM lot and remainder of Tax Parcel 321.

CSM for Jon and Carrie Ballweg – A CSM was presented to the Plan Commission for their consideration. The proposed CSM is 4.82 acres and includes all the current buildings including the home which was built prior to 1977 and therefore this land division also qualifies as a “farm consolidation” and the proposed lot may remain in the Ag. district. The Ballweg's are in the process of buying a 30 foot strip of land from Howard and Mary Ann Hartmann which will be used to access the remainder of Tax Parcel 321 where the development right may be used. Access to the 30 foot strip will be from the current access to the CSM and thus there is no need for another approved access off State Highway 60. The CSM will be revised to incorporate the 30 foot strip into the CSM lot.

Shared Driveway Easement – There is a question under the shared driveway instruments whether Jon Ballweg as the owner of the land underlying the easement also has the right to use the easement/driveway to access land he owns or might acquire, including lands east of the Kathy Ballweg CSM. The Plan Commission encouraged the parties to try and resolve any disagreements soon to avoid having the Town Attorney render an opinion on the issue for the Plan Commission's consideration.

A motion was made by Wayne Houston to schedule the public hearings on March 1, 2012 on the 2 CSM's and the rezoning contingent

upon the Town receiving all documents/materials/fees and agreement to be responsible for all costs and expenses of the Town, including all attorneys fees, by February 10, 2012, 2<sup>nd</sup> by Fred Madison – motion carried. Sheila Landsverk recused herself from voting. The Plan Commission encouraged the parties to try to resolve disagreements over the easement. Town Attorney Jeff Clark will be asked to do research if the issue cannot be resolved, at the Ballweg’s expense.

Agenda #8 Resolution #02-09-2012 for Supporting Proposed State Purchase of Certain Land for the Ice Age Trail – The Town Chair received a letter from DNR regarding a proposed state purchase of 20 acres of land for the Ice Age Trail in the Town of Point. The proposed purchase is due east of Gibraltar Rock Natural Area and joins DNR owned 146.38 acres near Gibraltar Rock. The land will be managed for conservation and public recreational use. The DNR letter presents an opportunity for the Town of West Point to adopt a resolution supporting or opposing the land purchase. Kevin Kessler presented a copy of the proposed resolution in support of the purchase that will be on the February 9, 2012 Town Board agenda to consider. A motion was made by Bryon Olson to recommend approval for Resolution #02-09-2012 to the Town Board, 2<sup>nd</sup> by Sheila Landsverk – yes 6 – no 1 – motion carried.

Agenda #9 Town Board Report – Gordon Carncross gave a report on the January 12, 2012 Town Board meeting.

Agenda #10 Next Meeting Agenda and Date – The next Plan Commission meeting will be on March 1<sup>st</sup>, 2012 – on the agenda is: Public Hearing for Kathy Ballweg (CSM and Rezoning), Public Hearing for Tom and Nancy Bannan (CSM), Public Hearing for a CSM for Jon and Carrie Ballweg, CSM and Rezoning for Kathy Ballweg, CSM for Jon and Carrie Ballweg, CSM for Tom and Nancy Bannan, Town Board Report and any other business that may legally brought before the Plan Commission.

Agenda #11 Adjourn Meeting. A motion was made by Wayne Houston to adjourn the January 19, 2012 Plan Commission meeting at 9:30 p. m., 2<sup>nd</sup> by Fred Madison - motion carried unanimously.

Respectfully Submitted by,  
*Edith K. Eberle*  
Town Clerk