

Town of West Point  
Plan Commission Minutes  
September 1, 2011

Pursuant to Wisconsin State Statutes s. 19.84 the Plan Commission of the Town of West Point held its semi-monthly meeting on Thursday, September 1, 2011 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: 32 p.m. Members present were Kevin Kessler, Nathan Sawyer, Byron Olson, Sheila Landsverk, Wayne Houston, Fred Madison (7:35 p.m.) and Gordon Carncross (Town Board Representative). Also present were Edith K. Eberle, Town Clerk.

Agenda #2 – Approval of Agenda – A motion was made by Gordon Carncross to move agenda items #6 and #7 later in the agenda as a request was made by Craig Meister who had a prior commitment, 2<sup>nd</sup> by Nathan Sawyer – motion carried unanimously.

Agenda #3 Approve Minutes – Copies of the August 4, 2011 Plan Commission minutes had been emailed to each member on August 10, 2011 for their review. A motion was made by Byron Olson to approve the August 4, 2011 minutes as presented, 2<sup>nd</sup> by Gordon Carncross – motion carried unanimously.

Agenda #4 Correspondence – None

Agenda #5 Citizens Input – Tom Bannan would like to be on the September 15<sup>th</sup> Plan Commission meeting as he would like to take his mother's home and create a 5 acre rural residential parcel.

Agenda #6 Public Hearing on variances for Genny Lowy at W12806 Pleasant View Park Road , Lodi, WI 53555 – Tax Parcel #695 in Section 11, Town 10N, Range 7E. The Variances request are for Columbia County Zoning Ordinance Chapter 16-1-5(c)(5) Rear Yard Setback for Retaining Walls, deck and steps within 75' setback to the Lake ; Section 16-1-2(b)(4)(c) Side Yard setback for a deck and Section 16-5-40 Water Setback of the Columbia County Shoreland-Wetland Ordinance. Craig Meister is representing Genny Lowy. Kevin Kessler opened the public hearing for

Genny Lowy at approximately 8:30 p.m. The Town Clerk stated that 38 letters were sent out on August 11<sup>th</sup>, 2011 to landowners within 500 feet of the Lowy property. Copies of a letter from Richard Newman an adjacent landowner were given to each Plan Commission Member for their information. Craig Meister appeared on behalf of the owner. There was a question on who is the current owner of the property. On the application that was filled out for the Town of West Point Genny Lowy stated that she is the property owner, but in a letter to the Plan Commission from Genny Lowy, she stated that her father is the property owner. The Plan Commission had asked for elevations from the side view of the property which was not done. There were no other comments at the public hearing.

The public hearing was closed at 8:45 p.m.

Agenda #7 Variances for Genny Lowy at W12806 Pleasant View Park Road , Lodi, WI 53555 – Tax Parcel #695 in Section 11, Town 10N, Range 7E. The Variances request are for Columbia County Zoning Ordinance Chapter 16-1-5(c)(5) Rear Yard Setback for Retaining Walls, deck and steps within 75’ setback to the Lake ; Section 16-1-2(b)(4)(c) Side Yard setback for a deck and Section 16-5-40 Water Setback of the Columbia County Shoreland-Wetland Ordinance. Craig Meister is representing Genny Lowy. A motion was made by Sheila Landsverk to deny the variance application for Genny Lowy as there was limited information available, a question on whether the applicant is the owner of the property, lack of information and a hardship has not been met, 2<sup>nd</sup> by Byron Olson. After discussion the motion was withdrawn by Landsverk and Olson. Gordon Carncross stated that he was glad to see that small property owners are being able to fix up their property. During the discussion Plan Commission members expressed no problems with the retaining walls, but questioned the need for and hardship regarding deck expansion. Plan Commission members believed that wheelchair access to the deck was already available through the house. A motion was made by Sheila Landsverk to recommend to the Town Board and Columbia County Planning and Zoning approval the variances for the retaining walls and the relocation of deck steps but denial of the variances for the deck expansion, contingent upon obtaining the signature of the owner for the property, 2<sup>nd</sup> by Fred Madison – yes 6 – no 1 - motion carried. Wayne Houston voted no.

Agenda #8 Information on rezoning of house and 5 acres to Rural Residential, and deed restricting the remaining acreage for Kathy Ballweg at W12744 State Highway 60. Jim Grothman, Attorney Dale Carson and Deanna Ballweg, First Weber Realty were present with Kathy Ballweg – Jim Grothman explained that when Kathy and Roger Ballweg had built their home it had been a part larger farm. On Aug 4, 1993 they had filled the proper forms with the county and they were allowed to build a second home on the farm without separating the new home from the farm. In 1999 after Roger had passed away the farm was split with the two homes and farm buildings in Kathy’s name [52 acres], and the rest of the contiguous acreage in the Ballweg Family Trust [158 acres]. In 2004 Jon and Carrie purchased by land contract the 158 Ballweg Family Trust lands – parcels 316,317,318,319,321. In 2005, Kathy Ballweg split tax parcel 326 [13+ acres] by warranty deed giving her home 10.4 acres and Jon and Carrie 3 acres [the land under the upper section of the shared driveway easement].

Columbia County Planning and Zoning Director John Bluemke discovered after Kathy put her home for sale this summer in 2011 that the 2005 split was a violation of the county zoning 35 acre rule, and the warranty deed of the 3 acres was a violation of the land division ordinance. Bluemke suggested in August the Ballwegs had two options to correct this violation: option 1: CSM to combine parcel 326.1 with 326.2, and ag overlay of parcel 321, with a CSM of 2-5 acres around the Kathy Ballweg home rezoned to Rural Residential; or option 2: One large CSM lot combining remnants of 321,326.2 and parcel 326.1 and applying Ag Overlay.

Grothman then presented copies to the Plan Commission of a Plat of Survey that had not yet been filed conveying additional acreage to tax parcel #326.2 (Kathy Ballweg home) for a total of 35 acres to make it a conforming piece of property. This proposal was a ‘flag lot’, using instead of the recommended parcel 321, it joined 326.2 with 326.1, a sliver of parcel 318, and half of parcel 317.

Kathy Ballweg would like to split 5 acres out of that 35 acre parcel with her home and deed restrict the remaining 30 acres of land so that it will never be allowed to have a home built on it. Kathy said she wanted to do this because she had her home listed for sale and felt it would sell better as a 5 acre parcel. Deanna Ballweg concurred, stating that ag land values were on the increase and with a 35 acre parcel there are less buyers. The 5 acres would have to be rezoned to rural residential and they would deed restrict the remaining 30 acres with an Ag. Overlay zoning change. Kathy would

then convey the 30 acre parcel to the Jon and Carrie Ballweg farm making it contiguous and all one parcel.

Sheila Landsverk asked why Attorney Rick Koeck, whom had filed the land divisions in 2005, did not know they were in violation. Attorney Dale Carlson said he could not speak for what Rick Koeck had done, even if they were in the same law firm. Sheila Landsverk stated that the driveway easement did not allow any other users of the driveway except the three homes, and she did not understand why Jon and Carrie wanted to own/pay taxes on land accessible and under an easement they were not party to. Mr. Carlson stated that the existing driveway easement is for residential use only, but in his opinion it doesn't prohibit the landowner from crossing the easement for other purposes. There is no change planned by the Ballwegs to the driveway easement. Questions centered around if the CSM would create a buildable lot on the wooded acreage between Kathy Ballweg's home and the Reichert property. Each Plan Commission member asked questions and stated that they would consider the CSM if no new buildable parcel was created and the land was deed restricted. Jim Grothman was asked to draw up maps showing the exact locations of the 5 acres and the 30 acres that would (if approved) be deed restricted and put in an Ag Overlay district. This was an informational item and no action was taken. It will be on the September 15, 2011 Plan Commission agenda.

Agenda #9 Jon Ballweg is looking at a Farm Consolidation at W12790 State Highway 60. Jim Grothman was present representing Jon and Carrie Ballweg whom were also present. Jim Grothman explained that the house was built in 1972 and that Jon would like do a farm consolidation by dividing the buildings from the farm land. It was stated that in the Columbia County proposed new Zoning Ordinance farm consolidation would not be allowed (once the ordinance is adopted). This was an informational item and no action was taken. The Farm Consolidation agenda item will be on the September 15<sup>th</sup> Plan Commission meeting for consideration.

Agenda #10 Sharon Osborn at W12616 Pleasant View Park Road possible property line change. The agenda was deleted by Sharon Osborn as they had other commitments and will be put on the September 15, 2011 agenda.

Agenda #11 Update on Columbia County Zoning Ordinance – Kevin Kessler stated that there was no update.

Agenda #12 Next Meeting Agenda – A proposed cell tower on Bittner Road presentation by Todd Anderson; Rural Residential zoning of 5 acres for Kathy Ballweg and deed restricting remaining acreage; Farm Consolidation for Jon Ballweg on W12790 State Highway 60; Tom Bannon possible creating a Rural Residential lot of 5 acres; Sharon Osborn at W12616 Pleasant View Park Road possible property line change; Town Board Report; Update on Columbia County Zoning Ordinance and any other business that may legally brought before the Plan Commission.

The Plan Commission presented the Town Clerk Edith Eberle with a delicious birthday cake and card.

Agenda #13 Adjourn Meeting. A motion was made by Fred Madison to adjourn the September 1, 2011 Plan Commission meeting at 9:15 p. m., 2<sup>nd</sup> by Byron Olson - motion carried unanimously.

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