

Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE JOINT VILLAGE & TOWN EXTRATERRITORIAL ZONING
COMMITTEE

held on Tuesday, June 23, 2020, at 4:30 p.m., in the Board Room, at the Municipal Center

AGENDA ITEMS.

1. Meeting called to order by Director of Planning & Development Higgins.

2. Roll Call of Joint Village & Town ETZ by Secretary Parker.

Roll call indicated 6 ETZ members present.

<u>Member</u>	<u>Present</u>
CHRISTIANSEN, RANDY	YES
CRONIN, STEVEN	YES
GUERNDT, GARY	YES
HULL, MARK	YES
MEINEL, STEVE	YES
OLSON, MILT	YES

Village Staff in attendance: Higgins, Wheaton, Tatro, and Parker.

There was 1 audience member present.

3. Call for Nominations for ETZ Chair.

a. Discussion and Action on ETZ Chair

Hull nominated Olson as chair. Olson commented he is gone in the winter. Hull and Higgins stated Olson can call in.

Cronin nominated Meinel as chair.

Higgins explained that normally the ETZ meetings are held during the Village PC meetings. Guerndt questioned if there was any responsibilities outside of the ETZ meetings that the Chair is responsible for?

Higgins explained the ETZ must be made up of 3 Village Plan Commission members and 3 Town citizens. She stated that actions taken at ETZ then go before the Village Board of Trustees. The ETZ acts as the Plan Commission for anything within the ETZ area. Higgins explained the Village and ETZ share the same zoning code, but with a few minor differences. Higgins stated the Town code is very similar too, and Village staff administers the Town zoning code. There used to be 3 different zoning codes, but when we changed the zoning code in 2015, we combined the ETZ and Village zoning code together. Higgins stated the ETZ has been in place since 2007.

Hull explained this was all due to lawsuits that occurred in the State. Hull discussed how ETZ area covers land 3 miles from the border of the Village into the Town. The State then created a 6-body board consisting on 3 members from each municipality, so there is even representation. As a protection to the town, in order for action in the ETZ area to go through, there must be one affirmative vote by the Town.

Higgins explained when the Village became a Village in 1996, we did not get a new zoning code, and just recodified the ordinances. The old code did not have all the tools we needed to guide the growth, when we were growing. Then in 2015, we basically scrapped the old code and created a new one.

It was explained to Guerndt, that there is still an area of the Town, outside of the ETZ. Higgins explained the Town also revised its code, which now is fairly similar to the Village's.

Hull discussed how staff at the Village can take care of zoning issues.

Olson nominated Meinel.

It was then discussed that since both Olson and Meinel were nominated, Olson could be Chair and Meinel could be Vice Chair.

There was discussion on possible action where Town members vote no and how that works.

Motion by Hull, second by Meinel, to nominate Olson for ETZ Chair.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
CHRISTIANSEN, RANDY	YES
CRONIN, STEVEN	YES
GUERNDT, GARY	YES
HULL, MARK	YES
MEINEL, STEVE	YES
OLSON, MILT	YES

4. Call for Nominations for ETZ Vice-Chair.

a. Discussion and Action on ETZ Vice Chair

Meinel accepted being nominated for the Vice Chair.

Motion by Cronin, second by Guerndt, to nominate Meinel for ETZ Vice Chair.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
CHRISTIANSEN, RANDY	YES
CRONIN, STEVEN	YES
GUERNDT, GARY	YES
HULL, MARK	YES
MEINEL, STEVE	YES
OLSON, MILT	YES

5. Approve minutes from the March 9, 2020 Regular Meeting.

Motion by Cronin, second by Hull, to approve minutes from March 9, 2020 ETZ Meeting.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
CHRISTIANSEN, RANDY	YES
CRONIN, STEVEN	YES
GUERNDT, GARY	YES
HULL, MARK	YES
MEINEL, STEVE	YES
OLSON, MILT	YES

COMMUNICATIONS

4. Opportunity for citizens to be heard.

None

5. Written communications received.

None

NEW BUSINESS

8. Permit #20474 David Gau, 225303 Maplewood Drive, Request for 30-foot x 30-foot detached garage to be located between house and road.

Dave Gau, 225303 was present. He stated when he moved in a year ago, there was a clearing already there, where there was a lean-to for wood storage. He did not realize he needed a permit, and his contractor told him he was responsible for obtaining that. He stated how the concrete slab is already down.

Tatro stated Gau's original plan was to build a pole barn, but now has revised his plan to be a framed structure with vinyl siding, as we do not allow the metal siding. Just basically the formality of the location. This is a wooded area, where there is not a lot of traffic, and he is pretty far off from the street. Staff feels would be acceptable. Wheaton discussed the orientation of house.

Hull asked if there is any subdivision restrictions or homeowners association in that subdivision.

Tatro stated staff is not aware of anything, and the Village/Town does not enforce those.

Olson stated he believes when Patrick Winnie established this Pat's Maplewood Acres subdivision, there was a homeowner's association where he was the only one that could have a machine shed or horses, or something of that nature. Gau commented on a property in the subdivision, where there is a large shed and horses. Olson stated he believes Winnie exempted his own property. Hull stated it would be up to the Homeowner's Association. He stated usually there would be something on the Deed making the owners aware. Meinel stated the Deed may not, but it would have shown up in the Title Policy.

Hull stated even if ETZ approves this, and if there is a Homeowners restriction, someone could challenge this as it goes on.

Meinel stated this should be covered in his Title Policy, from what he has seen in the past.

Hull commented on the plan not being to scale. He questioned where the measurements are from. Gau stated the measurement is from the edge of the asphalt. Which he understands is not the property line. Hull asked if Gau knows if the corners of the building will be greater than 50' from the property line. Gau stated he measured 58' to the center of where the slab is. Hull stated he needs to be greater than 15' from the side. We don't have any measurements to show and the plan is not to scale.

Higgins stated there should be an updated site plan showing the dimensions and setbacks. Higgins stated we will ask for a new site plan at building permit issuance. Right now we are looking at whether or not to approve that garage in the front.

Hull confirmed the building will be closer to road than home. Gau does not want to take down trees and pull stumps, and rocks, and wants to utilize the existing pad. Hull questioned if there are any other utility building on the site. Gau stated the only existing building on the property is the house and attached garage.

Motion by Meinel, second by Guerndt: to approve the request for Permit #20474, subject to the building being 50 feet from front right-of-way and a revised site plan coming in to staff. Q: Higgins stated Parker was able to find the covenants on Marathon County Records (copy attached), and read Covenant No 4, Temporary Structures, where it covers outbuildings. Tatro stated Gau will have to talk

to the Homeowner's Association to get their okay. Hull read the length of time of covenants. Tatro stated ETZ can still approve, but Gau would have to get the approval from the Homeowner's Association. Motion carried.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
CHRISTIANSEN, RANDY	YES
CRONIN, STEVEN	YES
GUERNDT, GARY	YES
HULL, MARK	YES
MEINEL, STEVE	YES
OLSON, MILT	YES

MISCELLANEOUS

9. Next meeting date - TBD

10. Remarks from Staff and Committee Members.

Hull stated the ETZ members show contact with an e-mail address through the Village address. Parker stated for the Town members, we have been just sending to their personal accounts. Hull questioned if Crowe can set something up to have the "westonwi.gov" emails forwarded to them or change to the email addresses listed on the Town website.

There was discussion about Christiansen being on ETZ, not Dan Higginbotham. Olson stated the Town Board voted Christiansen on Plan Commission, not Higginbotham.

ADJOURNMENT

18. Adjournment of ETZ

Motion by Hull, Second by Meinel: to adjourn at 5:10 p.m.

Jennifer Higgins, Director of Planning & Development
Valerie Parker, Recording Secretary

Document Number

Document Title

1192556
PAT'S MAPLEWOOD ACRES COVENANTS
REGISTER'S OFFICE
MARATHON COUNTY, WI
DEC 02 1999 10:43 AM

Michael J. Sydow

REGISTER

Recording Area

Name and Return Address

Patrick & Mary Jo Winnie
9807 Roble Lane
Weston, WI 54476

Chrg. water 14.00

Parcel Identification Number (PIN)

PAT'S MAPLEWOOD ACRES

Lot 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10

Town of Weston, Marathon County, Wisconsin

- 37.082.4.2808.131.0002 - Lot 1
- 37.082.4.2808.131.0003 - " 2
- 37.082.4.2808.131.0004 - " 3
- 37.082.4.2808.131.0005 - " 4 # 0621
- 37.082.4.2808.131.0006 - " 5
- 37.082.4.2808.131.0007 - " 6
- 37.082.4.2808.131.0008 - " 7
- 37.082.4.2808.131.0009 - " 8
- 37.082.4.2808.131.0010 - " 9
- 37.082.4.2808.131.0011 - " 10

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.517. WRDA 2/96

**RESTRICTIVE AND PROTECTIVE COVENANTS
FOR PAT'S MAPLEWOOD ACRES**

Pat's Maplewood Acres does hereby make the following declarations as to the limitations, restrictions and uses to which the lots and/or tracts constituting said subdivision may be put, hereby specifying that said declarations shall constitute covenants to run with all of the land, as provided by law, and shall be binding on all parties and persons claiming under them and for the benefit of and limitations on all future owners in said Subdivision, this declaration of restrictions being designed for the purpose of preserving and protecting the desirability, beauty, uniformity, and value of all of the land to said subdivision for the benefit of all the owners thereof as said restrictions are herein specified.

COVENANT NO. 1. TERM: These covenants shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date this document is recorded, after which time said covenants shall automatically be extended for successive periods of ten (10) years, unless an agreement signed by a majority of the then owners of the lots to which these covenants apply has been recorded agreeing to change these covenants in whole or part.

COVENANT NO. 2. DWELLING QUALITY AND SIZE: Any structure erected on any lot shall be used for residential purposes only and shall contain a minimum floor area, exclusive of open porches or garage of 1800 square feet. Each dwelling so constructed shall have a private garage of not less than two-car capacity. All garages must be attached to the dwelling. The aforementioned minimums square footage is to be measured using only the first and second floor measurements and shall not be calculated so as to include any basement footage regardless if such footage is finished as living space or not.

COVENANT NO. 3. NUISANCE: No part of the premises shall be used or occupied injuriously or in any way so as to adversely affect the use or value of the adjoining or adjacent premises for residential purposes, nor shall anything be done on the premises, which may be or does become any annoyance or nuisance to the neighbor-hood and/or to the land to which these covenants apply.

COVENANT NO. 4. TEMPORARY STRUCTURES: No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at anytime as a residence either temporarily or permanently. Outbuilding, if constructed detached from the main structure, must follow the same roof lines as the dwelling and the siding must be same color and material as dwelling. These structures must be constructed on a three inch (3") minimum concrete slab. Outbuilding size shall not exceed 36' x 36' and limited to a maximum of one (1) per lot. Outbuilding must be located in rear one-half of lot, not closer than 20 feet from rear or side lot line.

COVENANT NO. 5. LIVESTOCK AND POULTRY: No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept, provided they are not kept, bred, or maintained for any commercial purposes.

COVENANT NO. 6. SWIMMING POOL: If an above-ground pool is placed on any of the lots, it must be obscured with a privacy fence. Any fence so constructed shall completely contain the pool and be a minimum of four (4) feet in height. All gates in such fence shall be kept closed at all times so as to prevent access/trespass by children.

COVENANT NO. 7. ENERGY EQUIPMENT: No energy-creating or energy-converting equipment shall be permitted upon the premises such as solar or wind generators except that solar equipment shall be permitted to be affixed to the residence.

COVENANT NO. 8. EXISTING STRUCTURES: No existing dwelling may be moved onto or placed on the premises and no pre-manufactured housing commonly known as "doublewides" shall be permitted. However, nothing in this paragraph shall be construed as prohibiting the erection of a "manufactured" dwelling: as that term is defined at S.ILHR 20.07 (52), Wis. Adm. Code.

COVENANT NO. 9. APPLICATION: These covenants shall apply to all of Pat's Maplewood Acres in the Town of Weston, where no lot shall be used except for residential, single-family housing purposes.

COVENANT NO. 10. ZONING RESTRICTIONS: The zoning provisions of the Town of Weston Zoning Ordinance as amended from time to time shall apply at all applicable times hereto, unless the restrictions contained herein are more restrictive, in which case the provisions contained herein shall apply.

COVENANT NO. 11. CONSTRUCTION TIME FRAME: The entire dwelling shall be completely finished within one (1) year after the commencement of construction.

Dated: December 1, 1999

Patrick D. Winnie
Patrick D. Winnie

Mary Jo Winnie
Mary Jo Winnie

ACKNOWLEDGMENT

STATE OF Wisconsin

Marathon County.

Personally came before me this 1st day of
December 1, 1999 the above named
Patrick D. Winnie and Mary Jo Winnie
to me known to be the person who executed the
foregoing instrument and acknowledge the same.

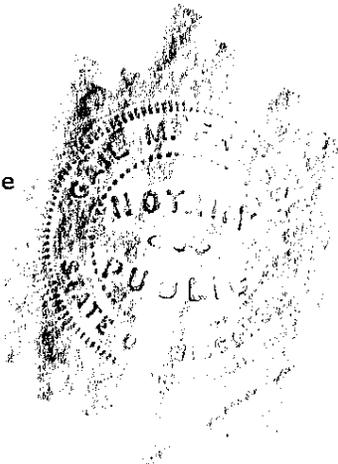
Gail M. Fritsch

* Gail M. Fritsch

Notary Public Marathon County, WI

My commission is permanent. (If not, state
expiration date: 9-17-00)

Drafted by: Patrick D. Winnie



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