



**MINUTES**  
**CITY OF WAUPUN PLAN COMMISSION MEETING**  
**Video Conference and Teleconference**  
**Wednesday, October 21, 2020 at 4:45 PM**  
**(Approved 11/18/20)**

**VIDEO CONFERENCE AND TELECONFERENCE**

The Waupun Plan Commission met virtually at 4:45 pm on October 21, 2020, via Zoom.

**CALL TO ORDER**

The Waupun Plan Commission met virtually at 4:45 pm via Zoom

**ROLL CALL**

Members Present: Julie Nickel, Fred Lueck, Jerry Medema, Jeff Daane, Jill Vanderkin, and Mike Matoushek

Member Excused: Elton TerBeest

Staff Present: Sarah VanBuren and Sue Leahy

**PERSONS WISHING TO ADDRESS THE PLAN COMMISSION**-- Chairman Nickel asked if there were any persons wishing to address the committee on any items not included on today's agenda. Hearing nothing, Chairman Nickel proceeded to address the items listed for consideration and action on today's committee agenda.

**FUTURE MEETINGS AND GATHERING INVOLVING THE PLAN COMMISSION**

Chairman Nickel indicated the next meeting of the Plan Commission will be Wednesday, November 18, 2020 at 4:45 pm. Daane will not be available for the meeting.

**CONSIDERATION - ACTION**

1. Approve minutes of the September 16, 2020 Plan Commission meeting.  
Motion by Matoushek, seconded by Medema to approve the minutes of the September 16, 2020 Plan Commission meeting as presented. Motion carried, unanimously.
2. Public Hearing - Conditional Use Permit - Valido Homes at 1032 Tanager St. and 1034 Tanager St. for a split two-family dwelling per section 16.03(2)(d)(iii) of the Waupun Municipal Code.

Chairman Nickel read the call of the hearing and its purpose. Chairman Nickel noted that Kathy Schlieve has talked to the City Attorney about split two-family (zero lot line) structures and the problem the City has where the contractors apply for a permit for a duplex and then later on ask to convert the structure to a split two-family home with a zero lot line, after the fact. If the contractor complies with the requirements of Section 16.03(2)(d)(iii) of the Code, we have to grant a Conditional Use Permit. Lueck notes he is aware of the new law that came into affect around 2017 which curbs the ability of this committee to deny Conditional Use Permits. However, he also notes that the committee is also required to make the additional findings in order to grant a Conditional Use Permit listed in Section 16.12(1) of the Cities Zoning Ordinance. This committee could deny a Conditional Use Permit if the intended use is inappropriate for the area, if it creates traffic hazards, if it would hinder future development in the area, create undesirable levels of noise or light in the immediate area or cause property values to measurably decline. He just feels that a zero lot line split two-family home is nothing more than a lawsuit waiting to happen. The committee or the staff may want to improve the present process for this type of use and make some changes to the ordinance or procedure before coming to the Plan Commission for a public hearing.

Sue Leahy, Zoning Administrator said the lots meet the minimum 4,000 sq. ft. for each lot, and they will provide a set of restrictive covenants for each lot within 90 days of each sale. The homes will contain two (2) bedrooms. There is a gas meter outside for each unit and one electric meter for both units. However, there will be electric subpanels in each basement.

No further facts were presented by the staff. The applicant nor anyone else was present for the meeting to discuss the proposal so Chairman Nickel closed the hearing and called for a motion to act on this request for a Conditional Use Permit.

Motion by Matoushek, seconded by Vanderkin to grant a Conditional Use Permit to Valido Homes for a split two-family (zero lot line) dwelling at 1032 and 1034 Tanager St. per Section 16.03(2)(d)(iii) of the Waupun Zoning Ordinance subject to the following findings and conditions. We find that the proposed split two-family (zero lot line) dwelling will not be detrimental to the adjacent lands in this area, we find it is an appropriate use, it will not create any traffic hazards, will not hinder future development in this area, it will not create any undesirable levels of noise or light in the immediate area or cause property values to measurably decline.

Conditions:

1. A CSM shall be approved by the City showing the land and structure split containing no less than 4,000 sq. ft. for each individual lot.
2. The attached sideyard setback shall be zero (0) feet.
3. Restrictive Covenants regarding property maintenance, approved in form by the City Building Inspector, shall be recorded and maintained with regard to each lot within 90 days of the sale.

Vote: Matoushek, Vanderkin, Daane, Medema, Nickel - "AYE"

Lueck - "NAY"

Motion carried 5/1

3. Public Hearing - Conditional Use Permit Application of Valido Homes at 1033 Tanager St. and 1035 Tanager St. for a split two-family dwelling per section 16.03(2)(d)(iii) of the Waupun Municipal Code.

Chairman Nickel read the call of the hearing and its purpose. Sue Leahy, Zoning Administrator, said both lots will meet the minimum 4,000 sq. ft required for each lot and they will provide a set of restrictive covenants for each lot within 90 days of each sale.

Each home will be a two (2) bedroom home. There are two (2) gas meters noted on each of the plans, one for each home. There is only one electric meter noted, however Sue said there will be electric subpanels in each basement to separate the usage. The contractor nor anyone else appeared at the hearing and the staff had no further questions so Chairman Nickel closed the hearing and called for a motion to act on this Conditional Use Permit Application.

Motion by Nickel, seconded by Matoushek to grant a Conditional Use Permit to Valido Homes for a split two-family (zero lot line) dwelling at 1033 and 1035 Tanager St. per Section 16.03(2)(d)(iii) of the Waupun Zoning Ordinance subject to the following findings and conditions: We find that the proposed split two-family (zero lot line) dwelling will not be detrimental to the adjacent lands in the area. We also find this will be an appropriate use for the area that will not create traffic hazards, it will not hinder future development in the area, will not create undesirable levels of noise or light in the immediate area or cause property values to measurably decline.

Conditions:

1. A CSM shall be approved by the City showing the land and structure split containing no less than 4,000 sq. ft. for each individual lot.
2. The attached sideyard setback shall be zero (0) feet.
3. Restrictive covenants regarding property maintenance approved in form by the City Building Inspector shall be recorded and maintained with regard to each lot within 90 days of the sale.

Vote: Matoushek, Vanderkin, Daane, Medema, and Nickel - "AYE"

Lueck - "NAY"

Motion carried 5/1

4. Public Hearing - Conditional Use Permit application of Pat Stanton at 721 Edgewood Dr. and 609 Beske St. for a split two-family dwelling per section 16.03(2)(d)(iii) of the Waupun Municipal Code.

Chairman Nickel read the call of the hearing and its purpose. Sue Leahy, Zoning Administrator noted the proposed home would be the same as the one approved by the committee last month except this one would be on the opposite corner to the north.

No further information nor was a site plan provided to the committee for this hearing. The contractor nor any neighbors attended the hearing so Chairman Nickel declared the hearing closed and asked for a motion to act on this Conditional Use Permit.

Motion by Matoushek, seconded by Daane to grant a Conditional Use Permit to Pat Stanton for a split two-family (zero lot line) dwelling at 721 Edgewood Dr. & 609 Beske St. per Section 16.03(2)(d)(iii) of the Waupun Zoning Ordinance subject to the following findings and conditions: We find that the proposed split two-family (zero lot line) dwelling will not be detrimental to the adjacent lands in the area. We find it is an appropriate use for the area, it will not create any traffic hazards, it will not hinder future development in the area, it will not create undesirable levels of noise or light in the immediate area or cause property values to measurable decline.

Conditions:

1. A CSM shall be approved by the City showing the land and structure split containing no less than 4,000 sq. ft. for each individual lot.
2. The attached sideyard setback shall be zero (0) feet.
3. Restrictive covenants regarding property maintenance, approved in form by the City Building Inspector, shall be recorded and maintained with regard to each lot within 90 days of their sale.

Vote: Matoushek, Vanderkin, Daane, Medema, and Nickel - "AYE"

Lueck - "NAY"

Motion carried 5/1.

#### **ADJOURNMENT**

No further business was at hand so Chairman Nickel called for a motion to adjourn.

Motion by Matoushek, seconded by Medema to adjourn the meeting. Motion carried, unanimously. Meeting adjourned at 5:00 pm.

Fred Lueck  
Secretary