

**CITY OF EDGERTON  
EDGERTON CITY HALL  
12 ALBION STREET  
EDGERTON, WI**

**PLANNING COMMISSION**  
Wednesday, December 19, 2018 at 6:00 P.M.

1. Call to Order; Roll Call.
2. Confirmation of appropriate meeting notice posted Friday, December 14, 2018.
3. Public Hearing:
  - A. The Plan Commission will hear comments regarding a request by Phil Lund for approval of a conditional use permit for a home occupation land use to allow the establishment of a dumpster storage business and to allow an accessory building up to 20 feet in height at 922 W Fulton Street.
  - B. Close the public hearing.
4. Consider request by Phil Lund for approval of a conditional use permit for a home occupation land use to allow the establishment of a dumpster storage business and to allow an accessory building up to 20 feet in height at 922 W Fulton Street.
5. Public Hearing:
  - A. The Plan Commission will hearing comments regarding a request by Tracy and Ryan Foley for a conditional use permit to allow the establishment of a duplex residential use at 104 W Rollin Street.
  - B. Close the public hearing.
6. Consider request by Tracy and Ryan Foley for a conditional use permit to allow the establishment of a duplex residential use at 104 W Rollin Street.
7. Consider approval of November 5, 2018 Plan Commission meeting minutes.
8. Set next meeting date and future agenda items.
9. Adjourn.

cc: Commission Members                      All Council Members                      Department Heads  
City Engineer                                  Newspapers

**NOTICE:** If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: 884-3341.

Notice is hereby given that a majority of the Common Council is expected to be present at the above scheduled noticed meeting to gather information about a subject over which they have decision-making responsibility. The only action to be taken at this meeting will be action by the Planning Commission."

**TO:** Edgerton Plan Commission

**FROM:** Ramona Flanigan

**MEETING DATE:** December 19, 2018

**GENERAL DESCRIPTION**

**Description of Request:** Petition for approval of a conditional use to allow home occupation as an accessory use to indoor sales

**Location:** 922 W Fulton Street

**Applicant:** Phil Lund

**Current Zoning/Land Use:** R-2 Residential District Two

**STAFF REVIEW COMMENTS**

Staff has reviewed the petition for planning issues in accordance with the Edgerton Zoning and Subdivision Ordinances and has the following comments:

1. The subject parcel is located at 922 W Fulton Street. The petitioner requests to establish a dumpster storage business on the property. Businesses in residential districts (home occupations) require a conditional use permit if the proposal does not meet the ordinance standards. The proposal does not meet the ordinance standards listed below.
  - a. The dwelling unit used for the home occupation shall not serve as a storage facility for a business conducted elsewhere.
  - b. No activity, materials, goods, or equipment incidental to the home occupation shall be externally visible.
  - c. Only 1 sign, not to exceed 2 square feet, non-illuminated and wall mounted only, may be used to advertise a home occupation. Said sign shall not be located within a right-of-way, and shall be of an appearance that is harmonious with nearby residential areas. (If dumpster stored in front yard)
  - d. The use of the dwelling unit for a home occupation shall in no way be incompatible with the character of nearby residential areas.
  - e. A minimum of 2 off-street parking spaces reserved for business use shall be provided on-site.
  - f. In no instance shall a home occupation create a nuisance for neighboring properties.
2. If the conditional use is granted for the home occupation, the petitioner will also seek a variance to allow the construction of a detached garage larger than allowed by the ordinance. The garage is proposed to be 1,550-1,925 sf. The maximum allowed by ordinance is 900 sf. The proposed garage would be taller than 15ft but less than 20ft which requires a second conditional use permit.

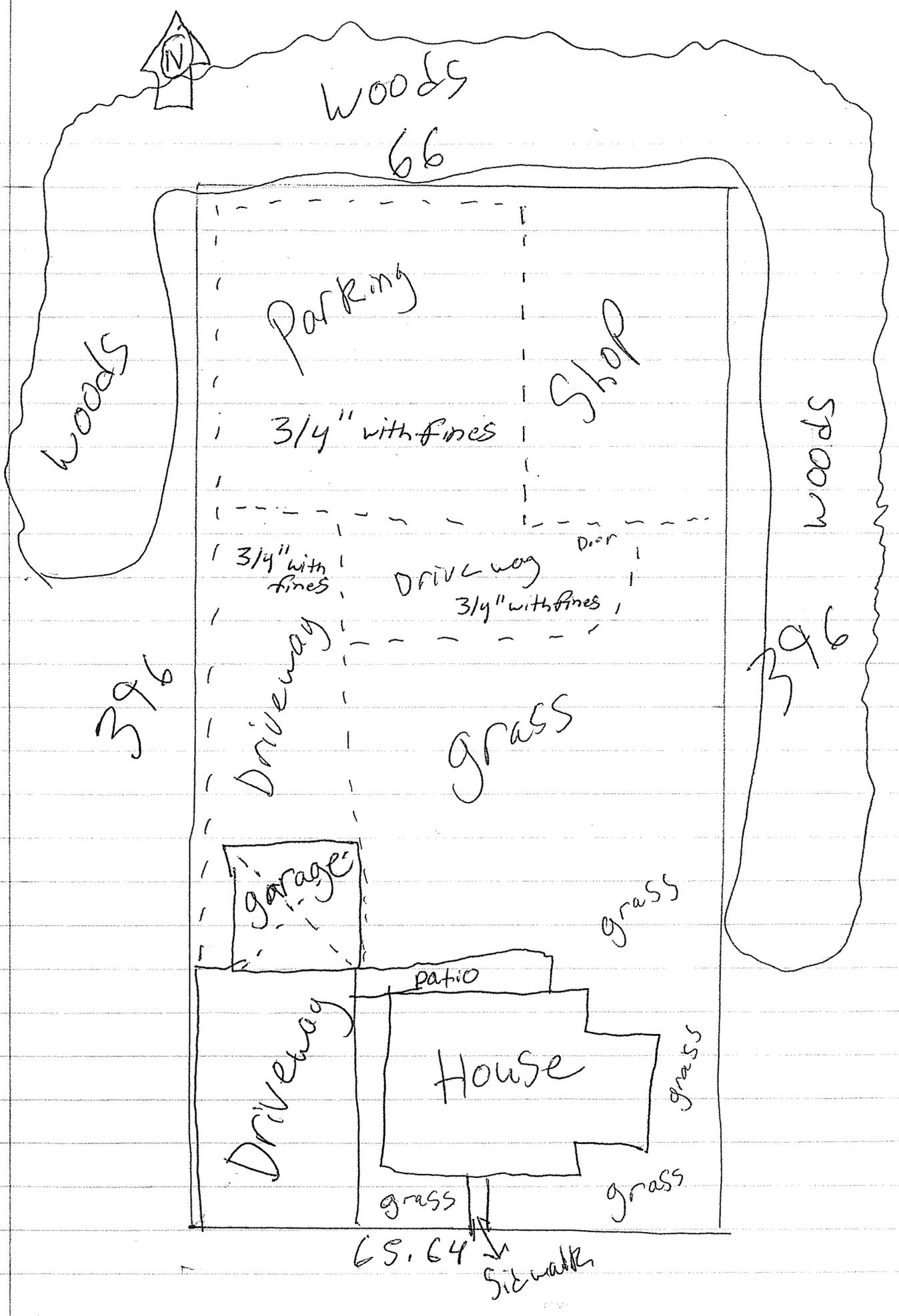
3. The petitioner proposes to remove the existing garage and construct a driveway to back of this very deep lot to access the proposed garage and gravel parking lot to store the dumpsters. This will require the removal of trees.
4. The garage would be a pole building with steel siding.
5. Lights on the garage are proposed on the west and south sides.

**STAFF RECOMMENDATION**

Staff recommends the Plan Commission deny the conditional use permits for Phil Lund to allow the establishment of a home occupation as an accessory use for the parcel located at 922 W Fulton Street.

This recommendation is based on the following findings of fact:

1. The proposed conditional use is not in harmony with the purposes, goals, and objectives of the Master Plan or the Zoning Ordinance. 22.206.(4)(c) 2.
2. The proposed conditional use will result in undue adverse impact on nearby property, the character of the neighborhood, traffic factors, and public rights-of-way. 22.206.(4)(c)
3. The proposed conditional use does not maintain the desired land use intensity and land use impact as it relates to the environs of the property. 22.206.(4)(c) 4.
4. The applicant has not demonstrated, to the satisfaction of the City, that the proposed conditional use will not create major undesirable impacts on nearby properties, the environment, or the community as a whole, per Section 22.206(4)(d).



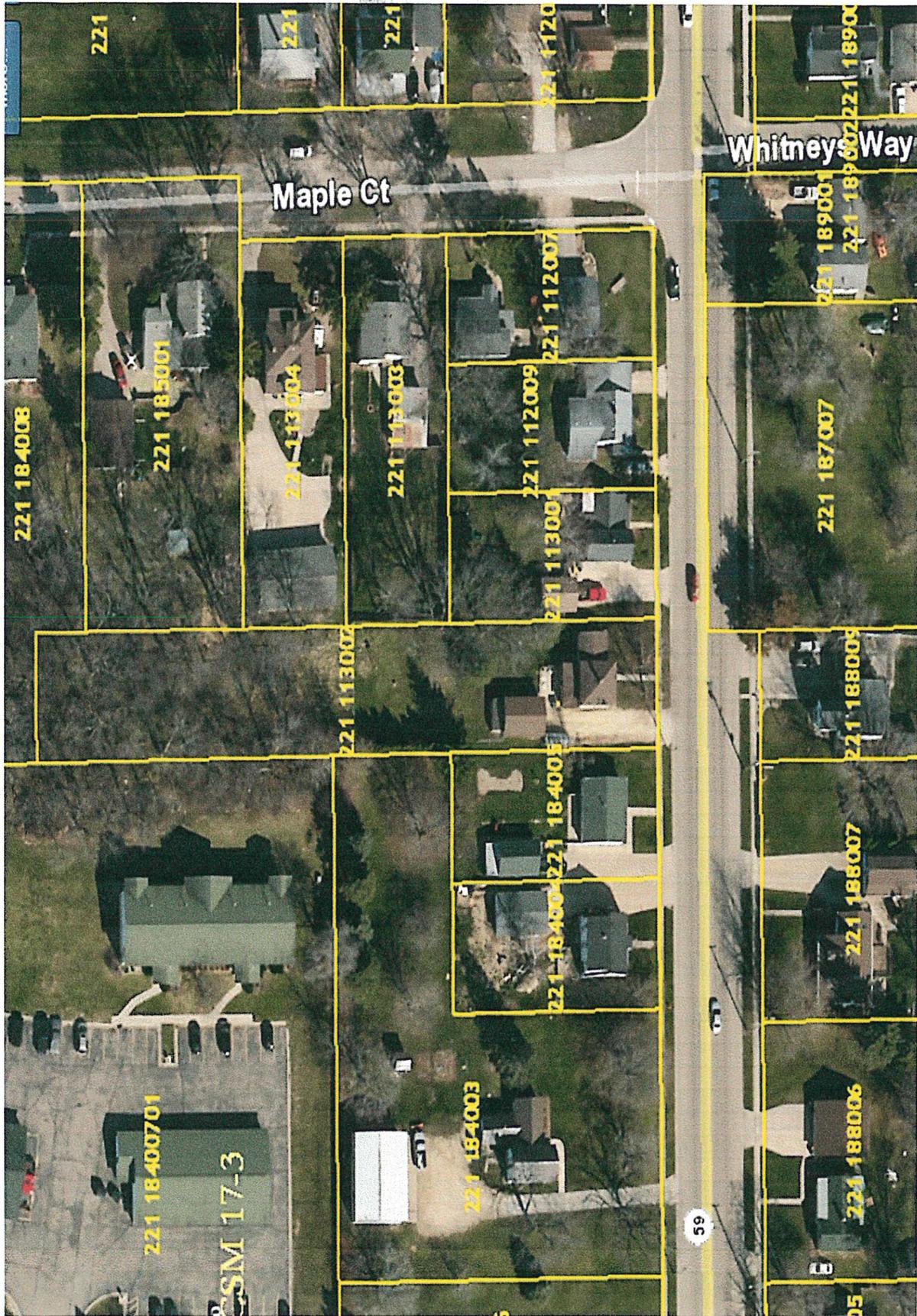
I would like to take the Drive way Back to the woods and have parking for Dumpsters in the north west corner. The current land use is nothing just open area. No additional residents, Same number of dwelling units, no employees, Maybe 1 with years to come. no customers, no traffic. 7-am-5pm, no drainage, odor, or excessive noise will come from this. I will Be putting up a fence if allowed. Future expansion plans are to buy another house with land in the country hopefully in the next 5 years

## PDL waste solutions

I have 4 20 yard Dumpsters and I do this part time it works well with my work hours and I just do it to make extra money

I'm not looking to start a big operation

I just want a shop and some parking in the back of my lot Thank you



221

Maple Ct

Whitney's Way

221 184008

221 185001

221 113004

221 113003

221 112009

221 113001

221 112007

221 187007

221 189001

221 189002

221 189003

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SM 17-3

59

**TO:** Edgerton Plan Commission

**FROM:** Ramona Flanigan

**MEETING DATE:** December 19, 2018

**GENERAL DESCRIPTION**

**Description of Request:** Approval of a conditional use permit to allow the establishment of a duplex

**Location:** 104 W Rollin Street (parcel #6-26-749)

**Applicant:** Tracy and Ryan Foley

**Current Zoning/Land Use:** R-2 / single family residential

**Parcel Size:** approx 8,540 sf

**STAFF REVIEW COMMENTS**

Staff has reviewed the petition for planning issues in accordance with the Edgerton Zoning and Subdivision Ordinances and has the following comments:

1. The petitioner requests approval of a conditional use permit to allow the establishment of a duplex. The parcel was once used as a duplex but was converted to a single family residence more than a year ago thus requiring a conditional use permit. Duplexes are a conditional use in the R-2 district.
2. The parcel has a 2 car garage and an 80' long driveway so the parcel meets the ordinance requirements for off street parking.
3. The property was built and was used as a duplex for many years until 2001 when it was converted to a single family. No modifications are required to the exterior of the house to establish it as a duplex.
4. No parkland fee is required because the property functioned as a duplex at the time the parkland fees were established thus being grandfathered.

**STAFF RECOMMENDATION**

Staff recommends the Plan Commission approve the conditional use permit for Tracy and Ryan Foley to allow the establishment of a duplex at 104 W Rollin Street subject to the conditions listed below.

1. The petitioner receives a variance to allow the duplex on a lot smaller than 10,000 sf.
2. The petitioner obtains all building permits needed for the conversion.

If the Plan Commission elects to grant the conditional use, it should adopt the following finding of fact:

1. The proposed conditional use with the above conditions is in harmony with the purposes, goals, and objectives of the Master Plan or the Zoning Ordinance. 22.206.(4)(c) 2.
2. The proposed conditional use, in its proposed location and as depicted on the site plan, will not result in undue adverse impact on nearby property, the character of the neighborhood, traffic factors, and public rights-of-way. 22.206.(4)(c) 3.
3. The proposed conditional use maintains the desired land use intensity and land use impact as it relates to the environs of the property 22.206.(4)(c) 4.
4. The proposed Conditional Use will not create major undesirable impacts on nearby properties, the environment, or the community as a whole, per Section 22.206(4)(d).
5. The potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use.

Ryan and Tracy Foley  
104 West Rollin Street

Written justification of the requested conditional use questions.

The house in question was built as a duplex in the early 1900's with both floors identical in layout. There is a front stairway as you enter inside the front door and leads to both floors "front" door. Locks for the front door to the house and locks to the apartments front door is provided along with necessary keys. While the back stairwell begins in the basement and continues onto the third floor. The stairwell is entered upon open the side door.

There are hook ups for two sets of washer and dryers. A two door garage providing parking for both the landlord and the tenant. Additional parking for another car by both parties is available in the driveway.

When the house was purchased in April of 1996 the second floor was occupied with 2 tenants. While the owners living in the first floor. After the tenants moved out the owners moved to the second floor and rented out the first floor until 2001. The home has been a single family until this year.

Because parking is available off the street for two tenants there would be not changes in the parking on the street. There would be not changes in the neighborhood or environmental factors. The landlords will continue the responsibilities maintaining law care and removal of snow. Because the property provides for two vehicles in driveway there would be not additional parking on the street there would be effect with traffic factors. The public improvements will also continue to the responsibility of the landlord.

There would be no changes to the consistency of land uses, intensities or impacts related to the environment or the property.

A second electrical meter will need to be installed. Because the house was already built as a duplex is already provided. Although, the meter needs to be activated in order for each floor to have separate billing.

-751  
AYNE & NORA  
NIPPLE  
241-73

-750  
GENE E & SALLY  
STAFFEN  
305-149

W. Rollin Street

-748  
NORMA C  
SPRENGER  
85-323

SWIFT

(3)

(3)

(2)

(5)

Driveway 84' x 48'

60' x 20'  
G.A.E.

Ranch  
11' x 10'  
10' x 10'  
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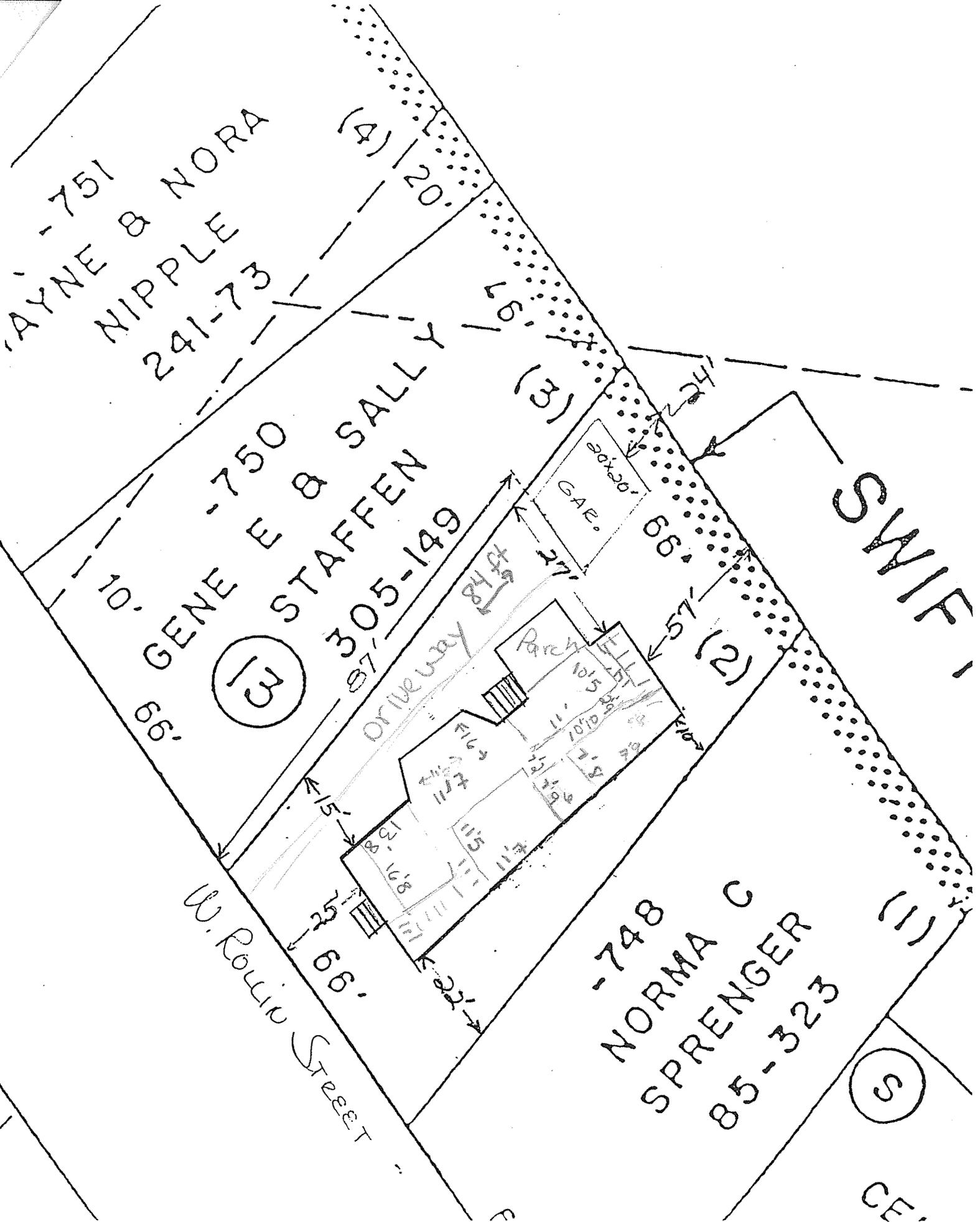
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**NOVEMBER 5, 2018 PLAN COMMISSION MEETING MINUTES  
CITY OF EDGERTON**

Commission Chair Christopher Lund called the meeting to order at 6:45 p.m.

Present: Christopher Lund, Mark Wellnitz, Candy Davis, Jim Kapellen, Paul Davis, Ron Webb, and Julie Hagemann.

Others Present: City Administrator Ramona Flanigan, Public Works Director Tom Hartzell, and a few citizens.

Flanigan confirmed the meeting agendas were properly posted at the Post Office, Edgerton Library and City Hall on Friday, November 2<sup>nd</sup> and posted again today with minor modifications.

**MINUTES:** A Jim Kapellen/Ron Webb motion to approve the October 1, 2018 Plan Commission meeting minutes passed, all voted in favor.

**EXTRATERRITORIAL LAND DIVISIONS:** A Candy Davis/Mark Wellnitz motion to approve an extraterritorial land division for Andrews, on Beach Ave., Section 36, Town of Albion, to combine lots, #2018 067 passed on a 7/0 roll call vote.

A Ron Webb/Jim Kapellen motion to approve an extraterritorial land division for Peterson, on E. Applewood Dr, Section 14, Town of Fulton, to combine lots, #2018 067 passed on a 7/0 roll call vote.

Being no other business before the Commission, a Jim Kapellen/Ron Webb motion to adjourn passed, all voted in favor.

Ramona Flanigan/ch  
City Administrator

Approved December 19, 2018