

Approved: June 24, 2014

**TOWN OF GIBRALTAR
PLAN COMMISSION
TUESDAY, MAY 27, 2014
7:00 P.M.
GIBRALTAR TOWN CENTER**

Call to order: The regular meeting of the Gibraltar Plan Commission was called to order at 7:00 p.m. by Linda Merline, chairman.

Roll Call/Quorum: Merline stated that a quorum of the Commission was present. Members present: Linda Merline, Brian Hackbarth, Tom Blackwood, Tom Young and Wendy Minten.

Proper Notice/Adopt Agenda: Merline confirmed the agenda had been properly noticed. *Motion: (Young/Minten) to adopt the agenda as posted. Carried*

Approve minutes of previous meeting: *MOTION: (Minten/Hackbarth) to approve the minutes of April 22, 2014 as presented. Carried*

Public Comment: None

Petition for Grant of Variance, Parcel #014-40-0009, Kevin Harlan from Section 3.05(3); which requires structures be setback at least 65' from the centerline, of the right-of-way, of a town road:

Merline opened the hearing and explained the petition and procedures.

Kevin Harlan proposes to construct a 22' x 24' carport, 29.5 ft from the centerline of the right-of-way of Cottage Row Rd. Unique features of the property include a very steep driveway that make driving in winter months very dangerous/unusable. The Harlans' have provided pictures of the proposed carport and a site plan of the property.

Testimony Given in Support: Anne Harlan detailed the request and described the steep incline of their property and the type of structure, they would like to build. The area is already paved for parking. It is located behind the stone wall and wouldn't be very visible from the road. It will be used primarily in the winter, when passage down the driveway is difficult.

Testimony Given in Opposition: None
Rebuttal in Support: None
Rebuttal in Opposition: None
Correspondence: None

Merline Closed the Public Hearing.

Merline presented the criteria for granting a variance. Hackbarth stated, all three of the criteria have been met. Cottage Row is a unique area. Blackwood stated, all but one property on Cottage Row are in compliance and that every other property owner has similar limitations. The setback preserves the nature of the road. If everyone else was allowed to build that close to the road; the character of the road would be changed. Supporting the petition could create a domino effect.

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Blackwood also stated, the he doesn't think the steepness of the road is an unnecessary hardship. Denial does not prohibit the property owner from using the property for its intended use. The intent of the ordinance is to protect the scenic right of way and would be a public disservice to everyone else on the road.

Merline explained criteria whether denying the variance would be unnecessary burdensome. It is unknown whether the location is located within the ROW, it is beyond the stone wall. The Town has stated they would not be removing the walls from the ROWs. The only unnecessary hardship is the inability to use the driveway in the winter. Young stated, the road predates the zoning ordinance; therefore, creating the unusual uniqueness and limitations.

Criteria:

1. Unique Property Limitations? Yes, very steep slope. Makes the driveway unusable in the winter.
2. Unnecessary Hardship?
 - a. Does denial unreasonably prevent the owner from using the property for a permitted purpose? No
 - b. Is conformity with the regulations unnecessarily burdensome? Split, will a carport solve the issue?
3. Public Interest/ Spirit and Intent of the ordinance? Does granting the variance result in harm to public interest? Split, if public interest is the character of the road. The intent of the ordinance it to preserve the character of rural roads, Cottage Row Road especially for its scenic beauty.

Motion: (Hackbarth/Young) to support the Harlan Grant of Variance Request. Motion Failed Minten, Blackwood and Merline Opposed.

Motion: (Merline/Minten) to not support the variance. Carried. Hackbarth and Young opposed.

Consideration of Sustainability Options: The idea of becoming an eco-municipality requires the Town to accept the philosophy, based on the consideration of sustainability. It takes the philosophy a step further than the comprehensive plan. David and Reny Lea were in attendance. Reny is a co-founder of Sustain-Door and explained, it means looking at the future of the community. Sustainability is about using the methods in everything we do.

Merline has introduced the 1st chapter of the toolkit from UW-Superior and would like the Commission to research further. David Lea will also forward a TED video to the Commission. To become an eco-municipality, the Town would need to pass a Resolution that states we will follow the sustainable guidelines: ecological, social and economical framework.

Hackbarth suggests presenting the changes to the Comp Plan that would need to happen, what needs to be improved upon. Merline explained the Town wouldn't always need to choose the most sustainable option. The Town must always consider the long range impact. The Town does much of this already, through the Smart Growth Plan. Some Towns have amended their Plans to add/broaden sustainability. It is meant to change the way of thinking. The resolution can be adapted to reflect the needs of the Town. Reny explained the difference between Smart Growth and Sustainable thinking. It is a guiding principle. Merline also suggested reviewing the Comprehensive Plan, through a sustainable philosophy.

Committee Reports:

Chair: No report

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Watershed: A water test was taken in the beginning of May and another on June 9. A macro invertebrate study is scheduled June 16th, with Marne Kaeske at the Creek. The quality of the water in the creek can be determined through this study.

Maps: No Report

Updates on Parks & Lands/Bike Path: No Report

Surface & Groundwater Protection: No Report

Set the Next Meeting Date: The next regular meeting is scheduled for Tuesday, June 24, 2014 at 7:00 p.m.

Adjourn: *Motion: (Hackbarth/Blackwood) to adjourn at 8:38 pm. Carried*

Respectfully Submitted,

Kelly Murre
Deputy Clerk