

Approved: March 24, 2015

**TOWN OF GIBRALTAR
PLAN COMMISSION
TUESDAY, FEBRUARY 24, 2015
7:00 P.M.
GIBRALTAR TOWN CENTER**

Call to order: The regular meeting of the Gibraltar Plan Commission was called to order at 7:05 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: (Hackbarth/Young) to adopt the agenda as posted. Carried*

Approve minutes of previous meeting: *MOTION: (Hackbarth/Blackwood) to approve the minutes of January 27, 2015 as written. Carried*
MOTION: (Minten/Hackbarth) to approve the minutes of February 3, 2015 as written. Carried

Public Comment: None

Petition for Grant of Variance from section 5.10(2) of the Door County Zoning Ordinance which requires structures be setback at least 35 feet from a wetland boundary.
The petitioner proposes to construct a single family residence as close as 9'6" from a wetland boundary. This property is located at 9300 Windmill Ln. Parcel #014-02-33312723N2.

Merline explained the procedures and opened the public hearing.

Testimony in Support: Michael Jaeckel purchased property in 2002, which was zoned SF 20,000 with a 10 ft. setback from the wetland. In 2006, it was rezoned to Neighborhood Residential and now requires a 35 ft. setback from the wetland. No applicable grandfathering was created. The filling on the property was done before they purchased the lot. He had the DNR assess the property. The lowland and other water problems are being caused by the Redman property condominiums. The upland currently exists for this project and will not infringe on the current wetland. Jaeckel has been in contact with Rick Brauer and has been allowed to "top dress" the current upland. The hardship was the unforeseeable change in zoning. He was advised to draw up plans as the house was originally intended when the setback was 10 ft from the wetland. The home will be a 2400 sq. ft., 2 story, single-family home with a footprint of 1200 sq. ft. It is intended to be used as a vacation home for the petitioner.

Testimony in Opposition:

David Bultman, 9279 Greywood Dr. - Explained the wetland is actually a vernal pond and has concerns regarding its habitat. Water is standing all year long. Concerned about water on the roadway. Suggests establishing a surface drain.

David Mead, 9310 Greywood Rd. - Wetlands run on both sides of the fill. Concerned that the zoning map doesn't show that the wetlands go all around the fill. Concerned about wildlife and endangered flowers. Due to the landfill, water is being directed towards Riley Ln. Is concerned that this has been an ongoing issue.

Approved: March 24, 2015

David Sikora 9297, Greywood Rd B-3 - The area between the property and Fish Creek Condos was filled in, he claims illegally, in the middle of the night. Is concerned that more fill has been added. Wants to go on record in opposition.

Ellen Krueger, FC Condo - Is in opposition. Concerned about the impact on the wetland.

Hank Fasciotti, 9171 Half Mile Bridge, Member of the building & grounds committee for Half Mile Bridge- Stated sump pumps are flowing constantly already for some of the condo owners. Concerned this project may worsen the problem. Can see standing water throughout the year.

Jim Eggers, 9149 Half Mile Bridge Ct. - The variance was set up to protect the wetlands. Petitioner is asking for 25 ft. off the required setback. Need to preserve the wetlands.

Correspondence in Support: None

Correspondence in Opposition:

David Sikora

James Matzelle

Peggy & Tom Brennan

Joyce & Hal Hothan

Greg Weyenberg, on behalf of the Fish Creek Condominium Board

Norbert & Judith Wolter

George Wiesner

Michael & Karla Hansen

David Mead

T. Richard Stahler

Rolf & Jean Hanson

Walter G. Richard

Tom & Leslie Straus

Tom & Eileen Skiba

Pat & Steve Albers

Dave Ulmen

Eileen Carey Sterling

Jim & Lynda Drews

Roger Kuhns

Dan & Gayle Boland

Bob & Barb Larson

Kathleen Aragon

Pat & Jim Eggers

Richard Beaver

Robert & Sandra Reinhold

Ellen Kreuger

Michael Pfau

Patrick Mitten

Lou Kommer

Michael Ashley

Wayne Kudick

Rebuttal in Support: Michael Jaeckels stated in order to meet the setback of 35 ft. he would only be able to construct a 6-10 ft. x 15 ft. home. No fill has been brought in in the middle of the night. Last year, 2 loads were brought in to top dress. Also expressed his love for Fish Creek and has complied with DC Planning. Regarding Riley Ln., he doesn't foresee the construction impacting the wetland. Screening

Approved: March 24, 2015

would be used and required during construction. Other options were discussed, such as moving the structure to the North.

Rebuttal in Opposition:

David Sikora, claims the lot was not filled in, in 2005 and that it was done at night. Suggests the extra fill is causing the water problems on Rilys Ln and excess near Half Mile Bridge.

David Bultman, agrees with Mr. Sikora and has been in contact with Mr. Brauer regarding the fill.

Hank Fasciotti, asked if the petitioner will be renting the property.

David Mead, asked about Septic. (He will connect to the Sanitary District. Lines are already in existence.)

Mentioned how other properties that were built in the area have also displaced water.

Merline closed the public hearing.

The Commission discussed the application.

Mr. Jaeckel purchased the lot in 2002, prior to Gibraltar's Comp Plan. The lot was previously zoned SF 20,000, which allowed a 10 ft. setback from the wetland. Most of the buildings that were built in that area were built prior to current zoning and setbacks.

- 1) Is the petition for variance consistent with the Town's Comprehensive Plan? Merline and Minten cited references to the Comp Plan. The Plan states that wetlands will be preserved and protected. The property has a long history of issues with filling, it is not the responsibility of the Commission to determine whether any fill has been added unlawfully.
- 2) Do physical limitations of the property prevent compliance with the ordinance standards? Yes, setbacks can't be met to build a reasonably sized home.
- 3) Is there an unnecessary hardship? Only being able to build a 10 by 15 ft. house is unreasonable. Zoning changed since he purchased the property.
- 4) Will granting the variance result in harm to public interest? It is difficult to foresee the harm that will be done. 10 ft. setbacks are allowed in other zoning districts. How will a 1200 sq. ft. footprint really affect the lot and the surrounding area?

Wetlands are very important to the Town. The Comp Plan encourages the protection of our wetlands.

Motion: (Young/Blackwood) to recommend to the Gibraltar Town Board to not support the petition for grant of variance, Jaeckels - Parcel #014-02-23312723N2. Carried, Hackbarth Opposed.

Review Comprehensive Plan Update – Chapters 1 & 2: Kelly reviewed the changes made to Chapters 1 & 2. Need to determine whether to send a survey to Town Businesses regarding employment trends

2015 Goals

Continued Goals

- Support underground installation of electric and cable lines in village commercial
- Support public parking being added to the boat trailer parking lot
- Support the municipal effort for the establishment of a bulk head line
- Actively support The Door County Housing Partnership's affordable housing efforts
- Pursue the protection of ground and surface water including:
 - Storm water remediation on parking area behind the Town Center in conjunction with public parking being added to the boat trailer parking lot

Approved: March 24, 2015

- Remediation of the Gibraltar School sink hole in connection with DOT Hwy 42 resurfacing project
- Support P&L Committee in finding a solution to runoff at the FC beach parking lot
- Monitor the progress of the County's inspections of POWTS
- Support the monitoring of the Fish Creek and its Watershed through the Fish Creek Watershed Study
- Complete the revision of Gibraltar's comprehensive plan, maps and text updates, and hold a public meeting to approve them
- Maintain the educational materials in the brochure rack in the Town Center

New Goals

- Pursue a plan for Fish Creek and its Watershed that includes suggestions for improving the creek, best practices for maintenance of the creek and its watershed into the future
- Pursue a study to determine how additional storm drain water will affect the creek. This additional water could result from either the beach drain being redirected to the outlet in the Hwy 42 culvert or from the extension of storm drains from their eastern ending point, the flow of which would be added to storm water that already flows to the pipe that crosses the park road and runs into the creek at the bend where the creek takes a westerly direction toward the bay.
- Pursue the involvement of citizens of Gibraltar in removing invasive species from their private property to complement the removal of invasive species on Town properties

Discussions to Continue for 2015

- Continuing the discussion of current zoning regulations regarding home offices, home occupations, and home businesses
- Continuing the discussion of the Town of Gibraltar becoming a Sustainable Municipality
- New discussion on the need for a playground area ideally in the proximity of the village
- New discussion on bringing fiber optic to the Town Office for the benefit of Town operations
- New discussion on bringing fiber optic to the public in the business area of the village

Committee Reports:

Chair & Maps: None

Watershed: None

Updates on Parks & Lands/Bike Path: None

Surface & Groundwater Protection: None

Attainable Housing: WISCAP July 15th in Wausau "A Home for Everyone"

Set the Next Meeting Date: Tuesday, March 24, 2015 at 7:00 PM.

Adjourn: *Motion: (Hackbarth/Minten) to adjourn at 10:15 PM. Carried*

Respectfully Submitted,

Kelly Murre
Deputy Clerk