

CITY OF WAUPUN
PLAN COMMISSION
MINUTES OF THE OCTOBER 18, 2017 MEETING
(Approved 11/15/17)

1. Call to Order:
The Plan Commission met at 4:45 p.m. in the Council Chambers, City Hall, Waupun.
2. Roll Call:
Members Present: Julie Nickel, Fred Lueck, Jeff Daane, Jerry Medema, Nancy Vanderkin, Elton TerBeest, & Derek Drews.
Staff Present: Susan Leahy and Kathy Schlieve
Other City Officials Present: City Attorney VandeZande
3. Chairman Nickel called for the approval of the September 20th, 2017 meeting, motion by Vanderkin, seconded by TerBeest to approve the minutes of the September 20th, 2017 meeting. Lueck noted there are four typo's in the draft and he has had Trista correct them for the final copy. Motion carried, subject to the corrections as noted. Motion carried, unanimously.
4. Public Hearing – Anything & Everything Home Maintenance LLC. Apply for a Conditional Use Permit to create a zero lot line split two-family dwelling at 810 & 812 Taft Lane.
Chairman Nickel read the call of the hearing and its purpose.

Kathy Schlieve noted that the applicant has a duplex at 810 & 812 Taft Lane where they wish to convert the duplex into a zero lot line structure that will have two separate single family residences. The property is presently located in an R-2 two family residential district. She also noted the applicant intends on constructing three or four more such units along Taft Lane.

Lueck noted that he has several concerns with zero lot line homes as he has noted in the past. The disadvantage outweigh the advantages of owning one. The contractor or the first owner of the duplex knows they can make more money if they convert the duplex into two separate single family residences and that's where the problems begin. The neighbor's wall is like a wall in your yard and you have no control over it, but have all the responsibility. You can get a neighbor from hell on the other side of your wall and you can't do anything about it. There can be personal issues with neighbors on the opposite side of the wall and just because they are an owner, they feel they are entitled to do whatever they want to do with their unit and they don't care how it affects the owners on the other side of the wall. Lueck noted several disadvantages affecting zero lot line homes that have been reported by previous owners, real estate people and lawyers. A zero lot line property does not have a condo board to resolve problems with the neighbor. Town houses and condo owners have rules and restrictions which are made known to a prospective buyer before purchasing a unit and procedures to work problems out if they should arise, zero lot line homes do not. It is also known that the potential resale value of a zero lot line home are usually lower. He also noted that these type units typically attract low income home owners and he feels this is a problem as Waupun already has way too many low income homes and subsidized housing and he feels this is not good for the city if we continue to allow more of these type of homes.

Daane wanted more information on the zero lot line provisions in the ordinance.

Drews indicated that zero lot line homes are difficult to finance as he has experienced in his office and he noted there are sale ability problems in the future, so it is buyer beware. He prefers single family homes on single family lots.

Medema questioned the difference between a zero lot line home and a condo or town house. City Attorney Vande Zande noted that a condo is like an apartment house or complex where the units are individually owned and each owner receives a recordable deed to the unit with the right to sell and where they share in joint ownership of any common grounds. Condos have an association of unit owners. The association elects a board of directors, which handles the maintenance and repairs of the common areas, disputes among unit owners and enforcement of rules and regulations. Some associations require your front door to be painted a certain color, no decorations outside and hundreds of other regulations.

Ter Beest said the problem with the zero lot line home start many months or several years after the home was built when they need new siding, a new roof, a new concrete driveway or sidewalk or several other potential problems where one owner can't or doesn't want to pay for the improvement on his side of the home.

Attorney Vande Zande said the city has an ordinance which deals with zero lot line lots and it is in place at this time, so the Plan Commission has to deal with applications for zero lot line structures. He feels the Common Council may need to take a fresh look at the present ordinance provision. He also noted that the present ordinance does provide for restrictive covenants regarding property maintenance, in such forms as is approved by the Building Inspector and which must be recorded and maintained with regard to each lot.

The Plan Commission has approved three or four other zero lot line homes and the question is were any restrictive covenants ever recorded with those units and if so what were they? Lueck feels the city ordinance which refers to restrictive covenants for property maintenance is very narrow. Typically property maintenance usually refers to people who perform tasks for a condo association such as washing floors, shampooing rugs, changing light bulbs, make minor structural, electrical or plumbing repairs or deal with locks and keys. He feels the ordinance needs to encompass more covenants covering major repairs and/or major improvements to the units or possibly eliminate the old provision in itself as such land use being incompatible with adjacent uses and the future development of Waupun.

Attorney Vande Zande said maybe the Council should take a fresh look at the ordinance provision and possibly a mediation clause will be needed. Daane asked if there had been any complaints or arguments with the present zero lot line homes in the city.

Attorney VandeZande said the first couple were built for a contractor whose relatives live in them and they probably get along with each other. Right now, the city has a provision in its Zoning Ordinance which may or may not allow zero lot line structures as a conditional use. Lueck notes that a conditional use is a use of land or water which may have some characteristics which may be incompatible with adjoining or future use of the land which make their predetermination as a principal use in a district impractical, but which may be allowed by a Zoning ordinance on a case by case basis provided certain conditions stated in the code are met.

A representative for Anything & Everything Home Maintenance was in attendance but he did not dispute any concerns raised during the hearing. No further facts were presented for or

against this permit so chairman Nickel declared the hearing closed and called for a motion.

Motion by Medema, second by TerBeest to grant a Conditional Use Permit to Anything & Everything Home Maintenance for a split two family dwelling located at 810 & 812 Taft Lane, as provided in Sec 16.03(2)(d)(iii) of the Zoning ordinance on condition all provisions of said ordinance provision are met including the requirement for a restrictive covenant for property maintenance and approved and recorded by the city building inspector.

Vote: Drews, TerBeest, Vanderkin, Medema, Daane & Nickel – “AYE”
Lueck – “NAY”

Motion carried 6-1

5. Motion by Daane, second by Drews to recommend to the City Council that they review Section 16.03(2)(d)(iii) of the city zoning ordinance and make a recommendation to the Plan Commission for a possible amendment to said ordinance provision to add a mediation clause and/or other covenants when major repairs and/or major improvements are needed to a unit on said properties or simply recommend that this provision in the ordinance be removed as being incompatible or impractical with the cities land use plan.

Vote: Motion carried, unanimously.

6. A two lot CSM was presented to the committee for review and possible action to approve said survey map. The map was prepared by New Frontier Land Surveying LLC of Beaver Dam, WI. This is a survey of lot three of Mayfair Estates in Section four City of Waupun. The survey divides lot three into two lots now known as lot one and lot 2. The property presently contains a duplex. The survey divides lot three and the duplex down the middle. Said duplex will have a zero lot line according to the survey. Proposed lot one will have 0.159 acres and proposed lot two will contain 0.155 acres. Proposed lot two will have a utility easement along it South and West lot lines, lot one will have an easement only along its West lot line.

Chairman Nickel asked for a motion to act on the prepared CSM.

Motion Medema, second by TerBeest to recommend to the city council for approval of a two lot CSM of lot three Mayfair Estates being part of the SW ¼ of the SW ¼ & PT. of the SE ¼ of the SW ¼ of Sec. 4 T14N R15E, City of Waupun, Dodge County, Wisconsin.

Vote: Drews, TerBeest, Vanderkin, Medema, Daane, Nickel – “AYE”
Lueck – “NAY”

Motion carried 6-1

Motion by Vanderkin, second by Drews to adjourn the meeting, motion carried unanimously
5:01 PM

Fred Lueck, Secretary