

**VILLAGE OF DRESSER
PLAN COMMISSION MEETING
WEDNESDAY, SEPTEMBER 25, 2019**

The meeting was called to order by Bryan “Fatboy” Raddatz at 7:00 PM. Roll Call was taken: Bryan “Fatboy” Raddatz, Elina Kuusisto, Patty Burandt, Joe Peterson, Greg Andrie, Karl Beaupre, and Sandy Bassett were present. Also, present Jodi A. Gilbert - Clerk, Attorney Tim Laux, Ellysa Newman, Jeremy Buck, Hannah Peterson, Grace Bjorklund, Kaitlyn Andrie, and Eric Hedin. No press or other public were in attendance.

Public Hearing on Conditional Use Permit for Ellysa Newman.

- a. Raddatz called to order the Public Hearing and informed the Public and Plan Commission that the Public Hearing will be tape recorded.
- b. Public Notice: Notice was published September 12th and 19th in the InterCounty Leader, mailed to residents as required, and posted at the Village Office, US Post Office, First National Bank, and Dresser Food & Liquor.
- c. Roll Call. Bryan “Fatboy” Raddatz, Elina Kuusisto, Patty Burandt, Joe Peterson, Greg Andrie, Karl Beaupre, and Sandy Bassett. Announcement of quorum is present.
- d. Review Conditional Use Permit Application from Ellysa Newman – PID#116-00203-0000 Lot 9 - 4th Addition 414 Thye Trail. Raddatz turned the meeting over to Newman. Newman stated I am looking to put a shed on my lawn and operate my eyelash extension service out of the shed. It will be 10ft X 16ft located on the side of the house. Customers will be parking in the driveway.
- e. Raddatz called for Public Comments. Grace Bjorklund – I am a resident and a Village Board Member. Home occupation is defined as “A gainful occupation conducted by members of the family only, within their place of residence, etc... do your business in your house. There are other people in the Village with Home Occupations and they do their business in the house. Newman stated I don’t plan on having any signs. There is no room in my house because of my kids. I would like to do it more often and need a separate place to do business. Bjorklund stated it doesn’t qualify under the definition of Home Occupation. Eric Hedin – I live across the street and I have no problem with them running a business out of a shed. I am all for it – she is trying to make money to support her family. Jeremy Buck – I live at the residence and one of the places it talks about adding onto the house – it isn’t an addition to the house. I am just pointing that out. What is it bothering? Doing it in a shed is not affecting anyone. There will be no extra traffic. It is by appointment only - one client at a time. People have sheds to hang out in. Raddatz called for any other public comments. Newman stated it will not be a permanent structure it will be on skids, so if we would leave Dresser it would go with me. No other citizen comments were made.
- f. Discussion was held by the Plan Commission. Andrie stated we need to discuss that wording – place of residence is that within a building or property. Bassett stated property is property and a house is a house. Hedin stated do you connect the shed. Buck stated what is the difference if you build a garage and work out of it. We all need to follow the rules. Do you do your business out of your shed.

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No. This is by appointment only a couple nights a week. What is the legal definition of residence? Laux stated that is one set of rules. House is also in the protective covenants. Andrie stated personally I don't have an issue. The covenants had wording about other buildings matching the home, but there are other buildings that don't match the home. Newman stated it is going to be grey and match the house. Raddatz stated the covenants lays it out, but it is a guideline. Laux stated they were applied to the development by the Village. Laux stated my question is in the covenants – 11 lines down in Paragraph #1 it states “no structure including the principal building, shall be used for commercial purposes...”. Raddatz stated but if you read further it states “This provision shall not prevent the use of a room on the premises for an office or studio by the occupant...”. What takes precedent – the Municipal Code or the Protective Covenants. You would start with the Municipal Code and take the Covenants under consideration. Laux stated I have another comment – a conditional use then has to meet any conditions you set for it. Raddatz stated so Section 17.24 at the bottom of that page you have #3 Standards and that carries over to #4 Evaluation. Laux stated at first glance Bjorklund is correct it is a Home Occupation and it doesn't meet within place of residence. Within the dwelling – trying to get a sense of that wording that the covenants use. Premises is the whole lot and dwelling is the place where people eat and sleep. Use of a room on a premises etc... shall not prevent it. Hedin stated it is an actual business. Bassett stated what happens to the next person and the next person. With a conditional use we need to be careful we are not setting a precedent. What were the reasons of why it was written that way – why within the building structure itself. Andrie stated if it doesn't make sense and that is the way it reads then the definition of Home Occupation needs to be redone. Laux stated Municipalities encounter this issue where people are gainfully employed in their own residents doing the kind of things that are addressed here. There could be an increase in traffic, which is a more serious concern in a residential area. Kids running around. Andrie stated what is the reason for the definition of home versus another building on the lot. Laux stated reading the Conditional Use Ordinance there are acceptable home occupations, small occupations, book keeping etc...like cutting hair inside a home and theses do increase traffic. Burandt stated how is a storage shed not attached to a house different from a garage not attached. I have seen other houses with attached garages having businesses that are not in their home. When looking at definition does it need to say within 4 walls of house. Laux stated another issue – I apologize but it is real. Generally, requests like this come to a Plan Commission in the way of variances such as building too close to a road or something like that. Those are routinely given if certain criteria are met. The other side of that coin people ask for a use variance ruled by WI Supreme Court that are unavailable to be granted by Municipalities these change the nature and character of the area. If you have Home Occupation up and down the line now you don't have a quiet residential district. The Conditional Use Permit request is in the middle there and makes you as a board think if the Conditional Use meets all of those criteria in Section 17.24 (3) that the Conditional Use is to be granted and conditions need to be placed and including provisions that would call for it to be revoked voided if the conditions have been violated. This is the best way to start knowing that there is not a

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simple answer defined in the Municipal Code or the Covenants. From a process stand point you have to go through these conditions and determine if they can be met and what conditions should be placed on the activity. When we are all done and over you then can revisit that Ordinance referring to Home Occupations and defining it. This is not a debate. Raddatz read 17.24(3)(a). The commission agreed this request meets that section. Raddatz read 17.24(3)(b). The commission agreed that was correct. Raddatz read 17.24(3)(c). The commission agreed that was correct. Raddatz read 17.24(3)(d). The commission agreed. Raddatz read 17.24(3)(e). Parking is in the existing driveway nothing changing. Ok. Raddatz read 17.24(3)(f). Is this Laux where the Covenants comes into play and regulations under R1 – size of lots/setbacks/corner lots etc... Zoning – if you go by the Covenant it says room on a premise – is that different from a dwelling. Place of residence is big enough to drive a Mack Truck thru it and the rest of the premises. So, when you look at it that way. Unless someone sees something in the Covenants. Andrie asked can we go back to (d) is this where building inspections come into play – for instance bathrooms if a building was granted – other issues for public use. A Shack on Skids – I don't know if it is our position to look at these things or the Building Inspector. No water/sewer, no electrical - what does the place of business have to have for public use. Raddatz stated it is based on number of occupants. It would be a building inspector deal. Laux stated if in a business is it open to the public or not open to the public – some conditions on this does come into play. I would encourage the conditions to be at least what is in the permit application. Laux continued it is not our decision. The only way 17.24(3)(f) is to recognize that effort was made by the Plan Commission to make conditions. Need to see that all regulations are in place and requires some decision on what those conditions should be such as hours of operation, not open to the public, off street parking, one client at a time etc... Burandt stated if you read the Protective Covenant #3 - it states no shack etc... shall be temporary and not used as a residence. Nor should any structure of a temporary character be erected on any premises. Make it not a temporary shed. She plans on moving it. This is clear as mud. Andrie they are not looking at one of those type of buildings. The first line says use temporary structure as a residence. The Shed is a structure and it is on skids so it is temporary but I don't think it is their residence. Burandt stated nor any structure that is temporary shouldn't be on the lot per the Covenants. Raddatz stated let's move forward and look at 17.24(3)(g). Technically a Covenant is a type of deed. Laux stated this shed will be on skids. It is delivered that way. It is not a permanent structure. Laux stated it would be easy if you were just adding a room to your house. #3 of the Covenants stops it right there. Raddatz stated this Covenants automatically renews every 5 years unless a majority of the owners agreeing to change these covenants records a new document. There is an opportunity for the Covenants to be changed. Laux clarified that a Home Occupation is a Conditional Use. Again, if all of the criteria are met you would get a Conditional Use Permit with all of those conditions. There are some serious things here. Beaupre stated take the skids off and make it permanent. Laux same thing move this back in the house. Beaupre stated what is the definition of residence. Laux stated the word residence meaning similar to dwelling. Dwelling people live. Where people live is where they eat and sleep.

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The detaching part is causing the problem. Burandt asked Newman you do this in Hudson and you have clientele driving to Dresser. I work in Hudson and I have a few that live closer to Dresser than Hudson so they would come here. Are you looking to expand your businesses from Hudson to Dresser? I would like it available to current clientele and I may take on some new clientele. I am not trying to get as many as possible this will be mostly in the evenings and Saturday mornings. You can't do it in a spare bed room – no he is home with the kids. You don't have another area in the house. Buck stated I have seen sheds that we are looking at in the Village. The difference is that there is a Covenants in that area that you live - Thye Trail 4th Addition. Raddatz asked what do we do from here. Kuusisto stated they are saying no signage and I don't see any parking issues. I would like to see anyone work for themselves. We do have to follow this though. If a majority of the homeowners signed something would that make a difference. Raddatz stated the homeowner on Thye Trail could change the Covenants. Then you have Section 17.28(17) the definition of Home Occupation. When we got to (f) there are red flags and also in section (g). Raddatz stated 17.24(3)(f) – The answer is No. Andrie stated 17.24(3)(f) the hang up with Home Occupation is the lack of definition of residence. There isn't one in the code. There is a definition of dwelling in your code. Burandt stated I agree with Andrie that we want to see a family with kids doing well but we are hung up on temporary structure – we don't want people to not move to Dresser because you can't make a living. Bassett stated when they bought the house the Covenants were in place. The Village is enforcing these they are being held up by the Municipality. Laux stated this property was bought by the Village and the development of the property was done by Dresser. The Covenants were put into place to ensure property values for the future. To protect the property owners. Andrie stated and everyone got a letter in the neighborhood also and nobody is rejecting this. Home Occupation we can't get past that – in the residence – also accessory building any building not attached to principal. Look at the Code book. If we could come full circle you met the other conditions. The whole point is to have her own space a small shed to take care of clients. We could have put it up and not asked. We have to follow the Code first and then the Covenants. I think we are all in agreement we would like you to have the permit, but we have to start with the code. The code doesn't have the definition of residence. When you read Home Occupation it talks about within their place of residence. There is a definition of dwelling why don't you use the same words. Raddatz stated a dwelling is not a garage - inside your home - where you live. Raddatz stated we need to make a decision. Laux stated the recommendation to the board to possibly change the Ordinance is secondary. We need a motion to grant or deny. Motion Kuusisto/Bassett to deny a Conditional Use Permit for Ellysa Newman to operate a Home Occupation because the proposal doesn't meet the definition of Section 17.28(17) Home Occupation. Any other discussion. Nothing stated. Roll Call Vote. Andrie voted no. Beaupre voted no. All other members voted yes. 5 yes votes/2 no votes. Motion Carried.

g. Public Hearing was adjourned at 8:13 PM.

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Other Public Comments: Hung up on a definition. If the code gets changed you could come back and reapply. The wording of the Covenants could be looked at. You could add onto your house/garage.

Other Plan Commission Business: Motion Andrie/Peterson to recommend to the Village Board that they review the wording of the definition of Home Occupation Municipal Code Section 17.28(17). To discuss the rational of Residence versus Dwelling. To determine if an out building is any different then in the home. Look at wording Residence, Premise, Property, Dwelling. All in Favor. Motion Carried.

The Plan Commission Members were encouraged to attend the Polk County Housing Forum Meeting that is scheduled for Wednesday, December 4, 2019 at 6:00 PM at the Dresser Community Hall. UW River Falls has sent out housing survey's to random homeowners and businesses. If you know someone who has received one encourage them to send it back in.

Motion Andrie/Beaupre to adjourn the meeting at 8:23 PM. All in Favor. Motion Carried.

Jodi A. Gilbert, Clerk/Treasurer

These minutes have not been approved.