

Village of

Little Chute

AGENDA

VILLAGE OF LITTLE CHUTE PLAN COMMISSION MEETING

PLACE: Little Chute Village Hall – Village Board Room

DATE: Monday, March 20, 2017

TIME: 6:00 p.m.

A. Call to order

B. Roll Call

C. Public Appearance for Items Not on the Agenda

- 1. Approval of Minutes from the Plan Commission Meeting of December 12, 2016**
- 2. Discussion—Site Plan – Little Chute Diamond Club**
- 3. Discussion/Possible Action—Outagamie County – Request for Annexation Review**
- 4. Discussion—Variance Standards**
- 5. Unfinished Business**
- 6. Items for Future Agenda**
- 7. Adjournment**

Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made with as much advance notice as possible to the Clerk's Office at 108 West Main Street, (920) 423-3852 March 16, 2017

MINUTES OF THE PLAN COMMISSION MEETING—DECEMBER 12, 2016

Call to Order

The Plan Commission meeting was called to order at 6:00 p.m. by President Vanden Berg

Roll Call

PRESENT: President Vanden Berg
Larry Van Lankvelt
Bill Van Berkel
Brian Huiting
Richard Schevers
Jeff Elrick
EXCUSED: Todd Verboomen

ALSO PRESENT: Village Administrator James Fenlon, Community Development Director
Jim Moes

Public Appearance for Items Not on the Agenda

None

Approve Minutes from the Plan Commission Meeting of October 11, 2016

*Moved by Commissioner Van Berkel, seconded by Commissioner Van Lankvelt to
Approve the Minutes of October 11, 2016*

Ayes 6, Nays 0 – Motion Carried

Public Hearing—1330 Holland Road

*Moved by Commissioner Schevers, seconded by Commissioner Van Lankvelt to Enter
into Public Hearing*

Ayes 6, Nays 0 – Motion Carried

Director Moes stated that this is a request to construct a building 34.4 feet from the front lot line, the minimum setback is 40 feet. The property is zoned commercial highway district. The building will enclose piping that is currently exposed. There have been no objections from neighbors.

*Moved by Commissioner Van Lankvelt, seconded by Commissioner Van Berkel to Exit
out of Public Hearing*

Ayes 6, Nays 0 – Motion Carried

Action—Request on 1330 Holland Road Variance

*Moved by Commissioner Van Berkel, seconded by Commissioner Huiting to Approve the
1330 Holland Road Variance*

Ayes 6, Nays 0 – Motion Carried

Unfinished Business

None

Items for Future Agenda

None

Adjournment

*Moved by Commissioner Huiting, seconded by Commissioner Schevers to Adjourn the
Plan Commission Meeting at 6:04 p.m.*

Ayes 6, Nays 0 – Motion Carried

VILLAGE OF LITTLE CHUTE

By: Michael Vanden Berg, Village President

Attest: Laurie Decker, Village Clerk



FOX CITIES 2218 State Road 55 P.O. Box 620 Kaukauna, WI 54130 PHONE 920.766.5705 1.800.236.2534 FAX 920.766.5004	MADISON 711 Lois Drive Sun Prairie, WI 53591 PHONE 808.318.2338 FAX 808.318.2337
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MILWAUKEE W204 N11508 Goldendale Road Germantown, WI 53022	WAUSAU 5505 Lilac Avenue Wausau, WI 54401
PHONE 262.250.9710 1.800.236.2534	PHONE 715.849.3141 FAX 715.848.3161
FAX 262.250.9740	

www.kellerbuilds.com

PROPOSED BUILDING FOR:

LITTLE CHUTE DIAMOND CLUB

WISCONSIN

LITTLE CHUTE,

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REVISIONS

PROJECT MANAGER: J. ELRIC

ARCHITECT: K. SPED

DRAWN BY: S. BURTON

EXPEDITOR: _____

SUPERVISOR: _____

PRELIMINARY NO:

CONTRACT NO: _____

DATE: 2-17-11

SHEET: SP10

SP1.0



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SHEET: 1 of 1

"PRELIMINARY"



A1.C



Keller

PLANNERS | ARCHITECTS | BUILDERS

FOX CITIES
K118 State Road 55
P.O. Box 839
Kokomo, IN 46901
PHONE 317.786.5785
1.800.236.2534
FAX 317.786.5004

MADISON
711 Lodi Drive
Sun Prairie, WI 53590
PHONE 608.316.2336
FAX 608.316.2337

MILWAUKEE
N1509
Calumet Road
Darien, WI 53015
PHONE 262.250.0710
1.800.236.2534
FAX 262.250.0740

WAUSAU
5805 Lipo Avenue
Wausau, WI 54981
PHONE 715.846.3141
FAX 715.846.3141

www.kellerbuilds.com

PROPOSED BUILDING FOR:

LITTLE CHUTE DIAMOND CLUB

WISCONSIN

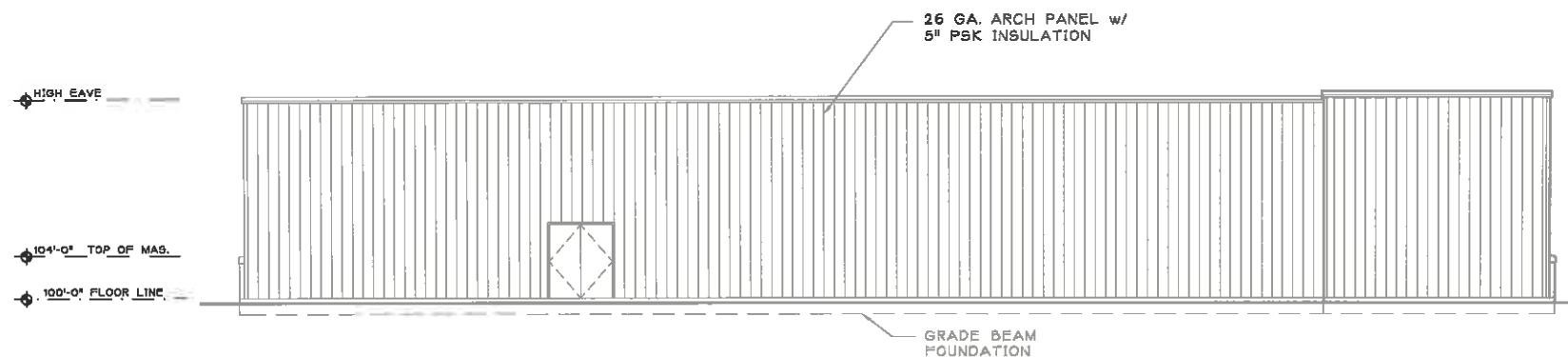
LITTLE CHUTE,

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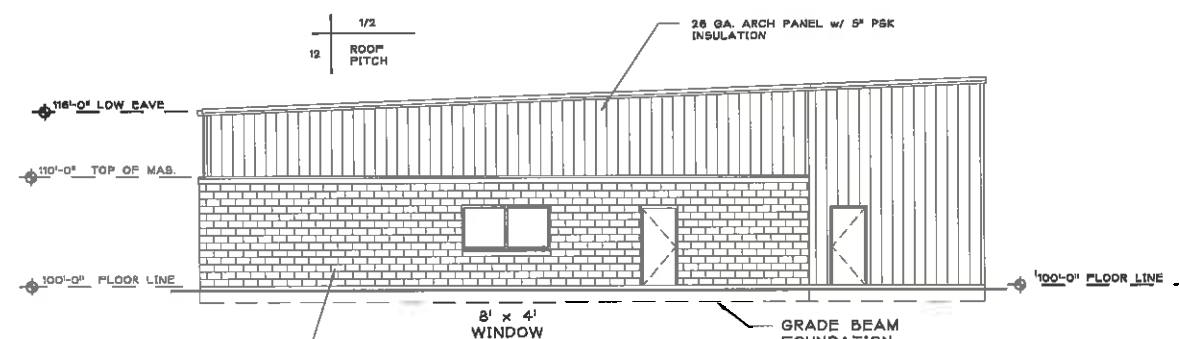
REVISIONS

PROJECT MANAGER: J. ELRICK
ARCHITECT: K. SPERL
DRAWN BY: S. BURTON
EXPEDITOR:
SUPERVISOR:
PRELIMINARY NO.:
CONTRACT NO.:
DATE: 2-17-17
SHEET: A2.0

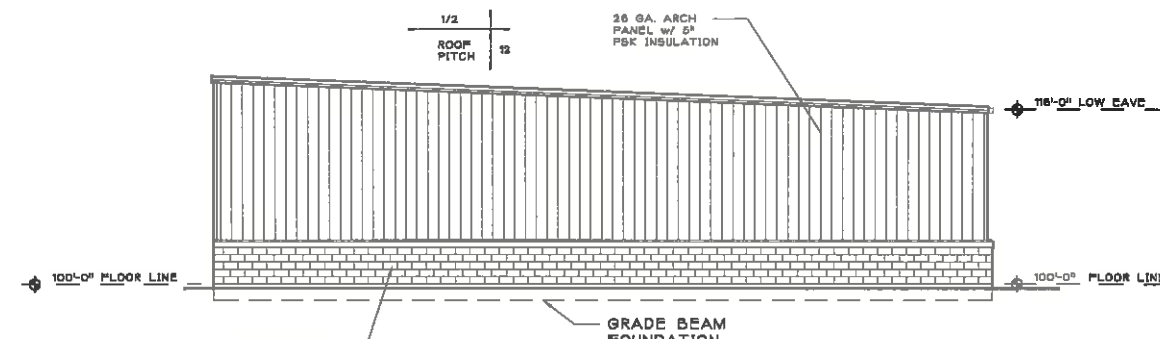
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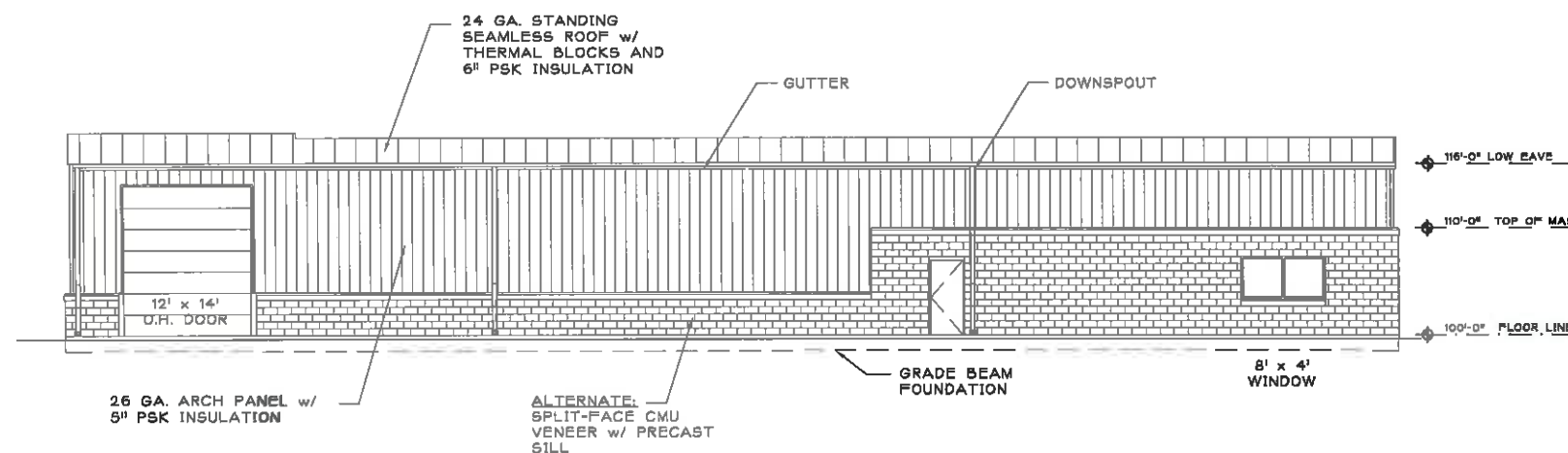
EAST ELEVATION
SCALE: 1/8"=1'-0"



SOUTH ELEVATION
SCALE: 1/8"=1'-0"



NORTH ELEVATION
SCALE: 1/8"=1'-0"



WEST ELEVATION
SCALE: 1/8"=1'-0"

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
101 E. Wilson Street, 9th Floor
Madison WI 53703
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview/>

Petitioner Information

Name: **OUTAGAMIE COUNTY**

Address: **1419 HOLLAND RD**

APPLETON, WI

54911-8985

Email: **BRIAN.VANSTRATEN@OUTAGAMIE.ORG**

Office use only:

1. Town where property is located: **TOWN OF GRAND CHUTE**

2. Petitioned City or Village: **VILLAGE OF LITTLE CHUTE**

3. County where property is located: **OUTAGAMIE COUNTY**

4. Population of the territory to be annexed: **0**

5. Area (in acres) of the territory to be annexed: **226.83**

6. Tax parcel number(s) of territory to be annexed

(if the territory is part or all of an existing parcel): **101165700;**
101165900; 101165800; 101166200; 101166100; 101166000;
101166300; 101166400; 101166800; 101166700; 10166600;
101166601; 101166500

Petitioners phone:

920-832-1521

Town clerk's phone:

920-832-5644

City/Village clerk's phone:

920-423-3852

Contact Information if different than petitioner:

Representative's Name and Address:
**BRIAN VAN STRATEN, DIRECTOR SOLID
WASTE & RECYCLING, OUTAGAMIE
COUNTY**

1419 HOLLAND RD

APPLETON, WI

54911-8985

Phone: **920-832-1521**

E-mail:

BRIAN.VANSTRATEN@OUTAGAMIE.ORG

Surveyor or Engineering Firm's Name & Address:
**JAMES E. MOES, COMMUNITY
DEVELOPMENT DIRECTOR, VILLAGE OF
LITTLE CHUTE**

108 W. MAIN ST

LITTLE CHUTE, WI

54140

Phone: **920-423-3870**

E-mail: **JIM@LITTLECHUTEWI.ORG**

Required Items to be provided with submission (to be completed by petitioner):

1. ☒ Legal Description meeting the requirements of [s.66.0217 \(1\) \(c\)](#) [see attached annexation guide]
2. ☒ Map meeting the requirements of [s. 66.0217 \(1\) \(g\)](#) [see attached annexation guide]
3. ☒ Signed Petition or Notice of Intent to Circulate is included
4. Indicate Statutory annexation method used:
 - ☒ Unanimous per [s. 66.0217 \(2\)](#), or,
OR
 - ☐ Direct by one-half approval per [s. 66.0217 \(3\)](#)
5. ☒ Check or money order covering review fee [see next page for fee calculation]

(2012)

Annexation Review Fee Schedule

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

Required Fees

There is an initial filing fee and a variable review fee

\$350 Initial Filing Fee (required with the first submittal of all petitions)
\$200 – 2 acres or less
\$350 – 2.01 acres or more

\$2000 Review Fee (required with all annexation submittals except those that consist ONLY of road right-of-way)
\$200 – 2 acres or less
\$600 – 2.01 to 10 acres
\$800 – 10.01 to 50 acres
\$1,000 – 50.01 to 100 acres
\$1,400 – 100.01 to 200 acres
\$2,000 – 200.01 to 500 acres
\$4,000 – Over 500 acres

\$2350 TOTAL FEE DUE (Add the Filing Fee to the Review Fee)

Attach check or money order here, payable to: **Department of Administration**

**THE DEPARTMENT WILL NOT PROCESS
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.**

**THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE**

Shaded Area for Office Use Only

Date fee received: _____

Payee: _____

Check Number: _____

Check Date: _____

Amount: _____

ANNEXATION SUBMITTAL GUIDE

s. 66.0217 (5) THE PETITION

- ☒ State the purpose of the petition:
 - Direct annexation by unanimous approval; OR
 - Direct annexation by one-half approval; OR
 - Annexation by referendum.
- ☒ Petition must be signed by:
 - All owners and electors, if by unanimous approval.
 - See [66.0217 \(3\) \(a\)](#), if by one-half approval.
 - See [66.0217 \(3\) \(b\)](#), if by referendum.
- ☒ State the population of the land to be annexed.

[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]

s. 66.0217 (1) (c) THE DESCRIPTION

☒ The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR

☐ If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.

☐ The land may NOT be described only by:

- Aliquot part;
- Reference to any other document (plat of survey, deed, etc.);
- Exception or Inclusion;
- Parcel ID or tax number.

s. 66.0217 (1) (g) THE MAP

☒ The map shall be an **accurate reflection** of the legal description of the parcel being annexed. As such, it must show:

- A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
- Bearings and distances along all parcel boundaries as described.
- All adjoining as referenced in the description.

☒ The map must include a **graphic scale**.

☒ The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

s. 66.0217 FILING

☒ The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.

☐ If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by [s. 66.0217 \(4\)](#).

☒ If the lands being annexed are within a County of 50,000 or greater population, the petition must also be filed with the Department of Administration for review

[Note that no municipality within a County of 50,000 or greater population may enact an annexation ordinance prior to receiving a review determination from the Department of Administration.]

A PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES WHERE NO ELECTORS RESIDE IN TERRITORY

We, the undersigned, constituting all of the owners of real property in the following territory of the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the Village of Little Chute, petition the Village Board of the Village of Little Chute to annex the territory described below and shown on the attached scale map to the Village of Little Chute, Outagamie County, Wisconsin:

Described as; Commencing at the Southeast Corner of the Southwest quarter of Section 17 Township 21 North Range 18 East and Point Of Beginning, North along the center section line 3,815.6 feet more or less to the South line Interstate Highway 41 right of way, thence West along said right of way 684.6 feet, thence North 10 feet, thence continuing Westerly along said right of way 1,431.6 feet, thence Southwesterly along said right of way 444.5 feet more or less to the East line of French Road, thence Southwesterly along east line of French Road right of way 611.6 feet, thence continuing Southerly along said right of way 3155.6 feet more or less to the South line of said Section 17, thence East along the South line of Section 17 T21N R18E 2,597.9 feet more or less to the Point of Beginning. Described area containing 226.83 acres more or less.

The current population of such territory is 0 persons.

We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation or consolidation proceedings, if any.

Signature of Petitioner,

Date of Signing,

Address
OUTAGAMIE COUNTY
RECYCLING & SOLID WASTE
1419 HOLLAND RD
APPLETON, WI 54911

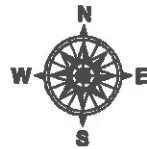
 March 2, 2017

See attached map on reverse.

Village of Little Chute

Outagamie County Annexation

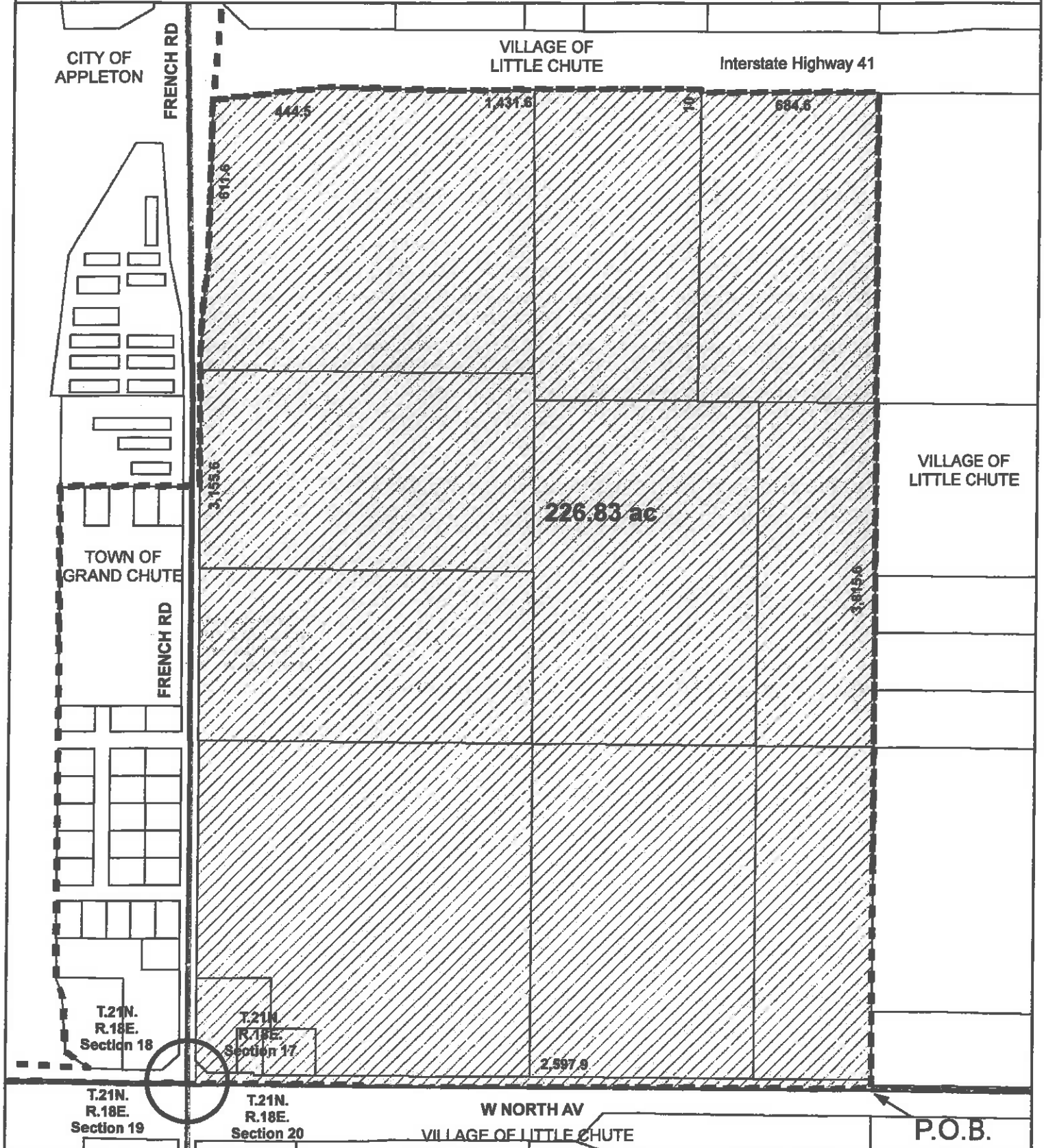
March 2017



1 inch = 500 feet



- Parcel
- Municipal Boundary
- PLSS Section Boundary
- Proposed Annexation



COPY

RESOLUTION NO.: 146—2016-17

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 The Outagamie County Recycling & Solid Waste Department is requesting to annex a portion
2 of the Solid Waste campus to the Village of Little Chute. This portion of the Solid Waste
3 campus is located within the Town of Grand Chute. The purpose of the annexation is to provide
4 a continuance of water, fire protection, and sewer services. These municipal services will
5 further support the permitting of the Northwest Landfill per WDNR Natural Resources Code
6 514 in which the WDNR Plan of Operation shall require a draft leachate treatment agreement
7 for the acceptance of leachate by the Village of Little Chute and subsequent treatment of
8 leachate generated within the Northwest Landfill once operational. The Plan of Operation also
9 requires the necessity for fire protection services which the Village of Little Chute shall provide
10 as a continuance of operations. Over the past year, county staff proactively engaged the
11 landfill's municipal neighbors (City of Appleton, Village of Little Chute, and Town of Grand
12 Chute) to plan for the potential Northwest Landfill.

13
14 NOW THEREFORE, the undersigned members of the Highway, Recycling & Solid Waste
15 Committee recommend adoption of the following resolution.


16 BE IT RESOLVED, that the Outagamie County Board of Supervisors does authorize submitting
17 a Petition for Annexation to the Village of Little Chute for 13 county-owned parcels depicted on the
18 attached map, which by reference is made a part hereof, and

19 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
20 of this resolution to the Outagamie County Director of Recycling and Solid Waste, and the Outagamie
21 County Planning Director.

22 Dated this 14th day of February 2017


23 Respectfully Submitted,

24
25 HIGHWAY, RECYCLING &
26 SOLID WASTE COMMITTEE
27

28
29
30 
31 Don DeGroot
32
33


James McDaniel

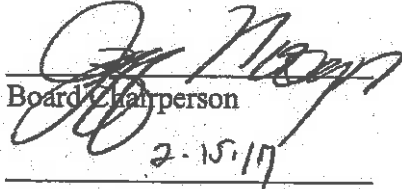

Ken VandenHeuvel


Dennis Clegg


Bob Buchman

Duly and officially adopted by the County Board on: February 14, 2017

Signed:


Board Chairperson

County Clerk

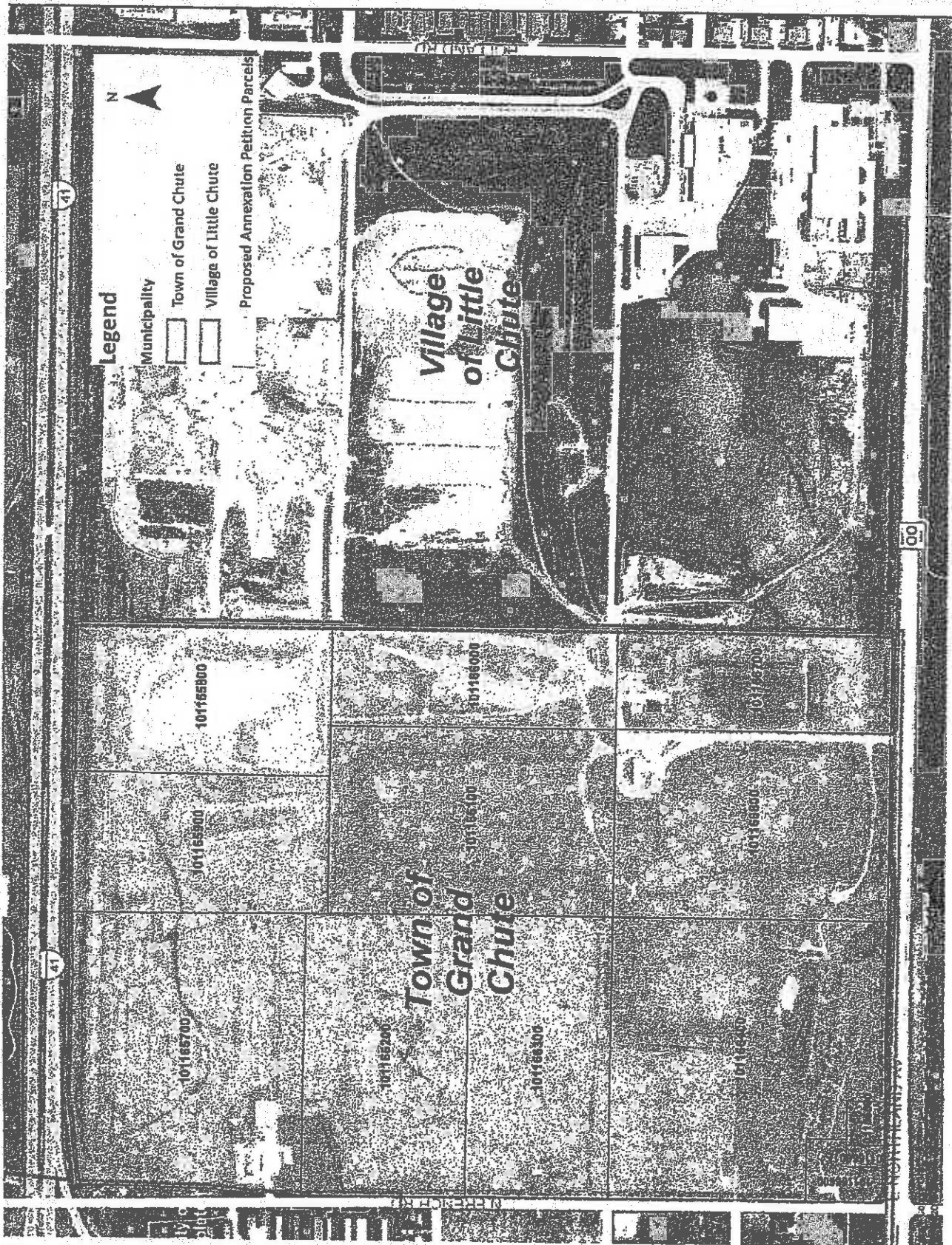
Approved:

2.15.17

Vetoed:

Signed:


County Executive



**OUTAGAMIE COUNTY BOARD MEETING
FEBRUARY 14, 2017**

RESOLUTION NO. 146—2016-17

Supervisor De Groot moved, seconded by Supervisor Buchman, for adoption.

RESOLUTION NO. 146—2016-17 IS ADOPTED.

1. THOMPSON	YES	13. WEGAND	YES	25. NOOYEN	YES
2. MILLER	YES	14. DE GROOT	YES	26. DUNCAN	YES
3. GRADY	YES	15. VANDEN HEUVEL	YES	27. CULBERTSON	YES
4. PATIENCE	Absent	16. LEMANSKI	YES	28. STURN	YES
5. BABRIELSON	YES	17. GROATT	Absent	29. BUCHMAN	YES
6. FOSS	YES	18. SPEARS	YES	30. GRIESSBACH	Absent
7. HAMMEN	YES	19. STUECK	Absent	31. CLEGG	YES
8. T. KRUEGER	YES	20. THOMAS	YES	32. VANDERHEIDEN	YES
9. J. KRUEGER	YES	21. THYSSSEN	YES	O'CONNOR SCHEVERS	YES
10. LAMERS	YES	22. HAGEN	Absent	34. RETTLER	YES
11. MEYER	YES	23. KLEMP	YES	35. MELCHERT	YES
12. McDANIEL	YES	24. PLEUSS	Absent	36. SUPRISE	YES
<div>Item 7</div> <div>Passed (30 Y - 0 N - 0 A - 6 Absent)</div> <div>Majority Vote ></div>					

Legend

Municipality

 Town of Grand Chute

 Village of Little Chute

 Proposed Annexation Petition Parcels



**Town of
Grand
Chute**

**Village
of Little
Chute**

101165700

101165900

101165800

101166200

101166100

101166000

101166300

101166400

101166500

101166700

101166600
101166501
101166502

E NORTHLAND AV

City of Appleton GIS
10/2/2019

00
Feet

HOLLAND RD

Village of Little Chute
REQUEST FOR PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Variance Standards

PREPARED BY: James P. Fenlon, Administrator

JPF

REPORT DATE: March 16, 2017

ADMINISTRATOR'S REVIEW/COMMENTS: (See Below)

EXPLANATION: On March 6th, members of the Little Chute Plan Commission (along with staff) attended a Zoning Board Workshop presented by the Center for Land Use Education through the College of Natural Resources at the University of Wisconsin Stevens Point. While the three hour training session provided coverage of a number of areas related to land use and planning, perhaps the most applicable to this body is the consideration of variances. With the information that was provided at the training, staff prepared the attached handout as information for commission members. The document itself is self-explanatory and is meant to provide an overview of standards for variance.

Should you have any questions on this matter, please do not hesitate to contact Director Moes or myself.

RECOMMENDATION: Provided for information.

VARIANCE STANDARDS

State law sets three standards for granting a zoning variance. Applicants must provide evidence to the local board that their situation meets the standards. All three standards must be met in order for a variance to be granted.

- Unnecessary hardship
- Unique property feature
- Not contrary to public interest

1. Unnecessary Hardship

Application of the zoning ordinance to the site must cause unnecessary hardship. When does unnecessary hardship occur?

Unnecessary hardship may be present when the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

No Self-Imposed Hardships The State Supreme Court also ruled that a hardship may not be self-imposed. An example of a self-imposed hardship would be someone who builds at a setback and later requests a variance for an addition within the setback area. Such a variance should be denied because the applicant created the hardship by building at the setback and restricting future building or expansion options.

Loss of Profit Not Hardship Loss of profit is not in itself an unnecessary hardship, nor is additional expense incurred to comply with zoning ordinances. For instance, limiting the number of units which can be built on a parcel may reduce potential profits but is not an unnecessary hardship.

Due to Regulations The hardship cannot be one that would have existed in the absence of the zoning ordinance. Some properties may not be buildable because of the physical nature of the property. For instance, if an entire parcel consists of land with a steep slope, or is entirely covered with wetlands, the property would not be suitable for development whether or not there was an ordinance regulating such development. In such extreme cases, the only reasonable use may be for open space uses.

2. Unique Property Limitations

Unique physical characteristics of the property prevent applicant from developing in compliance with the ordinance.

Physical Features Wetlands, topography and steep slopes are some characteristics which may limit use of a property.

Property Limitations – Not Applicant's Circumstances The property must qualify for the variance, not the situation of the applicant.

Violations/Previous Variances not Grounds for Variance Existing violations on other properties, or variances previously granted, are not grounds for a variance. Applications must be evaluated individually based on the variance standards.

Amend Zoning Ordinance Variances should not be granted for property features affecting many parcels in the same way. The proper remedy in such a situation is to amend the zoning ordinance.

3. Public Interest Protected

Granting of a variance must not harm the public interest.

Look to Ordinance Objectives Board members should look to the objectives statement in their local ordinance to determine what constitutes public interest.

Not Just Lack of Opposition The fact that there is no objection to a variance from neighbors or area residents does not necessarily mean a variance would not harm the public interest.

Minimum Relief Landowners who do qualify for a variance are to be granted only the minimum relief necessary for them to have reasonable use of their property. Boards also have the authority to impose conditions on a variance to protect the public interest. Examples of conditions for variances to shoreland standards include such as erosion control measures or vegetative screening.

Applicants must prove their situation meets all three of these standards. Zoning officials and zoning board members can ask applicants questions to help determine if the standards are met or if there is an alternative that would not require a variance.