

**MEETING MINUTES
TOWN OF CLYMAN
April 29, 2008 BOARD OF ZONING APPEALS
Clyman Town Hall**

The board meeting of the Town of Clyman Board of Zoning Appeals was called to order on April 29, 2008, at approximately 7:00 pm by Chairman Charles Joyce. Also in attendance were Board members Jerome Haase, Jeff Mameyak, Charles Zimmerman and LeRoy Schultz. Also present were Jeff Retzlaff, Jerry Foellmi and about 10 Town residents in the audience.

The initial discussions involved the purpose of the meeting as there was no specific agenda. After some discussions Chairman Joyce stated to the audience that the meeting would not involve discussions or decisions relating to recent appeals requests by ULWR or Tracy Brothers LLC. The meeting is to cover a review of ordinance changes from 2007 to determine any impact on the BZA as well as the consideration by the Board of recommended changes to the ordinances for 2008.

Several Board members had faulty copies of the Town's Zoning Ordinance. Apparently, only the odd pages were copied. Those with full copies of the ordinance did not have reference information on what the ordinance changes were and what the old language was. Discussion followed on whether to continue with the meeting. Jeff Retzlaff, smart growth planner for the Town had the marked up version of the 2007 ordinance on his laptop and offered to walk the Board through the changes. The meeting continued.

Section 17 Table of Revisions on page iv of the ordinance was used as the reference for ordinance changes in 2007.

a) Section 3.6(7) – the question was raised why the control in this paragraph was given to the Town Board and not the Plan Commission. It was a timing issue due to dates of meetings.

b) Section 10.6(2) – this section dealt with changes to the restrictions on signage separation which should reduce the total number of signs allowed.

c) Section 14.2 – the changes involved stipulations that the Town Chair appoints the PC Chair and Town resident members of the PC. Questions were raised regarding the removal of a member by the Town Chair and whether that was allowed. There was a question of the location of certain swearing in documents for BZA members. The location of those documents is not clear. Comments were made regarding a previous resolution/suggestion the PC Chair and BZA Chair provide recommendations to Town Chair for vacant positions. Apparently, the resolution did not get passed on to the Town Board. Discussion involved whether the Town Chair could remove a PC or BZA member. A brief review of the ordinance didn't find a

reference to that authority.

The BZA wanted to make a recommendation to the Town Board that would be included for consideration in the 2008 ordinance update. The motion was as follows: Motion by Joyce/Haase that the PC Chair, BZA Chair and the Town Board Chair become the review committee for all applications to fill vacancies of the Plan Commission and Board of Zoning Appeals positions. Roll Call Vote, 5 ayes, 0 nays. This is to be recommended to the Town Board for consideration at their next meeting.

d) Section 6.6 – This is a statute number change and no issues were raised.

e) Section 5.1(3)(a&b) – These sections dealt with allowing an additional accessory building and a higher percentage of building area per lot/parcel. No issues were raised.

f) Section 11.8 – This change involved the requirement of State Approved Plans submittal to Town prior to construction of non-ag/non-residential building. Some discussion ensued involving the necessity of the change. The Board asked that GEC offer an explanation for this change.

Discussion shifted to the ULWR appeals application and whether the BZA has jurisdiction in reviewing this without consideration of the ongoing actions between the Town / its legal council and ULWR / its legal council. Both Jerry Foellmi and Jeff Retzlaff recommended the BZA contact the Town and its legal council to make sure the Town and its committees were all on the same page when dealing with a very complicated issue such as the conditional use permit for ULWR.

Motion by Joyce/Haase to adjourn. Motion carried. Meeting adjourned.

Respectfully submitted:

Jerry A. Foellmi

Jerry A. Foellmi P.E.
Town of Clyman Zoning Administrator