

Minutes
Town of Aztalan Plan Commission Meeting
Tuesday, November 5, 2019 7:30 p.m.
Aztalan Town Hall W6260 County Road B, Jefferson, WI 53549

Pledge of Allegiance

Call to Order

At 7:34 p.m., on November 5, 2019, Roger Wiedenfeld called the monthly board meeting to order. Members in attendance were: Lisa Woolever, Ken Staude, and Roger Wiedenfeld.

Secretary's Report

Ken Staude moved to approve the secretary's minutes from the October 1, 2019 meeting as written. The motion was seconded by Lisa Woolever. Motion carried.

Public Comment

Jo Christensen of Gehler Road said that she was opposed to the CUP for Laura Dexter and recommended that the Aztalan Plan Commission follow the Comprehensive Plan. Christensen also gave the Plan Commission members a letter from Jon Bernsetin of W5962 Gehler Road stating that he was opposed to the Dexter CUP application.

New Business

The item of business for the evening was the application for a conditional use permit submitted by Laura Dexter to allow 6 dogs on her property at W6044 Gehler Road, Jefferson, WI, Parcel # 002-0714-2233-002. The parcel size is 2 acres; present use is residential.

Laura Dexter said that she has lived at that address for 1 ½ years and previously applied for a CUP for 6-8 dogs 14 months ago. She stated that she is not aware of any complaints about her dogs since that time. She said that she takes excellent care of older rescue dogs. She has the dogs vaccinated and they do go outside for some exercise, but mostly are in her house. Due to their age, the dogs rarely bark. Her attorney previously requested the minutes from the August 2005 meeting because it set a precedent for increasing the number of dogs allowed at a kennel located on property with an A-1 zoning designation. Ms. Dexter stated that all she wants is 1 to 2 additional dogs than what she has now. She works with a rescue shelter located in Whitewater.

Plan Commission member Ken Staude said that the Town needs to follow its Comprehensive Plan, and the previous event (2005 approval for increasing the number of dogs for a kennel) happened before the Comprehensive Plan was developed.

After further discussion, Roger Wiedenfeld said that he went to the Jefferson County Zoning Office, and was told that a CUP always stays with the real estate. Wiedenfeld said that Dexter was allowed to reapply for the CUP because she was now requesting 6 dogs, rather than the previously requested 8 dogs. Staude said that he wanted to go on record saying that when he was at the Dexter property, the dogs were well-behaved, were up-to-date on their shots, and had excellent care. He commended Dexter for taking in rescue dogs. He then said that the Town

needs to follow its Comprehensive Plan. Staude moved to deny the CUP application from Dexter seeking to have up to 6 dogs in an A-1 zoning district. Lisa Woolever seconded the motion after commending Dexter for taking in rescue dogs and taking excellent care of them. Wiedenfeld said that he wanted to make some additional comments for the record prior to voting. He then read a prepared statement:

The Aztalan Town Board previously denied a conditional use permit from Ms. Dexter in August 2018. At that time, the applicant was seeking to keep up to 8 dogs on the property at W6044 Gehler Road. The CUP was denied by the Town Board because it was determined that the application was inconsistent with the Town of Aztalan Comprehensive Plan. Ms. Dexter has once again applied for a CUP with the only difference being that she now wishes to keep up to 6 dogs on the property rather than the previously requested 8 dogs. When considering conditional use permit applications, it's critical that local governing boards not act in arbitrarily when making decisions. Decisions must be based on facts and information, not personal preferences or speculation – whether one is in favor or opposed to a particular decision. In the case of Ms. Dexter's application, examples of personal preferences or speculation might include the breed or type of dogs being care for, Ms. Dexter's care of animals with health issues, and neighbors' concerns about possible devaluation of property value. It would be very poor practice by a local governing body to arbitrarily deny a request for 8 dogs but approve a request for 6 dogs without basing such a decision on findings of fact. The facts that I found are:

- 1) The application goes against the Town's Comprehensive Plan.
- 2) A conditional use permit stays with the real estate.
- 3) This would set a precedent for others to follow. Everyone in A1 zoning could apply for a kennel license for 6 dogs.

The Town of Aztalan Comprehensive Plan has been updated in the past year. No evidence has been provided by the applicant as to why a kennel license for 6 dogs is consistent with the goals and policies of the Comprehensive Plan. To avoid further arbitrary case by case decisions in the future and to provide clarity on the matter, the Town of Aztalan should consider a zoning ordinance change to prohibit kennels on properties with an A-1 zoning designation.

Wiedenfeld stated that he agreed with the motion to deny the CUP for dog kennels of 5 to 6 dogs at W6044 Gehler Road submitted by Laura Dexter based on the Town of Aztalan Comprehensive Plan, referencing:

1. Page 34 – Policies #5
2. Page 42 Land Use #1
3. Page 43 General Policies #7
4. Page 76 #1
5. Page 76 Objectives #3
6. Page 76 #8
7. Page 84 Policies #4

Wiefenfeld stated that barking or potential barking of dogs in a clustered residential area are legitimate concerns for noise. CUPs transfer with the real estate. Any modification to a CUP requires a new CUP.

Wiefenfeld asked if there was any further discussion. Hearing none, he then asked for all in favor of denying the CUP application for allowing 5 to 6 dogs on an A-1 zoned property submitted by Laura Dexter to say aye. The motion carried unanimously. The CUP application was denied.

Stade moved to adjourn the meeting. The motion was seconded by Woolever. The motion carried. The meeting was adjourned at 8:13 p.m.

Respectfully submitted,
Roger Wiefenfeld
Aztalan Plan Commission Member