

**Town of Eldorado  
Plan Commission  
Public Hearing Minutes**

**Tracking # CSM-2023-05-17-Stahmann**  
**Tracking # ZON-2023-05-17-Stahmann**

**Date:** June 13, 2023

Plan Commission Member Attendees (5):

	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Aaron Rickert, Town Board Liaison
x	Jeff White, Vice Chairperson	x	Dennis Yoder, Member		

**Public Hearing – Application for Certified Survey Map and Rezone A-1 to A-2 – Applicant:** Roger Stahmann (son) and Rachel Hutter (daughter) on behalf of Marian Stahmann (deceased)

**Location/Description of Property:** N9101 Hass Rd / T07-16-16-11-08-004-00 & Vacant land on Hass Rd / T07-16-16-11-07-002-00

**Parent parcel acres:** 10.0 & 20.0 +/-, respectively

**Current zoning:** A-1

**Proposed parcel acres:** Lot 1 of 21.345 +/- acres; Lot 2 of 4.280 +/- acres; Outlot 1 of 4.002 +/- acres

**Area of dedication acres:** 0.499 +/- acres dedicated to Hass Rd

**Proposal:** To split the driveway, house, yard & tower off from the tillable land for sale and retain the tillable land. Rezone the house, buildings & yard to A-2.

**Base Farm Tract (BFT) Acres:** 29.9 +/- (Marian Stahmann BFT)

**Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05):** N/A – less than 31.5 acres

**Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05):** N/A – less than 31.5 acres

*Note: conversion of land from A-1 to another district and/or dedication of land to the public for a road does not affect the maximum nonfarm residential acre calculation that is based on the Town’s Base Farm Tract map with parcel data as of 12/31/2013.*

**Attendance for the application:** Roger Stahmann

Meeting called to order by White at 7:00 p.m.

White read the legal notice published May 28 and June 4, 2023.

Presentation of application:

Roger Stahmann stated the tillable acres have been leased to Todd Stahmann’s family by Marian Stahmann for years. The intent of the application is to split and sell approximately 4.280 acres including the driveway (former Town road) with the house, outbuildings, yard & tower off from the tillable land and retain the tillable land. They would also like to rezone the proposed Lot 2 with the driveway, house and buildings to A-2. The lines for Lot 2 are not straight due to the presence of farm tile lines and existing tree lines and an airport tower outer marker for the Oshkosh airport. Proposed Outlot 1 is 4.002 acres. The Town road was turned back to the property owner in 2020. There is a farm driveway to proposed Lot 1 of 21.345 acres. The width of proposed Lot 2 at the road includes the driveway and extends ditch to ditch for driveway access.

Questions of applicant from members of the public: Access to proposed Outlot 1 was questioned. Karen Stahmann (Todd Stahmann’s mother) owns the back two 10-acre lots and will be purchasing Outlot 1 for contiguous ownership. There is no intention to build on proposed Lot 1 so no percolation test was done there and that is noted on the CSM.

Questions of applicant from Eldorado Plan Commission (EPC) members:

The Town does not yet have the official final CSM from the County for this application. Stahmann stated he asked his Surveyor to hold off on submitting it to the County until this hearing was held. EPC instructed Stahmann to submit the CSM to the County for review and approval and that it must be the same as the version reviewed during this hearing.

Testimony in support of application (offered three times):

Todd Stahmann and Dave Jahns spoke in favor of the application.

Testimony in opposition of application (offered three times): None

Rebuttal testimony by applicant: None

Discussion by EPC:

EPC explained these applications are similar to applications in 2021 by Frank Mazanka at W7518 Lincoln Rd where the Town worked closely with the Town Attorney to understand options under the current Land Division/Sub-division Ordinance and Zoning Ordinance. Similarities include a Town road recently turned over to the property owner, significantly reducing road frontage (creating a hardship) and creating the need for a flag lot; request to create a lot with rezone to A-2; an existing residence with outbuildings and desire to minimize loss of tillable acres that calls for irregular lot lines. EPC did not request legal review of these applications and applied information learned during the Mazanka application process. In addition, the EPC reviewed the conditions for rezone from A-1 to A-2 and agree the conditions are met for proposed Lot 2.

The minimum road frontage per the Fond du Lac County Ordinance is 30 feet. Lot 2 is proposed with 33 feet of road frontage and includes the former Town road, now turned over to the property owner. However, proposed Lot 2 does not meet the minimum road frontage of 200 feet or the minimum lot width at the build line of 200 feet in the Town Zoning Ordinance sections 17.34(7)(b) and (c). Therefore, approval will need to be conditional upon obtaining a variance to the lot dimensions by the Board of Appeals.

No variance to the maximum setback distance is needed for proposed Lot 2 since the residence is pre-existing.

No driveway easement is needed for access to proposed Lot 1 from the existing driveway since a farm driveway exists on proposed Lot 1.

Motion:

Motion made by Borski/Yoder to recommend approval of the application for CSM for N9101 Hass Rd, parcel numbers T07-16-16-11-08-004-00 and T07-16-16-11-07-002-00 for creation of proposed Lot 1 of 21.345 +/- acres, proposed Lot 2 of 4.280 +/- acres and proposed Outlot 1 of 4.002 +/- acres with 0.499 +/- acres dedicated to Hass Road contingent upon approval of rezone of proposed Lot 2 from A-1 to A-2, and contingent upon variance granted by the Board of Appeals for dimensional requirements of proposed Lot 2.

Borski, Rickert, White & Yoder voted in favor of the motion. Motion carried 4-0.

Motion made by Borski/Rickert to recommend approval of the application for rezone of proposed Lot 2 of 4.280 +/- acres at N9101 Hass Rd, parcel numbers T07-16-16-11-08-004-00 and T07-16-16-11-07-002-00, from A-1 to A-2 contingent upon approval of the proposed CSM and contingent upon variance granted by the Board of Appeals for dimensional requirements of proposed Lot 2.

Borski, Rickert, White & Yoder voted in favor of the motion. Motion carried 4-0.

June 13, 2023

Town of Eldorado Plan Commission

Public Hearing Minutes – Roger Stahmann and Rachel Hutter on behalf of Marian Stahmann – Minor Land Division & Rezone

Future actions:

The CSM needs to be submitted to the County for review and approval.

The Town Board will consider the applications at the next scheduled Town Board meeting on June 26, 2023.

If conditionally approved by the Town Board, the applicants will need to submit an application for a variance to the minimum lot dimensions for proposed Lot 2 to be rezoned A-2 with \$350 application fee. If the Board of Appeals grants the variance, the CSM will be signed by the Town Board.

White adjourned the hearing at 7:36 p.m.

Respectfully submitted,

Jenna Borski

Secretary

Town of Eldorado Plan Commission