

CITY OF SPARTA
PLANNING COMMISSION AGENDA
June 18, 2018

CITY HALL

6:00 P.M.

- 1. Call Meeting to Order**
- 2. Roll Call**
- 3. Consent Agenda: Consisting of the minutes of the regular meeting on May 14, 2018**
- 4. Public Hearing Regarding a Conditional Use Permit for Outside Storage in M-1 Zoning District for Rush Hour Towing/Flight Service in accordance with Chapter 17-232(c)5. Property is located at 421 Walrath Street**
- 5. Public Hearing Regarding a Conditional Use Permit to Operate a Home Business to Raise Rabbits in Accordance with Chapter 17-116. Property is located at 404 South "K" Street**
- 6. Consideration of a Conditional Use Permit for Outside Storage in M-1 Zoning District for Rush Hour Towing/Flight Service in accordance with Chapter 17-232(c)5. Property is located at 421 Walrath Street**
- 7. Consideration of a Conditional Use Permit to Operate a Home Business to Raise Rabbits in Accordance with Chapter 17-116. Property is located at 404 South "K" Street**
- 8. Consideration of Sign Approval for Sparta Chamber of Commerce by East Side Business Park**
- 9. Items for Future Consideration**
- 10. Adjourn**

A possible quorum of the Common Council may be in attendance at this meeting,
but no action will be taken by the Council.

Posted: 6-15-18

CITY OF SPARTA
PLANNING COMMISSION MINUTES
May 14, 2018

PRESENT: Kevin Riley, Bob Halverson, Toni Wissestad, John Ambro, Norm Stanek

ABSENT: Mayor Button, Jim Church

ALSO PRESENT: Todd Fahning, Mark Sund, Dave Kuderer, Kristen Gust

Council President Norm Stanek called the meeting to order at 6:00 p.m.

Roll call was done by the Clerk.

A motion was made by John Ambro and seconded by Bob Halverson to approve the consent agenda consisting of the minutes from the regular meeting on April 16, 2018. Motion carried 5-0.

The Public Hearing regarding an extension of "Class B"/Class "B" license beyond the building premises per Chapter 12-36 for Cork & Barrel located at 124 N. Water Street was open for discussion.

Kristen Gust would like to add a deck on the back of Cork & Barrel to be able to use it in the summer. She has been approved to serve liquor by the Public Safety Committee pending approval of the deck by the Planning Commission. The Farmer's Market also be able to use this deck. The Public Hearing closed at 6:04.

A motion was made by Kevin Riley and seconded by Toni Wissestad to approve the addition of a deck to extend her "Class B"/Class "B" liquor license at Cork & Barrel located at 124 N. Water Street. Motion carried 4-0-1 with John Ambro abstaining.

A motion was made by John Ambro and seconded by Bob Halverson to approve the CSM's for South Pointe Business Park. Motion carried 5-0.

A motion was made by John Ambro and seconded by Kevin Riley to approve the CSM for 2700 Commercial Drive. Motion carried 5-0.

Davey's Auto Repair is requesting approval of a development review for his new building at 2275 Commercial Drive. This is on a 3 acre site in the East Side Business Park across the street from his original site and is surrounded by woods and other buildings. **A motion was made by John Ambro and seconded by Bob Halverson to approve the development review for Davey's Auto Repair located at 2275 Commercial Drive. Motion carried 5-0.**

Items mentioned for update or future consideration were:

Dam project

A motion was made by Norm Stanek and seconded by Kevin Riley to adjourn at 6:16 p.m. Motion carried 5-0.

Respectfully submitted,

Julie Hanson
City Clerk

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that a PUBLIC HEARING will be held before the Planning Commission of the City of Sparta, at a meeting on the 18th day of June, 2018, at 6:00 p.m. at Sparta City Hall, 201 W. Oak St., Sparta, Monroe County, Wisconsin.

Regarding a Conditional Use Permit for outside storage in M-1 Zoning District for Rush Hour Towing/Flight Service in accordance with Chapter 17-232(c)5. Property is located at 421 Walrath Street.

Any interested party may appear personally or by their agent and/or attorney to present their views for or against the approval of this change.

Dated: June 4, 2018

**Julie Hanson
City Clerk**

If you should have any questions, please contact Todd Fahning at 608-269-4340, ext. 232.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that a PUBLIC HEARING will be held before the Planning Commission of the City of Sparta, at a meeting on the 18th day of June, 2018, at 6:00 p.m. at Sparta City Hall, 201 W. Oak St., Sparta, Monroe County, Wisconsin.

Regarding a Conditional Use Permit to operate a home business to raise rabbits in accordance with Chapter 17-116. Property is located at 404 South "K" Street. Supporting documentation is available for review at City Clerk's office.

Any interested party may appear personally or by their agent and/or attorney to present their views for or against the approval of this change.

Dated: June 4, 2018

**Julie Hanson
City Clerk**

If you should have any questions, please contact Todd Fahning at 608-269-4340, ext. 232.

404 S K St. Sparta, WI 54656

Nova Mason (Owner)
Emilina's Rabbitry
(608) 386-9668

Request for Conditional Use Permit for a Home Occupation

*Please read the following documents drafted by Nova Mason, to include [REDACTED]
[REDACTED] letters written by neighbors in support to grant the Conditional
Use Permit for a Home Occupation.*



INTRODUCTION

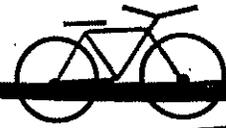
My Name is Nova Mason and I reside at 404 S K Street, Sparta WI 54656. Our family and I have lived at this address since the summer of 2011. I own the rabbits at Emilina's Rabbitry. My 13 year old daughter, Emily, has been showing our rabbits since 2014. In the eyes of the law Emilina's Rabbitry may be seen as a "commercial business", but I can assure you that that has never, nor will it ever be our intent.

The portfolio being presented to you today includes a report explaining, in detail, the reasons that I feel our hobby rabbitry should be granted a Conditional Use Permit to conduct a Home Occupation. I've taken the liberty to speak with a many of my neighbors who have been very supportive & have clearly expressed that the rabbitry and the surrounding property do not, in any way, cause any public nuisances that affect their health and well-being. To show that support, I present four letters from neighbors written in their own narrative.

Thank you.



SPARTA



Bicycling Capital of America

CITY OF SPARTA
Todd R. Fahning
City Administrator/Director of Community Development
201 West Oak Street
Sparta, WI 54656
(608) 269-4340 Ext. 232

May 14, 2018

Nova Mason
404 S. K Street
Sparta, WI 54656

RE: Home Occupation

It has come to the attention of the Inspection Department that your business is in violation of the City of Sparta Zoning ordinance. Specifically, the sale of rabbits to the public on a continuous basis within a residentially zoned district.

You will find the attached "Home Occupation" ordinance and the requirements that need to be met in regards to your R-6 (existing residential) zoning district. Please discontinue the sale of these rabbits. If compliance is not met and maintained by June 1, 2018, citations in the amount of \$161.80 will be issued. Each day of continued violation will be considered a separate offense. Your cooperation in resolving this matter will be appreciated. If you have any questions, please feel free to contact me Monday through Friday.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joey', with a long horizontal line extending to the right from the end of the signature.

Sec. 17-116. - Home occupations.

- (a) *Home occupations defined.* Any occupation for gain or support conducted within a single dwelling unit or in a building accessory to a dwelling unit by the person maintaining a dwelling therein, provided that the specified use is incidental to the residential use. Not more than one nonresident person shall be employed in the home occupation.
- (b) *Certain home occupations allowed in all districts without permits.* Home occupations are allowed in all residences in all districts with permits issued by the zoning administrator providing the following requirements are met:
- (1) No article is sold or offered for sale on the premises; samples and goods may be kept, but not sold on the premises.
 - (2) No exterior storage of equipment or materials is used in connection with the home occupation.
 - (3) Portions of a dwelling used for home occupations shall be no more than one-fourth of the area of the total area of the principal structure.
 - (4) No structural alterations or construction involving features not customarily found in dwellings are required.
 - (5) Home occupations shall not involve the repair of vehicles, or motors or construction of equipment and machinery.
 - (6) Signs advertising name and occupation not to exceed two square feet located on the premises will be permitted.
 - (7) There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the home occupation.
 - (8) Classes held on the premises shall have no more than four students at any given time.
 - (9) No employees other than residents of the premises shall be permitted.
 - (10) No home occupation shall be permitted that results in the need for more than two parking spaces at any given time in addition to spaces required by the occupant of the home.
- (c) *Home occupations as conditional uses.* Home occupations exceeding the standards set forth above in subsection (b) of this section may be permitted as conditional uses, subject to the terms and conditions of this article.

(Prior Code, § 17.05(13))

Request for Conditional Use Permit

404 S K Street Sparta, WI 54656
Emilina's Rabbitry Owner – Nova Mason
June 1, 2018

Zoning Committee –

I, Nova Mason owner of Emilina's Rabbitry, am requesting approval from the Sparta City Zoning Committee for a Conditional Use Permit at address 404 S K Street Sparta, WI 54656, tax number 281-110-004-002 to conduct a home occupation. It has been brought to my attention effective 05-09-18 via phone conversation with Christine Haas that I am in violation of residential zoning for selling rabbits out of my home and running a "commercial business" per my Facebook rabbitry page. An ordinance violation letter was drafted by Ms. Haas on 05-14-18 and received by me on 05-17-18. I also received a similar letter from Mr. Todd Fahning dated 05-14-18, received by me on 05-17-18. Per the letter authored by Mr. Fahning, all sales were stopped immediately. There have not been and will not be any further sales of rabbits on my premises as of 05-17-18. Please see my detailed narrative below with justification to be granted a Conditional Use Permit for Home Occupation:

Per Sec. 17-116 (b) (1) –

- Emilina's Rabbitry will not sell or offer for sale on premises any rabbits. Emilina's Rabbitry has been, and will continue to be a "closed rabbitry". For the safety, health, security & well-being of the rabbits, owner, and minor child potential buyers will not be invited onto the premises to look at rabbits for sale. Sales will be conducted off-site in a safe, public location pre-determined by owner and potential buyer set up in advance.

Per Sec. 17-116 (b) (2) –

- Emilina's Rabbitry will not store any equipment or materials on the exterior of the premises. All items will be stored inside the rabbitry, garage, home or under the enclosed deck in the back yard. I only request that the Zoning Committee grants exception for the exercise pens to stay outside in the backyard to allow rabbits the ability to exercise outside of their cages.

Per Sec. 17-116 (b) (3) –

- Emilina's Rabbitry is less than one-fourth the total size of the principal structure.

Per Sec. 17-116 (b) (4) –

- There will be no structural alterations or construction made to the premises.

Per Sec. 17-116 (b) (5) –

- This sub-section does not apply to Emilina's Rabbitry.

Per Sec. 17-116 (b) (6) –

- Emilina's Rabbitry does not have any signs to advertise the business on the premises at this time. If a sign were to be constructed it would be no more than two square feet in total size. It's highly unlikely that a sign would be posted. This preference is because this is a closed rabbitry and the safety, health, security & well-being of the rabbits is most important. Placing a sign on the premises only attracts attention, attention that is undesired.

Request for Conditional Use Permit

404 S K Street Sparta, WI 54656
Emilina's Rabbitry Owner – Nova Mason

Per Sec: 17-116 (b) (7) –

- Emilina's Rabbitry will not be a detriment to the residential character of the neighborhood due to the following –
 - a) Emission of noise – The rabbitry is very quiet. There is a radio inside the rabbitry that plays "24/7". Its purpose is to keep the rabbits calm and not "spook" easily when the door is open and/or there are other things going on outside the rabbitry that would otherwise affect their safety (dogs barking, construction, thunder, car alarms etc.). There are box & oscillating fans used during the hotter months to help circulate the cooler air produced by the A/C unit in the window. There's an industrial use ventilation system with an Australian carbon filter that cleanses the inside air before it is released outdoors through the ventilation opening, this too, is quiet. Neither the radio, fans, ventilation system or A/C unit are loud enough to be heard more than several feet from the rabbitry perimeter.
 - b) Emission of odor – There is an odor produced by the feces and urine eliminated by the rabbits. "Deep cleaning" is performed once weekly, typically on Sundays.
 - After drop pans have been emptied Sweet PDZ Stall Refresher is sprinkled liberally in all pans. It's used for ammonia absorption and odor neutralization.
 - During non-winter months pans are periodically bleached, scrubbed, sprayed & scraped to remove urine/feces build up not as easily removed by weekly deep cleaning measures.
 - Several times per year stackers are pulled out power washed, scrubbed & scraped to remove urine/feces/fur build up. General clean up behind the stackers are done at this time too.
 - Apple Cider Vinegar is used periodically in water bottles which aides in cutting down on the scent of urine. This especially helps with the smell of buck urine.
 - c) Emission of smoke – Not applicable to this business
 - d) Emission of dust – Not applicable to this business
 - e) Emission of gas – Not applicable to this business
 - f) Emission of heat – Not applicable to this business
 - g) Emission of vibrations – Not applicable to this business
 - h) Emission of electrical interference – Not applicable to this business
 - OTHER – (removal of rabbit waste) I have set up two drop off locations for rabbit waste outside Sparta city limits where the waste is used for personal gardening & composting. The waste will be removed promptly to avoid creating a nuisance & noxious odors as described in Sparta City Ordinances 10-3(3) & 10-3(8).
 - OTHER – (pests)
 - Diatomaceous Earth powder is used periodically, sprinkled in drop pans to aide as a preventative measure to reduce the number of larva, flying & disease carrying insects that may attempt to grow in the rabbit waste.
 - Fly strips are hung from the ceiling to aide in killing flies & disease carrying insects inside the rabbitry, as needed.

Request for Conditional Use Permit

404 S K Street Sparta, WI 54656
Emilina's Rabbitry Owner – Nova Mason

- “Outdoor use only” fly trap containers are set near the ventilation opening that faces south exiting the rabbitry room to aide in the elimination of flies and disease carrying insects.
- Ant bait traps are placed inside the rabbitry, and “outdoor use only” aerosol ant/bug spray is used around the perimeter of the door to aide in the reduction of ants, as needed.
- Prior to the use of the room as a rabbitry, mice droppings had been seen, traps were set, none were tripped. If, in the future, there are signs of mice or other vermin, traps would be set accordingly.

Per Sec. 17-116 (b) (8) –

- Emilina's Rabbitry will abide by not holding any classes on the premises that would involve any more than four students at any given time. I do request further clarification if having our local 4H Club, West Beaver Creek, or the youth enrolled in the MOCO Rabbit Project would fall under this subsection? Once, maybe twice yearly these two groups may come to our home for a tour for educational purposes and for my daughter to show other 4hers her yearly rabbit project. Would this be authorized, and if so, do I need to do anything additional to make it so?

Per Sec. 17-116 (b) (9) –

- Owner of Emilina's Rabbitry is Nova Rae Mason who lives on the premises. Additional residents on premises include Joshua Lee Harazin and minor child, Emily Nicole Mason (daughter of Nova Mason) age 13.

Per Sec. 17-116 (b) (10) –

- No parking spaces are needed to conduct Emilina's Rabbitry.

I plead with the Sparta City Zoning Committee to grant the Conditional Use Permit for Home Occupation so that our family can continue the hobby that we love. Our family has been involved in 4H since 2013. I am a certified 4H volunteer & am the Rabbit Project and Small Animal Project Leader for MOCO. I am also on the Fur, Fin & Feather (FFF) board (MOCO's 4H annual rabbit, small animal & poultry event held at the Barney Center) scheduled to take over the project effective 2020. I've helped raise nearly \$9,000 in the past two years through Rabbits For A Reason for cancer survivors & this year we partnered with SACS where we donated all our profits. My daughter has won countless awards for her showmanship skills. She's earned awards for Breed ID and youth judging competitions on a competitive National level. She's won 4 years running at FFF for showmanship, two years running small animal, and her most recent achievement in 2018 she won her first cat show award. She has won two years running at the MOCO fair showmanship and in 2017 earned Best In Show (top winning). She mentors other youth new to the rabbit project. She has used her rabbits for school projects multiple times. She's taken her rabbits in for 4H demonstrations and also to school for educational purposes. My daughter and I have both been members of ARBA & the National Mini Rex Club since October 2017.

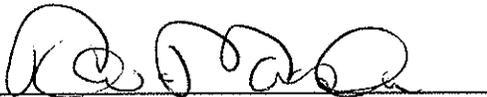
Request for Conditional Use Permit

404 S K Street Sparta, WI 54656
Emilina's Rabbitry Owner – Nova Mason

I understand and respect the viewpoint from the City of Sparta & Zoning Committee, in that, the sale of any rabbit is a violation. Emilina's Rabbitry was never created in hopes to turn a profit. It has never been one of our goals to breed rabbits for the intent to sell. Selling rabbits is a byproduct of responsible rabbit breeding for personal use to better the breed in order to be competitive at fun shows, county & state fairs and ARBA shows. Any reputable rabbit show person of any breed can confirm that, on average, 10% or less of stock produced from breeding is kept to better their breeding program(s). The rest are either terminally culled, sold to cull buyers or sold to others to help better their breeding programs, or as pets.

Thank you kindly for your time and consideration in granting my request for a Conditional Use Permit for a Home Occupation so that our family can continue our beloved hobby.

Sincerely,



Nova Mason
(608) 386-9668
nova.mason@yahoo.com

6-01-18
(Date)

CONCLUSION

Thank you kindly for taking the time to thoroughly examine my portfolio requesting the Conditional Use Permit for a Home Occupation.

As you have read, I hope that I have successfully portrayed to you that Emilina's Rabbitry has discontinued all sales immediately on the premises under investigation. It has been made clear by Mr. Fahning, per our in-person conversation on May 17th that as long as I do not sell rabbits on our property, then that should appease the residential zoning violations. I can assure you that I have not, nor do I plan to sell rabbits on the premises in the future. As described in my report, Emilina's Rabbitry is a closed rabbitry, thus all interest in rabbits will be entertained off location.

I'd like to also reiterate that Emilina's Rabbitry doesn't negatively impact our neighbors. If anything, it's been a positive experience. I don't have foot traffic coming and going from my residence with the intent to buy or sell rabbits. I promptly dispose of all rabbit waste. I do my best to control insects and vermin. And what's probably most important, Emilina's rabbitry is in no way a public nuisance affecting the neighbors who live around me or the residents of Sparta who may walk in front of or behind my home.

Thank you.

A handwritten signature in black ink, appearing to be 'Debrae', written in a cursive style.

To Whom It May Concern:

May 31, 2018

I am writing to explain the interactions that my husband and I have had with our neighbor Nova Mason who lives at 404 S. K St. We live right next to her at 408 S. K St. My husband and I have considered her to be a kind and friendly person. We enjoy being their neighbors.

We have not had any problems that we felt we couldn't take care of between ourselves. We are not in conflict with her family's hobby of showing rabbits. We have not seen more than a couple people buying rabbits. There isn't even a sign stating the sale of rabbits that we are aware of. We have not noticed an accumulation of animal supplies lying around the yard. We have been able to be in our backyard without any undesirable smells or flies.

My husband and I believe Nova should be able to carry on with her family hobby.

Thank You,
Hollie and Seth Phillips

Hollie Phillips
SA M:

To whom it may concern,

My name is Dave Preston and I live at 311 Blake Street, which is located behind Nova Mason's property across the alley at 404 S K Street. I'm writing this letter to let you know that the rabbits Nova and her daughter have haven't ever bothered me. I spend a lot of time in my back yard and garage and I've never smelled anything coming from her house that makes me feel sick or uncomfortable preventing me from doing things outside. I've never seen her throw away any rabbit poop in her garbage cans or smelled anything coming from her garbage cans that would make me think otherwise.

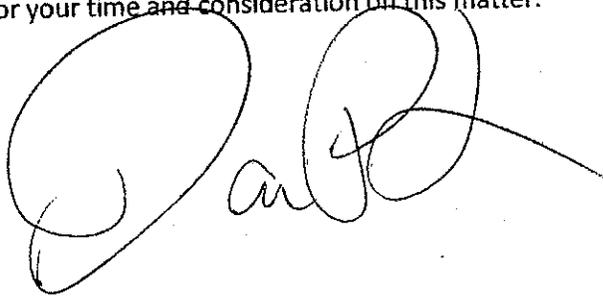
I've been in her back yard for BBQs & bonfires and didn't notice anything that would lead me to believe she is running a rabbit mill or doing anything that would suggest they are hoarding, neglecting or otherwise mistreating rabbits in any way. They don't have a bunch of stuff that is cluttering their backyard that looks trashy or, in my opinion, would attract an abundance of flies or mice.

I've recently been in her rabbit house and I was very impressed how well her and her daughter take care of their rabbits. The smell inside the rabbit house was not too strong where it made me feel sick. The room was well kept and clean. There wasn't a buildup of rabbit poops in the bottom of the cages. I didn't notice a bunch of flies or other bugs. All the rabbits had food dishes & water bottles. I'm not an expert, but from what I witnessed, all of the rabbits looked like they were in good health.

I see Emily in the backyard playing with the rabbits all the time. When they go out of town Nova always lets me know and I help keep an eye on her place. She always lets me know who is going to be coming over to take care of her rabbits when she's not home.

Please take my personal opinion into account when you make your decision to let Nova and her family keep their rabbits. They are good, honest, responsible people who love their rabbits and take very good care of them. Their rabbits have never bothered me and I would find it hard to believe that they bother any of our nearby neighbors.

Thank you kindly for your time and consideration on this matter.

A handwritten signature in black ink, appearing to read "Dave Preston". The signature is fluid and cursive, with a large loop at the beginning and a long tail extending to the right.

6-1-18

Friday, June 1st, 2018

To whom it concerns,

I, Lillie Marie Garcia, am writing this letter on behalf of my neighbor, Nova Mason. I've resided at 400 S K Street since 2008 and Nova and her family have resided as our neighbors at 404 S K Street since 2011.

As her neighbor, I have never had any issues regarding the rabbits that Mrs. Mason has at her residence. Some of the issues that I have been made aware of include complaints of smells from her rabbits that are supposedly offensive to her neighbors. This has never been an issue with myself or any of my family members. We spend a lot of time in our yard and on our deck that's within just a few feet from the rabbit building.

My two daughters have been friends with Mrs. Mason's daughter as long as they've lived next door. They've been over to their house numerous times and it wasn't until recently when these current problems Mrs. Mason has been accused of, was I even aware they had rabbits next door. I've never noticed people going in or out of her residence on a regular basis buying rabbits, much less any sort of advertising on their property stating they have rabbits for sale.

Earlier this week Mrs. Mason invited me to come over and see the rabbits for myself. I have a very sensitive sense of smell and she asked me to tell her as soon as I started to smell something offensive. We walked around the side of her house and stood in front of the rabbit building and I couldn't smell anything. We went in to see the rabbits and the smell inside wasn't bad. It smelled like hay. I definitely do not find the smell outside or inside the rabbits' building offensive or bothersome. I'm allergic to cats and wasn't affected at all by the rabbits, their fur or smell.

If you have any questions or concerns you'd like to discuss further with me, I can be reached at (608) 633-6069. Thank you for your time.

Sincerely,

Lillie M. Garcia

06-01-2018

June 2, 2018

SPARTA CITY COUNCIL

TO WHOM IT MAY CONCERN:

I reside at 408 S K street, Sparta WI which is located directly next door to Nova Mason's residence. We have a friendly, neighborly relationship and have had such for nearly 5 years. Both families spend much time out of doors in our respective backyards, and frequently visit over our fence as well as share bonfires and occasional barbeques.

Our backyard is a pleasant place where we often relax on our patio or in hammocks in the nice weather. Other than the occasional conversation where we've joked about the length of either of our yards grass at one time or another, we've not had any issues as neighbors.

We are aware that they raise rabbits for the purpose of 4H and my nieces have regularly gone over to see them, observing babies and the proper care of rabbits. This has been an enjoyable educational experience for all of us. It is not a source of any concern, tension or issue for us as her neighbors. There has not been any issues related to vermin, noxious fumes or concern for hygiene or safety. There have also not been any concerns with foot traffic or frequent visitors. There are no more comings or goings from their residence than any other in our neighborhood. We have not been negatively impacted in any way by their raising of rabbits, in fact it has been the opposite by providing a great learning opportunity for the children.



SINCERELY,

SIERRA E. PHILLIPS

408 S K St. SPARTA WI 54656