CALL TO ORDER
Howard Raymer, Jr., Chair, called the meeting to order at 6:00 p.m. Let the record show that this meeting is called in full compliance with the requirements of the Wisconsin Open Meetings Law.

Remarks Sampson: Note that the board has been provided an amended map, which is also displayed on the screen. In the key in the upper left hand column, there is a typographical error. The number of detached accessory buildings on the subject lot should read four, and it exceeds the number of buildings allowed by ordinance by one. In the description on the lower portion of the page, it should read “that together with an existing 30-ft x 40-ft DAB.”

APPEAL NO. 2016-03 John and Kimberly Nerby, N8983 Aspeslet Road, Holmen, WI, 54636. Permit denied to retain an existing 10-ft x 14-ft detached accessory building (DAB), a 9-ft x 13-ft DAB, and a 40-ft x 40ft DAB with a height of 20-ft that together with an existing 30-ft x 40ft DAB exceeds the 1,500 square feet area limit, number limit of 3 DAB’s, and one which exceeds the 17-ft height limit for such buildings on this 3.83 acre lot. Property is described as part of the NE/SE of Section 12, T18N, R8W. Tax parcel 8-931-1. Property address is N8983 Aspeslet Road. Town of Holland.

Appearing in favor: John Nerby, N8983 Aspeslet Road, Holmen, WI 54636. We put this building up strictly for agriculture. We currently use it to house dairy goats. Adjacent to it we have a steer shed and a chicken coop. It is just agriculture. My wife and I come from a farm background and we wanted to get our kids involved. They are very involved in 4H, not only at the local level, but also at the state level. We have animals and it is all for agriculture.

Remarks Eilertson: The fact that you are using it for agriculture is no excuse for totally disregarding the zoning ordinance.

Remarks Nerby: We were under the assumption that if it was for agriculture that we did not need a permit.

Remark Eilertson: Not correct.

Remarks Nerby: We found that out.

Remarks Raymer: Agricultural requirements are a minimum of 35 acres. You have a just a little over three acres or a little less than four acres. You are not even close to being agricultural. You can put cattle or hay in them but that still isn’t an agricultural property.

Remarks Nerby: We were zoned Ag and we figured we can have a little hobby farm there.

Question Raymer: How long have these buildings been up?
Answer Nerby: The chicken has been there four or five years. The 40-ft x 40-ft shed went up in the fall of 2014. The steer shed was up in the spring of 2014. The chicken coop is portable.

Remark Raymer: It is still a structure. It is not readily moveable. Readily movable means it has tires on it, a tongue, and you can hook on to it with a truck and take it out of there.
**Question Nerby:** Can I put tires on it?

**Answer Raymer:** I don't think that is readily movable, period. If it is nine feet wide you would be over width. You have to be able to take it off the property and go down the road with it.

**Remark Eilertson:** I have been on this board Mr. Nerby about 13 years. Bud (Howard Raymer) has been on here longer than I have and I don’t know if I have ever seen one that has more flagrant violations than this one right here in my entire board career. Would you say the same thing? (Howard Raymer)

**Remarks Raymer:** I haven’t either.

**Appearing in favor:** Helena Nerby, N8983 Aspeslet Road, Holmen, WI 54636.

**Question Nerby:** Can I ask you gentleman, do you have children at home?

**Answer Raymer:** I don’t think that this is very pertinent to this.

**Question Nerby:** I would like to ask you if you have ever been involved in agriculture or if you have a sense and background for agriculture, or have your kids been involved in agriculture.

**Answer Raymer:** I don’t think that those are the kind of questions that we need to answer.

**Remarks Nerby:** I would like to say that for me growing up with these animals and this hobby farm, it has grown me as a person, and it has given me characteristics that I before didn’t have. A lot of Wisconsin is missing agriculture. We have a lot of jobs that need filling and I believe that yes, there were regulations that were violated. They were not known to us at first. But, I feel like, if you look at the side of agriculture, a point of view that you are coming from, that it could be seen as important because when we first came to America, this is how we were founded. We were built on farming, we were built on agriculture. It is very important to us and it still is. A lot of its lacking this day, but we still try to make up for it.

**Remarks Eilertson:** According to the zoning regulations, you are a rural resident. You are not a farm. You are portraying this all of as an agricultural and farm situation. The zoning is there to protect your neighbors from exactly what you’re doing. If you want to raise animals and all the things that goes with agriculture, you should be on a 35 acre to 40 acre farm, minimum.

**Question Raymer:** Anything else pertaining to the buildings themselves?

**Answer Nerby:** No sir.

**Appearing in favor:** Kimberly Nerby, N8983 Aspeslet Road, Holmen, WI 54636. When we moved onto the property about 16 years ago, we were zoned Agriculture, Ag A. Undenounced to us, it was never given to us, a definition that we had been changed to Rural. We had originally started out with chickens. As my husband said, our kids are super involved in 4H. It has become their life. They show at the state level, the county level. They do multiple different shows with all of their animals that they have. Again, undenounced to us, it was changed to rural. The buildings are there for our animals because they should not be subject to the elements outside.

**Remark Raymer:** I want to emphasis again; you can call it Ag A, you can call it Rural, you can call it what you want. In this day and age, it is hard for me to believe that somebody would put up that number of buildings and that size of buildings on a less than four acre parcel of land and not check into the fact that you needed a permit. This is 2016, this isn't the 40’s and the 50’s. Nobody puts up buildings in the State of Wisconsin without permits. Period. The changing of it from Ag A to Rural doesn’t change the size of the parcel. It is still less than four acres. To do what you did here, you needed a minimum of 35 acres.

**Question Raymer:** Who put the building up? Did you hire a contractor?

**Answer Nerby:** An Amish gentleman.

**Remark Raymer:** Most contractors would have come out there and said you have to check if you need a building permit. Get that before we start the project. That would have helped you out.
**Question Raymer:** Anything else?

**Answer Nerby:** No sir.

** Appearing in opposition: ** Brian Shaw, N9021 Aspeslet Road, Holmen, WI 54636. I live on the property directly east of the John and Kimberly Nerby property. My concerns in opposing this appeal mainly rest on any depreciation of the property that I am on. I only have 2.18 acres, or something. It isn’t very much. We have been there 24 years. We moved here in March of 1994, my wife and I did. We raised our family there. I would like to go on record noting that I am not against agriculture. I grew up in West Salem. I have cousins that have dairy farms. I have friends that have hog operations. I just happen to be familiar with the difference between the Rural zoning and the Agricultural Zoning. My concern is any depreciation on my property and any depreciation that might be on any of the accompanying properties in the area that adversely affect my own, being that the buildings are used for agriculture on a lot that is smaller than four acres. In that area on Aspeslet Road, there are three homes directly west on Aspeslet Road. From my house north, there are also another four homes. There is one directly across the road from me. As the crow flies on Aspeslet Road, from these buildings, in a straight line radius, these homes are all probably within 400-ft of these buildings. There is at least a dozen residential homes right there in that proximity. They all have septic systems, they all have wells. I don’t know what the land use on a lot that small. I have no idea what kind of livestock exactly are being tended to. But I do have concerns. I was here tonight to speak to you gentleman to protect my own concerns regarding that. I would agree with Mr. Eilertson, being a little closer to the situation than some of my neighbors might have been. As I watched those buildings go up, I in good faith, thought that they did have the proper credentialing and were working within the ordinances. I thought it was very flagrant when I received this in the mail. I am a bit ill-prepared, but I really felt it would be in my best interest to at least make a presence at this meeting. Thank you for your time.

**Correspondence:** Draft meeting minutes from Marilynn Pedretti, Town of Holland Clerk, dated February 10, 2016. The draft meeting minutes indicate that the Town of Holland has recommended approval of this appeal to exceed the height of the building and total square footage on the stipulation that the two smaller buildings be removed by July 1, 2016. Additional actions; the Nerby’s contact their neighbors and have them sign off on the variance and they should contact Land Conservation to examine the animal unit issue for their acreage.

**Discussion:** Board members discussed the appeal.

**Motion by Warzynski/Eilertson to Deny** this variance because there is not significant justification to exceed the allowed square footage and height for DAB’s on this property. A deadline of July 1, 2016 is given to remove the 40-ft x 40-ft DAB. Permitting of the other buildings is required.

3 Aye, 0 No, and 0 excused. Motion carried unanimously.

**Motion by Eilertson/Warzynski to Adjourn** (6:23pm).

3 Aye, 0 No, and 0 excused. Motion carried unanimously.