



PLAN COMMISSION MEETING – PUBLIC HEARING

FREEDOM TOWN HALL - W2004 COUNTY RD S

WEDNESDAY, JUNE 11, 2025 - 5:20 p.m.

1. Call to order, roll call, pledge
2. Verification of posting & adopt agenda
3. Public Hearing Chapter 18; Removing Section 18-073 Addressing
 - A. Presentation
 - B. Public Hearing
 - C. Close Public Hearing
4. Adjourn

PLAN COMMISSION MEETING

FREEDOM TOWN HALL - W2004 COUNTY RD S

WEDNESDAY, JUNE 11, 2025 - 5:30 p.m.

1. Call to order, roll call, pledge
2. Verification of posting & adopt agenda
3. Consideration of minutes from May 14, 2025
4. Discussion and possible action on Chapter 18 Ordinance, 18-073 Addressing
5. Building permits report
6. Sanitary District report
7. Town Planner report
8. Future meeting schedule = July 9, 2025 at 5:30pm
9. Adjourn

Posted on 2 Boards at the Freedom Town Hall and on the Town website on the 9th day of June 2025, by 4 PM by the Clerk's Office

Dana McHugh, Town Clerk/Treasurer

**NOTICE OF PUBLIC HEARING
TOWN OF FREEDOM
OUTAGAMIE COUNTY WISCONSIN**

AMENDMENTS TO TOWN SUBDIVISION ORDINANCE

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Board of Supervisors of the Town of Freedom, Outagamie Wisconsin, on **Wednesday, June 11 2025, at 5:20 p.m.** at the Freedom Town Hall, W2004 County Highway S, Freedom at which time the Town Board will hear public comments on proposed text amendments to Chapter 18: Land Division Regulations of the Town of Freedom Municipal Code.

Chapter 18: Land Division Regulations regulates and controls the division of land in order to promote the public health, safety, morals, prosperity, aesthetics, and the general welfare of the Town. Proposed amendments to Chapter 18 include the following:

- Removing Section 18-073 Addressing

The 'Draft Chapter 18 Land Division Regulations' is available for public inspection at the Town Hall and on the Town of Freedom website located at <http://www.townoffreedom.org/>. Written testimony may be submitted to: Town of Freedom Board of Supervisors, Attn: Town Clerk, PO Box 1007, Freedom, WI 54131, or emailed to the Town Clerk at deputyclerk@tn.freedom.wi.gov by noon on the day of the Public Hearing.

All interested persons will be given an opportunity to be heard. Testimony may be provided in writing or in person.

For information regarding this public hearing contact Dana McHugh, Town Clerk/Treasurer, 920-788-4548 during regular office hours.

Accommodation Notice

Any person requiring special accommodation who wishes to attend this meeting should contact the Town Hall 920-788-4548 at least 48 hours in advance.

Members of, and a possible quorum of members of, other Town governmental bodies may be in attendance at the above noticed meeting to gather information; no action will be taken by any governmental body at the above noticed meeting other than the governmental body specifically referred to above in this notice.

Dana McHugh, Clerk/Treasurer

Publication in Appleton Post Crescent May 28, 2025, and June 4, 2025 as a Class II publication.

PLAN COMMISSION MEETING MINUTES

FREEDOM TOWN HALL

W2004 COUNTY RD S

WEDNESDAY, MAY 14, 2025

5:30 p.m.

1. Call to order, roll call, pledge
Chairperson Linda Borneman called the meeting to order at 5:30 p.m.
Chairperson Linda Borneman, Commissioner Dan Reinke, Commissioner Ron Mashlan, and Commissioner Mark Dollevoet were all present. Excused: Commissioner Henry McKenna, Commissioner Darin Tiedt, Commissioner Sam VanHandel. Also Present: Justin Carlson Town Administrator, Dana McHugh Clerk/Treasurer, Jeff Sanders Town Planner. Chairperson Borneman Led the Pledge of Allegiance.
2. Verification of posting & adopt agenda
Agenda posted on the 2 board at the Town Hall and on the Town website on 3/12/25 by 9am. Motion made by Commissioner with a second by Commissioner to adopt the agenda.
Vote: 4 Yes 0 No Motion Carried
3. Consideration of minutes from April 9, 2025
Motion made by Commissioner with a second by Commissioner to approve April 9, 2025, meeting minutes.
Vote: 4 Yes 0 No Motion Carried
4. Discussion and possible action of preliminary plat – Chad & Mark Properties
Motion made by Commissioner with a second by Commissioner to deny recommendation of the Preliminary Plat to the Town Board for the reasons cited by Town Planner Jeff Sanders.
Vote: 4 Yes 0 No Motion Carried
5. Discussion and possible recommendation of rezoning application – Chad & Mark Properties
Motion made by Commissioner with a second by Commissioner to deny recommendation of the Rezoning Application to the Town Board for the reasons cited by Town Planner Jeff Sanders.
Vote: 4 Yes 0 No Motion Carried
6. Discussion and possible action on Chapter 18 Ordinance, 18-073 Addressing
7. Building permits report
8. Sanitary District report
9. Town Planner report
10. Future meeting schedule = June 11, 2025 at 5:30pm
11. Adjourn
Motion made by Chairperson Borneman with a second by Commissioner to adjourn the meeting at pm.
Vote: 4 Yes 0 No Motion Carried

Dana McHugh, Town Clerk/Treasurer

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Dana McHugh, Clerk/Treasurer

Publication in Appleton Post Crescent May 28, 2025, and June 4, 2025 as a Class II publication.

2025 Building Permits

APP #	LAST NAME	FIRST NAME	PARCEL #	HOUSE #	STREET NAME	TYPE	EST. COST	TOTAL PAID	Perk \$500	WI Seal Permit \$35	Engineer's fee \$220	Admin \$50	Address \$100	ROW \$50	BUILDING INSPECTOR	DATE ISSUED
FR-25-1	VANDEHEY		090027905	N4354	BELL CT	ELECTRICAL	\$150	\$150							SP	1/7/2025
FR-25-2	Hinz	Daniel	090017501	N4392	French Rd	SOLAR		\$250							SP	1/7/2025
FR-25-3	CCW Properties		090210800	W1944	Industrial Dr	ELECTRICAL	\$250.00	\$250.00							SP	1/9/2025
FR-25-4	Toyne	Don	090207800	N4344	Kylea Ct	FINISH LL	\$510	\$510							SP	1/21/2025
FR-25-5	Leduc	Leann	090076500	W3092	Mathison Rd	HVAC	\$125	\$125							SF	1/27/2025
FR-25-6	VanCamp	Gerald	090028502	W2029	Center Valley Rd	NEW HOME	\$4,440.00	\$4,040.00	\$300				\$100		SP	1/29/2025
FR-25-7	Cotton		090065200	N3574	State HWY 55	ELECTRICAL	\$125	\$125							SF	2/5/2025
FR-25-8	Vanderloop	Tim	090094500	N2604	Cty HWY N	RAZE	\$150.00	\$150							SP	2/4/2025
FR-25-9	Wolff	Dylan	090009602	N4691	Cty Rd C	NEW HOME	\$2,665.00	\$2,265.00	\$300				\$100		SP	2/12/2025
FR-25-10	I&S		090061922	LOT 20	Warren Trl	NEW HOME	\$2,665.00	\$2,265.00	\$300				\$100		SP	2/21/2025
FR-25-11	Richeson	Shawn	090168300	N4295	Oak Ln	REMODEL/ADDITC	\$1,200.00	\$1,200.00							SP	2/20/2025
FR-25-12	I&S		090061933	LOT 31	Ethan Dr	NEW HOME	\$2,665.00	\$2,265.00	\$300				\$100		SF	3/11/2025
FR-25-13	Residential Solutions		090061940	LOT 38	Gavin Dr	NEW HOME	\$4,840	\$4,440	\$300				\$100		SP	2/26/2025
FR-25-14	Residential Solutions		090061970	LOT 68	Gavin Dr	NEW HOME	\$2,665	\$2,265	\$300				\$100		SP	2/26/2025
FR-25-15	Keller	Chuck	090090502	W3130	Broadway Lot 104	HVAC	\$125								SP	2/27/2025
FR-25-16	Great Value Homes		090090502	W3130	Broadway Lot 205	NEW TRAILER	\$300	\$300							SP	2/27/2025
FR-25-17	Great Value Homes		090090502	W3130	Broadway Lot 61	NEW TRAILER	\$300	\$300							SP	3/5/2025
FR-25-18	Matuszak	Mark	0902005200	N4345	Panoramic Ave	REMODEL/ADDITC	\$875	\$875							SP	2/26/2025
FR-25-19	Pirang	Trevor	090055906	W3332	Asht Lake Trl	PLUMBING	\$250	\$250							SP	2/27/2025
FR-25-20	Hartjes	David	090061973	N3668	Gavin Dr	FENCE	\$2,665	\$2,265	\$300				\$100		SP	3/17/2025
FR-25-21	Clemoski	John	090172400	N3921	Dublin Way	FENCE	\$100	\$100							SP	3/14/2025
FR-25-22	VanAsten	Adam	090032900	W1560	VanAsten Rd	POOL	\$300	\$300							SP	3/14/2025
FR-25-23	Keller	Chuck	090055906	W3130	Broadway Lot 104	HVAC	\$125	\$125							SP	3/17/2025
FR-25-24	Woods	Cole	090093400	W2299	Greiner Rd	ELECTRICAL	\$125	\$125							SF	3/17/2025
FR-25-25	Herbst	Jeff	090061973	N3668	Gavin Dr	FENCE	\$100	\$100							SF	3/19/2025
FR-25-26	Verkuilen	Greg	090048402	NEW HOME			\$2,665	\$2,265	\$300				\$100		SP	3/17/2025
FR-25-27	Bigge	Steve	090061915	W2321	Schmidt Rd	FENCE	\$100	\$100							SP	3/24/2025
FR-25-28	FASD		090038800	N4021	Cty Rd E	Early Start	\$55,000.00	\$150.00							SP	3/14/2025
FR-25-29	Buss	Randy	090651942	W2375	Ethan Dr	NEW HOME	\$250	\$250							SP	3/28/2025
FR-25-30	Mannebach	Patrick	090193500	W3526	Equestrian Trl	ELECTRICAL	\$125	\$125							SP	

I. PENDING MATTERS REQUIRING PLAN COMMISSION / TOWN BOARD ACTION

- A. Bruce Gonnering CSM, CTH C – Submitted to Outagamie County, awaiting submittal to Town.
- B. Kirk Schuh Special Exception – landscaping business

II. OTHER PLANNING & ZONING MATTERS

none

III. PLANNING & ZONING RELATED LEGISLATION / COURT DECISIONS

- A. Dyersville Ready Mix Inc. v. Iowa County Board of Supervisors

Following Town recommendation, County denied request for zoning change due to inconsistency with Town's adopted comprehensive plan. Although a municipality is not legally bound to approve an application when "consistent with" the comprehensive plan, it must deny when it is not. If denied for this reason, the decision is likely to stand in court.

An up-to-date comprehensive plan is essential.

- B. Przychocki v. Kearns, et al.

City enforced prohibition against residential uses in commercial structure following denial of right to inspect premises. Owner filed suit claiming "inspection from street" was violation of 14th Amendment protections. Court dismissed claim.

Property owners must comply with zoning regulations and building codes including right to inspect.



APA-WI Court Case Summaries

Opinions decided in March-April 2025 that affect planning in Wisconsin.

Wisconsin Court of Appeals

[Dyersville Ready Mix Inc. v. Iowa County Board of Supervisors, 2025 WL 1078289 \(April 10, 2025\)](#)

Topic

Review of County Board Denial of Rezoning Petition.

Summary

The landowner had petitioned the County Board to rezone agricultural land to permit a quarry operation, as well as a conditional use permit for the same. The Town where the land was located recommended against rezoning, arguing that it was inconsistent with the Town's comprehensive plan. The County's Planning and Zoning Committee also recommended denying the rezoning petition based on the same inconsistencies. After a public hearing and comments in front of the County Board, the landowner's rezoning petition failed to get sufficient votes to pass, and the landowner's reconsideration request was implicitly rejected.

The landowner brought suit, claiming that the County Board improperly relied on the conditional use decision standards in denying the rezoning request. It claimed the board was "mandated" to grant the rezoning petition because the requested new zoning was similar to the parcel's current zoning, and that the denial violated the landowner's substantive due process rights.

The Court of Appeals dismissed the landowner's arguments. First, transcripts and minutes from the P&Z Committee and County Board meetings showed that both entities understood that the rezoning and conditional use permits presented specific issues to be evaluated, and that the County Board exercised its discretion in arriving at the same decision as the Town and P&Z Committee. The County Board, the court said, rested its denial on the determination that rezoning the parcel would not be consistent with the Town's comprehensive plan, amongst other points, and therefore could not be shown to have used improper decision standards. Second, the court determined that the landowner's "mandate" argument was without merit, because such an argument would eliminate a County's ability to consider the Town's comprehensive plan, or how such conditional uses would affect the Town's character, which was stated explicitly as an agricultural community. Finally, the court decided that the landowner's third argument was underdeveloped. Even if it was not, the agriculture-land rationale of the community had justification based on health, safety, morals, and general welfare of the interested community, and therefore was not a violation of the landowner's due process rights.

Key Takeaway

This case provides a very good summary of the scrutiny the Court of Appeals will give a County Board's rezoning decisions. The court will be highly deferential to the local municipality's

decision so long as the entity making the determination follows the proper steps and elements outlined in its governing documents. Keeping the comprehensive plan up-to-date is especially important if the municipality plans to use it as the basis for denying a rezoning petition.

United States District Court, Western District of Wisconsin

[Przychocki v. Kearns, et al., No. 24-CV-623-JDP, 2025 WL 1158395 \(W.D. Wis. Apr. 21, 2025\)](#)

Topic

Zoning Violation and Code Enforcement.

Summary

A landowner in a commercially zoned area sought to renovate the property. City officials provided landowner applications for a site review, building codes, and local zoning ordinances. The City granted a temporary occupancy permit and a list of requirements for the final occupancy permit. The owner did not complete the requirements, and City officials visited the property, provided the owner with notice of code violations including using the property as a residence. The owner denied officials' request to inspect the property, so officials did a visual inspection from the public street. The City undertook additional meetings with the owner to bring the property up to code. The landowner refused. About a month and a half after the temporary occupancy permit expired, the City sent a letter noting the illegal use of a residence in a commercial zone and threatened legal action to enforce compliance with the zoning ordinance and building code.

The landowner brought suit against several City officials, claiming enforcement of the City ordinances and zoning was a violation of the owner's due process rights under the 14th Amendment, and the City officials' inspection from the street was a violation of the 4th Amendment protecting against illegal search and seizure.

The Court dismissed the landowner's claims. 14th Amendment claims are broken into procedural due process and substantive due process. For the procedural due process claims in the context of municipal property regulations, the only procedural process that is required is notice and an opportunity to cure the issue. Substantive due process requires only that the government regulations be rationally related to a legitimate interest, meaning they cannot be arbitrary or irrational. Building codes and zoning rules are not arbitrary or irrational, as without them, more buildings would catch fire, collapse, become unsightly, attract squatters, or cause environmental damage. Nor is it arbitrary or irrational for a City to impose zoning rules that limit residential use of commercial buildings." The Court also dismissed the 4th Amendment claims as a government action is a "search" only if it intrudes upon an area where an individual has a reasonable expectation of privacy, and surveillance from a public street, even for a lengthy period of time, is not a search because there is no reasonable expectation of privacy in an area plainly visible to the public.

Key Takeaway

Landowners must abide by building codes and zoning ordinances; following procedural processes for notice and opportunity to cure issues provides adequate protection from due process allegations.

The APA-WI Court Case Summaries are brought to you by Chris Smith, Attorney, and Samuel Schultz, Urban Planner, of Von Briesen, in collaboration with the APA-WI VP of Policy and Advocacy, Lewis Kuhlman. If you have questions or concerns, please contact Sam Schultz, samuel.schultz@vonbriesen.com, or Lewis Kuhlman, kuhlmanl@cityoflacrosse.org.