

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
September 15, 2005
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Jardine at 1:00 PM.*
2. **ROLL CALL:** *Beeksma, Compton, Jardine, Maki, Rondeau, all present.*
3. **AFFIDAVIT OF PUBLICATION:** *Read by ZA Kastroosky*
4. **PUBLIC HEARING:**

A. BAYFIELD COUNTY (OWNER) & WANDA HYDE (AGENT) CONDITIONAL USE REQUEST – Construction / Operation of Rifle Range: on parcel of land leased to the DNR and sub-leased to Ashland Bayfield County Sportsmen’s Club to construct and operate a rifle range on a 20-acre parcel (ID# 010-1047-07-000), located in the W ½ of the SW ¼ of the SE ¼, Section 36, Township 50 N, Range 6 West, Town of Bell.

Paul Lundberg of the Forestry Dept. said this is an approved use for County Forest Land, it has County Board approval, and meets NRA standards. It was reported there is only a privy on site and they will apply for a future structure; Town approval is on file; there are no letters of support or of opposition on file.

No one else spoke in approval / disapproval.

B. JAMES M. BIGOTT CONDITIONAL USE REQUEST - Expansion of Existing Non-conforming (grandfathered) Resort (consisting of 2 rental cabins & residence with a conversion of a non-conforming accessory building to bar/bait shop). The property is a .80-acre parcel (ID#034-1123-01, described as Lots 7-9, Block 5, Plat of Namakagon Village, Town of Namakagon.

Annie Bigott addressed the committee. She explained the building size, proposed plans including parking plans, referring to their plot plan. Ms. Bigott said they are concerned about personal and guest safety therefore they do not want any bar access through their driveway. They will post signs at each end of the driveway allowing no public access.

Director Kastroosky said even if they grant land use by a conditional use permit, the structure or expansion of the structure would require a variance by the Board of Adjustment. Compton was concerned about the use, and felt the next thing might be expansion, or changes and it is nonconforming / within shoreland. Compton said, “talking about use is one thing, but once we grant the use then the assumption is expansion, I want that clarified”.

Kastroosky asked AZA Mike Furtak to clarify. Furtak said this is in a residential-recreational business zoning district where bars and restaurants are allowed by special use but because this is a change to a pre-existing resort we needed to go this route. Furtak added that the use is conforming, the zoning district allows resorts, but the structure is nonconforming because of right-a-way and the road; the resort is nonconforming because there’s not enough open space area; the rentals are not back far enough from the water because it was a pre-existing resort. Furtak said regarding expansion, [the building] is less than 600 sq. ft. so no addition is allowed.

Town Board approval is on file. Jardine reminded the Committee they could place conditions on their approval. Compton questioned parking concerns of neighbors and the number of vehicles to be allowed. Ms. Bigott clarified their plot plan.

Speaking in Approval / Letter(s) of Support:

Kastrosky stated there is a letter of support from Robb / Mary Jung in the file. No one spoke in approval.

Speaking in Disapproval / Letter(s) of Concern or Opposition:

A letter of concern was received from Sara Boles / Adrian Wydeven.

Dewy Jacobs stated he lives next door, shares a driveway, and has concerns regarding decreased resale-property-value, noise, traffic, with driveway easement being his main concern. Mr. Jacobs would like the easement terminated in order to settle safety and traffic issues.

Judie Jacobs reported she is concerned about parking.

Kastrosky said the Committee is not in charge of easements but under conditional use [Title 13, Chapter 1, Article C (4) Decision] there are 12 points to consider including “maintaining safe / healthful conditions, safe existing roads, impact on other lands and uses in the vicinity and the extent to which it would be compatible or incompatible, and general welfare of the community”.

Rebuttal: *Ms. Bigott stated, “the easement is to run with the land; the Jacobs’ knew the property was a resort [when they moved there] and knew of the easement; there were four cabins and now there are two”. She said they will park their personal vehicles on the road also which is actually their driveway and there is “no way someone from the bar would be able to access it without driving on their lawn”. Ms. Bigott added, “if they are worried about property values going down, it has been shown with other resorts in the area that property values went up when they opened a bar”. She also said the easement was put in by the former owner who owned their property as well as the Jacobs’.*

C. TODD LECHNER REZONE REQUEST – Forestry-2 to Forestry-1: on 120-acre parcel(s) (ID #'s 004-1221-03, 004-1221-04 and 004-1219-04), described as the NE ¼ of the SW ¼, the NW ¼ of the SW ¼, of Section 35 and the NE ¼ of the SE ¼, Section 34, all in Township 45 North, Range 9 West, Town of Barnes.

No one was present on behalf of this case. Director Kastrosky said because of the way the dates fell this month, the Town would meet after the Zoning Committee, therefore there was no input from them.

Earl Gregoire of the Barnes Land Use Committee stated they met this week, and 7 of 12 members in a group he was in, addressed this situation, with the consensus being the 120 acre parcel should be R-2 or F-1. Kastrosky said neither the parcel size, nor the use, differs in R-2 / F-1, but town approval is required in Forestry-1, “so depending on the action coming out of this Committee, [the question is] should this be forestry land or residential use land?” He added, “if residential, then the town would have the say of placement of residences”.

AZA Furtak said, “this was part of Plum Creek property originally and as far as F-1 is concerned, currently the Town is in the land use planning process with concerns about development and subdivision, this zoning would give the Town an opportunity to deny residences”. Furtak reported past investigation showed incorrect mapping, and they bought the property thinking it was R-3 but the mistake was found later on the map, it is actually F-2. Director Kastrosky then stated they would have to decide how this should be handled due to missing Town input.

Speaking in Approval / Disapproval: None

D. UGO & MARCIA RACHELI CONDITIONAL USE REQUEST - to operate a café/restaurant & bar/tavern on their 5.1-acre parcel (ID# 008-1032-04-990), located in part of the W ½ of the SW ¼ of the SE ¼, Section 28, Township 49 North, Range 4 West, Town of Bayview.

Ugo Racheli said he and wife own Twin Silos and operate a gift shop, selling foods under a Dept. of Agriculture permit and they are requesting permission to serve food on the premises including wine/beer with meals. Racheli said because of the County [classification] listing, a bar/tavern was published as part of

the request, however, the Town “struck [the words] bar/tavern as they will only serve wine and beer with meals rather than [have] a bar setting”. He added that he has assured his neighbors of no intent to have a bar/tavern and understands that if plans changed later he would need to reapply for that and neighbors would have input.

Director Kastrosky apologized on the Zoning Department’s behalf that there is no category listing for Mr. Racheli’s type of business and said it is important that the Committee grant the “specific use”. Supervisor Maki asked if this business would be conveyed [to future owners]. Kastrosky answered that it would be conveyed exactly as approved. Racheli said they will utilize the present buildings. Land Use Specialist Travis Tulowitzky reported he attended the Town’s meeting this week and Bayview approved the request with the intent to sell beer/wine only and that Mr. Racheli said he wants the restrictions listed on this approval as well.

Speaking in Approval / Disapproval: None

5. ADJOURNMENT OF PUBLIC HEARING: Motion by Rondeau; second by Beeksma to adjourn at 1:50 PM; carried.

6. CALL TO ORDER OF ZONING COMMITTEE MEETING: By Chairman Jardine at 1:50 PM

7. ROLL CALL: Beeksma, Compton, Jardine, Maki, Rondeau, all present.

8. MINUTES OF PREVIOUS MEETING(S): Motion by Beeksma, second by Maki to **approve**. Discussion: Director Kastrosky reported there will likely be an appeal on the Ecton property [an Item on the August, 2005 agenda / minutes] and he wants to make sure the Committee agrees with the minutes as presented. All members who were present at the August, 2005 Zoning Committee meeting [Jardine, Beeksma, Maki, Rondeau] agreed that they were adequate. Motion carried.

9. BUSINESS:

A. BAYFIELD COUNTY (OWNER) & WANDA HYDE (AGENT) CONDITIONAL USE REQUEST – Construction / Operation of Rifle Range: on parcel of land leased to the DNR and sub-leased to Ashland Bayfield County Sportsmen’s Club to construct and operate a rifle range on a 20-acre parcel (ID# 010-1047-07-000), located in the W ½ of the SW ¼ of the SE ¼, Section 36, Township 50 N, Range 6 West, Town of Bell.

Motion by Maki to **approve**, second by Rondeau; carried.

B. JAMES M. BIGOTT CONDITIONAL USE REQUEST - Expansion of Existing Non-conforming (grandfathered) Resort (consisting of 2 rental cabins & residence with a conversion of a non-conforming accessory building to bar/bait shop). The property is a .80-acre parcel (ID#034-1123-01, described as Lots 7-9, Block 5, Plat of Namakagon Village, Town of Namakagon.

Motion by Maki, second by Rondeau to **approve**. Discussion: Kastrosky presented the fact that the Zoning Dept. has to administrate, give guidance, and enforce conditions. He said traffic could be an issue and suggests signage be part of the conditions, to make this more easily administered. Jardine replied that the Bigotts stated they would place signs noting a private driveway. Kastrosky said they may place a threshold of the number of barstools and/or chairs in order to monitor the size and scope.

Compton expressed concern about the traffic pattern. He said “a reasonable person would infer there will be a different traffic pattern, more traffic with a bar/bait shop than with just two cabins and we need to address that”. “Another consideration”, he said, “is because the building cannot be expanded, we have to anticipate a BOA case, [with them] wanting to expand; we need to place conditions at this time with some attempt to remove potential problems”.

Kastrosky said, "when it comes to BOA, we normally don't make recommendations, but with expansion, it can't be relocated, but maintained and refurbished; expansion is only through BOA. If expanded, the Board would look at a very modest expansion". He added, "it didn't pay to go to BOA until they had some direction from us". Jardine said we have no restrictions, the applicant placed restrictions on themselves.

Annie Bigott said they plan to post signs but don't want that driveway used, they have concerns for themselves personally, for guests in cabins and pets. She also stated, "if the signs aren't working we will put up a gate; the road is only 12' wide, the length of the property".

Motion by Maki to **approve with conditions** that there be signs designating bar/bait shop parking as well as designating the driveway as private and the bar is to consist of 'carry out service' as well as a total of eight (8) stools for customer seating. Motion carried.

C. TODD LECHNER REZONE REQUEST – Forestry-2 to Forestry-1: on 120-acre parcel(s) (ID #'s 004-1221-03, 004-1221-04 and 004-1219-04), described as the NE ¼ of the SW ¼, the NW ¼ of the SW ¼, of Section 35 and the NE ¼ of the SE ¼, Section 34, all in Township 45 North, Range 9 West, Town of Barnes.

Motion by Compton to **table** (for Town input) until October's meeting, and **waive as a public hearing agenda item**; second by Maki; carried.

D. UGO & MARCIA RACHELI CONDITIONAL USE REQUEST – Operation of Café/Restaurant & Bar/Tavern on their 5.1-acre parcel (ID# 008-1032-04-990), located in part of the W ½ of the SW ¼ of the SE ¼, Section 28, Township 49 North, Range 4 West, Town of Bayview.

Kastrosky read the Town's approval-statement regarding limitation of selling beer and wine. Rondeau made a motion to **approve** operation of a café/restaurant allowing sale of beer and wine with meals; second by Maki; motion carried.

Agenda Review and Alteration

E. J. R. MCCONNELL SPECIAL USE REQUEST – Mini-Storage (Tabled 05/19/05): 9.99-Acre Parcel (#006-1054-06) in Govt. Lot 1, Section 22, Township 50 N, Range 4 W, Town of Bayfield.

Neil Schultz stated the Town wanted to send [this request] to the newly-formed planning committee and he visited the site with them; the Town recommended approval; it is consistent with Town standards, etc. Kastrosky said there are no letters of support nor opposition and this request was held since May pending Town land use approval. Compton asked if this request is complete or if there are there other plans in the works. Shultz said he does not intend to start construction immediately.

Kastrosky said if this structure / parcel "come into play" regarding the encroachment issue of the 500' DNR situation/condition [Greater Bayfield Wastewater Treatment Facility], then a condition could be imposed that it not be built until that contentious issue is resolved. Motion by Compton, second to Rondeau to **table this request until the legal issue is resolved** with Greater Bayfield Wastewater Treatment Facility; motion carried.

F. FRANCES PEACY SPECIAL USE REQUEST – Second Residence on Parcel: 39.74-Acre Parcel (#008-1030-09) in NW ¼ of the NW ¼, Section 28, Township 49 N, Range 4 W, Town of Bayview.

Deb Gierczic spoke on behalf of this request, stating this request is to place a trailer on the property separate from the main house, but with the stipulation that if something happens and the property is sold, it cannot be subdivided, and the trailer must be moved or go with the new owners; it is for family use. Land Use Specialist Tulowitzky said there are 40 acres and planned location is due to the fact that there is a

concrete pad from an old structure there. He said he encouraged another location so they would not have to go through this, however, the applicant was firm on his plans because of the pad.

Motion by Compton to **approve** with the **stipulation** that the parcel cannot be subdivided; seconded by Beeksma; carried.

G. JEFFREY GOVI SPECIAL USE REQUEST – Home-Based Business/Taxidermy (primarily fish): 20-Acre Parcel (#014-1019-01) in W ½ of SE ¼ of NW ¼, Section 2, Township 50 N, Range 7 W, Town of Clover.

Jeffrey Govi reported he has been in business for 40 years in Montana; he doesn't use as many chemicals as is necessary with deer, bear, etc.; this operation (for fish) uses no chemicals, it is done from photos only, and is low key.

Kastrosky stated no letters had been received on this case, nor was a TBA received. Motion by Rondeau, second by Beeksma, to approve pending Town Board approval. Discussion followed with Compton questioning conditions that may be placed by the Town. Rondeau then re-worded his motion to **approve pending Town Board approval as well as any conditions the Town may impose**, second by Beeksma; carried.

H. MARILEE LUDGATIS SPECIAL USE REQUEST – Home-Based Business/Landscaping, Gen. Contractor: 40-Acre Parcel (#004-1178-06) in the SE ¼ of the NE ¼, Section 21, Township 45 N, Range 9 West, Town of Barnes.

AZA Mike Furtak reported that the applicant's son, Ted Desrosiers, lives on the property (next door to her) and wants to operate that location; there are 80 acres. He added that this is low-impact with an existing pole building to store equipment/supplies. Because of calendar-conflicts this month, Town input was not received. Furtak added that he doesn't see a problem with this special use. Motion by Rondeau, second by Compton to approve pending TBA and any conditions placed by the Town; motion carried.

I. KAREN KORB SPECIAL USE REQUEST – Hobby Farm (50 sheep, 40 hens/chickens, 2 horses): 9.18-Acre Parcel (#018-1017-08) in the SE ¼ of the SE ¼, Section 18, Township 44 N, Range 7 W, Town of Drummond.

Karen Korb was present. AZA Furtak said this property appears to be old farm, but is zoned F-1, it is fenced including the chickens. Motion by Rondeau, second by Beeksma to approve. Discussion: Kastrosky quoted from the TBA, "Previously was agricultural land. Several neighbors at present are agricultural use." Rondeau then restated his motion to **approve the hobby farm for up to 50 sheep, 40 chickens, and 2 horses, and one llama**; second by Beeksma, motion carried.

J. LANCE REASOR FINAL PLAT APPROVAL (Town of Iron River)

Lance Reasor and Tim Oksuita presented plat maps. Kastrosky read a 09/09/05 letter from the Town. Reasor stated he wasn't at the Town's meeting but a representative from Van Hollen was. Kastrosky said the decision of this Committee and the Town was not to allow joint ownership on Lot 4. Reasor said he has a party interested in purchasing Lot 4. Supervisor Compton said there is concern that Lot 4 is not in common ownership, but feels the language needs to apply to all the lots. Reasor said, "initially this was not an issue at the Town, they approved it and the issue didn't come up until I came to the Zoning Committee, all of this happened since then". Compton said the issue is key holing. Jardine said the Town didn't know there would be common ownership and the Zoning Committee caught it.

Director Kastrosky asked if the applicant was agreeable to no common ownership. Tim Oksuita wondered what common ownership consists of, if it's even just two owners. Reasor said that "existing laws prohibit

splitting anyway". Kastrosky added that "the lake lots can't be split and it could be stated on the face of the plat". Reasor stated he would go along with Kastrosky's recommendations.

Motion by Compton, second by Beeksma, to **approve** the final plat **with conditions** as placed by the Town of Iron River ("...recommend approval for the 19 lot subdivision with the restriction that the owner agrees that he and/or his successor will not further subdivide the boundaries of the property (lot #4), and will not be used as a recreational corridor for other owners of the other lots, or in any manor [manner] inconsistent with Bayfield County Wisconsin law.") allowing no subdivision, and no further common-ownership-access to the lake for back lot access through lakeshore lots, including all lots, not just Lot 4. Motion carried.

K. DISCUSSION / POSSIBLE ACTION RE GREATER BAYFIELD SANITARY DISTRICT FACILITY:
Update

Kastrosky presented a draft letter for committee approval. Compton suggested Rex Dahlinger (of Greater Bayfield Wastewater Treatment Facility) also be copied and Maki questioned how far we can go on this. Kastrosky said we've reviewed Neil's information and "this is a twofold issue, encroachment on the development plan and on the building". He added that Travis [Tulowitzky] took photos and that personally he [Karl] was confused on certain issues. Schultz said, "they keep adding structures". Kastrosky said the photos presented showed "closer than 500 ft. to facility".

Tulowitzky questioned the status of Schultz's buildings because in the photos, the structure and proposed dimensions on the application differ. Schultz said "it is 400 sq. ft. but is in two halves to be put together, it's not completed yet".

Jardine stated his concern is about the poor appearance of Schultz's two structures. Kastrosky said he presented the facts to the Committee, they can see the issue, see the structure, but doesn't know where we will go from here.

Tulowitzky asked if the application [which the Dept. has] is indeed the application for the structure in question. Schultz said it was issued Oct. 15, 2003. Tulowitzky said a \$25,000 value is shown, and he read the dimensions, and other information from the application. Schultz said one permit is a temporary and doesn't know where it is going. Tulowitzky reported the temporary permit has expired. Kastrosky said the point is the temporary has expired but is not a matter of contention in the 500' setback issue. Furtak asked if the building has been worked on to keep it current. Schultz said he put a floor in, has done a lot of work, but hasn't done more because of construction on the road.

Kastrosky asked what should be done instead of placing on the agenda every month. Beeksma said, "send the letter, and get a response from the sanitary district". Schultz said "the Town has a right to deny any building permits [within this area], the lift station overflows regularly, I want protection". Rondeau instructed Kastrosky to send the letter and see what happens. Compton advised Kastrosky copy the Sanitary District, the DNR, and Strand.

Kastrosky said he would mail the letter and place this on October's agenda. Maki said he doesn't want this stalled.

L. CITIZENS CONCERNS / INPUT: None

M. DISCUSSION / POSSIBLE ACTION NR115 RE-WRITE: Kastrosky updated the Committee on a recent meeting and said the DNR is making process and simplifying things.

N. OTHER ITEMS THAT MAY COME BEFORE THE COMMITTEE: (Discussion only)

- Thomas Jensen has a permitted hobby farm hobby farm in Hughes; applicant wishes to place additional person on the permit. Mike Furtak said there have been no problems with the animals on

this hobby farm; the Town approved; and the additional person has lived there the whole time. Kastrosky said special and conditional use permits are transferable and rarely does the Zoning Committee grant permits solely to a current owner but this case is not marital ownership. Furtak said he believes they have to reapply. Kastrosky said he will place it on October's agenda.

- *RE Neil Schultz photos (Item K, above): Furtak said he believes permits have expired and are illegal. Compton believes "we have been taken for a ride". Maki said "this has been a fiasco from day one, a comedy of errors", we were supposed to be watching-- somebody didn't do their job if the permits are expired".*
- *Jardine discussed the Suukanen case (wants to build w/in 5' of a RR grade. He said there will be applications, but we won't give permits. Compton said he's aware of a house Woodland built right on the grade within the last year. Kastrosky said we don't have direction on what to do. Jardine asked for this to be put on the next agenda.*
- *Maki questioned the current UDC inspection situation. Kastrosky said there are problems and complaints. Furtak said there were complaints in the Town of Hughes and they hired their own inspector and that the southern part of the County seems to be satisfied with T.A.K. Inspections.*

10. MONTHLY REPORT: *Motion by Beeksma, second by Compton to approve the August report; motion carried.*

11. ADJOURNMENT: *Motion by Beeksma, second by Rondeau; adjourned at 3:37 PM.*

**Karl L. Kastrosky, Planning / Zoning Director
Bayfield County Planning / Zoning Dept.**

*Prepared by MJJ on 10/21/05
Approved by KLK on 11/8/05*

cc: Administrator; Clerk; Corp.Counsel; DNR; Committee; Supervisors

KZC/Minutes/2005/Sept.