

MINUTES
Bayfield County Planning / Zoning Committee Public Hearing / Meeting
July 17, 2008
Board Room, County Courthouse, Washburn, WI 54891

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Jim Beeksma 4:00 PM.*

2. **ROLL CALL:** *Beeksma, Jardine, Maki, Miller, Rondeau, present.*

3. **AFFIDAVIT OF PUBLICATION:** *Read by ZA Kastrosky*

4. **REVIEW OF MEETING FORMAT:** *By the Chairman.*

5. **PUBLIC HEARING:**

**** First four items below (A. – D.) were “reheard” at this meeting. Testimony was taken at the June 19, 2008 meeting, but due to lack of a quorum, must now be readdressed.**

A. Petition by Karl Kastrosky, Bayfield County Planning & Zoning Director, on behalf of Bayfield County Planning & Zoning Committee, requesting AMENDMENTS TO THE BAYFIELD COUNTY ZONING ORDINANCE, including the following:

1. Creation of Sec. 13-1-21(e)(1)jj establishing a \$100 fee for a permit to construct a stairway to navigable waters.
2. Amendment of Sec. 13-1-40(c)(4)a.3 to allow replacement of a flat roof on a non-conforming structure within 40 feet of navigable waters with a pitched roof.
3. Amendment of Sec. 13-1-102(e)(2)e to clarify the Board of Adjustment’s authority to attach conditions to variances.
4. Amendment of Sec. 13-1-102(e)(3) to provide for the termination of a variance if the owner does not pay the required recording fee to the Planning and Zoning Department within 90 days after being given notice thereof.
5. Technical amendments to Sec. 13-1-32(b)(2), the classification table in Sec. 13-1-62(a), and Sec. 13-1-87(d) (with no significant change in substance).

Director Kastrosky said these changes reinstate what was accidentally eliminated. There were no comments from the audience.

B. TRG UP NORTH, LLC CONDITIONAL USE REQUEST (operate short-term rental) on 1.0-acre parcel (ID# 04-034-2-43-06-12-4 00-640-10000), described as Units 1-5 of Sportsman’s Lodge Condo, Section 12, Township 43 North, Range 6 West, Town of Namakagon.

AZA Mike Furtak presented background on this request: the ordinance does not allow more than three units for short-term rental but this situation differs due to the condo circumstance and three different owners. Kastrosky reported no opposition on file and Town approval w/ this quote, “Approved subject to property. Meeting health department standards no tents, campers, fireworks without a permit. Trash control and application be reviewed in one year.”

No other comments, support, nor opposition.

C. FRANK / JULIE HOSSZU CONDITIONAL USE REQUEST (operate short-term rental of

four units) on 1.55-acre parcel (ID# 04-006-2-50-04-14-2 00-158-0900), in Lot 9, Deerfield Estates First Addition, Section 14, Township 50 N, Range 4 West, Town of Bayfield.

Julie Hosszu said they've been in business ten years (residence with four rental units). AZA Doug Casina questioned the septic system which is designed for only three bedrooms asking if the Committee wanted wastewater (BOD) tests. Kastrosky noted usually these tests are used for more often for restaurants and more of his concern would be waterload and if the system fails. The applicants noted the units are not occupied constantly. After discussion they were advised if problems arise or there is septic failure, upgrade of the sanitary system might be required.

Kastrosky noted a letter of support from Casey Behrend & Ellen Jo Sullivan on file and Town approval. No opposition / support from audience.

D. BRADLEY / SUSAN ANDERSON CONDITIONAL USE REQUEST (exceed 35' height restriction in a shoreland zone-- new residence will not exceed 42') on 3.41-acre parcel (ID# 04-008-2-49-04-22-3 05-001-03000), Section 22, Township 49 N, Range 4 W, Town of Bayview.

Brad Anderson and Agent Jill Lorenz provided a thorough explanation of this request. Kastrosky reported Bayview approved this June 10, 2008, and the file contains a letter of support from a neighbor, Michael K. Garnich of Las Vegas, NV. No other support / opposition.

E. Petition by Karl Kastrosky, Bayfield County Planning & Zoning Director, on behalf of Bayfield County Planning & Zoning Committee, requesting AMENDMENTS TO THE BAYFIELD COUNTY ZONING ORDINANCE, including the following:

1. Creation of Sec. 13-1-40(c)(4)a.4 to require mitigation be complied with
2. Creation of Sec. 13-1-40(c)(4)b.4 to require mitigation be complied with
3. Amendment of Sec. 13-1-87(d) to permit signs to be constructed 10 feet high above the ground

Karl Kastrosky said these amendments resolve mitigation issues; the last one corrects a typographical error; there was no written input from anyone including the Towns. No one spoke in support / opposition.

F. HARLAN NEUMANN CONDITIONAL USE REQUEST (construct second residence on two substandard lots in common ownership, therefore the contiguous lots become a single parcel.) Property is now 2.7-acre parcel (ID#'s 04-022-2-47-09-24-3-05-001-04000 & 04-022-2-47-09-24-3-05-001-05000) described as Gov't Lot 1, Section 24, Township 47 North, Range 9 West, Town of Hughes.

Mary Neumann addressed the Committee; AZA Casina explained the ordinance requirements. Kastrosky noted Town approval. No one spoke in support / opposition.

6. ADJOURNMENT OF PUBLIC HEARING: Motion by Jardine / Rondeau at 4:54 PM. Carried.

7. CALL TO ORDER OF ZONING COMMITTEE MEETING: By the Chairman at 4:54 PM.

8. ROLL CALL: Beeksma, Jardine, Maki, Miller, Rondeau, present.

9. MINUTES OF PREVIOUS MEETING(S): Motion by Rondeau / Jardine to **approve the May 15th minutes as prepared**; carried. Motion by Rondeau / Beeksma to **approve the June 19th minutes as prepared**; carried.

10. BUSINESS:

A. Petition by Karl Kastrosky, Bayfield County Planning and Zoning Director, on behalf of Bayfield County Planning & Zoning Committee, requesting AMENDMENTS TO THE BAYFIELD COUNTY ZONING ORDINANCE, including the following:

1. Creation of Sec. 13-1-21(e)(1)jj establishing a \$100 fee for a permit to construct a stairway to navigable waters.
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3. Amendment of Sec. 13-1-102(e)(2)e to clarify the Board of Adjustment's authority to attach conditions to variances.
4. Amendment of Sec. 13-1-102(e)(3) to provide for the termination of a variance if the owner does not pay the required recording fee to the Planning and Zoning Department within 90 days after being given notice thereof.
5. Technical amendments to Sec. 13-1-32(b)(2), the classification table in Sec. 13-1-62 (a), and Sec. 13-1-87(d) (with no significant change in substance).

*Motion by Jardine / Maki to **approve**; no discussion; carried. 5 yes / 0 no.*

B. TRG UP NORTH, LLC CONDITIONAL USE REQUEST (operate short-term rental) on a 1.02 acre parcel (ID# 04-034-2-43-06-12-4 00-640-10000), described as Units 1-5 of Sportsman's Lodge Condo, Section 12, Township 43 North, Range 6 West, Town of Namakagon.

*Motion by Jardine / Rondeau to **approve w/ the Town's conditions: meet Health Dept. standards, no tents, campers, fireworks without a permit; trash to be controlled; application to be reviewed in one year.*** Following discussion, motion carried. 5 yes / 0 no.

C. FRANK / JULIE HOSSZU CONDITIONAL USE REQUEST (operate short-term rental of Four units) on 1.55-acre parcel (ID# 04-006-2-50-04-14-2 00-158-0900), in Lot 9, Deerfield Estates First Addition, Section 14, Township 50 N, Range 4 West, Town of Bayfield.

*Motion by Rondeau / Jardine to **approve**. Discussion: Miller asked if sanitation will be inspected. Casina explained the use of a 'flows & loads affidavit' and Kastrosky noted it's a mound system and a failure would cause it to seep out of the ground or back into house and either failure would have to be dealt with. Casina stated the Health Dept. has to inspect annually and he would be willing to inspect the sanitary at that time as well. Motion then carried, 5 yes / 0 no.*

D. BRADLEY / SUSAN ANDERSON CONDITIONAL USE REQUEST (exceed 35' height restriction in a shoreland zone-- new residence will not exceed 42') on 3.41-acre parcel (ID# 04-008-2-49-04-22-3 05-001-03000), Section 22, Township 49 N, Range 4 W, Town of Bayview.

*Motion by Maki / Rondeau to **approve**; carried 5 yes / 0 no.*

E. Petition by Karl Kastrosky, Bayfield County Planning & Zoning Director, on behalf of Bayfield County Planning & Zoning Committee, requesting AMENDMENTS TO BAYFIELD COUNTY ZONING ORDINANCE, including the following:

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3. Amendment of Sec. 13-1-87(d) to permit signs to be constructed 10 feet high above the ground

*Motion by Rondeau / Miller to **approve**; carried 5 yes / 0 no.*

F. HARLAN NEUMANN CONDITIONAL USE REQUEST - Construct 2nd Residence (on two substandard lots in common ownership, therefore the contiguous lots become a single parcel.) Property is now 2.7-acre parcel (ID#'s 04-022-2-47-09-24-3-05-001-04000 & 04-022-2-47-09-24-3-05-001-05000) described as Gov't Lot 1, Section 24, Township 47 North, Range 9 West, Town of Hughes.

*Motion by Jardine / Miller to **approve**; carried 5 yes / 0 no.*

Agenda Review and Alteration:

G. SAMUEL / BEVERLY CROWE SPECIAL USE REQUEST– Curio/Souvenir Shop on their property (#022-1043-10) in the NE ¼ of the SE ¼, Section 14, Township 47N, Range 9W, Town of Hughes.

*AZA Casina said a new accessory building will house the business in an R-RB zone. Opposition letter is on file from Dennis Begalle (Eau Claire) outlining conditions he wanted to see imposed. Motion by Maki / Jardine to **approve w/ our rules / regulations and no conditions**; carried 5 yes / 0 no.*

H. VALHALLA TRAIL SUBDIVISION FINAL PLAT APPROVAL located in the NE ¼ of the SW ¼, Section 17, Township 49N, Range 5W, (#008-1056-03) Town of Bayview.

*Director Kastrosky reported on this Item stating this final was checked by the County Surveyor. Motion by Miller / Rondeau to **approve**; carried 5 yes / 0 no.*

I. MARILEE LUDGATIS SPECIAL USE REQUEST - Mini Storage parcel ID #004-1178-06, in the SE ¼ of the NE ¼, Section 21, Township 45 N, Range 9 W, Town of Barnes.

*Kastrosky stated the Town approved. Motion to **approve** by Rondeau / Maki; carried 5 yes / 0 no.*

J. SOUTH SHORE SCHOOL DISTRICT SPECIAL USE REQUEST – Municipal Storage Bldg. on 1.5-acre parcel (#042-1107-04) in Lots 1-17, Block 7, Okerstrom Heydloff Addition, Section 28, Township 50 N, Range 8 w, Town of Port Wing.

*Motion by Jardine / Rondeau to **approve**. Discussion: Casina said property is zoned R-4 and noted they will possibly add a greenhouse in the future. Kastrosky said TBA is on file. Carried 5 yes / 0 no.*

[As side note, Karl said in the future he would like to propose some type of a 'municipal zoning district' to cover requests like this for schools, the county, etc., possibly changing from Class B to 'Special Class A'.]

K. CITIZENS' CONCERNS / INPUT:

- 1 **Harold Maki - Orchard Signs:** After questions / discussion, Doug explained the orchards cannot do a kiosk type sign unless the Town makes changes. Karl advised Harold to put the heat on the Town of Bayfield as the issue is theirs and also noted there is a need for a policy on signs on County land.

- 2 **Harold Maki** – RE Buscher site (Bayview): he said he was contacted and went on site. Maki questioned the issues. Karl reported it is in litigation. Maki wants the Zoning Committee to be informed of cases like this. LUS Travis Tulowitzky said this case was a B.O.A. Case, not Zoning Committee. The Committee was advised to direct questions to the proper people, especially when there is litigation.
- 1 **Doug Casina** – RE Fairgrounds Sanitary System: expressed his view that the system was 'overbuilt' and the County could have gotten by w/ less expense.
- 2 **Maki** – RE Houghton Falls sanctuary / walking trail plans: asked if there is an obligation to come to the Zoning Committee; property will be taken off tax roles. Rondeau noted the Town (Bayview) took on this responsibility. Karl said the function in planning and zoning is if there is a change in use of land; it's vacant land, zoned for development; if turned into conservancy there is no change because it's still vacant land.
- 3 **Kathleen Russell** (Citizen / Business Owner) – RE Setback information on Lake Superior. She asked if an ordinance change would happen "at this meeting". Answer was 'no'. Ms. Russell expressed her views of public lands (i.e. Houghton Falls) stating investments in public ownership lands go a long way to serve citizens/visitors. She also said surrounding land values rise when they are near public parks, national forests, lakeshore, etc.

L. DISCUSSION / POSSIBLE ACTION – Setback Requirements on Lake Superior.

Kastrovsky noted David Mickelson (Coastal Expert from Madison) gave a presentation in June and will hopefully return for a public and/or Committee presentation. Brett Rondeau suggested a special meeting be held, open to the public to present the information regarding Lake Superior setbacks and the science behind it. Karl said he would draft a petition to amend the ordinance which would be the basis for a special meeting, hopefully in August at the Great Lakes Visitor Center.

M. DISCUSSION / POSSIBLE ACTION – Comprehensive Planning Steering Committee:

Karl reported Bill Sloan, Jane Bucy, Scott McKinney, Dalton Collins, Jim Beeksma, and Shawn Miller have agreed to serve, with one more needed (whom he will seek from the Namakagon area). Motion by Rondeau / Maki to **approve the members listed**; carried. 5 yes / 0 no.

N. DISCUSSION / POSSIBLE ACTION – Comprehensive Planning Process.

Kastrovsky reported on a 'kick-off' meeting held recently and everyone is "in" except for Hughes; the request has been sent out for proposals; by the end of August a consultant should be selected.

O. DISCUSSION / POSSIBLE ACTION – NR115 Re-write Update: No report

P. OTHER ITEMS THAT MAY COME BEFORE THE COMMITTEE (discussion only)

- 1 **Karl:** RE Land Conservation, Zoning, having issues w/ DNR staff over grant issues. The Committee felt Zoning should not back down on the issues. Karl reported he went to Madison recently to settle an issue re a grant and did get it resolved.
- 2 **Karl:** questioned the next meeting time; it was noted that had been settled in the past and is 4:00 PM through September, and 1:00 PM October through March.

11. MONTHLY REPORT: N/A.

12. ADJOURNMENT: Motion by Miller / Rondeau to adjourn at 6:01 PM; carried.

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

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

Prepared by MJJ 07/24/2008
Approved by KLK 7/30/08

K/ZC/Minutes/2008/July