

**MINUTES**  
**BAYFIELD COUNTY PLANNING / ZONING COMMITTEE**  
**PUBLIC HEARING / MEETING**  
**Thursday, September 16, 2010 – 4:00 PM**  
**Board Room – County Courthouse, Washburn, WI 54891**

1. **Call to Order of Public Hearing:** *By Chairman Rondeau at 4:03 PM.*
2. **Roll Call:** *Jardine, Maki, Miller, Rantala, Rondeau, all present. Others present: Zoning Dept. Staff: Karl Kastrosky, Mike Furtak, Marilyn Jaeger.*
3. **Affidavit of Publication:** *Presented by Director Karl Kastrosky.*
4. **Review of Meeting Format:** *By Chairman Rondeau; and Director Kastrosky announced there was a request from the Item B. applicant to table today's hearing if possible until after the Town's October 14<sup>th</sup> meeting. Kastrosky asked if there was anyone in the audience to speak on behalf of Item B. One person (besides the applicant-agent) was present who said he was willing to wait for a future hearing.*
5. **Public Hearing:**
  - A. **John Flayton Conditional Use Request: Second Residence on a Parcel** (#04-004-2-45-09-21-2 05-003-50000) Govt. Lot 3, Lot 4, CSM 1037, Section 21, Township 45N, Range 9W, Town of Barnes, 13.413 acres:

**Support:** *None*

**Opposition:** *Carol LaBreck (Barnes) requested clarification on this request. AZA Mike Furtak explained there was a current residence in R-2 zoning, sauna bldg. and pole bldg. on property. A second residence for their daughter is desired to be built less than 150' away in order to assist her as needed. This was approved as a special use permit in 2002, however, some situations came up which prevented it from happening then. Since then the ordinance changed (what was a special use permit is now a conditional use). Furtak also clarified that the Flaytons actually have enough property for three lots.*

**File Report:** *Kastrosky noted 2001 Town approval was granted and in July 2010 approved again, but as a special use, noting it complies w/ their land use plan; no other correspondence was on file. Furtak reported the Town will revisit this as a conditional use at their upcoming meeting (due to voting, regular meeting was rescheduled).*
  - B. **Town of Iron River – Rezone Property from Residential-1 to Commercial** in Govt. Lot 3, Section 8, Township 47 N, Range 8 W, (#04-024-2-47-08-08-4 05-003-01000) Town of Iron River.

**Kastrosky** *requested Item B. be tabled per request of Agent Brian Matthys on behalf of Midland Services (property owner Town of Iron River) until the Town meets and brings forth a recommendation.*
  - C. **Andy / Marilyn Einspanier – EIA and Expansion of Resort** (14 units to 18) under condominium ownership, 26 +/- acres in the SW ¼ of the SE ¼, Section 7, and the NW ¼ of the NE ¼, Section 18 Township 46 N, Range 7 W, Town of Delta.

**Andy Einspanier** *of Delta Lodge said the purpose is to expand from 14 to 18 units, to facilitate a pending divorce, being able to operate the business together; no plans for other changes in foreseeable future.*

**Support:** *Larry Nelson of Nelson Surveying reported this meets all the Town/County requirements for lake frontage and sq. ft. per unit; Delta Planning Commission approved the plan 5 / 0; the Town Board also unanimously approved.*

**Opposition:** *none*

**File Report:** *Kastrosky noted this has been in the works for several years on the county/applicant level and applicant level, it has been done right.*
6. **Adjournment of Public Hearing:** *Motion by Jardine / Rantala at 4:21 PM; carried 5 yes / 0 no.*

7. **Call to Order of Planning / Zoning Committee Meeting:** 4:21 PM
8. **Roll Call:** *Jardine, Maki, Miller, Rantala, Rondeau: all present*
9. **Minutes of Previous Meeting(s):** *A revised addition to the 08/19/2010 minutes was distributed to the Committee (previous copy had been mailed to each member) with clarifications noted in red (pages 5-6). Motion by **Miller / Maki** approve with no other additions / corrections. Carried 5 yes / 0 no.*
10. **Business:**
- A. **John Flayton – Second Residence on a Parcel** (#04-004-2-45-09-21-2 05-003-50000) Govt. Lot 3, Lot 4, CSM 1037, Section 21, Township 45N, Range 9W, Town of Barnes, 13.413 acres: *Motion by **Maki / Miller** to approve, pending Town Board approval along with any conditions the Town may place; carried 5 yes / 0 no.*
- B. **Town of Iron River – Rezone Property from Residential-1 to Commercial** Govt. Lot 3, Section 8, Township 47 N, Range 8 W, (#04-024-2-47-08-08-4 05-003-01000) Town of Iron River: **Jardine / Rantala** moved to table; carried 5 yes / 0 no.
- C. **Andy / Marilyn Einspanier – EIA and Expansion of Resort** (14 units to 18) under condominium ownership 26 +/- acres in the SW ¼ of the SE ¼, Section 7, and the NW ¼ of the NE ¼, Section 18, Township 46 N, Range 7 W, Town of Delta: *Motion to approve by **Miller / Jardine**; no further discussion; carried 5 yes / 0 no.*

#### Agenda Review & Alteration

- D. **William / Jayne Ammend – Bar/Tavern/Food Service** (tabled 8/19/10) – NW ¼, NW ¼, NE ¼, NW ¼, SW ¼, NW ¼, Section 7, Township 46 N, Range 7 W, Town of Delta (#04-016-2-46-07-07-2 00-609-11000): *Motion by **Jardine / Rantala** to table because Delta’s Planning Commission voted against it, and the Town Board had not acted; carried 5 yes / 0 no.*
- E. **Glen Harvey – Rezone Property from R-2 to R-1** (tabled 6/17/10) (Cable):
- Furtak** reviewed that this was heard two months ago; Town Board recommended denial because they felt a class action variance they had would cover it, however it does not. R-2 zoning requires 4.5 acres & 75’ setback from all lot lines; it’s fused to property zoned commercial and the rule is most restrictive zoning district applies; there is no way this 3<sup>rd</sup> res can be built on the parcel.*
- Kastrosky** said he attended the 7/5/2010 Town meeting but didn’t have the necessary material with him; doesn’t believe it is going to be approved; they do not want many small parcels there. He said “as of yesterday” the Planning commission had not placed this on their agenda; he has had lengthy discussions w/ some from the Town, they recommended denial the first time and the best option was to send it back to them for further discussion; it continues to go on & on. It has been tabled since June with still no answer for the applicant; no word from the Town.*
- Furtak** said the Town initially misunderstood the situation, failed to place it on their last meeting agenda; there was a denial but it was based upon false understanding. **Kastrosky** said the Town needs to make a decision; it is not right to continue putting applicants through this without making a decision. **Furtak** said he called the Town clerk several weeks ago reminding them it needed to be brought forward and asked that the Zoning Dept. be notified in order to attend their meeting; he also e-mailed them, however they still did not comply.*
- Miller** said after all of this the Zoning Committee should make a decision. **Maki** agreed and was concerned that they still didn’t take action after **Furtak** reminded them. Motion by **Miller / Maki** to approve the rezone from R-2 to R-1. Discussion: **Kastrosky** stated that at times Towns “hold applicants hostage” and noted again that the Town’s denial the first time was based upon misinformation. Motion then carried 5 yes / 0 no.*
- F. **Anthony Cross – Car Wash (3 stalls) / Office** – Lot 1, CSM 1120, Original Plat of Iron River (#04-024-2-47-08-07-4 00-198-11900) *Motion by **Jardine / Rantala** to approve. No discussion, carried 5 yes / 0 no.*

**G. Discussion / Possible Action – Comprehensive Planning:** *Kastrosky reported he has finally received all the correct maps / CDs for the towns; they will be forwarded to the Dept. of Admin. before releasing our final payment-- hopefully by Nov. 15<sup>th</sup>; the County is responsible to produce extra copies for the towns.*

**11. Monthly Report:** *Kastrosky noted 10% reduction in permit volume; cannot cut expenses through supplies / mileage, etc. will lose a staff person—Travis will possibly be transferred to a different department-- the only way we can balance the budget, not because we don't have the work to do. Doug and Mike will pick up his area as it was prior to hiring Travis. Rantala / Jardine motioned to accept the report as prepared; carried 5 yes / 0 no.*

*At this time Supervisor Maki brought up the subject of complaints he receives re UDC inspectors / inspections. Chairman Rondeau said this was not on the agenda and should not be discussed but placed on next month's agenda. Supervisor Jardine said the Committee has been advised all discussions must be placed on the agenda. Maki continued and he said he is tired of receiving complaint phone calls. Furtak said the State inspectors aren't showing up to do inspections; contractors or owners are supposed to wait two days before continuing work if they don't show. Those w/ complaints are encouraged to call Madison, Jauch, or Governor's office—there is nothing the Zoning Dept. can do. Kastrosky said the office would give Maki the UDC contacts in Madison / Hayward.*

**12. Budget / Revenue:** -- No discussion

**13. Adjournment:** 4:46 PM.

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

Prepared by mjj on 10-08-2010  
Approved by KLK on 10-08-2010

Cc: ZC, County Board / Admin./ Clerk; DNR; Web  
K/zc/minutes/2010/#9Sept