

**MINUTES**  
**Bayfield County Planning / Zoning Committee Public Hearing / Meeting**  
**June 21, 2007**  
**Board Room, County Courthouse, Washburn, WI 54891**

1. **CALL TO ORDER OF PUBLIC HEARING:** *By Chairman Beeksma at 4:03 P.M.*

2. **ROLL CALL:** *Beeksma, Jardine, Rondeau, Present; Absent: Maki, Miller*

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

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

**5. PUBLIC HEARING:**

**A. Nichevo Ferry Lines, Inc. (Wayne Nelson), and Ronald Line, agent (Tabled 5/17/07).**

Request a conditional use permit to establish and implement an automobile and truck sale, repair, parts, supplies, storage, boat sales, repair and service, and mini-storage on 5.15-acre parcel (ID# 006-1049-09) described as a parcel in part of the SE ¼ of the NE ¼, Section 22, Township 50 North, Range 4 West, Town of Bayfield, Bayfield County, WI

**Support:**

*Ronald Line of Ron's Welding and Repair stated he wishes to relocate from the Township of Russell for the purpose of expansion of his present business. Jardine questioned whether seasonal boat storage would be included in the request. Line stated that it is not part of the request, however that his work included welding and mechanical repairs to boats and other machinery, and that boats would be stored there during that repair process only.*

*Richard Carver, representing the Town of Bayfield Plan Commission, and the Town of Bayfield Board of Supervisors also spoke in support of the request. He noted that the Town Board had approved the request with recommendations dated May 14, 2007 and had submitted the written request with the TBA documentation. He also stated that the Town Board and Plan Commission had enjoyed an affirmative relationship with Line in working out the details and concerns of the town in granting the Conditional Use Request. Carver added that seasonal boat storage would not be permitted by the town on the site.*

**Opposition:** *None*

Letters received: None  
Town Board Approval with Recommendations on file

**B. Frank and Joan Einsman (Tabled 5/17/07)** are petitioning for a zoning district map amendment on their 9.57 acre parcel consisting of 2 parcels (ID#'s 006-1026-01-990 and 006-1026-01-001) located in the NW ¼ of the SW ¼, Section 12, Township 50 North, Range 4 West, Town of Bayfield, Bayfield County, WI from Ag-1 to R-1.

*Applicant was not present.*

**Support:** *None*

**Opposition:** *Richard Carver, representing the Town of Bayfield Plan Commission and the Bayfield Town Board stated that the Plan Commission had studied the application and had determined that the request was not consistent with the Town of Bayfield Comprehensive Plan goals and objectives, and in effect represents "Spot Zoning" which is not recommended within the structure of the Comprehensive Plan. He stated that the Planning Commission is on record against the proposal.*

*Kastroosky gave file report. Town Board Disapproval on file and letters of opposition from Rebecca / Chris Nybo; Patty Sweeney; Virginia Hirsch.*

**C. Deborah & Dave Schedler: (Notice for correction of Legal Description Only) request** a conditional use permit to convert and expand their existing resort to a planned unit development (PUD) under condominium ownership to allow 5 units on their 5.55-acre parcel (ID# 024-1079-05), located in part of Gov't Lot 5, Section 28, Township 47

North, Range 8 West, Town of Iron River, Bayfield County, WI.

*Applicants were not present.*

**Support / Opposition:** None

*File Report: Kastrosky stated that this agenda item is to enter into the record a corrected legal description for the parcel which resulted in an inaccuracy at the previous month's public hearing that required a formal correction and new hearing.*

**D. Bayfield County Tourism, Mark Abeles-Allison, agent** request an expansion of the conditional use permit for the Delta Lake Campground (established 1957). They wish to add a 272 sq. ft. shower house on the 39.25-acre parcel (ID# 016-1011-09), described as the SW ¼ of the SW 1/4., Section 7, Township 46 North, Range 7 West, Town of Delta, Bayfield County, WI.

**Support / Opposition:** None

*File Report: AZA Furtak stated that the shower house would be similar to the structure built at Twin Bear Lake Campground and was a state recommended improvement for the campground. ZA Kastrosky stated that the campground had previously been granted a permit for a concession stand and this was the second Conditional Use Permit application within a one year period. Jardine stated that at the time of the first application no grant money was available for construction of the shower facility. Grant money is now available and the Tourism Committee wishes to take advantage of the funding source. The issue of an Environmental Impact Statement was discussed and it was noted that the concession stand permit had the EIA statement requirement waived, and it was the intent of the Tourism Committee to request that it be waived in this instance also, as it serves no real purpose in addressing environmental issues at the Campground.*

*No letters in favor of or in opposition to the request on file. Town Board Approval on file.*

**E. Deborah & Dave Schedler (EIA) Environmental Impact Analysis for Campground**

*The applicant was not present.*

**Support/Opposition:** None

*It is noted that the statement is on file with the Bayfield County Zoning Department.*

**F. Deborah & Dave Schedler** request a conditional use permit to construct and operate a campground consisting of 125 sites and other structures (i.e. 100 seasonal sites; 3 drive-through sites; 10 primitive sites; 12 overnight sites; an office/mini-store/laundry; a dumping station; playground; gazebo and possible swimming pool) on their 18.31 acre parcel (ID# 024-1079-05) located in Govt. Lot 5, Section 28, Township 47 North, Range 8 West, Town of Iron River, Bayfield County, WI.

*The applicant was not present.*

**Support/Opposition:** None

*File Report: AZA Furtak stated that The Town Board had approved of the application stating that it would be "nice for the area". Discrepancies are noted however; the initial request was for 100+ sites and other buildings; however the site drawing submitted to the Town Board only showed 33 sites and no additional buildings. As there is confusion regarding number of sites it is unclear whether the project is intended to be completed in more than one phase. Sharon Davies, who apparently had been at the town board meeting stated she believed the Town Board had assumed the application, was for 33 sites. She did not recall mention of additional phases that included additional sites and buildings. It was Furtak's belief that it would be inappropriate to act on an application with discrepancies between the EIA statement, the application itself and the site drawing submitted to the Town Board. It is also not appropriate to act on this permit with no applicant on hand to iron out discrepancy issues.*

*One letter on file in objection to the proposal from Betsey McKinney, 64350 Co Hwy H, Iron River. Town Board Approval (33 sites) on file.*

6. **ADJOURNMENT OF PUBLIC HEARING:** Motion at 4:36 P.M. to adjourn the public by Rondeau seconded by Jardine. Motion carried 3 yes / 0 no.
7. **CALL TO ORDER OF ZONING COMMITTEE MEETING:** By Chairman Beeksma at 4:37 P.M.
8. **ROLL CALL:** Beeksma, Jardine, Rondeau – Present; Maki and Miller – absent.
9. **MINUTES OF PREVIOUS MEETING(S):** [May 17, 2007] Motion by Rondeau, seconded by Jardine to approve as prepared; carried 3 yes / 0 no.
10. **BUSINESS:**
- A. **Nichevo Ferry Lines, Inc. (Wayne Nelson), and Ronald Line, agent** (Tabled 5/17/07) request a conditional use permit to establish & implement an automobile and truck sale, repair, parts, supplies, storage, boat sales, repair & service, and mini-storage on 5.15-acre parcel (ID# 006-1049-09) described as a parcel in part of the SE ¼ of the NE 1/4, Section 22, Township 50 North, Range 4 West, Town of Bayfield, Bayfield County, WI

Motion by Jardine to **approve** the Conditional Use Permit **with Town Board Recommendations enforced**. Seconded by Rondeau.

**Discussion:** Rondeau wished to go on record stating that he considers the positive attitude of the applicant willing to work with the Town Board a refreshing change to normal zoning issues and he wishes to commend all of them for their cooperative effort.

Town Board recommendations are as follows:

- That, because the application does not include adequate data, boat storage (campers, boats, mini storage, etc) is not permitted as a conditional use.
- That substantially the entire site must be shielded from persons on or passing over Hwy 13 adjacent by a "year-round" native tree barrier and appropriate smaller foliage that is 50-75' in depth and high enough so that it causes the work and storage areas to be mostly invisible from the highway. The exception to this element is that area designated for up to six vehicles intended for sale (further defined below).
- Any buildings will be painted and trimmed in "earth tones" so as to blend in with foliage surrounding and in the background.
- The applicant shall retain all of the existing evergreen foliage exceeding 14" in diameter, with the exception of foliage potentially blocking the entryway to a planned building; foliage that does not contribute to the tree barrier described above.
- Lighting will be placed, shielded and directed such that does not shine up into the air or at the highway. The Bayfield County Lighting Recommendations may be used as a guide.
- The applicant will take appropriate measures to control storm water runoff from the hard surfaces placed on the property, and, where possible, will use semi-permeable materials.
- The applicant will comply with all regulations related to hazardous materials.
- Parking of vehicles along Hwy 13 is prohibited with the exception of the following: a 30 x 60 lot (in site plan) may be established for the purpose of selling cars, trucks, boats and other vehicles. No more than Six (6) vehicles may be in this lot.
- Any signage shall be limited to two (2) on premises signs not to exceed 50 square feet and comply with any Town of Bayfield sign guidance or regulation. One identifying business sign of appropriate dimensions may be placed where visible from the highway and may be appropriately lighted. A roadway "entry" sign may be placed.
- The Commission acknowledges that, from time to time, the applicant be offering a variety of vehicles for sale. These may include both land based and water based craft.

Motion carried: 3 yes / 0 no.

**B. Frank and Joan Einsman (Bayfield) – (Tabled 5/17/07)** are petitioning for a zoning district map amendment on their 9.57-acre parcel consisting of 2 parcels (ID#'s 006-1026-01-990) and 006-1026-01-001) located in the NW ¼ of the SW ¼, Section 12, Township 50 N, Range 4 W, Town of Bayfield, Bayfield County, WI from Ag-1 to R-1.

Motion to **deny** the application by Jardine, Seconded by Rondeau. Motion carried 3 yes / 0 no.

**C. Deborah and Dave Schedler (Iron River) – (Notice is for correction of legal only)** request a conditional use permit to convert and expand their existing resort to a planned unit development (PUD) under condominium ownership to allow 5 units on their 5.55-acre parcel (ID# 024-1079-05), located in part of Gov't Lot 5, Section 28, Township 47 North, Range 8 West, Town of Iron River, Bayfield County, WI..

*Motion by Rondeau to **approve** the legal description correction and enter it into the record. Seconded by Jardine. Motion carried 3 yes / 0 no.*

**D. Bayfield County Tourism (Delta)** – request an expansion of the conditional use permit for the Delta Lake Campground (established in 1957). They wish to add a 272 sq. ft. shower house on the 39.25-acre parcel (ID# 016-1011-09), described as the SW ¼ of the SW ¼, Section 7, Township 46 North, Range 7 West, Town of Delta, Bayfield County, WI.

*Motion to **approve** by Jardine seconded by Rondeau.*

**Discussion:** *As the EIA issue was not addressed in the public hearing agenda, committee members feel it will be best to reintroduce the item at public hearing next month with the clarification that the EIA statement has been waived. Jardine then revised his motion to include the EIA issue and it was seconded by Rondeau. Motion carried 3 – yes / 0 no.*

**E. Deborah and Dave Schedler (Iron River) – EIA Campground.**

*Motion to **table** the request until next month due to lack of information and discrepancies in the site plans by Rondeau, seconded by Jardine. Discussion: Due to lack of information and conflicting site plans the committee wishes the applicant to appear and clarify necessary items. Motion carried 3 – yes / 0 no.*

**F. Deborah and Dave Schedler ( Iron River )** – request a conditional use permit to construct and operate a campground consisting of 125 sites & other structures (i.e. 100 seasonal sites; 3 drive-through sites; 10 primitive sites; 12 overnight sites; an office/mini-store/laundry, a dump station; playground, gazebo and possible swimming pool) on their 18.31-acre parcel (ID# 024-1079-05), located in part of Gov't Lot 5, Section 28, Township 47 North, Range 8 West, Town of Iron River, Bayfield County, WI.

*Motion by Rondeau to **table** this item due to lack of information as stated above, and refer the matter back to the applicant as well as the Town Board for clarification of inconsistent items, seconded by Jardine. Motion carried, 3 – yes / 0 no.*

### Agenda Review and Alteration

**G. Bill and Teresa Wolf (Barnes) – RV extension: Withdrawn by the applicant**

**H. Radtke Family Partnership** (Home-Based Business-Art Gallery) – located on 2.5-acre parcel ID# 008-1014-03) in Gov't Lot 3, Section 16, Township 49 N, Range 4 W, Town of Bayview, Bayfield County, WI.

James F. Radke explained that the business would be located in an area of his garage approximately 11 x 23; the area had been used as an office for a publishing business he and his wife had run out of their home. That business had a special use permit during the time it had operated. Town Board Approval of the permit application is on file. The area will be used as a public exhibit for his photographic collection of the area.

Two letters were received from Gary and Sue Van Dyke, 19370 Howell Rd, Washburn and Claudia Hoogasian and owner of vacant land in the area, not in opposition, however voicing concern over increased traffic on a graveled, dead-end road. In addition to the letters received and on file, an additional letter was submitted in person by Cindy Dillenschneider, who took the podium and asked that the Zoning Committee address the following concerns: increased traffic; increased road dust; noise; property liability; road maintenance; security due to transient passers-by; decreased privacy; personal security; risk to wildlife and pets caused by increased road traffic; increased risk of property damage due to increased road traffic. She also asked that the special use permit be reviewed every two years in the event that problems should arise from the above stated issues.

*After consideration, it was moved by Jardine, seconded by Rondeau to **approve the Conditional Use Permit with the following conditions:** That only a portable sign not to exceed 8 sq. feet be used to advertise the gallery's location; the sign be removed when the gallery is closed and that the special use permit be limited to the life of Mr. and*

Mrs. Radtke; and that the permit may be reviewed in the future at the discretion of the Zoning Committee should any of the Dillenschneiders' concerns stated above become an actual reality. Motion carried, 3 yes, 0 no.

**I. Bayfield County (Iron River) – Institutional building in Ag-1 Zoning district.** located on 34-acre parcel (ID# 024-1010-10) described as the NW ¼ of the NW ¼, Section 7, Township 47 N, Range 8 W, Town of Iron River, Bayfield County, WI.

Cal Davies of the Iron River Snowmobile Club explained the plan to build a 30 x 60 x 12' building adjacent to the Iron River fairgrounds that will house the snowmobile groomer during repairs and in the off season, as well as house additional rest room facilities for fair goers. He stated that the building plans had been downsized from the original request 30 feet in width to 28' due to restrictions and additional inspections imposed by commercial building regulations. He also stated that the County Fair Board needed to meet and approve the plan prior to ground breaking.

Motion by Jardine, Seconded by Rondeau to **approve** the request **contingent** on Fair Board Approval. Motion carried, 3 yes / 0 no.

**J. Port Superior Marina Association (Bayfield) – boat storage in R-RB.** located in Gov't Lot 3, and Lots 5-7, Plat of Apostle Harbours, Section 22, Township 50 N, Range 4 W, Town of Bayfield, Bayfield County, WI.

Michael Berg spoke in behalf of the Marina Association explaining that he was acting as agent and although the permit had been applied for, the Bayfield Town Board had not met to review the file. The Town Board is set to meet on the issue July 7. Chairman Beeksma stated that Berg will have to file a letter authorizing him to act as agent for Port Superior Marina Association with the permit application, as well as furnish town board approval prior to approval by the Zoning Committee.

Motion by Rondeau, seconded by Jardine to **table** the request until proper documentation has been filed with the Zoning Permit Application. Motion carried, 3 yes / 0 no. Shirley Anderson of Bayfield asked questions regarding the permit application and was referred to the Town of Bayfield Plan Commission and the Town Board for clarification of her issues.

**K. Citizen Concerns and Input.** None

**L. Discussion and Possible Action regarding Certified Survey maps in a shoreland zone.**

Harold Maki had requested this agenda item, and the details were explained by LUS Tulowitzky. The issue involves a land division in shorelands as defined in Section 13-1-4(a)(60). Kenneth Ewer sold a ten acre in August of 2006- parcel described as a parcel in NW SE, Section 2, Township 48 North, Range 5 West in the Town of Washburn (ID #04-050-2-48-05-02-4-02-000-11000) Buyers of the parcel are Jonathan L & Tiffany T Turner. Upon examination of the parcel LUS Tulowitzky determined that an unnamed tributary of Thompson's Creek flowed through the parcel, thus requiring a survey of the 10-acre parcel. John Spangberg of the Wisconsin DNR had examined the tributary and had declared it a navigable stream for DNR purposes. Ewer stated that the stream is not navigable, and in most spots can be "stepped over" with little or no water flowing at all. The issue revolves around mandatory issuance of shoreland zoning requirements of a CSM for land divisions of 19 acres or less, without regard to credible input from Zoning Department personnel and common sense interpretation of navigable stream documentation.

After further discussion, it was moved by Jardine, seconded by Rondeau to **have the Zoning Department review the ordinance requirements and come up with a recommendation** that will review each land division using case-by-case methodology with regard to the intent of the CSM requirement, and also the intent of the ordinance in relation to small unnamed tributaries that do not qualify as lake or waterfront parcels. The Zoning Department is to report back any recommendations at their July meeting. Motion carried 3 yes / 0 no.

**M. Discussion and possible action on establishing a Comprehensive Land Use Planning Committee.**

Due to lack of information the matter was **tabled** on a motion by Jardine, seconded by Rondeau. Motion carried 3 yes / 0 no.

**N. Discussion /Possible Action: NR115 re-Write update:**

LUS Tulowitzky reported that ZA Kastrosky had been working on the project and a solution should be forthcoming at a future Zoning Committee meeting.

**O. Other items that may come before the committee (discussion only)**

*All of the committee members stated their opposition to having meeting time changed from 1:00 p.m. to 4:00 p.m. and requested that future meetings be scheduled in the afternoon.*

*The committee members were asked by Zoning Personnel whether they preferred to have their meeting packets mailed or left in the County Board Member drop-slots in the mail room. It was determined that the Office Manager should define each member's personal preference.*

**11. MONTHLY REPORT:** *Motion by Rondeau / Jardine to **approve** the May 2007 report; carried- 3 yes / 0 no.*

**12. ADJOURNMENT:** *Motion to adjourn at 5:30 p.m. by Rondeau, seconded by Jardine, carried - 3*

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

*Prepared by PBS on June 22,25 & 26; July 12  
Approved by KLK*

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

K/ZC/Minutes/2007/June