

ONEIDA COUNTY PLANNING AND DEVELOPMENT
May 16, 2012 – 1:00 PM
COMMITTEE ROOM #2
ONEIDA COUNTY COURTHOUSE
RHINELANDER WI

Members present: Scott Holewinski
Gary Baier
Jack Sorensen
Mike Timmons
Dave Hintz

Department staff present: Karl Jennrich, Planning & Zoning Director
Peter S. Wegner, Assistant Zoning Director
Lila Dumar, Secretary

Guests present: Bob Williams
Marcus Neemann, Northwoods River News
Billie Fisher
Mike Oestreich
Brent Hanson

Scott Holewinski, Chairman, called the meeting to order at 1:00 pm in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted. All members are present.

Approve the agenda.

Motion by Dave Hintz, second by Jack Sorensen to approve the agenda as posted. With all members present voting “aye”, the motion carried.

Public Comments.

None.

Stream bank and shoreline protection proposal Brock/Sperling property located at 8921 Green Leaf Trail, further described as part Lot 4, Kemp Woods Plat, Section 30, T39N, R7E in the Town of Woodruff, PIN WR 1969.

Peter S. Wegner, Assistant Zoning Director, reviewed the project with the Committee. Brent Hanson, Hanson’s Garden Village is present. The property owner(s) received a permit with cost sharing for the west side of the property to restore the shoreline from erosion damage.

Projects that are assisted by the Land Conservation, DNR, WVIC, etc., are given leeway with the shoreland vegetative buffer requirements of the zoning ordinance (disturbance within 35 feet OHWM). The property owner(s) are requesting to do the same to the east side of the property without assistance from Land Conservation. The issue is that without backing by Land Conservation with a cost-sharing plan, Planning and Zoning cannot authorize the project as it violates the zoning ordinance.

The project will encompass vegetation and coconut bio-logs, all remediation type work. It will be a significant improvement of the property to control erosion. Mr. Wegner asked the Committee for direction.

Motion by Jack Sorenson, second by Dave Hintz to allow staff to issue a Shoreland Alteration Permit and Mitigation Plan for the Brock/Sperling property located at 8921 Green Leaf Trail.

Discussion on motion. The Committee concluded that there are many properties in Oneida County that have the same erosion problems; allowing the mitigation plan benefits the lakes and shoreline; in the future, the Zoning Director will use his discretion with projects of this nature.

Chairman Holewinski called for a vote on the motion. With all members voting “aye” the motion carried.

Preliminary two lot Certified Survey map of Russell and Billie Fisher d/b/a Fisher’s Resort, owners for a lot line adjustment on properties located as 4221 and 4225 Lake George Road W described as Lots 5 and 6, Blk 2 Alburmi Shores Plat/Replat located in Section 11, T36N, R9E, PIN’s PE 824 and PE 825-1, pursuant to Section 15.31 (2)(A)(1) of the Oneida County Subdivision Control Ordinance.

Mike Oestreich, Oestreich Surveying & Mapping is present along with Billie Fisher, property owner. Nadine Wilson, Land Use Specialist, reviewed the subdivision request with the Committee.

The purpose of the subdivision is to separate the bar/restaurant and resort from the residence. It is a lot line adjustment and will correct some nonconformities. This is before the Committee pursuant to Section 15.31 (2):

1. Modifications and Appeals.

A. Modification. Where in the judgment of the Committee it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the Committee may waive or modify any requirement to the extent deemed just and proper.

1. Such relief shall be granted without impairing the intent and

purpose of this chapter or the desirable general development of the county. A majority vote of the entire membership of the Committee shall be required to grant any modification of this chapter and the reason shall be entered in the committee minutes, a copy of which shall be attached to the plat.

2. *No modification may be granted that would be contrary to the Wisconsin Statutes or Wisconsin Administrative Code.*

Karl Jennrich, Zoning Director, noted that the frontage and area requirements are met; along with the requirements of NR 115. It is a modification of the County Subdivision Ordinance only. Mr. Jennrich supported approval.

Motion by Mike Timmons, Second by Dave Hintz to approve the lot line adjustment pursuant to Section 15.31(2) Modifications, of the County Subdivision Ordinance. With all members voting “aye” the motion carried.

Floodplain Ordinance and Flood Insurance Map Modernization (FIRM) update.

Karl Jennrich, Zoning Director, discussed the new FIRM maps with the Committee. Letters were recently sent to all County Board Supervisors and Town Chairs informing them of the 90 day appeal process, which began on April 26, 2012 and ends July 24, 2012. Copies of the floodplain maps are available to the Towns for \$5.00 per map. Mr. Jennrich noted that a revised floodplain ordinance will be required which he will bring to the Committee.

Information to the Committee.

Private Onsite Wastewater Treatment Systems (POWTS) deferred maintenance requests.

Karl Jennrich, Zoning Director, discussed the sanitary maintenance program with the Committee. The Department sends out approximately 5200 notices every year which will increase to 7500 notices every year after the retro-maintenance program has been completed.

Mr. Jennrich noted that the Department receives requests from property owners to waive the pumping requirement for various reasons. Mr. Jennrich stated that he would like the ability to use “common sense” to determine whether or not to defer maintenance in certain situations.

Mr. Jennrich discussed seasonal residents. After the retro-maintenance program is complete, approximately November, 2012, the County will be able to put seasonal residents on a 5 year pumping cycle which will alleviate some of the requests.

It was the consensus of the Committee to allow the zoning director to use discretion in deferring septic pumping in certain situations including: 1) The POWTS was installed, but the home was never used or no home was constructed; 2) home exists with septic, but no water or

electric are connected to the house; 3) property is in process of foreclosure; 4) Dwelling was demolished and not rebuilt. Septic not in use.

Scott Holewinski noted that septic systems do not need to be pumped every three years—that is excessive. Mr. Holewinski suggested that the State should change it to every six years.

Motion by Scott Holewinski, second by Mike Timmons, for the Zoning Director to develop a resolution for the June County Board to forward to the State in support of changing the septic pumping cycles from 3 years to six years. With all members voting “aye” the motion carried.

Section 9.78, Signs. The Committee will be discussing recent issues that have developed related to the new Sign Ordinance. On-premise signs. Real Estate Signs.

Karl Jennrich, Zoning Director, stated that it has come to the Departments attention that the recent resolution that was approved by the County Board amending the sign ordinance has created a few glitches.

1. Prior to the ordinance revisions, signs could be 64 square feet and closer than 20 feet from the right-of-way. Oneida County has issued numerous sign permits for signs 64 square feet and less, closer than 20 feet to the right-of-way. The new sign ordinance has now made these signs legal pre-existing on-premise signs and must comply with Section 9.78 H, which are additional requirements for legal pre-existing signs. Mr. Jennrich stated that this was an oversight and must be corrected.

Motion by Dave Hintz, second by Gary Baier, for staff to allow on-premise signs up to 64 square feet to be located up to the right-of-way. With all members voting “aye” the motion carried. With all members voting “aye” the motion carried.

2. Real Estate Signs. Realtors are being creative with signs not only advertising property for sale, but also advertising the Real Estate Company itself with add-on signs being put on existing signs. The signs are also being placed at intersections along with directional arrows and not on the property that is for sale.

The Committee concluded that the intent of the sign ordinance is for real estate signs to be 12 ft square, with no other signs attached to it, and placed on the property that is for sale.

The Committee directed staff to contact the realtors and discuss this issue with them, advising them of the sign ordinance requirements and that citations may be issued for noncompliance.

2:00 pm – Conduct Public Hearing.

Rezone Petition #2-2012 of Mark Patulski, owner and Town of Hazelhurst, agent to rezone from District #07 Business to District #04, Residential and Farming on property described as that part of the NE SE (North 620 feet of South 720 feet East of Hwy 51), Section 22, T38N, R6E, PIN HA 306, Town of Hazelhurst.

Karl Jennrich, Zoning Director, read the notice of public hearing for Rezone Petition #2-2012 of Mark Patulski, owner and Town of Hazelhurst, agent to rezone from District #07 Business to District #04, Residential and Farming on property described as that part of the NE SE (North 620 feet of South 720 feet East of Hwy 51), Section 22, T38N, R6E, PIN HA 306, Town of Hazelhurst.

The notice was published in the Northwoods River News on May 1 & May 8, 2012. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on April 26, 2012. The mailing list was also read into the record.

Correspondence in File: Copy of meeting minutes from the Town of Hazelhurst dated April 10, 2012 where the Town approved the rezone request.

Karl Jennrich, Zoning Director, reviewed the rezone petition with the Committee. This is a request to rezone lands from District #07—Business to District #04—Residential and Farming. Mr. Jennrich stated that this is not a spot zoning because it is adjacent to property zoned Residential & Farming. The rezone petition is also sponsored by the Town of Hazelhurst.

2:06 pm – Chairman Scott Holewinski opened the public hearing for comments from the audience. For the record, there is no one present except for the petitioner.

2:07 pm - Chairman Scott Holewinski closed the public hearing from further public comment. For the record, there is no one present.

Motion by Jack Sorensen, second by Gary Baier to approve Rezone Petition #2-2012 of Mark Patulski, owner and Town of Hazelhurst, agent to rezone from District #07 Business to District #04, Residential and Farming, property identified as PIN HA 306, Town of Hazelhurst.

Conditional Use Permit Application of George Schroepfer, owner, to construct a new owner's residence and convert existing year-round owner's residence into a rental unit for a total of 12 rental units on property located at 3980 Lakeshore Drive further described as part of Gov't Lot 1, Section 36 and part of Gov't Lot 5, Section 25, T37N, R9E, PIN PL 686, Town of Pine Lake.

Karl Jennrich, Zoning Director, read the notice of public hearing for **Conditional Use Permit Application** of George Schroepfer, owner, to construct a new owner's residence and convert existing year-round owner's residence into a rental unit for a total of 12 rental units on property located at 3980 Lakeshore Drive further described as part of Gov't Lot 1, Section 36 and part of Gov't Lot 5, Section 25, T37N, R9E, PIN PL 686, Town of Pine Lake.

The notice was published in the Northwoods River News on May 1 & May 8, 2012. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on April 26, 2012. The mailing list was also read into the record.

Correspondence in file: Letter from the Town of Pine Lake dated April 19, 2012, approving the CUP with no concerns.

Nadine Wilson, Land Use Specialist, reviewed the CUP with the Committee. George and Nancy Schroepfer plan to construct a new residence on the property and then convert their current residence into a rental unit as part of the resort. The resort will have a total of 12 rental units and 1 recreational hall. The resort is currently operated from May through September because most cabins are seasonal. The applicants would like to use the converted unit as a year around weekly/monthly rental.

Most of the property is zoned #02 Single Family with a small portion along the lake that is zoned #05 Recreational. This is a legal pre-existing resort with a current license from the State of Wisconsin. Per Section 9.22 of the ordinance the residence requires 100' of RFW with 20,000 sq ft area and the 12 rentals require (75' RFW x 12) 900' of RFW with 180,000 sq ft of area. The total required is 1,000 feet of RFW and 200,000 sq ft or 4.59 acres. The application currently has approximately 1500 ft of RFW and 27+ acres of land. The new unit and dwelling will have 3 parking spaces per unit in accordance with 9.77 of the ordinance. There is fifteen hundred feet of riparian frontage will allow 15 piers and 30 berthing spaces.

A new code compliant sanitary system will be installed for new residence. The resort is currently serviced by 5 sanitary systems. #74-113 (inspected) for current home; #01-408 recreational hall/bar; #04-191, #04-192 and #04-622 for cabins.

The Schroepfer's will update licenses with the Oneida County Health Department to include the additional unit.

The applicant submitted the "General Standards for Approval of the CUP" and the Committee was supplied a copy. If the Committee finds the standards have been met, and recommends approval of this application, staff would suggest the following conditions be placed on the CUP.

1. Nature and extend of the application can not change from that described and approved herein.
2. Piers in compliance with Section 9.98 of the Ordinance.
3. Zoning Permits required for newly constructed dwelling.
4. Any Signage in accordance with Oneida County Zoning and Shoreland Protection Ordinance.

5. Proper sanitary permit with state approval, if applicable to be obtained for sanitary system.
6. License from Oneida County Health Department for resort to be updated to include additional unit. License to be kept up to date on a yearly basis.
7. Town of Pine Lake concerns if any.

2:11 pm – Chairman Scott Holewinski opened the public hearing for comments from the audience. For the record, there is no one present except for the petitioner.

2:12 pm - Chairman Scott Holewinski closed the public hearing for from further public comment. For the record, there is no one present.

Motion by Jack Sorenson, second by Gary Baier for approval of the Conditional Use Permit of George Schroepfer, owner, to construct a new owner's residence and convert existing year-round owner's residence into a rental unit for a total of 12 rental units on property located at 3980 Lakeshore Drive further described as part of Gov't Lot 1, Section 36 and part of Gov't Lot 5, Section 25, T37N, R9E, PIN PL 686, Town of Pine with the general standards being met, conditions of staff and Town concerns. With all members voting "aye" the motion carried.

Conditional Use Permit Application of Al Rob U, LLC, owner and Rob Manthei and Alan Albee, Agents to add a drive-thru to existing restaurant/ice cream shop at 5733 State Hwy 70 E described as part fractional NW ¼, Section 1, T39N,R 8E, PIN NE 930-3, Town of Newbold.

Karl Jennrich, Zoning Director, read the notice of public hearing for Conditional Use Permit Application of Al Rob U, LLC, owner and Rob Manthei and Alan Albee, Agents to add a drive-thru to existing restaurant/ice cream shop at 5733 State Hwy 70 E described as part fractional NW ¼, Section 1, T39N,R 8E, PIN NE 930-3, Town of Newbold.

The notice was published in the Northwoods River News on May 1 & May 8, 2012. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on April 26, 2012. The mailing list was also read into the record.

Correspondence in file: Letter from the Town of Newbold dated April 16, 2012, approving the CUP with no concerns.

Nadine Wilson, Land Use Specialist, reviewed the CUP with the Committee. The owners plan to construct a 4' x 8' addition to the west side of building to use as a drive-up/drive thru window to service customers. The applicants purchased this existing restaurant through a foreclosure sale and are in the process of remodeling to reopen. This application is for the addition of the drive-thru/drive-up window addition. Applicant states that the ingress/egress for the drive-thru will be clearly marked. Parking will be available for dine-in customers and employees that will not interfere with drive-thru.

There will be 4 parking spaces for employees behind the building and parking for 8 customers in front along the East side. The drive-thru will be on the West side of the building. Parking is in accordance with 9.77 of the ordinance.

There is code compliant sanitary system #87-311 for the restaurant. The addition of drive-up does not require expansion of system. The owners will obtain proper licenses from the Oneida County Health Department. The hours of operation will be 11 am to 10 pm. Solid Waste will be stored in garage containers and hauled by licensed hauler

The applicant submitted the "General Standards for Approval of the CUP" and the Committee was supplied a copy. If the Committee finds the standards have been met, and recommends approval of this application, staff would suggest the following conditions be placed on the CUP.

1. Nature and extend of the application can not change from that described and approved herein.
2. Zoning Permits required for addition.
3. Any Signage in accordance with Oneida County Zoning and Shoreland Protection Ordinance.
4. License from Oneida County Health Department.
5. Parking and drive-thru clearly marked on property.
6. Town of Newbold concerns if any.

2:15 pm – Chairman Scott Holewinski opened the public hearing for comments from the audience. For the record, there is no one present except for the petitioner.

2:16 pm - Chairman Scott Holewinski closed the public hearing for from further public comment. For the record, there is no one present.

Motion by Gary Baier, second by Mike Timmons for approval of the Conditional Use Permit of Al Rob U, LLC, owner and Rob Manthei and Alan Albee, Agents to add a drive-thru to existing restaurant/ice cream shop at 5733 State Hwy 70 E described as part fractional NW ¼, Section 1, T39N,R 8E, PIN NE 930-3, Town of Newbold, with the general standards being met, conditions of staff and Town concerns. With all members voting "aye" the motion carried.

Line item transfers, purchase orders and bills.

Bills - \$474.57

Purchase Orders - \$493.59

Motion by Scott Holewinski, second by Dave Hintz, to pay the bills and purchase orders. With all members voting "aye" the motion carried.

Refunds.

None.

Approve future meeting dates: May 23 and June 13, Chapter 9. June 6 & 20, Regular.

The Committee canceled the May 23 & June 13, 2012 meetings. The Committee confirmed the June 6 & 20, 2012 meetings.

Public comments.

Bob Williams discussed a possible violation of the Wisconsin Public Meeting Laws. (Three County Board Supervisors were present at a meeting. All three are on the Land Conservation Committee, making a quorum. The Committee advised Mr. Williams to contact the District Attorney.

Future agenda items.

None.

Adjourn.

2:40 pm - Motion by Mike Timmons, second by Dave Hintz to adjourn. With all members voting "aye" the motion carried.

Scott Holewinski, Chairman

Karl Jennrich, Zoning Director