

ONEIDA COUNTY PLANNING AND DEVELOPMENT
August 1, 2012
Regular Meeting 1:00 pm
Public Hearing 2:00 pm
COMMITTEE ROOM #2
ONEIDA COUNTY COURTHOUSE
RHINELANDER WI

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

Oneida County staff present: Karl Jennrich, Planning & Zoning Director
Peter S. Wegner, Assistant Zoning Director
Lila Dumar, Secretary III
Kathy Ray, Land Use Specialist
Brian Desmond, Corporation Counsel

Guests present: James Kroeger CUP
Beth Kroger, Jim Kroeger,
Bill McCutchin
Don Oremus
Marcus Neleman, River News
Bill Lamon
Steve Struensee

Sign Regulations
Michael Bauer
Don Wood, Darlene Wood
Catherine Spaeth, George Spaeth
Jerry Greubel, Judy Greubel
Mary Ann Giocherio

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 Jack Sorensen, second by Mike Timmons, to approve the agenda as posted. With all members present voting "aye", the motion carried.

Public Comments.

None at this time.

Approve meeting minutes of July 11, 2012.

Motion by Jack Sorensen, second by Mike Timmons, to approve the meeting minutes of July 11, 2012 as presented. With all members voting “aye” the motion carried.

Conditional Use Permit #11-542, James Kroeger for property described as part Gov't Lot 5, Section 22, T35N, R10E, PIN EN 724-7 at 2578 S Shore Rd., Town of Enterprise. The Committee will be reviewing a letter dated June 18, 2012 from Pelican Lake Residents.

Karl Jennrich, Zoning Director, stated that a letter dated June 18, 2012 from Pelican Lake residents was received by the Department. The letter is part of the record of today's meeting and contained in the file. An email was also received from Bob Mott, Town of Schoepke. The email was read into the record and is part of the record from today's meeting and contained in the file.

Karl Jennrich, Zoning Director, informed the Committee that they have the ability to amend, suspend or revoke the conditional use permit, which would require a public hearing. If the Committee decides to amend the conditional use permit, a public hearing would also be required. Mr. Jennrich distributed the following handouts:

1. A handout dated 8-1-12, which articulates the Department's position and what the Board of Adjustment affirmed
2. The Decision of the Board of Adjustment;
3. A letter dated September 7, 2011 from Karl Jennrich, Zoning Director, to Mr. Kroeger approving the conditional use permit.
4. A letter dated September 11, 2011

Mr. Jennrich stated that he believes the Department has been consistent with the Committee's motion on September 7, 2011 to grant the CUP; and consistent with the Board of Adjustment's decision on November 8, 2011 affirming the Committee's decision.

Mr. Jennrich stated that at the Board of Adjustment public hearing, Harland Lee, Chairman, brought up that a CUP was not required due to the fact that saw mills are a permitted use in General Use District #10. At that time, Mr. Jennrich had informed the Board that the Zoning Director has the authority to require a CUP in certain circumstances; location of the property to residential property; outdoor operations. The Board of Adjustment proceeded with the public hearing and affirmed the Committee's decision of approving the conditional use permit.

Peter S Wegner, Assistant Zoning Director, reported that a letter was received dated June 18, 2012 regarding concerns of the neighboring property owners. The concerns relate to condition #4 – hours of operation and #5 – area of operation. Dates and times were documented when he was operating on days that he was not supposed to be operating per condition #4. Mr. Wegner reviewed the August 17, 2011 public hearing, and the September 7, 2011 public hearing. At both times concerns were brought up by staff and by the public regarding personal versus business wood cutting. The Committee, both times, was adamant that we should not get into regulation of personal wood cutting. There was one change

made after the September 7, 2011 public hearing to change “2 hours of equipment operating” to read “2 hours of continuous equipment operation.” That was the only change that was made after all the discussions. Based on that, and the fact that it went to the Board of Adjustment and the appeal to have the CUP revoked was denied, and they upheld the committee’s action to approve the CUP. They also felt that all nine conditions of the CUP were met. So we had three different instances where the issues of business versus personal wood was brought to the attention of the people making the decisions and they felt strongly that they did not want to get into determining what is business and what is personal wood. As a result, I let the people who were complaining know that I was not taking any enforcement action. I also looked into their concerns regarding the area of operation. I went to the property, measured it, and it is within the limits that were set by the Committee.

Karl Jennrich, Zoning Director, reported that the CUP had a specific area where he wanted the business activity. I went to the property after the CUP was issued and measured the area that was being used for a business and believe that it was in compliance.

Peter S. Wegner, Assistant Zoning Director reported that he recorded and documented all the complaints that were received, the dates and the number of complaints and in some of those complaints there were also concerns regarding the number cords and face cords versus full cords. In the CUP, Mr. Kroeger mentions in his application that he is looking at 25-30 face cords for personal use and another 20-30 face cords for business use. I don’t think there is anything that I can regulate or enforce if it was over that many cords because I cannot distinguish between business and personal wood cutting.

Karl Jennrich, Zoning Director, reported that he had told the Committee that all the wood cutting, whether it was business or personal, should be between certain hours, just because of the nature of the business. At that time, the Committee asked Mr. Jennrich if he regulated people cutting wood privately. Mr. Jennrich does not do so.

Peter Wegner, Assistant Zoning Director, stated that the question came up at the Board of Adjustment and they could have made a decision to differentiate at that time, but they didn’t.

1:35 PM – Chairman Scott Holewinski opened the public hearing for comments from the audience.

Bob Brautigam

Mr. Brautigam asked the Committee to either revoke CUP or modify the CUP. Mr. Brautigam stated that Mr. Kroeger is in violation of the CUP for operating outside of the set hours. Mr. Brautigam stated that Mrs. Brautigam was told following the public hearing of the Board of Adjustment by Karl (Jennrich) that he cannot differentiate between personal and business wood cutting, and all the wood cutting has to be done on the site across the street. Mr. Brautigam stated that they were happy with that, but now he is being told something different. Mr. Brautigam demanded that the CUP either be revoked or modified or his appeal fee be refunded and he will re-appeal.

Sue Brautigam

Mrs. Brautigam commented on the noise and the proximity to the neighbors. Mrs. Brautigam stated that Mr. Kroeger just wants to aggravate his neighbors. Mrs. Brautigam commented that neither Karl or Pete ever came out to the property when he was cutting wood; so they don’t know what it sounds

like and they don't know how close to his neighbors he is cutting wood. Mrs. Brautigam stated that he was cutting wood 40 feet from Mrs. Brautigam's bedroom on a holiday weekend.

Ann Clark

Mrs. Clark objected to the noise and the smoke from burning the saw dust, and that it is making her nauseous.

Jean Roach

Mrs. Roach stated that the main thing is that this is a residential area. Ms. Roach pleaded with the Committee to look beyond the letter of the law and look at the specific situation; and to find a way that he can do his business without disturbing the neighborhood.

Vicki Vauk Smith

Ms. Smith is a neighbor down the road. Ms. Smith stated that Mr. Kroeger cuts wood both business and personal wood at the site.

James Kroeger

Mr. Kroeger stated that he wants to continue to operate a business on his property; he has tried to work with the County to keep within the conditions that were placed on the CUP. Mr. Kroeger stated that he had contacted Nadine Wilson to let her know on that holiday weekend that his son would be cutting personal wood on his residential property, next to the wood shed. Mr. Kroeger stated that the complaints have been harassment from the Brautigam's due to an incident where Mr. Brautigam was issued a citation in March, 2012. Previous to that incident, there were no complaints.

Mr. Jennrich confirmed that the first complaint came in on April 25, 2012. Mr. Wegner stated that he has documented all of the complaints, but they are all on the same two issues—hours of operation and area of operation. Mr. Wegner stated that the Department is satisfied that Mr. Kroeger has been working within the conditions of the CUP; it is not possible for the Department to regulate personal versus business wood and that is the main issue.

Karl Jennrich, Zoning Director, stated that if the Committee felt the Department was misinterpreting the conditions, it could be brought back for a public hearing.

Jack Sorensen asked staff if there was any way to address the concerns brought up today by amending the conditions on the CUP. Peter Wegner, Assistant Zoning Director, stated that if all woodcutting was put under the same conditions, that might help. Mr. Wegner then informed the Committee that in his opinion, this is a personal dispute between neighbors and any decision the Committee makes today will not resolve that dispute.

The Committee discussed the CUP and the conditions. Mr. Kroeger was asked if he would object to being required to cut and split all wood on the business site. Mr. Kroeger responded that it wouldn't be fair, because anyone else can cut wood for their home any time and any where on their property. And it would create twice the work in transporting the wood to the wood shed.

Gary Baier stated that this is not right, to regulate when an individual property owner can cut firewood. Mr. Baier stated that this is a waste of time, for the Committee and staff that could be better spent elsewhere. Mr. Baier suggested that the Committee move on, and let them settle this in court.

Brian Desmond, Corporation Counsel, reviewed the sheriff's reports that were provided to the Committee by Mr. Brautigam. The complaints were called in, to make a record, but the sheriff's department did not go to the site to investigate.

Mr. Brautigam was asked to leave the meeting, due to continuing to interrupt the Committee.

Motion by Gary Baier, second by Scott Holewinski, not to amend, suspend or revoke the Conditional Use Permit #11-542 of James Kroeger. The motion carried by a vote of 4:1 with Jack Sorensen voting "nay."

Preliminary 4-lot CSM for property described as part of the SW SE and part of the NW SE, Lot 1 CSM V16 P3663, Section 1, T39N, R6E, PIN WR 10-10, Town of Woodruff.

Kathy Ray, Land Use Specialist, reviewed the CSM with the Committee. The Town of Woodruff approved the CSM subject to all fire and safety standards being met. Ms. Ray commended approval subject to the following conditions:

1. Subject to the Town's review and recommendation that all fire and safety standards are met.
2. Final Plat to include new road name prior to recording.
3. Driveway access permits to be obtained as required by the Town.
4. All road work to be satisfied or will satisfy all road concerns with the Town of Woodruff prior to final plat approval.
5. Subject to a recorded Road Maintenance Agreement to be approved by this Department prior to recording for the 66 ft wide ingress/egress easement for the benefit of Lots 2 & 3.
6. Addressing and 911 information must be approved by the Oneida County Land Information Department.

Motion by Jack Sorensen, second by Mike Timmons, to approve the 4-lot CSM in the Town of Woodruff subject to staff and town concerns and with all standards of approval having been met. With all members voting "aye" the motion carried.

Preliminary Third Addition of twenty-eight lots to the Garden of Sleep Cemetery being located in the NW NW, Section 10, T38N, R6E, Town of Hazelhurst. The Committee will forward a Resolution to the Oneida County Board of Supervisors.

Karl Jennrich, Zoning Director reviewed this project with the Committee. The purpose is to expand the cemetery by 28 lots. Committee review is not required, but the plat must be approved by the County Board pursuant to Wis. Stat. §157.07.

Motion by Jack Sorensen, second by Dave Hintz, to approve the resolution to expand the Garden of Sleep cemetery, and to forward the resolution to the County Board for final approval. With all members voting "aye" the motion carried.

2:00 PM – Conduct public hearing on the following:

Conditional Use Permit Application by Steve Struensee of CMR Roofing to request a contractor storage yard, to convert the existing building into a residence for employees and to have an office on property currently owned by Joseph Bodewes described as part Gov't Lot 3, SE corner W of Hwy 51, Section 10, T38N, R6E, 6789 Hwy 51, PIN HA 123-5, Town of Hazelhurst.

Karl Jennrich, Zoning Director, read the notice of public hearing for the conditional use permit application of Steve Struensee of CMR Roofing for a contractor storage yard, to convert the existing building into a residence for employees and to have an office on property currently owned by Joseph Bodewes described as part Gov't Lot 3, SE corner W of Hwy 51, Section 10, T38N, R6E, 6789 Hwy 51, PIN HA 123-5, Town of Hazelhurst.

The notice was published in the Northwoods River News on July 17 & 24th, 2012. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on July 16, 2012. The mailing list was also read into the record.

Correspondence in file: Letter from Town of Hazelhurst with approval subject to the following:
A. All equipment and materials to be stored behind the existing building and that he apply for a sign permit for the town and county.

Kathy Ray, Land Use Specialist, reviewed the conditional permit application with the committee. This is a request by the proposed buyer, Steve Struensee of Custom Metal Roofing to have a contractor storage yard for his roofing business. Future construction of a storage building is proposed. All work is done at the job site. Nothing is manufactured on site. CMR has a main office in Osh Kosh, and a branch office in Harshaw and has been doing business in this area for over 16 years. T

The existing house on the property was previously used as a veterinary clinic. Mr. Struensee anticipates converting the building back to residential use for himself and employees to stay in when working in the area. The proposed project meets all parking and sanitary requirements. Bob Winat, WDOT, has informed the County that the DOT wishes to buy the house for the Hwy 51 project. The current owner, Joseph Bodewes has been notified as well as the proposed buyer.

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. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
2. The project is commenced within 3 years from date of issuance.
3. Subject to Town review/recommendations.
4. Proper permits to be obtained prior to construction of the proposed future storage building.
5. Signage to conform to 9.78 Sign Regulations Oneida County Zoning & Shoreland Protection Ordinance.
6. The storage of non-operable/non-repairable vehicles is not permitted under this approval.
7. No accumulation of junk or debris allowed.
8. No salvage material/items/inventory (including vehicles) shall be stored on the property. The property is not to be used for a disposal site.

9. Dumpster(s), if used, to be screened from view. Applicant to recycle waste material as required.
10. If exterior lighting is installed, it must be downcast and shielded from above.
11. Subject to DOT review/approval.

2:10 pm - Chairman Scott Holewinski asked if there was anyone present that wished to speak for or against this project. There was no one present.

Motion by Jack Sorensen, second by Gary Baier, to approve the conditional use permit of Steven Struensee, of CMR Roofing for a contractor storage yard, to convert the existing building into a residence for employees and to have an office on property currently owned by Joseph Bodewes described as part Gov't Lot 3, SE corner W of Hwy 51, Section 10, T38N, R6E, 6789 Hwy 51, PIN HA 123-5, Town of Hazelhurst subject to staff and Town of Woodruff recommendations, and as discussed today by the Committee, with all the general standards being met. The motion carried unanimously.

Ordinance Amendment #3-2012 Section 9.78, Sign Regulations, authored by the Planning and Zoning Committee to amend Section 9.78, Sign Regulations, of the Oneida County Zoning and Shoreland Protection Ordinance as follows:

Additions noted by underline deletions noted by ~~strikethrough~~.

B. On-Premise Signs

1. a. A business shall be permitted one freestanding sign exposure visible and designed to be read from each direction of travel.
 1. An on-premise free standing sign shall be no greater than 64 square feet per face if the setback is ~~20~~ 0 feet ~~or greater~~ from right-of-way.
 2. An on-premise free standing sign shall be no greater than 250 square feet per face if the setback is greater than 100 feet from right-of-way.
 - ~~3. If a town allows a setback closer than 20 feet to road right of way, pursuant to section 9.70(4), an on-premise free standing sign cannot exceed 64 square feet per face.~~
- b. A multi-tenant business shall be allowed one free standing sign visible and designed to be read from each direction of travel.
 1. An on-premise free standing sign shall be no greater than 128 square feet if the setback is ~~20~~ 0 feet ~~or greater~~ from right-of-way.
 2. An on-premise free standing sign shall be no greater than 250 square feet per face if the setback is greater than 100 feet from right-of-way.
 - ~~3. If a town allows a setback closer than 20 feet to road right of way, pursuant to section 9.70(4), an on-premise free standing sign cannot exceed 128 square feet per face.~~
- ~~4.3.~~ No single tenant can utilize greater than 50% of the allowable area of the sign.
- c. A home occupation as allowed by section 9.43 of this ordinance shall be permitted one free standing sign no greater than 12 square feet per face.
- d. No part of an on-premise free standing sign shall exceed 35 feet in height from existing grade including support.
- e. Freestanding signs must comply with the requirements of sections ~~9.70~~, 9.94 and 9.97, ~~highway~~ and waterfront setbacks. Freestanding signs at all intersections shall meet the highway setback requirements.
- f. Freestanding signs must comply with the requirements of section 9.71, side and rear lot line setbacks.

Karl Jennrich, Zoning Director, read the notice of public hearing for Ordinance Amendment #3-2012 to amend the Oneida County Zoning and Shoreland Protection Ordinance.

The notice was published in the Northwoods River News on July 17 & 24th, 2012. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on July 16, 2012. The mailing list was also read into the record.

Mr. Jennrich explained that prior to the latest sign 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 revised sign ordinance 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 the revision is before the Committee today as Ordinance Amendment 3-2012.

Mr. Jennrich stated that he has not received any correspondence or comment relating to this ordinance amendment. It is understood to be a correction.

2:16 pm – Chairman Holewinski asked if there was anyone present that wished to speak for or against this project.

Darlene Wood: Has “Flea Market” on Hwy 47. Why can’t they have their signs?

Mr. Holewinski stated that this topic not related to the ordinance amendment. Mr. Holewinski stated that he would hear public comment on this topic following the public hearing.

Chairman Scott Holewinski asked if there was anyone present that wished to speak for or against this project. No one came forward.

Karl Jennrich, Zoning Director, explained that a conditional use permit was issued to Michael Bauer for a perpetual flea market on Highway 47. A complaint came into the office regarding the signs advertising the flea market. The signs are placed off-premise. The property owner is questioning other off premise signs placed throughout the township, why are they allowed? Mr. Jennrich noted that the ordinance does allow temporary promotional signs under certain circumstances, not-for-profit fund raising.

Scott Holewinski again stated that this discussion does not relate to the public hearing. If the committee wishes to discuss this further, or look at another ordinance amendment, another meeting should be scheduled and possibly a public hearing. It was decided to place this topic on the next agenda.

2:40 – Chairman Holewinski closed the public hearing.

Motion by Mike Timmons, second by Jack Sorensen, to forward ordinance amendment 12-003 to the County Board. With all members voting “aye” the motion carried.

Discontinuance. If a legal pre-existing use is discontinued for twelve (12) consecutive months, and future use of the structure or property shall conform to this ordinance.

Karl Jennrich, Zoning Director, stated that this involves properties (resorts) that were split up and there would be two cottages on one small parcel jointly owned. Over time, some of these cottages become dilapidated if they are not used and become a discontinued use. The Department could deny a permit application to replace such a structure due to the density along with the discontinued use, but has not done so. The Department has looked at it as a single family home in a single family residential district is conforming whether there is a discontinued use or not. The problem is when there is a small structure that appears to be more of a storage building than a dwelling and the applicant wants to tear it down and put up a guest cottage. The Committee discussed whether the ordinance should be more clear, so interpretations do not have to be made.

Discussion only. No action taken.

Department Information Document

Karl Jennrich, Zoning Director, presented the Planning and Zoning Department Information Document for the Committee to review.

Motion by Mike Timmons, second by Dave Hintz, to approve the Department Information Document to be forwarding to the Administration Committee. With all members voting “aye” the motion carried.

Hwy 51 project as it relates to off-premise/on-premise signs. The Committee will be discussing the removal of business signs due to changes to Highway Right-of-Way.

Karl Jennrich stated that Highway 51 is being redone by the Department of Transportation in the Hazelhurst/Minocqua area. The question is whether the signs in the right-of-way could be relocated. Mr. Jennrich stated that sign permits would be required and would need to meet the current sign ordinance provisions. There are business signs that would not conform.

Mike Timmons stated that there is ordinance language that can be written that anything caused by government acquisition cannot negatively affect personal property. Mr. Timmons will provide this information to the Zoning Director. It has been adopted by towns, villages, municipalities in the Green Bay area. Staff will put this on a future agenda to consider.

Discussion only. No action taken.

Legal Pre-existing Off-Premise Signs

Zoning Director’s attendance at the Wisconsin Department of Natural Resources Letter of Map Change Workshop.

Motion by Dave Hintz, second by Jack Sorensen for the zoning director to attend the Wisconsin Department of Natural Resources Letter of Map Change Workshop. With all members voting “aye” the motion carried.

Refunds.

H&H Septic LLC - \$50.00 refund.

Motion by Mike Timmons, second by Jack Sorensen to approve the refund to H&H Septic LLC. With all members voting “aye” the motion carried.

Line item transfers, purchase orders and bills.

Bills - \$454.38

Blank Purchase Orders – 500.50

Motion by Dave Hintz, second by Gary Baier to pay the bills. With all members voting “aye” the motion carried.

Approve future meeting dates: August 15 and September 5, 2012.

The Committee approved meeting dates for August 15, 2012 & September 5, 2012.

Public comments.

No public comment.

Future agenda items.

Nothing was discussed.

3:15 PM – The meeting was adjourned on a motion by Gary Baier, second by Mike Timmons.

Scott Holewinski, Chairman

Karl Jennrich, Zoning Director