

**ONEIDA COUNTY PLANNING AND DEVELOPMENT COMMITTEE**  
**December 19, 2012 – 9:00 a.m.**  
**Committee Room #2, Oneida County Courthouse**  
**Rhineland WI 54501**

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Members present: Chairman, Scott Holewinski  
Dave Hintz  
Jack Sorensen  
Mike Timmons

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

Other county staff present: Brian Desmond, Corporation Counsel

Guests present: Tim Rusch  
Karl Fate  
Steve Zoellner

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Chairman Scott Holewinski called the meeting to order at 9:00 a.m., in accordance with the Wisconsin Open Meeting Law. Gary Baier is excused from today's meeting. All other 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.**

It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, Section 19.85 (1) (g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session.

- CUP 601-09 and CUP 12-773

**9:01 a.m. - Motion by Mike Timmons, second by Jack Sorensen to enter into closed session. Roll call vote: Scott Holewinski: "aye", Mike Timmons "aye", Jack Sorensen "aye", Dave Hintz: "aye". The motion carried.**

**9:25 a.m. – Motion by Jack Sorensen, second by Mike Timmons to enter into open session. Roll call vote: Scott Holewinski: "aye", Mike Timmons "aye", Jack Sorensen "aye", Dave Hintz: "aye". The motion carried.**

Chairman Holewinski announced that no action was taken in closed session. There was discussion only.

Public Comment.

Steve Zoellner spoke regarding the communication tower in the Town of Minocqua and is looking forward to the Committee enforcing the ordinance on this issue.

Approve meeting minutes of August 1, 2012.

**Motion by Mike Timmons, second by Jack Sorensen, to approve the meeting minutes of August 1, 2012 and presented. With all members voting "aye", the motion carried.**

Approve meeting minutes of September 5, 2012.

**Motion by Mike Timmons, second by Jack Sorensen, to approve the meeting minutes of September 5, 2012 and presented. With all members voting "aye", the motion carried.**

Discuss revocation of CUP 601-09, pursuant to 9.82(D) for a communication structure on property described as part NW SE, Section 34, T39N, R6E, PIN MI 2503-10, Town of Minocqua.

Karl Jennrich, Zoning Director, noted that this item was tabled at the last meeting in order to obtain a legal opinion from Corporation Counsel. Mr. Jennrich noted that since that time a letter was received from Mr. Zoellner dated 12/12/12. The letter is contained in the file and is part of the record of today's meeting.

Brian Desmond, Corporation Counsel, stated that Zoellner's concerns are contained in Section 9.54(D) (5) (e) – Fees costs or contractual provisions. Mr. Desmond noted that there was ample evidence that NRG and Verizon could not reach a contract regarding the use of the NRG Media Tower; these issues were thoroughly considered by this Committee and the Standards for Approval of A CUP were also thoroughly reviewed and discussed when presented with the Conditional Use Permit Application; the Committee did due diligence by issuing the permit.

**Motion by Dave Hintz, second by Mike Timmons, based on the opinion of Corporation Counsel, ample evidence in the record exists not to revoke CUP #601-09. With all members voting "aye", the motion carried.**

Preliminary two lot Certified Survey Map of Richard and Teresa Stanczyk, owners, located at 889 Hwy 45, legally described as part Gov't Lot 1, Section 19, T35N, R11E, Lot 1 CSM V15 P3431, PIN SC 443-6, pursuant to a modification/appeal under Section 15.31(2) of the Oneida county Subdivision Control Ordinance.

Rusch Engineering is present representing the Stanczyck's. The property is located in the Town of Schoepke and is located between Highway 45 and Pelican Lake and is zoned Recreational. The current use of the property is a bar, house and two cabins. Mr. Rusch is requesting a

modification pursuant to Section 15.31(2) (1) and 15.31(3) of the Oneida County Subdivision Control Ordinance. Lot # 2, where the bar is located meets the requirements of the recreational zoning district. Lot 1, which will have the main house and one guest cottage, will not meet the requirements of the recreational zoning district.

Mr. Rusch stated that the Stanczyk's wish to retire and sell the bar to the current lessee of the bar; with the Stanczyk's keeping the main residence. They propose to remove one of the rental homes and retain the other, not as a rental, but as a guest cabin for family members. In order to subdivide, the modification is being requested because the density requirements cannot be met for Lot #1. 140 feet of frontage is required and there is 117 feet proposed.

Mr. Jennrich stated that it was the Department's position that there is no undue hardship. The options available are to either tear down both cabins or to condo the property in order to keep the cabins.

**Motion by Jack Sorensen, second by Dave Hintz, to deny the request for a modification as a hardship does not exist as other options are available. With all members voting "aye", the motion carried.**

NR 115 Update.

Peter S Wegner, Assistant Zoning Director, reviewed the process and where the NR 115 Revision is at right now and that it has a long way to go. There are major changes. (1) Impervious Surface Standards. There will be a tiered system of impervious surface standards based on the classification of the area (Urbanized Area or Urban Cluster, etc.); or the zoning district. (2) Non-conforming structures. Allows relocation and expansion of nonconforming structures located between 35-75 feet from the OHWM under certain circumstances. (3) Act 170 issue. Clarifying the language for adding on or altering a nonconforming structure 0-75 feet. (4) Vegetative management standards. Clarifies that a permit is not required to remove invasive, damaged, diseased or vegetation that posing a safety hazard. (5) Reporting standards. Copies of permits for nonconforming matters will not be provided to the DNR.

Discussion only.

Section 9.94, OHWM Setbacks and Special Zoning Permission for Structures in Shoreland Setback.

The Committee reviewed the changes to the proposed changes to Section 9.94, OHWM Setbacks and Special Zoning Permission for Structures in the Shoreland setback. A copy is attached to the minutes of this meeting and is part of the record.

Karl Jennrich, Zoning Director, asked for clarification of what the Committee wants to do as far as boathouses are concerned. The main issue seems to be the flat roof issue/no party decks. Peter Wegner, Assistant Zoning Director, stated that some counties do not allow boathouses at all, or limit the size to 300 or 400 square feet, or have a setback of 75 feet from the OHWM. Oneida County allows a boathouse 0 feet from the OHWM to be no greater than 720 square feet. Mr. Wegner noted that there are not complaints received about the language as it is. Karl Jennrich agreed.

**Motion by Scott Holewinski, second by Jack Sorensen, to keep Section 9.94 as it is with no changes. With all members voting “aye”, the motion carried.**

Section 9.98, Piers, Other Berth Structures, Shoreland Bulk Requirements.

Karl Jennrich, Zoning Director, noted that a public hearing was held on this issue. Following the public hearing, staff incorporated many of the changes that were brought up at the public hearing. A copy of the draft is attached to the minutes of this meeting and is part of the record. The public hearing will be scheduled at a time when the summer residents have returned to the area and can be part of the process. There was discussion on existing pier configurations. With direction from the Committee, Peter Wegner, Assistant Zoning Director, will include a compliance date in the draft where existing piers will be grandfathered. This will be brought back to the Committee for review after the changes has been made.

Discussion only.

Planning and Zoning Long Range Plan.

Karl Jennrich reviewed the Long Range Plan with the Committee. A copy of the Long Range Plan is attached to the minutes of this meeting and is part of the record.

Discussion only.

Forward Rezone Petition #6-2012 to the Oneida County Board of Supervisors. A rezone in the Town of Schoepke.

**Motion by Jack Sorensen, second by Mike Timmons, to forward Rezone Petition #6-2012 to the Oneida County Board of Supervisors. With all members voting “aye”, the motion carried.**

Line item transfers, purchase orders and bills.

Bills - \$255.71

**Motion by Scott Holewinski, second by Dave Hintz, to pay the bills as presented. With all members voting “aye”, the motion carried.**

Approve future meeting dates: January 2 and January 16, 2013.

The Committee confirmed the meeting date of January 2, 2013; and changed the January 16, 2013 to January 23, 2013.

Public comments.

None.

Future agenda items.

None

10:50 a.m. – The meeting was adjourned.

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Scott Holewinski, Chairman

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Karl Jennrich, Zoning Director