

ONEIDA COUNTY PLANNING & ZONING
July 15, 2009 2:00 P.M.
PUBLIC HEARING – COMMITTEE ROOM #2
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501

Members present: Scott Holewinski
Larry Greschner
Charles Wickman
Frank Greb
Ted Cushing

Department staff present: Karl Jennrich, Zoning Director
Steve Osterman, Planning Manager
Nadine Wilson, Land Use Specialist
Kim Gauthier, Secretary

Other County Staff: (None)

Guests present: (See sign-in sheet)

Call To Order:

Chair, Scott Holewinski called the meeting to order at 2:00 p.m., in Committee Room #2, 2nd Floor Oneida County Courthouse, Rhineland, Wisconsin in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted, the media notified.

Approve the agenda

Motion by Charles Wickman, second by Frank Greb to approve the agenda. With all members present voting “aye”, the motion carried.

Mr. Osterman asked that agenda item number six be moved up on the agenda.

Conditional Use Permit and proposed 8-unit Condominium described as “Rangeline Condominium” on property described as part of Gov’t Lot 4, Section 36, T39N, R10E, PIN# TL 374-4A Town of Three Lakes. Present addresses are identified as 7326-7330 Hwy 45 North and currently has The Loon Saloon tavern situated on it. This project was previously permitted as Conditional Use Permit #09-The purpose of this new request is to modify on condition of approval. The petitioner wishes to allow the bar to remain open indefinitely or until a zoning permit is sought for the 6th dwelling on the property. The original Conditional Use Permit application required the bar to close within two (2) years of permit approval

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhineland Daily News, published on June 30, 2009 and July 1, 2009, along with the Vilas County News the week of July 1, 2009. The notice was posted on the Oneida County courthouse bulletin board June 25, 2009. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Jennrich indicated the following correspondence was received:

- Letter from the Town of Three Lakes dated June 17, 2009 approving the CUP with modifications to allow the bar building to remain, as read.

Steve Osterman, Planning Manager spoke with the DOT who indicated a document will be signed to allow a right of way encroachment. Mr. Osterman indicated the only modification is the "6th dwelling" or the "4th new building".

Mr. Holewinski asked if there was any public comment for or against this issue.

Mr. Peyer commented he is in favor of approval.

Motion by Larry Greschner, second by Frank Greb to approve the conditional use permit and proposed eight unit condominium of Rangeline Condominium, Town of Three Lakes with town and county concerns, conditions and the general standards having been met. With all members present voting "aye", the motion carried.

Conditional Use Permit Application of Scott Rowe, owner to construct a 40' x 60' pole barn for storage of customer vehicles and personal storage of recreational vehicles at Ray's Auto and Repair at 1992 County Highway L being described as part SE NE and part NE SE, Section 34, T36N,R 6E, PIN# NO 513-11, Town of Nokomis.

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhinelander Daily News, published on June 30, 2009 and July 7, 2009, along with the Lakeland Times and the Tomahawk Leader the week of June 29, 2009. The notice was posted on the Oneida County courthouse bulletin board June 25, 2009. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Jennrich indicated there was no correspondence received.

Nadine Wilson, Land Use Specialist indicated the town approved the CUP; however the department needs a formal letter. There are no town concerns and they are in favor of approval. Ms. Wilson referred to the report provided (PH Exhibit #1). The general standards were provided and the following conditions are recommended:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the CUP.
2. Any hazardous materials/chemicals shall be used, stored and/or disposed of in accordance with Sate and Federal regulations.
3. Storage of salvaged equipment, old parts and scrap metal to be stored in designated screened area until it can be picked up by a licensed hauler.
4. Inoperative equipment cannot be stored outside of building on property for longer than 30 days.
5. If floor drain to be installed in storage garage, it must be hooked up to holding tank with proper permits.
6. All state and local licensing to be obtained prior to operations.
7. Outdoor lighting shall be directed downward and shielded from above. Care should be taken to prevent light pollution.
8. Signage in accordance with Oneida County Zoning and Shoreland Protection Ordinance.
9. Conditions of CUP #243-97 incorporated herein: 1. proper distribution of fluids, 2. no outside accumulation of parts; 3. no change in either ingress or egress.
10. Town of Nokomis concerns.

Mr. Holewinski asked if there was any public comment for or against the issue at hand (two times).

Scott Rowe commented he is for approval.

No other public comments made.

Motion by Ted Cushing, second by Larry Greschner to approve the conditional use permit of Scott Rowe, owner to construct a 40' X 60' pole barn, agenda item number three with staff conditions and the general standards having been met. With all members present voting "aye", the motion carried.

Conditional Use Permit Application of Willow Haven, Inc., owner; Jim Rein, agent to convert and create a 35 unit condominium which includes a supper club and a 34 unit manufactured home community at 4877 Haven Drive, described as part of the NE NW and NW NE, Section 15, T37N, R5E, PIN# LR 801 and LR 804, Town of Little Rice.

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhinelander Daily News, published on June 30, 2009 and July 7, 2009, along with the Tomahawk Leader the week of June 29, 2009. The notice was posted on the Oneida County courthouse bulletin board June 25, 2009. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

The following correspondence was received:

- Letter from the Town of Little Rice dated 6/11/09 approved with conditions as read.

Ms. Wilson provided pictures of the development and referred to the report provided (PH Exhibit #2). Ms. Wilson noted the town conditions have been shown on the map shown. The concern regarding the easement will be addressed in a civil matter. Ms. Wilson indicated the general standards were supplied and the conditions are as follows:

1. Project must be commenced within three years of permit issuance date.
2. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
3. Parking available for supper club w/living quarters in accordance with Oneida County Zoning and Shoreland Protection Ordinance.
4. Code compliant POWTS installed and permitted in accordance with State and County Code.
5. Zoning Permits required for placement of structures
6. Areas designated for solid waste to be screened from view.
7. Condominium plat recorded to combine lots.
8. Excavation in excess of 10,000 sq feet may require WDNR permit, additionally all land disturbance done with Best Management Practices in place.
9. Signage in accordance with Oneida County Zoning and Shoreland Protection Ordinance.
10. Town of Little Rice concerns as follows: 1. Fire/Emergency Response A. Creation of a 10 foot road on the south end of the property (Lot 7) connecting the tow roads B. East road will continue from Lot 34 north to main road (Haven Drive); 2. Maintenance of common roads throughout the site to be maintained by owners of associations; 3. The Town asks for a permanent route for snowmobiles/ATVs; 4. Clarification of ownership of Haven Drive; 5. No rentals of less than one month.

The committee discussed the easement location and asked that the area in issue be identified.

Jim Rein, agent commented that he will further describe it and there is no problem with the creation of the easement as requested.

Mr. Holewinski asked if there was any public comment for or against the issue at hand.

Tom Brennan, Willow Haven Drive described the history of the garage placement. Mr. Brennan noted he does not want to make waves, but to ensure that his fifty year old home does not need to be removed. There is a marker by the garage.

Dwight Simonson, 4865 Haven Drive asked how many septic and/or wells are proposed and if this will affect the drinking water.

Mr. Rein explained six areas or six large scale septic and eight standard wells. Mr. Jennrich commented that he does not believe the drinking water will be affected, as there were two existing wells.

Ben Loma, Bayview Drive commented there are not 69 units, but 34 units plus a Supper Club. Mr. Loma asked if the homes will be marketed.

No other public comment made.

Motion by Larry Greschner, second by Ted Cushing to approve the CUP of Willow Haven, Jim Rein agent, Town of Little Rice, with staff conditions and the general standards having been met. With all members present voting "aye", the motion carried.

Ms. Wilson indicated the second part of the CUP is the condominium. The conditions were read as indicated above. Ms. Wilson clarified that the set backs are part of the declarations.

No public comment for or against the condominium.

Motion by Frank Greb, second by Ted Cushing to approve the condominium plat with conditions as read. With all members voting "aye", the motion carried.

Mr. Holewinski asked for clarification on the encroachment issue.

Jim Rein, agent indicated the straight line on the lot line creates an encroachment not shown on the map, but may possibly be one and one half feet over the home and concrete pad due to add on onto the mobile home. Mr. Rein recommended the owner hire an attorney to grant adverse possession by a Judge to clear up the matter.

Conditional Use Permit Application of Leo Kromholz to establish a tire storage facility as well as retail sales of tires and automobiles on property described as part _____ of the NW SW, Section 3, T36N,R 7E, PIN# WB 42-1, 3510 Hancock Lake Rd., Town of Woodboro

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhinelander Daily News, published on June 30, 2009 and July 7, 2009, along with the Tomahawk Leader the week of June 29, 2009. The notice was posted on the Oneida County courthouse bulletin board June 25, 2009. The certified and first

class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

The following correspondence was received:

- Town meeting minutes of June 9, 2009 approving the CUP with no more than 12 vehicles on site.
- Letter from Attorney Melinda Olsen representing David Reader regarding a quick claim deed and request for an adjournment of the public hearing with other concerns as read.
- Letter from Mary Rudis opposed of the CUP, as read.
- Letter with signed petition names asking that the CUP be granted, as read.
- Letter from Christine Meyer, Hancock Lake Road in opposition for the reasons read.

Mr. Osterman read the report provided (PH Exhibit #3) noting concerns as read and the following conditions:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the CUP.
2. Any hazardous materials/chemicals shall be used, stored and/or disposed of in accordance with Sate and Federal regulations.
3. Outside storage limited to area depicted on plan. Tires to remain inside the building.
4. This approval does not include a repair or maintenance ship for the trailers, transport hauler of used vehicles. Additional approval necessary if the applicant wishes to do this at a later time.
5. Storage of inoperative/salvage vehicles not permitted with this permit approval. Outdoor accumulation of miscellaneous material not authorized by this permit.
6. Outdoor lighting shall be directed downward and shielded from above. Care should be taken to prevent light pollution.
7. All state and local licensing to be obtained prior to operation.
8. Signage must be placed in accordance with the Oneida County Zoning and Shoreland Protection Ordinance.
9. Town of Woodboro concerns. Approved with the stipulation that he sell no more than 12 vehicles yearly and all tires are stored inside.
10. Correction deed and land swap to be recorded prior to issuance of the CUP.

The Committee clarified vegetative buffer on map and tire storage. Mr. Krombholtz agreed to store tires inside and provide a 20 foot vegetative buffer from the right of way. He also clarified the fires mentioned in the letter of opposition as being that of lightening strike and a battery charger that started on fire.

Mr. Holewinski asked if there was any public comment regarding the issue at hand.

Mary Rudis, Highway K commented that she owns the land that abuts on the three sides of Leo and would request a privacy fence be constructed to remind him of his property boundaries.

Dan Marlot, Hancock Lake Road commented he is for the CUP, as Leo keeps his property well developed. In 1986 the property was conveyed without restrictions and if the property is zoned for this use the request should be approved.

Joe Vinci, Evergreen Court commented he is for the proposal and asked what happens if there are violations.

No other public comments were made.

Mr. Krombholz addressed the issue of being over the lot line and noted his step children had a party while he was out of town and this was the reason for the lot line boundary issue.

Mr. Holewinski clarified that trespassing is a civil issue.

Mr. Jennrich referenced the question of violations and indicated if there is CUP violations the department will issue an enforcement letter and ask the owner to come into compliance, if not in compliance forfeitures are issued and possible revocation would occur.

Motion by Larry Greschner, second by Charles Wickman to approve the conditional use permit of Leo Krombholz, Hancock Lake Road, agenda item five with the general standards of approval being met and conditions set forth by the committee. With all members present voting "aye", the motion carried.

Adjourn

3:09 p.m. Motion made by Frank Greb, second by Ted Cushing to adjourn the public hearing. With all members present voting "aye", the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director