

LAND INFORMATION / ZONING COMMITTEE MINUTES

April 10, 2018

Chairman Willingham called the meeting of the Rusk County Zoning/Land Information Committee to order at 1:30 P.M. in the Law Enforcement Center in the Rusk County Government Center. Members present were David Willingham, Robert Stout, Phil Schneider, and Arian Knops. Staff present: CeCe Tesky, John Fitzl, Verna Nielsen, Carol Johnson, Ted East and Yvonne Johnson.

Motion by Knops/Schneider to approve the committee and public hearing minutes from the March 13, 2018 meeting. Motion carried.

Motion by Schneider/Knops to approve the payment approval reports for March. Motion carried.

CSM review: 7 lot land division in the Town of Willard of Lila Birkenholz. There are 4 lots and 3 outlots. The lots meet the minimum lot size. The outlots will require restrictions regarding access. Motion by Knops/Schneider to approve the map with the conditions that it is approved by the township, the structures over the property lines are removed, the driveways for the lots are off of Cote Road, outlot restrictions regarding no access from CTH D or buildings, and passing the WI Stat 236 review. Motion carried.

1 lot land division in the Town of Big Bend for Karl Fisher. This lot abuts Hwy 40, need clarification on the right of way. Motion by Schneider/Stout to approve the map with the conditions that right of way is verified and access is given by the DOT, and passing the WI Stat 236 review. Motion carried.

1 lot land division in the Town of Stubbs for Craig Simonson. There is an issue with land locking the remainder of the parcel. Will check with owner regarding future access. Motion by Stout/Schneider to approve the map with the access being addressed and it passing the WI Stat 236 review. Motion carried.

Reports:

Land Info: Tesky reported that the V4 submission was sent to the state by the end of March. Fitzl is currently working on the LUCA for the census. Tie sheets from the remonumentation project have been submitted.

Treasurer: Nielsen reported the In-Rem properties were in the newspaper last week. They will have until June 1 to pay. There are approximately 24 parcels. Rebecca McEathron-Kramer attended the Farm Show last month to sell plat books.

Zoning: Tesky said permits have been slow, the weather seems to be a factor. Still working on the camper permits. Tesky gave a legislative update regarding short term rentals, conditional use permits and LOMAs.

LCDD report: Tesky is working on budgets for 2019. Cost proposals are due by June 25. The Land Information plan needs to be updated. The Land Information grant is now under a separate budget which should make reporting much easier.

Chairman Willingham recessed the zoning meeting at 2:00 P.M. to open a public hearing in the Town of Atlanta for Randy and Laurie Sonley. The request was to allow a tourist rooming house. Chairman Willingham closed the public hearing at 2:15 P.M. to reopen the zoning meeting.

Chairman Willingham recessed the zoning meeting at 2:15 P.M. to open a public hearing in the Town of Rusk for O'Connell Cabins LLC. The request was to allow a tourist rooming house. Chairman Willingham closed the public hearing at 3:50 P.M.

Chairman Willingham recessed the zoning meeting at 3:50 P.M. to open a public hearing in the Town of Rusk for Daniel Gieski. The request was to allow a tourist rooming house. Chairman Willingham closed the public hearing at 4:10 P.M. to reopen the zoning meeting.

Chairman Willingham opened the discussion regarding the Sonley application in the Town of Atlanta. Reviewed staff recommendations. Motion by Knops/Stout to approve the request for the short term rental with the staff recommendations as the conditions. Motion carried.

Chairman Willingham opened the discussion regarding the O'Connell application in the Town of Rusk. Reviewed staff recommendations. Chairman Willingham noted that this use being advertised is not a violation. Using it as a rental is the violation. The committee understands that not all people who rent are noisy and inconsiderate. Rusk County does not enforce covenants. The testimony sheds light on the character of the use on the adjacent properties. He feels this is a compatibility issue. Knops stated he lives in a development with covenants. It took years of legal battles to get an owner to comply with the covenants. There is a cost that is monetary and also regarding personal relationships. Motion by Knops/Schneider to deny the request for the short term rental due to the covenants on the property revealing that it is not compatible with the surrounding land uses. Motion carried.

Chairman Willingham opened the discussion regarding the Gieski application in the Town of Rusk. Reviewed staff recommendations. Reviewed the issues with the building not having permits and not meeting minimum size requirements. Motion by Stout/Knops to deny the request based on the maintenance of safe and healthful conditions. Motion carried.

Register of Deeds image software. Ted East was present and stated they have prepared an RFP at the request of the property committee. He provided a project summary. Reviewed the costs associated with the change. Tesky said there may be land information grant funding available. The Land Information Council will meet and prioritize funds. The RFPs are due at the end of April. Plan to open proposals May 3.

Out of County Travel: Plumber's meeting in Barron on April 12 for Tesky, Johnson, and Borton. Motion by Knops/Stout to approve the requested travel. Motion carried.

The next regular meeting will be May 8, 2018 at 1:30 P.M.

Chairman Willingham adjourned the meeting at 5:10 P.M.

Yvonne Johnson
Assistant Zoning Administrator

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ZONING COMMITTEE
PUBLIC HEARING
RANDY & LAURIE SONLEY
APRIL 10, 2018
TOURIST ROOMING HOUSE

Members Present: David Willingham, Phil Schneider, Bob Stout, Arian Knops.
Staff Present: CeCe Tesky and Yvonne Johnson.

Chairman Willingham called the public hearing to order at 2:00 P.M. The purpose of the public hearing was a conditional use request to allow a tourist rooming house on the following described real estate:

A parcel in the SE ¼ - SE ¼, Section 18, T35N, R8W.
Address: W14117 County Road O

Property owner: Randy and Laurie Sonley
W13558 County Road O
Bruce, WI 54819

Tesky read the notice of public hearing which was posted per the requirements of a Class (2) notice. The town clerk and owner were notified by Certified Mail and neighboring property owners within 500' were notified by First Class Mail. The DNR was notified by email, which is their preferred method. Chairman Willingham explained the public hearing process. Tesky reviewed the permit application and site location. There is a 3000 gallon holding tank on the site.

Chairman Willingham asked for anyone to speak in favor of the request. There was no one present.

Jackie Pederson asked if the location of the lot markers is known. Tesky explained where the cabin is located in relation to the Pederson property.

Chairman Willingham asked for anyone to speak in opposition to the request. Douglas Wakeman asked to have the short term rental process explained. Also, is it a violation if it is being rented out before they have the proper permits? Antar Saleem also asked about the conditional use process.

Jack Pedersen asked if the renters will be vetted before they are allowed to use the property.

Bob Devoe asked if there is a capacity limit and if campers would be allowed to use the property. Tesky explained that the capacity would be two people per bedroom and the conditions proposed would prohibit camper use.

NOT COMMITTEE APPROVED

Antar Saleem if the committee can consider any previous problems with the entity. Tesky explained that this would require annual inspections with public health and violations of the conditions could cause the permit to be revoked.

There being no further testimony, Chairman Willingham closed the public hearing at 2:15 P.M.

ZONING MEETING

Chairman Willingham opened the discussion regarding the Sonley application in the Town of Atlanta. Reviewed staff recommendations. Motion by Knops/Stout to approve the request for the short term rental with the staff recommendations as the conditions. Motion carried.

Yvonne Johnson
Assistant Zoning Administrator

NOT COMMITTEE APPROVED

ZONING COMMITTEE
PUBLIC HEARING
O'CONNELL CABINS LLC
APRIL 10, 2018
TOURIST ROOMING HOUSE

Members Present: David Willingham, Phil Schneider, Bob Stout, Arian Knops.
Staff Present: CeCe Tesky and Yvonne Johnson.

Chairman Willingham called the public hearing to order at 2:15 P.M. The purpose of the public hearing was a conditional use request to allow a tourist rooming house on the following described real estate:

Lot 71 CSM 365 in the NE ¼ - NW ¼, Section 4, T33N, R9W.
Address: N2422 Loons Bay Road

Property owner: O'Connell Cabins LLC
708 Talmadge Street
Eau Claire, WI 54701

Tesky read the notice of public hearing which was posted per the requirements of a Class (2) notice. The town clerk and owner were notified by Certified Mail and neighboring property owners within 500' were notified by First Class Mail. The DNR was notified by email, which is their preferred method. Chairman Willingham explained the public hearing process. There are a large number of letters that have been submitted for testimony. Discussed reading letters first to get the issues presented and then those present can present testimony. Tesky explained that the application is for an existing structure which is 28' x 34'. O'Connell cabins purchased this property last year and have been using it as a short term rental. A letter was read from Craig Bless.

Chairman Willingham asked for anyone to speak in favor of the request. Brad O'Connell was present. He stated they purchased the property for family and recreational use. It is a two bedroom house and they are not planning any new construction. They had planned on 10 person occupancy, but now realize that the septic system will only allow for 6 people. They will make that change to the advertising. They received a lodging license from the Health Department in January. They did not intend to ruffle feathers by renting the property. O'Connell said they look forward to being part of the lake association. They are not looking to start a restaurant or bait shop. They will have rules for the people who are renting and it will be for private recreation. They will be happy to share the rules they have for guests.

Chairman Willingham asked for anyone to speak in opposition to the request. Tesky and Johnson read letters that had been submitted and they are available in the file. Letters were read from Ed & Connie Smidebush, John & Renae Accardo, Amy Borgeson, Carol & Richard Anderson, Neil Bonkosi, Christine Boyer, Mitchell & Mary Jo Ehle, Deborah Smith, Sarah

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Steinbacher & Timothy Paul, Adam Steinbacher, Matt Federer, Laura Plummer, Arno, Jamie, Addison & Isabele Lamm, Jen & Jesse Roesler, Cynthia Blum-Johnson & Ted Johnson, Terry Vaassen, Judy Steinbacher, Judith Pierotti, Fred & Margaret Perri, Donna & James Willis, Marc & Evelyn Wruble, Cory Sander, Liz Grzechowiak, Arthur Schunk & Joyce Pugh, Ray & Candy Frech, Antar Saleem, and Steve Steinbacher. Letters were read until 3:30 P.M.

O'Connell stated the listing agent told him there were already rental properties on the lake. There was no mention that rental properties were prohibited. He tried to do research. A neighbor said the association voted to allow rentals-that is what he was told. He wanted to explain how he ended up where he is at.

Chairman Willingham asked for anyone present to speak in opposition. Candy Frech was present and stated she had just called John Flor and he was upset that it was stated that he said it was acceptable to rent.

Doug Wakeman stated he bought property at Two Bear because of the covenants. He noted that a comment from a January rental stated they could easily sleep over 10 if they brought air mattresses. There are two other properties currently renting their cabins and the lake association is trying to take care of this issue. The renters don't have a vested interest. They also had to listen to swear words from renters. This is being widely advertised, and the owners won't be able to control the number of people using the property.

Donna Willis wanted to clarify that there are 2 other cabins renting on the lake and they are pursuing action regarding this use. Also, when the vote to change to covenants failed, there were issues besides the renting of cabins that affected the vote and it was very close.

Timothy Boyer said he understands that the property owner has several rental properties and they this is part of his business.

Joyce Pew stated they live in Chippewa Falls and own lot 72. They are adjacent to the O'Connell property. She stated the covenants are there to keep the lake pristine. She said that 3 out of 5 homes on Loon's Bay Road are renting. There is an increase in vehicles and they have had to deal with a loud bachelorette party. She asks the committee to consider the environmental impact and the noise pollution.

Peter Kassulke stated he has owned his property for 20 years ago and 6 months ago they became permanent residents. They have also experienced problems with renters abiding by the covenants. He is asking the committee to help the association enforce the covenants by denying the permit.

Steve Steinbacher stated there are certain characteristics to the lake and this request is going against them. He had a letter to submit.

Peg Perri stated they own a cabin on lot 20. This is a wonderful place. Our kids and grandkids come to stay and enjoy the lake. They hope the owners of lot 71 will use it privately instead of

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commercially. The covenants are being violated. The owners have been contacted personally and told of the violation. There have been other violations of the covenants and people usually respond right away and comply. Legal action can be taken by the association.

Fred Perri commented that covenants are legal contracts. The purchaser agrees to the covenants when they sign to buy the land. There were many negative experiences last summer with renters.

Tim Hall stated that the covenants can be updated and he does not support this request.

There being no further testimony, Chairman Willingham closed the public hearing at 3:50 P.M.

ZONING MEETING

Chairman Willingham opened the discussion regarding the O'Connell application in the Town of Rusk. Reviewed staff recommendations. Chairman Willingham noted that this use being advertised is not a violation. Using it as a rental is the violation. The committee understands that not all people who rent are noisy and inconsiderate. Rusk County does not enforce covenants. The testimony sheds light on the character of the use on the adjacent properties. He feels this is a compatibility issue. Knops stated he lives in a development with covenants. It took years of legal battles to get an owner to comply with the covenants. There is a cost that is monetary and also regarding personal relationships. Motion by Knops/Schneider to deny the request for the short term rental due to the covenants on the property revealing that it is not compatible with the surrounding land uses. Motion carried.

Yvonne Johnson
Assistant Zoning Administrator

NOT COMMITTEE APPROVED

ZONING COMMITTEE
PUBLIC HEARING
DANIEL GIESKI
APRIL 10, 2018
TOURIST ROOMING HOUSE

Members Present: David Willingham, Phil Schneider, Bob Stout, Arian Knops.
Staff Present: CeCe Tesky and Yvonne Johnson.

Chairman Willingham called the public hearing to order at 3:50 P.M. The purpose of the public hearing was a conditional use request to allow a tourist rooming house on the following described real estate:

Lot 9 CSM 584 in Gov't lot 2, Section 23, T33N, R9W.
Address: N923 Sunrise Point Road

Property owner: Daniel Gieski
2205 Meadow Oak Ave #350
Monticello, MN 55362

Tesky read the notice of public hearing which was posted per the requirements of a Class (2) notice. The town clerk and owner were notified by Certified Mail and neighboring property owners within 500' were notified by First Class Mail. The DNR was notified by email, which is their preferred method. Tesky reviewed the permit application and site location. The building is 10' x 12'. It is advertised as a 2 bedroom pallet house. There are no permits for the structure or the privy on the property.

Chairman Willingham asked for anyone to speak in favor of the request. There was no one present.

Chairman Willingham asked for anyone to speak in opposition to the request. Tesky read a letter from Craig and Becky Mack in opposition. An individual stated that there are 4 resorts on Potato Lake. It is easy to make a reservation. This is a residential area and they value the neighborhood. The pallet shed is being advertised on Airbnb. The neighbors don't know who is renting and the owner doesn't know them either. People also put up tents on the property. The neighbors feel insecure. Please say no.

Roger DeBaker stated he lives next door and this has been renting out for a while. People are coming onto his property. The renters don't know where the property lines are. He has put up no trespassing signs and they keep being damaged. Gieski told him it would be a storage building. The structure doesn't meet the minimum size required for a dwelling. There are covenants on the property that require the building to be a minimum of 1000 sq. feet and build with new materials.

NOT COMMITTEE APPROVED

Larry Green stated he owners hasn't received any permits for his buildings and is not following the rules. Margo Green added that the renters park on adjacent properties.

Ann Zimmerman said there is a lake association. They are opposed to the traffic, strangers, noise and feeling insecure. This is a tight knit community and this use is causing concern.

DeBaker said the owner has dug into a slope, which may be infringing on his property. He is concerned about the privy location and the slope.

There being no further testimony, Chairman Willingham closed the public hearing at 4:10 P.M.

ZONING MEETING

Chairman Willingham opened the discussion regarding the Gieski application in the Town of Rusk. Reviewed staff recommendations. Reviewed the issues with the building not having permits and not meeting minimum size requirements. Motion by Stout/Knops to deny the request based on the maintenance of safe and healthful conditions. Motion carried

Yvonne Johnson
Assistant Zoning Administrator