

LAND INFORMATION / ZONING COMMITTEE MINUTES

May 8, 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, Bill McBain, Mark Schmitt, Phil Schneider, and Kathy Vacho. 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 April 10, 2018 meeting. Motion carried.

Motion by Schneider/Schmitt to approve the payment approval reports for April. Motion carried.

Register of Deeds Imaging: Ted East and Carol Johnson were present to review the RFP responses received from Heartland and Fidlar. East had thoroughly reviewed the proposals. Heartland's response did not meet the requirements of the RFP and costs needed were not disclosed. Fidlar did cover the RFP requirements. East suggested moving ahead with the Fidlar proposal and forward the request to the finance committee. East will work with Tesky in regard to grant funds that may be available for this project. Motion by Schmitt/Vacho to proceed with the Fidlar proposal and forward the request to the finance committee. Motion carried.

Reports:

Land Info: Fitzl reported he is working on the LUCA maps and the bike map for the Grinder event. The remonumentation map has been updated on the website.

Register of Deeds: Johnson reported she will be happy to see the imaging issue taken care of.

Treasurer: Nielsen reported the tax deeds will be taken on June 1. The list is down to 17 parcels. They have sold quite a few plat books this month.

Zoning: Tesky said permits have been slow, but have picked up this week. No new enforcement issues-working on short term rentals and salvage yards. Held a plumber meeting in April in conjunction with Barron County. The committee held a meeting for the townships last week.

LCDD report: Tesky said her department will not have any cost proposals for 2019. The budgets will stay the same except for staff or health insurance increases. The department heads will be presenting to the County Board in June. The budget will be presented at the July meeting.

Chairman Willingham recessed the zoning meeting at 2:00 P.M. to open a public hearing in the Town of Thornapple for Jacob Johnson. The request was to allow a mini-storage facility. Chairman Willingham closed the public hearing at 2:05 P.M. to reopen the zoning meeting.

Reviewed the staff recommendations. #8 regarding the timeline was discussed. Johnson explained that he plans to build one unit per year, which will be based on the usage. He may not build all the units if they are not renting. Motion by McBain/Schneider to approve the request with the staff recommendations as the conditions. Motion carried.

Point factor evaluation: Tesky explained that the GIS Specialist position has not been updated since the office merger. The process is to review the point factors and then review the wage. Tesky explained that there are two areas where the points have been increased. Those areas are public relations and government relations. Fitzl has been very helpful with the public and trying to resolve issues. Governmental relations have increased because he is the current Land Information Officer. Motion by Schneider/Schmitt to proceed with the point factor increase and submit to the Personnel Committee for review. Motion carried.

Chairman Willingham recessed the zoning meeting at 2:18 P.M. to open a public hearing in the Town of Flambeau for River Rock Rentals. The request was to allow a tourist rooming house. Chairman Willingham closed the public hearing at 2:22 P.M. Reviewed staff recommendations. Motion by Schmitt/Vacho to approve the request with the staff recommendations as the conditions. Motion carried.

Chairman Willingham recessed the zoning meeting at 2:30 P.M. to open a public hearing in the Town of Grant for Gerald Kent. The request was to allow a mini-storage facility. Chairman Willingham closed the public hearing at 2:35 P.M. to reopen the zoning meeting. Reviewed the staff recommendations. Motion by Schneider/McBain to approve the request with the staff recommendations as the conditions. Motion carried.

Chairman Willingham recessed the zoning meeting at 2:45 P.M. to open a public hearing in the Town of Grant for Mary Machler. The request was to allow a tourist rooming house. Chairman Willingham closed the public hearing at 2:52 P.M. to reopen the zoning meeting. Reviewed the staff recommendations. Motion by McBain/Schneider to approve the request with the staff recommendations as the conditions. Motion carried.

Chairman Willingham recessed the zoning meeting at 3:00 P.M. to open a public hearing in the Town of Rusk for Edward and Nancy Doyle. The request was to allow a tourist rooming house. Chairman Willingham closed the public hearing at 4:42 P.M. to reopen the zoning meeting. Reviewed the staff recommendations. Willingham explained that the committee has to balance the needs of all the property owners. Just because there is much opposition does not give the authority to deny. Ordinance standards must be met. He read the findings of fact and the standards for considering a conditional use permit. McBain questioned if the committee could approve it given the covenants. Willingham explained that the committee cannot enforce covenants, but can consider them as evidence of the character of the area. A tourist rooming house is considered a commercial use which is why it requires a conditional use permit. Willingham stated that long term voluntary compliance with the covenants shows the character of the area.

McBain asked how they would provide a local person if the owners are out of state. Tesky explained that they could appoint someone locally. McBain stated the major issue is the compatibility with uses on adjacent lands.

Schneider said he has not been to this lake. This area was developed with protection of the environment in mind. He doesn't feel this is compatible with uses on adjacent lands.

Vacho said she felt this is a commercial use. The amount of rental use rises to a commercial use of the property. It won't be possible to protect the lake.

Willingham stated he travels and would hate to have everyone think he is vulgar and beer drinking just because he is traveling. He also felt the presence of management is a big factor.

McBain said he is opposed if the other rental properties have not been permitted.

Schmitt said he lives on a lake that there is also concern for water quality. Two Bear is a smaller more ecologically sensitive lake.

Tesky said by definition, these buildings are rented to transients-less than a month at a time.

Motion by McBain/Schneider to deny the request based on it not being compatible with adjacent land uses and the established character of the area. Motion carried.

The next regular meeting will be June 14, 2018 at 1:30 P.M.

Chairman Willingham adjourned the meeting at 5:06 P.M.

Yvonne Johnson
Assistant Zoning Administrator

NOT COMMITTEE APPROVED

ZONING COMMITTEE
PUBLIC HEARING
JACOB JOHNSON
MAY 8, 2018
MINI-STORAGE FACILITY

Members Present: David Willingham, Mark Schmitt, Phil Schneider, Bill McBain, and Kathy Vacho.

Staff Present: CeCe Tesky and Yvonne Johnson.

Schneider 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 mini-storage facility on the following described real estate:

A parcel in Gov't lot 1, Section 4, T34N, R7W.

Property address: W11197 Hwy 8

Property owner: Jacob Johnson
PO Box 224
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.

Chairman Willingham asked for anyone to speak in favor of the request. Robert Swenson said he lives immediately to the east of this property and does not have any issues with it.

Chairman Willingham asked for anyone to speak in opposition to the request. No one present.

Chairman Willingham asked 3 times for anyone else present in favor or against the request to speak. There being no one present, Willingham closed the public hearing at 2:05 P.M.

ZONING MEETING

Reviewed the staff recommendations. #8 regarding the timeline was discussed. Johnson explained that he plans to build one unit per year, which will be based on the usage. He may not build all the units if they are not renting. Motion by McBain/Schneider to approve the request with the staff recommendations as the conditions. Motion carried.

Yvonne Johnson
Assistant Zoning Administrator

NOT COMMITTEE APPROVED

ZONING COMMITTEE
PUBLIC HEARING
RIVER ROCK RENTALS
MAY 8, 2018
TOURIST ROOMING HOUSE

Members Present: David Willingham, Phil Schneider, Mark Schmitt, Bill McBain and Kathy Vacho.

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:

A one acre parcel in the NW ¼ -NE ¼, Section 34, T35N, R6W.

Property address: W8256 Summit Ave

Property owner: River Rock Rentals
W3095 Walrath Road
Glen Flora, WI 54526

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. Reviewed the permit application.

Chairman Willingham asked for anyone to speak in favor of the request. Jacob Nawrocki was present and said he is the owner of River Rock Rentals and they purchased the cabin for the purpose of renting it out. They cleaned up the property.

Chairman Willingham asked for anyone to speak in opposition to the request. No one present. Chairman Willingham asked 3 times for anyone else in favor or against to speak. There being no further testimony, Chairman Willingham closed the public hearing at 2:22 P.M.

ZONING MEETING

Reviewed staff recommendations. Motion by Schmitt/Vacho to approve the request with the staff recommendations as the conditions. Motion carried.

Yvonne Johnson
Assistant Zoning Administrator

NOT COMMITTEE APPROVED

ZONING COMMITTEE
PUBLIC HEARING
GERALD KENT
MAY 8, 2018
MINI-STORAGE FACILITY

Members Present: David Willingham, Mark Schmitt, Phil Schneider, Bill McBain, and Kathy Vacho.

Staff Present: CeCe Tesky and Yvonne Johnson.

Schneider called the public hearing to order at 2:30 P.M. The purpose of the public hearing was a conditional use request to allow a mini-storage facility on the following described real estate:

A parcel in the NE ¼ - SE ¼, Section 16, T34N, R6W. Lot 5 of CSM #699.

Property address: N3788 Grant Road

Property owner: Gerald Kent
30242 267th St.
Holcombe, WI 54745

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.

Chairman Willingham asked for anyone to speak in favor of the request. Gerald Kent was present and stated he is trying to use the buildings and start a mini-storage. The sizes will be good to store pontoons or cars. The buildings are currently unoccupied.

Chairman Willingham asked for anyone to speak in opposition to the request. No one present.

Chairman Willingham asked 3 times for anyone else present in favor or against the request to speak. There being no one present, Willingham closed the public hearing at 2:35 P.M.

ZONING MEETING

Reviewed the staff recommendations. Motion by Schneider/McBain to approve the request with the staff recommendations as the conditions. Motion carried.

Yvonne Johnson
Assistant Zoning Administrator

NOT COMMITTEE APPROVED

ZONING COMMITTEE
PUBLIC HEARING
MARY MACHLER
MAY 8, 2018
TOURIST ROOMING HOUSE

Members Present: David Willingham, Phil Schneider, Mark Schmitt, Bill McBain and Kathy Vacho.

Staff Present: CeCe Tesky and Yvonne Johnson.

Chairman Willingham called the public hearing to order at 2:45 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 Gov't lot 1, Section 9, T34N, R6W. Lot 5 of CSM #483.

Property address: N4506 Port Arthur Road

Property owner: Mary Machler
5503 Cty Hwy K
Chippewa Falls, WI 54729

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. Reviewed the permit application.

Chairman Willingham asked for anyone to speak in favor of the request. Mary Machler was present and said they built the home and are trying to recover some of their costs by renting it out periodically. She has had the health inspection done and is in the process of bringing the property into compliance with their rules.

Chairman Willingham asked for anyone to speak in opposition to the request. Pat Olson said he is a neighboring property owner and questioned if a new building would be going up. He is not opposed, just attended the meeting for information.

Mary said they have rules set up for noise control and have started a booklet of rules. They don't want to bother the neighbors and will expect their renters to follow the rules.

Dan Bale said he lives three houses from this and would like to know the conditions. Pat Olson asked if the neighbors could get the Machler's phone number.

Chairman Willingham asked 3 times for anyone else in favor or against to speak. There being no further testimony, Chairman Willingham closed the public hearing at 2:52 P.M.

NOT COMMITTEE APPROVED

ZONING MEETING

Reviewed the staff recommendations. Motion by McBain/Schneider to approve the request with the staff recommendations as the conditions. Motion carried.

Yvonne Johnson
Assistant Zoning Administrator

NOT COMMITTEE APPROVED

ZONING COMMITTEE
PUBLIC HEARING
ED AND NANCY DOYLE
MAY 8, 2018
TOURIST ROOMING HOUSE

Members Present: David Willingham, Phil Schneider, Mark Schmitt, Kathy Vacho, Bill McBain.
Staff Present: CeCe Tesky and Yvonne Johnson.

Chairman Willingham called the public hearing to order at 3:00 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:

Lot 70 of CSM 365 in the NE ¼ - NW ¼, Section 4, T33N, R9W.

Property address: N2420 Loons Bay Road

Property owner: Edward Doyle and Nancy Doyle
1119 Harvard Road
Grosse Pointe Park, MI 48230

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. Tesky reviewed the application and handed out information provided by the applicant.

Chairman Willingham asked for anyone to speak in favor of the request. Marty Schutrop said he supports being allowed to rent cabins to pay for the upkeep and taxes. He is a former president of the lake association and it has been dealing with this issue and the covenants for many years. He stated that an attorney he spoke with said it was never intended to prohibit short term rental. The roads are private, but people use the roads all the time. He feels as long as the health and safety issues are being addressed, they can rent. He said a family member of his was accosted at the beach and people have questioned his family members if they are renting. He said he uses his property as a rental about 20 days a year.

Chairman Willingham asked for anyone to speak in opposition to the request. Timothy Boyer spoke to the occasional use of rental property and felt that using it as a rental for 8-10 years makes it a business.

Chairman Willingham asked for anyone to speak in favor. Nancy Doyle was present. She is the applicant. She acknowledged the wonderful people who own on Two Bear Lake. She stated she needs to rent it out to be able to afford it. They advertise on Airbnb. She feels they can be more

NOT COMMITTEE APPROVED

particular with who they rent to. They had received a complaint about issues with noisy renters and they called and asked them to leave the property. Regarding changing the covenants, it requires a 75% approval to do so.

Douglas Wakeman stated the covenants were a reason he chose this location to buy. He travels 3 hours to get here. He should not have to consider the party atmosphere when deciding when to use his property. He doesn't want to listen to drunk people. There is no one at the property to supervise. The renters park on the road. One problem is too many. There is no one there at 3:00 A.M. when the issues arise. He spoke with someone who had stayed at the property. This person did not know who rented the house and was not aware of the covenants. The neighbors look after each other and care about the community.

Schutrop stated when he was president; he heard complaints about people who owned their lots not following the rules. This is about what people can legally do on their property. The other owners are trying to restrict property owner's rights.

Fred Perri spoke about the meeting of the homeowners concerning the covenants. He stated it takes a 2/3 vote to amend the covenants. The property owners did not vote to approve rentals. There was an issue with some people not voting due to not understanding the language. The rentals taking place are not occasional. This property shows it is booked July through August. The covenants are something that all buyers are made aware of and they agree to. The covenants reference "private recreational use of the owners". No part of any lot is to be used as commercial or allow public access. Mr. Doyle sent a letter out when the amendment to the covenants was up for a vote. It stated "I do not support indiscriminate renting". Perri agrees the proposed amendment was poorly worded and gave too much power to the board. Perry referred to the sign at the entrance of the property.

Schutrop stated he was one of the first people to buy at Two Bear Lake. He was told by the realtor that he could rent at his closing. He feels the covenants are a separate issue. He needed extra money to pay the taxes. By renting the property they can afford to keep it up.

Joyce Pugh stated she owns lot 72 and purchased it in 1994. They built their home in 1996. They were impressed with the tranquility, beauty, and wildlife. They have paid taxes for 20+years. There are 5 properties on Loons Bay Road. Three have been listed as rental properties recently. Lot 70 had renters all summer long. There would be 5-6 vehicles and loud parties. Please take into consideration the demands on the septic system, fishery, and how the noise affect wildlife and residents.

Nancy Doyle said the rental dates being blocked are for some of their own use, but many others are for renters. The renting helps to maintain the property value. She will give her phone number to the neighbors because she is in Minnesota and is the closest owner. They will try to vet the people renting and focus on family rentals.

Ray Feck said he owns lot 7 on the far end of the lake. Mitch Ehle was president for 6 years, and he was the vice-president. He wanted to clarify that when the amendment to the covenants was

NOT COMMITTEE APPROVED

up for vote, they were not able to contact all property owners. There was uncertainty for some owners as to whether friends and family could use the property. At this time, only one property was being rented. Since that time-two more properties are being rented. He feels especially bad for the immediate neighbors. Renters are keeping fish and the police have been called regarding noise. People have come onto his property and removed items. He referred to a Six Lakes brochure which advertises the lake as a conservation property. The residents want it to continue to be a special conservation place. Money corrupts and this is a bad scene for their lake.

Antar Saleem stated he lives next door and they are great neighbors. Renting the property is a high risk practice. The covenants delineate commercial use-these rentals are not occasional. This is not an incidental use. The rental use is getting worse. Saleem said he is not going to call the police because the people renting could be high risk people. The residents want to serve and protect each other. He is not willing to police the lake.

Steve Steinbacher owns lot 73. He is sandwiched between the rental properties. He also submitted a letter. He wished to emphasize that there is a statute the zoning committee has to follow. They should be looking at the established character and quality of the lake area. This property is a legacy that the owners bought into. They want to maintain the character of the lake that was established by the Boy Scouts. They were one of the original owners.

Judy Steinbacher listed many things that have happened to them since the properties have been rented. This past weekend there was another upsetting incident. The daughter took her dog out for a walk. There were many vehicles on the road by the Doyle property. There was a group of young men staying next door. Empty beer cans were thrown along the road and profane language was being used. The incident repeated again the following night. There were only two houses occupied that weekend. If she had been there alone, she would not have felt safe. This is the first time she has felt this way at the property.

Schutrop owns a cabin next to Steinbacher. He has asked their son to turn the music down when the parents were not there.

Judy Steinbacher replied that she would not have a problem telling Schutrop's son to quiet down, does not feel the same way about a group of strangers.

Douglas Wakeman stated his neighbor's house is for sale. It is a 4 bedroom-which would allow for 10 people to stay. This would be hotel type renting. It will be looked at as an income property. He bought his property because of the covenants, tranquility and loons. He plans to retire there, hopes this type of use won't change his mind. This is a residential area-not commercial. They didn't buy a lot on Chetek. He felt the covenants meant something. He can't imagine being one of those between the rentals. Take responsibility for your property. This will become like every other place he drove by when he purchased this lot.

Schutrop said if you are issued a license, the license can be revoked. Renting is still going to happen-it won't stop.

NOT COMMITTEE APPROVED

Timothy Boyer said it is a charade to say that this is occasional use by friends and relatives. This has been going on for 8-10 years. This is commercial use.

Letters were read by staff from Borgeson, Accardo, Steinbacher, Boyer, Grzechowiak, Anderson, Lamm, Smith, Fuderer, Paul, Vaassen, Smidebush, Sander, Sell, Pugh, Perri, The letters were all in opposition and are available in the file.

Schutrop said he uses his property 10 times a year. There are other people who are full-time residents. The wear and tear on the roads should not be a factor. He said there are commercial businesses located on the lake and dump trucks coming in and out.

Fred Perri stated this is his second year as president and the commercial use regarding dump trucks has not been brought to his attention.

Nancy Doyle stated she was sorry for the loud noise last weekend and that there are terrible abuses, but this doesn't happen often. She was unaware of the problems with the party last weekend. That is an abuse of the property.

Schutrop said he is currently turning down rental until he gets approved. He would not accept a group of single men as renters; he wants to rent to families.

Ray Freck said there are 15-20 individuals who have taken time to register their opposition. The fact is there have been multiple violations. This has gone from one to two and now three properties. The issue has come to a head. They are depending on the committee to settle the issue.

Fred Perri said this is a neighborhood. Number one-this property is a preserve that has existed for 60 years.

Peg Perri added they are at the property 2-3 times a month. They are not there full-time. When people have gatherings at motels, there is management onsite to control-that is not the situation here.

There being no further comment, Chairman Willingham closed the public hearing at 4:42 P.M. to open the zoning meeting.

ZONING MEETING

Reviewed the staff recommendations. Willingham explained that the committee has to balance the needs of all the property owners. Just because there is much opposition does not give the authority to deny. Ordinance standards must be met. He read the findings of fact and the standards for considering a conditional use permit. McBain questioned if the committee could approve it given the covenants. Willingham explained that the committee cannot enforce

NOT COMMITTEE APPROVED

covenants, but can consider them as evidence of the character of the area. A tourist rooming house is considered a commercial use which is why it requires a conditional use permit. Willingham stated that long term voluntary compliance with the covenants shows the character of the area.

McBain asked how they would provide a local person if the owners are out of state. Tesky explained that they could appoint someone locally. McBain stated the major issue is the compatibility with uses on adjacent lands.

Schneider said he has not been to this lake. This area was developed with protection of the environment in mind. He doesn't feel this is compatible with uses on adjacent lands.

Vacho said she felt this is a commercial use. The amount of rental use rises to a commercial use of the property. It won't be possible to protect the lake.

Willingham stated he travels and would hate to have everyone think he is vulgar and beer drinking just because he is traveling. He also felt the presence of management is a big factor.

McBain said he is opposed if the other rental properties have not been permitted.

Schmitt said he lives on a lake that there is also concern for water quality. Two Bear is a smaller more ecologically sensitive lake.

Tesky said by definition, these buildings are rented to transients-less than a month at a time.

Motion by McBain/Schneider to deny the request based on it not being compatible with adjacent land uses and the established character of the area. Motion carried.

Yvonne Johnson
Assistant Zoning Administrator