

ZONING & PLANNING COMMITTEE

Minutes of Public Hearing for Shoreland Ordinance Amendments

October 13, 2009

Page 1 of 1

Chris Mayer read the notice and called the Public Hearing to order at 9:31 a.m. on October 13, 2009, at the Vilas County Courthouse, 330 Court Street, Eagle River, Wisconsin, Conference Rooms #1, #2 & #3.

Members Present: Chris Mayer, Jack Harrison, Bob Egan, Fred Radtke, Maynard Bedish.

Others Present: Dawn Schmidt, Zoning Administrator; Tammy Baughman, Secretary; Chuck Thier; Alan Drum; Sue Drum; Sandy Gillum; Eric Johnson.

Corporation Counsel gave Dawn an amended version this morning to hand out at the hearing, copies were given to all present. Dawn reviewed the changes and why they were requested. In Definitions Article III; add a new definition of building envelope to mirror NR115, and add a definition of mitigation. We need to clarify Article IV Waterfront Access Easements because our "note" language is ambiguous and could be challenged in court, and also clarify Article VI Repair and Maintenance for Structures Closer than 75' from the ordinary high water mark.

Chris asked for any public comments. Charles Thier, from St. Germain and President of the Vilas County Lakes Association, was sworn in. The change in language under Waterfront Access Easements would allow an unlimited amount of people to access the lake in direct opposition to the Counties policy regarding keyholing. The Lakes Association asks the committee to leave the ordinance the way it is regarding Waterfront Access Easements.

Alan Drum, from Presque Isle and Treasurer of the Vilas County Lakes Association, was sworn in. He agrees with Chuck Thier. In Waterfront Access Lots 4.4 (A) (1) (c) "no more than 3 units contiguous or non contiguous" – what does 3 units mean? Dawn states it is not what is being discussed today. Alan states that Waterfront Access Lots contradicts Waterfront Access Easements. Corporation Counsel has told Dawn that Access Lots imply ownership; Access Easements have no ownership. He is in favor of having the page that Dawn received from Corporation Counsel that is removing 4.4 C. 2.; and also states to minus the note in italics. Chris states that the note in italics is a state statute. Alan Drum and Chuck Thier would like the committee to continue to be more restrictive than state statutes and not allow walking easements. Alan amends his recommendation and also wants the reference to 30.133 removed so walking easements would not be allowed; and Dawn said to take the line out of 30.131.

Sandy Gillum was sworn in. She asks if we began the sentence 4.4 C. 1. with the word "no"; removing "Except as specifically authorized by Wis. Stat. '30.131'"; would it still be in conflict with Waterfront Access Lots. Charles Thier states there is no number limit so 50 or 60 people could be down at the beach at one time, in the water in the middle of a residential area. Dawn commented the other side of the story is people thinking it would be a wonderful idea; for example a residential owner who just wants to let his children or his friend access the lake. Chris stated we are not attorneys.

Charles Thier asked Dawn if 6.5 (A) Voluntarily Demolished is contrary to what NR115 proposes. NR115 allows wreck and rebuild, our ordinance is more restrictive. Dawn states we are clarifying that 50% of the structure includes exterior walls, roof, beams, columns, bearing walls.

The Committee members discussed liability; lakes as public property; and public boat landings. Chris brings the hearing back to the table.

Motion by Fred Radtke second by Bob Egan, to pass the ordinance amendments and change 4.4 C. 1 to eliminate 30.133 and reinstate 30.131, and take out the note. On the amendment to the motion, all say aye, motion carried. On the actual ordinance amendment as passed with the amendment, all say aye, motion carried.

Motion by Bob Egan second by Fred Radtke to adjourn. All say aye, motion carried. Meeting adjourned at 10:37 a.m.