

ZONING & PLANNING COMMITTEE

May 9, 2014

Minutes of May Special Meeting

Cloverland Town Hall

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Agenda Item #1: Call to Order. The Vice-Chairman calls the Zoning & Planning Committee Meeting to Order at 10:15 AM at the Cloverland Town Hall, 5860 Perch Lake Rd, Eagle River, WI.

Members Present: Chuck Hayes, Vice-Chairman; Steve Doyen; Carolyn Ritter; Vernon Wiggerhauser.

Others Present: Dawn Schmidt, Zoning Administrator; David Sadenwasser, Deputy Zoning Administrator; Robert Brownell, Applicant; Jan Brownell; Darryl Blink; Alice Drallmeier; Richard Drallmeier; Barbara Elleson; James Elleson; Scott Ewing; Dennis Franciskovich; Martin Grant; Nancy Grant; Glen Johnson; Roger Klein.

Agenda Item #2: Approve Agenda. Motion by Steve Doyen, seconded by Carolyn Ritter, to approve the agenda in any order to be discussed by the Chair. All say aye, motion carried.

Agenda Item #3: Approve 5/6/2014 Regular Monthly Meeting Minutes. Mr. Doyen notes that in the heading beneath the Committee name the month needs to be changed from April to May. **Motion by Carolyn Ritter, seconded by Vernon Wiggerhauser, to approve the minutes with the change noted. All say aye, motion carried.**

Agenda Item #4: Public Comment on Agenda Items. Mr. Hayes states that we will address public comment during or after Item #5.

Agenda Item #5: Discussion and Action on Pickerel Lake Rezone Petition (#3-14).

Mr. Wiggerhauser asks what kind of development can be done on the Martin Grant property, known by Vilas County Computer Parcel #6-81. Ms. Schmidt discusses what types of development may take place.

Discussion regarding the meaning of the term “rentals” as being for transient lodging only.

Discussion regarding the differences between the 2010 Comprehensive Plan and current zoning.

Mr. Hayes asks about any precedent set by the rezoning of other area lakes. Mr. Doyen and ZA Dawn Schmidt state that they can only consider the rezone petition at hand.

Ms. Ritter notes that most of the properties included in the rezone are used for single family residences and states that she is concerned about multi-unit developments and commercial uses around Pickerel Lake but understands the concerns of those who want to have multiple uses of their property available. She also states that she is hesitant to remove the ability for the use of a property to change with the changing circumstances of the owners.

Mr. Doyen states that he does not feel properties should be rezoned if the owners did not want to be part of the petition. He states that people purchased their property under the assumption that it was zoned a certain way.

ZA Dawn Schmidt discusses the history of zoning in Vilas County, and informs the Committee that they may only exclude properties from the petition, and that they may not include properties or zoning districts that were not part of the original petition.

Motion by Steve Doyen to approve the petition as presented but to exempt the properties of those who are in attendance and have asked to be exempted.

Mr. Doyen rescinds his motion.

Discussion regarding the property owners included in the rezone petition who did not respond to the petitioners requests.

Discussion regarding how different zoning committees have chosen to enact rezones in the past.

Motion by Steve Doyen, seconded by Carolyn Ritter, approve the rezone with the possibility of excluding some properties.

ZA Dawn Schmidt presents her recommendations for the rezone. She recommends the following: rezone all properties on Pickerel Point to Single Family Residential (R-1); exempt Computer Parcels #6-90-03 and 6-90-04 from the proposed rezone; rezone all properties from Computer Parcel #6-101 east to #6-162-07 to Single Family Residential (R-1) excepting Computer Parcel #6-91, 6-164, 6-165 and 6-169; rezone Computer Parcels #6-114-02 north to Computer Parcel #6-124 to Single Family Residential (R-1), and rezone Computer Parcels #6-118 north thru #6-127 to Single Family Residential. She indicates that there are two sections – on the southwest and northeast shores of Pickerel Lake, where she has no

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recommendation for the Committee. She notes that her recommendation would create blocks of similar zoning districts and prevent spot zoning.

Discussion regarding the properties located in the southwest portion of the proposed rezone, especially Computer Parcels #6-104 and 6-106.

Discussion regarding home based businesses and the definition of home occupation.

Steve Doyen rescinds his motion.

Motion by Steve Doyen, seconded by Carolyn Ritter, to amend the zoning map for properties surrounding Pickerel Lake to Single Family Residential (R-1) excepting the following parcels: 6-90-03, 6-90-04, 6-130, 6-132, 6-131, the non-riparian section of 6-102, 6-91, 6-169, 6-164, 6-165, 6-111, 6-115, 6-81, and the portions of 6-147-001 west of Loafers Hollow.

Ms. Ritter states that she is in favor of the motion.

Mr. Wiggenhauser states that he is opposed to making changes to the petition. He states that he is concerned that people who responded that they would like to be rezoned might not have been aware that they had the opportunity to be exempted. He states that he feels they have not had an opportunity to change their mind.

Mr. Wiggenhauser expresses concerns that people may only have agreed to have their properties rezoned because they were under the impression that all riparian landowners were in favor of the proposed rezone. Mr. Doyen responds that there have been many opportunities for property owners to express their opinions or change their minds.

Mr. Doyen amends his motion as follows: To approve the rezone as presented, excepting computer parcels number 6-81, 6-90-03, 6-90-04, 6-91, the non-riparian section of 6-102, 6-111, 6-115, 6-130, 6-131, 6-132, the portions of 6-147-001 lying north of the north property line of parcel #6-147, 6-164, 6-165, and 6-169. The amended motion is seconded by Carolyn Ritter.

Mr. Wiggenhauser states that he does not agree with the motion and that all properties should be rezoned or the entire rezone should be denied.

Discussion regarding notifying property owners of the proposed changes to the petition prior to making a decision. It is decided that is not feasible.

Mr. Wiggenhauser asks Mr. Brownell his thoughts on the motion. Mr. Brownell asks how many opportunities the riparian landowners are going to be given to voice their opinions on the matter and notes that they have already been asked for their responses a number of times. He states that the applicants are asking that the rezone be approved as presented, but notes that they were aware that properties could be excluded.

Discussion between the Committee and members of the public in attendance, including Mr. Klein who feels the rezone should be approved as presented or totally denied, and Mr. Ewing who is in favor of the motion on the floor.

Roll Call Vote:

Chuck Hayes - Opposed

Steve Doyen – In favor

Carolyn Ritter – In favor

Vern Wiggenhauser – Opposed

Motion fails (2-2).

Motion by Chuck Hayes to approve the rezone as presented. Motion dies for lack of a second.

Motion by Steve Doyen, seconded by Vernon Wiggenhauser, to table discussion and action on the proposed rezone until the next regularly scheduled meeting.

Roll Call Vote:

Chuck Hayes – In favor

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Steve Doyen – In favor

Carolyn Ritter – In favor

Vernon Wiggerhauser – In favor

Motion carried (4-0). The next regularly scheduled meeting will be on June 5, 2014.

Agenda Item #6: Adjournment. The Vice-Chairman adjourns the meeting at 11:56 AM.

Minutes reflect the recorder's notations and are subject to approval by the appropriate board or committee.