

**ONEIDA COUNTY PLANNING & ZONING**  
**August 2, 2011**  
**1:00 PM – Regular Meeting**  
**2:00 PM – Public Hearing**  
**Committee Room #2- Oneida County Courthouse**  
**Rhinelander WI 54501**

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Members present: Scott Holewinski  
Billy Fried  
Mike Timmons  
Dave Hintz

Department staff present: Karl Jennrich, Zoning Director  
Peter S. Wegner, Assistant Zoning Director  
Nadine Wilson, Land Use Specialist  
Lila Dumar, Secretary III

Other County Staff: Brian Desmond, Corporation Counsel

Guests: Bob Williams, OCLRS  
Bob Martini, OCLRS  
Norris Ross, OCLRS  
Tom Handrick  
Beth Jacobson  
Jean Roach  
Bob Metropulos, District #15  
Jimmy Rein  
Joe Petreikis  
Ralph Mueller  
Rita Mueller  
Dennis Herman

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Call to order.

Dave Hintz called the meeting to order at 1:00 p.m. in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted. All members are present, with the exception of Scott Holewinski and Gary Baier. Chairman Holewinski joined the meeting in progress at 1:28 pm. Mr. Baier is excused.

Approve the agenda.

**Motion by Billy Fried, second by Mike Timmons, to approve the agenda. With all members present voting “aye”, the motion carried.**

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Public Comment.

There was no public comment.

Access and utility review (preliminary 3 lot Certified Survey Map) of Carl and Bonnie Fish, owner and Kip Soder of Soder Surveying, surveyor being part of Gov't Lot 4, and SE SE, Section 1, T37N, R10E, PIN ST 11-1, Town of Stella.

Nadine Wilson, Land Use Specialist, reviewed the access and utility issues associated with the 3-lot Certified Survey Map of Carl and Bonnie Fish with the Committee. This involves access from a private road. Currently, the road does not meet the minimum requirements, but has been servicing multiple residences for years & years. The property owners have a deeded access to the road. The Town of Stella has approved the certified survey map with no concerns.

Ms. Wilson recommended approval subject to a statement on the certified survey map that the Town and County are not responsible for road maintenance and/or snowplowing of this road.

**Motion by Billy Fried, second by Mike Timmons, to approve the access and utility concerns associated with the 3-lot Certified Survey Map of Carl and Bonnie Fish subject to staff recommendations. With all members voting "aye" the motion carried.**

Discuss concerns regarding the request to place a second riparian access/stairs on property in the Town of Lake Tomahawk owned by Brad Wipperfurth, PIN LT 34-1.

This agenda item was placed on the agenda by Billy Fried for discussion. Mr. Fried is concerned with the county issuing permits to build homes, but prohibiting the owners from using and/or enjoying the property. No decks, no stairs, no retaining walls, etc.

Tom Handrick, a landscaper from the Minocqua area is present. Mr. Handrick addressed the Committee involving placement of access/stairs on property owned by Brad Wipperfurth. Currently, there is no access to the water except through the house. To bring gasoline to a boat on the pier, you need to walk through the house, through the boathouse to the pier. Mr. Wipperfurth would like to construct a stairway from the driveway side around the side of the house to the front door, down two steps to the boathouse. There will be three steps going west, down to a 4 X 4 landing with a four foot walkway to the boathouse. Mr. Handrick was advised by the Department that his project would violate Section 9.94 of the zoning ordinance. Mr. Handrick believes that it should be allowed. Peter S. Wegner, Assistant Zoning Director, stated that there is an existing stairway/walkway to access riparian frontage on this property and this would be a second stairway/walkway Mr. Wegner agreed that this property is unique due to the slope, but the project violates Section 9.94. Karl Jennrich, Zoning Director, noted that the previous property owner had the option to have a smaller boat house with a

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walkway to the water, but had elected to have a larger boathouse instead. Mr. Handrick agreed, but stated again that there was no way to get to the water without going through the house.

Dave Hintz stated that the process to be followed would be for the property owner to apply for a permit and if it is denied, to appeal the denial to the Board of Adjustment. Karl Jennrich, Zoning Director, agreed that this should go to the Board of Adjustment rather than to the Committee.

There was discussion regarding joining the two walkways together, to be one walkway. Mr. Wegner noted that that has been proposed in the past and denied. Mr. Fried commented that it is a unique site, if the County lets them build the house, let them be functional also. Mr. Fried noted that there are runoff issues on both sides of the home. Mr. Handrick stated that there will be an earthen wall and the water will run toward the highway and into a rock drain. Mr. Wegner was opposed to joining the walkways to be one; the original permit was issued with the condition of "no walkways permitted". Mr. Wegner noted that it is not essential for riparian access. Mr. Jennrich stated that this is black and white and should go to the Board of Adjustment; Mr. Jennrich added that the Committee has made interpretations in the past.

**Motion by Billy Fried, second by Mike Timmons to issue a permit for the stairway/walkway as presented, due to the steep slope and uniqueness of the property. The motion carried unanimously.**

Finalize conditions of approval on Conditional Use Permit #766-10, Scott's Northwoods Diesel for property described as Lots 6, 7 and 8, Ranchwood business Park, being part of NE NE, Section 8, T39N, R6E, PIN MI 2123-7, Town of Minocqua.

Karl Jennrich, Zoning Director, provided the amended conditions of approval to the Committee. Attorney Tim Melms is present representing the Negri's. Changes were made to Conditions #2, #6, #7, & #9.

**Motion by Billy Fried, second by Dave Hintz to approve the amended conditions of approval for Scott's Northwoods Diesel CUP with changes to condition #2, #6, #7 and #9 as discussed today. With all members voting "aye" the motion carried. The finalized conditions of approval are part of the record of this meeting and are attached.**

**2:00 pm - CONDUCT PUBLIC HEARING.**

**Ordinance Amendment #3-2011**, Section 9.93, Lot Sizes in Shoreland Areas, authored by the Planning and Zoning Committee to amend Section 9.93, Lot Sizes in Shoreland Areas of the Oneida County Zoning and Shoreland Protection Ordinance. The ordinance amendment would eliminate the waterway classification system.

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Karl Jennrich, Zoning Director, read the notice of public hearing for rezone petition #Ordinance Amendment #3-2011 to amend Section 9.93 Lot Sizes in Shoreland Areas of the Oneida County Zoning and Shoreland Protection Ordinance.

The notice was published in the Northwoods River News on July 23 & 26, 2011; the Lakeland Times, Tomahawk Leader and Vilas News the week of July 25, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on July 21, 2011. The mailing list was also read into the record.

Correspondence in file: None.

Karl Jennrich, Zoning Director, stated that the proposed ordinance amendment would eliminate the waterway classifications. All new lots on lakes regardless of size would require 100 feet of riparian frontage width. The exceptions where the lot sizes will not be changed are in Appendix B, Table B, Lake Katherine, in the Township of Hazelhurst and all lakes in the Town of Stella; Table C, Blue Lake, Bobcat Lake and un-named lake (29-6) in the Township of Minocqua; and Table D, Two Sisters Lake, Town of Newbold.

Mr. Jennrich stated that Keyhole Development would still be prohibited. The definition of keyhole was amended as follows:

**Keyhole Development:** The creation of a lot, outlot or parcel of land, by any type of recorded instrument, that provides access to a navigable water body for **more than** one non-riparian lot, outlot or parcel of land and where the ownership of the riparian and non-riparian lots are not the same. Keyhole development shall also include dredging of a channel for the purpose of navigational access to a water body from one or more lots, outlots or parcels of land. Keyhole development shall not include public boat ramps or marinas permitted under this ordinance.

Scott Holewinski, Chairman, noted that this was brought forward by Supervisor Gary Baier to see what the public wants for lot sizes on waterways.

Mr. Holewinski asked if anyone wished to speak for or against the proposal at hand.

The following individuals spoke in opposition to the proposed ordinance amendment.

Bob Martini, President, OCLRS.  
Ralph Mueller, Town of Three Lakes resident.  
Beth Jacobson, Town of Three Lakes resident.  
Jean Roach, Town of Enterprise resident.  
Connie Anderson, Crescent Lake Association  
Norris Ross, OCLRS.  
Bob Metropulos, District 15 Supervisor  
Rita Mueller, Town of Three Lakes resident

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The following individuals spoke in favor of the proposed ordinance amendment.

Joe Petreikis, Town of Three Lakes resident.

Dennis Herman, Town of Newbold resident.

Bob Williams, President Windpudding Lake Association

Jimmy Rein stated that the definition of Keyhole Development as proposed would allow access for more than one back lot and would allow keyhole development. Mr. Rein stated that this probably wasn't the intention.

Chairman Holewinski asked if anyone else wished to speak for or against the issue at hand. No one came forward.

Chairman Holewinski asked again if anyone else wished to speak for or against the issue at hand. No one came forward.

3:08 pm – The public hearing was closed. No further public commented will be accepted.

Karl Jennrich, Zoning Director, referred to Section 9.75 Legal Pre-existing Lots, which allows an existing lot to be used for a single family home regardless of its size. So this ordinance amendment does not affect existing lots, only newly created lots.

Karl Jennrich, Zoning Director, referred to Section 9.93 G Lot Size Modification, which allows a landowner to create one lot which meets or exceeds the minimum requirements of the applicable Wisconsin Administrative Code provisions provided that the remaining lot(s) created or to be created in the future meet the minimum requirements in Table A of Appendix B. This would allow one 100 ft lot to be created.

Chairman Holewinski asked for input from the Committee. Billy Fried commented that it is about lake protection; and that he is opposed to the proposed ordinance amendment. Mike Timmons commented that with NR 115, there may be larger lot sizes required. Mr. Timmons also commented that if this were to be passed, other Towns could create additional "appendixes" with stricter requirements. Dave Hintz commented that this proposal would hurt the environment; and that he is opposed to the proposed ordinance amendment.

Jimmy Rein addressed the definition of keyhole development. Mr. Rein stated that keyhole development should allow one back lot access to one waterfront lot, but not multiple back lots to have access to the same waterfront lot. Mr. Jennrich stated that he would work with Corporation Counsel and would bring this back to the Committee.

**Motion by Dave Hintz, second by Billy Fried, not to change the waterway classifications of the zoning ordinance; it will remain as is except that staff will research, review and**

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**bring back the keyhole issue to the Committee based on the public hearing. With all members voting "aye" the motion carried.**

Conditional Use Permit Application of JPKK LLC, owner and Matthew Lansing of Stone Innovations, Inc., agent to operate a retail wholesale location and showroom for stone countertops, flooring, etc. with outdoor display area at 1355 Chippewa Dr. legally described as part SW NW, Section 33, T37N, R9E, PIN PL 641-7, Town of Pine Lake.

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of JPKK LLC, owner and Matthew Lansing of Stone Innovations, Inc., agent at 1355 Chippewa Drive, Town of Pine Lake.

The notice was published in the Northwoods River News on July 23 & 26, 2011; the Lakeland Times, Tomahawk Leader and Vilas News the week of July 25, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on July 21, 2011. The mailing list was also read into the record.

Correspondence in file: Letter from the Town of Pine Lake approving the CUP application with no concerns.

Nadine Wilson, Land Use Specialist, stated that this is legal pre-existing retail mall. In addition to the showroom, there will be outdoor displays of stone. Parking & Sanitary requirements have been met. Hours of operation are 9am – 5pm Monday-Friday; 9:00am-noon on Saturday. There will be 2-3 pickup/deliveries per week.

Nadine Wilson, Land Use Specialist read the CUP report noting the general standards were supplied by the applicant and if the Committee agrees that the general standards have been met, staff recommends approval with the following conditions.

1. Nature and extent of the use shall not change from that described in the permit application and approved in the Conditional Use Permit.
2. Outdoor lighting must be directed downward and shielded from above. Care should be taken to prevent light pollution.
3. Placement of signage to comply with Section 9.78 Oneida County Zoning and Shoreland Protection Ordinance.
4. Care to be taken with outdoor displays. Large slabs of stone to be secured as much as possible.
5. Town of Pine Lake concerns, if any.

For the record, there is no one present in the audience.

3:15 pm – The public hearing was closed. No further public commented will be accepted.

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**Motion by Billy Fried, second Dave Hintz, to approve the JPKK LLC, owner and Matthew Lansing of Stone Innovations, Inc., agent to operate a retail wholesale location and showroom for stone countertops, flooring, etc. with outdoor display area at 1355 Chippewa Dr. with the general standards having been met and subject to staff recommendations. With all members voting “aye” the motion carried.**

**Conditional Use Permit Application of M&I Regional Properties, owner and John Steffen, agent (purchaser) to operate a small commercial furniture storage business with small office and lease interior and outdoor storage space for seasonal storage of recreational vehicles and boats at 3659 Lake Thompson Rd. on property described as part NW NE, Section 2, T36N, R9E, PIN PE 16-1C, Town of Pelican.**

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of M&I Regional Properties, owner and John Steffen, agent (purchaser) to operate a small commercial furniture storage business with small office and lease interior and outdoor storage space for seasonal storage of recreational vehicles and boats at 3659 Lake Thompson Rd, Town of Pelican.

The notice was published in the Northwoods River News on July 23 & 26, 2011; the Lakeland Times, Tomahawk Leader and Vilas News the week of July 25, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on July 25, 2011. The mailing list was also read into the record.

Correspondence in file: Letter of approval from the Town of Pelican.

Nadine Wilson, Land Use Specialist, reviewed the CUP with the Committee. Ms. Wilson stated that this project involves a small commercial furniture storage business with small office space and lease of interior and exterior storage space for seasonal storage of recreational vehicles and boats. The property is zoned General Use, District #10. All requirements for parking and sanitary facility requirements have been met. Hours of operation are 9am - 5pm Monday – Saturday. No Sundays. No Holidays. There will be 3-5 pick-up/deliveries a week.

Nadine Wilson, Land Use Specialist read the CUP report noting the general standards were supplied by the applicant and if the Committee agrees that the general standards have been met, staff recommends approval with the following conditions.

1. The nature and extent of the conditional use shall not change from that described and approved in this Conditional Use Permit.
2. Outdoor lighting must be directed downward and shielded from above. Care should be taken to prevent light pollution.
3. Placement of signage to comply with Section 9.78 Oneida County Zoning and Shoreland Protection Ordinance.

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4. Outdoor storage areas as designated on site plan and submitted with application.
  5. No loading or unloading of furniture on Lake Thompson Road. No parking of trucks, recreational vehicles, boats, etc. on Lake Thompson Road.
  6. Applicant to abide by road weight limits a set by the Town.
  7. No maintenance, repair or weatherization of stored vehicles approved with this permit.
  8. Town of Pelican concerns, if any.

For the record, there is no one present in the audience.

3:15 pm – The public hearing was closed. No further public commented will be accepted.

**Motion by Billy Fried, second by Dave Hintz, to approve the Conditional Use Permit Application of M&I Regional Properties, owner and John Steffen, agent with the general standards having been met and subject to staff recommendations. With all members voting “aye” the motion carried.**

Discuss future meetings concerning revising Chapter 9 as it relates to NR 115.

Heidi Kennedy, WDNR, correspondence (8/2/11) addressed to the Wisconsin County Code Administrators was reviewed by the Committee. Ms. Kennedy is the DNR Shoreland Policy Coordinator. Ms. Kennedy is developing an Economic Impact Analysis for NR 115 and may need information from the County.

Mr. Jennrich stated that the deadline for compliance with NR 115 may be extended. Mr. Jennrich asked the Committee for direction on the ordinance revisions, whether to keep going or wait. Dave Hintz indicated that he would like to move forward with some of ordinance changes that the Committee has developed.

The Zoning Director will place this on a future meeting agenda to decide how to move forward after there has been some clarification on nonconforming structures and if the deadline is extended for the County to comply.

Discussion only. No action was taken.

Board of Adjustment. Discuss issues/concerns/suggestions regarding the relationship between Board of Adjustment and the Oneida County Planning and Zoning Committee.

Billy Fried stated that he would like to avoid having another situation arise as with the Negri CUP. Mr. Fried would like to meet with Board member(s) for discussion purposes. Karl will place this on a future agenda.

Discussion only. No action was taken.

Forward resolution #5-2011 to the Oneida County Board of Supervisors for a rezone in the Town of Minocqua.

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Motion by Dave Hintz, second by Scott Holewinski, to forward resolution #05-2011 to the Oneida County Board of Supervisors. With all members voting “aye” the motion carried.

Forward resolution #6-2011 to the Oneida County Board of Supervisors for a rezone in the Town of Piehl.

Motion by Billy Fried, second by Mike Timmons, to forward resolution #06-2011 to the Oneida County Board of Supervisors. With all members voting “aye” the motion carried.

Line item transfers, purchase orders and bills.

Purchase orders submitted for payment – \$1,705.85.

Bills submitted for payment - \$1,058.54

Motion by Billy Fried, second by Dave Hintz to pay the bills and purchase orders. With all members voting “aye” the motion carried.

Refunds.

Kenneth Moak – Shoreland Alteration Permit fee refund of \$150.00

Motion by Scott Holewinski, second by Mike Timmons to approve the refund of Kenneth Moak. With all members voting “aye” the motion carried.

Approve future meeting dates: August 17 and September 7, 2011.

The Committee confirmed the meeting dates of August 17, 2011 and September 7, 2011.

Public comments.

There was no public comment.

Future agenda items.

Nothing was discussed.

Motion by Mike Timmons, second by Dave Hintz to adjourn the meeting. With all members voting “aye” the motion carried.

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Scott Holewinski, Chair

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Karl Jennrich, Zoning Director