

TOWN OF PRESQUE ISLE
ZONING COMMITTEE & PLAN COMMISSION
Minutes Monday, Feb.10, 2014, 8:30 am

Members Present: Peggy Johnson Wiessner; Dick Hemming; Paul Specht; Al Drum. Others Present: Jack Harrison; Otto Novak; Al Eschenbach.

The meeting was called to order at 8:30 am at the Presque Isle Community Library by Chairperson, Dick Hemming. Paul Specht moved; Al Drum seconded a motion to approve the agenda. All Aye. Paul Specht moved; Dick Hemming seconded a motion to approve the minutes of the Dec. 9, 2013 meeting. Paul Specht; Dick Hemming & Al Drum Aye. Peggy Johnson Wiessner Abstains.

Dick Hemming invited Public Comment on the agenda and specifically noted that the agenda item 5.B. arose because of a conflict in the present Ordinance. He then noted that Marshall Reckard had resigned from the Committee after many years of service and had served as a wealth of knowledge on zoning issues. He moved and Al Drum seconded a motion that the Town Board acknowledge Mr. Reckard's leadership and contribution toward developing and maintaining local Presque Isle zoning. All Aye.

Item 5.A. Setbacks & Expansion of Structures Near Town Roads – Otto Novak pointed out that such non-conforming structures can always be maintained but he was not in favor of relaxing any setbacks to allow expansion or of creating special rules dealing with such structures. Paul Specht said his approach would be to better define "hardship" for the Board of Adjustment to consider by asking a series of "What If" questions when a property was faced with multiple setback or other restrictions that effectively left no way to improve the property and meet Ordinance provisions. Dick Hemming noted that presently there was no avenue for the town to express their interests in administering town Ordinance provisions before the Board of Adjustment. He stated that the Board of Adjustment would always make the final decision but that the interest of the town as a whole should also be considered in weighing whether hardships were imposed on certain properties by town ordinances. Al Drum thought that special provisions ought not be made for certain properties and that we might look to recently passed NR 115 to determine how hardship is determined. Jack Harrison saw no gain in having properties default to the town for non-payment of taxes on deteriorating properties and he viewed the grandfathering concept as providing some help to such properties. Peggy Johnson Wiessner agreed with Dick Hemming & Paul Specht in that there should be a consideration of what's in the best interest of the town as a whole in such issues; that should at least be one factor in the BOA's decision. Dick Hemming noted also that we were only addressing properties that already had a structure and that vacant properties and the issue of whether they could be built-upon was not on the table. It was decided that the Committee would divide into two sub-committees consisting of Paul Specht & Al Drum on one and Dick Hemming & Peggy Johnson Wiessner on the other to begin to

develop this set of "What if" criteria to better define hardship. Reports are due at the next meeting in March.

Item 5.B. Section 902.13.3 Tree Clearing within 100 feet of Public Roadways. Al Drum's proposed language to resolve a conflict in the Ordinance was reviewed/ Paul Specht moved and Peggy Johnson Wiessner seconded a motion to recommend the Town Board approve the following amendment to Section. 902.13.3. "Tree Removal: It shall be unlawful for any person, firm or corporation to cut trees within one hundred (100) feet of the centerline of any public roadway in the Town of Presque Isle, except in the following two instances: (1) Such cutting may be done under the direction of the Town Board to improve such roadway; (2) Such cutting may be done in preparation for properly permitted building and driveway construction projects. Slash resulting from such directed cutting shall be removed within three (3) months of completion of the cutting operation. This provision shall not apply to the removal of dead and dying or diseased trees and shrubbery or silvicultural thinning upon recommendation of a forester." All Aye.

Dick Hemming moved, Al Drum seconded a motion that the Committee hold a Public Hearing on March 12th at 8:30 am to garner public input on the changes to section 902.13.3 above and on section 902.5 increasing the height of guesthouses to 25 feet. All Aye. Secretary was directed to contact the Town Clerk for the appropriate notice publication.

There was no Zoning Administrator Report.

Next meeting set for March 12, 2014 following the public hearing.

Motion by Dick Hemming second by Paul Specht to adjourn. All Aye. Meeting adjourned at 9:42 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

TOWN OF PRESQUE ISLE
ZONING COMMITTEE & PLAN COMMISSION
Minutes Thursday, March 13, 2014, 8:30 am

Members Present: Peggy Johnson Wiessner; Paul Specht; Al Drum. Absent: Dick Hemming. Others Present: Forrest Jukich.

The meeting was called to order at 8:45 am at the Presque Isle Community Library by Secretary, Peggy Johnson Wiessner. Paul Specht moved; Al Drum seconded a motion to approve the agenda. All Aye. Paul Specht moved; Al Drum seconded a motion to approve the minutes of the Feb. 10, 2014 meeting. All Aye.

Item 6.A. Carlin Lake Condominium Preliminary Plat. After reviewing the plat presented by Forrest Jukich, the Committee raised several questions regarding its adherence to both Vilas County and Presque Isle Condominium ordinances. The surveyor will be asked to attend the next zoning meeting and Committee members will study the State and county condo ordinances further. No action was taken on this item.

Item 5.A. Expansion of Structures near Town Roads & other setback issues. Al Drum & Paul Specht prepared their strategies for addressing this issue but Dick Hemming & Peggy Johnson Wiessner have not. Item tabled to next meeting.

The Public Hearing scheduled for March 12 had been cancelled due to a challenge regarding the sufficiency of the published notice. Al Drum also noted he had a discussion with Marshall Reckard concerning the proposed amendment to Section 902.13.3 – tree cutting within 100 feet of a public roadway. The Committee will discuss those concerns at its next meeting.

Al Drum also raised the possibility of framing a Presque Isle zoning ordinance to prohibit metallic mining in the township. Committee had a general discussion of local vs. county & state jurisdiction in this area.

There was no Zoning Administrator Report.

Next meeting set for April 14, 2014.

Motion by Paul Specht to adjourn, second by Al Drum. All Aye. Meeting adjourned at 9:55 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

TOWN OF PRESQUE ISLE
ZONING COMMITTEE & PLAN COMMISSION
Minutes Thursday, April 17, 2014, 8:30 am

Members Present: Peggy Johnson Wiessner; Paul Specht; Al Drum.
Chairperson Dick Hemming attended by telephone. Others Present: Forrest Jukich.

The meeting was called to order at 8:35 am at the Presque Isle Community Library by Chairman Hemming. Paul Specht noted the agenda was incorrectly dated. The agenda was amended to the correct date of April 17, 2014 and approved on motion by Al Drum, second by Paul Specht. All Aye. Al Drum moved; Paul Specht seconded a motion to approve the minutes of the March 13, 2014 meeting. All Aye.

There was no public comment.

Item 5.A. Expansion of Structures near Town Roads & other setback issues.
Peggy Johnson Wiessner moved that this item be tabled until she and Dick Hemming have met to discuss their suggestions. Paul Specht seconded. All Aye.

Item 5.B. Carlin Lake condominium Plat. Forrest Jukich discussed those elements of the plat that violated Presque Isle's present condominium ordinance namely the limited common elements which exceeded the size limitation and the fact that the secondary area for alternative septic systems had not been shown. Paul Specht moved and Al Drum seconded a motion to approve the Zoning Administrator's rejection of this plat. All Aye. Because the ordinance provides for an automatic approval if the Town Board does not reject a plat, Chairman Hemming will attend the next Town Board meeting and recommend that the Board deny approval.

Item 5.C. Tree Cutting Within 100 feet of a Roadway. The amended language proposed was questioned by Marshal Reckard, particularly with respect to the amount of tree cutting necessary for building construction. Paul Specht moved, Al Drum seconded a motion to table this item for further consideration. All Aye.

Item 5.D. Public Hearings Because only one proposed amendment (accessory building height) currently requires a Public Hearing, it was thought prudent to postpone any hearing until additional amendments could be added.

The Zoning Administrator presented his report. Permits have been issued for two new homes. Forrest also alerted the Committee to an issue concerning a 1.4 acre Crab Lake lot and the question of whether it was buildable. This will be placed on the agenda for the Committee's next meeting.

Next meeting set for May 12, 2014. Paul Specht moved, Al Drum seconded a motion to adjourn. All Aye. Meeting adjourned at 9:00 am. Peggy Johnson Wiessner, Secretary

TOWN OF PRESQUE ISLE
ZONING COMMITTEE & PLAN COMMISSION
Minutes Thursday, May 12, 2014, 8:30 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Paul Specht; Al Drum. . Others Present: Jack Harrison.

The meeting was called to order at 8:30 am at the Presque Isle Community Building by Chairman Hemming. Paul Specht moved and Al Drum seconded a motion to approve the agenda. All Aye. Al Drum moved; Paul Specht seconded a motion to approve the minutes of the April 17, 2014 meeting. All Aye.

Pub: Jack Harrison noted that Chuck Hayes may be interested in joining the zoning committee.

Item 5.A. Expansion of Structures near Town Roads & other setback issues. Committee considered the suggestion made by Dick Hemming & Peggy Johnson Wiesser that the Town Board, by resolution, may grant a variance if it deems the variance is "in the public interest." Paul Specht noted objections to this procedure made by Otto Novak. Dick Hemming observed that all zoning should be considered in light of what is in the best interest of the town. Peggy Johnson Wiessner questioned the procedure regarding town board intervention. Is this in effect an appeal from a Board of Adjustment decision? Could Town Board action come before BOA hearing? Are there NR 115 considerations? This issue will be on the next agenda for a final recommendation.

Item 5.B. Carlin Lake condominium Plat. Chairman Hemming appeared at the last town board meeting to recommend that the town deny the plat so that automatic approval not be triggered by the time deadline. No vote was taken because this was not on the agenda. Therefore the next town board meeting will deny the plat formally even though it has been withdrawn for further revisions by the owners.

Item 5.C. Tree Cutting Within 100 feet of a Roadway Al Drum will revise his proposed language after checking with Vilas County and will present for final action at the next meeting

Item 5.D. Public Hearings A Public Hearing date was set for August 11, 2014. Committee will add at least one more item to the agenda for the public hearing.

Item 6.A. Crab Lake Lot The date a lot was created governs its zoning restrictions. This Government Lot has apparently never been subdivided. Final resolution of this item at the next Committee meeting.

Al Drum questioned whether our local ordinance ought not prohibit frack sand mining entirely and how that might be done. This item will be considered at the next meeting

Next meeting set for June 10, 2014.

Paul Specht moved, Al Drum seconded a motion to adjourn. All Aye.

Meeting adjourned at 9:42 am. On motion by Paul Specht, second by Al Drum. All Aye.

Peggy Johnson Wiessner, Secretary

TOWN OF PRESQUE ISLE

ZONING COMMITTEE & PLAN COMMISSION
Minutes Public Hearing Monday, August 11, 2014, 9:00 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Al Drum; Marshall Reckard. Absent: Paul Specht. Others Present: Jack Harrison.

The meeting was called to order at 9:00 am at the Presque Isle Community Building by Chairman Hemming. Marshall Reckard took a seat in the audience and requested to speak as a public citizen. Chairman Hemming read the published hearing notice and asked for input from anyone favoring the change to Sec. 902.5 concerning the height of guesthouses. There was no response.

Marshall Reckard objected to consideration of the guesthouse issue because the citation to Sec. 902.5 was incorrect. The sections that should have been specified in the notice were 902.13 and 902.8.4. Also the notice did not say that the full text of the changes was available from the town clerk. Sec. 902.8.4 must be re-drafted by the Committee.

Chairman Hemming asked again three times for more input on this issue. There was none. He then asked three times whether there was anyone wishing to speak in favor of, or against, amending Sec. 902.13.3. There was no response.

Marshall Reckard noted this item was not on the Committee's agenda for action following the Public Hearing.

Al Drum moved and Dick Hemming seconded a motion to close the Public Hearing, All Aye. Meeting closed at 9:20.

Respectfully Submitted,
Peggy Johnson Wiessner, Secretary

TOWN OF PRESQUE ISLE

ZONING COMMITTEE & PLAN COMMISSION

Minutes Monday, September 8, 2014, 8:30 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Al Drum; Marshall Reckard. By Phone: Paul Specht. Others Present: Forrest Jukich; Jack Harrison.

The meeting was called to order at 8:30 am at the Presque Isle Community Building by Chairman Hemming. Paul Specht moved and Al Drum seconded a motion to approve the agenda. All Aye. Dick Hemming moved; Marshall Reckard seconded a motion to approve the minutes of the August 11, 2014 meeting. All Aye. Marshall Reckard moved the following amendment to the minutes of the Public Hearing held August 11, 2014, adding a citation to Wisconsin Statutes Sec. 60.61.4 governing the procedure by which an amendment is made to a town ordinance. Marshall Reckard moved approval of the minutes of the Public Hearing, as amended, second by Al Drum. All Aye.

Item 5.B. Tree Removal Paul Specht moved, Al Drum Seconded a motion to recommend the following amendment to Sec. 902.13.3 to the town board – “ Tree Removal: It shall be unlawful for any person, firm, or corporation to cut trees within one hundred (100) feet of the centerline of any public roadway in the Town of Presque Isle, except in the following two instances: (1) Such cutting may be done under the direction of the Town Board to improve such roadway: (2) Such cutting may be done in preparation for properly permitted building and driveway construction projects; in these instances, no trees shall be removed except to make room for the building foundation and driveway to allow minimal operating space for the construction crews and equipment, not to exceed thirty (30) feet around the building foundation and four (4) feet along each side of the driveway (See Sec. 906.3). Slash resulting from such directed cutting shall be removed within three (3) months of completion of the cutting operation. This provision shall not apply to the removal of dead and dying or diseased trees and shrubbery or silvi-cultural thinning upon recommendation of a forester.

Item 5.D. Guesthouse Height. Since the Public Hearing notice on this issue was deficient, another public hearing must be scheduled before proceeding further.

Item 5.E. Height Definition. Marshall Reckard proposed language to amend the definition of building height. After discussion the Committee declined to approve this change and decided the definition should remain the same since it is the same as Vilas County defines building height.

Item 5.A. Structures Near Town Roads – Sec. 901.9.8.3 Marshall Reckard proposed a new Section 902.8.4 to define as a hardship, the situation where a non-conforming structure is closer than 75 feet to the water and closer (or

proposed to be closer) than 63 feet from the centerline of a town road. Much discussion on rear lot setbacks & road setbacks. Forrest noted that the only reference he could find to rear lot lines was Sec. 902.1.3.4 relating to movable structures. This item & Marshall's language will be on the agenda for the next meeting.

Item 5.C. Transient Rentals in R-1 & R-5 Districts Discussion of the Permitted Uses Table and its role in defining where transient lodging is permitted and/or prohibited. If the grid is left blank does that mean the use is not permitted? Language proposed by Al Drum & Marshall Reckard amending 901.1 will be added to the agenda for the next meeting.

Item 5.F. NR115 No Action taken. The county has not taken action on this topic. Will keep on the agenda for the next meeting.

A date for another Public Hearing will not be set until several of the above issues are settled.

Committee was given the assignment to comb the ordinance for references to rear lot lines.

Peggy Johnson Wiessner noted a for sale sign on highway "P" offering a back lot with a lake access to Presque Isle Lake. Marshall Reckard said the property was parcel 22-219 that did not have a grandfathered access. Such an access cannot be created legally today.

There was no new business.

Zoning Administrators report – Forrest Jukich presented his report & noted he had a question regarding the committee's approval of the Carlin Lake condominium with less than 300 feet of frontage per unit. Conversion condominiums do not require minimum frontage.

October meeting will be held on September 29 at 8:30. November meeting is Nov. 11.

Motion to adjourn by Dick Hemming, second by Al Drum. All Ay.

Meeting adjourned at 9:54.

Respectfully Submitted,
Peggy Johnson Wiessner, Secretary

TOWN OF PRESQUE ISLE

ZONING COMMITTEE & PLAN COMMISSION

Minutes Tuesday, Dec. 9, 2014, 8:30 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Al Drum out of town absent. Others Present: Forrest Jukich; Jack Harrison; David Konopacky; Bill Hueaman; Denis Wilm, Rich Januz by Skype.

The meeting was called to order at 8:30 am at the Presque Isle Community Building by Chairman Hemming. Marshall Reckard moved, Paul Specht seconded a motion to approve the agenda. All Aye. Paul Specht move, Marshall Reckard seconded a motion to approve the minutes of the Sept. 29, 2014 meeting. All Aye

Item 6.A.2 Carlin Lake 2 lot subdivision. Rich Januz attended by Skype. Bill Hueaman, the other owner was present at the meeting. A preliminary plat creating an off-water lot on a parcel formerly approved as a two-unit condominium was presented. Zoning Administrator Forrest Jukich found the division met the PI Ordinance but hesitated to approve the survey because it was labeled a Condominium. Paul Specht moved, Peggy Johnson Wiessner seconded a motion to approve the preliminary survey subject to the removal of the label "Condominium." All Aye.

Item 6.A.3 Oxbow Point Condominium. Surveyor David Konopacky and owner Denis Wilm presented a survey of a preliminary three unit condominium on Oxbow Lake.

Konopacky advised the shape of Unit 3 would change on the final plat. That revised shape was drawn as a note on the preliminary. With the addition of the total acreage, required by Forrest Jukich, on motion by Marshall Reckard, second by Paul Specht, the preliminary plat was approved, all Aye.

Item 5.A.1. 902.8.3 Setbacks from public roads. Discussed amending this section to provide for a setback 30 feet from the right of way from public roads. Current ordinance requires a setback 63 feet from the centerline of public roads.

Item 5.A.2. 902.8.4 Guest house Height. Discussed setting the height of all guesthouses to a maximum of 25 feet to be uniform with Vilas County.

Item 5.A.3. 902.13.4 Moveable Structures Discussed changing section to 902.8.5 and adding stipulation they may be not be placed within 30 feet of the right of way of public roads.

Item 5.A.4. 902.10.2.2 Non-Conforming Structures Discussed adding new section specifying non-conforming structures within the shoreland district are

governed by the Vilas County Shoreland Ordinance rather than the P.I. Zoning Ordinance.

Dick Hemming moved and Paul Specht seconded a motion accepting the changes to items 5.A.1 through 4 above. All Aye. The full text of those changes is attached hereto.

Marshall Reckard moved and Paul Specht seconded a motion to remove the Permitted & Conditional Uses table from the Presque Isle Zoning Ordinance. All Aye.

Item 6.A. Plan Commission – Marshall Reckard moved and Dick Hemming seconded a motion to set Feb. 9, 2015 as the date for a public hearing amending the Presque Isle Long Range plan removing Table 12-1 from the plan and setting the same date for a public hearing discussing several changes to the Presque Isle Zoning Ordinance. All Aye.

Paul Specht moved and Marshall Reckard seconded a motion to have a special meeting on December 16, 2014 at 8:30am to draft notices for the Feb. 9 public hearings and make general preparations for those meetings. All Aye.

Marshall Reckard noted that the issue of whether duplexes will be permitted within Presque Isle would require amending Section 902.4 and should be placed on the agenda for our next regular meeting.

Item 7. Forrest Jukich distributed his November Zoning Administrator's report. There were no special issues.

Item 8. The next regular Zoning Meeting was set for January 12, 2015 at 8:30am.

No Public Comment.

Motion to adjourn by Marshall Reckard, second by Paul Specht. All Aye.

Meeting adjourned at 10:09.

Respectfully Submitted,
Peggy Johnson Wiessner, Secretary

TOWN OF PRESQUE ISLE

ZONING COMMITTEE & PLAN COMMISSION

Minutes Wednesday, Dec. 17, 2014, 8:30 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Al Drum out of town absent. Others Present: None

The meeting was called to order at 8:30 am at the Presque Isle Community Building by Chairman Hemming. Motion to approve agenda by Marshall Reckard; second by Paul Specht. All Aye.

Discussion regarding the different notice requirements for amending the Land Use Plan and the Zoning Ordinance. Text of the notice itself discussed. Peggy Johnson Wiessner will email proposed text for approval by committee members prior to submitting final wording to Town Clerk for publication.

Motion to adjourn by Marshall Reckard, second by Paul Specht. All Aye.

Meeting adjourned at 9:35 am.

Respectfully Submitted,
Peggy Johnson Wiessner, Secretary