

**MINUTES OF PUBLIC HEARING  
Sawyer County Zoning Committee  
June 21, 2019**

**Zoning Committee Members**

Ronald Buckholtz, Chairman  
James Bassett  
Bruce Paulsen  
Elaine Nyberg  
Bill Voight  
Troy Morgan

**Zoning Administration**

Jay Kozlowski, Zoning Administrator  
Kathy Marks, Deputy Zoning & Conservation Administrator

**PRELIMINARY MATTERS**

- 1) Call to Order and Roll Call  
Buckholtz called the Public Hearing before the Sawyer County Zoning Committee to order at 8:30 AM. In the Sawyer County Courthouse, 10610 Main St., Hayward, Wisconsin. Roll was called finding present: Buckholtz, Paulsen, Bassett, Nyberg and Voight. From the Zoning Office Kozlowski and Marks. Legal Counsel Rebecca Roeker.
- 2) Pledge of Allegiance.
- 3) Statement of Committee and Hearing Procedure.  
Those persons wishing to speak will be afforded the opportunity provided they identify themselves.
- 4) Statement of Hearing Notice.  
The Public Hearing Notice was published as a Class 2 Notice in accordance with Chapter 985 of the Wisconsin Statutes in the Sawyer County Record on May 27, 2018 and June 6, 2018.
- 5) Approval of May 17, 2019 minutes. Motion to approve by Paulsen, 2<sup>nd</sup> by Jim Bassett. All in favor. Motion carried.
- 6) Public Comment. Linda Zillmer, Edgewater property owner speaks of the process of meetings and suggestions reading the preliminaries. Discussion held with Roeker. It is decided that having it posted and handouts for the public is sufficient. No other public comment.

**REZONE APPLICATION**

1) A Public Hearing on Town of Round Lake - #19-008. Karla Fritsch. Part of the NE ¼ of the NE ¼; S26, T41N, R07W; Parcel #024-741-26-1101; 39.84 Total Acres; Zoned Forestry One (F-1) and Residential/Recreational One (RR-1). Purpose of request is to change from Forestry One (F-1) and Residential/Recreational One (RR-1) to Agricultural Two (A-2). Purpose of request is to construct a building to store personal equipment for agricultural use. Kozlowski reads the application, Town denial, opinion letter and Staff report. Kozlowski reads withdrawal letter from Karla Fritsch. Kozlowski reads Town denial and opinion letters. Motion by Paulsen to approve the withdrawal of the rezone, second by Bassett. All in favor. Motion carried.

2) A Public Hearing on Town of Edgewater - #19-031. Jessica Lobitz. Part of the SW ¼ of the NW ¼, Lot 1 CSM 35/54 #8232; S21, T37N, R09W; Parcel #008-937-21-2306; 5.02 Total Acres; Zoned Agricultural One (A-1). Purpose of request is to change 5.02 Total Acres from Agricultural One (A-1) to Commercial One (C-1) for small bar on ATV/Snowmobile trail. Kozlowski reads the application, Town approval, opinion letters and Staff report. Motion by Voight to open the public hearing, second by Paulsen. All in favor. Mark Roppe, agent for Jessica Lobitz speaks in favor of the application and hands out information to the committee. Linda Zillmer, Edgewater property owner speaks that the Town of Edgewater does not give proper notice for their meetings. The development of the area and not consistent with the Town Comprehensive plan, it is spot zoning, it is for the convenience of the owner, and not for the public, access from the Tuscobia trail concerns. Motion to close the public hearing by Paulsen, second by Bassett. All in favor. Jay reads discussion/action portion. Discussion held by Committee. Paulsen questions the public interest for the rezone and spot zoning. Discussion continues. Motion by Paulsen to approve the application, second by Voight. Roll call finds: Bassett-yes, Voight-yes, Paulsen-yes, Nyberg-yes, Buckholtz-yes. All in favor. Motion carried. Findings of Fact: It would not be damaging to the rights of others. It would be in the interest of the public.

#### **CONDITIONAL USE APPLICATIONS**

1) A Public Hearing on Town of Edgewater - #19-027. Russell & Janelle Johnson. Part of Government Lot 3, Lot 3 CSM 2/36 #240; S08, T39N, R09; Parcel #008-937-08-5306; 1.34 Total Acres; Zoned Residential/Recreational Two (RR-2). Permit desired for a 48' x 44' cold storage building accessory structure subject to Sawyer County Zoning Ordinance Section 17.3 (B) (19) & 4.26 (1); There is an existing garage that needs to be moved in order to build a full time residence within 3 years and need the storage building to house items in the garage. Kozlowski reads application, Town approval, opinion letters and Staff report. Motion by Paulsen to open the public hearing, second by Nyberg. All in favor. Russell Johnson, owner speaks in favor of the application. Discussion with committee held. No other comments. Motion to close the public hearing by Nyberg, second by Paulsen, All in favor. Kozlowski reads discussion/action. Discussion held with committee and Kozlowski. Motion by Paulsen to approve the application, second by Nyberg. Roll call finds: Voight-yes, Paulsen-yes, Buckholtz-yes, Bassett-yes, Nyberg-yes. All in favor. Motion carried. Findings of Fact: It would not be damaging to the rights of others or property values and supported by the contiguous neighbors.

2) A Public Hearing on Town of Weirgor - #19-028. Thomas & Nancy Schweitzer. Part of the NE ¼ of the NW ¼, and the SE ¼ of the NW1/4; S27, T37N, T07W; Parcel #030-737-27-2103 and - 2401; 63 Total Acres; Zoned Agricultural One (A-1). Known as the Schweitzer's Pit. Permit is desired for the carry-forward of conditional use permit #04-001 for the location of a non-metallic mineral extraction operation, including rock crusher. The CUP was originally approved at public hearing on December 19, 2003. Kozlowski reads the application, Town approval, opinion letters and Staff report. Motion by Voight to open the public hearing, second by Bassett. All in favor. Mike Hopkins, agent speaks in favor of the application. Linda Zillmer, Edgewater property owner speaks against the application and questions the last renewed date and other concerns. Kozlowski explains the carry-forward process. Motion by Nyberg to close the public hearing, second by Paulsen. All in favor. Kozlowski reads discussion/action. Discussion held with committee, Kozlowski and Roeker. Motion by Nyberg to approve the application with conditions of maintaining compliance with NR135, and plan of operation. Second by Bassett. All in favor. Roll call finds: Nyberg-yes, Buckholtz-yes, Voight-yes, Paulsen-yes, Bassett-yes. All in favor. Motion to add to the approval by Nyberg to include condition DNR

Chapter 30, second by Bassett. Findings of Fact: It would not be damaging the rights of others or property values. It would be compatible with the surrounding uses and the area.

3) A Public Hearing on Town of Winter - #19-029. Ralph Petit Trust and Randy & Paula Dennis. Part of the NE ¼ of the SE ¼; Part of the NE ¼ of the SE ¼ (owned by R. Petit Trust) and Part of the SE ¼ of the SE ¼ (owned by R&P Dennis); all in S18, T38N, R05W; Parcel #'s 032-538-18-4102, -4101 and 4401; 79 Total Acres; all zoned Agricultural One (A-1). Permit is desired for the three (3) year renewal of conditional use permit #02-008 for the location of a non-metallic mineral extraction operation, including screening plants and rock crusher, which was approved at public hearing May 17, 2002 and most recently renewed June 17, 2016. Kozlowski Reads the application, Town approval, Opinion letters, Staff report and hands out the new Plan of Operation. Motion to open the public hearing by Nyberg, second by Bassett. All in favor. Randy Dennis, operator of the pit speaks in favor of the application and states that the only change is the hours of operation to 7am-7pm. Discussion with Kozlowski and Committee. No other comments. Motion by Bassett to close the public hearing, second by Nyberg. All in favor. Kozlowski reads the discussion/action. Motion by Voight to approve the application subject to NR135, Chapter 30 DNR and new hours of 7am-7pm, second by Bassett. All in favor. Roll call finds: Paulsen-yes, Bassett-yes, Nyberg-yes, Voight-yes, Buckholtz-yes. All in favor. Motion carries. Findings of Fact: It would not be damaging to the rights of others or property values. It would not be detrimental to ecology, wild life, wetlands or shorelands.

4) A Public Hearing on Town of Round Lake - #19-030. Robert Scheer Trust. Part of the SE ¼ of the SW ¼, Lot 1 CSM 20/95 #5793; S13, T41N, R06W; Parcel #024-641-13-3402; 7.53 Total Acres; Zoned Forestry One (F-1). Permit is desired for a 35' x 70' accessory structure subject to Sawyer County Zoning Ordinance Section 17.8 (B) (14) & 4.26 (1); Land Use Permit applied for within 3 years for habitable structure with septic. Kozlowski reads, application, Town tabled until July 11, 2019 meeting, Opinion letters and Staff report. Robert Scheer owner states he will be attending those meetings in July. Motion by Bassett to postpone CUP until July 19, 2019 Zoning Committee meeting, second by Paulsen. All in favor. Motion carries. Jay reads discussion/action. Motion by Bassett to postpone the CUP until July 19, 2019, second by Paulsen. All in favor. Motion carried.

5) A Public Hearing on Town of Winter - #19-031. Flambeau State Forest – WI DNR. Part of the SE ¼ of the SW ¼ and the SE ¼; S14, T37N, R03W; Parcel #032-337-14-3401; 200 Total Acres; Zoned Forestry One (F-1). Permit desired for the three (3) year renewal of conditional use permit #05-044 for the location of a non-metallic mineral extraction operation, including rock crusher located on 39.61 acres of the 200 acre parcel. The CUP was originally approved at public hearing on May 20, 2005 and most recently renewed on July 15, 2016. Kozlowski reads the application, Town approval, Opinion letters and Staff report. Motion by Nyberg to open the public hearing, second by Paulsen. All in favor. Chris Bender, agent for Flambeau River State Park DNR speaks in favor of the application. No other comments. Motion by Nyberg to close the public hearing, second by Bassett. All in favor. Motion carries. Kozlowski reads Discussion/Action. Committee discussion held. Motion by Paulsen to approve the application with NR135, Chapter 30 DNR, second by Voight. All in favor. Roll call finds: Buckholtz-yes, Nyberg-yes, Bassett-yes, Voight-yes, Paulsen-yes. Findings of Fact: It would not be damaging to the rights of others or property values.

6) A Public Hearing on Town of Lenroot - #19-032. Sawyer County Forest Crop. The NE ¼ of the SW ¼ and the SE ¼ of the SW ¼; S14, T42N, R08W; Parcel #'s 014-842-14-3101 and 014-842-14-3401; 48.58 Total Acres; Zoned Forestry One (f-1). Permit desired for the three (3) year renewal of conditional use permit #02-019 for the location of a non-metallic mineral extraction operation, including rock crusher located on (3) total acres which was approved at public hearing on June 21, 2002 and renewed most recently on July 15, 2016. Kozlowski reads Application, Town approval, Opinion letters and Staff report. Motion to open the public hearing by Nyberg, second by Paulsen. All in favor. Greg Peterson, Sawyer County Forest Administrator speaks for approval of the application. Discussion with Committee. No other comments. Motion by Nyberg to close the public hearing, second by Bassett. All in favor. Jay reads discussion/action. Discussion by Committee and Kozlowski. Motion to approve by Voight with NR135 and Chapter 30 DNR, second by Paulsen. Roll call finds: Voight-yes, Paulsen-yes, Buckholtz-yes, Bassett-yes, Nyberg-yes. All in favor. Motion carries. Findings of Fact: It would not be detrimental to ecology, wild life, wetlands and shorelands. It would not create an air quality, water supply, or pollution problem.

Bassett recues himself. Morgan takes his place.

7) A Public Hearing on Town of Sand Lake - #19-033. Paradise Waters LLC. Part of Government Lot 15; S05, T38N, R09W; Parcel #026-938-05-6501; 31.42 Total Acres; Zoned Forestry One (F-1) and Residential/Recreational One (RR-1). Permit is desired to allow expansion of 20 additional campsite units for the campground. Kozlowski reads application, Town approval, Opinion letters and Staff report. Kyle Torvinen attorney for the Owners, Kortendick's speaks for approval of the application. Kyle Kortendick, owner speaks in favor. Dick Hennlich, Wendy Marten, Guy Dettlo, Mike Clamer, Diane Madder, Peter Barber, Andy Delong all spoke in favor of the application. Marilyn Kamen, Gene Bullis, John Kamen, Linda Zillmer, Rueben Johnson, Hugh Hadlin, Attorney Mike Kelsey for the Kowalski Trust spoke in opposition. Discussion with Committee continues.

Paulsen leaves meeting at 11:43am.

Nyberg requests a recess at 11:52am.

Buckholtz calls meeting back to order at 12:04pm.

Ray Kissinger, Jerome McAllister, Andy Vernich, Rick Conley speak in opposition of the application. Kyle Kortendick, owner answers questions that the public had. Kyle Torvinen, attorney for the Kortendick's answers concerns. Motion by Nyberg to close the public hearing, second by Morgan. All in favor. Motion carries. Roeker addresses the legal issues. Discussion continues with Committee, Roeker and Kozlowski. Committee goes through findings. Motion by Morgan to approve the application with conditions of: Must comply with Chapter ATCP 79 for Campground Regulations and all other State or Federal Laws. Keep buffering of vegetation on the north, East, South and west property lines a minimum of 50'. No mobile homes allowed. All lighting must be downed lighting. Must obtain new driveway permit from the Town of Sand Lake. Must follow all other requirements of Sawyer County Zoning ordinance Section 6.6. No fireworks allowed. Quiet hours from 11pm to 8am everyday. Must follow all DNR "pier planner" requirements for deck/pier placement. Comply with all Town requirements and conditions including gating lake access. Gate to be open during snowmobile season. Campground expansion area operation not to be allowed within the R-1 zoned property on this parcel including boat launch area. Campground expansion area may have walking access only to private swim beach and playground area maintained by existing campground. Private property

signs to be posted at boat launch. Second by Voight. Discussion with applicant. No other discussion. Roll call finds: Morgan-yes, Nyberg-yes, Buckholtz-yes, Voight-yes. All in favor. Motion carries. Findings of Fact: It would not be damaging to the rights of others or property values. It would not be detrimental to ecology, wild life, wetlands or shorelands. It would be compatible with the surrounding uses and the area. It would not create an objectionable view. Motion by Morgan to reimburse fee for CUP #19-022 that was unheard. Second by Voight. All in favor. Motion carried.

Recess called at 1:05pm.

Buckholtz calls meeting back to order at 1:45pm.

### **NEW BUSINESS**

- 1) James Madsen Certified Survey. (Discussion/Action Item). Kozlowski explains the Certified Survey and why it needs Committee approval. Discussion held with Roeker, Committee, Kozlowski and Mike Clamer, surveyor. Motion by Morgan to postpone decision until the July 19, 2019 Zoning Committee meeting, second by Nyberg. All in favor. Motion carried. Linda Zillmer brings up concerns of the Town.
- 2) CUP# 19-011; Town of Hayward, Thomas & Mary Wolf. Requesting to amend CUP #19-011 condition to extend 4' foot length to accessory building. (Discussion/Action Item.) Kozlowski explains that the applicants want to add 4' more to the storage building. Motion by Morgan to approve that request, second by Voight. Amend CUP #19-011 by 4', subject to Town approval.
- 3) Any other business that may come before the Committee for discussion

### **ADJOURNMENT**

Adjourned by Ronald Buckholtz, Chairman at 2:00pm.

**/s/Ronald Buckholtz, Chairman  
Sawyer County Zoning Committee  
Sawyer County Zoning & Conservation Administration  
10610 Main Street, Suite #49  
Hayward, WI 54843**

Minutes prepared by Kathy Marks, Deputy Zoning & Conservation Administrator