

Zoning Board of Adjustment (BOA) – February 9, 2016
(Draft until approved by the BOA)

Zoning Board of Adjustment Public Hearing – February 9, 2016
JKB Investments LLC – Joseph Becker – Conditional Use Permit #2016-1

Minutes from the Public Hearing are summarized as follows:

The meeting was called to order by chairman, Dale Klopp. Role Call Ron Kazmierczak, Dale Klopp were present. Joe Wantoch was excused.

Mr. Klopp reviewed the agenda items for the hearing.
Notice of public hearing was read.

Hearing Minutes are summarized as follows:

Application presentation and testimony.

Mr. Becker stated that right now they have a Tourist Rooming House and have had the license for two and one-half years. He continued by saying they cater towards wine tours and tourism. They do not allow cleaning of fish on their property and do not necessarily cater to fisherman; there seem to be several of those facilities in the area already. They get a lot of groups of women and/or wedding groups; they have had cases where the women stay in the existing Tourist Rooming House, but there is no place for the men to stay and the men need to leave the community to find lodging; generally they suggest the men stay in Wabasha.

Mr. Becker continued by saying they have a couple things they want to address. They had the property up for sale previously and they currently live in the second home on the property, so it is not an option to rent it out to others along with the existing Tourist Rooming House on the property. Mr. Becker stated that it would make it more saleable if both homes were Tourist Rooming Homes. By having the second Tourist Rooming Home would give them an option when people come and want more space, an example of a wedding group where the women would stay in one and the men in the other; would allow them to keep them both in the immediate area and spend their money more local; would be a win-win for everyone.

Mr. Becker stated that the neighbor's to the north enjoy it as much as they do, which does not make it a nuisance to the neighbor; they love to have the people come.

Mr. Owecke addressed the Board and informed them that he has photos of the site available when they are ready to view them.

There were no public comments.

The Board asked to see Mr. Owecke's photos at this time.

- Mr. Klopp questioned who the neighbors are.
- Mr. Becker stated Lee and Joanne Wittig.

The photos were explained by Mr. Owecke and reviewed by the Board members. Mr. Owecke pointed out the existing Tourist Rooming House and the driveway entering the property. Mr. Owecke stated that a Zoning permit was issued in 2013 to add on the garage. Mr. Owecke pointed

out the north property line, and stated that a Zoning Permit was issued to enclose a porch when they added on to the garage.

- Mr. Owecke stated that the property is very well maintained and nicely landscaped. The existing and proposed Tourist Rooming Houses were pointed out.
- Mr. Becker stated that the road that goes through their property and the north neighbor's property is used only by the Becker's and the neighbor and quit a bid for guests exiting and is a lot safer leaving the property.
- Mr. Owecke questioned the road that goes by the north neighbor.
- Mr. Bekcer stated that it is right next to the railroad tracks below the north neighbor's house and explained that he maintains the road and the neighbor and himself are the only ones that use it.
- Mr. Kazmierczak questioned whether everyone that is down three has the right to use the road.
- Mr. Becker stated yes.
- Mr. Kazmierczak questioned whether there was a public easement.
- Mr. Becker stated no.

Mr. Owecke pointed out on the aerial photography where the road being discussed is located in proximity to the applicant and the north neighbor's property and buildings.

- Mr. Kazmierczak questioned, for now, whether the Becker's were planning to reside in the home that is proposed for the Tourist Rooming House.
- Mr. Becker explained that the property is up for sale and they have someone interested in purchasing it. If sold, they would move and the new buyer would use it as a summer home; when the opportunity would arise, the new owner would rent it in conjunction with the existing Tourist Rooming House.
- Mr. Kazmierczak questioned Mr. Owecke, whether there was adequate parking as a Tourist Rooming House.
- Mr. Owecke stated he would say there is adequate parking around the existing rooming house and the three car garage and pointed out other locations where vehicles could park on the property.
- Mr. Kazmierczak questioned the existing north neighbors and asked if there was any neighbor close by to the south.
- Mr. Becker stated that the adjacent next property is vacant and not buildable and the next property is several hundred yards through the woods.
- Mr. Kazmierczak questioned setbacks from the road and the railroad tracks and whether they were OK.
- Mr. Owecke stated they had to get a variance to build the garage because it would not meet the setback from the highway.
- Mr. Kazmierczak stated he believes that was approved in 2013.
- Mr. Owecke stated they are out of the railroad right-of-way.
- Mr. Klopp questioned why the north most adjacent neighbors were not on the mailing list for this landowner within three hundred feet.
- Ms. Lindstrom stated this property owner was inadvertently missed due to an error when she read the aerial photography and locating the existing and proposed Tourist Rooming Houses.

- Mr. Becker stated the north neighbors are not opposed to the proposed Tourist Rooming House.
- Mr. Becker questioned a proposed condition to the permit for a privacy fence and if the adjacent north neighbor was not in favor of it, could it be eliminated as a condition.
- Mr. Klopp questioned whether a new north neighbor owner may want a privacy fence.
- Mr. Kazmierczak questioned Mr. Owecke and asked for his reason for the condition for a privacy fence.
- Mr. Owecke explained that the north neighbor's house is very close to the property line and a new owner may not want that kind of activity, even though the existing property owner does not mind. Mr. Owecke continued by saying he would not be opposed to the idea of no privacy fence, but it is something that should be considered.
- Mr. Klopp questioned the existing septic drainfield and whether it was close to the property line.
- Mr. Becker explained that the existing septic drainfield goes towards the north neighbor property line. Mr. Becker stated that he had a survey completed and there are actual survey stakes where the property lines are.
- Mr. Klopp questioned the distance for a septic system from a property line at five feet.
- Mr. Owecke stated that a five foot setback is required from a drainfield to a property line.
- Mr. Owecke stated that the county does not have any record of what is there for a septic system; no record of the tank being pumped and maintained.
- Mr. Kazmierczak questioned whether Mr. Owecke's proposed condition #2 would address that about abiding by all required inspections provisions permits.
- Mr. Owecke stated that to be more specific, now that we know that there is a septic system on the property it will be added to our list of septic systems and a maintenance notice will be mailed every three years.
- Mr. Owecke questioned whether the septic system has been pumped and inspected regularly.
- Mr. Becker stated they have their septic system pumped at a minimum once a year; last year it was pumped twice.
- Mr. Klopp questioned whether it was up to the company that pumps a system to let the county know.
- Mr. Owecke stated no; if the landowner is not on our list of known systems then we do receive notification that a system has been pumped.
- Mr. Klopp questioned whether there was an obligation to contact the Zoning Office when a system is pumped.
- Mr. Owecke stated not necessarily.
- Mr. Owecke stated that there are a lot of people that pump their systems more often than the required once every three years.
- Mr. Becker explained that when they bought the property they contacted Pelke Plumbing (Dave Pelke) and questioned the age of the septic system and learned that if a system has not been used, it is probably just as good as new. Mr. Becker continued by saying at that time as a security blanket, before they moved in and used it full-time they jetted out the main septic stream and they have never had any problems and when it is pumped Joe Slaby always says that it looks good.
- Mr. Klopp questioned whether Mr. Becker was talking about wedding party guests or receptions.

- Mr. Becker stated wedding party bridesmaids and groomsmen and generally a long weekend, Thursday through Sunday; not an actual reception; there would not be room for a reception.
- Mr. Klopp questioned the privacy fence.
- Mr. Owecke stated that from Mr. Becker's testimony today, it would not be a priority at this time because of the good relationship with the north neighbor.
- Mr. Kazmierczak stated that Mr. Owecke has a valid point as it is fine with the existing neighbor, but what about in the future; is there a way this could be written that if a future north landowner neighbor wants the screening it could be required at that time or would be required.
- Mr. Owecke stated he is not sure how that would be written so someone in the future would know that it exists.
- Mr. Kazmierczak stated they would be buying it knowing that it exists.
- Mr. Owecke stated you would drive to the site, but would not know it was permitted as a Tourist Rooming House.
- Mr. Owecke stated this is approaching a commercial use of the property; it is no longer strictly a residential use and being the north neighbor's house is one hundred seventy feet away, that is pretty close quarters. Mr. Owecke continued by saying that due to the variety of activities of the guests, which could be louder groups of people; things change, so maybe planting something that will grow tall may be more appropriate; it just seems it could be a concern.
- Mr. Kazmierczak stated that he thinks Mr. Owecke has a valid concern.
- Mr. Becker stated that he is thinking of the current north neighbor and they may be surprised why a fence would need to be constructed, but he understands the concern.
- Mr. Kazmierczak suggested there be a gate to the fence and then there is an option for the gate to be opened or closed.
- Mr. Becker questioned what would happen if the current north neighbor did not want the fence and would come to the county.
- Mr. Kazmierczak stated the condition as written would be a gate or evergreen screen.
- Mr. Becker stated that the current north neighbor would not want trees.
- Mr. Kazmierczak stated that his concern is for a new buyer and targeting a new type of guest, such as fisherman and evening activities that may be louder than the current type of guests they cater to; it may not be as acceptable to the north neighbor.
- Mr. Kazmierczak stated that he is leaning towards keeping the condition regarding the privacy fence and his initial reaction was the option of a fence for the applicant, but the more he thinks about it, it is up for sale and who knows what the new people are going to do. Mr. Kazmierczak continued by saying that he would like to protect the north neighbor themselves and whoever buys the property and whoever rents the Tourist Rooming Houses; if the neighbor really disagrees with it, the neighbor could come in and petition for a change to that condition.
- Mr. Owecke suggested that the fence include a double gate so there will still be an open avenue and when things change, it can be closed up.
- Mr. Becker stated that it is not so much the access for the neighbor, but they wanted as much sunlight as possible for their garden.
- Mr. Kazmierczak stated the type of gate they use, may allow the sun to go through; it still allows some privacy to these people.
- Mr. Klopp questioned proposed conditions.

The conditions were proposed by Mike Owecke, Zoning Administrator and included in his staff report that was sent to the Board Members to review prior to the Public Hearing. They were not read aloud, but are as follows:

1. All appropriate measures will be taken by the applicant's to ensure the public's health, safety and general welfare when utilizing the Tourist Room House.
 2. Applicant is to abide by all required provisions, inspections, permitting and other requirements of the Wisconsin Department of Health Services and the Buffalo County Health and Environmental Services Department.
 3. Applicant must apply for and obtain a Zoning Permit allowing a Tourist Rooming House.
 4. The grounds and dwelling shall be well maintained and kept in an appropriate state of upkeep and repair.
 5. Clients shall be notified to respect the property and privacy of the landowners and residents to the immediate north at S1515 STH 35.
 6. A privacy fence with a minimum height of 6 feet or an evergreen screening shall be erected/planted along the north property line up to the railroad right-of-way.
- Mr. Kazmierczak stated he was going to add that the septic system be pumped and inspected, even though it may be covered under condition #2, to make sure it is adequate for a commercial and Tourist Rooming House use; would be the only condition he would add.
 - Mr. Kazmierczak stated that with the 7 condition being proposed, he would move for approval.
 - Mr. Becker questioned he was not sure if the septic system would come up or not, but Joe Slaby was not willing to pump it in the winter, however the pumper would be happy to write something up from past pumpings if necessary.
 - Mr. Owecke stated that from the sound of it, it has been well maintained and now it will be tracked for compliance; no real concern.

Seconded by Mr. Klopp to approve Conditional Use Permit 2016-1, JKB Investments LLC, Joseph Becker. Mr. Klopp agreed to second the motion with the proposed conditions. There was no other discussion. All in favor. Carried.

Mr. Kazmierczak made a motion to adjourn. Seconded by Mr. Klopp. All in favor. Carried. The Public Hearing was adjourned at 9:35 a.m.

Respectfully submitted,
Recording Secretary
Julie Lindstrom