



**TOWN OF SPIDER LAKE, SAWYER CO, WI  
BOARD OF SUPERVISORS MEETING 3/10/05**

Present was Krause, King, Overman, Brandt, Promersberger, Attorney Carlson, John Carlson, Zoning Administrator Boss and Clerk Guyer. Purpose of the meeting was to approve the recommendations of the Planning Committee of the Zoning request as advertised for Bryon and Wendy Schroeder and incorporate all the findings of the Planning Committee in granting that request.

Motion to approve the recommendation of the Planning Committee to grant the Zoning Change and incorporate the findings of the Town Board and Planning Committee for expanding Whiplash Resort on 1.1-5.1 & 5.2 was made by Brandt, seconded by Overman All in favor, motion carried.

The following are the findings in support of granting the requested Zoning Change.

1. Several other RR-2 parcels exist on the Spider Lake Chain and the parcels rezoned by RR-2 are compatible to the surrounding area and use. This finding is supported by a Town map depicting the current Zoning of the Spider Lake Chain.

2. For decades the property has been used as a corporate retreat, which is a use similar to resort usage which is a permissible RR-2 use.

3. The number of operating resorts on the Spider Lake Chain has been declining in recent years. Any additional use of the lake attributable to the rezone will be minimal given the fact fewer resorts exist now than in previous years.

4. Rezoning to RR-2 is consistent with the Town of Spider Lake Land Use Plan adopted in April of 2002 which plan is a guide to the long range land use of the Town. Specifically, the zoning change is in conformity with the following provisions of the Land Use Plan:

- Surface water resources in the town are abundant with 50 named lakes and unnamed small lakes, most of which are located in the Chequamegon National Forest. Lakes within the town have tradition of providing quality resort and guest cabin facilities; of which, may still remain as important contributors to the town's economy. (1)
- The questions of maintaining "Northwood's" character, maintaining and improving surface water quality of lakes, and developing an economic climate to meet community needs were identified as major issues facing the Town of Spider Lake. (1)
- Develop and economic climate that satisfied the community's needs (6.1)
- Encourage tourism to sustainable levels (6-4 & 7-14)
- Differential zoning allowed for resorts (6-4)
- Based on an assessment for the need of new recreational facilities, either public or private, establish a format to encourage the development of and location of such facilities or activities (7-15)
- Encourage businesses that are friendly to the "Northwood's" character (6-4)
- Provides for the continuance of active resorts and recreational uses (7-16)

- Recommend new waterfront recreation or retail located at or adjacent to existing resorts/service areas (7-17)

5. Many of the concerns expressed by the surrounding property owners can be addressed by attaching appropriate conditions to any Conditional Use Permit which is subsequently issued authorizing the operation of a resort on the property being rezoned.

6. The applicant's proposed use of the property for resort purposes, as evidenced by applicant's submittal dated November 29, 2004 would have minimal impact on the property and lakes affected by the rezone. The Applicant's representations as to the proposed use can be made conditions of any Conditional Use Permit granted to as to assure use is consistent with applicant's stated intentions.

7. The nature and character of the parcel, being adjacent to property presently being utilized for a resort which is zoned RR-2, and with other RR-2 districts existing on the Spider Chain of Lakes supports the rezoning of the requested parcel to RR-2-2.

8. The Board in ruling upon the zoning request has taken into account the concept of public welfare. Orderly community growth and general prosperity can occur by promoting businesses conducive with the surrounding land use, and any special concerns regarding resort usage having a detrimental effect on land value or having aesthetic or environmental concerns can be addressed or regulated by attaching conditions to nay Conditional Use Permit authorizing resort usage.

9. The requested zoning change does not constitute spot zoning because:

- The size of the parcel, being in excess of thirty (30) acres, is a relatively large parcel. Wisconsin case law provides that the size of the parcel, while not dispositive, is a significant factor to take into account in determining if the request constitutes spot zoning.
- The parcel of property subject to the current request is adjacent to property zoned RR-2.
- As determined above, several other RR-2 zoning parcels exist in the vicinity of the parcel in question, namely other land fronting the Spider Lake Chain.

10. The requested rezone, whether determined to be spot zoning or not, is in the public interest for several reasons.

- The requested change is consistent with the Town's land use plan as set forth above; given the declining number of resorts in the Town, and the minimal impact the rezone will have on the Spider Lake Chain, granting the request will not adversely affect the surrounding land value or adversely affect the Spider Chain of Lakes.
- Since the requested zoning changes meets several of the recommendations set forth in the Town's Land Use Plan, the public, and not just the property owner will benefit from the requested rezone.

A motion was made that the Town Board, based upon the recommendation and findings of the Planning Committee to grant a Conditional Use Permit for the expanding Whiplash Resort on the 3 parcels and that the Conditional Use Permit would have the conditions attached as recommended by the Planning Committee was made by King, seconded by Overman. All in favor, motion carried.

Pursuant to Section 8.5 of the Town of Spider lake Zoning Ordinance, the following conditions were considered for parcels 2-42-07-26-0:1.1, 2-42-07-26-2:5.1 and 2.42-07-26-2:5.2

1. Resort use shall be in conjunction with existing Whiplash Resort, and not for the development of any new or additional resort.
2. No more than two additional twin cottages may be erected on parcels 2.42-07-26-2:5.1 and 2-42-07-26-2:5.2 in total. Said cottages shall comply with all applicable provisions of the Zoning Ordinance.

3. So long as the parcel is being utilized for resort purposes, no cottage or residence shall be constructed upon parcel 2-42-007-26-1:1.1 unless this Conditional Use Permit is amended or modified.

4. Parcel 2-42-07-26-0:1.1, if utilized for resort purposes:

- Shall be utilized only by guests/users of Whiplash Resort.
- Shall not be used for renting waterfront to the public, but watercraft use and activity shall be limited to guests staying at Whiplash Resort;
- Shall not be utilized for any commercial purposes other than as an amenity for guests staying at Whiplash Resort;
- All motorized watercraft utilized by guests of Whiplash Resort shall be launched at a public access.

5. Any requested amendment or modification of this Conditional Use Permit shall require the owner to file an application in accordance with Section 8.2 of the Zoning Ordinance. All provisions of Section 8 of the Zoning Ordinance shall apply to any requested amendment or modification of the existing Conditional Use Permit.

All exhibits and tapes are filed in the office of the Town Clerk

Motion to adjourn the Town Board Meeting was made by Overman, seconded by Brandt. All in favor, motion carried.

Ruth Guyer, Clerk