

**Minutes of Public Hearing
November 2, 2016
Town of Spider Lake
Sawyer County, WI
6:00 P.M.**

Rezone Request by Robert J. and Janis L. Beatty to rezone a portion of Lot 1 CSM No. 5905 Bol. 20 Pg. 318 consisting of approximately 2.8 acres from A-1 to RR-1, leaving the balance of 2.8 acres to be combined with Lot 2 consisting of approximately 13.8 acres.

The hearing was called to order by Hucker at 6:00 P.M. Commission members in attendance were Hucker, Mazik and Cerman as well as Boss Zoning Administrator. Brandt and Ross were absent. It was noted that there was a quorum for the public hearing. Hucker reminded everyone to sign in for the hearing and read portions of the published notice into the record, noting that the public notice will be attached to the minutes. The hearing was opened for public comment.

The applicant, Jan Beatty, and Carol Alcoe were the only persons present and who signed in. It appeared that no one wished to speak regarding the proposed rezone.

With no one appearing to speak, the hearing was opened up for questions for Boss or for the applicants. Alcoe asked if the rezone will allow for the building of a house. It was clarified that it was not for that purpose. Boss noted that the proposed rezone was published as required. Boss summarized the written comments that he received from adjacent landowners—the list of which is attached to the minutes. No objections were noted.

Boss provided the Commission with a map depicting the adjacent zoning of property in the area and a copy of the existing CSM with the area proposed for rezone marked (a 350'x350'). Boss noted that the existing dwelling would meet the setback requirements.

Hucker noted that the Town had not considered a rezone for an extended period. It was noted that the rezone is a legislative act which must be carried out by the town board, after consideration by the town's Plan Commission. There is an official map for all of the property in the town and it will require an amendment of the map if the town board were to allow for the rezone.

Some of the standards laid out for rezoning in the Wisconsin Town Officer's Handbook were noted. For example, it states: "[t]o help insure that a rezoning is in the public interest, the governing body may put reasonable conditions on the rezoning." Municipalities are not to engage in what is referred to as "spot zoning"

and base its decision on the merits of the request, consistency with the town plan, the effect, if any, on neighboring uses, public safety, the environment, etc. Hucker found nothing in the Town plan that would prohibit.

It was noted that the subject property has property to its south zoned RR-2, to its west property zoned RR-1 and A-1 to its north. A favorable recommendation would increase the RR-1 area by 2.8 acres and reduce Ag-1 by that amount. Further to the east and west the land area is zoned forestry. If the recommendation to the Town Board is to approve the rezone, it will not be creating an island because there already is property zoned RR-1 adjacent to the property.

Approval would limit uses to approved uses in RR-1 (e.g. no farm animals, chickens or other permitted or conditional Ag-1 uses). It also was noted that the PRC is moving in the direction of recommending to the Town Board that it increase the minimum size of A-1 lots.

Hucker asked Jan Beatty to provide some explanation as to why they want the rezone. She explained that her residence is on the adjacent 13.8 acres and that the horse barn they have looks out on the pasture area which is the back of the adjacent 5 acre lot which they proposed to divide. They would prefer to add that additional 2.8 acres to the current 13.8 acres to preserve the use as an agricultural use (pasture) which the house on the remaining 2.8 acres could be sold as a conforming lot if it is rezoned RR-1. There is a tree line approximate to the proposed property line to the north. Their thought is that there is a benefit for ag use to increase the size of the adjacent lot.

The home on the parcel is only a one bedroom home. Tax parcel 101 would be divided approximately in half. Hucker noted that this would require a new CSM for "101" and a new CSM for "103" in order to combine the additional 2.8 acres from 101 into 103. Two surveys will be required. Boss confirmed that and Jan Beatty confirmed this as well. Tax parcel 102 is not owned by Beatty. Boss noted that there are no issues relating to improvements on both parcels.

Rezone will require two new CSMs. Cerman asked for further clarification as to why they want to do this. Beatty noted they own both lots presently. When you drive up the driveway to her house the horse barn on their property is at about 350 feet in from the road and that is where the pasture starts. One of their children lived in the house on the smaller lot. It is now for sale. They would prefer to have the extra 2.8 acres from the smaller lot remain part of the pasture as they use it.

Cerman expressed concern about maintaining 10 acre minimum lots. Hucker noted that if the rezone is approved, one will have 2.8 acres rezoned to RR-1 and the remainder left in A-1. If it is not, you have a 5 acre Ag lot, with the balance remaining in A-1 as well.

Hucker noted that the property has RR-1 adjacent to it which weighs heavily in his consideration of the request. Cerman wanted more information.

After further discussion, a motion was made by Mazik and seconded by Hucker to recommend to the Town Board that it allow the rezone of 2.8 acres to RR-1 conditioned upon the applicants submitting two CSMs resetting the lot line and leaving the balance of the land zoned as A-1. The CSMs will have to be approved before the rezone can occur. MC 2-1.

Hucker requested that Jan Beatty attend the town board meeting next week in the event that the board has questions. Cerman requested that he be provided more information about the layout.