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**Minutes of Public Hearing  
October 5, 2011  
Town of Spider Lake  
Sawyer County, WI  
6:00 P.M.**

**Conditional Use Permit: Land owner: Margaret O. Mamminga, Site Address: 12832N Hospital Bay Ln, Located in Gov't Lot 2 Sec 26, T42N, R7W, Deed Vol. 585 PG. 240, Zoned RR-1, 10.44 Acres. Requests plumbing (toilet & sink) in an existing accessory building.**

The hearing was called or order by Hucker at 6:00 P.M. All commission members in attendance (Hucker, Brandt, Woods, Ross and Cerman) as well as Boss Zoning Administrator and acting secretary Overman. 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 to public comment.

Carol Alcoe asked if Boss had seen the request and it was explained that he had and the purpose of the hearing was to allow public comment either for or against granting the CUP. Alcoe opposed issuing the CUP.

David Mamminga identified himself as the spouse of the owner. She did not attend the hearing because she is working on a book regarding Spider Lake. The proposed site for the toilet and sink is in a garage for which a building permit was issued in 2004. Portions of the building are used as a writing studio and space is also used as a game room for family. Boats and sporting equipment are also stored in the area in the winter. He acknowledged that they were the first requesting a CUP since the ordinance was amended in 2009 to require one. Having the toilet and sink also would help with the grandchildren when they come in from the outside.

Alcoe asked to have the notice read out loud again and she was provided with a copy.

Cass Mazik expressed concern about setting a precedent about allowing plumbing in a garage. It was explained that no CUP had been required for a number of years and that standards were tightened in 2009 to require a CUP for plumbing in an accessory building. so that the land owner would understand clearly that while you can have plumbing in a accessory structure, it is not to allow that space to become habitable space (e.g. living and sleeping in the accessory building). The town is more restrictive than the county.

Mary Witt asked what will happen if the property is sold

Before responding to her question, it was noted that the purpose of this hearing was to take comments regarding the proposed application and that questions could be answered during the deliberations. Hucker indicated that if there was no further public comment, he would close the public comment phase of the hearing.

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continued

Carol Alcoe stated as a member of the zoning board of appeals that this application appeared to be like the 1<sup>st</sup> step toward making habitable space and as you say it's been a problem in the past and she did not really think that this type of thing should not occur.

Mamminga noted he was here and paid the application fee of \$375.00 to be here because he was following what he thought the ordinance allowed. Since no one else wished to make public comment, the public comment phase of the hearing was closed.

Hucker responded to Carol Alcoe's concern by noting that while there is a concern that persons may attempt to use the CUP process to create habitable space, the ordinance does allow plumbing in accessory buildings under the CUP process. Cerman asked about whether a septic system is required and the applicant noted that the site had been checked by Rasmussen and that depending upon soil tests, a septic would be put in or the toilet and sink would not be put in. It was noted that the county regulates septic systems. Woods asked if anyone else had received a CUP and Brandt noted that none had been required for a few years. Woods also asked where the septic would be located relative to the lake and Mamminga noted that the building is over 100 feet from the lake and the septic would be farther away.

Witt asked why the property was not "grandfathered" and the owner stated that when it was built he believed that no plumbing was allowed. At Carol Alcoe's request, Boss read the ordinance's definition of habitable space. Boss explained that dwelling units include sleeping, living, kitchen purposes, etc. Accessory buildings can be used for art studios, workshops, and offices for example.

After further discussion a motion was made by Brandt and seconded by Woods to recommend to the Town Board that a Conditional Use Permit be granted to the applicant to put in only a toilet and sink with the following conditions:

1. If any of the conditions of this permit are violated, the CUP may be revoked by the Town Board (**Note:** " (resulting in the need to remove the toilet and sink at the owner's expense)" was added at the Town Board meeting) and the land owner is subject to the fines, forfeitures, and penalties as allowed by law;
2. The land owner consents to periodic inspections by the Town of Spider Lake's Zoning Administrator or the Zoning Administrator's designee;
3. The conditions of this CUP are binding upon any heirs, successors or assigns. In the event of the sale or transfer of the property, the land owner or successors will disclose the existence of the CUP to any prospective buyers; and
4. The CUP itself will be recorded with the Sawyer County Register of Deeds and a copy of the recorded CUP shall be provided to the Spider lake Zoning Administrator.

After further discussion, a vote was taken and the motion carried 5-0. The public hearing was concluded at 6:35 p.m.

Minutes submitted by Secretary Overman