

**CITY OF WASHBURN**  
**119 Washington Avenue**  
**P.O. Box 638**  
**Washburn, WI 54891**



**715-373-6160**  
**715-373-6161**  
**FAX 715-373-6148**

This meeting may have members participating via tele or web conferencing. Public participants can listen to the proceedings by utilizing a computer or smart phone and using the link <https://us02web.zoom.us/j/87661418534?pwd=Vmxza3dudmIxbDRzYSsydWZmdnB1QT09> or by calling 1 (877) 853-5247 (Toll Free) and entering Webinar ID: **876 6141 8534** and entering passcode: **850732** as opposed to being present for the meeting.

#### **NOTICE OF PLAN COMMISSION MEETING**

**DATE:** Thursday, October 19, 2023  
**TIME:** 5:30 PM  
**PLACE:** Washburn City Hall – 119 Washington Ave

#### **AGENDA:**

- Call to Order/Roll Call
- Approval of Minutes of September 21, 2023
- Public Hearing, Discussion & Recommendation on Conditional Use Permit Application for Chequamegon Bay Boat LLC for Heavy Vehicle Sales and Service at 706 W. Bayfield Street – Robert B. Hartzell II, Petitioner
- Discussion and Action on Plan of Operation and Site Plan Review for Chequamegon Bay Boat LLC for Heavy Vehicle Sales and Service at 706 W. Bayfield Street – Robert B. Hartzell II, Petitioner
- Discussion on Draft Ordinance to Allow Off-Premise Signs in Certain Areas of the City and Adjustments to Outdoor Lighting Provisions
- Adjourn

September 21, 2023

CITY OF WASHBURN PLAN COMMISSION MEETING

5:30PM Washburn City Hall

COMMISSION MEMBERS: David Anderson, Michael Malcheski, Mary Motiff, Matt Simoneau (via zoom), Nicolas Suminski

ABSENT: Felix Kalinowski, Leo Ketchum- Fish

MUNICIPAL PERSONNEL: Scott Kløver-City Administrator, Tammy DeMars-Treasurer/Deputy Clerk

Meeting called to order at 5:30 pm by Motiff, attendance as recorded above.

Approval of Minutes – August 17, 2023 Minutes – Motion by Malcheski to approve the minutes of August 17, 2023, second by Suminski. Motion carried 5-0.

**Discussion & Action on Plan of Operation, Architectural review, Downtown Design Review, and Site Plan Review for Lost Apostle Brewery LLC, 204/206 W. Bayfield Street, C-3 District – Badger Colish, Petitioner – Petitioner present.** The proposed project is to construct a 5,316 sq. ft. building to be used as a brewpub, restaurant, and retail space. The Plan Commission reviewed whether the project complies with all applicable design principles and standards as follows: **General Architectural Standards:** 1) Excluding residential buildings and Industrial Zoning Districts, all building exteriors facing a street, not including an alleyway, shall have at least 50 percent of the street face constructed with brick, decorative masonry, glass panel, or other appropriate similar finished façade as may be approved by the Plan Commission. Such brick, masonry, glass, or other decorative facing shall extend for a distance of at least 25 feet along the sides of the structure that do not face a street or at least 25 percent of the that side wall distance, whichever is greater. **The front and east exteriors (Bayfield Street and 2<sup>nd</sup> Ave W.) will have a combination of glass windows, face brick veneer, and LP smart siding. The front will be all brick veneer and glass, and the east side will be a combination of all three materials. The Plan Commission finds these to be acceptable materials.** 2) Outside of Industrial Zoning Districts, the appearance of any buildings with a front elevation or any building elevation facing Bayfield Street of more than 750 square feet in area shall be divided into distinct planes of 500 square feet or less. The following design features can be used to meet this provision (1) canopies or awnings; (2) arcades; (3) porches; (4) vertical wall offsets having a minimum depth of 8 inches and a minimum width of 10 feet; (5) horizontal offsets having a minimum depth of 2 feet; (6) pilasters having a minimum depth of 8 inches, a minimum width of 12 inches, and a minimum height of 80 percent of the wall height; (7) recessed areas for entryways and the like having a minimum depth of 8 inches; and (8) other suitable multidimensional design features. **The front elevation of the building is approximately 900 square feet and will have 8” Pilasters.** 3) On any building on Bayfield Street, the front entrance of a building shall be encouraged to face Bayfield Street. When that does not occur, the Bayfield Street Elevation shall have the same, or similar, materials and designs as the front entrance of the building. Except for one or two-family residential buildings, when a building rake elevation faces Bayfield Street the roof line must be hidden behind the façade facing Bayfield Street. **The front entrance faces Bayfield Street, and the roof is flat behind a slight curved façade. The Plan Commission finds this to be acceptable.** 4) Oversized fenestration elements which tend to create a monumental scale shall not be used unless specifically required by the type of building or relationship to its surroundings. **The Plan Commission finds that the use of windows and doors is not monumental.** 5) Building entrances must be clearly recognizable from parking lots and pedestrian circulation routes. **The Plan Commission finds that the design complies with this requirement.** 6) Rooftop mechanical equipment shall be positioned so it is not readily visible from a public street or an abutting property in a residential zoning district or in a planned development district that allows residential uses. Rooftop mechanical equipment may be placed in an enclosure or screened from view provided such enclosure or screening is used as an element of the building’s architecture. **Rooftop mechanical equipment is placed in the southwest corner of the roof, if needed it will be screened.** 7) Fencing shall complement the appearance of buildings onsite. **No fencing was indicated on the plan.** 8) The exterior building materials of an accessory building shall be the same as or similar to those used on the principal building. N/A 9) Overhead doors shall not face a public street. The Plan Commission may permit overhead doors to face a public street, but only when it has made a finding that there is no feasible alternative location for such doors. Consistent with the requirements in Article 7, the Plan Commission may approve a special exception to allow an overhead door to face a public street when there is no feasible alternative. **The overhead door is in the rear of the building off the alley. The Plan Commission finds this to be acceptable.** 10) HVAC (heating, ventilating, air conditioning) equipment shall be screened from view. No HVAC shall create a noise level of more than 50 decibels as measured on a dB(A) scale at the nearest existing adjacent residence. **The HVAC system will be in the southwest corner of the building. The unit style has not yet been selected, so screening and decibel levels cannot be determined.** 11) When trash, garbage and recyclable materials are stored out-of-doors, such materials shall be concealed or suitably screened from public view. A brick or stone wall, wood fence, chain-link fence with slats, and/or landscaping shall be used to totally obstruct vision into the storage areas. Any wall, fence, gate, and/or vegetative screening shall be installed or erected to a height at least 1'- 6" above the highest point of the dumpster as generally depicted below. **Dumpster location in rear by mechanical room.**

**Downtown Standards:** 1) **Building height.** The height of a building shall not be more than one story taller or shorter than the height of the adjoining building. In no event shall the height of a building exceed the maximum building height established for the base zoning district. **The Plan Commission finds that this provision is met.** 2) **Special requirements for large buildings.** A building façade fronting on a public street with a frontage of 75 feet or more shall be designed to look like two or more individual building fronts. This may be achieved by using different building materials, facade articulations, or other design approach that gives the appearance of separate but attached buildings. N/A, **as the building has a front elevation of 54 feet.** 3) **Horizontal rhythms.** The horizontal pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as piers and columns shall be spaced at regular intervals across all visible façades of the building. **The Plan Commission finds that this provision is met.** 4) **Vertical rhythms.** The floor heights on main façades shall complement those of adjoining buildings. The rhythm of the ground floor shall harmonize with the rhythm of upper floors. The vertical pattern

of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as sills, headers, transoms, cornices, and sign bands shall be compatible in design and elevation with adjoining buildings in immediate area. **The Plan Commission finds that this provision is met.** 5) **Roof forms.** Flat or gently sloping roofs which are not visible from the street grade shall generally be used. Mansards or other exotic roof shapes are not characteristic of the district's character and are prohibited. **The Plan Commission finds that this provision is met with the flat roof.** 6) **Awnings.** The size, color, placement, and design of an awning should complement the architectural character of the building on which it is located. Soft, weather-treated canvas or vinyl materials which allow for flexible or fixed installation shall be used. Awnings covered with shingles, metal roofing, or the like are prohibited. Backlit awnings are prohibited. N/A – **No awning proposed.** 7) **Building materials.** Selected building materials shall be compatible with those of existing buildings in the immediate area which generally consist of natural materials such as stone, brick, and wood. Concrete masonry units, corrugated metal, half-log siding, and vinyl siding are prohibited. **The Plan Commission finds that this provision is met with the use of brick, glass, and LP Smart siding.**

**Site Plan Standards:** 1) Effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site - **Entrance area is off of Bayfield Street, with alternate entry points off of the ground patio on the east side of the building and a rooftop patio via a staircase off of the sidewalk on Bayfield St. Street parking is allowed in the front of the building, and some amount of parking will be provided on 2<sup>nd</sup> Avenue West. which allows for parking on two sides of the structure..** 2) Effects of the project on the natural environment – **No known detrimental effects. Stormwater detention will not be required as it was a previously impacted site and the footprint is not increasing.** 3) Effects of the project on surrounding properties – **Anticipate an increase in parking/traffic. This property is located in the Downtown Parking District and is not subject to mandating parking spaces. Nonetheless, some parking will be provided.** 4) Compliance with the site design principles enumerated in s. 8-163 – **Project does not appear to be in conflict. The loading area is at the rear of the building off of the alley with an overhead door that enters the building. It is separated from the proposed general parking area. Pedestrian area, though not depicted, would be a sidewalk along the parking area connecting to the main sidewalk in front of the building.** 5) Compliance with the design principles for parking lots enumerated in s. 17-3 – **No parking required, but some parking is provided.** 6) Compliance with other applicable requirements contained in this chapter – **All setback and general provisions are complied with. No outdoor lighting indicated (plan needs to be submitted to meet code if it is going to exist). Landscaping is not required in the C-3 District unless there is a parking lot that fronts Bayfield Street (8-22 (7)). The Commission determined that if the entry to the parking lot is off the Avenue and not Bayfield Street, it would not be considered fronting Bayfield Street and therefore would not require a landscaping plan.** 7) Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law – **No other known factors.**

**Plan of Operation Standards:** 1) The nature of the land use with regard to the number of employees, nature, and extent of truck shipments to and from the site, hours of operation, use of hazardous substances, and other operational characteristics – **The Plan Commission determines that there are no known issues. It is anticipated that between 14 and 18 FTEs will be employed. Hours of Operation are potentially seven days a week from 11:00 am until 11:00 pm. Deliveries would be provided off of the alley between the hours of 6:00 am and 5 pm.** 2) The nature and extent of anticipated positive and negative effects on properties in the area – **Positive effect is additional business in town. It will generate additional parking congestion in the area, but there are no parking requirements in this district as that is expected.** 3) Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed land use – **There are no known chemicals of hazardous use of significant quantities that would be of concern. Brewing operations produce spent grains which can be detrimental to treatment plants in large quantities. Plan is to provide spent grains to local farmers to avoid disposal at treatment plant.** 4) Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law – **None.** 5) List of Conditions Imposed: **Dispose of spent grains with local farmers. If not possible, coordinate with the Washburn Treatment Plant when disposing.**

Moved by Malcheski, second by Anderson to approve Plan of Operation, Architectural review, Downtown Design Review, and Site Plan Review for Lost Apostle Brewery LLC, 204/206 W. Bayfield Street, with the inclusion of submittal of lighting plan, the conditions that the HAVC unit will need to have decibel levels that will meet the code, appropriately screened the dumpster and disposal of the grains to farmers, and when that is not possible coordinate with the Washburn Treatment Plant before disposal. Motion carried 5 to 0.

The Commission would also like to discuss fusion lighting at the next meeting.

**Discussion on Draft Ordinance to Allow Off-Premise Signs in Certain Areas of the City** – The Mayor reports she has been in some discussion with a state official in regard to the City request to modify the sign provisions for the Scenic By Way and are unsure if they will be approving our request. The Mayor will continue to discuss the issue with them, to be sure they understand the type of signs we are talking about. The Commission did review the draft changes, and clarification is needed on legal restrictions that could be made for these off-premises signs, such as would it be allowable, to restrict non-city businesses to use these existing signs or could we put a stipulation that the business must be within so many square feet from the sign.

Motiff adjourns the meeting at 7:00pm.

Respectfully Submitted,  
Tammy DeMars  
City Treasurer/Deputy Clerk

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**CITY OF WASHBURN**  
**NOTICE OF PUBLIC HEARING**

A Public Hearing will be held by the Plan Commission on, Thursday, October 19, 2023, at 5:30 P.M. at City Hall, 119 Washington Avenue, for public comment on the following issue:

**Conditional Use Permit Application:**

Request for Heavy Vehicle Sales and Service in a C-2 Commercial Area – Operate a boat rental business on the property. Subordinate uses will potentially include outdoor sales of inner tubes, floating toys, kayaks, SUPs, and other water toys. Marine repair and outboard dealership services are also potential subordinate uses. The use will include in accordance with the regulations of 8 - 311 out of the property located at 706 West Bayfield Street. Robert B. Hartzell II, Petitioner

The property is zoned C-2, General Commercial. Residents unable to attend the public hearing may provide written comment to the Zoning Administrator prior to the hearing.

Scott J. Kluver  
Zoning Administrator

**publ.: Class 2 – October 3 and 10, 2023**  
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shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

- (18) **Public record copy.** A duplicate copy of the decision document shall be retained as a public record.
- (19) **Recording of decision document.** If the property owner returns the decision document within the required time period with the required signatures, the zoning administrator shall record the decision document against the subject property in the office of the Bayfield County register of deeds.
- (20) **Administrative steps.** If the conditional use is approved and the zoning administrator has created a map showing conditional uses, the zoning administrator shall add the conditional use to that map.

Amendment(s):

- 1. Ordinance 18-001, adopted April 9, 2018

**7-55 Basis of decision**

(a) **Generally.** When reviewing conditional uses other than nonconforming conditional uses, the Plan Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

- (1) the size of the parcel on which the proposed use will occur;
- (2) the presence of and compatibility with other uses on the subject property, if any;
- (3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);
- (4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
- (5) the suitability of the subject property for the proposed use;
- (6) effects of the proposed use on the natural environment;
- (7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
- (8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and
- (9) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

(b) **Nonconforming conditional uses.** When reviewing nonconforming conditional uses, the Plan Commission in making its recommendation and the Common Council in making its decision shall make the following determinations:

- (1). The nonconforming use will not be adverse to the public health, safety, or welfare.
- (2) The nonconforming use is in keeping with the spirit and intent of this chapter.
- (3) The nonconforming use would not be otherwise detrimental to the area and in particular the surrounding properties.

The Common Council shall grant approval for a nonconforming conditional use only if the council can make an affirmative finding for all of the criteria listed in this subsection.

(c) "Substantial evidence" as used in this Article means facts and information, other than mere personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Amendment(s):

- 1. Ordinance 18-001, adopted April 9, 2018



Conditional Use
City of Washburn

Version: May 25, 2017

WASHBURN CITY HALL
119 Washington Avenue
Washburn, WI 54891

Overview: The City's zoning code identifies land uses that may be allowed in each of the zoning districts either by right or as a conditional use. By definition, a conditional use is a land use that may or may not be appropriate on a given parcel depending on a wide range of factors that relate to the proposed use and the particular circumstances relating to the parcel and surrounding properties.

Governing regulations: The procedures and standards governing the review of this application are found in Article 7 of the City's zoning code.

General instructions: Complete this application and submit one copy to the City Clerk at the mailing address shown above. Before you formally submit your application, you may meet with the City Administrator who can answer any questions you may have.

Office Use Only
Date Received: 9/21/2023
Received By: J. Demas
Fee Paid: \$150.00

1. Applicant and agent information Include the names of the agent, if any, that helped prepare this application including the supplemental information. Examples include surveyors, engineers, landscape architects, architects, planners, and attorneys.

Table with 2 columns: Applicant, Agent. Rows include Name, Street address, City, state, zip code, Daytime telephone, E-mail address.

2. Type of application (select one)

- New conditional use
An amendment of a previously approved conditional use

3. Proposed use. Describe the proposed conditional use or amendment in detail.

Boat Rentals and Boat Store
I plan to rent boats on a trailer, we help launch at a local launch ramp and help them recover it when the return.
Boat Store will be to compliment the boat rental operation. I do not have a large store front but it will be fun to sell inner tubes, floating toys, kayaks, SUPs, and other fun water toys!
I would like to chain some larger kayaks, SUPs, and other items outside for sale.
Marine Repair and potential outboard dealership services are planned for the future but no plan to offer for 2024

**4. Subject property information**

Physical address 70 6 W Bayfield St. Washburn, Wisconsin 54891

Tax key number(s) 32930 32929

Note: The tax key number can be found on the tax bill for the property or it may be obtained from the City Clerk.

Is the subject property currently in violation of the City's zoning code as determined by the zoning administrator?

- No
- Yes

If yes, please explain.

Comment: Pursuant to Section 6-10 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land that is in violation of the zoning code, except to correct the violation or as may be required by state law.

Are there any unpaid taxes, assessments, or other required payment that are specifically related to the subject property?

- No
- Yes

If yes, please explain.

Comment: Pursuant to Section 6-11 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land where taxes, assessments, or other required payments are delinquent and due.

Are there any buildings on the subject property?

- No
- Yes

Will the proposed conditional use be located in an existing building or a new building?

- Existing building
- Proposed building
- NA

If the conditional use will be in an existing building, is that building classified as "conforming" or "nonconforming?" A nonconforming building does not meet the dimensional requirements for the district in which it is located.

- Conforming building
- Nonconforming building

If nonconforming, please explain.

Has the City approved a variance or special exception for the subject property?

- No
- Yes

If yes, provide the year of issuance and a short description for each one.

5. **Zoning information.** The subject property is located in the following zoning district(s). (check all that apply)

- R-1 Rural residential       C-1 Cottage commercial       MUW Mixed-use waterfront  
 R-2 Suburban residential       C-2 General commercial       L-1 Lakefront  
 R-6 Mixed residential       C-3 Downtown commercial       M Marina  
 R-7 Waterfront residential       I Industrial

6. **Adjoining land uses and zoning**

	Zoning classification	Current uses
North	<del>residential</del> <i>Commercial</i>	<i>SK</i> across highway 13 is housing
South	<del>comercial</del> <i>res.</i>	<i>SK</i> storage units
East	commercial	car wash
West	commercial	nickels worth bar and motel

7. **Evaluation criteria.** The factors listed below will be used in evaluating this application. Your responses are important.

1. The size of the parcel on which the proposed use will occur

I would like to park boats on the property, and have a small boat related retail store. My property is actually 2 properties the 706 Main St. Building and an empty lot next to it consisting of the whole block between 7th and 8th avenue. For 2024 I would like to have 4 rental boats on the high visibility raised flat area in the north west corner. There will likely need to be one or two more boats for backups and chase boats parked on the lower areas. In the building the store will be located in the front room.

2. The presence of and compatibility with other uses on the subject property, if any

Currently there are no other uses for the property. The building will serve as a conference room to go over rentals and a boat store. The apartment that is attached will be a place for me to stay or rest.

3. The location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses)

Boat rentals will be trailer launched rentals. Boats will be loaded up and made ready for use on the property and then taken to West End boat ramp to be launched. The store will be in the building. Some larger floating items may be locked neatly outside the building.

4. Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site

I hope that the property allows boat rentals on trailer to exit not on 13 but 7th and 8th avenue making for a much easier access to the launch ramp and gas station. Certainly this business will increase traffic to this area and I hope to make sure that safety and flow remains adequate. I do believe Omaha and the dirt alley help connect my property and Holiday gas station for gassing up boats. I placed a bench under the apple tree for pedestrians to rest. I was in Vegas with a bum knee last spring and really hated how there are no free places to sit, so I created one!



5. The suitability of the subject property for the proposed use

I chose this property for its visibility and proximity to West End launch ramp, and the building for a store.

6. Effects of the proposed use on the natural environment

Boat Rentals do involve combustion engines. Regular maintenance and nicer newer machines are the best way to reduce emissions and pollution from usage. I work with renters to make sure they understand leave no trace and have a plan to remove all trash and anything they may bring out on their rental. As a Northland graduate I have struggled to balance love of nature and Lake Superior with the use of combustion engines to access the lake. I think we are on the right track with better efficiency and regular maintenance. I also maintain a relationship with BlackWarrior Marine (BoatUS Tow Boat) and make sure any damage incidents are recovered immediately and with environmental protection in mind.

7. Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances

Boat rentals are during the day. 9-5. I may end up with late renters coming back nearing the sunset but I am very clear that boats are not to be used at night.  
There may be some running of engines to Servies and maintain the fleet, but that is for short moments and rather limited. One nuisance I want to prevent is kids or careless people playing on or around the boats. I am not asking permission to put up a fence or lighting system at the moment but that may be helpful to think about in the future. General security for the nice equipment is an important consideration.

8. Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts

I think boat rentals will compliment everything in Washburn as it will tie in Lake Superior and bring people to the water!

9. Any other factor not listed above, but which relates to the public health, safety, or welfare

As a Charter Captain and then a fleet Admiral for rental boats on Madeline Island I loved learning the history and telling the story of the region. I hope to really make Washburn a central location for boating in this region. I hope everyone can benefit from greater access to what is the real treasure of this region: Lake Superior!

**8. Project map.** Attach a project map. It can consist of a single page or multiple pages depending on the complexity of the features that need to be depicted.

The following items need to be included as appropriate to the project.

**Background Project Information**

- Project name
- Applicant name
- Preparation date

**Survey Information**

- North arrow and graphic scale
- Address of subject property or legal description
- Property boundaries
- Acreage of subject property

**Project Development Information**

- Easements/rights-of-ways (location, width, purpose, ownership)
- Common areas/conservancy areas (location, purpose, ownership)

**Setting**

- Property boundaries within 150 feet of the subject property
- Land uses within 150 feet of the subject property
- Zoning district boundaries within 150 feet of the subject property
- Municipal boundaries within 150 feet of the subject property

**Site Features (existing and proposed)**

- Ground contours when any slope exceeds 10 percent
- Wetlands
- Woodlands
- Wildlife habitat, including critical wildlife habitat
- Environmentally sensitive features
- Water resources (rivers, ponds, etc.)
- Floodplain boundaries
- Environmental and manmade development constraints and hazards including brownfields, contaminated sites, unstable soils, high groundwater, bedrock, and high-pressure natural gas lines

**Landscaping Features (existing and proposed)**

- Fences, buffers, and berms
- Pervious and impervious surfaces by type
- Existing trees and other prominent vegetation

**Transportation Facilities (existing and proposed)**

- Streets
- Driveways and road access onto public and private roads
- Sidewalks / trails

**Buildings and Outdoor Storage/Activity Areas footprint, use, etc.)**

- Existing and proposed
- Existing within 150 feet of subject property

**Required Setbacks**

- Yard setbacks (front, side, rear and shore)
- On-site septic systems
- On-site wells and off-site wells within 10 feet of the perimeter of the subject property

**9. Attachments.** List any attachments included with your application.

google maps map attached

**10. Other information.** You may provide any other information you feel is relevant to the review of your application.



For 2024 I am not trying to build anything or change the property much. I would like to add a gravel or paved parking area where the boats wont just be on grass. I also could really use a small tool/life jacket shed.

**11. Applicant certification**

- I certify that all of the information in this application, along with any attachments, are true and correct to the best of my knowledge and belief.
- I understand that submission of this application authorizes city officials, Plan Commission members, Common Council members, employees, and other designated agents to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.
- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of such written materials or view it online.
- I understand that the zoning administrator will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Property Owner Signature(s):

Date:

   
\_\_\_\_\_

# CITY OF WASHBURN

## CONDITIONAL USE PERMIT

A Conditional Use Permit is hereby granted, pursuant to Title 13, Chapter 1, Article 7, Division 3 of the City of Washburn Zoning Ordinance to Chequamegon Bay Boats LLC (Robert B. Hartzell II) (hereinafter User), in respect to property currently zoned C-2 General Commercial, herein referred to as Subject Property, described as:

**Street Address:** 706 W. Bayfield Street

**Legal Description:** ORIG TOWNSITE OF WASHBURN LOTS 1-4 BLOCK 5 IN DOC 2022R-596574 TOG TLE IN 2023R-598200 25; ORIG TOWNSITE OF WASHBURN LOTS 5-9 BLOCK 5 IN DOC 2019R-577220 28

**Tax ID:** 32929 and 32930                      **PIN:** 04-291-2-48-04-05-2 00-312-01200  
04-291-2-48-04-05-2 00-312-01300

This Conditional Use Permit is granted for the purpose of permitting the User, and only the User, to engage in the permitted use set forth immediately below:

1. To operate a boat rental business (Heavy Vehicle Sales and Service use) at the property located at 706 W. Bayfield Street, in the C-2 General Commercial District in accordance with Section 13-1-8-311 of the City of Washburn Zoning Code. Subordinate uses will potentially include outdoor sales of inner tubes, floating toys, kayaks, SUPs, and other water toys. Marine repair and outboard dealership services are also potential subordinate uses.

This Conditional Use Permit is subject to the following special conditions:

1. This Conditional Use Permit is issued exclusively to the User, does not run with the land for which it is issued, and may not be sold, conveyed, assigned or otherwise transferred to any other person or entity. This permit will be effective once all conditions are complied with as specified in ordinance.
2. Issuance of a Conditional Use Permit does not indicate that the City of Washburn has certified the above referenced dwelling nor has it inspected the building, nor does it ensure that it meets local, state, federal, or professional requirements or standards related to the subject use.
3. The User must comply with Title 8, Chapter 3 of the City of Washburn ordinances regarding the placement and use of waste and recycling facilities.
4. All conditional uses referred to above may be carried out upon the Subject Property during times that are allowable by the City's noise ordinance (11-2-6).



5. This permit shall remain in effect so long as the permit holder complies with all conditions of this permit and applicable City of Washburn ordinances.

Statement on the nature of the approval:

In approving this Conditional Use Permit, the Plan Commission confirmed the size of the parcel was not an issue, the use is compatible, the location of the use on the property is not a concern, traffic safety should not be a problem, it is a suitable additional use, there are no negative impacts on the environment known of, concerns with impacts on the neighbors were discussed and it would not impede the normal development. The Common Council adopts these findings.

Appeal rights for applicant and other aggrieved persons:

Within 30 days of the decision date, a written appeal, including the reasons for the appeal, must be received by the City Clerk. The appeal process will follow the procedure outlined in 13-1-7-23 of the zoning ordinance.

\_\_\_\_\_  
Chequamegon Bay Boats LLC  
Robert B. Hartzell, II, Sole Member

\_\_\_\_\_  
Date

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2023, the above-named Robert B. Hartzell II, to me known to be the person who executed for the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public, Bayfield County, Wisconsin

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Mary D. Motiff, Mayor  
City of Washburn

\_\_\_\_\_  
Date

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2023, the above-named Mary D. Motiff, known to be the person who executed for the foregoing instrument and acknowledge the same.



\_\_\_\_\_  
Notary Public, Bayfield County, Wisconsin

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Scott J. Kluver, Zoning Administrator  
City of Washburn

\_\_\_\_\_  
Date

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023, the above-named Scott J. Kluver, known to be the person who executed for the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public, Bayfield County, Wisconsin

My commission expires: \_\_\_\_\_



**CITY OF WASHBURN**

PO BOX 638

WASHBURN, WI 54891

Receipt Nbr: 34829

Date: 9/21/2023

Check

RECEIVED  
FROM

CAPTAIN BOB HARTZEL

\$150.00

<u>Type of Payment</u>	<u>Description</u>	<u>Amount</u>
Accounting	ZONING PERMITS CONDITIONAL USE PERMIT APP. R. HARTZELL	150.00
TOTAL RECEIVED		150.00

# City of Washburn Plan Commission

## SITE PLAN REVIEW DECISION

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### Robert Hartzell II – Chequamegon Bay Boats LLC

Filing Date: September 21, 2023

Proper notice of hearing provided: Yes

Hearing Date: October 19, 2023

Applicant Name and Address:

Robert Hartzell – Chequamegon Bay Boats LLC

706 W. Bayfield St.

Washburn, WI 54891

Tax ID 32929, 32930

1. Decision: The application for site plan review is ???.

2. Description of the Proposed Project: To operate a boat rental business (Heavy Vehicle sales and Service use). Subordinate uses will potentially include outdoor sales and inner tubes, floating toys, kayaks, SUPs, and other water toys. Marine repair and outboard dealership services are also potential subordinate uses.

3. Reasons for the Decision: The Plan Commission must determine whether the project complies with all applicable standards:

Site Plan Standards:

- 1) Effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site - **Entrance area is off of Bayfield Street, with parking on the east side of the building. Street parking is allowed in the front of the building, and some amount of parking is allowed on S. 7<sup>th</sup> Avenue W.**
- 2) Effects of the project on the natural environment – **No known detrimental effects. Stormwater detention will not be required as long as gravels areas do not exceed 10,000 square feet.**
- 3) Effects of the project on surrounding properties – **Anticipate an increase in parking/traffic, but nothing out of ordinary. Anticipate this will be a seasonal business.**
- 4) Compliance with the site design principles enumerated in s. 8-163 – **Project does not appear to be in conflict.**
- 5) Compliance with the design principles for parking lots enumerated in s. 17-3 – **Per the ordinance, one space for each 300 feet of gross floor area must be provided. Estimated square footage of the building is 1,175 square feet (47x25). Parking area is not required to be hard surface.**
- 6) Compliance with other applicable requirements contained in this chapter – **Boats and other items can not be stored within 30 feet of the rear property line per section 8-311. No outdoor lighting indicated, but if used would need to be provided for review. Landscaping is not required as this is not new construction, except expansion of the parking lot may require some pro-rated points in that area.**



## City of Washburn Plan Commission

- 7) Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law – **No other known factors.**
4. List of Conditions Imposed:
  - A. ???
5. If one or more conditions of approval are imposed, the property owner must sign this decision document and return it to the Zoning Administrator for his signature and as acceptance of the conditions of this decision.
6. This decision may be appealed to a court of competent jurisdiction.
7. Any person aggrieved by this decision may also appeal this decision and any work done by the Applicant as authorized by this approval is done at the applicant's own risk.

Dated: October 20, 2023

By: \_\_\_\_\_  
Scott J. Kluver, Zoning Administrator  
On behalf of the City of Washburn Plan  
Commission

### **If Conditions Are Imposed:**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Property Owner

motion flood lights for security

main boat parking and display

entrance

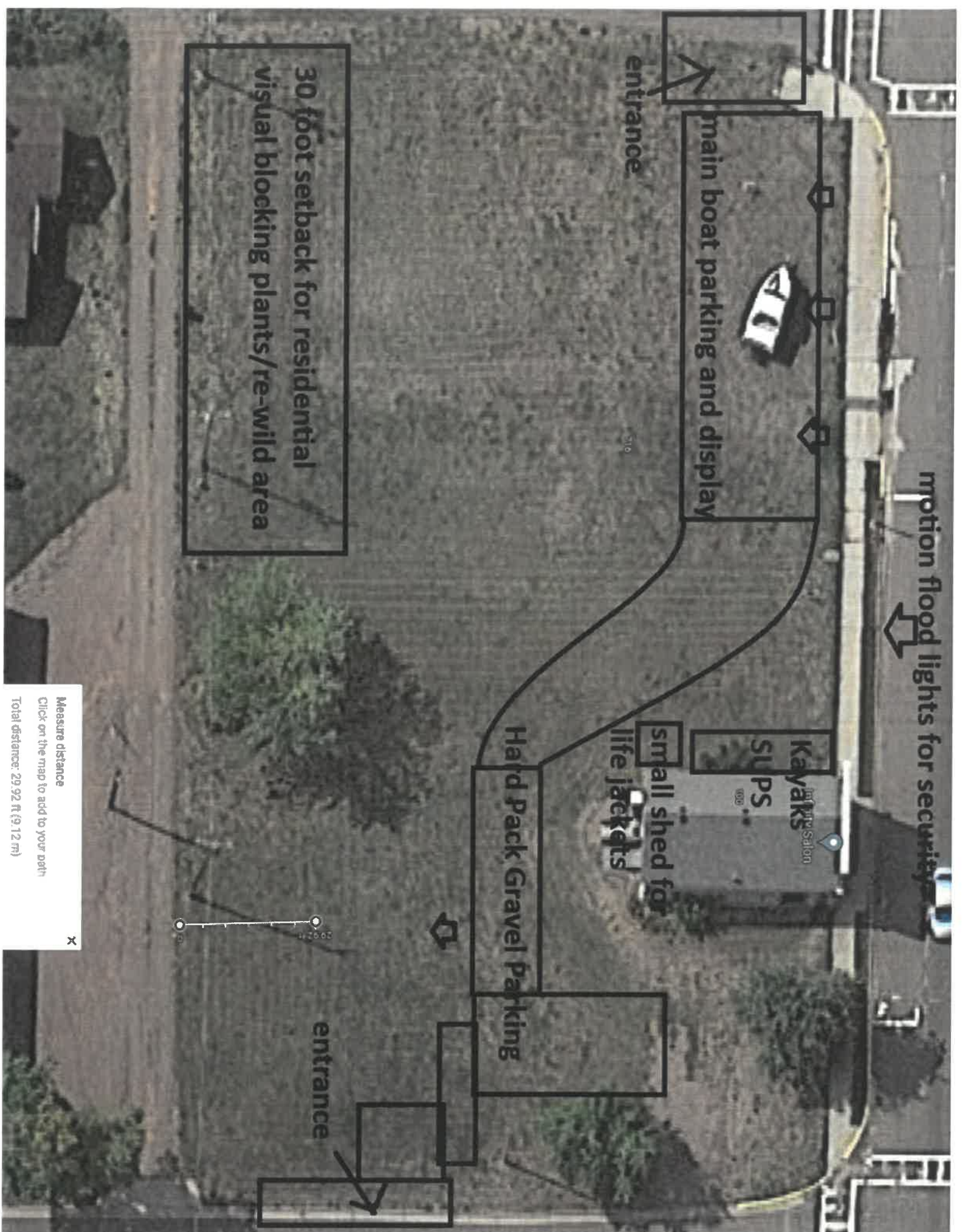
30 foot setback for residential  
visual blocking plants/re-wild area

Kayaks SUPS  
1000  
Jim's Salon

small shed for  
life jackets

Hard Pack Gravel Parking

entrance



Measure distance  
Click on the map to add to your path  
Total distance: 29.92 ft (9.12 m)

# City of Washburn Plan Commission

## PLAN OF OPERATION REVIEW DECISION

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### Chequamegon Bay Boats LLC

Filing Date: October 12, 2023

Proper notice of hearing provided: Yes

Hearing Date: October 19, 2023

Applicant Name and Address: Robert Hartzell  
706 W. Bayfield St.  
Washburn, WI 54891  
Tax ID 32929, 32930

1. Decision: The application for Plan of Operation review is ???.

2. Description of the Proposed Project: To operate a boat rental business (Heavy Vehicle Sales and Service Use). Subordinate uses will potentially include outdoor sales of inner tubes, floating toys, kayaks, SUPs, and other water toys. Marine repair and outboard dealership services are also potential subordinate uses.

3. Reasons for the Decision: The Plan Commission must determine whether the project complies with all applicable standards:

Plan of Operation Standards:

- 1) The nature of the land use with regard to the number of employees, nature, and extent of truck shipments to and from the site, hours of operation, use of hazardous substances, and other operational characteristics – **The Plan Commission determines that there are no known issues. It is anticipated that Mr. Hartzell will operate the business himself and he may have a couple seasonal helpers. Hours of Operation are expected to be 9:00 am to 5:00 pm. Deliveries would be provided off of 7<sup>th</sup> Avenue West. The business would have lubricants and fuels typical in the repair of boat engines.**
- 2) The nature and extent of anticipated positive and negative effects on properties in the area – **Positive effect is additional business in town. It will generate additional parking congestion in the area, but off-street parking will need to be provided. Some boat engine noise may occur, but not anticipated to exceed noise limits.**
- 3) Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed land use – **Engine noise would be minimal, and occur during daytime hours.**
- 4) Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law – **The operator will need to comply with boat launch facility regulations, this includes boat launch passes as a condition.**

4. List of Conditions Imposed:

## City of Washburn Plan Commission

**A. All trailers launching at either Thompson's West End Park or the Washburn Marina would need to have a daily or seasonal boat launch pass.**

5. If one or more conditions of approval are imposed, the property owner must sign this decision document and return it to the Zoning Administrator for his signature and as acceptance of the conditions of this decision.
6. This decision may be appealed to the Common Council.
7. Any person aggrieved by this decision may also appeal this decision and any work done by the Applicant as authorized by this approval is done at the applicant's own risk.

Dated: October 20, 2023

By: \_\_\_\_\_  
Scott J. Kluver, Zoning Administrator  
On behalf of the City of Washburn Plan  
Commission

**If Conditions Are Imposed:**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Property Owner

## Scott Kluver

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**From:** Captain Bob Hartzell <[robertbhartzell@gmail.com](mailto:robertbhartzell@gmail.com)>  
**Sent:** Thursday, October 12, 2023 11:23 AM  
**To:** Scott Kluver  
**Subject:** Re: Zoning Matters

Sure thing, is this a formal document or you just need these issues addressed? Does this work:

Chequamegon Bay Boats LLC is my return to renting boats. I rented boats on Madeline Island under CaptainBobsMarina.com for about 8 years and was a charter captain for around 15 years. I have since moved to Bayfield and now I am planning to rent boats from trailers at 706 W Bayfield St.

7-115

(1) I plan to run this business mostly as just me but I will employ a couple helpers. I foresee 2 part time employees year one. I won't receive truck shipments beyond the occasional parts, maybe stuff for the store, maybe someday I need a large crate engine or something delivered. I will be open 9-5 wed-mon (taking Tuesdays off). I don't know if you consider engine maintenance lubricants and fuels to be hazardous but basic engine lubricants and fuels will be used in the engines of the boats.

(2) I expect boat rentals to really energize Washburn's access to Lake Superior, I see more tourists stopping not just for rentals but at all Washburn businesses as Washburn will now be where anyone can access a boat and explore lake superior on their own vessel for the day! Negative might be engine noise and increased people/traffic.

(3) engines won't need to be run at the shop often, only for winterization and spring tune ups, 95% of the time the boat won't need to be run until at the launch ramp. If engine maintenance is required it will be done during business hours.

(4) not sure what this is about? Am I missing something?

On Wed, Oct 11, 2023 at 10:38 AM Scott Kluver <[washburnadmin@cityofwashburn.org](mailto:washburnadmin@cityofwashburn.org)> wrote:

Captain Bob,

I am working on putting the packet of materials together for the upcoming Plan Commission meeting. I need to get a plan of operation from you. Can you put together a letter (e-mail works) that explains your business and addresses the points on the attached document? If you can get that to me as soon as possible, I would appreciate it.

Scott J. Kluver

City of Washburn

**From:** Captain Bob Hartzell <[robertbhartzell@gmail.com](mailto:robertbhartzell@gmail.com)>  
**Sent:** Tuesday, October 3, 2023 1:38 PM  
**To:** Scott Kluver <[washburnadmin@cityofwashburn.org](mailto:washburnadmin@cityofwashburn.org)>  
**Cc:** Tammy Demars <[tdemars@cityofwashburn.org](mailto:tdemars@cityofwashburn.org)>  
**Subject:** Re: Zoning Matters

1. Chequamegon Bay Boats LL

it is an LLC but I am sole owner.

2. There is a 7th ave entrance to the property. Thank god as Bayfield street isnt available next year as I understand it.

I will look at this in more detail, but I am just thinking out loud here when I say I should get a driveway contractor to look at my property and help me design and plan a flow/ layout for parking and putting down gravel to make parking. Honestly I was planning to do as little as possible, try to just run the property as is and see how it goes, but if it rains I need a good parking area.

I will include a quick google map redo I just made as the plan becomes more clear.

I also really should get solar motion lights on the boats for security and safety. Or Does putting a solar flood light on the boats in a way that it doesn't shine towards 13 but will activate if someone climbs on the boats, is that something I can just do or do you need to approve that? You can see my concern, especially with applefest there are a lot of people coming up this weekend...

For the 30 foot setback, one property has a house, the other has a storage unit building. I can propose a landscaping plan, but not trying to spend money necessarily year one on it. But if i cant use the land I guess I should make a cool looking re-wilded area, maybe mix in some berries or permaculture food production.

-Bob Hartzell 715 209 1339

CB-Boats.com

On Mon, Oct 2, 2023 at 10:50 AM Scott Kluver <[washburnadmin@cityofwashburn.org](mailto:washburnadmin@cityofwashburn.org)> wrote:

Captain Bob,

I continue to work on your various zoning applications and have some documents for you to review and some questions.

1. Attached you will find a draft Conditional Use Permit for your review. Please do not sign this yet, it is only a draft. Question for you is what type of business will this be? (i.e. Sole proprietorship, LLC, Incorporated) I want to make sure I have the legal name correct.
2. Attached you will find a draft site review decision document. Based on your previous message, I assumed a combined lot. Notice the yellow highlights that I want to bring to your attention. Based on your use and the gross floor area of your structure, four off-street parking spaces need to be provided. I know there is some parking on the east side of your building now, but your side plan will need to show four legally sized spaced. Please let me know if you need information of parking space size requirements. Are you planning to have any outdoor lighting? If not, no worries. If so, that needs to be reviewed. I would need fixtures, locations, lumens, etc. Based on you parking layout, there may be a small amount of landscaping required (not sure yet) but you might be credit with existing plants/trees. You mentioned you would like a fence. That is fine. Please indicate the location on your site plan and show the type of fence and the height proposed. Do note that the code prohibits storage of boats within 30 feet of your rear property line along the alley (essentially, a 30 foot rear yard setback).
3. I also need a plan of operation. Can you please provide me with a letter (e-mail works too) that explains your business and addresses the points I indicated in the third attachment.

Let me know if you have any questions on all of this.

Scott J. Kluver, Administrator

City of Washburn

P.O. Box 638

119 Washington Ave.

Washburn, WI 54891

Phone – 715-373-6160 Ext. 4

Fax – 715-373-6148

<http://www.cityofwashburn.org/>

The City of Washburn is an equal opportunity provider, employer, and lender.

**CITY OF WASHBURN**  
**119 Washington Avenue**  
**P.O. Box 638**  
**Washburn, WI 54891**



**715-373-6160**  
**715-373-6161**  
**FAX 715-373-6148**

To: Plan Commission Members  
From: Scott J. Kluver, Administrator *SK*  
Re: Draft Sign Ordinance Modifications – Take Two  
Date: October 11, 2023

Enclosed you will find a revised draft ordinance that incorporates the distance requirement that was discussed at the last meeting as opposed to residency requirements which has potential legal implications. In addition, this draft includes a proposed provision to exempt festoon lighting as defined from the outdoor lighting ordinance. Please discuss and let me know if these changes are acceptable. Once you have the language as you like, I will schedule a public hearing and proceed with the approval process.



**CITY OF WASHBURN**  
**Ordinance No. 23-007**

An ordinance adopted by the Common Council for the City of Washburn at its regular meeting of December 11, 2023, for the purpose of amending Title 13, Chapter 1, Articles 14, 19 and 21 regarding signs and outdoor lighting.

Additions are in red. Deletions are in ~~strikeouts~~.

*1. Amend Title 13, Chapter 1, Articles 14, 19 and 21 as follows:*

**Article 14, Section 14-5 Project Review Procedures**

(a) Minor work without prior approval. The following work may proceed without prior approval, provided a building **or sign** permit is issued if required:

- (1) residing with appropriate materials;
- (2) repair or replacement of windows, trim, and doors if new materials match existing;
- (3) installation or removal of door and window openings not visible from Bayfield Street;
- (4) chimney reconstruction if completed with similar materials;
- (5) exterior cleaning, refinishing, and tuck-pointing; ~~and~~
- (6) any other similar work as determined by the zoning administrator; **and**
- (7) erection of new signs or modification of existing signs consistent with City ordinances.**

Prior to the commencement of any work, a property owner may ask the zoning administrator to review the proposed work to determine if it is classified as minor work and/or otherwise complies with the standards in this article.

(b) Major work. Any work not classified as minor work in this section shall be reviewed using the procedures specified below.

- (1) buildings - architectural review
- (2) site work - site plan
- ~~(3) signs - sign permit~~

Examples of major work includes relocation of an existing building, construction of a new building, addition to an existing building, alteration of a building elevation, alterations to windows, siding, entries, and trim, ~~erection of new signs or modification of existing signs~~, changes to the site including parking, pedestrian circulation, and the like.

### **Article 19, Section 19-3 Exemptions**

The following types of outdoor lighting are exempt from this Article:

- (1) Emergency lighting when used by police, firefighters, medical personnel, public works, and other responders for the duration of the emergency situation.
- (2) The lighting of flags of the United States, State of Wisconsin, City of Washburn, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided such lighting does not trespass onto another property.
- (3) Holiday lighting.
- (4) Lighting on towers when required by a regulating authority.
- (5) Airport lighting when required by a regulating authority.
- (6) Underwater lighting used for the illumination of swimming pools and fountains.
- (7) Festoon lighting. Festoon lighting is defined as lighting by festoons of electric lamps wired to a flexible cable for decorative purposes only. Festoon lighting shall only be active during hours of operation, each bulb shall not produce more than 200 lumens and shall not exceed light trespass levels onto other properties as established by this chapter.

### **Article 21, Section 21-7 Special Provisions for Nonconforming Signs**

#### **21-7 Special provisions for nonconforming signs**

- (a) **Change of copy.** The copy of a nonconforming sign may be changed.
- (b) **Change of sign face.** The face of a nonconforming sign may be changed provided the building inspector determines that the other features of the sign are structurally sound and properly maintained.
- (c) **Change in location.** A nonconforming sign shall not be relocated.
- (d) **Change in area.** The area of a nonconforming sign shall not be enlarged or reconfigured in any manner **except as stated in this subsection.** Existing off premises signs located in the General Commercial, Downtown Commercial, and Light Industrial Districts along Highway 13 (area designated in the City's Resolution #2022-044) may be reconfigured up to the same area of the existing off premises sign's area.

(e) **Change in height.** A nonconforming sign shall not hereafter be placed higher even if the height may be permitted in the zoning district in which the sign is located.

(f) **Change in lighting.** A nonconforming sign that is not illuminated may not hereafter be illuminated even though such lighting may be permitted in the zoning district in which the sign is located. A nonconforming sign that is illuminated may not hereafter be illuminated in any other manner even though such lighting may be permitted in the zoning district in which the sign is located, except to bring the existing lighting into compliance (e.g., removal of exposed lights bulbs).

(g) **Addition of an electronic message display.** A nonconforming sign shall not hereafter incorporate an electronic message display even though it may be permitted in the zoning district in which the sign is located **except as stated in this subsection. Existing off premises signs located in the General Commercial, Downtown Commercial, and Light Industrial Districts along Highway 13 (area designated in the City's Resolution #2022-044) may incorporate an electronic message display.**

(h) **Temporary signs.** A nonconforming sign that is described in this chapter as being temporary shall be made to conform with all applicable standards or be removed within 90 calendar days of the date the sign became nonconforming or within a lesser time period specified by the building inspector if he or she determines that the sign poses an unacceptable risk to public health or safety.

(i) **Ongoing maintenance and safety.** A nonconforming sign shall comply with all applicable standards in Article 18, including any requirements related to maintenance and safety.

(j) **Abandonment.** A nonconforming sign that is abandoned as set forth in s. 18-21 shall thereafter be made to conform with all applicable standards or be removed as set forth in that section.

(k) **Reconstruction following damage.** A nonconforming sign that is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation on or after March 2, 2006, may be restored to its condition (e.g., size, location, and use) prior to the damage, except the sign may be larger when necessary to comply with state or federal requirements.<sup>8</sup>

(l) **Loss of nonconforming status.** If a property owner or the owner of the sign modifies a nonconforming sign in any manner that violates one or more limitations imposed in this chapter, such sign shall thereafter be made to conform with all applicable standards or be removed within 60 calendar days of the date the building inspector makes such determination in writing, or within a lesser time period specified by the building inspector if he or she determines the sign poses an unacceptable risk to public health or safety.

**(m) Off-Premises Sign Limitations.** An off-premises sign shall be located within 7,500 feet of the business. A business may have up to two existing off-premises signs.

2. Effective Date of Ordinance. This ordinance shall take effect upon passage and publication.

---

Mary D. Motiff

Mayor

Attest:

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Scott J. Kluver

City Clerk

Adopted:

Date of publication: