

Lac du Flambeau Zoning Department

INTRODUCTION

At a town board meeting on October 18, 2023, the town's zoning administrator, Mike Zimmerman, presented [data on zoning activity](#) from January through September, 2023 ([Agenda](#), [Audio](#), [Minutes](#)).

BACKGROUND – LDF ZONING DEPARTMENT

“Zoning is one of the most common methods of land use control used by local governments. Zoning refers to the use of the public regulatory power, or **police power**, to specify how land may be used and developed. The intent of zoning is to balance individual property rights with the rights of the general public to a healthy, safe and orderly living environment” ([Zoning Board Handbook](#), Page 5).

The Vilas County Zoning & Planning Department is responsible for enforcing zoning and land use regulations through the unincorporated areas of Vilas County, except for the Towns of Arbor Vitae, Lac du Flambeau, Land o’Lakes, Manitowish Waters, Presque Isle and St. Germaine, which have their own zoning ordinances. These towns are required by statute to appoint a zoning board of adjustment or appeals which is charged to review and decide cases where there is an alleged error in a zoning decision or where a relaxation of the ordinance is sought ([Zoning Board Handbook](#), Pages 11-12).

Lac du Flambeau’s Town Board adopted a [Comprehensive Zoning Ordinance](#) in January 1994 and revised it several times since then, most recently in February 2012. According to the Ordinance,

Zoning Ordinance & Purpose. The ordinance is intended to regulate use of land and resources within the town; promote residents’ health, safety and general welfare; ensure that State, County and Town regulations for land use and natural resources are followed; ensure that no land development or building is done without going through a permit process that includes consideration for the future; and, ensure that residents and residential property owners control the development of the town ([Comprehensive Zoning Ordinance 93-4](#), Page 2-1).

Zoning Committee. The Town Board created a Zoning Committee to supervise the administration of the town’s Zoning ordinance and other ordinances as provided by the Town Board; hold public hearings on the issuance of Conditional Use Permits, zoning changes or other zoning issues to be decided by a public hearing; hold public hearings on proposed amendments to the ordinance and approve or deny such amendments; and perform other duties in connection with zoning or land use as delegated to it by the Town Board ([Comprehensive Zoning Ordinance 93-4](#), Page 17-1).

Zoning Committee members include Dedie Hanson (Alternate), Janet Konopaki, Darwin Lohse, Rob Milburn (Chair), Bob Schneider (Alternate), Dan Shanahan, and Collette Welch. The Zoning Committee secretary is Donna Szarek.

Zoning Board of Appeals. The five (5) member board has powers granted to it by the State Legislature, including to hear and consider variances from the strict requirements of the Ordinance where a unique hardship exists and where a waiver of the strict rules of the Ordinance can be granted without destroying the purpose and intent of the Ordinance ([Comprehensive Zoning Ordinance 93-4](#), Page 18-1).

Zoning Board of Appeals members include Jim Caldwell, Stan Guif, Joy Hanser (Chair), Rick Zelm, and Mike Zimmerman.

Zoning Administration. The zoning department administration includes Sue Ackland (Administrator), Donna Szarek (Secretary), and Matt Gaulke (Town Board liaison). The Zoning Administrator, Sue Ackland, is a Town appointed officer who advises citizens of their rights and obligations under the Ordinance, issues permits, makes inspections to determine compliance with the Ordinance, issues compliance orders and recommends legal actions to obtain compliance with the Ordinance. The administrator operates under the authority delegated by the Town Board ([Comprehensive Zoning Ordinance 93-4](#), Page 17-1).

LDF ZONING IN 2021 & 2022

2021

The town's Zoning Administrator, Sue Ackland, is expected to report to the Town Board at a public meeting annually. Reports for 2019 and 2020 were presented to the Town Board at a regular meeting on May 19, 2021 ([Agenda](#), [Audio](#), [Minutes](#)). The minutes for the May 19 meeting include the following statement, italics added.

Zoning Report: *Sue Ackland Zoning Administrator presented her zoning report for 2019 permits and 2020 permits. The presentation for 2019 was not done last spring due to covid restrictions, therefore she is presenting both years today. In 2019 she processed 138 permits, 16 new homes, 14 homes were demolished and 8 homes replaced. In 2020 she processed 168 permits, 20 new homes, 5 homes demolished and 4 homes replaced. She explained that due to new law changes many issues are now handled by Vilas County. She mentioned that she has found that many of the rental places (which are now allowed) have issues with their septic which should be addressed by Vilas County Zoning. Supervisor Cobb suggested that perhaps zoning updates should be given every other month or quarterly. It was brought forward that the zoning committee should meet periodically to review the zoning process.*

During the presentation, Ms. Ackland referenced Permit Reports for [2019](#) and [2020](#). Questions about the reports should be directed to town officials.

The last line of the minutes (*It was brought forward that the zoning committee should meet periodically to review the zoning process*) is in reference to comments made at the meeting by an elector who questions whether the Town is adhering to its own ordinance. The town's [ordinance on zoning](#) includes the following statements:

Page 17.1A The Zoning Committee shall “Supervise the administration of the Zoning Ordinance and Ordinances as provided by the Town.”

Page 17.2. “The Zoning Administrator shall perform duties under guidelines and supervision of the Zoning committee.”

Page 17.2F. “The Zoning Administrator shall “serve as staff to the Zoning Committee.”

The issue raised by the elector is that the Zoning Committee rarely meets and then only to conduct public hearings. How then can the committee and the Zoning Administrator fulfill their responsibilities considering they never meet for such purposes?

June 8, 2021. The Zoning Committee held a public hearing on June 8, 2021 (Agenda, Minutes, Audio available at the Town Hall). Documents and recordings for other Zoning Committee meetings are available on request at the Town Hall.

2022

January 12, 2022. The town chair stated that the town's zoning administrator, Sue Ackland, would leave the position in a few months. After brief discussion, the board approved a motion to advertise for a full-time replacement. ([Agenda](#), [Audio](#), [Minutes](#)). About January 28, 2022, the town's website listed a [posting for the position of zoning administrator](#) and an [employment application](#). A [job description](#) for the position (not on the website) was written years ago. ([Agenda](#), [Audio](#), [Minutes](#))

February 2, 2022. At the town board meeting on February 2, 2022 ([Agenda](#), [Audio](#), Minutes), the board discussed a letter dated January 20, 2022, submitted by *Citizens for Education in Town Governance* (CETG). ([Agenda](#), [Audio](#), [Minutes](#))

The [letter](#) encouraged the board to determine what is best for the town regarding the administration of zoning before proceeding to fill the position. A few comments in the letter follow, italics added.

The zoning administrator's resignation provides an excellent opportunity for the town board to assess how to provide the best zoning services for the town in the future.

The fact that the board, after only minimal discussion, decided to post a vacancy for a full-time replacement is very disconcerting. We believe the town board should not hire a replacement administrator or perpetuate the current approach to zoning administration without first thoroughly assessing the pros and cons of the town's present approach to zoning administration, juxtaposing that assessment with alternative administrations practiced elsewhere; and assuring consistency with the town's future priorities.

The board members' discussion of the letter on February 2 clearly revealed the board's intent to proceed with filling the position. In addition, the board acknowledged that the chair of the zoning committee, Rob Milburn, should review the town's zoning ordinance.

An article in the [February 8, 2022 of the Lakeland Times](#) provides details of the February 2 town board meeting.

March 2, 2022. At the March 2, 2022, town board meeting, the town chair responded to a [letter](#) submitted to the board by Citizens for Education in Town Governance asking the board when it would receive a presentation on 2021 zoning data from the town's zoning administrator. The town chair responded by saying "in April". ([Agenda](#), [Audio](#), [Minutes](#))

March 8, 2022. At a Special Town Board meeting on March 8, 2022, the town board interviewed candidates for the position of zoning administrator in closed session. Following the session, the board approved employing Mike Zimmerman as full-time zoning administrator. ([Agenda](#), [Minutes](#))

June 15, 2022. On June 15, 2022, town officials "re-appointed" members to the [Zoning Committee](#) and the [Zoning Board of Appeals](#) for three-year terms. ([Agenda](#), [Audio](#), [Minutes](#))

July 21, 2022. At a special town board meeting on July 21, 2022, the zoning administrator and town clerk briefly reported some statistics on recent zoning activity. Click to access a [written report](#). ([Agenda](#), [Audio](#), [Minutes](#))

October 5, 2022. At a town board meeting on October 5, 2022, the town chair and zoning administrator presented data on [zoning activity](#) since January 2022 ([Agenda](#), [Audio](#), [Minutes](#)).

SHORELINE ZONING ISSUE

At times a county government committee takes action that may have more than usual implications for Lac du Flambeau. Such is true for recent actions taken by the Vilas County Zoning & Planning Committee.

December 5, 2019. At a public hearing on December 5, 2019, the Vilas County Zoning & Planning Committee approved an amendment to the county's current shoreline zoning ordinance to permit the construction of boathouses that, under certain conditions, will be much larger than those permitted by the original ordinance ([Public Hearing Notice](#), [Petition for Amendment](#)).

January 2, 2020. At a meeting on January 2, 2020, the committee approved the amendment by resolution to convey it to the County Board for its consideration at a meeting on January 28, 2020 ([audio of the 1.2.20 meeting](#), [documents distributed at the 1.2.20 meeting](#)). Click [here](#) for the agenda and other information that has been posted for the meeting on January 28, 2020.

January 28, 2020. Shortly before the January 28, 2020 meeting, the boathouse amendment item was removed from the agenda and then added later to the agenda for the County Board meeting set for February 25, 2020.

February 25, 2020. On February 25, 2020, the Vilas County Board discussed and then rejected the boathouse amendment. ([Agenda](#), [Documents Distributed](#), [Audio Recording](#) - discussion of the issue begins at about minute 5:00).

COUNTY ANNUAL ZONING REPORTS

Towns in Vilas County submit zoning information to the [Vilas County Zoning Department](#) annually. The department then summarizes the information in its Annual Report. Click a year to access the Annual Report for that year to read data for Lac du Flambeau.

[2008](#) [2009](#) [2010](#) [2011](#) [2012](#) [2013](#) [2014](#) [2015](#)
[2016](#) [2017](#) [2018](#) [2019](#) [2020](#)

The following table is based on the data presented in the Annual Reports provided by Vilas County and has been created by CETG to permit year-to-year comparisons of information and data submitted to Vilas County by Lac du Flambeau.

TOWN OF LAC DU FLAMBEAU ZONING DEPARTMENT SUMMARY OF PERMITS 2008-2020*															
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Total	Average
Single Family Dwelling	19	12	10	13	7	15	16	20	15	24	22	18	19	210	16.15
Multiple Family Dwelling	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0.08
Commercial	0	0	0	0	0	1	0	0	0	1	1	0	1	4	0.31
Garages	49	28	38	32	25	40	51	36	25	30	39	40	44	477	36.69
Additions	40	46	21	33	24	18	18	20	7	21	19	17	16	300	23.08
Accessory Structures	23	9	6	3	8	8	12	6	6	1	16	9	15	122	9.38
Mobile Homes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00
All Other	42	29	82	70	104	69	73	102	68	139	95	94	98	1065	81.92
Sanitary	69	72	65	64	60	63	62	66	56	75	53	50	65	820	63.08
Shoreland Alterations	44	37	37	49	46	36	36	54	31	51	40	34	43	538	41.38
Mitigations	35	17	29	30	37	23	28	32	16	7	13	4	0	271	20.85
Erosion Control	4	5	7	6	6	6	4	9	5	7	3	0	0	62	4.77
Stormwater	5	3	3	2	3	2	3	2	1	0	1	0	1	26	2.00
Conditional Use	1	0	0	0	0	1	0	0	0	0	0	0	0	2	0.15
Board of Adjustments	1	1	0	0	0	1	0	0	0	0	3	0	0	6	0.46
Violations	1	3	5	4	2	24	21	20	20	19	24	9	12	164	12.62
Totals	333	262	303	306	322	307	324	367	250	375	330	275	314	4068	312.92

*Data from Vilas County Zoning & Planning Annual Reports

REVENUES & EXPENDITURES

See this link (page 8) for [financial information](#) on the administration of the Zoning Department.

TOWN OF LAC DU FLAMBEAU COMPREHENSIVE PLAN

The Zoning Department recently administered the required [ten-year update](#) of the [Lac du Flambeau Comprehensive Plan](#). The plan was created originally to help the Town Board implement a variety of goals, objectives, and policies related to citizens' concerns about growth, development and preservation of the community, and future land use decisions (Comprehensive Plan, Page 3).

LINKS TO ADDITIONAL INFORMATION

[Center for Land Use Education](#), University of Wisconsin Stevens Point

[Wisconsin Lakes](#)

[Local Government Center](#), University of Wisconsin Extension

[Vilas County Zoning Department](#)

[Wisconsin Towns Association](#)

[Fact Sheet on Town Planning Commissions](#)

[Zoning Authority, Wisconsin Statutes 60.62](#)

[State of Wisconsin Department of Administration](#)