

CHIPPEWA COUNTY – PLANNING & ZONING COMMITTEE  
NOTICE OF ACTION

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Conditional Use Permit  
To Allow mobile washing, sand blasting, painting and powder coating company  
welding/fabricating  
And waste container repair in the Agricultural District

APPEAL NUMBER: # 2011-003  
APPEAL DATE: 06-23-2011  
REVISION DATE: 08-24-2017

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**LAND OWNER(S):**

Nyhus Enterprises  
Eric Nyhus, Agent  
14248 109<sup>th</sup> Ave  
Chippewa Falls, WI 54729

**PROPERTY LOCATION:**

14248 109<sup>th</sup> Ave  
22908-1721-72395001

Dear Mr. Nyhus

On ~~June 23<sup>rd</sup>, 2011~~ August 24, 2017, the Planning & Zoning Committee considered your request ~~for to revise your existing~~ Conditional Use Permit, which ~~would originally~~ allowed a mobile washing, sand blasting, welding/fabricating and waste container repair in the Agricultural District pursuant to 70-71(b)(5) and 70-108. The land associated with this particular conditional use permit is Lot 1, CSM 2395 located in the NE ¼ of the NW ¼, Section 17, Township 29N, Range 08W, Town of Eagle Point.

**DECISION:**

The Planning & Zoning Committee has **GRANTED** revisions to the conditional use permit ~~with the following conditions as follows:~~

1. Description and size ~~Size of the structures~~ Structures: Principal Building: 80' x 102' and 100' x 60' principal building and, a 36'-40' x 40' accessory building and a 40' x 44' accessory building. A maximum of two accessory buildings shall be allowed onsite. A setback of at least 40' from all property lines and the 33' easement along the southern property line shall be observed.
2. Setback Requirements: All structures shall be setback at least 40' from the north, west and east property lines. All structures shall be setback at least 73' from the southern property line. The outdoor storage of items shall be located at least 20' from all property lines.
3. Road Access: Access shall be from 142<sup>nd</sup> Street.
4. Screening: A vegetative buffer shall be planted and maintained along the north, west and south property lines by June 1<sup>st</sup>, 2017. Trees shall be at least 3' tall and properly maintained and so arranged that within ten (10) years they will have formed a screen equivalent in capacity to a solid fence or wall. Such permanent plantings shall be allowed to grow and maintained to a height of not less than 15'.
5. Concise Description of the permitted Use: As outlined on page 3 in the ~~April 20, 2011~~ February 17, 2017 letter from Nyhus Enterprises, LLC.
6. Terms & Duration: This conditional use permit is issued to ~~Nyhus Enterprises, LLC~~ AEEN Properties LLC and would not be transferable to a future property owner, unless approved by the Planning & Zoning Committee after conducting a public hearing. A renewal period is not attached to this permit. The rental or leasing of land or building space to a separate entity ~~shall not be allowed under this conditional use permit would be allowed if the activities on the property are in compliance with this conditional use permit or a permitted use within the Agricultural District per the Chippewa County Zoning Ordinance.~~

7. Allowed Expansion: An expansion ~~of this permit of the existing structures would not be allowed~~ is prohibited under this permit.
8. Parking Consideration: The parking of employee vehicles or customer vehicles shall follow the setback requirements for outdoor storage under ~~b—number 2 of this conditional use permit as listed~~ above.
9. Drainage & Sanitary Disposal: All activities conducted on the site shall be in accordance with all applicable local, state and federal regulations.
10. Days and Hours of Operation: On the recommendation and request of the Town Board the hours of operation are limited to Monday through Friday ~~8:00~~6:00 a.m. to ~~6:00~~11:00 p.m. and on Saturdays 8:00 a.m. to 12:005:00 p.m. No Sundays or holidays.
11. Mitigation Standards:
  - a. Noise: Reduce the noise from intake motor on paint booth. Action – Build a three-sided enclosure with no roof around the electric motor to send the noise away from the residences.
  - b. Noise: Eliminate noise from small forklift back-up alarms. Action - Make contact with Wisconsin Lift and have blue back-up lights installed on outdoor equipment where needed.
  - c. Drainage & Water Runoff: Continue to be in compliance with Wisconsin DNR approved stormwater plans for the site.
  - d. Dust: Dust from the Steel Shot Room. Action – The steel shot room is completely enclosed and has approved filters. Repair of the overhead doors on the steel shot room will be completed by November 1<sup>st</sup>, 2017. This action will further reduce noise and dust from this particular room.
  - 10.e. Dust from the Glass Media Booth: Action - The current glass media booth is enclosed and additional measures have been taken to collect dust coming from the exhaust filters. Nyhus Enterprises is in the process of completing plans and financing to move the glass media booth, which will further contain the glass media dust. It is the intent to have the Glass Media Booth moved by July 1<sup>st</sup>, 2018.
- 11-12. \_\_\_\_\_ It is the responsibility of the owner to apply for and keep all required permits valid and in compliance.
- 12-13. \_\_\_\_\_ Conditions as outlined in 70-108(d), (e) and (f) of the Chippewa County Zoning Ordinance.

A complete record of the hearing and the decision of the Planning & Zoning Committee are available for inspection in the Chippewa County Planning & Zoning Department, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin. Information can be reviewed and/or requested between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays.

#### REVOCAION OF PERMIT

~~If any condition of the permit is violated or if the use is substantially detrimental to persons or property in the neighborhood, the Planning & Zoning Committee shall hold a public hearing on the revocation of this permit. If, upon finding of facts, any material condition of the permit has been violated or if the character and quality of the area has been substantially and adversely affected by the continuation of the activities as allowed under the conditional use permit, the Planning & Zoning Committee may revoke and/or modify the conditional use permit. The Planning & Zoning Committee thereafter shall direct Corporation Counsel to initiate such legal actions as are necessary to ensure compliance with the Chippewa County Zoning Ordinance.~~

~~In the event of revocation or termination, the conditional use permit will be determined to be void and the property shall be governed thereafter by the rules of the zoning district to which the property is zoned or any other applicable ordinances at the time of the revocation or termination.~~

#### LAPSE OF PERMIT

~~The conditional use permit shall lapse and is void six (6) months after approval by the Planning & Zoning Committee unless the appropriate permits are granted and the activities to the property as described in the permit are implemented.~~

#### WRIT OF CERTIORARI

~~Any person or persons jointly or severally aggrieved by this decision of the Planning & Zoning Committee or any taxpayer, or any officer, department, board or bureau of the County, may commence an action in the circuit court for writ of certiorari to review the legality of such decision.~~

**TERMINATION AND REVOCATION**

The conditional use permit shall lapse and is void:

- (1) Twelve (12) months after approval by the Committee unless the use is fully established and improvement to the property described in the permit is implemented.
- (2) On the date of expiration set forth in the conditional use permit.
- (3) At such time as the conditional use for which the permit was granted shall cease or be abandoned for twelve (12) consecutive months.
- (4) If any condition of the permit is violated or if the conditional use is substantially detrimental to persons or property in the neighborhood, the Committee, following notice to all parties listed in 70-108(b)(2), shall hold a public hearing on the revocation of the conditional use permit. If, upon finding of facts, any material condition of the conditional use permit has been violated or if the character and quality of the area has been substantially and adversely affected by the continuation of the conditional use permit, the Committee may revoke or modify the conditional use. The Committee may thereafter direct counsel for the county to initiate such legal actions as are necessary to ensure compliance with this chapter.

**EFFECT OF REVOCATION**

In the event of revocation or termination, the conditional use is void and the property shall be governed thereafter by the rules of the zoning district to which the property is zoned at the time of the termination.

**BINDING EFFECT**

The applicant shall acknowledge in their application and the conditional use permit shall recite that the use is conditional and binding upon the applicant, his successors, assigns and personal representatives and is a restriction that runs with the land.

**WRIT OF CERTIORARI**

Any person or persons jointly or severally aggrieved by this decision of the Planning & Zoning Committee or any taxpayer, or any officer, department, board or bureau of the County, may commence an action in the circuit court for writ of certiorari to review the legality of such decision.

Dated this ~~12<sup>th</sup>~~-~~24<sup>th</sup>~~ day of ~~July~~~~August~~, ~~2011~~~~2017~~.

By the Order of the Planning & Zoning Committee.

~~Lee McQuham~~~~Douglas Clary~~, Director  
~~Planning & Zoning Committee Chair~~~~Department of Planning & Zoning~~

CC: ~~Mike Sedlacek~~~~Dennis Ferstenou~~, Eagle Point Town Chair – *via email*  
~~Karen Knorn~~~~Laurie Hebert~~, Eagle Point Town Clerk – *via email*  
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