

**MINUTES**  
**MONDAY, JANUARY 5, 2015 – 2:40 P.M.**  
**BOARD OF ADJUSTMENT COMMITTEE**  
**ROOM #1004 – 1st FLOOR COURTHOUSE BLDG "A"**  
**301 WASHINGTON STREET, OCONTO, WI 54153-1699**  
[www.co.oconto.wi.us](http://www.co.oconto.wi.us)

COMMITTEE PRESENT: Ragen, Sleeter, Stranz, Wellens

ABSENT: Gryboski

OTHERS PRESENT: Gabe Moody and Pat Virtues

1. Moved by Sleeter, seconded by Stranz to Ragen the agenda for 2a. Business Meeting of October 29, 2014 to December 4, 2014. Motion voted on and carried.
2. Approval of Minutes
  - a. Business Meeting  
Moved by Wellens, seconded by Ragen, to approve the meeting minutes of December 4, 2014. Motion voted on and carried.
  - b. Public Hearings  
Moved by Ragen, seconded by Stranz to approve the minutes from the following hearings. Motion voted on and carried.
    - i. January 5, 2015
      1. Michael Rozmarenowski
      2. Alan Caelwaerts
      3. Jim Johnson
3. CLOSED SESSION: The Committee may convene into closed session under the provisions of WI Stat. 19.85(1)(g) for the purpose of conferring with legal counsel for Oconto County who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.  
Motion by Ragen, seconded by Stranz to go into closed session. All Ayes. Those included in the closed session include the Board, Moody and Virtues.
4. The Committee may return to open session to conduct legal business as allowed by WI Stat. 19.85(2).  
Motion by Wellens, seconded by Stranz to return to open session. All Ayes.
5. Public Comments/Miscellaneous  
None
6. Hearing Dates
  - a. The Board selected January 28, 2015 and January 29, 2015 as public hearing dates.
  - b. The Board selected January 28, 2015 or January 29, 2015 as the business meeting date.
7. Adjournment

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Melissa Wellens – Secretary

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Thomas Gryboski - Chair

MW/mls Date posted: 1/07/15

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
January 5, 2015

1. Hearing called to order at 8:54 AM
2. Roll Call: Present:       Mr. Alan Sleeter, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Elmer Ragen  
                                  Mr. Allan Stranz  
  
Absent:                       Mr. Thomas Gryboski, Chairman  
  
Others Present:             Mr. William Bartz Jr, Assistant Zoning Administrator  
                                  Mr. Pete Renteria – Deputy Zoning Administrator  
                                  Mr. Steven Kassner – Agent – Steven Kassner Const. Inc.  
                                  Mr. Mike Rozmarenowski  
                                  Mr. Bob Rozmarenowski  
                                  Ms. Lynn Moderow
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Michael Rozmarenowski's application for a variance to build closer to the water. Location of the property is in Section 29, T33N, R15E, Town of Townsend.
4. Mr. Bartz, Jr. stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Bartz, Jr. stated that the petition was filed on September 22, 2014. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Steven Kassner appeared and was sworn in. He stated that he is the agent for Mr. Rosmarenowski. Would like to build a new home. The existing mobile home will be removed. The parcel is irregular in size with water on 2 sides. The septic system will be moved to the road side of the property, which is the only suitable place for it. Is concerned about the distance of the driveway on the east from the lot line. Is requesting to build 29' from the ordinary high water mark.
  - B. Mr. Michael Rozmarenowski appeared and was sworn in. He stated that the driveway could be moved to the east side but the neighbor's mound system is near the east lot line. Would change the house plan to move 35' from the water.
  - C. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
  - A. Letter from Dale Rezabek-DNR
  - B. Letter from Margaret Mackie

## Attachment A

A restoration plan to restore the Shoreland buffer to standards noted in NRCS Code 643A Shoreland Habitat Bulletin and Wisconsin Biology Technical Note 1: Shoreland Habitat must be submitted and approved by the Zoning Department prior to issuance of a land use permit for the structure approved from this variance. The obligations of the property owner under the restoration plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

The Board has authority to require the restoration be in place prior to issuance of the land use permit for the structure approved by the variance.

8. Testimony closed at 9:20 AM
9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees the application meets the 3 steps to grant a variance. The BOA agreed the structure must be built out of the 35' buffer zone.
  1. The Physical Limitation – The lot size and configuration with water on two sides of the property.
  2. No Harm to Public Interest if the buffer zone is re-established.
  3. Unnecessary Hardship is present due to the lot size and water on two sides of the property.
10. Decision: Moved by Stranz, seconded by Ragen to reduce the required 75' setback from the ordinary high water mark to 35' setback from the ordinary high water mark of Reservoir Pond with the conditions that the buffer zone is restored and re-established to standard according the NRCS Code 643A Shoreland Habitat Bulletin and the WI Biology Technical Note 1 and a Buffer Restoration plan must be submitted and approved by the Zoning Department prior to issuance of permits. Roll Call Vote: Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.
11. Hearing adjourned at 9:26 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

William Bartz Jr.  
Assistant Zoning Administrator

NOTICE OF DECISION AND ORDER  
OCONTO COUNTY BOARD OF ADJUSTMENT

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 1/6/15 BY MS

CASE NO: VA-20140038

**FINDINGS OF FACT:** Having heard all the testimony and considered the entire record herein, the Committee finds the following facts:

1. The petitioner is Michael Rozmarenowski, 4615 E. McNeil, Phoenix, AZ 85044
2. The petitioner is the owner of record of parcel number 042-323202112H located in the NW ¼, NE ¼, Section 29, T33N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on September 22, 2014, noticed, as provided for by law, on December 17, 2014 and December 24, 2014, and a public hearing was held by the Oconto County Board of Adjustment on January 5, 2015.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 75' from the ordinary high water mark. Specifically, the petitioner is requesting to build a home 40' from the ordinary high water mark of Reservoir Pond.
6. The hardship claimed in this matter is the lot size and water on two sides.
7. The applicant is requesting a variance under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance.

**CONCLUSIONS OF LAW:** Based upon the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction of this matter under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance.
2. Violations of the Oconto County Zoning Ordinance will not exist as a result of this action.
3. A literal enforcement of the terms of the Oconto County Zoning Ordinance will result in practical difficulty or unnecessary hardship to the applicant because they cannot build without a variance.
4. The unique physical limitation of the property is the size and configuration of the lot.
5. The variance will not be contrary to the public interest and spirit of the Oconto County Zoning Ordinance.

**DETERMINATION & ORDER:** On the basis of the above Findings of Fact, Conclusions of Law and the record herein, the Committee determines & orders as follows:

**GRANT OF VARIANCE**

The requested variance to reduce the required 75' setback from the ordinary high water mark to 35' setback from the ordinary high water mark of Reservoir Pond with the conditions that the buffer zone is restored and re-established to standard according the NRCS Code 643A Shoreland Habitat Bulletin and the WI Biology Technical Note 1 and a Buffer Restoration plan must be submitted and approved by the Zoning Department prior to issuance of permits is hereby granted.

**GENERAL CONDITIONS**

Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

This order may be revoked by the Committee, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

A review of this decision and order may be obtained by filing an action of certiorari with the Circuit Court for Oconto County within 30 days of the filing date of this decision and order. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. The granting of this variance does not relieve the applicant of the obligation to obtain sanitary and zoning permits.

  
Melissa Wellens, Secretary  
Oconto County Board of Adjustment

1-5-15  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
January 5, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 1/6/15 BY MS

1. Hearing called to order at 10:40 AM
2. Roll Call: Present:       Mr. Alan Sleeter, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Elmer Ragen  
                                  Mr. Allan Stranz  
  
Absent:                       Mr. Thomas Gryboski  
  
Others Present:            Mr. Gabe Moody, Assistant Zoning Administrator  
                                  Mr. Jeff Beyer  
                                  Mr. Alan Caelwaerts  
                                  Mr. Patrick Kuehl  
                                  Ms. Rose Stellmacher  
                                  Mr. Perry Rose  
                                  Mr. Jim Peters  
                                  Mr. Michael Shew  
                                  Mr. Don Trepanier
3. Mr. Moody read the Notice of Public Hearing pertaining to Alan Caelwaerts's application for a continued hearing for a conditional use permit to continue to operate a quarry. Location of the property is in Section 31, T29N, R22E, Town of Little River.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on December 16, 2013. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Jim Peters appeared and was sworn in. He stated that he would like a conditional use permit to continue to operate a quarry. Contracted with Robert E. Lee for a Hydrologic & Hydraulic Analysis. The report was finished in the fall. R. E. Lee will explain the report.
  - B. Mr. Patrick Kuehl appeared and was sworn in. He stated that he represents Robert E. Lee and explained the report. He stated that even in peak dewatering events there was no significant increase of water in the wetlands.
  - C. Mr. Alan Caelwaerts appeared and was sworn in. He stated that he is the owner of the property. The pit overflows when pumps are shut off because he sold the clay out of the pit. The pit will always overflow after restoration. The railroad tracks obstructed the natural flow also.

- D. Mr. Donald Trepanier appeared and was sworn in. He stated that he is an opposed land owner to the East of the pit. Has owned the land for 20-25 years. He stated there is at least 6 more inches of water in the wetland. Bought the land for deer hunting. The deer will not go where the water is now higher. About 75% of the trees West of the Railroad tracks are dying. The pit was only to be open for 5 years. He doesn't believe there are any springs.
- E. Mr. Michael Shew appeared and was sworn in. He stated that he is representing the Town of Little River. He read a letter into testimony – Exhibit "A". Planned on repairing the part of the road being destroyed by the drainage but have decided not to.
- F. Mr. Jim Peters re-appeared and stated that the quarry is used intermittently. Has 35-40 people working in Oconto County. A lot of work on this quarry. The cost of pumping is \$350/month. Has a big investment in this pit. The material has been used in Little River and the City of Oconto.
- G. Mr. Jeff Beyer appeared and was sworn in. He stated that he is an employee of Peters Concrete and has a background in this area. Wants to work with the Town and landowners to resolve this issue. Requests the conditional use permit is granted w/the condition the water issue is resolved. This may take 2 to 3 years.
- H. Mr. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence/Documents

- A. Hydrologic & Hydraulic Analysis by Robert E. Lee & Associates  
B. DNR Non-metallic Mining Operations – General Permit to Discharge Under the Wisconsin Pollutant Discharge Elimination System

8. Testimony closed at 11:53 AM

9. Deliberation/Discussion: Discussed conditions of the permit.

10. Decision: Moved by Ragen, seconded by Sleeter to grant a conditional use permit to continue to operate a quarry with the following conditions:

1. Hours of Operation:
  - a. Mining & Trucking – 6:00 AM to 6:00 PM or dusk to dawn whichever is greater;
  - b. Crushing – 6:00 AM to 6:00 PM - Monday thru Friday and Saturday 6:00 AM to Noon;
  - c. Blasting – 8:00 AM to 4:00 PM - Monday thru Friday
  - d. Maintenance on equipment is allowed 24 hours a day, 7 days a week;
2. Blasting must be done in accordance with Wisconsin Code on Explosive Materials. Homeowners within ½ mile of the quarry must be notified at least 24 hours before blasting.
3. Pipe gate required at entrances to quarry.
4. Dust control must be used according to EPA regulations.

5. Water drainage as per plan submitted and regulated by the DNR and its permit. Erosion controls are to be put in place before operation and during operation.
6. Quarry Reclamation Plan and Financial Guarantee shall conform to the requirements as set forth in the Oconto County Non-Metallic Reclamation Ordinance.
7. Ingress & Egress on Cty A & Maple Grove School Rd.
8. Work with the Town of Little River & land owners to alleviate the drainage problem. Submit an interim report to the Zoning Office at 6 months and a final report at 1 year.
9. This permit shall expire on January 5, 2016.

Roll Call Vote: Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 12:00 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

Gabe Moody  
Assistant Zoning Administrator

**EXHIBIT**

A

## Town of Little River

3627 COUNTY A  
OCONTO, WI 54153  
1-920-834-3617  
Fax 1-920-834-3620

December 29, 2014

Oconto County Board of Adjustments

In regards to the conditional use permit for Alan Caelwaerts and the quarry operated by James Peters, several factors have come to the attention of the Town Board. Since the Town approved the conditional use permit, the following issues have been noted.

1. The Town had to replace a culvert on Maple Grove School Road and in the process of doing the replacement, it was noticed that the subgrade of the road was being downgraded from the excessive water that is being pumped from the quarry.
2. The adjoining land owner had also approached the Town complaining about the water being pumped on to his adjoining land. By observing the land east of the quarry that adjoins Maple Grove Road and the railroad tracks it is very obvious that the land is being flooded. The ecosystem has changed to a flooded wetland area.
3. There is no outlet for this water to drain away. There is no adequate ditch along Maple Grove School Road or along the railroad tracks to handle this volume of water. There is an outlet to the south of County A where this water can be diverted rather than at its present place.

The Town does not object to the operation of this quarry but feels that consideration must be given to the Town and the adjoining land owners.

Therefore we would like to see the County approve the conditional use permit with the stipulation that the excess water problem must be corrected.

Thank you for your consideration in this manner.

  
Tom Des Jarlais, Chairman

NOTICE OF DECISION AND ORDER  
OCONTO COUNTY ZONING BOARD OF ADJUSTMENT

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(19) STATUTORY PURPOSES  
DATE 1/6/15 BY MS

CASE NO: CU-20130033

**FINDINGS OF FACT:** Having heard all the testimony and considered the entire record herein, the Board finds the following facts:

1. The applicant is Alan Caelwaerts, 7643 Tower Rd, Oconto, WI, 54153.
2. The applicant is the owner of record of parcel number 022-523102041 located in the NE¼, SE¼, Section 31, T29N, R22E, Town of Little River.
3. The conditional use permit application was filed with the Board Secretary on December 16, 2013, noticed, as provided for by law, on December 17, 2014 and December 24, 2014, and a continued public hearing was held by the Oconto County Board of Adjustment on January 15, 2015.
4. The property is zoned Forest w/Quarry Overlay District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a continued hearing for a conditional use permit to continue to operate a quarry.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

**CONCLUSIONS OF LAW:** Based upon the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction of this matter under the provisions of the Oconto County Zoning Ordinance.
2. Violations of the Oconto County Zoning Ordinance will not exist as a result of this action.

**DETERMINATION AND ORDER:** On the basis of the above Findings of Fact, Conclusions of Law and the record herein, the Board determines and orders as follows:

**GRANT OF CONDITIONAL USE PERMIT**

The requested a continued hearing for a conditional use permit to continue to operate a quarry is hereby granted subject to the following conditions:

1. Hours of Operation:
  - a. Mining & Trucking – 6:00 AM to 6:00 PM or dusk to dawn whichever is greater;
  - b. Crushing – 6:00 AM to 6:00 PM - Monday thru Friday and Saturday 6:00 AM to Noon;
  - c. Blasting – 8:00 AM to 4:00 PM - Monday thru Friday
  - d. Maintenance on equipment is allowed 24 hours a day, 7 days a week;
2. Blasting must be done in accordance with Wisconsin Code on Explosive Materials. Homeowners within ½ mile of the quarry must be notified at least 24 hours before blasting.
3. Pipe gate required at entrances to quarry.
4. Dust control must be used according to EPA regulations.
5. Water drainage as per plan submitted and regulated by the DNR and its permit. Erosion controls are to be put in place before operation and during operation.
6. Quarry Reclamation Plan and Financial Guarantee shall conform to the requirements as set forth in the Oconto County Non-Metallic Reclamation Ordinance.
7. Ingress & Egress on Cty A & Maple Grove School Rd.
8. Work with the Town of Little River & land owners to alleviate the drainage problem. Submit an interim report to the Zoning Office at 6 months and a final report at 1 year.
9. This permit shall expire on January 5, 2016.

**GENERAL CONDITIONS**

Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

This order may be revoked by the Board, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

A review of this decision and order may be obtained by filing an action of certiorari with the Circuit Court for Oconto County within 30 days of the filing date of this decision and order. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. The granting of the conditional use permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits.

  
Melissa Wellens, Secretary  
Oconto County Board of Adjustment

1-5-15  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
January 5, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 1/6/15 BY MS

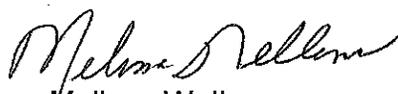
1. Hearing called to order at 12:53 PM
2. Roll Call: Present:        Mr. Alan Sleeter, Vice-Chairman  
                                     Mrs. Melissa Wellens, Secretary  
                                     Mr. Elmer Ragen  
                                     Mr. Allan Stranz  
  
Absent:                         Mr. Thomas Gryboski  
  
Others Present:             Mr. Gabe Moody, Assistant Zoning Administrator  
                                     Mr. Jim Johnson  
                                     Mr. Steve Bieda  
                                     Mr. Michael Ortner
3. Mr. Moody read the Notice of Public Hearing pertaining to Jim Johnson's application for a variance to build closer to the water. Location of the property is in Section 31, T26N, R21E, Town of Little Suamico.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on November 26, 2014. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Steve Bieda appeared and was sworn in. He stated that he is Mr. Johnson's agent. Will be removing 2 sheds and replacing them with a 30' x 40' shed. Moving the location of the new shed farther from the ordinary high water mark. The property is between two water bodies. The proposed structure will be 60' from the Bay of Green Bay and 70' from the pond. Will be combining the two lots and re-vegetating the shoreline.
  - B. Mr. Jim Johnson appeared and was sworn in. He stated that he owns two lots and will be combining them. Will be building a stick built structure on a slab. Will have a buffer plan.
  - C. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Letter from Dale Rezabek - DNR
8. Testimony closed at 1:04 PM

9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees the application meets the 3 steps necessary to grant a variance.

1. Unique Physical Limitation – there is water on both sides.
2. No harm to Public Interest – Removing 2 sheds in the 75' setback and reducing the sq. footage of the buildings.
3. Unnecessary hardship is present due to water on both sides of the property.

10. Decision: Moved by Stranz, seconded by Ragen to reduce the required 75' ordinary high water mark setback to 70' from the ordinary high water mark of the pond and to reduce the required 75' ordinary high water mark setback to 60' from the ordinary high water mark of the Bay of Green Bay with the conditions that the lots are combined before permits are issued and to re-establish the 35' buffer zone as per NRCS Bulletin 643A Shoreland habitat and WI Biology Technical Note 1 prior to any permits being issued. Roll Call Vote: Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 1:12 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

Gabe Moody  
Assistant Zoning Administrator

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 1/6/15 BY MS

## Attachment A

A restoration plan to restore the Shoreland buffer to standards noted in NRCS Code 643A Shoreland Habitat Bulletin and Wisconsin Biology Technical Note 1: Shoreland Habitat must be submitted and approved by the Zoning Department prior to issuance of a land use permit for the structure approved from this variance. The obligations of the property owner under the restoration plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

The Board has authority to require the restoration be in place prior to issuance of the land use permit for the structure approved by the variance.

NOTICE OF DECISION AND ORDER  
OCONTO COUNTY BOARD OF ADJUSTMENT

CASE NO: VA-20140039

**FINDINGS OF FACT:** Having heard all the testimony and considered the entire record herein, the Committee finds the following facts:

1. The petitioner is Jim Johnson, 5072 Brown Rd, Little Suamico, WI 54141
2. The petitioner is the owner of record of parcel number 024-41310041C located in Section 31, T26N, R21E, Town of Little Suamico.
3. The petition for variance was filed with the Board Secretary on November 26, 2014, noticed, as provided for by law, on December 17, 2014 and December 24, 2014, and a public hearing was held by the Oconto County Board of Adjustment on January 5, 2015.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 75' from the ordinary high water mark. Specifically, the petitioner is requesting to build a garage 60' from the ordinary high water mark.
6. The hardship claimed in this matter is there is water on both sides.
7. The applicant is requesting a variance under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance.

**CONCLUSIONS OF LAW:** Based upon the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction of this matter under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance.
2. Violations of the Oconto County Zoning Ordinance will not exist as a result of this action.
3. A literal enforcement of the terms of the Oconto County Zoning Ordinance will result in practical difficulty or unnecessary hardship to the applicant because they cannot build without a variance.
4. The unique physical limitation of the property is the size of the lot.
5. The variance will not be contrary to the public interest and spirit of the Oconto County Zoning Ordinance.

**DETERMINATION & ORDER:** On the basis of the above Findings of Fact, Conclusions of Law and the record herein, the Committee determines & orders as follows:

**GRANT OF VARIANCE**

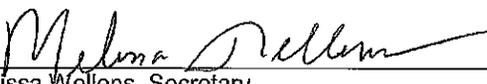
The requested variance consisting to reduce the required 75' ordinary high water mark setback to 70' from the ordinary high water mark of the pond and to reduce the required 75' ordinary high water mark setback to 60' from the ordinary high water mark of the Bay of Green Bay with the conditions that the lots are combined before permits are issued and to re-establish the 35' buffer zone as per NRCS Bulletin 643A Shoreland habitat and WI Biology Technical Note 1 prior to any permits being issued is hereby granted.

**GENERAL CONDITIONS**

Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

This order may be revoked by the Committee, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

A review of this decision and order may be obtained by filing an action of certiorari with the Circuit Court for Oconto County within 30 days of the filing date of this decision and order. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. The granting of this variance does not relieve the applicant of the obligation to obtain sanitary and zoning permits.

  
Melissa Wellens, Secretary  
Oconto County Board of Adjustment

1-5-15  
Date