

MINUTES
WEDNESDAY, JANUARY 28, 2015 – 12:30 P.M.
BOARD OF ADJUSTMENT COMMITTEE
ROOM #3013 (LWR) – 3RD FLR COURTHOUSE BUILDING "A"
301 WASHINGTON STREET, OCONTO, WI 54153-1699
www.co.oconto.wi.us

COMMITTEE PRESENT: Gryboski, Ragen, Sleeter, Stranz, and Wellens

OTHERS PRESENT: Gabe Moody

1. Moved by Sleeter, seconded by Stranz to amend the agenda. Motion voted on and carried.
2. Approval of Minutes
 - a. Business Meeting
Moved by Wellens, seconded by Ragen, to approve the meeting minutes of January 5, 2015. Motion voted on and carried.
 - b. Public Hearings
Moved by Stranz, seconded by Ragen to approve the minutes from the following hearings. Motion voted on and carried.
 - i. January 28, 2015
 1. Linda St. Pierre
 2. Genevieve Gogat
3. Public Comments/Miscellaneous
None
4. Hearing Dates
 - a. The Board selected February 25, 2015 as public hearing date.
 - b. The Board selected February 27, 2015 as the business meeting date.
5. Adjournment

Melissa Wellens – Secretary

Thomas Gryboski - Chair

MW/mls Date posted: 1/29/15

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
January 28, 2015

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1/28/15 BY MS

1. Hearing called to order at 8:50 AM
2. Roll Call: Present: Mr. Thomas Gryboski, Chairman
Mr. Alan Sleeter, Vice-Chairman
Mrs. Melissa Wellens, Secretary
Mr. Elmer Ragen
Mr. Allan Stranz

Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
Mr. Pete Renteria – Deputy Zoning Administrator
Ms. Linda St. Pierre
Mr. Dave Yokeum
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Linda St. Pierre's application for a conditional use permit for a retail or wholesale business involving the sales and service used cars. Location of the property is in Section 24, T31N, R16E, Town of Mountain.
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 December 19, 2014. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Ms. Linda St. Pierre appeared and was sworn in. She stated that she would like to open a used car business in the former Yamaha dealership building. Will do light repair on vehicles, if needed. Would probably have no more than 20 vehicles for sale at one time. Hours of Operation from 9:00 AM to 5:00 PM. There is also a used car business in Mountain but might consider selling that in a year or two. Waste oil and antifreeze disposal is in place. There is one main driveway and an easement. There is restroom in the building. There will be no employees.
 - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
 - A. Town Recommendation Form from the Town of Mountain – Recommends Approval
8. Testimony closed at 9:03 AM
9. Deliberation/Discussion: Discussed Conditions – reasonable use of property.
10. Decision: Moved by Sleeter, seconded by Stranz to grant a conditional use permit for a retail or wholesale business involving the sales and service used cars with the following conditions:

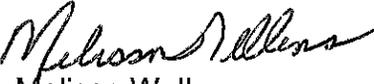
Linda St. Pierre Public Hearing
January 28, 2015
Pg. #2

JEFFERSON COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1/28/15 BY MS

1. Hours of Operation – 9:00 AM to 9:00 PM – Monday through Saturday;
2. All waste materials to be disposed of properly;
3. Adequate parking;
4. Dusk to dawn lighting required;
5. All State & Federal permits must be obtained and maintained.

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

11. Hearing adjourned at 9:05 AM


Melissa Wellens
Secretary


Thomas Gryboski
Chairman

William Bartz Jr.
Assistant Zoning Administrator

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**NOTICE OF DECISION AND ORDER
OCONTO COUNTY ZONING BOARD OF ADJUSTMENT**

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1/28/15 BY MS

CASE NO: CU-20140038

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

1. The applicant is Linda St. Pierre, 13054 State Hwy 32 64, Mountain, WI, 54149.
2. The applicant is the owner of record of parcel number 029-252403831C located in the NE¼, SW¼, Section 24, T31N, R16E, Town of Mountain.
3. The conditional use permit application was filed with the Board Secretary on December 19, 2014, noticed, as provided for by law, on January 14, 2015 and January 21, 2015, and a public hearing was held by the Oconto County Board of Adjustment on January 28, 2015.
4. The property is zoned General Commercial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit for a retail or wholesale business involving the sales and service used cars.
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 conditional use permit for a retail or wholesale business involving the sales and service used cars is hereby granted subject to the following conditions:

1. Hours of Operation – 9:00 AM to 9:00 PM – Monday through Saturday;
2. All waste materials to be disposed of properly;
3. Adequate parking;
4. Dusk to dawn lighting required;
5. All State & Federal permits must be obtained and maintained.

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

1-28-15

Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
January 28, 2015

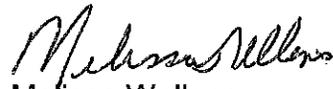
OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE: 1/28/15 BY: WJS

1. Hearing called to order at 10:42 AM
2. Roll Call: Present: Mr. Thomas Gryboski, Chairman
Mr. Alan Sleeter, Vice-Chairman
Mrs. Melissa Wellens, Secretary
Mr. Elmer Ragen
Mr. Allan Stranz

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
Ms. Genevieve Gogat
Mr. William Palomaki
Mr. Gerald Francart
3. Mr. Moody read the Notice of Public Hearing pertaining to Genevieve Gogat's application for a variance to reduce the required fill requirement around a structure. Location of the property is in Section 11, T27N, R21E, Town of Pensaukee.
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 23, 2014. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. William Palomaki appeared and was sworn in. He stated that he is the agent/builder for Mrs. Gogat and she is requesting to reduce the fill requirement from 15' to 1' around the home. Would like to build an addition on the home. One side of the home is next to the watershed and the other side would interfere with the driveway. Consulted with the DNR and he agreed that they should apply for a variance. The fill must be 1' above the flood elevation.
 - B. Mr. Gabe Moody appeared and was sworn in.
7. Correspondence
 - A. E-mail from Miles Winkler, DNR – no objections to the requested variance.
8. Testimony closed at 10:00 AM
9. Deliberation/Discussion: Discussed the Findings of Fact. The BOA agrees the applicant meets the 3 steps to grant a variance.
 1. The physical limitation is the driveway and ditch;
 2. No harm to the public interest - least impact to wetlands;
 3. Hardship is the location of the driveway and the ditch.

10. Decision: Moved by Ragen, seconded by Sleeter to reduce the required 15' fill requirement around a structure to 1' of fill around the structure. Roll Call Vote: Gryboski, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 10:53 AM


Melissa Wellens
Secretary


Thomas Gryboski
Chairman

Gabe Moody
Assistant Zoning Administrator

**NOTICE OF DECISION AND ORDER
OCONTO COUNTY BOARD OF ADJUSTMENT**

CASE NO: VA-20140040

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

1. The petitioner is Genevieve Gogat, 3145 Wood Rd, Oconto, WI 54153
2. The petitioner is the owner of record of parcel number 034-4611076 located in Section 11, T27N, R21E, Town of Pensaukee.
3. The petition for variance was filed with the Board Secretary on December 23, 2014, noticed, as provided for by law, on January 14, 2015 and January 21, 2015, and a public hearing was held by the Oconto County Board of Adjustment on January 28, 2015.
4. The property is zoned Rural Residential 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 15' of fill requirement around a structure in the floodplain. Specifically, the petitioner is requesting to build an addition and needs to reduce the required 15' of fill requirement around a structure in a floodplain to one foot of fill around a structure in the floodplain.
6. The hardship claimed in this matter is too close to floodplain.
7. The applicant is requesting a variance under the provisions of Section 21.603 (1) of the Oconto County Floodplain 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 Chapter 21 of the Oconto County Floodplain Ordinance.
2. Violations of the Oconto County Floodplain Ordinance will not exist as a result of this action.
3. A literal enforcement of the terms of the Oconto County Floodplain Ordinance will result in practical difficulty or unnecessary hardship to the applicant because they cannot build the addition without the variance in the fill requirement.
4. The unique physical limitation of the property is the floodplain.
5. The variance will not be contrary to the public interest and spirit of the Oconto County Floodplain 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 15' fill requirement around a structure to 1' of fill around the structure 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

1-28-15
Date