

**MINUTES**  
**TUESDAY, MARCH 31, 2015 – 9:00 A.M.**  
**BOARD OF ADJUSTMENT COMMITTEE**  
**ROOM #1004 - 1<sup>ST</sup> FLR COURTHOUSE BUILDING "A"**  
**301 WASHINGTON STREET, OCONTO, WI 54153-1699**  
[www.co.oconto.wi.us](http://www.co.oconto.wi.us)

COMMITTEE PRESENT: Ragen, Sleeter, Stranz, and Wellens

ABSENT: Gryboski

OTHERS PRESENT: Gabe Moody

1. Moved by Ragen, 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 February 27, 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. February 25, 2015
      1. Nick & Danny Nickels
    - ii. March 25, 2015
      1. Jennifer Edinger
      2. Medallion Properties LLC
      3. David & Amy Wilinski
      4. Jeremy Borchert
      5. Scott Thomson
      6. Bret Schaal
3. Public Comments/Miscellaneous  
Discussed placing a revocation on the May hearings.
4. Hearing Dates
  - a. The Board selected April 27, 2015 as public hearing date.
  - b. The Board selected April 28, 2015 as the business meeting date.
5. Adjournment

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Melissa Wellens – Secretary

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Thomas Gryboski - Chair

*MW/mls Date posted: 4/6/15*

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
March 25, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 3/31/15 BY MS

1. Hearing called to order at 9:00 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. Gabe Moody, Assistant Zoning Administrator  
Mr. Steve Bieda – Mau & Associates  
Ms. Jennifer Edinger
3. Mr. Moody read the Notice of Public Hearing pertaining to Jennifer Edinger's application for a variance to build closer to water and road and to reduce the 15' of fill around a structure in the floodplain. Location of the property is in Section 09, 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 February 24, 2015. 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 the agent for Ms. Edinger. She is requesting a variance to build closer to water and road and to reduce the 15' of fill around a structure in the floodplain. Currently there is cabin, garage, well and holding tank on the property. Will remove the cabin and garage and build a 1,020 sq. ft home and 375 sq. ft. garage. The well and holding tank will remain. The front and rear, east side and west side, of the house can meet the floodplain requirements. The sides of the home, north and south side, need the fill requirement variance.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report. Stated that the home is 54' from the ordinary high water mark and 50' from the centerline of Cottage Rd. The proposed project would require a 21' variance from the ordinary high water mark of the Bay of Green Bay and a 13' variance from the centerline of Cottage Rd. He also stated that the fill requirement around a structure would need to be reduced to 5' on the south and north side of the home.
7. Correspondence
  - A. E-mail from Dale Rezabek, DNR – no specific comments or recommendations.

8. Testimony closed at 9:15 AM
9. Deliberation/Discussion: Discussed the Findings of Fact. The BOA agrees this application meets the 3 steps to grant a variance.
  1. Unique Physical Limitation - the size and angle of the lot.
  2. Harm to Public Interest – No closer to the water and can require shoreland restoration.
  3. Unnecessary Hardship is present because of the size of the lot.
10. Decision: Moved by Stranz, seconded by Ragen to reduce the required 75' ordinary high water mark setback to 54' from the ordinary high water mark of the Bay of Green Bay, to reduce the required 63' setback from the centerline of a town road to 50' from the centerline of Cottage Road and to reduce the 15' of fill requirement around a structure in the floodplain to 5' of fill around a structure in a floodplain on the north & south side of the structure with the condition that restoration on the shoreline is done according to Exhibit A. This variance is for the house and garage only. Roll Call Vote: Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.
11. Hearing adjourned at 9:20 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

Gabe Moody  
Assistant Zoning Administrator

**A restoration plan to restore the shoreland buffer to standards noted in NRCS Code 643A Shoreland Habitat Bulletin & WI 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.**

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

NOTICE OF DECISION AND ORDER  
OCONTO COUNTY BOARD OF ADJUSTMENT

CASE NO: VA-20150003

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

1. The petitioner is Jennifer Edinger, 2724 Glenview Av, Kaukauna, WI 54130
2. The petitioner is the owner of record of parcel number 024-35090121M located in Section 09, T26N, R21E, Town of Little Suamico.
3. The petition for variance was filed with the Board Secretary on February 24, 2015, noticed, as provided for by law, on March 11, 2015 and March 25, 2015, and a public hearing was held by the Oconto County Board of Adjustment on March 25, 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 to build closer to the water, road and from the 15' of fill requirement around a structure in the floodplain. Specifically, the petitioner is requesting to build a home 50' from the ordinary high water mark of the Bay of Green Bay, 50' from the centerline of Cottage Rd and to reduce the fill requirement around the home to 7'.
6. The hardship claimed in this matter is the size of the lot.
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 not 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 angle of the lot.
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**

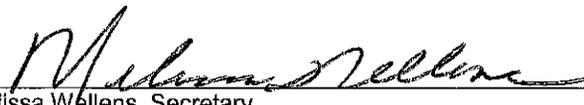
The requested variance to reduce the required 75' ordinary high water mark setback to 54' from the ordinary high water mark of the Bay of Green Bay, to reduce the required 63' setback from the centerline of a town road to 50' from the centerline of Cottage Road and to reduce the 15' of fill requirement around a structure in the floodplain to 5' of fill around a structure in a floodplain on the north & south side of the structure with the condition that restoration on the shoreline is done according to Exhibit A. This variance is for the house and garage only 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

3-31-15  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
March 25, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 3/31/15 BY MS

1. Hearing called to order at 10:15 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. Gabe Moody, Assistant Zoning  
Mr. Stu Winarski  
Mr. Don Demeny  
Mr. Darin DeWitt
3. Mr. Moody read the Notice of Public Hearing pertaining to Medallion Properties LLC's application for a conditional use permit for a retail or wholesale business involving a used car lot. Location of the property is in Section 03, T26N, R20E, Town of Abrams.
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 February 26, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Darin DeWitt appeared and was sworn in. He stated that Medallion Properties LLC, owners of the property, are requesting a conditional use permit for a used car lot. Chrysler World will be renting the building for a used car lot with detailing. The property is 3 acres. The shop is serviced by a holding tank and the bathrooms go to a mound system.
  - B. Mr. Don Demeny appeared and was sworn in. He stated that he is a representative from the Town of Abrams. Stated that fluids will be recycled and hauled back to Chrysler World. There will be 1 hoist in the shop. Chrysler World has been an asset for the Town. Believes this will improve the property.
  - C. Mr. Stu Winarski appeared and was sworn in. He stated that he represents Chrysler World. This will be an extension of Chrysler World. More lighting will be installed. There will be 70-80 cars for sale. Will be renting the property from Medallion Properties but may consider purchasing it in the future. There will be a salesman and detailer on-site. This facility will be open the same as Chrysler World. Monday & Thursday from 8:00 AM to 8:00 PM, Tuesday, Wednesday & Friday from 8:00 AM to 6:00 PM and Saturday from 9:00 AM to 2:00 PM.
  - D. Mr. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence

A. Town Recommendation Form from the Town of Abrams – Recommends approval;

8. Testimony closed at 10:25 AM

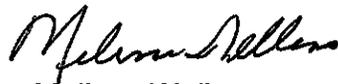
9. Deliberation/Discussion: Discussed conditions. Will be an improvement to the property and use.

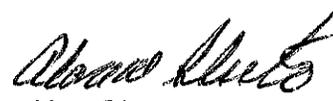
10. Decision: Moved by Stranz, seconded by Ragen to grant a conditional use permit for a retail or wholesale business involving a used car lot with the following conditions:

1. Hours of Operation – 8:00 AM to 8:00 PM – Monday thru Saturday;
2. Dusk to dawn lighting;
3. Adequate parking;
4. Maximum of 80 cars;
5. Fluids & Waste must be disposed of properly;

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

11. Hearing adjourned at 10:28 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

Gabe Moody  
Assistant Zoning Administrator

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

CASE NO: CU-20150008

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

1. The applicant is Medallion Properties LLC, N1900 S31st Rd, Coleman, WI, 54112.
2. The applicant is the owner of record of parcel number 002-030303144F & 002-0303144B1 located in the SE¼, SE¼, Section 03, T26N, R20E, Town of Abrams.
3. The conditional use permit application was filed with the Board Secretary on February 26, 2015, noticed, as provided for by law, on March 11, 2015 and March 18, 2015, and a public hearing was held by the Oconto County Board of Adjustment on March 25, 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 a used car lot.
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 a used car lot is hereby granted subject to the following conditions:

1. Hours of Operation – 8:00 AM to 8:00 PM – Monday thru Saturday;
2. Dusk to dawn lighting;
3. Adequate parking;
4. Maximum of 80 cars;
5. Fluids & Waste must be disposed of properly

**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

3-31-15  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
March 25, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 3/31/15 BY ms

1. Hearing called to order at 10:30 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. Gabe Moody, Assistant Zoning Administrator  
Mr. David Wilinski  
Ms. Amy Wilinski
3. Mr. Moody read the Notice of Public Hearing pertaining to David & Amy Wilinski's application for a conditional use permit to operate a retreat center. Location of the property is in Section 06, T26N, R20E, Town of Abrams.
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 February 13, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. David Wilinski appeared and was sworn in. He stated that he is requesting a conditional use permit to operate a retreat center licensed with the state as an educational camp. Will have overnight and short-term stay retreats. Maximum of 30-40 participants for single day retreats and a maximum of 20 participants for an overnight retreat. The existing "Lodge" is 27' x 24' and they are proposing a 24' x 24' addition. Will have to meet state code. Has talked to representatives from the state on licensing. Does not have a sanitary permit yet. Waiting for the conditional use permit to go through first. Classes are held on alternative healing methods such as holistic healing, herbal medicine and energy healing etc. There will be experts on staff to teach some of the classes.
  - B. Ms. Amy Wilinski appeared and was sworn in. She stated that she works with patients to heal with alternative medicines such as energy medicine, holistic medicine and meditation. Classes can be year around. She has a B.S. in occupational therapy. Do not have set hours of operation because of the overnight stays and a person must be registered for a class. Will work 12 months a year. There will be a sign at the end of the driveway for guests. Talking with Matt Kisel from the state regarding food and lodging licensing.
  - C. Mr. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence

A. Town Recommendation Form from the Town of Abrams – Recommends approval;

8. Testimony closed at 10:51 AM

9. Deliberation/Discussion: Discussed conditions. Discussed limiting the conditional use permit to one year. Agree the applicants shouldn't have to go through the whole process again. Can be done through revocation process.

10. Decision: Moved by Stranz, seconded by Wellens to grant a conditional use permit to operate a retreat center with the following conditions:

1. No hours of operation required;
2. All State and Federal licenses must be obtained;
3. Proper sanitary permits and facilities must be provided;
4. Number of participants not to exceed State & Federal requirements;
5. Permit can be brought before the BOA for revocation, if needed due to complaints.

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

11. Hearing adjourned at 10:52 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

Gabe Moody  
Assistant Zoning Administrator

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

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 3/31/15 BY WJ

CASE NO: CU-20150005

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

1. The applicant is David & Amy Wilinski, 7100 Sundew Rd, Sobieski, WI, 54171.
2. The applicant is the owner of record of parcel number 002-060601242A located in Section 06, T26N, R20E, Town of Abrams.
3. The conditional use permit application was filed with the Board Secretary on February 13, 2015, noticed, as provided for by law, on March 11, 2015 and March 18, 2015, and a public hearing was held by the Oconto County Board of Adjustment on March 25, 2015.
4. The property is zoned Agriculture District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit to operate a retreat center.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance. A retreat center is a use that has been classified as a conditional use by authority of the Planning & Zoning Committee under Sec 14.412 Unclassified Uses at their November 20, 2014 meeting.

**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 to operate a retreat center is hereby (~~granted~~ / denied) subject to the following conditions:

1. No hours of operation required;
2. All State and Federal licenses must be obtained;
3. Proper sanitary permits and facilities must be provided;
4. Number of participants not to exceed State & Federal requirements;
5. Permit can be brought before the BOA for revocation, if needed due to complaints

**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

3-31-15  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
March 25, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 3/31/15 BY YMS

1. Hearing called to order at 11:45 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. Gabe Moody, Assistant Zoning Administrator  
Mr. Jeremy Borchert  
Ms. Carol Foster  
Mr. Anthony Fetterly
3. Mr. Moody read the Notice of Public Hearing pertaining to Jeremy Borchert's application for a conditional use permit for a home based industry from an accessory structure to operate an industrial service business. Location of the property is in Section 13, T29N, R20E, Town of Lena.
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 January 1, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Jeremy Borchert appeared and was sworn in. He stated that he is requesting a conditional use permit for a home based industry from an accessory structure to operate an industrial service business. The existing building will be used for the start-up operation and will be used mainly for storage and light fabrication. Typical shop materials with very little hazardous waste. If the business grows he would like to move to an industrial area. Expects to be at this location between 2 and 3 years. Would like hours of operation from 6:00 AM to 8:00 PM – 7 days a week. No customers will come to the site. Employees will not be working at this location either. Dusk to dawn lighting is in place. Nothing will be stored outside except for a work enclosed trailer.
  - B. Mr. Tony Fetterly appeared and was sworn in. He questioned the number of employees allowed. The Town accepts up to 12.
  - C. Mr. Jeremy Borchert re-appeared and stated that the employees will not be working on-site. Stated that he will be hiring union workers.
  - D. Mr. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence

A. Town Recommendation Form from the Town of Lena – Recommends approval;

8. Testimony closed at 12:08 PM

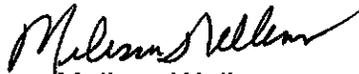
9. Deliberation/Discussion: Discussed conditions. The BOA agrees due to the nature of his business a limit of 12 employees would be allowed.

10. Decision: Moved by Stranz, seconded by Sleeter to grant a conditional use permit for a home based industry from an accessory structure to operate an industrial service business with the following conditions:

1. Hours of Operation – 6:00 AM to 8:00 PM – 7 days a week;
2. Waste materials to be disposed of properly;
3. Dusk to dawn lights;
4. Adequate parking;
5. Property to be kept neat and clean. Garbage must be concealed;
6. All state approvals must be obtained prior to opening;
7. Maximum of 12 employees – due to nature of business;
8. If business is sold or abandoned, the permit will expire;

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

11. Hearing adjourned at 12:12 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

Gabe Moody  
Assistant Zoning Administrator

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

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 3/31/15 BY ML

CASE NO: CU-20150006

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

1. The applicant is Jeremy Borchert, 4980 Berg Rd, Lena, WI, 54139.
2. The applicant is the owner of record of parcel number 020-131302044A located in the SE¼, SE¼, Section 13, T29N, R20E, Town of Lena.
3. The conditional use permit application was filed with the Board Secretary on January 1, 2015, noticed, as provided for by law, on March 11, 2015 and March 18, 2015, and a public hearing was held by the Oconto County Board of Adjustment on March 25, 2015.
4. The property is zoned Agriculture District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit for a home based industry from an accessory structure to operate an industrial service business.
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 home based industry from an accessory structure to operate an industrial service business is hereby granted subject to the following conditions:

1. Hours of Operation – 6:00 AM to 8:00 PM – 7 days a week;
2. Waste materials to be disposed of properly;
3. Dusk to dawn lights;
4. Adequate parking;
5. Property to be kept neat and clean. Garbage must be concealed;
6. All state approvals must be obtained prior to opening;
7. Maximum of 12 employees – due to nature of business;
8. If business is sold or abandoned, the permit will expire

**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

Date 3-31-15

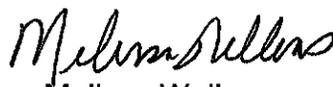
MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
March 25, 2015

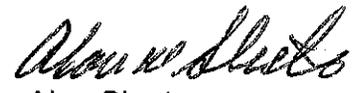
1. Hearing called to order at 1:38 PM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman  
Mrs. Melissa Wellens, Secretary  
Mr. Elmer Ragen  
Mr. Allan Stranz  
  
Absent: Mr. Thomas Gryboski, Chairman  
  
Others Present: Mr. Gabe Moody, Assistant Zoning Administrator  
Mr. Scott Thomson
3. Mr. Moody read the Notice of Public Hearing pertaining to Scott Thomson's application for a conditional use permit to continue to operate a quarry. Location of the property is in Section 20, T30N, R19E, Town of Brazeau.
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 February 2, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Scott Thomson appeared and was sworn in. He stated that he is requesting a conditional use permit to continue to operate a quarry. No changes in operation. Working to the west. About half of the quarry is used. At least 5 years left. Water is naturally flowing out at this time. Jackie Foster, Inc. does crushing.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Town Recommendation Form from the Town of Brazeau – Recommends approval;
8. Testimony closed at 1:50 PM
9. Deliberation/Discussion: Discussed conditions. No change required.
10. Decision: Moved by Ragen, seconded by Stranz to grant a conditional use permit to continue to operate a quarry with the following conditions:
  1. Hours of Operation – 6:00 Am to 6:00 PM or dawn to dusk, Monday - Saturday
    - a. Crushing – 6:00 AM to 6:00 PM, Monday – Friday
    - b. Blasting – Will be taken care of by a licensed blaster

- c. Maintenance of equipment – 24 hours a day, 7 days a week
2. Dust control to be used according to EPA standards;
3. Pipe gate required at entrance;
4. Quarry reclamation plans and a financial guarantee shall conform to the requirements as set forth in the Oconto County Non-metallic Reclamation Ordinance.
5. Neighbors within ¼ mile of the quarry must be given 24-hour notice of blasting if they request notification.
6. This permit is for 3 years and will expire on April 25, 2018

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

11. Hearing adjourned at 1:52 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

Gabe Moody  
Assistant Zoning Administrator

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

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 3/31/15 BY MS

CASE NO: CU-20150004

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

1. The applicant is Scott Thomson, 8706 Lee Lake Rd, Pound, WI, 54161.
2. The applicant is the owner of record of parcel number 008-202002244I located in Section 20, T30N, R19E, Town of Brazeau.
3. The conditional use permit application was filed with the Board Secretary on February 2, 2015, noticed, as provided for by law, on March 11, 2015 and March 18, 2015, and a public hearing was held by the Oconto County Board of Adjustment on March 25, 2015.
4. The property is zoned Rural Residential w/Quarry Overlay District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting 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 conditional use permit to continue to operate a quarry is hereby granted subject to the following conditions:

1. Hours of Operation – 6:00 Am to 6:00 PM or dawn to dusk, Monday - Saturday
  - a. Crushing – 6:00 AM to 6:00 PM, Monday – Friday
  - b. Blasting – Will be taken care of by a licensed blaster
2. Maintenance of equipment – 24 hours a day, 7 days a week
3. Dust control to be used according to EPA standards;
4. Pipe gate required at entrance;
5. Quarry reclamation plans and a financial guarantee shall conform to the requirements as set forth in the Oconto County Non-metallic Reclamation Ordinance.
6. Neighbors within ¼ mile of the quarry must be given 24-hour notice of blasting if they request notification.
7. This permit is for 3 years and will expire on April 25, 2018

**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

3-31-15  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
March 25, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 3/31/15 BY ms

1. Hearing called to order at 2:45 PM
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. Gabe Moody, Assistant Zoning Administrator  
Mr. Dave Schaal  
Mr. Bret Schaal
3. Mr. Moody read the Notice of Public Hearing pertaining to Bret Schaal's application for a conditional use permit to continue to operate a quarry. Location of the property is in Section 03, T28N, R18E, Town of Gillett.
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 February 16, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Bret Schaal appeared and was sworn in. He stated that he is requesting a conditional use permit to continue to operate a quarry. Plans to expand to the north and west at the same elevation. No changes in operation. No water problems. Will be blasting and crushing this year and have hired Jackie Foster Inc.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Town Recommendation Form from the Town of Gillett – Recommends Approval;
8. Testimony closed at 2:48 PM
9. Deliberation/Discussion: Discussed conditions. No changes required.
10. Decision: Moved by Stranz, seconded by Sleeter to grant a conditional use permit to continue to operate a quarry with the following conditions:
  1. **Hours of Operation:**
    - Blasting & Crushing: 6:30 AM to 4:30 PM, Monday – Friday
  - Trucking:**

Bret Schaal Public Hearing  
March 25, 2015  
Pg. #2

- 6:30 AM to 4:30 PM, Monday – Friday and 6:30 AM to 12:00 PM on Saturday

**Equipment Maintenance:**

- 24 hours – 7 days a week;
2. Dust control must be used according to EPA regulations;
  3. There must be a pipe gate installed at the entrance to the quarry;
  4. Quarrying must stay at least 30' from the property lines and berms must stay in the setbacks. Any rocks falling on adjacent property must be removed by the Schaaals;
  5. Trucking exceptions for state projects only. Hours are extended to 7:00 PM, Monday – Friday;
  6. Required to notify property owners within a ½ mile of the quarry when blasting will occur;
  7. Quarry reclamation plans and a financial guarantee shall conform to the requirements as set forth in the Oconto County Non-Metallic Reclamation Ordinance;
  8. This conditional use permit will expire on December 22, 2017

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

11. Hearing adjourned at 2:50 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

Gabe Moody  
Assistant Zoning Administrator

NOTICE OF DECISION AND ORDER  
OCONTO COUNTY ZONING BOARD OF ADJUSTMENT

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES

DATE 3/31/15 BY MS  
CASE NO. CU-20140007

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

1. The applicant is Bret Schaal, 7690 Fifield Rd, Gillett, WI, 54124.
2. The applicant is the owner of record of parcel number 016-030300513 & 016-030300412 located in Section 03, T28N, R18E, Town of Gillett.
3. The conditional use permit application was filed with the Board Secretary on February 16, 2015, noticed, as provided for by law, on March 11, 2015 and March 18, 2015, and a public hearing was held by the Oconto County Board of Adjustment on March 25, 2015.
4. The property is zoned Quarry District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting 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 conditional use permit to continue to operate a quarry is hereby granted subject to the following conditions:

1. **Hours of Operation:**
  - Blasting & Crushing: 6:30 AM to 4:30 PM, Monday – Friday
- Trucking:**
  - 6:30 AM too 4:30 PM, Monday – Friday and 6:30 AM to 12:00 PM on Saturday
- Equipment Maintenance:**
  - 24 hours – 7 days a week;
2. Dust control must be used according to EPA regulations;
3. There must be a pipe gate installed at the entrance to the quarry;
4. Quarrying must stay at least 30' from the property lines and berms must stay in the setbacks. Any rocks falling on adjacent property must be removed by the Schaals;
5. Trucking exceptions for state projects only. Hours are extended to 7:00 PM, Monday – Friday;
6. Required to notify property owners within a ½ mile of the quarry when blasting will occur;
7. Quarry reclamation plans and a financial guarantee shall conform to the requirements as set forth in the Oconto County Non-Metallic Reclamation Ordinance;
8. This conditional use permit will expire on December 22, 2017

**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

3-31-15  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
February 25, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 3/31/15 BY WJ

1. Hearing called to order at 12:31 PM
  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  
Mr. Patrick Scanlan
  3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Nick & Danny Nickels's application for a conditional use permit to continue to operate a quarry. Location of the property is in Section 4, T29N, R19E, Town of Spruce.
  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 January 16, 2015. He provided the required notices, application, plot plan, maps and staff report.
  6. Appearances:
    - A. Mr. Patrick Scanlan appeared and was sworn in. He stated that he is requesting a conditional use permit to continue to operate a quarry. There are no changes to the operation. Will continue to operate as before. There is good rock for many years. They are reclaiming as they go.
    - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
  7. Correspondence
    - A. Town Recommendation Form from the Town of Spruce – Recommends approval;
  8. Testimony closed at 12:40 PM
  9. Deliberation/Discussion: Elmer Ragen stated that he will abstain from the decision due to a quorum of the Highway Committee. No Changes Required.
  10. Decision: Moved by Wellens, seconded by Stranz to grant a conditional use permit to continue to operate a quarry with the following conditions:
    1. Conditions shall be consistent with the current conditions on the adjoining/adjacent quarries that are currently on file;
    2. This conditional use permit shall expire on December 22, 2017.
- Roll Call Vote: Gryboski, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.
11. Hearing adjourned at 12:41 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

William Bartz Jr.  
Assistant Zoning Administrator

NOTICE OF DECISION AND ORDER  
OCONTO COUNTY ZONING BOARD OF ADJUSTMENT

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 3/31/15 BY ms

CASE NO: CU-20150003

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

1. The applicant is Nick & Danny Nickels, 10327 Kaplin Rd, Coleman, WI, 54112.
2. The applicant is the owner of record of parcel number 038-040401034B & 038-040400934A located in the W1/2 of the E1/2 of SW ¼, Section 4, T29N, R19E, Town of Spruce.
3. The conditional use permit application was filed with the Board Secretary on January 16, 2015, noticed, as provided for by law, on February 11, 2015 and February 18, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 2/25/2015.
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 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 conditional use permit to continue to operate a quarry is hereby granted subject to the following conditions:

1. Conditions shall be consistent with the current conditions on the adjoining/adjacent quarries that are currently on file;
2. This conditional use permit shall expire on December 22, 2017.

**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

3-31-15  
\_\_\_\_\_  
Date