

MINUTES
TUESDAY, April 28, 2015 – 1:00 P.M.
BOARD OF ADJUSTMENT COMMITTEE
ROOM #1004 - 1ST 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 Stranz, seconded by Ragen to amend the agenda. Motion voted on and carried.
2. Approval of Minutes
 - a. Business Meeting
Moved by Sleeter, seconded by Wellens, to approve the meeting minutes of March 31, 2015. Motion voted on and carried.
 - b. Public Hearings
Moved by Sleeter, seconded by Stranz to approve the minutes from the following hearings. Motion voted on and carried.
 - i. April 27, 2015
 1. Old Fashion LLC
 2. Krist Oil Co.
 3. Aaron Schultz
 4. Ronald Sprague
 5. Donna Waschbisch
 6. Donna Waschbisch
 - ii. April 28, 2015
 1. Triple P Incorporated
 2. Marta Mercado De Gonzalez
3. Public Comments/Miscellaneous
None
4. Hearing Dates
 - a. The Board selected May 27, 2015 and May 29, 2015 as public hearing dates.
 - b. The Board selected June 1, 2015 as the business meeting date.
5. Adjournment

Melissa Wellens – Secretary

Thomas Gryboski - Chair

MW/mls Date posted: 5/1/15

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
April 27, 2015

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 4/29/15 BY ML

1. Hearing called to order at 9:30 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
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Old Fashion LLC's application for a conditional use permit for a retail or wholesale business involving the sale of fire arms. Location of the property is in Section 23, 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 March 10, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Joshua Banie appeared and was sworn in. He stated that he is requesting a conditional use permit for a retail or wholesale business for the sale of fire arms. Would like to sell guns through a catalogue. No inventory, no advertising only by word of mouth or those that come to his restaurant and bar. They will be able to view on the internet or catalogue. When the order comes in it will be stored in his gun vault until pickup. There will be 8 cameras throughout the building. Background checks will be done. Ingress/egress is already in place.
 - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
 - A. Town Recommendation Form from the Town of Townsend – Recommends approval;
8. Testimony closed at 9:42 AM
9. Deliberation/Discussion: The BOA discussed conditions. The Town recommends approval and the plan is in order.
10. Decision: Moved by Sleeter, seconded by Stranz to grant a conditional use permit for a retail or wholesale business involving the sale of fire arms with the following conditions:
 1. Hours of Operations – 8:00 AM to 8:00 PM – 7 days a week;

2. Adequate Parking;
3. State & Federal permits required and copies sent to the Zoning Office – to be included in the hearing file.
4. Security procedures required;
5. No shooting on premises;

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

11. Hearing adjourned at 9:45 AM


Melissa Wellens
Secretary


Thomas Gryboski
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 4/29/15 BY MS

CASE NO: CU-20150010

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

1. The applicant is Old Fashion LLC, PO Box 223, Townsend, WI, 54175.
2. The applicant is the owner of record of parcel number 042-232316834C located in the SE¼, SW¼, Section 23, T33N, R15E, Town of Townsend.
3. The conditional use permit application was filed with the Board Secretary on March 10, 2015, noticed, as provided for by law, on April 8, 2015 and April 15, 2015, and a public hearing was held by the Oconto County Board of Adjustment on April 27, 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 sale of fire arms.
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 sale of fire arms is hereby granted subject to the following conditions:

1. Hours of Operations – 8:00 AM to 8:00 PM – 7 days a week;
2. Adequate Parking;
3. State & Federal permits required and copies sent to the Zoning Office – to be included in the hearing file.
4. Security procedures required;
5. No shooting on premises;

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

4-28-15
Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
April 27, 2015

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 4/29/15 BY WCS

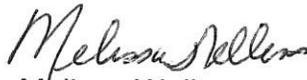
1. Hearing called to order at 10:00 AM
2. Roll Call: Present: Mr. Thomas Gryboski, Chairman
 Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Elmer Ragen
 Mr. Allan Stranz

Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Ms. Pam Pederson – Trails Motel
 Mr. Mike VandeWalle
 Mr. Robert Vanier
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Krist Oil Co's application for a conditional use permit for a retail or wholesale business involving a landscape and garden center. Location of the property is in Section 23, 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 March 18, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Robert Vanier appeared and was sworn in. He stated that he is the owner of Hard Rock Landscaping and is requesting a conditional use permit to operate a landscape & garden center. At this time he will be selling mulch, stone and soil. Will have additional retail services in the future. Has a 5 yard dump trailer used to deliver or customers can pick the material up. Has one dusk to dawn light. Would like hours of operation from Monday – Friday from 8:00 AM to 5:00 PM and Saturday until noon. Sunday hours by appointment.
 - B. Ms. Pamela Pederson appeared and was sworn in. She stated that she owns the Trails Motel behind this property. Has owned it for 20 years. Much of her business is repeat customers that stay in her hotel because they enjoy the area. A problem with trucks going in and out and an increase in noise and appearance of the area could all have an effect on her business. Questioned if there is a way to revisit the CUP if there is a problem.
 - C. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
 - A. Town Recommendation Form from the Town of Townsend – Recommends approval;

8. Testimony closed at 10:14 AM
9. Deliberation/Discussion: The BOA discussed the conditions. Also informed Ms. Pederson of the process to use if there are any problems. The Town recommended approval.
10. Decision: Moved by Stranz, seconded by Ragen to grant a conditional use permit for a retail or wholesale business involving a landscape and garden center with the following conditions:
 1. Hours of Operation – 8:00 AM to 5:00 PM - 7 days a week;
 2. Adequate parking;
 3. Dusk to dawn lighting required;
 4. Retail sales from a building allowed;
 5. Contact WIS Dot to verify that a driveway permit is on file;

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

11. Hearing adjourned at 10:19 AM


Melissa Wellens
Secretary


Thomas Gryboski
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 4/29/15 BY ML

CASE NO: CU-20150009

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

1. The applicant is Krist Oil Co, 303 Selden Rd, Iron River, MI, 49935.
2. The applicant is the owner of record of parcel number 042-232314131M located in the NE¼, SW¼, Section 23, T33N, R15E, Town of Townsend.
3. The conditional use permit application was filed with the Board Secretary on March 18, 2015, noticed, as provided for by law, on April 8, 2015 and April 15, 2015, and a public hearing was held by the Oconto County Board of Adjustment on April 27, 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 landscape and garden center.
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 for a retail or wholesale business involving a landscape and garden center is hereby granted subject to the following conditions:

1. Hours of Operation – 8:00 AM to 5:00 PM - 7 days a week;
2. Adequate parking;
3. Dusk to dawn lighting required;
4. Retail sales from a building allowed;
5. Contact WIS Dot to verify that a driveway permit is on file;

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

4-28-15
Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
April 27, 2015

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 4/29/15 BY TKB

1. Hearing called to order at 10:30 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
Mr. Aaron Schultz
Ms. Tracy Bork
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Aaron Schultz's application for a variance to build closer to the road. Location of the property is in Section 30, T33N, R16E, Town of Lakewood.
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 March 14, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Aaron Schultz appeared and was sworn in. He stated that he is requesting a 15' variance from the 63' town road setback requirement to build a 24' x 30' garage. The lot is not large enough to meet setbacks from the road. The existing shed, which is 49' from the road, will be removed or moved. The garage cannot be moved farther back because of the wetlands.
 - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
8. Testimony closed at 10:40 AM
9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees this request meets the 3 steps to grant a variance.
 1. Physical Limitation – Wetlands, floodplain & slopes
 2. Harm to Public Interest – No harm – property is on a dead end road and the exiting building will be removed.
 3. Hardship – There is no other area to build a garage due to the limitations stated.
10. Decision: Moved by Ragen, seconded by Sleeter to reduce the required 63' town road setback to 48' from the centerline of Adam Ross Ln to build a garage. Roll Call Vote: Gryboski, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.
11. Hearing adjourned at 10:44 AM


Melissa Wellens
Secretary


Thomas Gryboski
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 4/29/15 BY MS
CASE NO: VA-20150004

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

1. The petitioner is Aaron Schultz, 121 Cheryl Ann Dr, Neenah, WI 54956
2. The petitioner is the owner of record of parcel number 019-40300181 located in the SE ¼, SW ¼, Section 30, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on March 14, 2015, noticed, as provided for by law, on April 8, 2015 and April 15, 2015, and a public hearing was held by the Oconto County Board of Adjustment on April 27, 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 63' from the centerline of a town road. Specifically, the petitioner is requesting to build a home 48' from the centerline of Adam Ross Ln.
6. The hardship claimed in this matter is the wetlands, floodplain and steep slopes.
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 a garage without a variance.
4. The unique physical limitation of the property is the wetlands, floodplain and steep slopes.
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 63' town road setback to 48' from the centerline of Adam Ross Ln to build a garage 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

4-28-15

Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
April 27, 2015

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 4/29/15 BY MLB

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. William Bartz Jr, Assistant Zoning Administrator
Mr. Pete Renteria – Deputy Zoning Administrator
Mr. Jeff Beyer
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Ronald Sprague's application for a conditional use permit to continue to operate a quarry. Location of the property is in Section 16, T30N, R19E, Town of Brazeau.
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 March 25, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Jeff Beyer appeared and was sworn in. He stated that he is the agent for Peter's Concrete and they are requesting a conditional use permit to continue to operate a quarry. Attended the Brazeau Planning Commission and the Town Board Meeting. Received approval. No water involved or blasting. Sand and gravel only.
 - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
 - A. Town Recommendation from the Town of Brazeau – Recommends approval;
8. Testimony closed at 11:52 AM
9. Deliberation/Discussion: Pit will continue as is. No complaints received. Town board approves.
10. Decision: Moved by Stranz, seconded by Ragen to grant a conditional use permit to continue to operate a quarry with the following conditions:
 1. Hours of Operation:
 - a. 6:00 Am to 6:00 PM or dawn to dusk whichever is greater Monday -

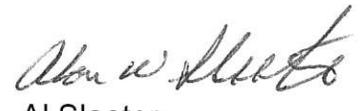
Saturday

- b. Maintenance on equipment is allowed 24 hours a day – 7 days a week;
- c. Crushing – 6:00 Am to 6:00 PM, Monday – Friday;
2. Dust control to be used according to EPA standards;
3. Must maintain a gate at the 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 or WDNR Chapter 30, whichever is greater;
5. 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 11:53 AM


Melissa Wellens
Secretary


Al 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 4/29/15 BY ms

CASE NO: CU-20150012

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

1. The applicant is Ronald Sprague, 2138 Gilson Ct, Green Bay, WI, 54304.
2. The applicant is the owner of record of parcel number 008-161600614 located in the SE¼, NE¼, Section 16, T30N, R19E, Town of Brazeau.
3. The conditional use permit application was filed with the Board Secretary on March 25, 2015, noticed, as provided for by law, on April 8, 2015 and April 15, 2015, and a public hearing was held by the Oconto County Board of Adjustment on April 27, 2015.
4. The property is zoned 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 / denied) subject to the following conditions:

1. Hours of Operation:
 - a. 6:00 Am to 6:00 PM or dawn to dusk whichever is greater Monday - Saturday
 - b. Maintenance on equipment is allowed 24 hours a day – 7 days a week;
 - c. Crushing – 6:00 Am to 6:00 PM, Monday – Friday;
2. Dust control to be used according to EPA standards;
3. Must maintain a gate at the 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 or WDNR Chapter 30, whichever is greater;
5. 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

4-28-15
Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
April 27, 2015

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 4/29/15 BY mls

1. Hearing called to order at 1:45 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. Jeff Beyer
 Mr. John Streu
 Mr. James Valentine
 Mr. Jean Fogelberg
3. Mr. Moody read the Notice of Public Hearing pertaining to Donna Waschbisch's application for a conditional use permit to operate a temporary processing plant to recycle concrete. Location of the property is in Section 22, T28N, R19E, Town of Oconto Falls.
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 March 19, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Jeff Beyer appeared and was sworn in. He stated that he is the agent for Jim Peters. They would like a conditional use permit for a temporary processing plant to recycle concrete for the Hwy 22 Oconto Falls road project. Wants to start in a few days and run as needed through the end of October 2015. The project is small and will use a portable crusher to crush the old concrete. Would like hours from 6:00 AM to 6:00 PM and from 6:00 AM until 12:00 PM on Saturday. Maintenance 24 hours a day. Water will be added to the concrete from the well on site. Spraying water during the crushing of the concrete will control the dust.
 - B. Mr. Jim Valentine appeared and was sworn in. He stated that he lives on Donegal Ln. Wants to know why they can't move the recycling of the concrete process into the City of Oconto Falls. Feels the early hours will disrupt the neighbors in the adjacent subdivision. Concerned about traffic.
 - C. Mr. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence

- A. E-mail from Mike Kaczmarek – approved
- B. E-mail from Derek Weyers, DOT – contact regarding driveway permits.

8. Testimony closed at 2:02 PM

9. Deliberation/Discussion: Discussed conditions – no changes needed.

10. Decision: Moved by Stranz, seconded by Sleeter to grant a conditional use permit to operate a temporary processing plant to recycle concrete with the following conditions:

- 1. Hours of Operation:
 - a. 6:00 AM to 7:00 PM – Monday through Friday;
 - b. 6:00 AM to 3:00 PM – Saturday
- 2. Maintenance Hours – 24 hrs a day/7 days a week;
- 3. Dust control must be used according to EPA Standards;
- 4. A pipe gate must be installed at the entrance;
- 5. The invasive plant phragmites is to be delineated, eradicated and monitored;
- 6. This permit will expire permanently on December, 31, 2015.

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

11. Hearing adjourned at 2:06 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 4/29/15 BY MWS

CASE NO: CU-20150015

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

1. The applicant is Donna Waschbisch, 7976 State Hwy 22, Oconto Falls, WI, 54154.
2. The applicant is the owner of record of parcel number 032-222201714 located in Section 22, T28N, R19E, Town of Oconto Falls.
3. The conditional use permit application was filed with the Board Secretary on March 19, 2015, noticed, as provided for by law, on April 8, 2015 and April 15, 2015, and a public hearing was held by the Oconto County Board of Adjustment on April 27, 2015.
4. The property is zoned Agriculture w/Quarry Overlay and General Commercial 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 temporary processing plant to recycle concrete.
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 operate a temporary processing plant to recycle concrete is hereby granted subject to the following conditions:

1. Hours of Operation:
 - a. 6:00 AM to 7:00 PM – Monday through Friday;
 - b. 6:00 AM to 3:00 PM – Saturday
2. Maintenance Hours – 24 hrs a day/7 days a week;
3. Dust control must be used according to EPA Standards;
4. A pipe gate must be installed at the entrance;
5. The invasive plant phragmites is to be delineated, eradicated and monitored;
6. This permit will expire permanently on December, 31, 2015.

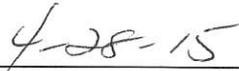
GENERAL CONDITIONS

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

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
April 27, 2015

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 4/29/15 BY WJ

1. Hearing called to order at 2:08 PM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Elmer Ragen
 Mr. Allan Stranz

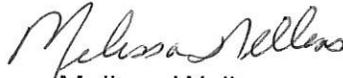
Absent: Mr. Thomas Gryboski, Chairman

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Mr. Jeff Beyer
 Mr. John Streu
 Mr. James Valentine
 Mr. Jean Fogelberg
3. Mr. Moody read the Notice of Public Hearing pertaining to Donna Waschbisch's application for a conditional use permit to operate a temporary concrete mixing plant. Location of the property is in Section 22, T28N, R19E, Town of Oconto Falls.
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 March 19, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Jeff Beyer appeared and was sworn in. He stated that he is the agent for Peter's Concrete. They are requesting a conditional use permit to operate a temporary concrete mixing plant for the Hwy 22 Oconto Falls road project. Will be finished by October 31, 2015. There will be about 25 days of mixing. The material is coming from off site and the water is coming from the well in the pit. Anyone having questions or concerns regarding the pit or operations should contact Mr. Beyer directly.
 - B. Mr. John Streu appeared and was sworn in. He stated that he represents Vinton. Trucks will be washed at the end of the day in the crushing area. There is a generator for power. Normal operating hours will be 6:00 AM to 7:00 PM and Saturday until 12:00 PM.
 - C. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
 - A. E-mail from Mike Kaczmarek – approved
 - B. E-mail from Derek Weyers, DOT – contact regarding driveway permits.
8. Testimony closed at 2:17 PM

8. Testimony closed at 2:17 PM
9. Deliberation/Discussion: Plan is in order with same conditions. Will have a permanent expiration date.
10. Decision: Moved by Ragen, seconded by Wellens to grant a conditional use permit to operate a temporary concrete mixing plant with the following conditions:
 1. Hours of Operation:
 - a. 6:00 AM to 7:00 PM – Monday through Friday;
 - b. 6:00 AM to 3:00 PM – Saturday
 2. Maintenance Hours – 24 hrs a day/7 days a week;
 3. Dust control must be used according to EPA Standards;
 4. A pipe gate must be installed at the entrance;
 5. The invasive plant phragmites is to be delineated, eradicated and monitored;
 6. This permit will expire permanently on December, 31, 2015.

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

11. Hearing adjourned at 2:20 PM


Melissa Wellens
Secretary


Al 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 4/29/15 BY MS

CASE NO: CU-20150014

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

1. The applicant is Donna Waschbisch, 7976 State Hwy 22, Oconto Falls, WI, 54154.
2. The applicant is the owner of record of parcel number 032-222201714 located in Section 22, T28N, R19E, Town of Oconto Falls.
3. The conditional use permit application was filed with the Board Secretary on March 19, 2015, noticed, as provided for by law, on April 8, 2015 and April 15, 2015, and a public hearing was held by the Oconto County Board of Adjustment on April 27, 2015.
4. The property is zoned Agriculture w/Quarry Overlay and General Commercial 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 temporary concrete mixing plant.
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 operate a temporary concrete mixing plant is hereby (granted / denied) subject to the following conditions:

1. Hours of Operation:
 - a. 6:00 AM to 7:00 PM – Monday through Friday;
 - b. 6:00 AM to 3:00 PM – Saturday
2. Maintenance Hours – 24 hrs a day/7 days a week;
3. Dust control must be used according to EPA Standards;
4. A pipe gate must be installed at the entrance;
5. The invasive plant phragmites is to be delineated, eradicated and monitored;
6. This permit will expire permanently on December, 31, 2015.

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

4-28-15
Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 4/29/15 BY MS

1. Hearing called to order at 8:53 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. Jeanne Wroblewski
 Mr. Jeff Beyer
 Ms. Sue Friebel
 Ms. Tamera Willems
3. Mr. Moody read the Notice of Public Hearing pertaining to Triple P Incorporated's application for a conditional use permit to continue to operate a quarry. Location of the property is in Section 17, T26N, R19E, Town of Chase.
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 March 24, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Jeff Beyer appeared and was sworn in. He stated that he is requesting a conditional use permit to continue to operate a quarry. Would like the same conditions. Reviewed the plan with the Town of Chase and the Town approved the quarry operation. Pumping water out of quarry. Crushing, no washing of the material is done. Doesn't know the business plan at this time, but he does know they want to finish out the existing pit. May expand south of Socha Lane.
 - B. Ms. Sue Friebel appeared and was sworn in. She stated that she is the adjacent property owner – read exhibit "A" to the BOA in opposition. Wants Peters to stay 660' from lot lines. Offered to sell Peters the property, had the property appraised and tried working w/Peters to no avail. Wants Peters to stay away from property line. The dust, noise, contamination of the well or no water are her concerns. The sale of home was going to be their retirement. Asks for something fair to be done.
 - C. Mr. Jeff Beyer re-appeared to discuss the well problems. Has language on other permits that have well protection in them. He would not have a problem with that being a condition of this permit. Will take the BOA concern back to Peters regarding the buyout of the Friebel property. Will remove the tires, scrap metal and debris from the property.

D. Mr. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence

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

8. Testimony closed at 9:25 AM

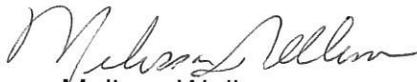
9. Deliberation/Discussion: Discussed conditions and the well problems.

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

1. Continuous pumping of water is not to exceed the capacity of the ditches;
2. The ditch running along the west side of Yurek Road is to be maintained and kept clean;
3. All stock piles must be removed after quarry operations have ceased and landscaping is complete;
4. Quarry must stay at least 30' from all property lines unless a written agreement is obtained between Peters and the property owner. This agreement must be submitted to the Zoning Office to reduce the distance;
5. Homeowners within ½ mile of the quarry must be notified at least 24 hours before blasting. Seismographs are to be placed at the nearest home and at positions requested by homeowners within ½ mile of the property;
6. Crushing times will be permitted from 6 AM to 6 PM or dawn to dusk, whichever is greater, Monday through Saturday. No crushing can take place on Sundays, Memorial Day, Labor Day and the Fourth of July. Hauling of materials out of the quarry and equipment maintenance is allowed 24 hours a day 7 days a week, and on holidays;
7. Dust control must be according to EPA regulations;
8. There must be a pipe gate closing off the entrance to the quarry;
9. Ingress and egress to the property must be through Yurek Road only;
10. If there are complaints on well water quantity or quality within ½ mile of the quarry property, they will be addressed by Peters Concrete through a third party at Peters Concrete's expense;
11. This permit will expire on April 25, 2018.

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

11. Hearing adjourned at 9:34 AM


Melissa Wellens
Secretary


Thomas Gryboski
Chairman

Gabe Moody
Assistant Zoning Administrator

Town of Chase
04-17-09



Jim & Sue Friebel
1446 Safian Rd.
Pulaski, WI 54162
920-822-5411

Dear Dennis,

I feel I need to write this letter to address the Town of Chase Officials as to the history of this quarry dispute between Mr. Peters and us.

I felt last night at the Town Meeting like I did when all of this quarry business started back in 1994, that we still have no rights in this matter. Mr. Peters was told at almost every hearing to try and work something out in this matter with us and he has made no attempt to do so. Everything is just forgotten after the meetings. No one shows up at the meetings anymore because we are never heard and they have all given up, as Mr. Peters gets everything he wants and does not care about the people around the quarry that it affects. Jeanne stated last night that she had sent out 19 letters and only a few showed up, this is why.

This whole deal started when we purchased the land from him. He told us that he was just going to quarry back in the far corner where he is now. In our contract there is a clause (see attached) stating that we would not oppose him asking for a quarry permit as long as he stayed 660' from our property lines. He did not own the land to the west of him at this time, north of Sacha Lane, Hennigs owned it. They sold it to someone else who sold it to Mr. Peters. This is when they went for rezoning for quarry overlay. That meeting was very heated and many neighbors showed up and it was as if we did not even exist. There was a statement that this would affect the Friebels more than anybody but no one knew how to solve the problem, end of subject. At this meeting they turned the words around saying that the contract says just that we would not oppose, not that he would stay off our property lines by 660'. That was not the intent of the clause. Him and his Realtor friend evidently found a way to write this for their benefit. When Larry Jeske, came to one of the meetings, as our lawyer, with us he stated that this is a contract and that even though it was worded incorrectly it probably would stand up in court for the true meaning behind it. Why would we just oppose something? What would that gain us? They probably laughed all the way to the bank, thinking, boy we have some suckers here. I guess we really were the suckers. This is where the problems really started to get heated. Last night Mr. Peters portrayed me as the crazy lady who has been fighting him forever. We are people of our word and Mr. Peters word does not hold true.

He stated he would buy us out at one of the meetings, and therefore we got 2 Fair Market Appraisals done, we offered it to him lower than both of them and he said he had no money, and the last time it was brought up he wanted to get his appraiser. I suggested that we get an Independent Appraiser so that it would be fair for both of us and I never heard back from him. Last night he stated that we only paid so much for the place and we wanted way more than it's worth. We've worked many long hard hours, years to fix this place up and when we did get an appraisal, yes it was worth way more. It would not have been if we would not have put time and money into it.

We bought this property before he even had a quarry. We knew he was going to try for a quarry in the back corner, but never was it disclosed to us that he was planning to quarry in back of our property until the rezoning meeting.

The Fiecks were literally ran out of their home. Their well went dry, they had holes in their barn roof from blasting and also trees were cut down on their fence line. Mr. Peters stated last night that their

well was just a pipe in the ground. I know that is not true and what difference would it make, it was their means of water and it worked before the quarry ran it dry. His statement last night about our place insinuated that our place was just a piece of trash. When we purchased it, it was. We worked many hard years to fix it up and by the appraisals that we got, it has increased in value considerably. Many people have commented on how they can't believe this is the same place. But in his eyes it's still the dump it was when we purchased it and should have no new value. It seems as though in Mr. Peter's eyes everyone else's property and things have no value.

The meeting when Larry Jeske (our lawyer) came he suggested that Mr. Peters and us get together and see if we could come up with a friendly, neighborly agreement on this issue. I called Mr. Peters more times that I can remember and never received a call back. Finally one day I got a hold of him and he agreed to meet out at the quarry site. I asked him what we could do to solve the situation and all he did was point and show me where the quarry will be. I asked if we could purchase some more land behind us and he just shook his head no. Then I asked if he had any ideas on what we could do and he just said he was going to quarry. There is no reasoning with him. It is going to be his way or no way.

After this meeting Mr. Peters or someone from his business contacted Larry Jeske and said that they needed a lawyer. Larry Jeske told them that this would be a conflict of interest and the Friebels were his clients.

We are very disgusted with this whole situation. What if our well goes dry? We will probably fight him in court for months or years, like the Fiecks did. Meanwhile what do we do for water? My husband is disabled and we cannot afford a lot of extra things. I watched the Fiecks get run off their own land, I imagine that will probably happen to us someday. The new codes on wells if you are building by a quarry state that they have to be at least 1200' away from the quarry. Special casings and depths are also an issue. This evidently has been an issue in the past or they would not have changed the codes. Our wells were established before he punched his first hole in the ground. We know our wells will be affected, being the distance they will be from the quarry when he does get over behind us, 280' and 490', just from the amount of water they pump out or bleed down for them to stay dry.

If Mr. Peters would have told us the truth from the beginning, we would have never purchased the place. Big business talks nowadays. A good example is what is happening in our country right now, with the banks, car manufacturers, etc. No one protects the normal, common people anymore.

I know we need gravel but when it is coming right up to your back door, this is not fair, especially when we were told differently. We will have to live with dust, noise, water contamination, or possibly no water at all. I think there needs to be discussion about staying further away from our property line, or any other ideas. It is always brought up but nothing is ever done about it.

I know this is lengthy but I just wanted the Town Board to know the background on the whole situation. We are not the bad guys. We would just like a fair solution to both parties. We are not trying to shut Mr. Peters down, we would just like some peace of mind in the matter.

Dennis, please give a copy to the other members, as there are new members and I just want them to know what has gone on in the past.

Sincerely,

Jim & Sue Friebel

When we bought our place back in 1992 Mr. Peters was just going to have a quarry back in the corner. In our contract we had that he would stay 660 ft off all sides of our land or we were not going to buy it. He had his realtor word it funny so it sounded like we would not oppose it if he stayed off of us. That is ridiculous, as what good would that do us. He probably laughed all the way to the bank, about the suckers he had found. We knew nothing about quarries except that we did not want it any closer than 660 ft from our property line, which is what we thought was going to happen until they read a different meaning into it. I guess we really were suckers.

We bought the property before he had the quarry.

What will he do when our water table drops and our wells will be no good. Our wells were up to code at the time of their installation, but they will never be up to quarry code now. Our wells are not that deep. To bring our wells up to date for being close to a quarry would cost us a fortune now. We don't have that kind of money. My husband has a heart condition and has not been able to work because of it. Our barn well is 280 ft from our back fence line and our house well is 490 ft from the back fence line. That is very close. Our barn well also is inside the milkhouse and would have to be taken down just to put in another well. Every meeting I have attended Mr. Peters brings up that the barn well is condemned. We had it tested when we bought the place and it tested ok. Our horses and us have drank from it for 22 years. It has not affected anything or anybody.

What about our quality of life. We have 8 people within a very short distance to his quarry that will have their home values drop tremendously, not to leave out the aggravation of dust, noise & unsightly landscaping. Everything we own right now is always covered with quarry dust, even with everything being closed up in the barn.

People make investments & lifestyle choices and do not anticipate the unfairness and disruption that comes from 1 person who lied from the beginning of this whole quarry deal. We moved in the country for peace & quiet & Mr. Peters never disclosed his plans to us at the time of the sale of our land. He is truly not a man of his word. At the last meeting they were speaking of the land on VanDormick Rd by Hwy 32 is selling for a duplex and one of the board members said to them, I hope you told them that Johnny Rybicki has a corn dryer that runs all the time. I truly believe we were deceived by what Mr. Peters told us at the time of our purchase.

Now they say the county has changed the laws of footage & he can come right up to all 3 sides of our property. His plan before, after they rezoned him was to go at an angle off of Sacha Lane (from a pine tree that we have pictures of) on the north side of our property & just behind us to the east. He was to end a little past our south property line, not going up between us and the big rock house. What happened to that plan. That was voted on in the meeting. Does that mean nothing. He can just change his plan that was voted on because the laws change. Seems to me he can do whatever he wants to do.

Why weren't we as close property owners notified of all these changes. It's very apparent that no one cares about our quality of life in this situation.

They just gave him Sacha Lane. Why can't we be that lucky to acquire free land.

We couldn't sell our home to a dog right now. We have spent a lot of money on our property, just last year we put a metal roof on our home & also on ½ of the machine shed, as we can't afford doing it all at once. We had planned on selling it in 2 to 3 years & moving up north on a small chunk of land we own. Our sale of our home was to be a big part of our retirement as we have not had a lot of extra money for saving for retirement as my husband has a bad heart condition and has had it since 1996. We have had many health related expenses. Now we're getting close to selling & he has totally engulfed us to where no one would buy our property.

We had talked ourselves into it would not be that bad, just behind us & have lived with it, but now everything has changed again & we have no chance of our retirement happening.

I believe he should have to buy us out for a reasonable amount in order for all of these changes to take place, with his quarrying plan.

I would really like to see a fair decision come out of this meeting. I feel like I am the nuisance when I come to these meetings, (everyone else has given up, but they are not directly in the line of fire) and I should not have to feel that way as we were told a lie from the very beginning. We have rights as townspeople also. Who would want to move to a township where they have absolutely no rights. The money people have all the rights. I guess I will make one more plea for something fair to take place with this situation.

NOTICE OF DECISION AND ORDER
OCONTO COUNTY ZONING BOARD OF ADJUSTMENT

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

DATE 4/29/15 BY mls
CASE NO: CU-20150011

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

1. The applicant is Triple P Incorporated, 1516 Atkinson Dr, Green Bay, WI, 54303.
2. The applicant is the owner of record of parcel number 012-171701432, 012-171700923A, 012-171701023B, 012-171701224B, 012-171701124B located in Section 17, T26N, R19E, Town of Chase.
3. The conditional use permit application was filed with the Board Secretary on March 24, 2015, noticed, as provided for by law, on April 8, 2015 and April 15, 2015, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 2015.
4. The property is zoned 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. Continuous pumping of water is not to exceed the capacity of the ditches;
2. The ditch running along the west side of Yurek Road is to be maintained and kept clean;
3. All stock piles must be removed after quarry operations have ceased and landscaping is complete;
4. Quarry must stay at least 30' from all property lines unless a written agreement is obtained between Peters and the property owner. This agreement must be submitted to the Zoning Office to reduce the distance;
5. Homeowners within ½ mile of the quarry must be notified at least 24 hours before blasting. Seismographs are to be placed at the nearest home and at positions requested by homeowners within ½ mile of the property;
6. Crushing times will be permitted from 6 AM to 6 PM or dawn to dusk, whichever is greater, Monday through Saturday. No crushing can take place on Sundays, Memorial Day, Labor Day and the Fourth of July. Hauling of materials out of the quarry and equipment maintenance is allowed 24 hours a day 7 days a week, and on holidays;
7. Dust control must be according to EPA regulations;
8. There must be a pipe gate closing off the entrance to the quarry;
9. Ingress and egress to the property must be through Yurek Road only;
10. If there are complaints on well water quantity or quality within ½ mile of the quarry property, they will be addressed by Peters Concrete through a third party at Peters Concrete's expense;
11. This permit 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

4-28-15
Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 4/29/15 BY ML

1. Hearing called to order at 10:12 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
 Mr. Juan Gonzalez
3. Mr. Moody read the Notice of Public Hearing pertaining to Marta Mercado De Gonzalez's application for a conditional use permit for a dwelling over 15 years old. Location of the property is in Section 20, T27N, 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 January 2, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Juan Gonzalez appeared and was sworn in. He stated that he is requesting a conditional use permit for a dwelling over 15 years old. He now lives in Green Bay and would like to move to Abrams. Would like to place a 1997 – 1,800 sq. ft. double wide home on a concrete slab on his property. The home has a 100 amp electrical service, 3-bedrooms and 2 bathrooms. Has a sanitary permit to reconnect to the existing septic system.
 - B. 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;
 - B. Letter from Alan Walker – In favor
8. Testimony closed at 10:21 AM
9. Deliberation/Discussion: Discussed conditions of the modular home. In very good condition.
10. Decision: Moved by Ragen, seconded by Sleeter to grant a conditional use permit for a 1997 double wide home with the condition that all county conditions & permits are followed and obtained. Roll Call Vote: Gryboski, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.
11. Hearing adjourned at 10:22 AM


Melissa Wellens
Secretary


Thomas Gryboski
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 4/29/15 BY MS

CASE NO: CU-20150001

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

1. The applicant is Marta Mercado De Gonzalez, 1480 Grignon St, Green Bay, WI, 54302.
2. The applicant is the owner of record of parcel number 002-262001733A located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 20, T27N, R20E, Town of Abrams.
3. The conditional use permit application was filed with the Board Secretary on January 2, 2015, noticed, as provided for by law, on April 8, 2015 and April 15, 2015, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 2015.
4. The property is zoned Rural Residential District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit for a dwelling over 15 years old.
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 for a 1997 double wide home with the condition that all county conditions & permits are followed and obtained 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 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

4-28-15

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 4/29/15 BY MS

1. Hearing called to order at 10:50 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. Gabe Moody, Assistant Zoning Administrator
 Mr. Jeff Beyer
3. Mr. Moody read the Notice of Public Hearing pertaining to Peters Aggregates LLC's application for a conditional use permit to continue to operate a quarry. Location of the property is in Section 05, 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 March 24, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Jeff Beyer appeared and was sworn in. He stated that he is the agent for Peters Aggregates and they are requesting a conditional use permit to continue to operate a quarry. Would like to continue operation with the existing conditions. Will be moving North in the pit.
 - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
 - A. Town Recommendation Form from the Town of Pensaukee – Recommends approval;
8. Testimony closed at 10:58 AM
9. Deliberation/Discussion: Discussed conditions. No changes needed. No complaints received.
10. Decision: Moved by Sleeter, seconded by Stranz to grant a conditional use permit to continue to operate a quarry with the following conditions:
 1. Hours of Operation: Crushing times will be permitted on Monday through Saturday - 6:00 AM to 6:00 PM or dawn to dusk, whichever is greater. No crushing on Sundays or holidays. Hauling of materials out of the quarry is

- allowed 24 hours a day, Monday through Saturday. Equipment maintenance is allowed 24 hours per day - 7 days per week.
2. Blasting hours: 8:00 AM to 4:00 PM; Monday through Friday. No holidays. Exception will be made in an emergency when blasting has been delayed. Blasting must be done in accordance with Wisconsin Code on explosive materials and must comply with any future town blasting ordinance.
 3. Homeowners within ½ mile of the quarry must be notified at least 24 hours before blasting and a horn sounded at least 10 minutes before the blast. A seismography is to be placed at the nearest home if requested, or a position requested by homeowners within ½ mile.
 4. Dust control must be used according to EPA regulations.
 5. Reclamation will be set as per the reclamation ordinance adopted by Oconto County.
 6. Change access from Krueger Quarry Rd to Cty J which will be covered under this permit;
 7. Pipe gate to be installed at the entrance from Cty J.
 8. This permit will expire on 05/29/2018.

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

11. Hearing adjourned at 10:59 AM


Melissa Wellens
Secretary


Thomas Gryboski
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 4/29/15 BY ML

CASE NO: CU-20150013

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

1. The applicant is Peters Aggregates LLC, 4023 County Road B, Pulaski, WI, 54162.
2. The applicant is the owner of record of parcel number 034-160501332, 034-160501433b, 034-170601942, 034-160501433, 034-170601841, 034-170602144 located in Section 05, T27N, R21E, Town of Pensaukee.
3. The conditional use permit application was filed with the Board Secretary on March 24, 2015, noticed, as provided for by law, on April 8, 2015 and April 15, 2015, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 2015.
4. The property is zoned Agriculture 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:

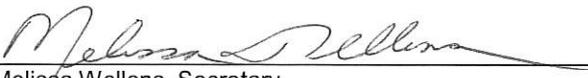
1. Hours of Operation: Crushing times will be permitted on Monday through Saturday - 6:00 AM to 6:00 PM or dawn to dusk, whichever is greater. No crushing on Sundays or holidays. Hauling of materials out of the quarry is allowed 24 hours a day, Monday through Saturday. Equipment maintenance is allowed 24 hours per day - 7 days per week.
2. Blasting hours: 8:00 AM to 4:00 PM; Monday through Friday. No holidays. Exception will be made in an emergency when blasting has been delayed. Blasting must be done in accordance with Wisconsin Code on explosive materials and must comply with any future town blasting ordinance.
3. Homeowners within ½ mile of the quarry must be notified at least 24 hours before blasting and a horn sounded at least 10 minutes before the blast. A seismography is to be placed at the nearest home if requested, or a position requested by homeowners within ½ mile.
4. Dust control must be used according to EPA regulations.
5. Reclamation will be set as per the reclamation ordinance adopted by Oconto County.
6. Change access from Krueger Quarry Rd to Cty J which will be covered under this permit;
7. Pipe gate to be installed at the entrance from Cty J.
8. This permit will expire on 05/29/2018.

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

4-28-15
Date