

**MINUTES**  
**MONDAY, MAY 2, 2016 – 9:00 AM**  
**BOARD OF ADJUSTMENT COMMITTEE**  
**ROOM #2119 – 2<sup>ND</sup> FLR COURTHOUSE BUILDING “C”**  
**301 WASHINGTON STREET, OCONTO, WI 54153-1699**  
[www.co.oconto.wi.us](http://www.co.oconto.wi.us)

(Draft minutes until approved by Committee)

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

OTHERS PRESENT: Gabe Moody

1. Moved by Stranz, seconded by Ragen, to approve the agenda. Motion voted on and carried.
2. Approval of Minutes
  - a. Business Meeting  
Motion by Ragen, seconded by Ballestad, to approve minutes of April 4, 2016. Motion voted and carried.
  - b. Public Hearings  
Moved by Strabz, seconded by Ragen to approve the minutes of
    - i. April 27, 2016
      1. VanHefty Acres
      2. Kody Duchateau
      3. Gene Kuss
      4. Alan Caelwaerts
      5. DBL Properties
      6. Earl Macha
      7. Donald & Jane Hoffman
    - ii. April 28, 2016
      1. Brian Thyes
      2. WIOC, Inc
      3. Thomas Kostechka
      4. Rick Pouwels
      5. Mitchell Wilson
      6. Chad Reader
      7. Jeff & Marie Schroeter
3. Public Comments/Miscellaneous  
None
4. Hearing Dates
  - a. The Board selected May 25, 2016 as the public hearing date.
  - b. The Board selected May 31, 2016 as the business meeting date.
6. Adjournment  
Moved by Ballestad, seconded by Stranz to adjourn. Motion voted on and carried.

---

Melissa Wellens – Secretary

---

Alan Sleeter – Chair

MW/mls Date posted: 05/6/16

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 27, 2016

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 5/16 BY WS

1. Hearing called to order at 9:12 AM
2. Roll Call: Present:        Mr. Allan Stranz, Vice-Chairman  
                                     Mrs. Melissa Wellens, Secretary  
                                     Mr. Karl Ballestad  
                                     Mr. Elmer Ragen  
  
Absent:                         Mr. Alan Sleeter  
  
Others Present:             Mr. Gabe Moody, Assistant Zoning Administrator  
                                     Ms. Tamera Willems  
                                     Ms. Christine VanHefty  
                                     Ms. Shirley Prosek  
                                     Ms. Paige Prosek  
                                     Mr. Gerald D
3. Mr. Moody read the Notice of Public Hearing pertaining to Van Hefty Acres's application for Conditional Use Permit for a dwelling over 15 years. Location of the property is in Section 33, 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 31, 2016. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Ms. Christine VanHefty appeared and was sworn in. She stated that she is requesting a conditional use permit for a dwelling over 15 years old. They removed the existing mobile home on lot #26 and would like to replace it. The hook ups are existing and the foundation is fine gravel. The mobile home has a 100 amp electrical service.
  - B. Ms. Shirley Prosek appeared and was sworn in. She stated that the mobile home is a 1982 Marshfield 16' x 80'. The mobile home has new siding, roof and windows. The home is clean, has stainless steel appliances, a good floor and a rounded roof.
  - C. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Town Recommendation from the Town of Chase – Recommends Approval;
8. Testimony closed at 9:21 AM

9. Deliberation/Discussion: The BOA reviewed the photos of the mobile home and agrees that it appears to be in excellent condition. No conditions will be needed. New siding, roof and windows have been installed.
10. Decision: Moved by Ragen, seconded by Wellens to grant a conditional use permit for a 1982 16' x 80' Marshfield Mobile Home. Roll Call Vote: Ballestad, Ragen, Stranz and Wellens all voting aye, no nays, motioned carried.
11. Hearing adjourned at 9:23 AM

  
Melissa Wellens  
Secretary

  
Allan Stranz  
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 5/5/16 BY ms

CASE NO: CU-20160012

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

1. The applicant is Van Hefty Acres, 1324 N. Summer Range Road, DePere, WI, 54115.
2. The applicant is the owner of record of parcel number 012-333301924A located in the SE¼, NW¼, Section 33, T26N, R19E, Town of Chase.
3. The conditional use permit application was filed with the Board Secretary on 03/31/2016, noticed, as provided for by law, on April 13, 2016 and April 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on April 27, 2016.
4. The property is zoned R-3 Mobile Home Park District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting Conditional Use Permit for a dwelling over 15 years.
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 1982 16' x 80' Marshfield Mobile Home 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

5-2-16  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 27, 2016

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 5/5/16 BY nrj

1. Hearing called to order at 9:24 AM
2. Roll Call: Present:       Mr. Allan Stranz, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
  
Absent:                       Mr. Alan Sleeter  
  
Others Present:            Mr. Gabe Moody, Assistant Zoning Administrator  
                                  Mr. Kody DuChateau
3. Mr. Moody read the Notice of Public Hearing pertaining to Kody DuChateau's application for Conditional Use Permit to continue to operate a quarry. Location of the property is in Section 04, 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 21, 2016. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Kody DuChateau appeared and was sworn in. He stated that he is requesting a conditional use permit to continue to operate a quarry. Will continue as is with the existing conditions. Plan on completing the pit in 2-3 years. Depending on amount material he can sell. Only going down 2 more feet off of the floor of the pit. Is requesting a name change to KCG Excavating 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 Chase – Recommends approval;
8. Testimony closed at 9:33 AM
9. Deliberation/Discussion: The BOA discussed the original conditions.
10. Decision: Moved by Ballestad, seconded by Ragen to grant a conditional use permit to continue to operate a quarry with the following conditions:
  1. Hours:
    - a. Crushing - 6:00 AM to 6:00 PM or daylight hours, whichever is greater, Monday through Friday. 6:00 AM to 12:00 PM on Saturday.

- b. Hauling - 6:00 AM to 6:00 PM or daylight hours, whichever is greater, Monday thru Saturday;
  - c. Maintenance on equipment allowed 24 hours per day, seven days per week.
2. Dust control in accordance with the EPA regulations. Dust control on the entrance road is to be shared by KCG Excavating Inc. and Ed Gersek, Inc.
  3. Pump all water into approved drainage ditch, not to exceed the capacity of the ditch.
  4. Notification of blasting to all within ½ mile radius, subject to change if complaints are received.
  5. Set locations of seismographs as per original plan or upon request of neighbors.
  6. Quarry reclamation plans and a financial guarantee shall conform to the requirements as set forth in the Oconto County Non-Metallic Reclamation Ordinance or the WDNR Chapter 30 permit requirements, whichever is greater.
  7. Required to stay a minimum of 30' from the lot lines. The distance can be reduced by written permission of adjoining property owners.
  8. A yearly fee of \$1,000 for all the contractors who use Gohr Road to be held by the Town of Chase Treasurer and used to maintain the road. The Town Board will examine the road in May of each year. If no damage occurred, the fees would remain for the next year. If the road were damaged, the costs would be taken equally from each contractor's \$1,000 fee. The fee would be payable when the permit is issued.
  9. If DOT contract - operation is allowed 24 hours/7 days a week;
  10. This permit expires May 30, 2019.

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

11. Hearing adjourned at 9:36 AM

  
Melissa Wellens  
Secretary

  
Allan Stranz  
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 5/5/16 BY md

CASE NO: CU-20160008

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

1. The applicant is Kody DuChateau, N6161 State Highway 32, Oconto Falls, WI, 54154.
2. The applicant is the owner of record of parcel number 012-04040087A located in the ¼, ¼, Section 04, T26N, R19E, Town of Chase.
3. The conditional use permit application was filed with the Board Secretary on 03/21/2016, noticed, as provided for by law, on April 13, 2016 and April 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on April 27, 2016.
4. The property is zoned Agricultural with Quarry Overlay District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting 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. Hours:
  - a. Crushing - 6:00 AM to 6:00 PM or daylight hours, whichever is greater, Monday through Friday. 6:00 AM to 12:00 PM on Saturday.
  - b. Hauling - 6:00 AM to 6:00 PM or daylight hours, whichever is greater, Monday thru Saturday;
  - c. Maintenance on equipment allowed 24 hours per day, seven days per week.
2. Dust control in accordance with the EPA regulations. Dust control on the entrance road is to be shared by KCG Excavating Inc. and Ed Gersek, Inc.
3. Pump all water into approved drainage ditch, not to exceed the capacity of the ditch.
4. Notification of blasting to all within ½ mile radius, subject to change if complaints are received.
5. Set locations of seismographs as per original plan or upon request of neighbors.
6. Quarry reclamation plans and a financial guarantee shall conform to the requirements as set forth in the Oconto County Non-Metallic Reclamation Ordinance or the WDNR Chapter 30 permit requirements, whichever is greater.
7. Required to stay a minimum of 30' from the lot lines. The distance can be reduced by written permission of adjoining property owners.
8. A yearly fee of \$1,000 for all the contractors who use Gohr Road to be held by the Town of Chase Treasurer and used to maintain the road. The Town Board will examine the road in May of each year. If no damage occurred, the fees would remain for the next year. If the road were damaged, the costs would be taken equally from each contractor's \$1,000 fee. The fee would be payable when the permit is issued.
9. If DOT contract - operation is allowed 24 hours/7 days a week;
10. This permit expires May 30, 2019

**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

5-5-16  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 27, 2016

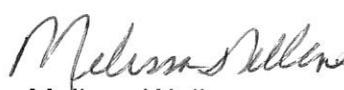
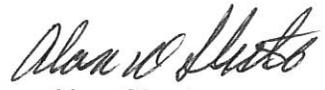
OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 5/2/16 nr

1. Hearing called to order at 10:15 AM
2. Roll Call: Present:       Mr. Alan Sleeter  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
  
Others Present:           Mr. Gabe Moody, Assistant Zoning Administrator  
                                  Mr. Gene Kuss
3. Mr. Moody read the Notice of Public Hearing pertaining to Gene Kuss's application for Conditional Use Permit for mini-storage units. Location of the property is in Section 23, T26N, R20E, 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 March 14, 2016. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Gene Kuss appeared and was sworn in. He stated that he is requesting a conditional use permit for mini-storage units. He has 2 ½ units at this time. Would like to have 9 units in the future. All will be the same. He handles security.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Town Recommendation Form from the Tn of Lt. Suamico – Recommends Approval;
8. Testimony closed at 10:21 AM
9. Deliberation/Discussion: The BOA discussed the conditions of the existing permit. The units are very neat.
10. Decision: Moved by Stranz, seconded by Ragen to grant a conditional use permit for mini-storage units with the following conditions:
  1. Hours of Operation – 24 hours a day/7 days a week;
  2. Dusk to dawn lighting;
  3. All exterior colors to be the same;
  4. No power or heat to the units;
  5. Gravel to be placed between the buildings;

6. No outside storage;
7. No occupancy of people;
8. No open storage of flammables;
9. Limit of 9 buildings;

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

11. Hearing adjourned at 10:23 AM

	
Melissa Wellens Secretary	Alan Sleeter 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 5/2/16 *MS*

CASE NO: CU-20160007

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

1. The applicant is Gene Kuss, 1171 E. Frontage Road, Little Suamico, WI, 54141.
2. The applicant is the owner of record of parcel number 024-172301823 located in the ¼, ¼, Section 23, T26N, R20E, Town of Little Suamico.
3. The conditional use permit application was filed with the Board Secretary on 03/14/2016, noticed, as provided for by law, on April 13, 2016 and April 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on April 27, 2016.
4. The property is zoned Agricultural and Commercial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting Conditional Use Permit for mini-storage units.
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 mini-storage units is hereby granted subject to the following conditions:

1. Hours of Operation – 24 hours a day/7 days a week;
2. Dusk to dawn lighting;
3. All exterior colors to be the same;
4. No power or heat to the units;
5. Gravel to be placed between the buildings;
6. No outside storage;
7. No occupancy of people;
8. No open storage of flammables;
9. Limit of 9 buildings;

**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

5-2-16  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 27, 2016

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE: 5/2/16 MS

1. Hearing called to order at 11:32 AM
2. Roll Call: Present:       Mr. Alan Sleeter  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
  
Others Present:           Mr. Gabe Moody, Assistant Zoning Administrator  
                                  Mr. Tom Des Jarlais – Little River Chairman  
                                  Mr. Jeff Beyer
3. Mr. Moody read the Notice of Public Hearing pertaining to Alan Caelwaerts's application for Conditional Use Permit to continue to operate a quarry. Location of the property is in Section 31, T29N, R22E, Town of Little River.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on December 2, 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. They worked with the town Plan Commission and the Town Board and a solution was worked out. Three acres of land was purchased from the Trepanier's that had the drainage problem. This purchase solved the problem. The parcel is land locked, so it will be added to Alan Calewaerts property. Have all state permits. There is some area left for expansion and the wetland location prevents expansion in the other area.
  - B. Mr. Tom Des Jarlais appeared and was sworn in. He stated that he is the Town Chairman.
  - C. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Town Recommendation Form from the Town of Little River;
8. Testimony closed at 11:46 AM
9. Deliberation/Discussion: The BOA discussed the conditions. The problems have been taken care of.

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. Mining & Trucking – 6:00 AM to 6:00 PM or dusk to dawn whichever is greater;
  - b. Crushing – 6:00 AM to 6:00 PM - Monday thru Friday and Saturday 6:00 AM to Noon;
  - c. Blasting – 8:00 AM to 4:00 PM - Monday thru Friday
  - d. Maintenance on equipment is allowed 24 hours a day, 7 days a week;
2. Blasting must be done in accordance with Wisconsin Code on Explosive Materials. Homeowners within ½ mile of the quarry must be notified at least 24 hours before blasting.
3. Pipe gate required at entrances to quarry.
4. Dust control must be used according to EPA regulations.
5. Water drainage as per plan submitted and regulated by the DNR and its permit. Erosion controls are to be put in place before operation and during operation.
6. Quarry Reclamation Plan and Financial Guarantee shall conform to the requirements as set forth in the Oconto County Non-Metallic Reclamation Ordinance.
7. Ingress & Egress on Cty A & Maple Grove School Rd.
8. Purchase of Trepanier property to be deeded to Alan Caelwaert's combined with the existing parcel to create one parcel;
9. This permit shall expire on January 5, 2019.

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

11. Hearing adjourned at 11:50 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
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 5/2/16 BY MS

CASE NO: CU-20150052

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

1. The applicant is Alan Caelwaerts, 7643 Tower Drive Road, Oconto, WI, 54153.
2. The applicant is the owner of record of parcel number 022-523102041 located in Section 31, T29N, R22E, Town of Little River.
3. The conditional use permit application was filed with the Board Secretary on 12/2/2015, noticed, as provided for by law, on April 13, 2016 and April 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on April 27, 2016.
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 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 / denied) subject to the following conditions:

1. Hours of Operation:
  - a. Mining & Trucking – 6:00 AM to 6:00 PM or dusk to dawn whichever is greater;
  - b. Crushing – 6:00 AM to 6:00 PM - Monday thru Friday and Saturday 6:00 AM to Noon;
  - c. Blasting – 8:00 AM to 4:00 PM - Monday thru Friday
  - d. Maintenance on equipment is allowed 24 hours a day, 7 days a week;
2. Blasting must be done in accordance with Wisconsin Code on Explosive Materials. Homeowners within ½ mile of the quarry must be notified at least 24 hours before blasting.
3. Pipe gate required at entrances to quarry.
4. Dust control must be used according to EPA regulations.
5. Water drainage as per plan submitted and regulated by the DNR and its permit. Erosion controls are to be put in place before operation and during operation.
6. Quarry Reclamation Plan and Financial Guarantee shall conform to the requirements as set forth in the Oconto County Non-Metallic Reclamation Ordinance.
7. Ingress & Egress on Cty A & Maple Grove School Rd.
8. Purchase of Trapanier property to be deeded to Alan Caelwaert's combined with the existing parcel to create one parcel;
9. This permit shall expire on January 5, 2019.

**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

5-2-16  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 27, 2016

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 5/2/16 BY MS

1. Hearing called to order at 1:20 PM
2. Roll Call: Present:       Mr. Alan Sleeter  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
  
Others Present:           Mr. Gabe Moody, Assistant Zoning Administrator  
                                  Mr. Aaron Nowak  
                                  Ms. Amber Nowak  
                                  Mr. Ron Smet  
                                  Ms. Sharon Smet  
                                  Mr. Anthony Fetterly  
                                  Ms. Carol Foster  
                                  Mr. Dennis Broetzman  
                                  Ms. Sherry Druckrey  
                                  Ms. Leigh Ann Broetzman
3. Mr. Moody read the Notice of Public Hearing pertaining to DLB Properties's application for Conditional Use Permit for mini-storage/warehouse units. Location of the property is in Section 10, 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 February 16, 2016. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Aaron Nowak appeared and was sworn in. He stated that he is requesting a conditional use permit for mini storage/warehouse units. Phase one, the building will be 200' x 50', the 2<sup>nd</sup> phase will be to add another 200' x 50' building and then the 3<sup>rd</sup> phase a 400' x 50' building.
  - B. Ms. Amber Nowak appeared and was sworn in. She submitted the Town Approval. She talked about disposal of waste, dusk to dawn lighting and security cameras. Access to the structures will be 24/7. Will gravel the areas with tentative plans to pave in the future. Manhole covers for drainage will be going into the ditch. Will not push snow onto the Smet's Property. Will do some landscaping in front of the buildings.
  - C. Mr. Ron Smet appeared and was sworn in. He stated that he is an adjacent property owner. Has concerns because he plans on building storage buildings in the future. Questioned snow removal.

D. Ms. Sharon Smet appeared and was sworn in. She stated that she has concerns about dust and asked that a line of trees be put on the lot line for dust control.

E. 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 1:34 PM

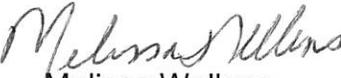
9. Deliberation/Discussion: The BOA discussed conditions. The applicant submitted a good plan.

10. Decision: Moved by Ballestad, seconded by Stranz to grant a conditional use permit for mini-storage/warehouse units with the following conditions:

1. Hours of Operation: 24 hours a day/7 days a week;
2. All exterior colors are to be the same;
3. No power or heating to the units;
4. Gravel to be placed between the buildings;
5. No outside storage;
6. No occupancy of people;
7. No open storage of flammables;
8. Dusk to dawn lighting, facing downward or shielded;
9. Snow removal and drainage to be kept on own property.
10. Dust control is required;

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

11. Hearing adjourned at 1:44 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
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 5/2/16 BY *MS*

CASE NO: CU

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

1. The applicant is DLB Properties, 10522 County Road A, Suring, WI, 54174.
2. The applicant is the owner of record of parcel number 020-10100204107 located in the ¼, ¼, Section 10, T29N, R20E, Town of Lena.
3. The conditional use permit application was filed with the Board Secretary on 02/16/2016, noticed, as provided for by law, on April 13, 2016 and April 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on April 27, 2016.
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 Conditional Use Permit for mini-storage/warehouse units.
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 mini-storage/warehouse units is hereby granted subject to the following conditions:

1. Hours of Operation: 24 hours a day/7 days a week;
2. All exterior colors are to be the same;
3. No power or heating to the units;
4. Gravel to be placed between the buildings;
5. No outside storage;
6. No occupancy of people;
7. No open storage of flammables;
8. Dusk to dawn lighting, facing downward or shielded;
9. Snow removal and drainage to be kept on own property.
10. Dust control is required;

**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

5-2-16  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 27, 2016

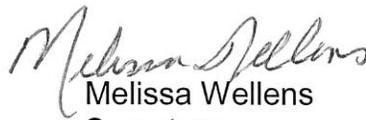
OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 5/2/16 BY nes

1. Hearing called to order at 2:41 PM
2. Roll Call: Present:       Mr. Alan Sleeter  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
  
Others Present:           Mr. Gabe Moody, Assistant Zoning Administrator  
                                  Mr. Harry Smith  
                                  Mr. Earl Macha  
                                  Mr. Mark Macha
3. Mr. Moody read the Notice of Public Hearing pertaining to Earl Macha's application for Conditional Use Permit for mini-storage/warehouse units. Location of the property is in Section 6, T29N, R19E, Town of Spruce.
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 8, 2016. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Harry Smith appeared and was sworn in. He stated that he is agent for Mr. Macha. He is requesting a conditional use permit for mini-storage/warehouse units. A certified survey map was done on the property to correct lot lines and combine lots. They want to build a 60' x 187' storage unit and a 25' x 70' along the lot line. Will hire someone to map the wetlands and the building footprint would have to be adjusted based on the delineation. Will pave near the buildings and gravel the rest.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Town Recommendation Form from the Town of Spruce – Recommends Approval;
8. Testimony closed at 2:58 PM
9. Deliberation/Discussion: The BOA discussed conditions. It's a reasonable use and he has good plans.
10. Decision: Moved by Ragen, seconded by Ballestad to grant a conditional use permit for mini-storage/warehouse units with the following conditions:

1. Hours of Operation – 24 hours a day/7 days a week;
2. Dusk to dawn lighting shining downward or shielded;
3. Signage according to the Oconto County Ordinance;
4. Exterior colors are to be the same;
5. No power or heat to the units;
6. No outside storage;
7. Gravel or pavement between buildings;
8. No occupancy of people;
9. No open storage of flammables;
10. Must have a storm water management plan;
11. Requires wetland delineation to determine size of buildings;

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

11. Hearing adjourned at 3:01 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
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 5/2/16 BY ms

CASE NO: CU-20160006

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

1. The applicant is Earl Macha, 9407 St. Bernadette Road, Suring, WI, 54174.
2. The applicant is the owner of record of parcel number 038-38060062C located in the ¼, ¼, Section 6, T29N, R19E, Town of Spruce.
3. The conditional use permit application was filed with the Board Secretary on 03/08/2016, noticed, as provided for by law, on April 13, 2016 and April 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on April 27, 2016.
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 Conditional Use Permit for mini-storage/warehouse units.
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 mini-storage/warehouse units is hereby granted / denied) subject to the following conditions:

1. Hours of Operation – 24 hours a day/7 days a week;
2. Dusk to dawn lighting shining downward or shielded;
3. Signage according to the Oconto County Ordinance;
4. Exterior colors are to be the same;
5. No power or heat to the units;
6. No outside storage;
7. Gravel or pavement between buildings;
8. No occupancy of people;
9. No open storage of flammables;
10. Must have a storm water management plan;
11. Requires wetland delineation to determine size of buildings;

**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

5-2-16  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 27, 2016

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 5/2/16 BY MS

1. Hearing called to order at 3:00 PM
2. Roll Call: Present:       Mr. Alan Sleeter  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
  
Abstained:                 Mr. Allan Stranz, Vice-Chairman  
  
Others Present:            Mr. Gabe Moody, Assistant Zoning Administrator  
                                  Mr. Patrick Scanlan
3. Mr. Moody read the Notice of Public Hearing pertaining to Donald and Jane Hoffman's application for Conditional Use Permit to continue to operate a quarry. Location of the property is in Section 4, T29N, R19E, Town of Spruce.
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 22, 2016. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Patrick Scanlan appeared and was sworn in. He stated that he is the agent for the Hoffman's and the Oconto County Highway Department Highway Commissioner. They are requesting a conditional use permit to continue to operate a quarry. The site was recorded in 2006 and a reclamation plan done in 2008. The site hasn't been touched and it might be more than 3 years before it's needed, but wants to keep the quarry contract current. The material is 30' from the top of the berm to the road.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Town Recommendation Form from the Town of Spruce – Recommends Approval;
8. Testimony closed at 3:09 AM
9. Deliberation/Discussion: The BOA discussed conditions and they will remain the same. No complaints have been received on the operation. Town Approves.
10. Decision: Moved by Ballestad, seconded by Ragen to grant a conditional use permit to continue to operate a quarry with the following conditions:
  1. Hours of Operation from 6:00 AM to 4:00 PM – Monday thru Saturday;

2. A Pipe gate at entrance is required;
3. Dust control according to EPA regulations;
4. Quarry reclamation plans and a financial guarantee shall conform to the requirements set forth in the Oconto County Non-Metallic Reclamation Ordinance;
5. This permit shall expire on May 28, 2019

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

11. Hearing adjourned at 3:10 PM



Melissa Wellens  
Secretary



Alan Sleeter  
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 5/2/16 BY MS

CASE NO: CU-20160013

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

1. The applicant is Donald and Jane Hoffman, 8635 Boldt Lane, Coleman, WI, 54112.
2. The applicant is the owner of record of parcel number 038-040401441 & 038-040401541A located in the ¼, ¼, Section 4, T29N, R19E, Town of Spruce.
3. The conditional use permit application was filed with the Board Secretary on 02/22/2016, noticed, as provided for by law, on April 13, 2016 and April 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on April 27, 2016.
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 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/ denied) subject to the following conditions:

1. Hours of Operation from 6:00 AM to 4:00 PM – Monday thru Saturday;
2. A Pipe gate at entrance is required;
3. Dust control according to EPA regulations;
4. Quarry reclamation plans and a financial guarantee shall conform to the requirements set forth in the Oconto County Non-Metallic Reclamation Ordinance;
5. This permit shall expire on May 28, 2019

**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

5-2-16  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 28, 2016

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10), STATUTORY PURPOSES  
DATE 5/1/16 BY ms

1. Hearing called to order at 8:52 AM
2. Roll Call: Present:        Mr. Alan Sleeter, Chairman  
                                      Mr. Allan Stranz, Vice-Chairman  
                                      Mrs. Melissa Wellens, Secretary  
                                      Mr. Karl Ballestad  
                                      Mr. Elmer Ragen  
  
Others Present:                Mr. William Bartz Jr, Assistant Zoning Administrator  
                                      Mr. Pete Renteria – Deputy Zoning Administrator  
                                      Mr. Tracy Ondik – Soletski Surveying  
                                      Mr. Tom Weslow  
                                      Mr. Brian Thyes  
                                      Ms. Sheila Rasmussen
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Brian Thyes's application for variance to build closer to the road and ordinary high water mark. Location of the property is in Section 36, T30N, R18E, Town of Bagley.
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 15, 2016. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Tracy Ondik appeared and was sworn in. He stated that he is the surveyor and agent for Mr. Thyes. He is requesting a variance to for a new garage. Will remove 3 garages and replace them with a 32' x 32' garage and move it further back from the road. On the lakeside of the house, they would like to excavate the soil to put in a walkout basement. Would not change the amount of surface. Sod would be put in with a small slope to the water. The existing garage is approximately 35' from the centerline of the town road. The proposed garage will be 53' from the centerline of White Lake Rd and 14' from the house. The garage cannot be attached to the home because of the elevation and location of the existing rooms in the house. Moving the septic tanks but the drain field will remain.
  - B. Mr. Brian Thyes appeared and was sworn in. He stated that he needs more room for storage and there is a safety concern with the current location of structures in regard to snow plowing, backing out of the garage, etc. The house with the overhang will be 10' from the garage. A walk out is needed for safety reasons. Need a second exit to get out without steps. He had back surgery and this would help him. A new septic will be installed. A retaining wall, under the deck, is needed to keep the soil in place. Everything flat will be sodded. Will put plants and rain gardens on the lake side of the property. The deck will remain. The entrance will be under the deck. The fire pit, by the Lake, will be removed and replaced with vegetation. The retaining wall will be 10' in length.

C. Ms. Sheila Rasmussen appeared and was sworn in. She stated that this will become their permanent home. Medical issues and age have created a problem for them. A walkout basement would alleviate the issues. Backing out of the garage is hazardous at this time.

D. Mr. Bill Bartz, Jr. appeared and was sworn in.

7. Correspondence

A. Letter from Dale Rezabeck, DNR

8. Testimony closed at 9:21 AM

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

1. Unique Physical Limitation – The lot is small, elevation change and location of the septic;
2. No harm to public interest – Ingress/egress safety and removal of 3 garages.
3. Unnecessary hardship – the existing sanitary system, a 32' x 32' shed is not too large and room is needed for storage.

The BOA agrees that the walkout variance request does not meet the 3 steps to grant a variance.

1. No unique Physical Limitation – seeded down – no erosion;
2. Will Harm public interest – erosion cause by excavation;
3. Hardship is self-created. Using property for permitted purpose.

Decision: Moved by Stranz, seconded by Ballestad to reduce the required 63' road setback to 53' from the centerline of White Lake Rd. to build a garage with the conditions that runoff is diverted to a retention area and away from the lake and replacement sidewalks are made of pervious material. Roll Call Vote: Ballestad, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

Moved by Ballestad, seconded by Stranz to deny the walk out basement variance request. Roll Call Vote: Ballestad, Ragen, Stranz and Wellens all voting aye, Sleeter voting nay, motioned carried.

10. Hearing adjourned at 9:43 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
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 5/2/16 BY ms  
CASE NO: VA-20160008

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

1. The petitioner is Brian Thyes, 9877 White Lake Road, Suring, WI 54174
2. The petitioner is the owner of record of parcel number 006-3436087 located in the NE ¼, SE ¼, Section 36, T30N, R18E, Town of Bagley.
3. The petition for variance was filed with the Board Secretary on 03/15/2016, noticed, as provided for by law, on April 13, 2016, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 2016.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 75' from ordinary high water mark and 63' from the centerline of a town road. Specifically, the petitioner is requesting to build building a garage and retaining wall 15' from ordinary high water mark of White Lake and 53' from the center of White Lake Road.
6. The hardship claimed in this matter is need an exit from the basement and the garage is needed for safety reasons.
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 exist as a result of this action.
3. A literal enforcement of the terms of the Oconto County Zoning Ordinance will not result in practical difficulty or unnecessary hardship to the applicant because the property has a permitted use for the house but need to replace the garage for safety.
4. The unique physical limitation of the property is the lot is small and the existing locations of the garage are a safety concern. There is no unique physical limitation for the home.
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' road setback to 53' from the centerline of White Lake Rd. to build a garage with the conditions that runoff is diverted to a retention area and away from the lake and replacement sidewalks are made of pervious material is hereby granted and to deny the walk out basement variance request.

**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

5-2-16  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 28, 2016

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 5/13/16 BY ms

1. Hearing called to order at 10:31 AM
2. Roll Call: Present: Mr. Alan Sleeter, Chairman  
Mr. Allan Stranz, Vice-Chairman  
Mrs. Melissa Wellens, Secretary  
Mr. Karl Ballestad  
Mr. Elmer Ragen  
  
Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator  
Mr. Pete Renteria – Deputy Zoning Administrator  
Mr. Anthony Widowski
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to WICO, Inc.'s application for Conditional Use Permit for dwelling over 15 years old. Location of the property is in Section 30, T31N, R17E, Town of Mountain.
4. Mr. Bartz, Jr. stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Bartz, Jr. stated that the petition was filed on March 18, 2016. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Anthony Widowski appeared and was sworn in. He stated that he is requesting a conditional use permit for 1995 28' x 60' Four Seasons sectional to be placed on lot #33. The home has vinyl siding and shingled roof. There was fire damage, but some siding, doors and windows will be replaced. The kitchen flooring will be repaired and replaced along with the base cabinets.
  - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
  - A. Town Recommendation Form from the Town of Mountain – Recommends approval;
8. Testimony closed at 10:38 AM
9. Deliberation/Discussion: The BOA Discussed conditions for the sectional home. All fire damage will be repaired. Mr. Widowski has an excellent reputation for restoring his homes.
10. Decision: Moved by Ragen, seconded by Stranz to grant a conditional use permit for 1995 - 28' x 60' Four Seasons sectional with no conditions. Roll Call Vote: Ballestad, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.
11. Hearing adjourned at 10:39 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
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 5/2/16 BY ms

CASE NO: CU-20160009

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

1. The applicant is WICO, Inc., 12525 Knollwood Lane, Suring, WI, 54174.
2. The applicant is the owner of record of parcel number 029-673002033S located in Section 30, T31N, R17E, Town of Mountain.
3. The conditional use permit application was filed with the Board Secretary on 03/18/2016, noticed, as provided for by law, on April 13, 2016 and April 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 2016.
4. The property is zoned R-3 District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting Conditional Use Permit for 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**

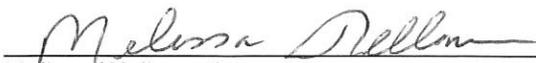
The requested a conditional use permit for 1995 - 28' x 60' Four Seasons sectional with no conditions is hereby granted.

**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

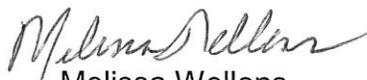
Date 5-2-16

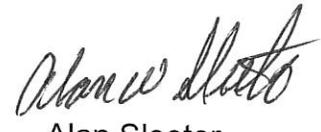
MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 28, 2016

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 5/2/16 BY RLS

1. Hearing called to order at 11:34 AM
2. Roll Call: Present:       Mr. Alan Sleeter, Chairman  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
  
Others Present:            Mr. William Bartz Jr, Assistant Zoning Administrator  
                                  Mr. Pete Renteria – Deputy Zoning Administrator  
                                  Mr. Thomas Kostechka  
                                  Ms. Harriett Kostechka  
                                  Mr. Pete Umentum  
                                  Mr. Gary Campbell
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Thomas Kostechka's application for variance to build closer to the road and in the visual clearance triangle. Location of the property is in Section 23, T32N, R17E, Town of Riverview.
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 04/06/2016. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Bill Bartz appeared and was sworn in. He stated they are requesting a variance from the centerline of the road requirement. He stated that E. Crooked Lake Lane is on both sides of the lot – there is a curve. There is no stop sign and there will be no visual clearance triangle variance request. The north setback from E. Crooked Lake Lane is 38' and the BOA should consider a 26' variance.
  - B. Mr. Thomas Kostechka appeared and was sworn in. He stated that he would like to build a 28' x 24' addition to the home for a bathroom and living room. Will need a variance from the centerline of a town road requirement.
  - C. Mr. Pete Umentum appeared and was sworn in. He stated that he is the contractor. The addition will be 28' x 24'. No need to move the utilities or septic. There will be a basement.
7. Correspondence

8. Testimony closed at 11:54 AM
9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees the request meets the three steps to granting a variance.
  1. Property Limitation – the lot size and road location. The lake is on the other side of the lot.
  2. No harm to public interest – Not on the lake side. No safety issues on the road.
  3. Unnecessary Hardship – small home. Needs a bathroom & living space. No other area that will meet the required setbacks.
10. Decision: Moved by Stanz, seconded by Ragen to reduce the required 63' setback from the centerline of a town road to 37' from the centerline of E. Crooked Lake Lane. Roll Call Vote: Ballestad, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.
11. Hearing adjourned at 11:50 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
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 5/2/16 ms  
CASE NO: VA-20160010

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

1. The petitioner is Thomas Kostechka, 12028 Hillcrest Road, Whitelaw, WI
2. The petitioner is the owner of record of parcel number 036-59232204070 located in Section 23, T32N, R17E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on April 6, 2016, noticed, as provided for by law, on April 13, 2016 and April 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 2016.
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 feet from centerline of road and visual clearance triangle. Specifically, the petitioner is requesting to build 58 feet from the centerline of East Crooked Lake Lane and in the visual clearance triangle.
6. The hardship claimed in this matter is need more living space and a bathroom.
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 there is no other area on the lot to build.
4. The unique physical limitation of the property is the lot is small and the road is on 2 sides of the lot.
5. The variance will not be contrary to the public interest and spirit of the Oconto County Zoning Ordinance.

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

**GRANT OF VARIANCE**

The requested variance to reduce the required 63' setback from the centerline of a town road to 37' from the centerline of E. Crooked Lake Lane 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

5-2-16  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 28, 2016

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 5/2/16 BY nes

1. Hearing called to order at 12:02 PM
2. Roll Call: Present:       Mr. Alan Sleeter, Chairman  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
  
Others Present:            Mr. William Bartz Jr, Assistant Zoning Administrator  
                                  Mr. Pete Renteria – Deputy Zoning Administrator  
                                  Ms. Ann Hogan  
                                  Mr. Harlan Trosch  
                                  Mr. Dick Booth  
                                  Ms. Joyce Randerson  
                                  Mr. Donald Randall  
                                  Mr. Tim Randall  
                                  Mr. Edd Jankowski  
                                  Ms. Terri Remic  
                                  Mr. Rick Pouwels
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Rick Pouwels's application for Conditional Use Permit for a retail or wholesale business involving the sale of goods for a gift shop. Location of the property is in Section 22, T32N, R17E, Town of Riverview.
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 02/16/2016. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Rick Pouwels appeared and was sworn in. He stated that he's requesting a conditional use permit for a retail or wholesale business involving the sale of goods for a gift shop. Has run the retail sales of gifts from his basement for the past 6 years. Has a State sellers permit. Is open Thursday through Sunday from 10:00 AM until 4:00 PM. There is no restroom available to the public. The Oconto County Health Department indicated one wasn't needed because there was no food or drink and OSHA agreed.
  - B. Mr. Bill Bartz, Jr. appeared and was sworn in. He stated that the property was rezoned to Neighborhood Commercial. A complaint was receive at the Zoning Office that started the process.
  - C. Ms. Terri Remic appeared and was sworn in. She stated they have no employees and need no restrooms. She lives a couple blocks away.

- D. Mr. Edd Jankowski appeared and was sworn in. He stated that he is a resident and business owner. He encourages new business, which draws people to the town. This is an asset to the town. The applicants are active in the community.
- E. Mr. Tim Randall appeared and was sworn in. He stated that he is a business owner of a resort and bar. The applicants are good residents. Contribute to the community. The items sold are good quality.
- F. Mr. Harlan Trosch appeared and was sworn in. He stated that he's in favor and it's good for the area. Not much traffic. Good for the community.
- G. Ms. Ann Hogan appeared and was sworn in. She stated that she is the Town Chairman. The applicant appeared before the Plan Commission and the Town is in Favor. Approves of extending the hours for the operation.

## 7. Correspondence

- A. Town Recommendation from the Town of Riverview – Recommends Approval;
- B. Letter from Terri Remic – in favor
- C. Letter from Stephen Thompson – in favor
- D. Letter from Concerned Resident – Keep it open
- E. Letter from Bob & Carol Shichert – in favor
- F. Letter from Ed Jankowski – in favor
- G. Letter from Harriet Kostechka – in favor
- H. Letter from Casey Kolk – keep it open
- I. Letter from a Oconto County Tax payer and Voter – in favor
- J. Letter from Mark Cretton – in favor
- K. Letter from Megan Horton – in favor
- L. Letter from Danny Thompson – in favor
- M. Letter from Crystal Thompson – in favor
- N. Letter from Lyle Rentmeester – in favor
- O. Letter from Jerry Steinbreckes – in favor
- P. Letter from Jeff Pouwels – in favor
- Q. Letter from Brenda Braun – in favor
- R. Letter from Kelly Morey – in favor
- S. Letter from Sarah Kolb – in favor
- T. Letter from Marilyn Kastelic – in favor
- U. Letter from Rosalie Flynn – in favor
- V. Letter from The Heyemans – in favor
- W. Form letter sent from 43 residents

## 8. Testimony closed at 12:23 PM

- 9. Deliberation/Discussion: The BOA discussed the conditions and agrees this is a good business and should continue.

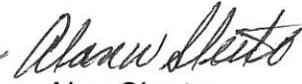
10. Decision: Moved by Stranz, seconded by Ragen to grant a conditional use permit for a retail or wholesale business involving the sale of goods for a gift shop with the following conditions:

1. Hours of Operation – 6:00 AM to 9:00 PM – 7 days a week;
2. Adequate Parking;
3. Dusk to dawn lighting;
4. All State approvals required and submitted to the Oconto County Zoning Office

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

11. Hearing adjourned at 12:25 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
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 5/2/16 BY ml

CASE NO: CU-20160004

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

1. The applicant is Rick Pouwels, 15477 Whispering Pines Lane, Crivitz, WI, 54114.
2. The applicant is the owner of record of parcel number 036-582221221W located in Section 22, T32N, R17E, Town of Riverview.
3. The conditional use permit application was filed with the Board Secretary on February 16, 2016, noticed, as provided for by law, on April 13, 2016 and April 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 2016.
4. The property is zoned Neighborhood Commercial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting Conditional Use Permit for a retail or wholesale business involving the sale of goods for a gift shop.
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 the sale of goods for a gift shop is hereby granted subject to the following conditions:

1. Hours of Operation – 6:00 AM to 9:00 PM – 7 days a week;
2. Adequate Parking;
3. Dusk to dawn lighting;
4. All State approvals required and submitted to the Oconto County Zoning Office

**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

5-2-16  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 28, 2016

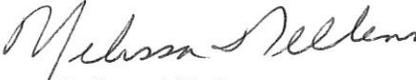
OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10), STATUTORY PURPOSES  
DATE 5/3/16 BY ms

1. Hearing called to order at 2:39 PM
2. Roll Call: Present:       Mr. Alan Sleeter, Chairman  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
  
Others Present:            Mr. William Bartz Jr, Assistant Zoning Administrator  
                                  Mr. Pete Renteria – Deputy Zoning Administrator  
                                  Mr. Mitchell Wilson  
                                  Mr. Kyle Kreienbrink
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Mitchell Wilson's application for Conditional Use Permit for a landscaping business and sale of items in the open. Location of the property is in Section 32, 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 03/30/2016. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Mitchell Wilson appeared and was sworn in. He stated that he is requesting a conditional use permit for a landscaping business and sales of items in the open. There will be inventory stored outside and inside. Does his own maintenance of equipment. Would like hours of operation from 5:00 AM to 9:00 PM – 7 days a week. Has his state sellers permit and DNR easement for crossing the trail.
  - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
  - A. Town Recommendation Form from the Town of Lakewood – Recommends approval;
8. Testimony closed at 2:51 PM
9. Deliberation/Discussion: Discussed conditions of the permit.
10. Decision: Moved by Stranz, seconded by Wellens to grant a conditional use permit for a landscaping business and sale of items in the open with the following conditions:
  1. Hours of Operation – 5:00 AM to 9:00 PM – 7 days a week;
  2. Adequate Parking;

3. Dusk to dawn lighting shining downward;
4. All State approvals for public building and ingress/egress;

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

11. Hearing adjourned at 2:55 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
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 5/2/16 BY MS

CASE NO: CU-20160010

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

1. The applicant is Mitchell Wilson, 13798 David Lane, Mountain, WI, 54149.
2. The applicant is the owner of record of parcel number 019-423207314A1 located in the SE¼, NE¼, Section 32, T33N, R16E, Town of Lakewood.
3. The conditional use permit application was filed with the Board Secretary on March 30, 2016, noticed, as provided for by law, on April 13, 2016 and April 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 2016.
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 Conditional Use Permit for a landscaping business and sale of items in the open.
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 landscaping business and sale of items in the open is hereby granted subject to the following conditions:

1. Hours of Operation – 5:00 AM to 9:00 PM – 7 days a week;
2. Adequate Parking;
3. Dusk to dawn lighting shining downward;
4. All State approvals for public building and ingress/egress;

**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

5-2-16  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 28, 2016

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 5/2/16 BY ms

1. Hearing called to order at 3:00 PM
2. Roll Call: Present:        Mr. Alan Sleeter, Chairman  
                                      Mr. Allan Stranz, Vice-Chairman  
                                      Mrs. Melissa Wellens, Secretary  
                                      Mr. Karl Ballestad  
                                      Mr. Elmer Ragen  
  
Others Present:                Mr. William Bartz Jr, Assistant Zoning Administrator  
                                      Mr. Pete Renteria – Deputy Zoning Administrator  
                                      Mr. Chad Reader  
                                      Mr. Richard Fischer
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Chad Reader's application for Variance to build closer to the ordinary high water mark. Location of the property is in Section 10, 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 03/23/2016. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Chad Reader appeared and was sworn in. He stated that he is requesting a variance to build a 70' x 30' single story home closer to the water. Will be removing the existing home and replacing it with a 1,700 sq. ft. 3-bedroom home w/attached garage. The home will be ADA compliant. The septic is still working but it's old. He wants to have a sight for a new septic. They cannot move the home back farther from the lake because there is a right-of-way easement and that will limit access to the garage. It will also infringe on the new septic area.
  - B. Mr. Richard Fischer appeared and was sworn in. He stated that he is an adjacent property owner to the south. He is in favor of the variance. Would like to see the old house gone.
  - C. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
  - A. Letter from Dale Rezebek, DNR
8. Testimony closed at 3:16 PM

9. Deliberation/Discussion: To move the home farther back from the water would be building over the septic system and the location of the driveway easement. It will limit the ingress location. The BOA discussed the findings of fact and agrees the variance request meets the three steps to granting a variance.
1. Physical limitation – location of the septic, the future septic and the driveway easement;
  2. No harm to public interest – The water will be diverted from the lake and a vegetative buffer will be done;
  3. Unnecessary hardship – the location of the driveway easement and the location of the current septic and the future septic.
10. Decision: Moved by Ballestad, seconded by Ragen to reduce the required 75' setback from the ordinary high water mark to 55' from the ordinary high water mark of Surprise Lake with the condition that a vegetative buffer is done according to State Statue 596.92 and Technical Guideline #1. Roll Call Vote: Ballestad, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.
11. Hearing adjourned at 3:27 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
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 5/21/16 BY MS  
CASE NO: VA-20160010

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

1. The petitioner is Chad Reader, W4684 E Nichols Road, Seymour, WI 54174
2. The petitioner is the owner of record of parcel number 042-101008443B located Section 10, T33N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on March 23, 2016, noticed, as provided for by law, on April 13, 2016 and April 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 2016.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 75 feet from the ordinary high water mark. Specifically, the petitioner is requesting to build 55 feet from the ordinary high water mark of Surprise Lake.
6. The hardship claimed in this matter is they cannot move back due to the septic and driveway locations.
7. The applicant is requesting a variance under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance.

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

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

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

**GRANT OF VARIANCE**

The requested variance to reduce the required 75' setback from the ordinary high water mark to 55' from the ordinary high water mark of Surprise Lake with the condition that a vegetative buffer is done according to State Statue 596.92 and Technical Guideline #1 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

5-2-16  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 28, 2016

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 5/2/16 BY MS

1. Hearing called to order at 3:34 PM
2. Roll Call: Present:        Mr. Alan Sleeter, Chairman  
                                     Mr. Allan Stranz, Vice-Chairman  
                                     Mrs. Melissa Wellens, Secretary  
                                     Mr. Karl Ballestad  
                                     Mr. Elmer Ragen  
  
Others Present:                Mr. William Bartz Jr, Assistant Zoning Administrator  
                                     Mr. Pete Renteria – Deputy Zoning Administrator  
                                     Ms. Marie Schroeter  
                                     Mr. Jeff Schroeter
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Jeff and Marie Schroeter's application for Variance to build closer to the ordinary high water mark. 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 03/23/2016. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Jeff Schroeter appeared and was sworn in. He stated that he is requesting a variance to build closer to the water. Plans on putting a 27' x 60' home with a 24' x 24' attached garage on the lot within the next 12 months. This will become their permanent retirement home. The current garage will remain. It will be 63' from the centerline of the road. The septic will be between the road and proposed house. The proposed home is a modular home and cannot change the size. Moving away from the inlet would bring him too close to the existing building. The inlet is on one side of the property and the lake is on the other. The neighbor's drainfield is on his property. Only the corner of the house is within the 75' setback.
  - B. Ms. Mary Schroeter appeared and was sworn in. She stated that there was never a home on the property. A recreational vehicle was put on the property.
  - C. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
  - A. Letter from Dale Rezebek, DNR
8. Testimony closed at 3:54 PM

9. Deliberation/Discussion: Moving house closer to the road would encroach on future & current septic systems. The BOA discussed the Findings of Fact and agrees the request meets the three steps to grant a variance.
1. Property Limitation – There is water on 2 sides of the property and the location of 2 drainfields;
  2. No Harm to Public Interest – Majority of the building is farther than 70' from the high water mark. Drainage will be diverted from the flowage.
  3. Unnecessary hardship – water on 2 sides, the location of the drainfield and it would be unduly burdensome to build a new home vs. a modular home.
10. Decision: Moved by Wellens, seconded by Ragen to reduce the required 75' setback from the ordinary high water mark to 62' from the ordinary high water mark of the Townsend Flowage for this application plan with the condition that they follow the Board of Adjustments recommendation that they install a vegetative buffer according to State Statues 59.692 and Technical #1. Roll Call Vote: Ballestad, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.
11. Hearing adjourned at 4:05 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
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 5/2/16 BY ml

CASE NO: VA-20160009

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

1. The petitioner is Jeff and Marie Schroeter, 926 Lincoln Drive W, West Bend, WI 53095
2. The petitioner is the owner of record of parcel number 042-232315133A located in Section 23, T33N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on March 23, 2016, noticed, as provided for by law, on April 13, 2016 and April 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 2016.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 75 feet from the ordinary high water mark. Specifically, the petitioner is requesting to build 66 feet from the ordinary high water mark of Townsend Flowage.
6. The hardship claimed in this matter is there is water on 2 sides of the property and the location of the drainfields.
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 put their modular home on the lot without a variance.
4. The unique physical limitation of the property is there is water on 2 sides of the property and the location of the septic drainfields.
5. The variance will not be contrary to the public interest and spirit of the Oconto County Zoning Ordinance.

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

**GRANT OF VARIANCE**

The requested variance to reduce the required 75' setback from the ordinary high water mark to 62' from the ordinary high water mark of the Townsend Flowage for this application plan with the condition that they follow the Board of Adjustments recommendation that they install a vegetative buffer according to State Statues 59.692 and Technical #1 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

5-2-16  
\_\_\_\_\_  
Date