

**MINUTES**  
**TUESDAY, AUGUST 4, 2015 – 1:00 P.M.**  
**BOARD OF ADJUSTMENT COMMITTEE**  
**ROOM #1004 - 1<sup>ST</sup> FLR COURTHOUSE BUILDING "A"**  
**301 WASHINGTON STREET, OCONTO, WI 54153-1699**  
[www.co.oconto.wi.us](http://www.co.oconto.wi.us)

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

OTHERS PRESENT: Gabe Moody and Pat Virtues

1. Moved by Stranz, seconded by Ballestad to approve the agenda. Motion voted on and carried.
2. Approval of Minutes
  - a. Business Meeting  
Moved by Ragen, seconded by Stranz, to approve the meeting minutes of July 2, 2015 and July 28, 2015. Motion voted on and carried.
  - b. Public Hearings  
Moved by Ballestad, seconded by Ragen to approve the minutes from the following hearings. Motion voted on and carried.
    - i. July 30, 2015
      1. Keith Lamal
      2. Donald VanCaster
      3. Richard Kelm
      4. Marsha Henfer
      5. Norman Faulstich
      6. William Hammen
      7. Andrew Greene
    - ii. July 31, 2015
      1. John Murphy
      2. Ewald Schwabe
      3. Michigan-Wisconsin Pipeline Co.
      4. Michigan-Wisconsin Pipeline Co
3. Board Reorganization  
Motion by Ragen, seconded by Stranz to nominate Alan Sleeter Chairman and close nominations and cast a unanimous ballot. Motion voted on and carried. Motion by Ragen, seconded by Ballestad to nominate Al Stranz Vice-Chairman and close nominations and cast a unanimous ballot. Motion voted on and carried.
4. Review Ordinance Language – Accessory Structures  
Review the ordinance language on accessory structures with Pat Virtues. Changes were discussed and will be presented to the Planning & Zoning Committee for discussion.
5. Review Brehmer Letter on Kolkowski Property – Action if necessary  
Review K. Brehmer's letter to Kolkowski. The BOA was brought up to date on Kolkowski's progress.
6. Public Comments/Miscellaneous  
The Wisconsin Wetlands Association will be holding a workshop on Reading the Wetland Landscape on Tuesday, September 1, 2015 at 9:30 to 5:00 PM in Merrill. Stranz, Sleeter and Ragen may attend.
7. Adjournment
  - a. The Board selected August 31, 2015 as the public hearing date.
  - b. The Board selected September 1, 2015 at 11:00 AM as the business meeting date.
8. Adjournment  
Moved by Ragen, seconded by Stranz to adjourn. Motion voted on and carried.

---

Melissa Wellens – Secretary

---

Alan Sleeter – Chair

MW/mls Date posted: 8/10/15

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
July 30, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 8/5/15 BY MS

1. Hearing called to order at 8:48 AM
2. Roll Call: Present:       Mr. Alan Sleeter, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mr. Allan Stranz  
  
Others Present:           Mr. William Bartz Jr, Assistant Zoning Administrator  
                                  Mr. Pete Renteria – Deputy Zoning Administrator  
                                  Mr. Paul Hershfield  
                                  Ms. Kathy Lamal  
                                  Mr. Keith Lamal
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Keith Lamal's application for a variance to build closer to the road and to reduce the visual clearance triangle. Location of the property is in Section 25, T31N, R16E, Town of Mountain.
4. Mr. Bartz, Jr. stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Bartz, Jr. stated that the petition was filed on June 19, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Keith Lamal appeared and was sworn in. He stated that he is requesting a variance to build closer to the road and to reduce the visual clearance triangle. Building a 12' x 26' utility room onto the house. The room will be built on the wall with all utility lines in order to keep them from freezing. They plan on moving to this property in the future. There is no basement.
  - B. Mr. Kathy Lamal appeared and was sworn in. She stated that they are putting this room on their house. They will be able to use the property year around. Have not been able to keep the pipes from freezing in the winter.
  - C. Mr. Paul Hershfield appeared and was sworn in. He stated that he is the neighbor. One road is a dead end and the other road is a private drive. Because of the roof line, the obstruction in the visual clearance is not as critical.
  - D. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
  - A. Letter from Jim & Bonnie Ehlert and Scott & Becky Kutzke – in favor

Keith Lamal Public Hearing  
July 30, 2015  
Pg. #2

8. Testimony closed at 9:00 AM
9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees the applicant meets the 3 steps to granting a variance. They need winter protection for the utilities.
  1. Physical Limitation – Visual clearance triangle.
  2. No Harm to Public Interest – The property is on a dead end road.
  3. Hardship – it's an existing structure – the utilities cannot be moved. They need winter protection. The existing building is in the visual clearance triangle.
10. Decision: Moved by Stranz, seconded by Ragen to reduce the visual clearance triangle from a 150' on each town road to 75' on each road and to reduce the required 63' setback on a town road to 33' from the centerline of Poplar Lane. Roll Call Vote: Ballestad, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.
11. Hearing adjourned at 9:11 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

William Bartz Jr.  
Assistant Zoning Administrator

NOTICE OF DECISION AND ORDER  
OCONTO COUNTY BOARD OF ADJUSTMENT

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 8/5/15 BY no

CASE NO: VA-20150016

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

1. The petitioner is Keith Lamal, 3484 Amber Ln, Green Bay, WI 54311
2. The petitioner is the owner of record of parcel number 029-262502524B located in the SE ¼, NW ¼, Section 25, T31N, R16E, Town of Mountain.
3. The petition for variance was filed with the Board Secretary on June 19, 2015, noticed, as provided for by law, on July 15, 2015 and July 22, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 7/30/2015.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 63' from the centerline of a town road and reduce the visual clearance triangle. Specifically, the petitioner is requesting to build an addition 35' from the centerline of Poplar Lane and to reduce the visual clearance triangle.
6. The hardship claimed in this matter is utilities freeze.
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 protect the utilities without a room and heat.
4. The unique physical limitation of the property is the visual clearance triangle.
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 visual clearance triangle from a 150' on each town road to 75' on each road and to reduce the required 63' setback on a town road to 33' from the centerline of Poplar Lane 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

8-4-15  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
July 30, 2015

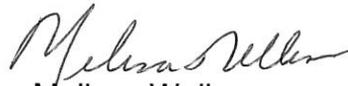
OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 8/5/15 BY MS

1. Hearing called to order at 10:07 AM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman  
Mrs. Melissa Wellens, Secretary  
Mr. Karl Ballestad  
Mr. Elmer Ragen  
Mr. Allan Stranz  
  
Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator  
Mr. Pete Renteria – Deputy Zoning Administrator  
Mr. Jerome Peplinski  
Mr. Donald VanCaster  
Mr. Douglas Hunter
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Donald VanCaster's application for a variance to build closer to the road and to reduce 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 July 6, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Jerome Peplinski appeared and was sworn in. He stated that he is the agent requesting a variance to build closer to the road and reduce the visual clearance triangle. The property is sided by 3 roads. The new home is a 27' x 52' sectional home with porch that will be placed on a concrete slab. There is a conventional septic. There is a visual clearance problem on Eliason & Gilkey and Eliason and County Road W.
  - B. Mr. Douglas Hunter appeared and was sworn in. He stated that he is the stepson of Don VanCaster. They are replacing the old mobile home.
  - C. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
8. Testimony closed at 10:14 AM
9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees this meets the 3 steps to granting a variance.
  1. Physical Limitation is the lot is bordered by three roads.

2. No Harm to Public Interest – Replacing the old home. There are no snow plow issues;
3. Unnecessary Hardship is there is no buildable area on the lot because it borders three roads.

10. Decision: Moved by Ragen, seconded by Ballestad to reduce the required 150' visual clearance setback on Gilkey Lake Rd and Eliason Road to 75' and to reduce the required 150' visual clearance setback on County Road W to 75' and to reduce the required 63' setback from the centerline of a town road to 56' from the centerline of Gilkey Lake Rd. Roll Call Vote: Ballestad, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 10:24 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

William Bartz Jr.  
Assistant Zoning Administrator

NOTICE OF DECISION AND ORDER  
OCONTO COUNTY BOARD OF ADJUSTMENT

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 8/5/15 BY MS

CASE NO: VA-20150022

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

1. The petitioner is Donald VanCaster, 1613 Deckner Av, Green Bay, WI 54302
2. The petitioner is the owner of record of parcel number 036-5923045424S located in Section 23, T32N, R17E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on July 6, 2015, noticed, as provided for by law, on July 15, 2015 and July 22, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 7/30/2015.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 63' from the centerline of a town road and reduce the visual clearance triangle. Specifically, the petitioner is requesting to build a home 55' from the centerline of Gilkey Lake Rd and to reduce the visual clearance triangle.
6. The hardship claimed in this matter is the lot is bordered by 3 roads.
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 buildable area without a variance.
4. The unique physical limitation of the property is there are 3 roads bordering 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**

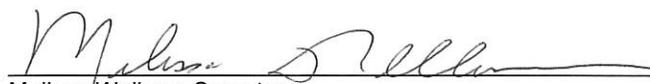
The requested variance to reduce the required 150' visual clearance setback on Gilkey Lake Rd and Eliason Road to 75' and to reduce the required 150' visual clearance setback on County Road W to 75' and to reduce the required 63' setback from the centerline of a town road to 56' from the centerline of Gilkey Lake Rd 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

8-4-15  
Date

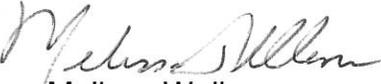
MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
July 30, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 8/5/15 BY ms

1. Hearing called to order at 11:44 AM
2. Roll Call: Present:       Mr. Alan Sleeter, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mr. Allan Stranz  
  
Others Present:           Mr. William Bartz Jr, Assistant Zoning Administrator  
                                  Mr. Pete Renteria – Deputy Zoning Administrator  
                                  Mr. Richard Kelm  
                                  Ms. Claudia Bartz  
                                  Mr. Gary Mayer  
                                  Ms. Janet Kelm  
                                  Mr. Ryan Beaber
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Richard Kelm's application for a variance to build closer to the water and road. Location of the property is in Section 09, T32N, R15E, Town of Doty.
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 June 30, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Richard Kelm appeared and was sworn in. He stated that he is requesting a variance to build closer to the water and road. He purchased the property next to theirs 2 years ago. Wanted to remodel but with the home being 60 years old, it is too deteriorated to fix. Would like to pivot the house a bit to meet the 10' side lot line setback. The property has a very steep slope. Would like to construct a 30' x 30' home with a walk out basement. Cannot move the home toward the road because of the hill that is right behind the house. Will install a new holding tank.
  - B. Mr. Ryan Beaber appeared and was sworn in. He stated that he is the builder. The garage is in the way to move the home back. The home is only 900 sq. ft. There needs to be room for parking. Trying to keep the slopes natural. The walk out basement will be brought up to ground level. The roof line will be the same as the garage.
  - C. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
  - A. Letter from Dale Rezabek - DNR

Richard Kelm Public Hearing  
July 30, 2015  
Pg. #2

8. Testimony closed at 12:04 AM
9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees this variance request meets the 3 steps to grant a variance.
  1. Unique Physical Limitation – Small lot with very steep slopes. 20%-40%.
  2. No Harm to Public Interest - Same foot print. Will improve run-off;
  3. Hardship – The home is not repairable with existing conditions of the lot.
10. Decision: Moved by Stranz, seconded by Wellens to reduce the required 75' ordinary high water mark setback to 49' from the Archibald Lake, to reduce the required 63' setback from the centerline of a town road to 50' from the centerline of Archibald Lake Road and 36' from the centerline of the East side of the Lake Access Road as per the 1989/2014 Survey with the condition that the existing vegetative buffer must be maintained. Roll Call Vote: Ballestad, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.
11. Hearing adjourned at 12:12 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

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 8/5/15 BY ms  
CASE NO: VA-20150021

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

1. The petitioner is Richard Kelm, 17380 Archibald Lake Rd, Townsend, WI 54175
2. The petitioner is the owner of record of parcel number 014-5716025 located in Section 09, T32N, R15E, Town of Doty.
3. The petition for variance was filed with the Board Secretary on June 30, 2015, noticed, as provided for by law, on July 15, 2015 and July 22, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 7/30/2015.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback a home 63' from the centerline of town road and 75' from the ordinary high water mark. Specifically, the petitioner is requesting to build a home 45' from the ordinary high watermark of Boot Lake and 45' from the centerline of Archibald Lake Rd.
6. The hardship claimed in this matter is the house is deteriorated.
7. The applicant is requesting a variance under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance.

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

1. The Board has jurisdiction of this matter under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance.
2. Violations of the Oconto County Zoning Ordinance will not exist as a result of this action.
3. A literal enforcement of the terms of the Oconto County Zoning Ordinance will result in practical difficulty or unnecessary hardship to the applicant because they cannot build without a variance.
4. The unique physical limitation of the property is the steep slopes 20 – 40% and the lot is small..
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' ordinary high water mark setback to 49' from the Archibald Lake, to reduce the required 63' setback from the centerline of a town road to 50' from the centerline of Archibald Lake Road and 36' from the centerline of the East side of the Lake Access Road as per the 1989/2014 Survey with the condition that the existing vegetative buffer must be maintained 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

8-4-15  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
July 30, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 8/5/15 BY ms

1. Hearing called to order at 12:15 PM
2. Roll Call: Present:       Mr. Alan Sleeter, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mr. Allan Stranz  
  
Others Present:            Mr. William Bartz Jr, Assistant Zoning Administrator  
                                  Mr. Pete Renteria – Deputy Zoning Administrator  
                                  Ms. Marsha Henfer  
                                  Mr. Paul Henfer
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Marsha Henfer's application for a variance to build closer to the water. Location of the property is in Section 22, 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 June 6, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Ms. Marsha Henfer appeared and was sworn in. She stated that she is requesting a variance to build closer to the water. In 2012 they built a 10' x 19' 3-season's porch that they would like to enclose with windows instead of screens. The porch was permitted as an open structure under the 200 sq. ft. rule. Water is coming into the porch. Because of the slab, the water collects inside the structure. They have even installed a gutter system. Has researched possible solutions and nothing seems to fix the problem.
  - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
  - A. Letter from Dale Rezabek, DNR
8. Testimony closed at 12:28 PM
9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees the variance request does not meet the 3 steps to grant a variance.
  1. Unique Physical Limitations – none;
  2. Harm to public interest – none. The structure was present;

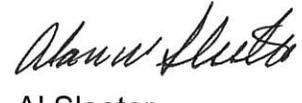
Marsha Henfer Public Hearing  
July 30, 2015  
Pg. #2

3. Hardship is not present. This was self-created. The 3-seasons porch was allowed without a variance.

10. Decision: Moved by Ballestad, seconded by Stranz to deny the requested water variance.  
Roll Call Vote: Ballestad, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 12:34 PM

  
Melissa Wellens  
Secretary

  
Al Sleeter  
Vice-Chairman

William Bartz Jr.  
Assistant Zoning Administrator

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

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 8/5/15 BY MS  
CASE NO: VA-20150015

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

1. The petitioner is Marsha Henfer, 17859 E Wheeler Lake Rd, Lakewood, WI 54138
2. The petitioner is the owner of record of parcel number 019-8526021 located in the NE ¼, SE ¼, Section 22, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on June 6, 2015, noticed, as provided for by law, on July 15, 2015 and July 22, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 7/30/2015.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 75' from the ordinary high water mark. Specifically, the petitioner is requesting to build alterations to a porch 68' from the ordinary high watermark of Wheeler Lake.
6. The hardship claimed in this matter is rain is coming in porch.
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 not result in practical difficulty or unnecessary hardship to the applicant because they have use of the property with the open sided porch and this is self-created.
4. There is no unique physical limitation of the property.
5. The variance will 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 water variance is hereby denied.

**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

8-4-15  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
July 30, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 8/5/15 BY ms

1. Hearing called to order at 2:42 PM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman  
Mrs. Melissa Wellens, Secretary  
Mr. Karl Ballestad  
Mr. Elmer Ragen  
Mr. Allan Stranz  
  
Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator  
Mr. Pete Renteria – Deputy Zoning Administrator  
Mr. Norman Faulstich  
Ms. Alice Faulstich  
Mr. Thomas Galioto  
Ms. Joan Galioto
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Norman Faulstich's application for a conditional use permit to exceed the 18' height limitation for an accessory structure. Location of the property is in Section 03, T32N, 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 June 15, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Norman Faulstich appeared and was sworn in. He stated that they are requesting a conditional use permit to exceed the 18' height limitation for an accessory structure. Would like to build a 32' x 30' x 27' garage with a second floor into a hill. There is a 10:12 roof pitch on the house and would like the garage to match it. Will be 63' from the center of the road.
  - B. Ms. Alice Faulstich appeared and was sworn in. She stated they have 2 storage sheds they rent and need this garage to store their belongings.
  - C. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
8. Testimony closed at 2:54 PM
9. Deliberation/Discussion: The BOA discussed the request and it is compatible with the other buildings. Meets all setbacks.

10. Decision: Moved by Ragen, seconded by Stranz to grant a conditional use permit to exceed the 18' height limitation for an accessory structure with the condition that there is no living quarters in the structure. 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  
Vice-Chairman

William Bartz Jr.  
Assistant Zoning Administrator

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

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 8/5/15 BY ms

CASE NO: CU-20150034

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

1. The applicant is Norman Faulstich, PO Box 241, Townsend, WI, 54175.
2. The applicant is the owner of record of parcel number 042-3903058 located in the NE¼, SE¼, Section 03, T32N, R15E, Town of Townsend.
3. The conditional use permit application was filed with the Board Secretary on June 15, 2015, noticed, as provided for by law, on July 15, 2015 and July 22, 2015, and a public hearing was held by the Oconto County Board of Adjustment on July 30, 2015.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit to exceed the 18' height limitation for an accessory structure.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

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

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

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

**GRANT OF CONDITIONAL USE PERMIT**

The requested a conditional use permit to exceed the 18' height limitation for an accessory structure is hereby granted with the condition there are no living quarters in the structure.

**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

8-4-15  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
July 30, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 8/5/15 BY NLS

1. Hearing called to order at 2:58 PM
2. Roll Call: Present:       Mr. Alan Sleeter, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mr. Allan Stranz  
  
Others Present:           Mr. William Bartz Jr, Assistant Zoning Administrator  
                                  Mr. Pete Renteria – Deputy Zoning Administrator  
                                  Mr. William Hammen  
                                  Mr. Ryan Beaber
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to William Hammen's application for a variance to build closer to the water. Location of the property is in Section 03, T32N, 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 June 30, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. William Hammen appeared and was sworn in. He stated that he is requesting a variance to build a 34' x 50' home with a walk out basement closer to the water. Will replace the existing 24' x 34' home with a 1,500 sq. ft. home. The lot layout is small and steep. The other homes are closer to the water. Plans on digging own well as he shares one now. The septic is a holding tank. The original home is 27' from the ordinary high water mark. The new home will be 35' from the ordinary high water mark.
  - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
  - A. Letter from Dale Rezabek, DNR
8. Testimony closed at 3:09 PM
9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees that the variance request meets the 3 steps to granting a variance.
  1. Unique Property Limitation – Steep slopes and lot size.

William Hammen Public Hearing  
July 30, 2015  
Pg. #2

2. No Harm to Public Interest – Moving home back from ordinary high water mark with better runoff control.
3. Hardship – The home is deteriorating. There are steep slopes. Need a year around dwelling.

10. Decision: Moved by Stanz, seconded by Ballestad to reduce the required 75' setback from the ordinary high water mark to 35' from the ordinary high water mark of Archibald Lake with the conditions that the existing vegetative buffer is maintained and water runoff is diverted from the lake. Roll Call Vote: Ballestad, Ragen, Sleeter, Stanz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 3:14 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

William Bartz Jr.  
Assistant Zoning Administrator

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

CASE NO: VA-20150020

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

1. The petitioner is William Hammen, 501 E. 17th St, Kaukauna, WI 54130
2. The petitioner is the owner of record of parcel number 042-3903051 located in Section 03, T32N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on June 30, 2015, noticed, as provided for by law, on July 15, 2015 and July 22, 2015, and a public hearing was held by the Oconto County Board of Adjustment on July 30, 2015.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 75' from the ordinary high water mark. Specifically, the petitioner is requesting to build a home 35' from the ordinary high watermark of Archibald Lake.
6. The hardship claimed in this matter is the home is deteriorating and the steep slopes. Need a year around dwelling.
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 replace the home without a variance.
4. The unique physical limitation of the property is the steep slopes and lot size.
5. The variance will not be contrary to the public interest and spirit of the Oconto County Zoning Ordinance.

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

**GRANT OF VARIANCE**

The requested variance to reduce the required 75' setback from the ordinary high water mark to 35' from the ordinary high water mark of Archibald Lake with the conditions that the existing vegetative buffer is maintained and water runoff is diverted from the lake 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

8-4-11  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
July 30, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 8/5/15 BY MCS

1. Hearing called to order at 3:18 PM
2. Roll Call: Present:       Mr. Alan Sleeter, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mr. Allan Stranz  
  
Others Present:           Mr. William Bartz Jr, Assistant Zoning Administrator  
                                  Mr. Pete Renteria – Deputy Zoning Administrator  
                                  Mr. Andrew Greene  
                                  Ms. Ellen Greene  
                                  Mr. Richard Greene  
                                  Ms. Brenda Greene  
                                  Mr. Mark Warpinski  
                                  Ms. Ruth VanEss  
                                  Mr. Louis VanEss
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Andrew Greene's application for a variance to build closer to the water. Location of the property is in Section 32, 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 June 8, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Mark Warpinski appeared and was sworn in. He stated that he is the agent and attorney for Mr. Greene. They are requesting a variance to build closer to the water. He stated that the process started 2 years ago. Has been in contact with Pat Virtues, Zoning Administrator and Cheryl Micke, Corp Counsel. The easement was a concern when the flowage was let down. The pad was 36' from the ordinary high water mark. The pad allows the disabled and children to visit and use the surface. The variance is being requested for the structure in the 35' ordinary high water mark setback which levels the surface.
  - B. Mr. Andrew Greene appeared and was sworn in. He stated that he obtained a permit to put pea gravel on the shoreline – wanted to build a gazebo. Applied for the permit from zoning. He paved the driveway without a permit. Was told by Zoning the driveway must be removed. Decided to contact an attorney to help him with the problem. Not having a solid surface is unsafe to sit on with chairs.

- C. Mr. Mark Warpinski re-appeared and was sworn in. He stated that he has been working with the county to try to resolve this after going to court.
- D. Mr. Louis VanEss appeared and was sworn in. He stated that he's Mrs. Greene's father. Has one leg and when the area was graveled he couldn't get around the yard. He can walk around easily now that it's cement.
- E. Mr. Bill Bartz, Jr. appeared and was sworn in.

7. Correspondence

- A. Letter from Dale Rezabek, DNR

8. Testimony closed at 3:50 PM

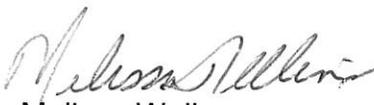
9. Deliberation/Discussion: BOA discussed the Findings of Facts and agrees that the applicant does not meet the three steps to grant a variance in the 35' buffer area.

- 1. Physical Limitations – none – Flat surface – circumstance of applicant;
- 2. Harm to Public Interest – Impervious surfaces are detrimental to environment;
- 3. Hardship – none – it's a self-created hardship. The property is being used for permitted purposes.

They are in agreement that the 40' variance is necessary due to it being unnecessarily burdensome to remove all the other pavement in place.

10. Decision: Moved by Stranz, seconded by Ragen to reduce the required 75' ordinary high water mark setback to 35' from the ordinary high water mark of Lower Reservoir Pond. Roll Call Vote: Ballestad, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 4:03 PM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

William Bartz Jr.  
Assistant Zoning Administrator

NOTICE OF DECISION AND ORDER  
OCONTO COUNTY BOARD OF ADJUSTMENT

CASE NO: VA-20150014

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

1. The petitioner is Andrew Greene, 3970 Garrett St, De Pere, WI 54115
2. The petitioner is the owner of record of parcel number 042-323203714B1 located in Section 32, T33N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on June 8, 2015, noticed, as provided for by law, on July 15, 2015 and July 22, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 7/30/2015.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 75' from the ordinary high water mark. Specifically, the petitioner is requesting to build paving closer than 75' from the ordinary high watermark of Lower Reservoir Pond.
6. The hardship claimed in this matter is a hard surface is needed for disabled father-in-law and children.
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 not result in practical difficulty or unnecessary hardship to the applicant because they can use the property for permitted purposes within the 35' buffer area.
4. There is no unique physical limitation of the property.
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' ordinary high water mark setback to 35' from the ordinary high water mark of Lower Reservoir Pond 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

8-4-15  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
July 31, 2015

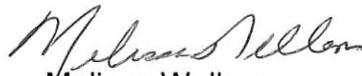
OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 8/5/15 BY ms

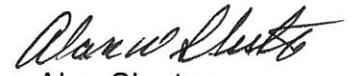
1. Hearing called to order at 9:18 AM
2. Roll Call: Present:        Mr. Alan Sleeter, Vice-Chairman  
                                     Mrs. Melissa Wellens, Secretary  
                                     Mr. Karl Ballestad  
                                     Mr. Elmer Ragen  
                                     Mr. Allan Stranz  
  
Others Present:            Mr. Gabe Moody, Assistant Zoning Administrator  
                                     Mr. Melvin Mortier – Deputy Zoning Administrator  
                                     Mr. John Murphy  
                                     Ms. Sue Murphy
3. Mr. Moody read the Notice of Public Hearing pertaining to John Murphy's application for a variance to build closer to the water, road and to reduce the 15' fill requirement around a structure. Location of the property is in Section 32, T28N, R22E, Town of Oconto.
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 June 24, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. John Murphy appeared and was sworn in. He stated that he purchased the property in May 2015 and is requesting a variance to build closer to the water, road and to reduce the 15' fill requirement around a structure. Plan on raising the old cabin to floodplain level. The cottage is old and he would like to restore it. Would like to add an entrance to the road side. There is not enough room for the 15' fill requirement. The lot is too small. Repairs to the cabin would be over the 50% limit. May add an upper A-frame in the future. Will remove a utility shed on the property. Want to enhance the property. The foundation is rotting. On the south side, water drains to the Bay of Green Bay. Rip Rap keeps it on the lawn. There is a berm on the other property line which prevents run-off to the neighbors.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Letter from Dale Rezabek, DNR
8. Testimony closed at 9:35 AM
9. Deliberation/Discussion: The BOA Discussed the Findings of Fact and agrees that the application meets the three steps to grant a variance.

1. Unique Physical Limitation – Small lot that is below flood level;
2. No Harm to Public Interest if drainage of water is controlled;
3. Hardship is the lot is small, below flood regulation and the conditions are existing;

10. Decision: Moved by Stranz, seconded by Ballestad to reduce the required 75' ordinary high water mark setback to 28' from the ordinary high water mark of the Bay of Green Bay, to reduce the required 75' setback from the centerline of a county road to 55' from the centerline of County Road N and to reduce the 15' of fill requirement around a structure to 5' of fill around a structure on the North, South and West side of the structure with the condition that runoff is diverted away from the lake and the neighbor's property and they must maintain the existing vegetative buffer zone. Roll Call Vote: Ballestad, Sleeter, Stranz and Wellens all voting aye, Ragen Abstained, no nays, motioned carried.

11. Hearing adjourned at 9:41 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

Gabe Moody  
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 8/5/15 BY me  
CASE NO: VA-20150019

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

1. The petitioner is John Murphy, 240 N. Elmridge Av, Brookfield, WI 53005
2. The petitioner is the owner of record of parcel number 030-38320434M2 located in Section 32, T28N, R22E, Town of Oconto.
3. The petition for variance was filed with the Board Secretary on June 24, 2015, noticed, as provided for by law, on July 15, 2015 and July 22, 2015, and a public hearing was held by the Oconto County Board of Adjustment on July 31, 2015.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 75' from the ordinary high water mark, 75' from the centerline and 15' of fill around a structure. Specifically, the petitioner is requesting to build additions and alterations to an existing home 28' from the ordinary high water mark from the Bay of Green Bay, 55' from the centerline of County Road N and to reduce the required 15' of fill around a structure.
6. The hardship claimed in this matter is it's a small lot and is below the floodplain limit.
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 not result in practical difficulty or unnecessary hardship to the applicant because they cannot build without variances.
4. The unique physical limitation of the property is the lot is small and below flood plain limit.
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' ordinary high water mark setback to 28' from the ordinary high water mark of the Bay of Green Bay, to reduce the required 75' setback from the centerline of a county road to 55' from the centerline of County Road N and to reduce the 15' of fill requirement around a structure to 5' of fill around a structure on the North, South and West side of the structure with the condition that runoff is diverted away from the lake and the neighbor's property and they must maintain the existing vegetative buffer zone 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

8-4-15  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
July 31, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 8/5/15 BY MS

1. Hearing called to order at 10:10 AM
2. Roll Call: Present:       Mr. Alan Sleeter, Vice-Chairman  
                                  Mrs. Melissa Wellens, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mr. Allan Stranz  
  
Others Present:           Mr. Gabe Moody, Assistant Zoning Administrator  
                                  Mr. Ewald Schwabe  
                                  Mr. Eric Bulin
3. Mr. Moody read the Notice of Public Hearing pertaining to Ewald Schwabe's application for a conditional use permit to continue to operate a quarry. Location of the property is in Section 20, T29N, R21E, 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 June 1, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Eric Bulin appeared and was sworn in. He stated that he is the agent from Biehl Construction. They are requesting a conditional use permit to continue to operate a quarry. No changes. They are in the final stages and reclamation is ongoing. They plan to be finished within the next 2 years. The water stays in the existing pond.
  - B. 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 – Recommends Approval;
8. Testimony closed at 10:16 AM
9. Deliberation/Discussion: Discussed conditions. Everything is on schedule. Haven't received any complaints.
10. Decision: Moved by Ragen, seconded by Wellens to grant a conditional use to continue to operate a quarry with the following conditions:
  1. Hours of Operation:
    - a. Hauling – 6:00 AM to 8:00 PM – Monday thru Saturday
    - b. Crushing – 6:00 AM to 6:00 PM – Monday thru Friday

Ewald Schwabe Public Hearing  
July 31, 2015  
Pg. #2

2. Pipe gate to be maintained at entrance;
3. Reclamation plan must meet the standards of the Oconto County Non-Metallic Mining Ordinance;
4. This permit will expire on September 4, 2018

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

11. Hearing adjourned at 10:17 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

Gabe Moody  
Assistant Zoning Administrator

NOTICE OF DECISION AND ORDER  
OCONTO COUNTY ZONING BOARD OF ADJUSTMENT

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 8/5/15 BY MS

CASE NO: CU-20150035

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

1. The applicant is Ewald Schwabe, 4210 Little River Rd, Lena, WI, 54139.
2. The applicant is the owner of record of parcel number 022-142001744, 022-142001542, 022-142001031, 022-142001441, 022-142001643 located in Section 20, T29N, R21E, Town of Little River.
3. The conditional use permit application was filed with the Board Secretary on June 1, 2015, noticed, as provided for by law, on July 15, 2015 and July 22, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 7/31/2015.
4. The property is zoned Agriculture w/Quarry Overlay District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit to continue to operate a quarry.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

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

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

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

**GRANT OF CONDITIONAL USE PERMIT**

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

1. Hours of Operation:
  - a. Hauling – 6:00 AM to 8:00 PM – Monday thru Saturday
  - b. Crushing – 6:00 AM to 6:00 PM – Monday thru Friday
2. Pipe gate to be maintained at entrance;
3. Reclamation plan must meet the standards of the Oconto County Non-Metallic Mining Ordinance;
4. This permit will expire on September 4, 2018

**GENERAL CONDITIONS**

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

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

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

  
\_\_\_\_\_  
Melissa Wellens, Secretary  
Oconto County Board of Adjustment

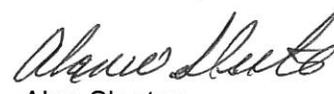
8-4-15  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
July 31, 2015

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10), STATUTORY PURPOSES  
DATE 8/5/15 BY NLS

1. Hearing called to order at 10:52 AM
2. Roll Call: Present:           Mr. Alan Sleeter, Vice-Chairman  
                                      Mrs. Melissa Wellens, Secretary  
                                      Mr. Karl Ballestad  
                                      Mr. Elmer Ragen  
                                      Mr. Allan Stranz  
  
Others Present:                Mr. Gabe Moody, Assistant Zoning Administrator  
                                      Ms. Linda Kurtz, Mi-Tech Services Inc – Agent for WE Energies
3. Mr. Moody read the Notice of Public Hearing pertaining to Michigan-Wisconsin Pipeline Co's application for a variance to build closer to the road. Location of the property is in Section 24, T28N, R19E, Town of Oconto Falls.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on June 26, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Ms. Linda Kurtz appeared and was sworn in. She stated that she is Michigan-Wisconsin Pipeline Co's agent. They are requesting a variance to build closer to the road. Need a variance to replace the existing building because of deterioration. Must be in the same location because of piping equipment that regulates the gas. Will be in the same footprint. Another building over the heater will be built at the same time. Structure will be 62.1' from the traveled road centerline.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
8. Testimony closed at 10:58 AM
9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees the applicant meets the 3-steps to grant a variance.
  1. Unique Physical Property Limitation – Location of the existing gas equipment;
  2. No Harm to Public Interest – Replacing building only.
  3. Unnecessary Hardship is it would be unnecessarily burdensome to move the existing equipment.
10. Decision: Moved by Stranz, seconded by Ragen to reduce the required 63' setback from the centerline of a town road to 61' from the centerline of Chestnut Rd. Roll Call Vote: Ballestad, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motioned carried.
11. Hearing adjourned at 11:02 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

Gabe Moody  
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 8/5/15 BY nd  
CASE NO: VA-20150017

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

1. The petitioner is Michigan-Wisconsin Pipeline Co, W3925 Pipeline Ln, Eden, WI 53019
2. The petitioner is the owner of record of parcel number 032-242402931D located in the NE ¼, SW ¼, Section 24, T28N, R19E, Town of Oconto Falls.
3. The petition for variance was filed with the Board Secretary on June 26, 2015, noticed, as provided for by law, on July 15, 2015 and July 22, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 7/31/2015.
4. The property is zoned Industrial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 63' from the centerline of a town road. Specifically, the petitioner is requesting to build a shed 56' from the centerline of Chestnut Road.
6. The hardship claimed in this matter is it would be unnecessarily burdensome to move the gas equipment.
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 replace the building without a variance.
4. The unique physical limitation of the property is the location of the existing gas equipment.
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 to reduce the required 63' setback from the centerline of a town road to 61' from the centerline of Chestnut Rd 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

8-4-15  
\_\_\_\_\_  
Date

**AMENDED MINUTES OF HEARING**  
OCONTO COUNTY BOARD OF ADJUSTMENT  
July 31, 2015

1. Hearing called to order at 11:45 AM
2. Roll Call: Present:        Mr. Alan Sleeter, Vice-Chairman  
                                     Mrs. Melissa Wellens, Secretary  
                                     Mr. Karl Ballestad  
                                     Mr. Elmer Ragen  
                                     Mr. Allan Stranz  
  
Others Present:            Mr. Gabe Moody, Assistant Zoning Administrator  
                                     Ms. Linda Kurtz, Mi-Tech Services Inc – Agent for WE Energies  
                                     Mr. Terry Telford  
                                     Mr. William Laehn – WE Energies
3. Mr. Moody read the Notice of Public Hearing pertaining to Michigan-Wisconsin Pipeline Co's application for a variance to build closer to the road, side and rear lot lines. Location of the property is in Section 22, T28N, R18E, Town of Gillett.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on June 26, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Ms. Linda Kurtz appeared and was sworn in. She stated that she is requesting a variance to build closer to the road, side and rear lot lines. The existing equipment was in place before 1984. Need to construct a building over the heater equipment. The pilot light goes out due to the weather. Would like to construct a 8' x 16' x 10' building to protect the equipment. The building would be 50'.7" from the centerline of High St., 35'.7" from the right of way, 42'.3" from the north side lot line, 41'.7" from the south side lot line and 6'.3" from the east lot line.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
8. Testimony closed at 11:53 AM
9. Deliberation/Discussion: The BOA Discussed the Findings of Fact and agrees the application meets the 3 steps to grant a variance.
  1. Unique Physical Property limitation – Small Lot;
  2. No Harm to Public Interest – existing equipment. Minimum changes;
  3. Hardship – Unnecessarily Burdensome to move the existing equipment;

10. Decision: Moved by Stranz, seconded by Ballestad to reduce the required 63' setback from the centerline of a town road to 40' from the centerline of High St., to reduce the required 20' setback from the rear lot line to 6' from the rear lot line, to reduce the required 10' setback from the side lot to 2' on the north lot line and 1' on the south lot line. Roll Call Vote: Ballestad, Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motioned carried.
11. Hearing adjourned at 11:55 AM

  
Melissa Wellens  
Secretary

  
Alan Sleeter  
Vice-Chairman

Gabe Moody  
Assistant Zoning Administrator

AMENDED NOTICE OF DECISION AND ORDER  
OCONTO COUNTY BOARD OF ADJUSTMENT

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

DATE 9/1/15 BY MS

CASE NO: VA-20150018

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

1. The petitioner is Michigan-Wisconsin Pipeline Co, W3925 Pipeline Ln, Eden, WI 53019
2. The petitioner is the owner of record of parcel number 016-222200911K located in the NE ¼, NE ¼, Section 22, T28N, R18E, Town of Gillett.
3. The petition for variance was filed with the Board Secretary on June 26, 2015, noticed, as provided for by law, on July 15, 2015 and July 22, 2015, and a public hearing was held by the Oconto County Board of Adjustment on July 31, 2015.
4. The property is zoned Industrial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 63' from the centerline of a town road, side lot lines and rear lot line. Specifically, the petitioner is requesting to build a shed 54' from the centerline of a town road and 3' from the rear lot line.
6. The hardship claimed in this matter is the existing equipment and it's unnecessarily burdensome to move the equipment.
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 not result in practical difficulty or unnecessary hardship to the applicant because they cannot build without a variance due to the lot size.
4. The unique physical limitation of the property is the small 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 40' from the centerline of High St., to reduce the required 20' setback from the rear lot line to 6' from the rear lot line, to reduce the required 10' setback from the side lot to 2' on the north lot line and 1' on the south lot line 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

9-1-15  
Date