

AMENDED MINUTES
FRIDAY, OCTOBER 30, 2015 – 9:00 A.M.
BOARD OF ADJUSTMENT COMMITTEE
ROOM #1004 - 1ST FLR COURTHOUSE BUILDING "A"
301 WASHINGTON STREET, OCONTO, WI 54153-1699
www.co.oconto.wi.us

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

ABSENT: Sleeter

OTHERS PRESENT: Gabe Moody, Patrick Virtues, Cheryl Mick-Corp Counsel and Atty Warpinski

1. Approval of Agenda
 - a. Change of Sequence
Motion by Ragen, seconded by Ballestad to move the Closed Session before the Approval of Minutes. Motion voted on and carried.
Motion by Ragen, seconded by Nichols to approval the agenda as amended. Motion voted on and carried.
3. CLOSED SESSION: The Committee may convene into closed session under the provisions of WI Stat. 19.85(1)(g) for the purpose of conferring with legal counsel for Oconto County who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
Moved by Ragen, seconded by Ballestad to go into closed session to include Corp Counsel, Cheryl Mick, Pat Virtues, Gabe Moody and the BOA. Motion voted on and carried.
4. The Committee may return to open session to conduct legal business as allowed by WI Stat. 19.85(2).
Discussion with Corp Counsel Mick, Pat Virtues and Atty Warpinski, who represents Andrew & Brenda Greene, concerning the BOA decision of July 30, 2015. Corp Counsel Mick explained her interpretation of the decision. Atty Warpinski stated that he does not agree with the County's interpretation of the variance. At this point, Atty Warpinski left the meeting. Further discussion was held between Corp Counsel & the BOA. Motion by Ballestad, seconded by Ragen to direct Corp Counsel Mick to send a letter to Atty Warpinski clarifying the Greene decision the BOA rendered on July 30, 2015.
2. Approval of Minutes
 - a. Business Meeting
Moved by Ballestad, seconded by Ragen, to approve the meeting minutes of October 1, 2015. Motion voted on and carried.
 - b. Public Hearings
Moved by Ragen, seconded by Nichols to approve the minutes from the following hearings. Motion voted on and carried.
 - i. October 28, 2015
 1. Brandi Reignier
 2. Randall Sanders
 3. Brad Wallace
 4. David & Deborah Gehrt etal
5. Public Comments/Miscellaneous
Gabe Moody read a letter directed to Robert Kolkowski regarding a Notice of Ordinance Violation.
6. Adjournment
 - a. The Board selected November 30, 2015 as the public hearing date.
 - b. The Board selected December 4, 2015 as the business meeting date.
7. Adjournment
Moved by Nichols, seconded by Wellens to adjourn. Motion voted on and carried.

Melissa Wellens – Secretary

Allan Stranz – Vice-Chair

MW/mls Date posted: 11/2/15

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
September 29, 2015

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

1. Hearing called to order at 9:38 AM
2. Roll Call: Present: Mr. Allan Stranz, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Ms. Diane Nichols

Absent: Mr. Alan Sleeter, Chairman

Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Mr. Bruce Best
 Ms. Joyce Best
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Bruce Best's application for a conditional use permit to exceed the 18' height limitation on an accessory structure. Location of the property is in Section 31, 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 August 17, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Bruce Best appeared and was sworn in. He is requesting a conditional use permit to exceed the 18' height limitation on an accessory structure. Will be retiring and moving to the cabin. Need more storage space to store all their belongings. The upstairs of the garage will be a studio/sewing room/office for his wife. The 28' x 44' room will have a full bathroom with a washer and dryer. His wife is a quilter. Has received permission from the Lakewood Sanitary District. Received a variance for the garage itself on August 24, 2012 but since then the ordinance has changed and he now needs a conditional use permit for the 18' height requirement. His wife will be only using it for her craft work.
 - B. Ms. Joyce Best appeared and was sworn in. She stated that the only use for the second floor of the garage, besides storage, is for her craftwork.
 - C. Mr. Bruce Best reappeared and stated that when they met with the town, it was established that they would not be running a business from the garage.
 - D. Mr. Bill Bartz, Jr. appeared and was sworn in.

7. Correspondence

A. Recommendation Form from the Town of Lakewood – Recommends approval

8. Testimony closed at 9:56 AM

9. Deliberation/Discussion: Discussed the conditional use permit request. Should a shower be located in this building? Discussed conditions.

10. Decision: Moved by Ballestad, seconded by Ragen to grant a conditional use permit to exceed the 18' height limitation on an accessory structure with the following conditions:

1. Not to exceed 25' in height;
2. Cannot operate a business out of the structure;
3. No habitation as defined by the Oconto County Zoning Ordinance 14.402
4. No shower or tub allowed

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

11. Hearing adjourned at 10:01 AM


Melissa Wellens
Secretary


Allan Stranz
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 10/1/15 BY MWS

CASE NO: CU-20150039

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

1. The applicant is Bruce Best, 201 Jackson St, Yorkville, IL, 60560.
2. The applicant is the owner of record of parcel number 019-413113231C1 located in the SW¼, Section 31, T33N, R16E, Town of Lakewood.
3. The conditional use permit application was filed with the Board Secretary on August 17, 2015, noticed, as provided for by law, on September 9, 2015 and September 16, 2015, and a public hearing was held by the Oconto County Board of Adjustment on September 29, 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 on 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 on an accessory structure is hereby granted subject to the following conditions:

1. Not to exceed 25' in height;
2. Cannot operate a business out of the structure;
3. No habitation as defined by the Oconto County Zoning Ordinance 14.402
4. No shower or tub allowed

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 10-1-15

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
September 29, 2015

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

1. Hearing called to order at 10:05 AM
2. Roll Call: Present: Mr. Allan Stranz, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Ms. Diane Nichols

Absent: Mr. Alan Sleeter, Chairman

Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Mr. Harry Smith
 Mr. Eric August
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Eric August & Dale Kropp's application for a variance to create lots with less than 100' of road frontage, less than 20,000 sq. ft of lot size and variances to build closer to the water and side lot line. Location of the property is in Section 27, 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 August 9, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Harry Smith appeared and was sworn in. He stated that he is the surveyor and agent requesting a variance for Mr. August & Mr. Kropp. They are requesting a variance to create lots with less than 100' of road frontage, less than 20,000 sq. ft. of lot size and a variance for the house to be closer to the water and side lot line. The existing house is too close to the lot line. Mr. Kropp is deeding 1.5' of land to Mr. August to correct this. A variance is now needed for Mr. August's home because the lot line has changed.
 - B. Mr. Eric August appeared and was sworn in. He stated that when he purchased the property, he knew there was a problem and it should have been deeded over, but when the survey was done, he realized it had never actually been done.
 - C. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
8. Testimony closed at 10:26 AM

8. Testimony closed at 10:26 AM
9. Deliberation/Discussion: The BOA discussed the findings of Fact and agrees that this meets the 3-steps to granting a variance.
 1. The Unique limitation – the existing condition is the lot is too small;
 2. No harm to public interest - the lot is existing. There is no change.
 3. Unnecessary Hardship – Need to bring into compliance. The house is across the neighbor's lot line.
10. Decision: Moved by Ragen, seconded by Nichols to grant the following variances.

Lot #1

18' road frontage variance
8.5' side lot line variance

Lot #2

43' road frontage variance
42' water variance
43' building site variance
8,667' variance from the 20,000
sq. ft. requirement

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

11. Hearing adjourned at 10:33 AM


Melissa Wellens
Secretary


Allan Stranz
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 10/1/15 BY TM

CASE NO: VA-20150024

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

1. The petitioner is Eric August & Dale Kropp, N7623 Olson Rd, Oneida, WI 54155
2. The petitioner is the owner of record of parcel number 019-8722104 & 019-8722103 located in Section 27, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on August 9, 2015, noticed, as provided for by law, on September 9, 2015 and September 16, 2015, and a public hearing was held by the Oconto County Board of Adjustment on September 29, 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 certified survey lot must have must have 100' of road frontage, 100' of water frontage and be 20,000 sq. ft in lot size. In addition, the petitioner is seeking a variance from the requirement that a dwelling must be 10' from the side lot line and 75' from the ordinary high water mark. Specifically, the petitioner is requesting to create two lots by certified survey. Lot #1 will have 82.59' of road frontage and is requesting a side lot line variance for an existing house that is 1.5' from the south lot line. Lot #2 will have 57.87' of road frontage, 58.26 of water frontage, 11,333 sq. ft in lot size and is requesting a variance for a cabin that is 48' from the ordinary high water mark of Wheeler Lake.
6. The hardship claimed in this matter is the house is on the neighbor's lot and the lots are small.
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 bring the house into compliance.
4. The unique physical limitation of the property is the 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 variances to create lots with less than 100' of road frontage, less than 20,000 sq. ft of lot size and variances to build closer to the water and side lot line are hereby granted as follows:

Lot #1

18' road frontage variance
8.5' side lot line variance

Lot #2

43' road frontage variance
42' water variance
43' building site variance
8,667' variance from the 20,000 sq. ft. requirement

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

10-1-15
Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
September 29, 2015

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

1. Hearing called to order at 10:38 AM
2. Roll Call: Present: Mr. Allan Stranz, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Ms. Diane Nichols

Absent: Mr. Alan Sleeter, Chairman

Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Mr. Scott Poulsen
 Mr. Jim Decker
 Ms. Cindy Decker
 Mr. John Burzik
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Katherine Jensen's application for a variance to build closer to the road right-of-way. Location of the property is in Section 13, 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 August 27, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Scott Poulsen appeared and was sworn in. He stated that he is requesting a variance to build closer to the road right-of-way. Would like to build a 26' x 26' garage, 14' from the property line, which is the road right-of-way. Part of the garage may have a lower level for storage. Plan to keep the height at 18' and will have 1-16' electric garage door. The garage will have electricity, but no plumbing or heating. Cannot move the garage any farther back because of the steep slope. The lower level would be built into the hill and may be only 8' long to store canoes, etc.
 - B. Mr. James Decker appeared and was sworn in. He stated that he has seen many changes in the last couple of weeks to the proposed garage. Have concerns about granting a variance without knowing what will actually be constructed.
 - C. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
8. Testimony closed at 10:58 AM

9. Deliberation/Discussion: The BOA discussed the findings of fact and agrees that the application meets the 3 steps to grant a variance.

1. Unique Physical limitation – the steep slope;
2. No harm to public interest – there is room for snow removal and it meets the ordinary high water mark setback;
3. Unnecessary hardship is the steep slope.

10. Decision: Moved by Wellens, seconded by Ragen to reduce the required 30' road right-of-way setback to 14' from the right-of-way on Thomas Lane. Roll Call Vote: Ballestad, Nichols, Ragen, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 11:05 AM


Melissa Wellens
Secretary


Allan Stranz
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 10/1/15 BY WJS

CASE NO: VA-20150027

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

1. The petitioner is Katherine Jensen, 425 Quail Point Dr, Racine, WI 53406
2. The petitioner is the owner of record of parcel number 019-131301312F located in the NE ¼, NE ¼, Section 13, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on August 27, 2015, noticed, as provided for by law, on September 9, 2015 and September 16, 2015, and a public hearing was held by the Oconto County Board of Adjustment on September 29, 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 30' from the road right-of-way. Specifically, the petitioner is requesting to build a garage 8' from the road right-of-way on Thomas Lane.
6. The hardship claimed in this matter is the steep slopes.
7. The applicant is requesting a variance under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance.

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

1. The Board has jurisdiction of this matter under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance.
2. Violations of the Oconto County Zoning Ordinance will not exist as a result of this action.
3. A literal enforcement of the terms of the Oconto County Zoning Ordinance will result in practical difficulty or unnecessary hardship to the applicant because they cannot build without a variance with the steep slope.
4. The unique physical limitation of the property is the steep slope.
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 30' road right-of-way setback to 14' from the right-of-way on Thomas 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

10-1-15

Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
September 29, 2015

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

1. Hearing called to order at 12:00 PM
2. Roll Call: Present: Mr. Allan Stranz, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Ms. Diane Nichols

Absent: Mr. Alan Sleeter, Chairman

Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Mr. Jerry Hull
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Bob Parson's application for a variance to build closer to the water. Location of the property is in Section 31, 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 August 25, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Jerry Hull appeared and was sworn in. He stated that he is requesting a variance to build closer to the water. Removing the old house and replacing it with a 32' x 26' 1-story, 3-bedroom home with a loft. Will install a sand point well and holding tank septic system.
 - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
8. Testimony closed at 12:21 PM
9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees that this application meets the 3 steps to granting a variance.
 1. Property limitation – small lot, steep hill with large rocks. The shape of the lot which has water on 2 sides;
 2. Will not harm public interest – basically same foot print;
 3. Unnecessary hardship – due to large rocks and shape of the lot with water on 2 sides;

10. Decision: Moved by Ragen, seconded by Nichols to reduce the required 75' ordinary high water mark setback to 21' on the north side and 34' on the west side and to direct the impervious water run-off away from the lake. These variances are for the house only. Roll Call Vote: Ballestad, Nichols, Ragen, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 12:25 PM


Melissa Wellens
Secretary


Allan Stranz
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 10/1/15 BY MS
CASE NO: VA-20150026

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

1. The petitioner is Bob Parson, 26 Brentwood Ln, Appleton, WI 54915
2. The petitioner is the owner of record of parcel number 029-68311123217 located in the SW ¼, SW ¼, Section 31, T31N, R17E, Town of Mountain.
3. The petition for variance was filed with the Board Secretary on August 25, 2015, noticed, as provided for by law, on September 9, 2015 and September 16, 2015, and a public hearing was held by the Oconto County Board of Adjustment on September 29, 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 26' from the ordinary high watermark of Chute Pond and 28' from the ordinary high watermark of Chute Pond.
6. The hardship claimed in this matter is the bedrock, shape of the lot and water on 2 sides.
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 shape of the lot, the bedrock and water on both sides.
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 21' on the north side and 34' on the west side and to direct the impervious water run-off away from the lake. These variances are for the house only consisting of 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

10-1-15

Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
September 29, 2015

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

1. Hearing called to order at 2:17 PM
2. Roll Call: Present: Mr. Allan Stranz, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Ms. Diane Nichols

Absent: Mr. Alan Sleeter, Chairman

Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Mr. Michael Macco
 Mr. Steve Lammers
 Ms. Judy Komisarek
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Michael Macco's application for a variance to build closer to the road. Location of the property is in Section 30, T30N, R19E, Town of Brazeau.
4. Mr. Bartz, Jr. stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Bartz, Jr. stated that the petition was filed on August 28, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Michael Macco appeared and was sworn in. He stated that he is requesting a variance to build closer to the road. Has owned the home for 15 years. Would like to construct an 18' x 22' addition with a full basement and remodel the garage. The proposed addition will be 57' from the centerline of North Marl Lake Rd. and the garage is 46' from the centerline of North Marl Lake Rd.
 - B. Mr. Steve Lammers appeared and was sworn in. He stated that he is a neighbor to the north. He approves of the variance. Mr. Macco is a good neighbor.
 - C. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
8. Testimony closed at 2:35 PM
9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees the variance request meets three steps to grant a variance.

1. Physical Limitation of the Property – the size of the lot and wetlands;
2. No harm to public interest – the building is on the road side of the lot. No problems with snow removal;
3. Unnecessary Hardship is there is not enough room on the lot to build due to the wetland and floodplain issues.

10. Decision: Moved by Ballestad, seconded by Nichols to reduce the required 63' setback from the centerline of a town road to 57' from the centerline of North Marl Lake Road for the house and to 46' from the centerline of North Marl Lake Road for the garage. Roll Call Vote: Ballestad, Nichols, Ragen, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 2:40 PM


Melissa Wellens
Secretary


Allan Stranz
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 10-1-15 708
CASE NO. VA-20150029

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

1. The petitioner is Michael Macco, 3013 Marble Mountain Way, Green Bay, WI 54313
2. The petitioner is the owner of record of parcel number 008-3030021148 located in the SE ¼, NE ¼, Section 30, T30N, R19E, Town of Brazeau.
3. The petition for variance was filed with the Board Secretary on August 28, 2015, noticed, as provided for by law, on September 9, 2015 and September 16, 2015, and a public hearing was held by the Oconto County Board of Adjustment on September 29, 2015.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 63' from the centerline of a town road. Specifically, the petitioner is requesting to build a garage 53' from the centerline of N. Marl Lake Rd.
6. The hardship claimed in this matter is they cannot build without a variance because of the lot size.
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 size 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 57' from the centerline of North Marl Lake Road for the house and to 46' from the centerline of North Marl Lake Road for the garage is hereby granted.

GENERAL CONDITIONS

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

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

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



Melissa Wellens, Secretary
Oconto-County Board of Adjustment

10-1-15

Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
October 1, 2015

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

1. Hearing called to order at 8:49 AM
2. Roll Call: Present: Mr. Allan Stranz, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Ms. Diane Nichols

Absent: Mr. Alan Sleeter, Chairman

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Ms. Ronda Hugo
3. Mr. Moody read the Notice of Public Hearing pertaining to Ronda Hugo's application for a conditional use permit for a mini storage unit. Location of the property is in Section 22, 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 August 16, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Ms. Ronda Hugo appeared and was sworn in. She stated that she is requesting a conditional use permit for additional mini-storage units. She is requesting to add 4 units at this time. There will be a total of 12 more units planned for the property. Will be installing an additional two dusk to dawn lights.
 - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
 - A. Town Recommendation Form from the Town of Lt. Suamico – Recommends Approval;
8. Testimony closed at 8:59 AM
9. Deliberation/Discussion: Discussed conditions of the permit. There are wetlands in the area of the proposed last 4 units. The zoning office will review as part of the permit process. There have been no complaints.
10. Decision: Moved by Nichols, seconded by Ragen to grant a conditional use permit for storage units with the following conditions:

1. The area around the building to be mowed and trimmed on a regular basis;
2. No business of any kind to be run out of any unit and no human occupancy at any time.
3. No outside storage of any objects;
4. Outside lighting sufficient to cover the entire area;
5. Hours of Operation – 24 hours a day – 7 days a week;
6. Snow to be cleared on a regular basis;
7. Limit of 12 additional buildings with the last four to be reviewed by the Oconto County Zoning Office;
8. This conditional use permit will include the original storage building

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

11. Hearing adjourned at 9:01 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 10/1/15 BY MJ

CASE NO: CU-20150040

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

1. The applicant is Ronda Hugo, 1175 Riverwood Ln, Sobieski, WI, 54171.
2. The applicant is the owner of record of parcel number 024-162201212A3 located in Section 22, T26N, R20E, Town of Little Suamico.
3. The conditional use permit application was filed with the Board Secretary on August 16, 2015, noticed, as provided for by law, on September 9, 2015 and September 16, 2015, and a public hearing was held by the Oconto County Board of Adjustment on October 1, 2015.
4. The property is zoned General Commercial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit for a mini storage unit.
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 mini storage unit is hereby granted subject to the following conditions:

1. The area around the building to be mowed and trimmed on a regular basis;
2. No business of any kind to be run out of any unit and no human occupancy at any time.
3. No outside storage of any objects;
4. Outside lighting sufficient to cover the entire area;
5. Hours of Operation – 24 hours a day – 7 days a week;
6. Snow to be cleared on a regular basis;
7. Limit of 12 additional buildings with the last four to be reviewed by the Oconto County Zoning Office;
8. This conditional use permit will include the original storage building;

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

10-1-15

Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
October 1, 2015

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

1. Hearing called to order at 9:47 AM
2. Roll Call: Present: Mr. Allan Stranz, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Ms. Diane Nichols

Absent: Mr. Alan Sleeter, Chairman

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Mr. Melvin Mortier – Deputy Zoning Administrator
 Mr. Paul Kaminski
3. Mr. Moody read the Notice of Public Hearing pertaining to Paul Kaminski's application for a conditional use permit for a dwelling over 15 years old. Location of the property is in Section 07, T28N, R21E, 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 July 28, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Paul Kaminski appeared and was sworn in. He stated he is requesting a conditional use permit for a 1983 16' x 80' mobile home. The mobile home is currently located in the Oconto area. The 2-bedroom, 1-bathroom mobile home has been renovated and in excellent condition. The roof is domed, there is a 220 amp electrical service and thermopane windows. The mobile home is for his daughter and will be placed on a separate lot with a driveway easement. The mobile home will be placed on a slab with tie downs.
 - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
 - A. Town Recommendation Form from the Town of Oconto – recommends approval;
8. Testimony closed at 10:00 AM
9. Deliberation/Discussion: Discussed conditions. The BOA reviewed the pictures and agrees the home is in excellent condition.

Decision: Moved by Ballestad, seconded by Ragen to grant a conditional use permit for a 1983 - 16' x 80' mobile home with the conditions that the exterior is presentable and there is no building or filling in the wetlands. Roll Call Vote: Ballestad, Nichols, Ragen, Stranz and Wellens all voting aye, no nays, motion carried.

10. Hearing adjourned at 10:03 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 10/1/15 BY ms

CASE NO: CU-20150038

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

1. The applicant is Paul Kaminski, 6601 Sprise Rd, Lena, WI, 54139.
2. The applicant is the owner of record of parcel number 030-070701441A located in the NE¼, SE¼, Section 07, T28N, R21E, Town of Oconto.
3. The conditional use permit application was filed with the Board Secretary on July 28, 2015, noticed, as provided for by law, on September 9, 2015 and September 16, 2015, and a public hearing was held by the Oconto County Board of Adjustment on October 1, 2015.
4. The property is zoned Agriculture District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit for a dwelling over 15 years old.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

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

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

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

GRANT OF CONDITIONAL USE PERMIT

The requested conditional use permit for a 1983 - 16' x 80' mobile home is hereby granted with the conditions that the exterior is presentable and there is no building or filling in the wetlands.

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

10-1-15

Date