

MINUTES
FRIDAY, JANUARY 29, 2016 – 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

(Draft minutes not approved by Committee)

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

ABSENT: Stranz

OTHERS PRESENT: Gabe Moody

1. Moved by Nichols, seconded by Ragen to approve the agenda with the removal of 2.b.i.6 - Caelwaerts. Motion voted on and carried.
2. Approval of Minutes
 - a. Business Meeting
Motion by Ballestad, seconded by Wellens to approve minutes of January 8, 2016.
Motion voted and carried.
 - b. Public Hearings
Moved by Ragen, seconded by Nichols to approve the minutes of
 - i. January 27, 2016
 1. Michael Secora
 2. Beverly French
 3. William Bowman
 4. WICO, Inc
 5. Peter Hermsen, etal
3. Public Comments/Miscellaneous
None.
4. Hearing Dates
 - a. The Board selected February 29, 2016 as the public hearing date.
 - b. The Board selected February 29, 2016 as the business meeting date.
6. Adjournment
Moved by Wellens, seconded by Ballestad to adjourn. Motion voted on and carried.

Melissa Wellens – Secretary

Alan Sleeter – Chair

MW/mls Date posted: 02/4/16

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1/29/16 BY MS

1. Hearing called to order at 8:50 AM
2. Roll Call: Present: Mr. Alan Sleeter, Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Ms. Diane Nichols

Absent: Mr. Allan Stranz, Vice-Chairman

Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Mr. Michael Secora
 Ms. Sharon Secora
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Michael Secora's application for a variance to build closer to the water and road. Location of the property is in Section 28, 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 December 18, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Michael Secora appeared and was sworn in. He stated that he is requesting a variance to build a 16' x 20' addition closer to the water and road. The proposed addition will be constructed to the back side of the 20' x 24' - 480 sq. ft. cottage. Rotating the direction of the deck. It won't be any bigger or any closer to the water. Will drill a new well and install a new septic. Plans on building a garage in the future. The lot is fairly flat until it slopes to the water. He purchased the 1.3 acre property in September of 2015. Did not plan on rebuilding. Just wanted to build up to 750 sq. ft.
 - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
 - A. Letter from Dale Rezabek, DNR - supports County Staff report for denial.
8. Testimony closed at 9:05 AM
9. Deliberation/Discussion: The BOA discussed the findings of fact and agrees the variance request does not meet the 3 steps.

Michael Secora Public Hearing
January 27, 2016
Pg. #2

1. Unique Physical Property Limitation – Does not meet the requirement. There is enough room to move back to 75’;
2. No harm to Public Interest – Will harm due to the additional impervious surface area;
3. Unnecessary Hardship – There is enough room to build without a variance.

10. Decision: Moved by Nichols, seconded by Ballestad to deny the requested water variance due to not meeting Findings of Fact 3-steps to granting a variance. Roll Call Vote: Ballestad, Nichols, Ragen, Sleeter and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 9:16 AM


Melissa Wellens
Secretary


Alan Sleeter
Chairman

William Bartz Jr.
Assistant Zoning Administrator

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1/29/16 BY MS

CASE NO: VA-20150042

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 Secora, 2686 Valentine Rd, Abrams, WI 54101
2. The petitioner is the owner of record of parcel number 042-282808604B located in the SE ¼, NW ¼, Section 28, T33N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on December 18, 2015, noticed, as provided for by law, on January 13, 2016 and January 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on January 27, 2016.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 75' from the ordinary high water mark and 63' from the centerline of a town road. Specifically, the petitioner is requesting to build an addition 44" from the ordinary high water mark of the Little Horn Lake and 44' from the centerline of Meadow Parkway.
6. The hardship claimed in this matter is they need to meet the 750 sq. ft. requirement.
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 meet the setbacks.
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

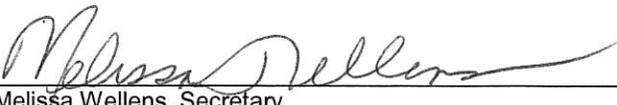
The requested water and road variance is hereby denied.

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

1-29-16

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1/29/16 BY ML

1. Hearing called to order at 9:55 AM
2. Roll Call: Present: Mr. Alan Sleeter, Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Ms. Diane Nichols

Absent: Mr. Allan Stranz, Vice-Chairman

Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Ms. Beverly French
 Ms. Brenda Garbo
 Ms. Katherine Neuberger
 Mr. Richard Bott
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Beverly French'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 December 22, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Ms. Beverly French appeared and was sworn in. She stated that she is requesting a variance from the ordinary high water mark setback to rebuild the entryway. The existing entry way is rotting and the roof is leaking. Would like to build a bigger entry way for extra storage. The new addition would be 8' x 16' to meet the end of the cottage. The new entry way may need to be put on the other side. Has owned the 30' x 30' cottage for 20 years.
 - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
 - A. Letter from Richard & Marcia Bott – No variance should be granted;
 - B. Letter from Joseph & Katherine Neuberger – No variance should be granted;
 - C. Letter from Dale Rezabek, DNR - supports County Staff report for denial.
8. Testimony closed at 9:55 AM

9. Deliberation/Discussion: The BOA discussed the Findings of Fact.

1. Unique Physical Property Limitation – None
2. No Harm to Public Interest – Will Create more impervious surface in the 75' setback;
3. Unnecessary Hardship – None – can rebuild entry way on same footprint without a variance.

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

11. Hearing adjourned at 10:20 AM


Melissa Wellens
Secretary


Alan Sleeter
Chairman

William Bartz Jr.
Assistant Zoning Administrator

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1/29/16 BY MS

CASE NO: VA-20160001

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

1. The petitioner is Beverly French, 325 St. Francis Dr, Green Bay, WI 54301
2. The petitioner is the owner of record of parcel number 019-32220527B located in the Section 22, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on December 22, 2015, noticed, as provided for by law, on January 13, 2016 and January 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on January 27, 2016.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 75' from the ordinary high water mark. Specifically, the petitioner is requesting to build an addition 70' from the ordinary high water mark of Wheeler Lake.
6. The hardship claimed in this matter is the entryway is rotting and leaking.
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 the can rebuild the entryway without a variance.
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

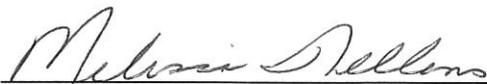
The requested water variance is hereby denied.

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

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1/29/16 BY WJ

1. Hearing called to order at 11:36 AM
2. Roll Call: Present: Mr. Alan Sleeter, Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Ms. Diane Nichols

Absent: Mr. Allan Stranz, Vice-Chairman

Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to WICO, Inc.'s application for a conditional use permit for a dwelling over 15 years old. Location of the property is in Section 30, T31N, R17E, Town of Mountain.
4. Mr. Bartz, Jr. stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Bartz, Jr. stated that the petition was filed on December 7, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Anthony Widowski appeared and was sworn in. He stated that he is requesting a conditional use permit for a dwelling over 15 years old. Purchased a 1987-16' x 80' 3-bedroom from a customer. The mobile home has vinyl siding, a shingled roof, new windows, 100 amp electrical service and is in excellent conditions. Will be placed on Lot #43.
 - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
 - A. Town Recommendation Form from the Town of Mountain – Recommends approval;
8. Testimony closed at 11:45 AM
9. Deliberation/Discussion: The BOA discussed the fact that an on-site inspection was not scheduled. The Town approved the conditional use permit for the mobile home and because he has a good record of placing mobile homes in excellent condition in his court, the BOA agrees to grant a conditional use permit.

WICO, Inc Public Hearing
January 27, 2016
Pg. #2

10. Decision: Moved by Ragen, second by Ballestad to approve the conditional use permit for a 1987 – 16' x 80' mobile home with no conditions. Roll Call Vote: Ballestad, Nichols, Ragen, Sleeter and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 11:47 AM


Melissa Wellens
Secretary


Alan Sleeter
Chairman

William Bartz Jr.
Assistant Zoning Administrator

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1/29/16 BY ms

CASE NO: CU-20160002

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

1. The applicant is WICO, Inc., PO Box 127, Mountain, WI, 54149.
2. The applicant is the owner of record of parcel number 029-6730020335 located in Section 30, T31N, R17E, Town of Mountain.
3. The conditional use permit application was filed with the Board Secretary on December 7, 2015, noticed, as provided for by law, on January 13, 2016 and January 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on 01/27/2016.
4. The property is zoned Residential Multiple Family 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 a conditional use permit for a 1987 – 16' x 80' mobile home with no conditions is hereby granted.

GENERAL CONDITIONS

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

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

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



Melissa Wellens, Secretary
Oconto County Board of Adjustment

1-29-16

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1/29/16 BY MS

1. Hearing called to order at 11:04 AM
2. Roll Call: Present: Mr. Alan Sleeter, Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Ms. Diane Nichols

Absent: Mr. Allan Stranz, Vice-Chairman

Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Mr. William Bowman
 Ms. Shawnee Bowman
 Mr. Greg Haak – Brickyard Contractors
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to William Bowman's application for a variance to build closer to the water. Location of the property is in Section 26, 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 November 8, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Greg Haak appeared and was sworn in. He stated that he is the agent for Mr. Bowman who is requesting a variance to build closer to the water. He would like to replace the existing wooden steps. Will place 6' x 6' timbers and pervious pavers with a natural log handrail. The rip rap is already done. Would like to build an area for a rest stop, held up by boulders that would include flower beds. The trees have been removed as a result of previous work that was done on the slope. Safety is an issue with the deteriorating slope.
 - B. Mr. William Bowman appeared and was sworn in. He stated that he hired a contractor to remove small trees instead all the trees were removed. He needs to re-vegetate to protect the hill. His grandchildren and older parents need a safe way to reach the bottom of the hill. Some of the rotting steps were removed and this created a hazard with them not being replaced. The platform would keep some run-off from the lake. Purchased the property in July 2014.
 - C. Ms. Shawnee Bowman appeared and was sworn in. She stated that she is very paranoid when the children are present for safety reasons.

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

7. Correspondence

A. Letter from Dale Rezabek, DNR - supports County Staff report for denial.

8. Testimony closed at 11:26 AM

9. Deliberation/Discussion: The BOA discussed the Findings of Facts.

1. Unique Physical Limitation – Very Steep Slope
2. No Harm to Public Interest – Putting a structure on a hill would cause run-off.
3. Unnecessary Hardship – The steps can be replaced with safety features.

10. Decision: Moved by Wellens, seconded by Ragen to deny the variance because it does not meet the three step requirement to grant a variance. Roll Call Vote: Sleeter, Ballestad, Nichols, Ragen, and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 11:31 PM


Melissa Wellens
Secretary


Alan Sleeter
Chairman

William Bartz Jr.
Assistant Zoning Administrator

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1/29/16 BY ml
CASE NO: VA-20150041

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 Bowman, 2649 Megan Way, Neenah, WI 54956
2. The petitioner is the owner of record of parcel number 029-27260292401 located in the NE ¼, NW ¼, Section 26, T31N, R16E, Town of Mountain.
3. The petition for variance was filed with the Board Secretary on November 8, 2015, noticed, as provided for by law, on January 13, 2016 and January 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on January 27, 2016.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 75' from the ordinary high water mark. Specifically, the petitioner is requesting to build a retaining wall 50' from the ordinary high water mark of the Oconto River.
6. The hardship claimed in this matter is the stairs are rotting and safety.
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 replace the steps without a variance.
4. The unique physical limitation of the property is the steep slope.
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 because it does not meet the three step requirement to grant a variance.

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

1-29-16

Date

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

1. Hearing called to order at 1:46 PM
2. Roll Call: Present: Mr. Alan Sleeter, Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Ms. Diane Nichols

Absent: Mr. Allan Stranz, Vice-Chairman

Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Mr. Peter Hermsen
 Mr. Jason Hermsen
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Peter Hermsen etal's application for a variance to build closer to the water. 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 December 28, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Hermsen appeared and was sworn in. He stated that he is the owner and requesting a variance to build within the 75' ordinary high water mark setback requirements. Plan on putting an 830 sq. ft. addition to the cabin on the back side. The existing cottage is 520 sq. ft. There is an 8' porch he would remove and replace with a wood deck. Purchased the property December 2015. Plans on relocating the septic and well. The lot is 257' x 238'.
 - B. Mr. Peter Hermsen appeared and was sworn in. He inquired on the ordinance on the 200 sq. ft. law.
 - C. Mr. Bill Bartz, Jr. appeared and was sworn in. He stated that the structure including the porch is 35' from the ordinary high water mark.
7. Correspondence
 - A. Letter from Dale Rezabek, DNR - supports County Staff report for denial.
8. Testimony closed at 2:05 PM

9. Deliberation/Discussion: The BOA Discussed the Finding of Facts and agrees that the variance request does not meet the 3 Steps to grant a variance.

1. Unique Physical Property Limitation – No – there is room on the lot to meet the 75' setbacks;
2. No Harm to Public Interest – Yes – there would be an increase in impervious surface area.
3. Unnecessary Hardship – No- They can build an addition without a variance and also can build to meet the 75' setback.

10. Decision: Moved by Ballestad, seconded by Nichols to deny the requested water variance.

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

11. Hearing adjourned at 2:11 PM


Melissa Wellens
Secretary


Alan Sleeter
Chairman

William Bartz Jr.
Assistant Zoning Administrator

NOTICE OF DECISION AND ORDER
OCONTO COUNTY BOARD OF ADJUSTMENT

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1/29/16 BY ms

CASE NO: VA-20160002

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

1. The petitioner is Peter Hermesen etal, 2152 Swanstone Cr, De Pere, WI 54115
2. The petitioner is the owner of record of parcel number 008-30300913410 located in Section 30, T30N, R19E, Town of Brazeau.
3. The petition for variance was filed with the Board Secretary on December 28, 2015, noticed, as provided for by law, on January 13, 2016 and January 20, 2016, and a public hearing was held by the Oconto County Board of Adjustment on January 27, 2016.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 75' from the ordinary high water mark. Specifically, the petitioner is requesting to build an addition 31' from the ordinary high water mark of Leigh Flowage.
6. The hardship claimed in this matter is The house is only 520 sq. feet and need more room.
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 build to meet the 75' setback and they can also build an addition without a variance.
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 set back 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

1-29-16

Date