

MINUTES
MONDAY, JUNE 1, 2015 – 1:00 P.M.
BOARD OF ADJUSTMENT COMMITTEE
ROOM #1003 - 1ST FLR COURTHOUSE BUILDING "A"
301 WASHINGTON STREET, OCONTO, WI 54153-1699
www.co.oconto.wi.us

COMMITTEE PRESENT: Ragen, Sleeter, Stranz, and Wellens

ABSENT: Grbyoski

OTHERS PRESENT: Gabe Moody

1. Moved by Ragne, seconded by Pott to amend the agenda. Motion voted on and carried.
2. Approval of Minutes
 - a. Business Meeting
Moved by Wellens, seconded by Stranz, to approve the meeting minutes of April 28, 2015. Motion voted on and carried.
 - b. Public Hearings
Moved by Stranz, seconded by Pott to approve the minutes from the following hearings. Motion voted on and carried.
 - i. May 27, 2015
 1. Steve & Laura VanLanen
 2. Mildred Montevideo
 3. Calvin Berg
 4. Connie Horsens etal
 5. Foster Real Estate
 6. A & K Realty Investments LLC
 7. Joanne Doolittle
 - ii. May 29, 2015
 1. Rocky Heiser
 2. Shawn O'Brien
 3. Bradley Schmechel
Moved by Ragen, seconded by Wellens to correct the granted variance due to an incorrect ordinary high water mark measurement of 29' to 33'. This correction will allow Mr. Schmechel to build 42' from the ordinary high water mark.
 4. Anna Schaubel
 5. WICO
 - iii. June 1, 2015
 1. Dean Swaer
 2. Oconto County Planning & Zoning/Robert Kolkowski
3. Public Comments/Miscellaneous
None
4. Hearing Dates
 - a. The Board selected June 24th, 2015 and June 30th, 2015 as public hearing dates.
 - b. The Board selected July 1, 2015 as the business meeting date.
5. Adjournment

Melissa Wellens – Secretary

Alan Sleeter – Vice-Chair

MW/mls Date posted: 6/5/15

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY MS

1. Hearing called to order at 8:45 AM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Allan Stranz
 Mr. Robert Pott

Absent: Mr. Thomas Gryboski, Chairman
 Mr. Elmer Ragen

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Ms. Laura VanLanen
3. Mr. Moody read the Notice of Public Hearing pertaining to Steve & Laura VanLanen's application for a conditional use permit for the establishment of a temporary festival, concert, races, assemblage of campers or similar activity. Location of the property is in Section 24, T28N, R20E, Town of Stiles.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on March 16, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Ms. Laura VanLanen appeared and was sworn in. She stated that she is requesting a conditional use permit for the establishment of a temporary festival, concert, races, assemblage of campers or similar activity. She explained the parking. May use the field across Hwy 22 and then have a shuttle bus to transport people across the highway. Security will be onsite. Some events will be for charity. Pig wrestling is a main event and will be held on June 20th and the grand opening will be May 30th. Beer will be sold from the pavillion. Talked to the County on signage. There will be one entrance where everyone will be checked in. Doesn't believe there will be more than 500 people in attendance. Will have port-a-potties and wash stations. Has adequate lighting in place and will have extra lighting in certain places.
 - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
 - A. Town Recommendation form from the Town of Stiles – Recommends Approval;
8. Testimony closed at 9:00 AM

DATE 6/2/15 BY TWS

Steve & Laura VanLanen Public Hearing

May 27, 2015

Pg. #2

9. Deliberation/Discussion: Conditions were discussed. Applicant has all plans in order.

10. Decision: Moved by Stranz, seconded by Pott to grant a conditional use permit for the establishment of a temporary festival, concert, races, assemblage of campers or similar activity with the following conditions:

1. Obtain and Meet all requirements of Oconto County Large Gathering Permit if the function is over 500 people;
2. Adequate parking & lighting;
3. Security required as needed;
4. Insurance required;
5. Proper disposal of waste;
6. Adequate sanitary facilities;
7. Shuttling of customers as needed;
8. The conditional use permit is for the VanLanen's only. Will expire when the property is sold.

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

11. Hearing adjourned at 9:03 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 6/2/15 BY MS

CASE NO: CU-20150019

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

1. The applicant is Steve & Laura VanLanen, 7912 Shallow Ln, Lena, WI 54139.
2. The applicant is the owner of record of parcel number 040-2424007132 located in Section 24, T28N, R20E, Town of Stiles.
3. The conditional use permit application was filed with the Board Secretary on March 16, 2015, noticed, as provided for by law, on May 13, 2015 and May 20, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 5/27/2015.
4. The property is zoned General Commercial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit for the establishment of a temporary festival, concert, races, assemblage of campers or similar activity.
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 the establishment of a temporary festival, concert, races, assemblage of campers or similar activity is hereby granted subject to the following conditions:

1. Obtain and Meet all requirements of Oconto County Large Gathering Permit if the function is over 500 people;
2. Adequate parking & lighting;
3. Security required as needed;
4. Insurance required;
5. Proper disposal of waste;
6. Adequate sanitary facilities;
7. Shuttling of customers as needed;
8. The conditional use permit is for the VanLanen's only. Will expire when the property is sold.

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

6-1-15

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY ms

1. Hearing called to order at 10:15 AM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Allan Stranz
 Mr. Robert Pott

Absent: Mr. Thomas Gryboski, Chairman
 Mr. Elmer Ragen

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Mr. Dick Foster
3. Mr. Moody read the Notice of Public Hearing pertaining to Mildred Montevideo's application for a conditional use permit to continue to operate a quarry. Location of the property is in Section 3, T26N, R20E, Town of Abrams.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on April 10, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Dick Foster appeared and was sworn in. He stated he is requesting a conditional use permit to continue to operate a quarry. Will continue at the same depth – 35' deep when done. The S.W. corner is to be blasted out then will expand east toward Montevideo Lane. Requesting the same conditions. Plan on moving the pump. The water flows into the neighbor's 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 Abrams – Recommends approval;
8. Testimony closed at 10:23 AM
9. Deliberation/Discussion: Conditions discussed. Well maintained with no complaints. Will continue with the existing conditions.
10. Decision: Moved by Stranz, seconded by Pott to grant a conditional use permit to continue to operate a quarry with the following conditions:

1. Hours of operation: 6:00 AM to 6:00 PM or daylight hours, Monday – Saturday for mining and trucking. Equipment maintenance is allowed 24 hours a day – 7 days a week;
2. Blasting must be done between the hours of 8:00 AM and 4:00 PM – no holidays except in an emergency when blasting has been delayed;
3. Dust control must be used according to EPA standards;
4. A quarry reclamation plan and financial guarantee shall conform to the requirements as set forth in the Oconto County Non-Metallic Reclamation Ordinance;
5. Reclamation as per plan submitted;
6. Storage, stockpiling, ingress, egress, landscaping, screening as per plans submitted;
7. If neighbors within ½ mile request notification of blasting, they must be notified;
8. This permit is valid for 3 years to expire April 27, 2018.

Roll Call Vote: Pott, 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

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 6/2/15 BY MS

CASE NO: CU-20150018

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

1. The applicant is Mildred Montevido, 5803 Montevido Ln, Abrams, WI, 54101.
2. The applicant is the owner of record of parcel number 002-030301331A, 002-030302842 & 002-030301734A located in Section 3, T26N, R20E, Town of Abrams.
3. The conditional use permit application was filed with the Board Secretary on April 10, 2015, noticed, as provided for by law, on May 13, 2015 and May 20, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 5/27/2015.
4. The property is zoned Quarry Overlay District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit to continue to operate a quarry.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

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

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

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

GRANT OF CONDITIONAL USE PERMIT

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

1. Hours of operation: 6:00 AM to 6:00 PM or daylight hours, Monday – Saturday for mining and trucking. Equipment maintenance is allowed 24 hours a day – 7 days a week;
2. Blasting must be done between the hours of 8:00 AM and 4:00 PM – no holidays except in an emergency when blasting has been delayed;
3. Dust control must be used according to EPA standards;
4. A quarry reclamation plan and financial guarantee shall conform to the requirements as set forth in the Oconto County Non-Metallic Reclamation Ordinance;
5. Reclamation as per plan submitted;
6. Storage, stockpiling, ingress, egress, landscaping, screening as per plans submitted;
7. If neighbors within ½ mile request notification of blasting, they must be notified;
8. This permit is valid for 3 years to expire April 27, 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

6-1-15

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY WJ

1. Hearing called to order at 10:30 AM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Allan Stranz
 Mr. Robert Pott

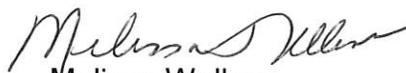
Absent: Mr. Thomas Gryboski, Chairman
 Mr. Elmer Ragen

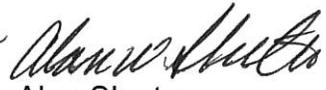
Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Mr. Nick Berg
 Mr. Terry Lambert
3. Mr. Moody read the Notice of Public Hearing pertaining to Calvin Berg's application for a conditional use permit for two family residence in the Rural Residential District. Location of the property is in Section 34, T27N, R20E, Town of Abrams.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on April 21, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Nicholas Berg appeared and was sworn in. He stated the he requesting a conditional use permit for a 2-family residence in a Rural Residential District. Planning on building a duplex. The old barn will be removed. The lot is 4 acres. The home will be hooked up to the Abrams Sanitary District. The well hasn't been drilled yet. This will be a high end rental. Each unit will be 1,367 sq. ft with 3-bedrooms and 2 full bathrooms.
 - B. Mr. Terry Lambert appeared and was sworn in. He stated that he is opposed to the duplex. Will open the door to multi-family homes in other areas.
 - C. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
 - A. Town Recommendation Form from the Town of Abrams – Recommends Approval;
8. Testimony closed at 10:40 AM
9. Deliberation/Discussion: Discussed if any conditions are needed. Will improve the lot. It's a good site for a duplex. The Town has approved the request.

Calvin Berg Public Hearing
May 27, 2015
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10. Decision: Moved by Stranz, seconded by Sleeter to grant a conditional use permit for a two family residence in the Rural Residential District. Roll Call Vote: Pott, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 10:42 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 6/2/15 BY ms

CASE NO: CU-20150020

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

1. The applicant is Calvin Berg, 5783 Oak Orchard, Abrams, WI, 54101.
2. The applicant is the owner of record of parcel number 002-403403122F located in Section 34, T27N, R20E, Town of Abrams.
3. The conditional use permit application was filed with the Board Secretary on April 21, 2015, noticed, as provided for by law, on May 13, 2015 and May 20, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 5/27/2015.
4. The property is zoned Rural Residential District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit for two family residence in the Rural Residential District.
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 two family residence in the Rural Residential District 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

6-1-15

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY MLB

1. Hearing called to order at 11:30 AM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Allan Stranz
 Mr. Robert Pott

Absent: Mr. Thomas Gryboski, Chairman
 Mr. Elmer Ragen

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Ms. Joan Korzeniewski
3. Mr. Moody read the Notice of Public Hearing pertaining to Connie Horsens etal's application for a variance to build closer to the road. Location of the property is in Section 30, T27N, R19E, Town of Morgan.
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 April 27, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Ms. Joan Korzeniewski appeared and was sworn in. She stated that she is requesting a variance to build closer to the road. Would like to build an attached 2-stall garage with living area. The house is 52' from the centerline of the town road. Would build a 30' x 42' structure, of which 30' x 14' would be living area with a crawl space foundation. Will be able to enter the house from the south side. Does not have an attached garage now.
 - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
8. Testimony closed at 11:37 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 – the existing circumstance. The location of the existing home does not meet the setback requirement from the centerline of Schroeder Rd, but the proposed garage will me the required 63' setback from the centerline of the town road.

2. No harm to Public Interest – The garage will be setback more than 63' from the centerline of Schroeder Rd.
3. Unnecessary Hardship – It would be unnecessarily burdensome to move the large home and the proposed garage would be more than 63' from the centerline of the town road.

10. Decision: Moved by Stranz, seconded by Pott to reduce the required 63' setback from the centerline of a town road to 52' from the centerline of Schroeder Rd for an attached garage.
Roll Call Vote: Pott, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 11:44 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 6/2/15 BY MS
CASE NO: VA-20150006

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

1. The petitioner is Connie Horsens et al, 9460 Schroeder Rd, Krakow, WI 54137
2. The petitioner is the owner of record of parcel number 028-303002643A located in the SW ¼, SE ¼, Section 30, T27N, R19E, Town of Morgan.
3. The petition for variance was filed with the Board Secretary on April 27, 2015, noticed, as provided for by law, on May 13, 2015 and May 20, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 5/27/2015.
4. The property is zoned Rural Residential 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 an addition to an existing non-conforming dwelling.
6. The hardship claimed in this matter is they need a garage for auto's.
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 park cars inside without a garage.
4. The unique physical limitation of the property is the existing circumstances.
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 52' from the centerline of Schroeder Rd for an attached 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

6-1-15

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY ms

1. Hearing called to order at 1:50 PM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Allan Stranz
 Mr. Robert Pott

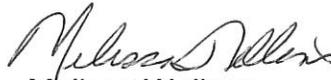
Absent: Mr. Thomas Gryboski, Chairman
 Mr. Elmer Ragen

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Mr. Dick Foster
3. Mr. Moody read the Notice of Public Hearing pertaining to Foster Real Estate's application for a conditional use permit to continue to operate a quarry. Location of the property is in Section 10, 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 April 10, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Dick Foster appeared and was sworn in. He stated that he is requesting a conditional use permit to continue to operate a quarry. This is a sand quarry. Will be expanding to the northeast and north because of the wetlands on the east and west side. Will be spraying the phragmites or burying them.
 - 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 Suamico – Recommends approval;
8. Testimony closed at 1:58 PM
9. Deliberation/Discussion: Discussed the conditions. The quarry is well maintained with no complaints.
10. Decision: Moved by Stranz, seconded by Wellens to grant a conditional use permit to continue to operate an existing quarry with the following conditions:

1. Hours of Operation: 6:00 AM to 6:00 PM or daylight hours, Monday – Saturday for mining and trucking. Equipment maintenance is allowed 24 hours a day – 7 days a week.
2. Quarry reclamation plan and a financial guarantee shall conform to the requirements set forth in the Oconto County Non-Metallic Reclamation Ordinance;
3. There shall be a 30' setback from property lines;
4. Storage, stockpiling, ingress, egress, landscaping and screening as per plans submitted;
5. All wetlands are to be delineated prior to the quarry expanding to the east and west.
6. Invasive species shall be controlled.
7. Permit is valid for 3 years and will expire April 27, 2018

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

11. Hearing adjourned at 2:00 PM


Melissa Wellens
Secretary


Alan Sleeter
Vice-Chairman

Gabe Moody
Assistant Zoning Administrator

NOTICE OF DECISION AND ORDER
OCONTO COUNTY ZONING BOARD OF ADJUSTMENT

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY TWS

CASE NO: CU-20150016

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

1. The applicant is Foster Real Estate, 5821 Allen Rd, Little Suamico, WI 54141.
2. The applicant is the owner of record of parcel number 024-041001121C & 024-041001222 located in Section 10, T26N, R20E, Town of Little Suamico.
3. The conditional use permit application was filed with the Board Secretary on April 10, 2015, noticed, as provided for by law, on May 13, 2015 and May 20, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 5/27/2015.
4. The property is zoned Quarry Overlay District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit to continue to operate a quarry.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

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

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

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

GRANT OF CONDITIONAL USE PERMIT

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

1. Hours of Operation: 6:00 AM to 6:00 PM or daylight hours, Monday – Saturday for mining and trucking. Equipment maintenance is allowed 24 hours a day – 7 days a week.
2. Quarry reclamation plan and a financial guarantee shall conform to the requirements set forth in the Oconto County Non-Metallic Reclamation Ordinance;
3. There shall be a 30' setback from property lines;
4. Storage, stockpiling, ingress, egress, landscaping and screening as per plans submitted;
5. All wetlands are to be delineated prior to the quarry expanding to the east and west.
6. Invasive species shall be controlled.
7. Permit is valid for 3 years and will expire April 27, 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

6-1-15
Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY ms

1. Hearing called to order at 2:15 PM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Allan Stranz
 Mr. Robert Pott

Absent: Mr. Thomas Gryboski, Chairman
 Mr. Elmer Ragen

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Mr. Allan Murphy
 Mr. Joseph Kealiher
 Ms. Beth Trudell
 Mr. Michael Trudell
 Mr. Andy Tilleman
3. Mr. Moody read the Notice of Public Hearing pertaining to A&K Realty Investments LLC's application for a conditional use permit for retail sales & service of RV's. Location of the property is in Section 27, 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 April 23, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Allan Murphy appeared and was sworn in. He stated that he is the agent for A&K Realty. They are requesting a conditional use permit for retail sales & service of RV's. Will be selling RV's, campers, mobile homes, 5th wheels, truck campers etc. Sales will be conducted in the front of the 5 acre property. Would like hours of operation from 7:00 AM to 9:00 PM – 7 days a week. Will use the existing signs and lighting. Will limit the number of units to 150. Joe Kealiher will be leasing the property and running the business. There will be no junk debris on the property, no salvage or wrecked RV garbage. No hazardous materials involved.
 - B. Mr. Joe Kealiher appeared and was sworn in. He stated that he will be leasing the property and running the business. The buildings will be used for storing tools etc. Bathrooms and running water will be in the mobile office.
 - C. Mr. Michael Trudell appeared and was sworn in. He stated that he attended all the Town meetings. He has concerns about the Town's ordinance on black topping of business lots.

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

7. Correspondence

A. Town Recommendation Form from the Town of Little Suamico – Recommends Approval;

8. Testimony closed at 2:28 PM

9. Deliberation/Discussion: Conditions were discussed.

10. Decision: Moved by Pott, seconded by Stranz to grant a conditional use permit for retail sales & service of RV's with the following conditions:

1. Hours of Operation – 7:00 AM to 9:00 PM – 7 days a week;
2. Must have a security system;
3. Must have all County & State permits;
4. All wells & Sanitary Systems must be operational;
5. No more than 150 units on site at one time;
6. Owner/Operator facility;
7. Signs & lights – existing signage and lighting;
8. Any separation of sales will require a new hearing;
9. Written complaints – require a review by the Town of Little Suamico;
10. No unsightly debris on the property;
11. No salvage or wrecked RV operations;
12. Any hazardous materials handled on the property must be properly disposed of per state requirements;

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

11. Hearing adjourned at 2:35 PM


Melissa Wellens
Secretary


Alan Sleeter
Vice-Chairman

Gabe Moody
Assistant Zoning Administrator

NOTICE OF DECISION AND ORDER
OCONTO COUNTY ZONING BOARD OF ADJUSTMENT

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

DATE 6/2/15 BY ms

CASE NO: CU-20150022

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

1. The applicant is A&K Realty Investments LLC, 160 Northwood Ln, Sobieski, WI 54141.
2. The applicant is the owner of record of parcel number 024-212700411D located in the Section 27, T26N, R20E, Town of Little Suamico.
3. The conditional use permit application was filed with the Board Secretary on April 23, 2015, noticed, as provided for by law, on May 13, 2015 and May 20, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 5/27/2015.
4. The property is zoned General Commercial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit for retail sales & service of RV's.
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 retail sales & service of RV's is hereby (granted / denied) subject to the following conditions:

1. Hours of Operation – 7:00 AM to 9:00 PM – 7 days a week;
2. Must have a security system;
3. Must have all County & State permits;
4. All wells & Sanitary Systems must be operational;
5. No more than 150 units on site at one time;
6. Owner/Operator facility;
7. Signs & lights – existing signage and lighting;
8. Any separation of sales will require a new hearing;
9. Written complaints – require a review by the Town of Little Suamico;
10. No unsightly debris on the property;
11. No salvage or wrecked RV operations;
12. Any hazardous materials handled on the property must be properly disposed of per state requirements;

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

6-1-15
Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY ms

1. Hearing called to order at 2:45 PM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Allan Stranz
 Mr. Robert Pott

Absent: Mr. Thomas Gryboski, Chairman
 Mr. Elmer Ragen

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Ms. Carol Ludovissy
 Ms. Beth Trudell
 Mr. Michael Trudell
 Mr. Dan Deau
 Ms. Joanne Doolittle
 Mr. Ronald Romandine
3. Mr. Moody read the Notice of Public Hearing pertaining to Joanne Doolittle's application for a conditional use permit for retail or wholesale business for used auto sales. Location of the property is in Section 35, T26N, R20E, Town of Little Suamico.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on March 9, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Ms. Carol Ludovissy appeared and was sworn in. She stated that she is the agent for Lakeside Auto and is requesting a conditional use permit for a retail or wholesale business for used auto sales. Will be selling used vehicles. Would like to be able to put up to 55 vehicles on the lot. Will be outsourcing the repair work, but safety checks will be done on premise. Garage area available if needed in the future. Will purchase the vehicles from Auto Auction. There will be deliveries about once a week. Will use existing lighting.
 - B. Mr. Ronald Romandine appeared and was sworn in. He stated that he is the general manager of Lakeside Auto. Lighting will not point at the highway. Chemicals will not be stored on site and body work will not be done on the property. Will be selling cars from auto auctions/auction houses and 3 dealerships. Will use the existing sign.
 - C. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence

7. Correspondence

A. Town Recommendation form from the Town of Lt. Suamico – Recommends approval;

8. Testimony closed at 3:00 PM

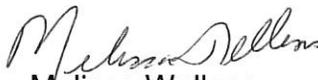
9. Deliberation/Discussion: Conditions of the permit were discussed.

10. Decision: Moved by Stranz, seconded by Pott to grant a conditional use permit or wholesale business for used auto sales with the following conditions:

1. Hours of Operation
 - a. Monday – Friday
 - i. 9:00 AM to 7:00 PM
 - ii. 7:00 PM to 9:00 PM – by apt only
 - b. Saturday
 - i. 9:00 AM to 3:00 PM
2. Lighting – South & East lighting not to point at the highway;
3. Signs – Existing signage;
4. Autos – limit of 55 for the first two (2) years;
5. Repair work – Done off-site; no on-site body or major repair work;
6. Snow and lawn care must be kept and maintained.
7. Security system must be provided;
8. Six (6) parking spots to include one (1) Handicapped;
9. No unsightly debris on the property;
10. County and State permits required;
11. Blacktop – possibly after the 2 year lease is up. Must be brought up at a new hearing;
12. An expansion will require a new hearing;
13. Any hazardous materials generated at the site must be handled as per State & Federal regulations;

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

11. Hearing adjourned at 3:03 PM


Melissa Wellens
Secretary


Alan sleeter
Vice-Chairman

Gabe Moody
Assistant Zoning Administrator

NOTICE OF DECISION AND ORDER
OCONTO COUNTY ZONING BOARD OF ADJUSTMENT

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/3/15 BY TWS

CASE NO: CU-20150024

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

1. The applicant is Joanne Doolittle, 262 E. Frontage Rd, Little Suamico, WI, 54141.
2. The applicant is the owner of record of parcel number 024-313501632D located in Section 35, T26N, R20E, Town of Little Suamico.
3. The conditional use permit application was filed with the Board Secretary on March 9, 2015, noticed, as provided for by law, on May 13, 2015 and May 20, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 5/27/2015.
4. The property is zoned General Commercial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit for retail or wholesale business for used auto sales.
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 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 retail or wholesale business for used auto sales is hereby granted subject to the following conditions:

1. Hours of Operation
 - a. Monday – Friday
 - i. 9:00 AM to 7:00 PM
 - ii. 7:00 PM to 9:00 PM – by apt only
 - b. Saturday
 - i. 9:00 AM to 3:00 PM
2. Lighting – South & East lighting not to point at the highway;
3. Signs – Existing signage;
4. Autos – limit of 55 for the first two (2) years;
5. Repair work – Done off-site; no on-site body or major repair work;
6. Snow and lawn care must be kept and maintained.
7. Security system must be provided;
8. Six (6) parking spots to include one (1) Handicapped;
9. No unsightly debris on the property;
10. County and State permits required;
11. Blacktop – possibly after the 2 year lease is up. Must be brought up at a new hearing;
12. An expansion will require a new hearing;
13. Any hazardous materials generated at the site must be handled as per State & Federal regulations;

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 Weller, Secretary
Oconto County Board of Adjustment

6-1-15

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY TMS

1. Hearing called to order at 9:03 AM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Elmer Ragen
 Mr. Allan Stranz

Absent: Mr. Thomas Gryboski, Chairman

Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Mr. Dick Kendall
 Mr. Rocky Heiser
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Rocky Heiser's application for a conditional use permit for a retail or wholesale business for the sale of used cars. Location of the property is in Section 26, T31N, 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 April 21, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Rocky Heiser appeared and was sworn in. He stated that he is requesting a conditional use permit for the sale of used cars. He is applying for a used car dealership license. Will not have any more than 5-6 cars on the lot at one time. The permits are required in order for him to buy and sell cars. No repairs will be done on the property, only inspections. No hazardous waste will be generated. The property was previously a bar & grill. Hours of operation are by appointment only. State inspectors will view the property before granting any licenses. Lighting and security cameras are in place and being used.
 - B. Mr. Dick Kendall appeared and was sworn in. He stated he is a member of the Planning Commission. The application was approved and recommended to the Town for approval. No concerns.
 - C. Mr. Rocky Heiser re-appeared and stated that high end cars will be sold. This will not be a traditional car lot. There will be no cars parked out front.
 - D. Mr. Dick Kendall re-appeared and stated that as a courtesy to the objectors, Mr. Heiser could inform them of his plans.
 - E. Mr. Bill Bartz, Jr. appeared and was sworn in.

7. Correspondence

- A. Letter from Pat Caron – completely against;
- B. Town Recommendation Form from the Town of Doty – Recommends approval;
- C. Fax from Peter Berres representing Cindy Ossanna Berres, Peter Berres and Benjamin Majeske – Request the decision is tabled until they can review Mr. Heiser's Plan of Operation.

8. Testimony closed at 9:20 AM

9. Deliberation/Discussion: Discussed conditions. Will not be a traditional car lot.

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

- 1. Hours of Operation – by appointment only;
- 2. Adequate lighting;
- 3. Adequate parking;
- 4. Obtain all required state approvals;
- 5. Any salvage junk must be stored inside an enclosed building;
- 6. Proper disposal of fluids and junk;
- 7. Limit of 5 cars on the lot for sale at any one time.

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

11. Hearing adjourned at 9:23 AM


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 6/2/15 BY MS

CASE NO: CU-20150025

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

1. The applicant is Rocky Heiser, 1451 Cormier Rd, Green Bay, WI, 54313.
2. The applicant is the owner of record of parcel number 014-1826002152C located in Section 26, T31N, R15E, Town of Doty.
3. The conditional use permit application was filed with the Board Secretary on April 21, 2015, noticed, as provided for by law, on May 13, 2015 and May 20, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 5/29/2015.
4. The property is zoned General Commercial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit for a retail or wholesale business for the sale of used cars.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

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

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

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

GRANT OF CONDITIONAL USE PERMIT

The requested a conditional use permit for a retail or wholesale business for the sale of used cars is hereby granted subject to the following conditions:

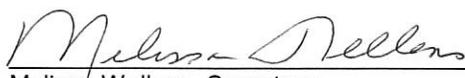
1. Hours of Operation – by appointment only;
2. Adequate lighting;
3. Adequate parking;
4. Obtain all required state approvals;
5. Any salvage junk must be stored inside an enclosed building;
6. Proper disposal of fluids and junk;
7. Limit of 5 cars on the lot for sale at any one time.

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

6-1-15

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY ms

1. Hearing called to order at 9:30 AM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Elmer Ragen
 Mr. Allan Stranz

Absent: Mr. Thomas Gryboski, Chairman

Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Mr. Shawn O'Brien
 Mr. Dick Kendall
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Shawn O'Brien's application for conditional use permit to operate a temporary motorcross or ATV race and assemblage of campers. Location of the property is in Section 34, 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 April 22, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Shawn O'Brien appeared and was sworn in. He stated that RPA Off-Road LLC leases the property and they are requesting a conditional use permit to operate a temporary motorcross or ATV race and assemblage of campers. This will be a renewal of the permit. Will have 2 races a year for the next 3 years. The promoter is from Two Rivers. There is no alcohol on the premises. There are usually about 300 people in attendance. Campers park on the premises w/out water or electric hookups. Port-a-potties are used. Campers must take their garbage with them. He is responsible for security and watering the track.
 - B. Mr. Dick Kendall appeared and was sworn in. He stated that Mr. O'Brien has had these events for the last few years. After the Plan commission approved the races and is in favor of the conditional use permit. He did observe the track being used by bikes, not during a race and is concerned about the liability.
 - C. Mr. Shawn O'Brien re-appeared and was sworn in. He stated that he allows other people to use the track during the year at no charge. They must sign a waiver to use it though. The liability is borne by Mr. O'Brien.
 - D. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence

A. Minutes from the Town of Doty – Recommends approval of the conditional use permit for the next three years for May and July.

8. Testimony closed at 9:52 AM

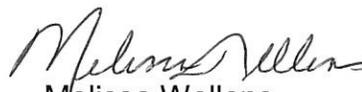
9. Deliberation/Discussion: Discussed the conditions. No complaints from the past conditional use permit. Good for the community. Personal use is allowed on the property.

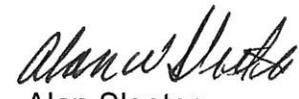
10. Decision: Moved by Ragen, seconded by Stranz to grant a conditional use permit operate a temporary motorcross or ATV race and assemblage of campers with the following conditions:

1. Hours of Operation: 8:00 AM to 5:00 PM from April 1st to November 1 with 2 races allowed in that time span;
2. Promoter must provide 24 hour security.
3. There must be sufficient number of port-a-potties on site.
4. Attendance must be less than 500 people.
5. Promoter responsible for liability insurance, first aid and having an ambulance on site.
6. Dust control and clean up is the responsibility of the applicant.
7. This permit will expire on April 25, 2018.

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

11. Hearing adjourned at 9:54 AM


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 6/2/15 BY ms

CASE NO: CU-20150023

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

1. The applicant is Shawn O'Brien, 14649 Cty Road T, Mountain, WI, 54149.
2. The applicant is the owner of record of parcel number 014-523401132 located in the NW¼, SW¼, Section 34, T32N, R15E, Town of Doty.
3. The conditional use permit application was filed with the Board Secretary on April 22, 2015, noticed, as provided for by law, on May 13, 2015 and May 20, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 5/29/2015.
4. The property is zoned Agriculture District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting conditional use permit to operate a temporary motorcross or ATV race and assemblage of campers..
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

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

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

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

GRANT OF CONDITIONAL USE PERMIT

The requested conditional use permit to operate a temporary motorcross or ATV race and assemblage of campers is hereby granted subject to the following conditions:

1. Hours of Operation: 8:00 AM to 5:00 PM from April 1st to November 1 with 2 races allowed in that time span;
2. Promoter must provide 24 hour security.
3. There must be sufficient number of port-a-potties on site.
4. Attendance must be less than 500 people.
5. Promoter responsible for liability insurance, first aid and having an ambulance on site.
6. Dust control and clean up is the responsibility of the applicant.
7. This permit will expire on April 25, 2018.

GENERAL CONDITIONS

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

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

A review of this decision and order may be obtained by filing an action of certiorari with the Circuit Court for Oconto County within 30 days of the filing date of this decision and order. The County assumes no liability and makes no

warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. The granting of the conditional use permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits.

DATE 6/2/15 BY ms

Melissa Wellens

Melissa Wellens, Secretary
Oconto County Board of Adjustment

6-1-15

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY WCS

1. Hearing called to order at 11:00 AM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Elmer Ragen
 Mr. Allan Stranz

Absent: Mr. Thomas Gryboski, Chairman

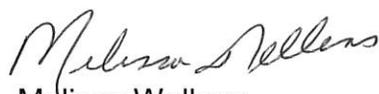
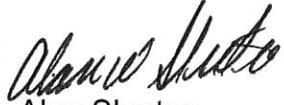
Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Mr. Larry Schmechel
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Bradley Schmechel's application for a variance to build closer to the water. Location of the property is in Section 02, 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 April 30, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Larry Schmechel appeared and was sworn in. He stated that he is the agent for Bradley Schmechel and requesting a variance to build an 8' x 24' addition closer to the water. The existing bathroom is falling off the house. There is no foundation and would like to replace the bathroom and build an addition toward the back/road side of the house. The house is on 2 lots, which they need to combine. New electrical has been put in. The property was purchased in the fall of 2014.
 - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
 - A. Letter from Dale Rezabek – DNR;
8. Testimony closed at 11:18 AM
9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees the application meets the 3 steps to grant a variance. The bathroom is falling off the house due to erosion and rotting of the building.
 1. Unique Physical Limitations – the soil structure is not supporting the bathroom.

Bradley Schmechel Public Hearing
May 29, 2015
Pg. #2

2. No Harm to public interest – will improve the shoreline by moving farther from the ordinary high water mark.
3. Unnecessary hardship is due to the bathroom falling off the house. Must have a bathroom.

10. Decision: Moved by Stranz, seconded by Ragen to reduce the required 75' ordinary high water mark setback to 42' from the ordinary high water mark of Archibald Lake for an 8' x 8' bathroom addition only with the condition that a restoration plan to restore the Shoreland buffer to standards noted in NRCS Code 643A Shoreland Habitat Bulletin and Wisconsin Biology Technical Note 1: Shoreland Habitat must be submitted and approved by the Zoning Department prior to issuance of a land use permit for the structure approved from this variance. The obligations of the property owner under the restoration plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds. The Board has authority to require the restoration be in place prior to issuance of the land use permit for the structure approved by the variance. Roll Call Vote: Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 11:35 AM

 Melissa Wellens Secretary	 Alan Sleeter Vice-Chairman
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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 6/2/15 BY MS

CASE NO: VA-20150008

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

1. The petitioner is Bradley Schmechel, 2402 Memorial Dr, Green Bay, WI 54303
2. The petitioner is the owner of record of parcel number 042-3802094 located in Section 02, T32N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on April 30, 2015, noticed, as provided for by law, on May 13, 2015 and May 20, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 5/29/2015.
4. The property is zoned Agriculture 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 new foundation on an existing structure 13' from the ordinary high water mark of Archibald Lake.
6. The hardship claimed in this matter is the bathroom is falling off from erosion.
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 must have a bathroom. The existing one is falling off the house.
4. The unique physical limitation of the property is the soil structure is not supporting the room.
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 75' ordinary high water mark setback to 42' from the ordinary high water mark of Archibald Lake for an 8' x 8' bathroom addition only is hereby granted with the condition that a restoration plan to restore the Shoreland buffer to standards noted in NRCS Code 643A Shoreland Habitat Bulletin and Wisconsin Biology Technical Note 1: Shoreland Habitat must be submitted and approved by the Zoning Department prior to issuance of a land use permit for the structure approved from this variance. The obligations of the property owner under the restoration plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds. The Board has authority to require the restoration be in place prior to issuance of the land use permit for the structure approved by the 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

6-1-15
Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY MS

1. Hearing called to order at 11:47 AM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Elmer Ragen
 Mr. Allan Stranz

Absent: Mr. Thomas Gryboski, Chairman

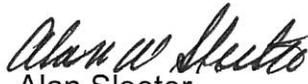
Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Mr. Harry Smith
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to Anna Schaubel's application for a variance to build closer to the water. Location of the property is in Section 30, T33N, R16E, Town of Lakewood.
4. Mr. Bartz, Jr. stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Bartz, Jr. stated that the petition was filed on April 23, 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 agent for Anna Schaubel and is requesting a variance from the water to put a covered porch over an entrance door. The 12' x 8' cement slab and cement steps are existing and are 38' from the water. Need a porch to protect the front door and it's frame, which is rotting and so the steps aren't slippery. Will be removing a 3' x 12' slab of cement.
 - B. Mr. Bill Bartz, Jr. appeared and was sworn in.
7. Correspondence
 - A. Letter from Dale Rezabek, DNR
8. Testimony closed at 11:58 AM
9. Deliberation/Discussion: The BOA discussed the Findings of Fact and agrees the application meets the 3 steps to grant a variance. The fact that the open entrance and it's steps are a safety hazard, and the door frame is rotting.
 1. Unique Physical Limitation – Situation circumvents any type of limitation. Because of climatic situation, safety is a great concern.

2. The variance will be of no harm to public interest – will decrease impervious surface and increase run-off control.
3. Unnecessary Hardship – Unnecessarily burdensome to move the house in order to put climatic protection over the entrance door for safety.

10. Decision: Moved by Wellens, seconded by Stranz to reduce the required 75' ordinary high water mark setback to 38' from the ordinary high water mark of McCauslin Brook for covered entrance only. Roll Call Vote: Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

11. Hearing adjourned at 12:15 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 6/2/15 BY MS

CASE NO: VA-20150007

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

1. The petitioner is Anna Schaubel, 17314 S. Village View, Lakewood, WI 54138
2. The petitioner is the owner of record of parcel number 019-403000533A located in the SW ¼, SW ¼, Section 30, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on April 23, 2015, noticed, as provided for by law, on May 13, 2015 and May 20, 2015, and a public hearing was held by the Oconto County Board of Adjustment on May 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 cabin addition 38' from the ordinary high water mark of McCauslin Brook.
6. The hardship claimed in this matter is safety and a rotting doorway.
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 safety is a concern. The steps are slippery when wet and they need protection from the elements.
4. The unique physical limitation of the property is safety
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 38' from the ordinary high water mark of McCauslin Brook for covered entrance only 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

6-1-15
Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY MLB

1. Hearing called to order at 1:43 PM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Elmer Ragen
 Mr. Allan Stranz

Absent: Mr. Thomas Gryboski, Chairman

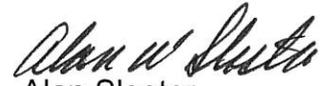
Others Present: Mr. William Bartz Jr, Assistant Zoning Administrator
 Mr. Pete Renteria – Deputy Zoning Administrator
 Ms. Debra Highlen
3. Mr. Bartz, Jr. read the Notice of Public Hearing pertaining to WICO, Inc's application for a conditional use permit for a dwelling over 15 years old. Location of 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 April 16, 2015. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Ms. Debra Highlen appeared and was sworn in. She stated that she is the agent for WICO, Inc and requesting a conditional use permit for a dwelling over 15 years old for site #60. Would like to place a 1994 16' x 70' Century mobile home on the lot. Will place it on a compacted gravel pad. The mobile home has 3-bedrooms, 2-bathrooms, and a pitched and shingled roof along with a 100 amp electrical service. New flooring will be installed. The mobile home on Lot #60 will be available for sale or rent.
 - 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 1:47 PM
9. Deliberation/Discussion: Discussed the Conditions. The mobile home is in good conditions. No conditions needed.
10. Decision: Moved by Ragen, seconded by Stranz to grant a conditional use permit for a 1994 16' x 70' Century mobile home. No conditions necessary. Roll Call Vote: Ragen, Sleeter, Stranz and Wellens all voting aye, no nays, motion carried.

WICO, LLC Public Hearing
May 29, 2015
Pg. #2

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY ms

11. Hearing adjourned at 1:48 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 6/2/15 BY msb

CASE NO: CU-20150021

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

1. The applicant is WICO, Inc, 12525 Knollwood Ln #28, Suring, WI, 54174.
2. The applicant is the owner of record of parcel number 029-673002033S located in Section 30, T31N, R17E, Town of Mountain.
3. The conditional use permit application was filed with the Board Secretary on April 16, 2015, noticed, as provided for by law, on May 13, 2015 and May 20, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 5/29/2015.
4. The property is zoned Mobile Home Park 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 1994 16' x 70' Century mobile home is hereby granted.

GENERAL CONDITIONS

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

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

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



Melissa Wellens, Secretary
Oconto County Board of Adjustment

6-1-15

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY JCS

1. Hearing called to order at 8:45 AM
2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Elmer Ragen
 Mr. Allan Stranz
 Mr. Robert Pott

Absent: Mr. Thomas Gryboski, Chairman

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Mr. Melvin Mortier, Deputy Zoning Administrator
 Mr. Dick Foster
3. Mr. Moody read the Notice of Public Hearing pertaining to Dean Swaer's application for a conditional use permit to continue to operate a quarry. Location of the property is in Section 25, 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 April 10, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Dick Foster appeared and was sworn in. He stated that he is agent for Dean Swaer and is requesting a conditional use permit to continue to operate a sand pit quarry. Will continue with the quarry to the east up to the wetland edge. Has another 5 years in the quarry.
 - 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 8:54 AM
9. Deliberation/Discussion: Discussed conditions.
10. Decision: Moved by Ragen, seconded by Stranz to grant a conditional use permit to continue to operate a quarry with the following conditions:
 1. Hours of Operation – 6:00 AM to 6:00 PM or daylight hours. Monday – Saturday for mining and trucking. Equipment maintenance is allowed 24 hours a day – 7 days a week;

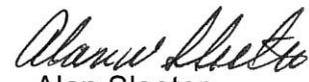
Dean Swaer Public Hearing
June 1, 2015
Pg. #2

2. Quarry reclamation plan & a financial guarantee shall conform to the requirements set forth in the Oconto County Non-Metallic Reclamation Ordinance;
3. Dust control to be used according to EPA standards;
4. Control invasive plants;
5. Any plan on quarrying to the east, a wetland delineation must be submitted;
6. This permit valid for three years expiring March 25, 2018

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

11. Hearing adjourned at 8:56 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 6/2/15 BY mls
CASE NO: CU-20150017

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

1. The applicant is Dean Swaer, 616 N Fisk St, Green Bay, WI, 54303.
2. The applicant is the owner of record of parcel number 030-232502633 & 030-242602744 located in Section 25, T28N, R21E, Town of Oconto.
3. The conditional use permit application was filed with the Board Secretary on April 10, 2015, noticed, as provided for by law, on May 13, 2015 and May 20, 2015, and a public hearing was held by the Oconto County Board of Adjustment on June 1, 2015.
4. The property is zoned Forest 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 – 6:00 AM to 6:00 PM or daylight hours. Monday – Saturday for mining and trucking. Equipment maintenance is allowed 24 hours a day – 7 days a week;
2. Quarry reclamation plan & a financial guarantee shall conform to the requirements set forth in the Oconto County Non-Metallic Reclamation Ordinance;
3. Dust control to be used according to EPA standards;
4. Control invasive plants;
5. Any plan on quarrying to the east, a wetland delineation must be submitted;
6. This permit valid for three years expiring March 25, 2018

GENERAL CONDITIONS

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

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

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



Melissa Wellens, Secretary
Oconto County Board of Adjustment

6-1-15

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 6/2/15 BY mls

1. Hearing called to order at 9:56 AM

2. Roll Call: Present: Mr. Alan Sleeter, Vice-Chairman
Mrs. Melissa Wellens, Secretary
Mr. Elmer Ragen
Mr. Allan Stranz
Mr. Robert Pott

Absent: Mr. Thomas Gryboski, Chairman

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
Mr. Kevin Brehmer
Mr. Robert Kolkowski
Ms. Wendy Kolkowski
Ms. Tamera Willems
Ms. Jeanne Wroblewski
Mr. Gary VanLannen
Mr. Joe Gracyalny
Ms. Sue Gracyalny
Mr. Jim Peters
Mr. Gerlad Fischer
Mr. Dennis Gohr
Mr. Julius Wnuk
Mr. Mark Karcz
Mr. Richard Hodkiewicz
Mr. Norb Reinhard Jr.
Mr. Mike Schwarm
Mr. William Gwidt
Mr. Zach Kuhn
Mr. Kevin Damp
Mr. Jesse Allen
Mr. Daniel Berna
Ms. Theresa Berna
Mr. Al Sievert
Mr. Alan Rosenberg
Mr. Clarence Wesolowski
Mr. Tom Elsner
Mr. Bob Golik
Mr. Eric Fischer
Ms. Susan Strebe
Mr. Todd Elsner

3. Mr. Moody read the Notice of Public Hearing pertaining to Oconto County Planning & Zoning's application for a petition to review and or revoke a conditional use permit to establish a business for servicing and welding farm machinery and equipment issued to Robert Kolkowski on August 31, 2010. Location of the property is in Section 17, T26N, R19E, Town of Chase.

Oconto County Planning & Zoning Public Hearing to Review and or Revoke
Robert Kolkowski's August 31, 2010 Conditional Use Permit

June 1, 2015

Pg. 2

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 April 1, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Kevin Brehmer appeared and was sworn in. He stated that he is the agent for Oconto County Zoning. He stated that Mr. Kolkowski isn't meeting the conditions of the conditional use permit to establish a business for servicing and welding farm machinery and equipment. Made an un-announced visit to the property on March 22, 2015. Found Mr. Kolkowski was working on dump trucks, pools of oil from the driveway were running into the ditch, piles of scrap material were not in the designated area (shed) and the 6' fence was never installed and now junk is outside of the designated area. Today's on-site inspection showed that things have been cleaned up but oil is still dripping. There is a privacy fence with things within that fenced area. The conditional use permit does not apply to the property across Yurek Rd. The south side of the fence is their own property. Have received many complaints from the DNR regarding the hazardous waste generated on-site and waste oil and tires being disposed of improperly. Complaints received from concerned citizens on the conditional use permit conditions not being met.
 - B. Mr. Robert Kolkowski appeared and was sworn in. He stated that he is the owner of the property and admits that things have gotten out of hand. Talked to the fire inspector and to Carl Firsque - the State of WI Dept of Safety & Professional Services. Told them they can stop in and inspect the property anytime. If the conditional use permit is revoked and he is forced to shut down he will go on the road to service customers and bring the property up to residential code. If he stays open, he will bring the property into compliance.
 - C. Ms. Wendy Kolkowski appeared and was sworn in. She stated that she has questions on how do you control an oil leak when the vehicle is there to be fixed for an oil leak. Believes the complaints are due to their lifestyle.
 - D. Mr. Mike Schwarm appeared and was sworn in. He stated that he is in favor of the petition. Believes the property is an eyesore. When is farming an excuse for a pigsty. The business is welcome in Chase, but this eye sore is the main representation of Chase Township.
 - E. Mr. Julius Wnuk appeared and was sworn in. He stated that he opposes shutting down the business. Mr. Kolkowski has a family to feed. He pays taxes and has been fixing machinery for many years. His prices are reasonable and he does an excellent job. Doesn't feel he should be shut down. Questioned who is complaining and where they are from.

- F. Mr. Jim Peters appeared and was sworn in. He stated that he is opposed to the petition. Owns property near Mr. Kolkowski. Has fixed equipment for Mr. Peters. Oil is on every farm. Just have to keep it contained. Would like to see Mr. Kolkowski stay where he is.
- G. Ms. Sue Gracyalny appeared and was sworn in. She stated that she is in favor of the petition. Said she was at the 2011 meeting. Asked when does personal property and items needed for repairing equipment become a junk yard. Questioned the fire department inspections. She presented information on what constitutes a junk yard. Questioned the 6' fence. Concerned about the appearance of the property. Understands why the farms like his business. At the last hearing, people offered to help. Where are these people? They are not helping.
- H. Mr. Joe Gracyalny appeared and was sworn in. He stated that he is in favor of the petition. Agrees with both sides. Stated that a service is provided and he does good work. There would be no problem if Mr. Kolkowski would follow the conditions.
- I. Mr. Gary VanLanen appeared and was sworn in. He stated that he is the Chairman for the Town of Chase and is in favor of the petition. He receives 1-5 complaints a month about the property. He sits on the Fire Dept. Board. Mr. Kolkowski does not allow the fire department to inspect the property. The fire dept. would not go on the property if there was a fire. They would have to fight it from the road. Mr. Kolkowski's services are needed in the town, but the Town agrees, the conditions must be followed. Feels the permit should be revoked, the property cleaned up and then they should apply for a new conditional use permit with tougher restrictions.
- J. Ms. Tamara Willems appeared and was sworn in. She stated that she is the Clerk for the Town of Chase and is in favor of the petition. She also receives complaints. Would like to see his business in the Town but he must follow the conditions.
- K. Mr. Zach Kuhn appeared and was sworn in. He stated that Mr. Kolkowski is trying to make a living and doesn't feel the complaints are warranted. People have different ideas of junk. Mr. Kolkowski does work for him and does a good job.
- L. Mr. Daniel Berna appeared and was sworn in. He stated that he is in opposition of the petition. The sheriff was called for animal abuse. Said he'd like the BOA to place a condition that people cannot harass Mr. Kolkowski.
- M. Ms. Theresa Berna appeared and was sworn in. She stated that Mr. Kolkowski should continue to operate his business. Feels he is being harassed and should be left alone. It's his choice how he wants to live. Doesn't feel his property is an eyesore. Would be a great loss if he was forced to shut down.
- N. Mr. Mark Karcz appeared and was sworn in. He stated that Mr. Kolkowski does a good job for people. Admits there are some problems but would like to see a 60 day extension on the permit. People are so worried about appearances.

- O. Ms. Sue Gracyalny re-appeared to remind the BOA that at the last revocation hearing, people said they would help him clean up. Giving him another 60 days would not help.
- P. Mr. Joe Gracyalny re-appeared and stated that Mr. Kolkowski already had a chance and he returned to his old ways.
- Q. Mr. Kolkowski re-appeared and stated that if the permit is revoked he will go on the road. If he gets more time he will clean up the property. He will allow the fire department to inspect the property.
- R. Mr. Kevin Brehmer re-appeared and stated that that an extension could be allowed to give him time to meet the conditions and described the procedure used to revoke the permit if he isn't in compliance. Another option would be to have an annual inspection and review of the property. The fence is no problem at this point, but his equipment on the west side is now outside of the fence. Also questioned if cars and truck repair are part of the conditions.
- S. Mr. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence

8. Testimony closed at 11:27 AM

9. Deliberation/Discussion: Discussed whether the permit should be revoked or give him extra time to clean the place up. This has been going on too long. A 60 day time limit and if not in compliance, the permit will be revoked. A fire inspection should be in 30 days.

10. Decision: Moved by Stranz, seconded by Ragen to amend a conditional use permit to establish a business for servicing and welding farm machinery and equipment:

- 1. The entire business operation, including repair work and storage must be enclosed in a solid 6' high fence. The fence must be installed by June 1, 2016;
- 2. Property conditions must be in compliance by August 3, 2015;
- 3. Property Inspections will be conducted every 2 weeks with the Oconto County Zoning Office beginning June 15, 2015.
- 4. Fire inspections must be completed by June 15, 2015;
- 5. All fluids must be contained immediately and disposed of properly;
- 6. Screening to be provided on the West side of the business operation;
- 7. Waste items and scrap piles should be segregated from items needing repair in the storage area;
- 8. Waste Oil and all scrap metal to be recycled;
- 9. All waste to be recycled or disposed of properly;
- 10. Premises to be closed to public;
- 11. Welding shields are to be used to protect public from welding flashes;
- 12. 6' privacy fence to screen storage area;

- 13. Must obtain State approvals if applicable
- 14. This permit shall be reviewed if written complaints are received;

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

11. Hearing adjourned at 11:45 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

CASE NO: CU-20150026 BY ms

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

1. The applicant is Oconto County Planning & Zoning, 301 Washington St., Oconto, WI, 54153.
2. The applicant is the owner of record of parcel number 012-171701934C located in the SE¼, SW¼, Section 17, T26N, R19E, Town of Chase.
3. The conditional use permit application was filed with the Board Secretary on April 1, 2015, noticed, as provided for by law, on May 13, 2015 and May 20, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 6/1/2015.
4. The property is zoned Residential Single Family/Agriculture District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a petition to review and or revoke a conditional use permit to establish a business for servicing and welding farm machinery and equipment issued to Robert Kolkowski on August 31, 2010.
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 petition to amend conditional use permit to establish a business for servicing and welding farm machinery and equipment issued to Robert Kolkowski on August 31, 2010 is hereby denied subject to the following conditions:

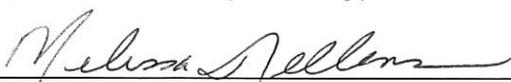
1. The entire business operation, including repair work and storage must be enclosed in a solid 6' high fence. The fence must be installed by June 1, 2016;
2. Property conditions must be in compliance by August 3, 2015 or the conditional use permit will be revoked;
3. Property Inspections will be conducted every 2 weeks with the Oconto County Zoning Office beginning June 15, 2015.
4. Fire inspections must be completed by June 15, 2015;
5. All fluids must be contained immediately and disposed of properly;
6. Screening to be provided on the West side of the business operation;
7. Waste items and scrap piles should be segregated from items needing repair in the storage area;
8. Waste Oil and all scrap metal to be recycled;
9. All waste to be recycled or disposed of properly;
10. Premises to be closed to public;
11. Welding shields are to be used to protect public from welding flashes;
12. 6' privacy fence to screen storage area;
13. Must obtain State approvals if applicable
14. This permit shall be reviewed if written complaints are received;

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

6-1-15
Date