

MINUTES
FRIDAY, JANUARY 8, 2016 – 9:00 A.M.
BOARD OF ADJUSTMENT COMMITTEE
ROOM #1004 - 1ST FLR COURTHOUSE BUILDING "A"
301 WASHINGTON STREET, OCONTO, WI 54153-1699
www.co.oconto.wi.us

COMMITTEE PRESENT: Ballestad, Ragen, Stranz, and Wellens

ABSENT: Sleeter

OTHERS PRESENT: Bill Bartz, Jr.

1. Moved by Ragen, seconded by Ballestad to approve the agenda. Motion voted on and carried.
2. Approval of Minutes
 - a. Business Meeting
Motion by Ballestad, seconded by Wellens to approve minutes of December 4, 2015.
Motion voted and carried..
 - b. Public Hearings
Moved by Ragen, seconded by Wellens to approve the minutes of
 - i. December 30, 2015
 1. JJ Wied
 2. Todd Duame
 3. Phillip Zippel
 4. Mark Deneys
 5. Piette Family LLC
3. Public Comments/Miscellaneous
None.
4. Hearing Dates
 - a. The Board selected January 27, 2016 as the public hearing date.
 - b. The Board selected January 29, 2016 as the business meeting date.
6. Adjournment
Moved by Nichols, seconded by Wellens to adjourn. Motion voted on and carried.

Melissa Wellens – Secretary

Allan Stranz – Vice-Chair

MW/mls Date posted: 01/12/16

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1-8-16 BY me

1. Hearing called to order at 8:48 AM
2. Roll Call: Present: Mr. Allan Stranz, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen

Absent: Mr. Alan Sleeter, Chairman

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Mr. Tom Wied
 Ms. Tammy Willems
 Ms. Nan LaChapelle – JJ Wied LLC
 Mr. Jeff Jeanquart
3. Mr. Moody read the Notice of Public Hearing pertaining to JJ Wied LLC's application for a conditional use permit to continue to operate a quarry. Location of the property is in Section 03, T26N, R19E, Town of Chase.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on December 1, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Ms. Nan LaChapelle appeared and was sworn in. She stated that she is the agent for JJ Wied, LLC. They are requesting a conditional use permit to continue to operate a quarry. No changes to the conditions are needed. They have no plan on expanding and will not be reclaiming the site at this time. Would like the same conditions.
 - B. Ms. Tammy Willems appeared and was sworn in. She stated that she is the Town Clerk for the Town of Chase. The Town would like to re-instate the original conditions which would require a \$1,000 yearly fee for use of Gohr Road and to allow 24 hour operations on WDOT contracts.
 - C. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
 - A. Town Recommendation Form from the Town of Chase – Recommends approval;
8. Testimony closed at 9:05 AM

9. Deliberation/Discussion: Discussed conditions. The BOA agrees to add the two conditions that the Town of Chase requested. No complaints received on the quarry.
10. Decision: Moved by Ragen, seconded by Ballestad to grant a conditional use permit to continue to operate a quarry with the following conditions:
1. Hours of operation – 7:00 AM to 5:00 PM; Monday thru Friday;
 - a. Maintenance of equipment is allowed 24 hours a day, 7 days a week;
 2. A pipe gate is required at the entrance to the quarry;
 3. Dust control must be used according to EPA regulations;
 4. No blasting is allowed;
 5. Any water pumped must be directed into an approved drainage ditch;
 6. Operation is required to be setback 30' from all lot lines.
 7. Truck traffic from the site is restricted to travel west along Gohr Rd to Cty C;
 8. Quarry Reclamation Plan and Financial guarantee shall conform to the requirements set forth in the Oconto County Non-Metallic Reclamation Ordinance;
 9. Allow 24 hour operations on WDOT contracts;
 10. Must pay a \$1,000 yearly fee for the use of Gohr Road. The money will be held by the Town of Chase Treasurer and used to maintain the road. The Town Board will examine the road in May of each year. If no damage occurred, the fees would remain for the next year. If the road is damaged, the cost would be taken equally from each contractor's \$1,000 fee. This fee would be payable when the permit is issued.
 11. This permit expires on 10/24/2018

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

11. Hearing adjourned at 9:06 AM


Melissa Wellens
Secretary


Allan Stranz
Vice-Chairman

Gabe Moody
Assistant Zoning Administrator

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

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

DATE 1-8-16 BY me

CASE NO: CU-20150050

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

1. The applicant is JJ Wied LLC, PO Box 8803, Green Bay, WI, 54308.
2. The applicant is the owner of record of parcel number 012-03030168 located in Section 03, T26N, R19E, Town of Chase.
3. The conditional use permit application was filed with the Board Secretary on December 1, 2015, noticed, as provided for by law, on December 15, 2015 and December 23, 2015, and a public hearing was held by the Oconto County Board of Adjustment on December 30, 2015.
4. The property is zoned Agriculture w/Quarry Overlay District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit to continue to operate a quarry.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

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

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

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

GRANT OF CONDITIONAL USE PERMIT

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

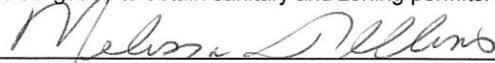
1. Hours of operation – 7:00 AM to 5:00 PM; Monday thru Friday;
 - a. Maintenance of equipment is allowed 24 hours a day, 7 days a week;
2. A pipe gate is required at the entrance to the quarry;
3. Dust control must be used according to EPA regulations;
4. No blasting is allowed;
5. Any water pumped must be directed into an approved drainage ditch;
6. Operation is required to be setback 30' from all lot lines.
7. Truck traffic from the site is restricted to travel west along Gohr Rd to Cty C;
8. Quarry Reclamation Plan and Financial guarantee shall conform to the requirements set forth in the Oconto County Non-Metallic Reclamation Ordinance;
9. Allow 24 hour operations on WDOT contracts;
10. Must pay a \$1,000 yearly fee for the use of Gohr Road. The money will be held by the Town of Chase Treasurer and used to maintain the road. The Town Board will examine the road in May of each year. If no damage occurred, the fees would remain for the next year. If the road is damaged, the cost would be taken equally from each contractor's \$1,000 fee. This fee would be payable when the permit is issued.
11. This permit expires on 10/24/2018

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

1-8-16

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1-8-16 BY MD

1. Hearing called to order at 9:50 AM
2. Roll Call: Present: Mr. Allan Stranz, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen

Absent: Mr. Alan Sleeter, Chairman

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Mr. David Dellise
3. Mr. Moody read the Notice of Public Hearing pertaining to Todd Duame's application for a conditional use permit to continue to operate a quarry. Location of the property is in Section 31, T29N, R21E, Town of Little River.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on November 19, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. David Dellise appeared and was sworn in. He stated that he was the agent for Todd Duame. They are requesting a conditional use permit to continue to operate a quarry. The quarry will continue to run as it is now. Very little material is being taken from the site at this time. No change in conditions.
 - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
 - A. Town Recommendation Form from the Town of Lt River – Recommends approval;
8. Testimony closed at 9:55 AM
9. Deliberation/Discussion: The BOA discussed conditions. The quarry is clean and there have been no complaints.
10. Decision: Moved by Ballestad, seconded by Wellens to grant a conditional use permit with the following conditions:
 1. Hours of Operation:
 - a. Hauling & Crushing from 6:00 AM to 6:00 PM or daylight hours, whichever is greater, Monday – Saturday;

- b. Blasting – 8:00 AM to 4:00 PM – Monday – Friday;
2. Quarry reclamation plan and a financial guarantee shall conform to the requirements as set forth in the Oconto County Non-metallic Reclamation Ordinance;
3. Must have a gate at the driveway entrance;
4. Dust control in accordance with EPA standards;
5. This permit will expire on November 29, 2018

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

11. Hearing adjourned at 9:56 AM


Melissa Wellens
Secretary


Allan Stranz
Vice-Chairman

Gabe Moody
Assistant Zoning Administrator

NOTICE OF DECISION AND ORDER
OCONTO COUNTY ZONING BOARD OF ADJUSTMENT

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

DATE 1-8-16 BY ms

CASE NO: CU-20150051

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

1. The applicant is Todd Duame, 5870 Duame Rd, Lena, WI, 54139.
2. The applicant is the owner of record of parcel number 022-253101224B, 022-253101331A, 022-253100413B, 022-253100313A, 022-253102142B and 022-253102042A located in Section 31, T29N, R21E, Town of Little River.
3. The conditional use permit application was filed with the Board Secretary on November 19, 2015, noticed, as provided for by law, on December 15, 2015 and December 23, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 12/30/15.
4. The property is zoned Agriculture w/a Quarry Overlay District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit to continue to operate a quarry.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

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

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

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

GRANT OF CONDITIONAL USE PERMIT

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

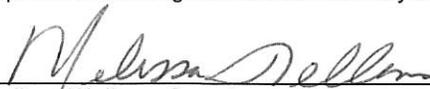
1. Hours of Operation:
 - a. Hauling & Crushing from 6:00 AM to 6:00 PM or daylight hours, whichever is greater, Monday – Saturday;
 - b. Blasting – 8:00 AM to 4:00 PM – Monday – Friday;
2. Quarry reclamation plan and a financial guarantee shall conform to the requirements as set forth in the Oconto County Non-metallic Reclamation Ordinance;
3. Must have a gate at the driveway entrance;
4. Dust control in accordance with EPA standards;
5. This permit will expire on November 29, 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

1-8-15
Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1-8-16 BY MS

1. Hearing called to order at 10:45 AM
2. Roll Call: Present: Mr. Allan Stranz, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen

Absent: Mr. Alan Sleeter, Chairman

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Mr. Dale Seeling
3. Mr. Moody read the Notice of Public Hearing pertaining to Phillip Zippel's application for a conditional use permit to continue to operate a quarry. Location of the property is in Section 20, T28N, R19E, Town of Oconto Falls.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on November 11, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Dale Seeling appeared and was sworn in. He stated that he is the agent for the Zippels. They are requesting a conditional use permit to continue to operate a quarry. Sand is the main material extracted for farming use. After sifting the sand the remaining material is used for fill. Conditions to remain the same.
 - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
 - A. Town Recommendation Form from the Town of Gillett – Recommends Approval;
 - B. Letter from Ken & Mary Hardtke – Support
8. Testimony closed at 10:49 AM
9. Deliberation/Discussion: BOA discussed the conditions. All are adequate. No complaints have been received.
10. Decision: Moved by Ragen, seconded by Ballestad to grant a conditional use permit to continue to operate a quarry with the following conditions:
 1. Hours of Operation:
 - a. 7:00 AM to 8:00 PM – Monday thru Friday

- b. 8:00 AM to 12:00 PM – Saturday
- 2. Must install a pipe gate at entrance;
- 3. No blasting or crushing;
- 4. Dust control according to EPA standards;
- 5. Quarry reclamation plans and a financial guarantee shall conform to the requirements as set forth in the Oconto County Non-Metallic Reclamation Ordinance.
- 6. This permit shall expire on August 25, 2018

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

11. Hearing adjourned at 10:50 AM


Melissa Wellens
Secretary


Allan Stranz
Vice-Chairman

Gabe Moody
Assistant Zoning Administrator

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

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

DATE 1-8-16 BY MS

CASE NO: CU-20150048

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

1. The applicant is Phillip Zippel, 9598 State Hwy 22, Gillett, WI, 54124.
2. The applicant is the owner of record of parcel number 032-202001041 located in the NE¼, SE¼, Section 20, T28N, R19E, Town of Oconto Falls.
3. The conditional use permit application was filed with the Board Secretary on November 11, 2015, noticed, as provided for by law, on December 15, 2015 and December 23, 2015, and a public hearing was held by the Oconto County Board of Adjustment on December 30, 2015.
4. The property is zoned Forest w/Quarry Overlay District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit to continue to operate a quarry.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

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

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

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

GRANT OF CONDITIONAL USE PERMIT

The requested conditional use permit to continue to operate a quarry with the following conditions

1. The requested Hours of Operation:
 - a. 7:00 AM to 8:00 PM – Monday thru Friday
 - b. 8:00 AM to 12:00 PM – Saturday
2. Must install a pipe gate at entrance;
3. No blasting or crushing;
4. Dust control according to EPA standards;
5. Quarry reclamation plans and a financial guarantee shall conform to the requirements as set forth in the Oconto County Non-Metallic Reclamation Ordinance.
6. This permit shall expire on August 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

1-8-16

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1-8-16 BY WD

1. Hearing called to order at 11:45 AM
2. Roll Call: Present: Mr. Allan Stranz, Vice-Chairman
Mrs. Melissa Wellens, Secretary
Mr. Karl Ballestad
Mr. Elmer Ragen

Absent: Mr. Alan Sleeter, Chairman

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
Mr. Mark Deneys
3. Mr. Moody read the Notice of Public Hearing pertaining to Mark Deneys's application for a conditional use permit for a dwelling over 15 years old. Location of the property is in Section 30, T19N, R19E, Town of Brazeau.
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 November 23, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Mark Deneys appeared and was sworn in. He stated that he is requesting a conditional use permit for a dwelling over 15 years old. Purchased a lot 10 years ago. He had a well and conventional septic system installed. Would like to place a 1994 – 14' x 52' mobile home on a slab. Will renovate the inside of the mobile home.
 - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
 - A. Town Recommendation Form from the Town of Brazeau – Recommends approval;
8. Testimony closed at 11:51AM
9. Deliberation/Discussion: The BOA viewed pictures of the mobile home. It looks in very good condition. He has already renovated some of the home. It has a pitched roof.
10. Decision: Moved by Ballestad, seconded by Ragen to grant a conditional use permit for a 1994 – 14' x 52' mobile home. No conditions needed. Roll Call Vote: Ballestad, Ragen, Stranz and Wellens all voting aye, no nays, motioned carried.
11. Hearing adjourned at 11:52 AM


Melissa Wellens
Secretary


Allan Stranz
Vice-Chairman

Gabe Moody
Assistant Zoning Administrator

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1-8-16 BY MS

CASE NO: CU-20150049

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

1. The applicant is Mark Deneys, 2294 Oliver Ln, Green Bay, WI, 54303.
2. The applicant is the owner of record of parcel number 008-30300361421 located in Section 30, T19N, R19E, Town of Brazeau.
3. The conditional use permit application was filed with the Board Secretary on November 23, 2015, noticed, as provided for by law, on December 15, 2015 and December 23, 2015, and a public hearing was held by the Oconto County Board of Adjustment on December 30, 2015.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit for a dwelling over 15 years old.
6. The applicant is requesting a conditional use permit under the provisions of the Oconto County Zoning Ordinance.

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

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

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

GRANT OF CONDITIONAL USE PERMIT

The requested conditional use permit for a 1994 – 14' x 52' mobile home is hereby granted. No conditions needed.

GENERAL CONDITIONS

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

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

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



Melissa Wellens, Secretary
Oconto County Board of Adjustment

1-8-16

Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1-8-16 BY MS

1. Hearing called to order at 2:08 PM
2. Roll Call: Present: Mr. Allan Stranz, Vice-Chairman
 Mrs. Melissa Wellens, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen

Absent: Mr. Alan Sleeter, Chairman

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Mr. Jeff Williams
 Mr. Fred Piette
3. Mr. Moody read the Notice of Public Hearing pertaining to Piette Family LLC's application for a variance to build closer to the water. Location of the property is in Section 24, T29N, R17E, Town of How.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on December 8, 2015. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Fred Piette appeared and was sworn in. He stated that he is requesting a variance to build closer to the ordinary high water mark. Currently, the bedroom and bathroom are located on the second floor. His wife is disabled and unable to get up-stairs. The proposed addition will be 20' x 24' bathroom, bedroom and up-stairs attic. Will need an extra 6' for the inside stairway. The existing home is 24.8' x 20.8' with a crawl space. There is a conventional septic system. The new addition will be 54' from the ordinary high water mark with the existing structure 31' from the ordinary high water mark. Is working with the surveyor and Omni to correct the floodplain error.
 - B. Mr. Jeff Williams appeared and was sworn in. He stated that he is in favor of the variance request and confirms Mr. Piette's wife needs to have a bedroom & bathroom on the first floor.
 - C. Mr. Gabe Moody appeared and was sworn in. He read the staff report and stated 31' from the ordinary high water mark.
7. Correspondence
 - A. Letter from Miles Winkler, DNR

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

1. Unique Physical Limitation – Floodplain is present. The existing home is 50 years old and very small.
2. No harm to Public Interest –Water run-off will be diverted away from the river, also the addition is farther back from the ordinary high water mark than the existing home.
3. Unnecessary Hardship – Unique to the property because it is an existing home.

Decision: Moved by Ragen, seconded by Ballestad to reduce the required 75' ordinary high water mark to 54' from the ordinary high water mark of the Oconto River for this requested addition only with the recommendation that the water run-off is directed away from the river.
Roll Call Vote: Ballestad, Ragen, Stranz and Wellens all voting aye, no nays, motion carried.

10. Hearing adjourned at 2:39 AM


Melissa Wellens
Secretary


Allan Stranz
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 1-8-16 BY MS
CASE NO. VA-20150036

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

1. The petitioner is Piette Family LLC, 6130 North Richmond St, Appleton, WI 54914
2. The petitioner is the owner of record of parcel number 018-242401642 located in the NW ¼, SE ¼, Section 24, T29N, R17E, Town of How.
3. The petition for variance was filed with the Board Secretary on December 8, 2015, noticed, as provided for by law, on December 16, 2015 and December 23, 2015, and a public hearing was held by the Oconto County Board of Adjustment on 12/30/15.
4. The property is zoned Forestry District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The proposed relief sought by the petitioner is a variance from the requirement that a structure be setback 75' from the ordinary high water mark. Specifically, the petitioner is requesting to build an addition to an existing cabin 60' from the ordinary high water mark of the Oconto River.
6. The hardship claimed in this matter is the existing home is small and needs a bedroom and bathroom.
7. The applicant is requesting a variance under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance.

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

1. The Board has jurisdiction of this matter under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance.
2. Violations of the Oconto County Zoning Ordinance will not exist as a result of this action.
3. A literal enforcement of the terms of the Oconto County Zoning Ordinance will result in practical difficulty or unnecessary hardship to the applicant cannot build without a variance an addition to the small.
4. The unique physical limitation of the property is the floodplain & 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

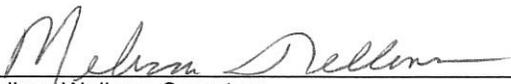
The requested variance to reduce the required 75' ordinary high water mark to 54' from the ordinary high water mark of the Oconto River for this requested addition only with the recommendation that the water run-off is directed away from the river is hereby granted.

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

1-8-16

Date