

**MINUTES**  
**WEDNESDAY, JANUARY 29, 2020**  
**BOARD OF ADJUSTMENTS**  
**Draft minutes until Committee approved**

Meeting called to order at 11:15 AM by Al Sleeter, Chair.

BOARD MEMBERS PRESENT: Alan Sleeter, Chair; Al Stranz, Vice-Chair; Karl Ballestad; Elmer Ragen; Robert Pott

ABSENT: Melissa Wellens, Secretary

OTHERS PRESENT: Gabe Moody, Assistant Zoning Administrator

1. Approval of Agenda

a. Change of Sequence

b. Removal of Items

Moved by Ragen, seconded by Pott to approve the Agenda. Motion voted on and carried.

2. Approval of Minutes

a. Business Meeting of December 27, 2019

Moved by Ballestad, seconded by Stranz to approve the minutes of December 27, 2019. Motion voted on and carried.

b. Public Hearings of January 29, 2020

1) Village Tractor & Repair

2) Don Duddek, et al

Moved by Stranz, seconded by Ballestad to approve the minutes of the hearings of January 29, 2020. Motion voted on and carried.

3. Public Comments/Miscellaneous

4. Hearing Dates

a. Public Hearings – to be held February 27, 2020 and February 28, 2020 (if needed).

b. Business Meeting Date – to be held February 27 or 28, 2020.

5. Adjournment

Moved by Ragen, seconded by Pott to adjourn. Motion voted on and carried. Adjourned at 11:46 AM.

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Alan Sleeter, Chair

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Melissa Wellens, Secretary

DATE 1-29-20 BY Bj

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
January 29, 2020


1. Hearing called to order at 8:45 AM.
2. Roll Call: Present:       Mr. Alan Sleeter - Chairman  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mr. Robert Pott, Alternate  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
  
                                  Absent:       Mrs. Melissa Wellens, Secretary  
  
                                  Others Present:   Mr. Gabe Moody, Assistant Zoning Administrator  
  Mr. Kevin Bartlett
3. Mr. Moody read the Notice of Public Hearing pertaining to Village Tractor & Repair, LLC's application for application for Conditional Use Permit for business involving the sales and service of agricultural equipment. Location of the property is in Section 14, T26N, R20E, Town of Little Suamico.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, 5 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 11, 2019. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Kevin Bartlett appeared and was sworn in. He stated that he is the owner/operator of Village Tractor. He wants a Conditional Use Permit for tractor sales and service. He would like to move the current business from Suamico to Little Suamico. He will still operate the store in Bonduel. The Town was in favor with certain conditions.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Staff Report
  - B. Town of Little Suamico Recommendation Form – recommend approval with conditions.
8. Testimony closed at 8:59 AM.

Village Tractor and Repair LLC Public Hearing  
January 29, 2020  
Page Two

9. Deliberation/Discussion: Board discussed conditions.
10. Decision: Moved by Stranz, seconded by Ballestad to grant the Conditional Use Permit for a business involving the sales and service of agricultural equipment, with the following conditions:
- A. Hours - Monday through Sunday 6:00 AM – 9:00 PM, deliveries during normal business hours.
  - B. Waste transported to Bonduel site until new cold storage built.
  - C. Downward light.
  - D. Sign per Oconto County Ordinance.
  - E. Building built to code.
  - F. Dusk to dawn lighting.
  - G. Hard surface driveway to be completed within two years, or extension to be requested.

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

11. Hearing adjourned at 9:01 AM.



Alan Sleeter  
Chair

Gabe Moody  
Assistant Zoning Administrator

NOTICE OF DECISION AND ORDER  
OCONTO COUNTY BOARD OF ADJUSTMENT (Chapter 14)

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

DATE 1-29-20 BY AB

CASE NO: CU-20190023

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

1. The petitioner is Village Tractor & Repair, LLC, 201 W. Green Bay Street, Bonduel, WI 54107
2. The petitioner is the owner of record of parcel number 024-081401432C; 024-081401332B located in Section 14, T26N, R20E, Town of Little Suamico.
3. The petition for conditional use permit was filed with the Board Secretary on December 11, 2019, noticed, as provided for by law, on January 15, 2020 and January 22, 2020, and a public hearing was held by the Oconto County Board of Adjustment on January 29, 2020.
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 under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a conditional use permit for a business involving the sales and service of agricultural equipment.

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

The Board has jurisdiction on this matter under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance

**Conditional Use-**The application for a conditional use permit does qualify under the criteria of Section 14.1803 € of the ordinance.

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

The requested conditional use permit consisting of a conditional use permit for a business involving the sales and service of agricultural equipment is hereby GRANTED subject to the following conditions:

- A. Hours - Monday through Sunday 6:00 AM – 9:00 PM, deliveries during normal business hours.
- B. Waste transported to Bonduel site until new cold storage built.
- C. Downward light.
- D. Sign per Oconto County Ordinance.
- E. Building built to code.
- F. Dusk to dawn lighting.
- G. Hard surface driveway to be completed within two years, or extension to be requested.

**GENERAL CONDITIONS**

The granting of this conditional use permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands and accepts the 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.

Revocation. 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.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action of certiorari with the Circuit Court for Oconto County within 30 days after the filing of this decision. 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. When a floodplain variance is granted the applicant is made aware that the variance may increase risks to life, property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage.

  
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Alan Sleeter, Chair  
Oconto County Board of Adjustment

1-29-2020  
\_\_\_\_\_  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
January 29, 2020

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 1-29-20 BY KJ

1. Hearing called to order at 9:45 AM
2. Roll Call: Present:       Mr. Alan Sleeter - Chairman  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mr. Robert Pott, Alternate  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
  
                                  Absent:       Mrs. Melissa Wellens, Secretary  
  
                                  Others Present:   Mr. Gabe Moody, Assistant Zoning Administrator  
  Mr. Jason Martin, Jackie Foster, Inc.  
  Mr. Justin Suriano  
  Mr. John Kuntz
3. Mr. Moody read the Notice of Public Hearing pertaining to Don Duddek, et al's application for application for Conditional Use Permit to continue to operate a quarry. Location of the property is in Section 6, T28N, R21E, Town of Oconto.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, 8 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 January 3, 2020. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Jason Martin appeared and was sworn in. He stated that he is the agent for Jackie Foster, Inc, and they are requesting a Conditional Use Permit to continue to operate an existing quarry. It was approved at the town level on the 27<sup>th</sup>.
  - B. Mr. Justin Suriano appeared and was sworn in. He stated that he would like to be notified 24 hours in advance of blasting. He asked about blast rock damaging equipment, if it's covered.
  - C. Mr. John Kuntz appeared and was sworn in. He stated that he has horses, and wants to be notified 24 hours in advance of blasting.
  - D. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Staff Report with changes.
8. Testimony closed at 10:00 AM.

9. Deliberation/Discussion: Discussed conditions, town is in favor.

10. Decision: Moved by Ragen, seconded by Pott to grant the Conditional Use Permit to continue to operate a quarry with the following conditions:

- A. Blasting Hours 7:00 AM to 5:00 PM – Monday through Friday, no holidays. Must notify owners within ½ mile at least 24 hours before blasting.
- B. Hours: 6:00 AM to 6:00 PM or dawn to dusk, whichever is greater – Monday through Saturday. Equipment maintenance 24 hours per day 7 days a week;
- C. Reclamation and financial guarantee will be determined as per the reclamation ordinance passed by Oconto County;
- D. Pipe gate to be installed at entrance.
- E. Dust control according to EPA standards.
- F. Setback of 30 feet from property line, unless permission is granted and obtained in writing from neighbor.
- G. Must obtain physical address.
- H. No expiration of Conditional use Permit unless there are complaints or changes in the current conditions.

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

I. Hearing adjourned at 10:03 AM.



Alan Sleeter  
Chairman

Gabe Moody  
Assistant Zoning Administrator

DATE 1-29-20 BY KL

NOTICE OF DECISION AND ORDER  
OCONTO COUNTY BOARD OF ADJUSTMENT (Chapter 14)

CASE NO: CU-20200001

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

1. The petitioner is Don Duddek, et al, 12028 Parkway Road, Pound, WI 54161
2. The petitioner is the owner of record of parcel number 030-060600213 located in the SW ¼, NE ¼, Section 6, T28N, R21E, Town of Oconto.
3. The petition for conditional use permit was filed with the Board Secretary on January 3, 2020, noticed, as provided for by law, on January 15, 2020 and January 22, 2020, and a public hearing was held by the Oconto County Board of Adjustment on January 29, 2020.
4. The property is zoned Agricultural with Quarry Overlay District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a conditional use permit to continue to operate a quarry.

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

The Board has jurisdiction on this matter under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance

**Conditional Use-**The application for a conditional use permit does qualify under the criteria of Section 14.2803 of the ordinance.

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

The requested conditional use permit consisting of a conditional use permit to continue to operate a quarry is hereby GRANTED subject to the following conditions/mitigation:

- A. **Blasting Hours 7:00 AM to 5:00 PM – Monday through Friday, no holidays. Must notify owners within ½ mile at least 24 hours before blasting.**
- B. **Hours: 6:00 AM to 6:00 PM or dawn to dusk, whichever is greater, Monday through Saturday. Equipment maintenance 24 hours per day 7 days a week.**
- C. **Reclamation and financial guarantee will be determined as per the reclamation ordinance passed by Oconto County.**
- D. **Pipe gate to be installed at entrance.**
- E. **Dust control according to EPA standards.**
- F. **Setback of 30 feet from property line, unless permission is granted and obtained in writing from neighbor.**
- G. **Must obtain physical address.**
- H. **No expiration of Conditional Use Permit unless there are complaints or changes in the current conditions.**

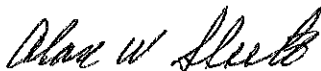
**GENERAL CONDITIONS**

The granting of this conditional use permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands and accepts the 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.

**Revocation.** 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.

**Appeals.** This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action of certiorari with the Circuit Court for Oconto County within 30 days after the filing of this decision. 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. When a floodplain variance is granted the applicant is made aware that the variance may increase risks to life, property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage.



Alan Sleeter, Chair  
Oconto County Board of Adjustment

1-29-2020  
Date