

MINUTES
WEDNESDAY, OCTOBER 27, 2021
BOARD OF ADJUSTMENTS
Draft minutes until Committee approved

Meeting called to order at 9:00 AM by Alan Sleeter, Chair.

BOARD MEMBERS PRESENT: Alan Sleeter, Chair; Al Stranz, Vice-Chair; Elmer Ragen; Karl Ballestad; Diane Nichols, Alternate

ABSENT: Robert Pott, Secretary

OTHERS PRESENT: Pat Virtues, Zoning/Solid Waste Administrator; Ryan VanDeWalle, Enforcement Technician

1. Approval of Agenda
 - a. Change of Sequence
 - b. Removal of Items
Moved by Stranz, seconded by Ballestad to approve the Agenda. Motion voted on and carried.
 2. Approval of Minutes
 - a. Business Meeting of September 24, 2021
Moved by Ragen, seconded by Nichols to approve the minutes of the business meeting of September 24, 2021. Motion voted on and carried.
 - b. Public Hearings of October 26, 2021
 - 1) WICO, Inc.- Moved by Ballestad, seconded by Nichols to approve the minutes of the public hearing of October 26, 2021 (WICO, Inc.) Motion voted on and carried.
 - 2) Eugene Wusterbarth – Moved by Stranz, seconded by Ragen to approve the minutes of the hearing of October 26, 2021 (Wusterbarth). Motion voted on and carried.
 - 3) Steven Grusznski – Moved by Ballestad, seconded by Stranz to approve the minutes of the hearing of October 26, 2021 (Grusznski). Motion voted on and carried.
 - 4) Annalisa Barrie –Moved by Ragen, seconded by Nichols to approve the minutes of the hearing of October 26, 2021 (Barrie). Motion voted on and carried.
 - 5) Ken Schott – Moved by Nichols, seconded by Ballestad to approve the minutes of the hearing of October 26, 2021 (Schott). Motion voted on and carried.
 - 6) LeRoy & Glennis Steffenhagen – Moved by Stranz, seconded by Ragen to approve the minutes of the hearing of October 26, 2021 (Steffenhagen variance). Motion voted on and carried.
 - 7) LeRoy & Glennis Steffenhagen - Moved by Stranz seconded Ballestad by to approve the minutes of the hearing of October 26, 2021 (Steffenhagen – Conditional Use Permit). Motion voted on and carried.
 3. Public Comments
 - a. Pat Virtues discussed potential changes to Section 14, zoning ordinance.
 4. Hearing Dates
 - a. Public Hearings - to be held November 29, 2021 and November 30, 2021 (if needed)
 - b. Business Meeting Date – to be held November 29 or 30, 2021, as needed.
 5. Adjournment
Chair Sleeter adjourned meeting at 10:12 AM.
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MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
October 26, 2021

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 10-27-21 BY KJ

1. Hearing called to order at 10:30 AM.
2. Roll Call: Present: Mr. Alan Sleeter, Chair
 Mr. Allan Stranz, Vice-Chair
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Mrs. Diane Nichols, Alternate


 Absent: Mr. Robert Pott, Secretary

 Others Present: Mr. William Lester, Assistant Zoning Administrator
 Mr. Tony Widowski
3. Mr. Lester read the Notice of Public Hearing pertaining to WICO, Inc's application for Conditional Use Permit for a dwelling over 15 years old. Location of the property is in Section 30, T31N, R17E, Town of Mountain, 12525 Knollwood Lane.
4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 20 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. Lester stated that the petition was filed on September 24, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Tony Widowski appeared and was sworn in. He stated that he is requesting a Conditional Use Permit for a dwelling over 15 years old. He supplied updated pictures for the Board to review to include upgrades made. The home is 16' x 80', approximately 1986. There is 100 amp service, and a 3 to 12 pitch on the roof. The home has three bedrooms and two bathrooms. He had no photos of the interior, and he stated that it is in rough shape, but will be completely redone and renovated. There is a new furnace and water heater.
 - B. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
 - A. Staff Report
 - B. Town of Mountain Recommendation Form – recommend approval.
8. Testimony closed at 10:36 AM.
9. Deliberation/Discussion: Board discussed conditions. Needs repair, but they are being made. Exterior already in progress, and interior will be renovated.

WICO, Inc. Public Hearing
October 26, 2021
Page Two

10. Decision: Moved by Stranz, seconded by Nichols to grant a Conditional Use Permit for a dwelling over 15 years old, with the following conditions: proper footing/skirting. Roll Call Vote: Ballestad, Nichols, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.

11. Hearing adjourned at 10:38 AM.



Secretary



Alan Sleeter
Chair

William Lester
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 10-27-21 BY KJ
CASE NO: CU-20210030

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

1. The petitioner is WICO, Inc, 12525 Knollwood Lane, #28, Suring, WI 54174
2. The petitioner is the owner of record of parcel number 029-673002033S located in Section 30, T31N, R17E, Town of Mountain.
3. The petition for conditional use permit was filed with the Board Secretary on September 24, 2021, noticed, as provided for by law, on October 6, 2021 and October 13, 2021, and a public hearing was held by the Oconto County Board of Adjustment on October 26, 2021.
4. The property is zoned R-3, Mobile Home Park District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use 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 dwelling over 15 years.

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 14.427 (d) 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 consisting of a conditional use permit for a dwelling over 15 years old is hereby GRANTED subject to the following conditions/mitigation:

1. Proper footing/skirting

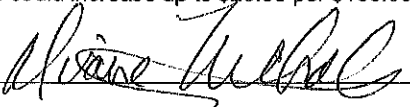
GENERAL CONDITIONS

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.



Oconto County Board of Adjustment

10/27/21

Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
October 26, 2021

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 10-27-21 BY KJ

1. Hearing called to order at 10:40 A.M.
2. Roll Call: Present: Mr. Alan Sleeter, Chair
 Mr. Allan Stranz, Vice-Chair
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Mrs. Diane Nichols, Alternate

 Absent: Mr. Robert Pott, Secretary

Others Present: Mr. William Lester, Assistant Zoning Administrator
 Mr. Eugene Wusterbarth
 Mr. Dave Kramer
 Mr. Ronnie Pillsbury
 Mr. David Leclair
 Mr. Jim Zittlow
3. Mr. Lester read the Notice of Public Hearing pertaining to Eugene Wusterbarth's application for variance to build closer to road right of way of Black Bass Lane, variance to build closer to road right of way of Gewont Lane, and variance to reduce the visual clearance triangle. Location of the property is in Section 23, T32N, R17E, Town of Riverview, 15697 Gewont Lane.
4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 19 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. Lester stated that the petition was filed on September 7, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Eugene Wusterbarth appeared and was sworn in. He stated he is requesting two right of way variances and a vision clearance triangle variance. The lot is unbuildable with today's setback requirements. Both roads are unimproved and are like trails. He is requesting to build a 30'X40' cabin at the largest with the option to have a basement and or more than one story. A soil test was completed, and there is currently a sand point onsite. The town road does not get plowed.
 - B. Mr. Dave Cramer appeared and was sworn in. He stated he owns land nearby and Grewont Lane is a dirt path that leads to his trailer. Seeing as the road has no improvements, this proposal should have no issues.
 - C. Mr. Jim Zittlow appeared and was sworn in. He stated he is the Town of Riverview supervisor and feels the building is too large for the lot. He is not concerned about the

vision clearance triangle but there are potential parking issues due to the roads not being improved. He also has concerns over the potential septic size and available area.

- D. Mr. Eugene Wusterbarth was brought back and stated existing cabin is one story and 18'X28', with the proposed cabin being 30'X40'. As far as the traffic and parking concern, there is very little traffic in that area. He feels E Crooked Lake has more of a parking issue. Jeff Zahm performed the soil test onsite. Jeff feels there is ample room for a new conventional septic system or holding tank as a last resort.
- E. Mr. Lester appeared and was sworn in. He read the Staff Report.

7. Correspondence

- A. Staff Report
- B. Letter from Mary Leclair
- C. Letter from Dave Leclair

8. Testimony closed at 10:59 A.M.

9. Deliberation/Discussion: Board discussed Findings of Fact:
As to the request to build closer to the right of way of Black Bass Lane:
- A. Unique physical limitation –lot size & shape
 - B. Harm to public interest – low traffic area
 - C. Unnecessary hardship – unbuildable without variance

As to the request to build closer to the right of way of Gewont Lane:

- A. Unique physical limitation – lot size & shape
- B. Harm to public interest – away from lake, new septic will improve groundwater
- C. Unnecessary hardship – lot size & shape

As to the request to reduce the visual clearance triangle:

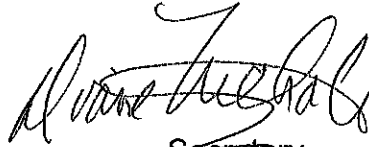
- A. Unique physical limitation – lot size & shape
- B. Harm to public interest – low traffic, town roads not plowed
- C. Unnecessary hardship – unbuildable without variance

10. Decision: Moved by Nichols seconded by Stranz to grant a 20.2 foot variance from the required 30 foot setback to build 9.8 feet from the right of way of Black Bass Lane. Roll Call Vote: Ballestad, Nichols, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.

Moved by Stranz seconded by Nichols to grant a 20 foot variance from the required 30 foot setback to build 10 feet from the right of way of Gewont Lane. Roll Call Vote: Ballestad, Nichols, Ragen, Stranz and Sleeter voting aye, no nays, motion carried.

Moved by Ragen seconded by Ballestad to grant a 90 foot variance from the required 150 foot setback to reduce the visual clearance triangle to 60 feet. Roll Call Vote: Ballestad, Nichols, Ragen, Stranz and Sleeter voting aye, no nays, motion carried.

11. Hearing adjourned at 11:12 A.M.



Secretary



Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

DATE 10-27-21 BY KJ

CASE NO: VA-20210035
RIGHT OF WAY – BLACK BASS LANE

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

1. The petitioner is Eugene Wusterbarth, 401 Quincy Street, Oconto, WI 54153
2. The petitioner is the owner of record of parcel number 036-59233021110 located in Section 23, T32N, R17E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on September 7, 2021, noticed, as provided for by law, on October 6, 2021 and October 13, 2021, and a public hearing was held by the Oconto County Board of Adjustment on October 26, 2021.
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 variance 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 variance to build closer to the right of way of Black Bass Lane.

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

Variance- The variance does meet all three of the following tests:

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of the lot size and shape.
2. The variance will not harm the public interest because it is a low traffic area.
3. Unnecessary Hardship is present because of the lot size and lot shape.

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 variance consisting of a 20.2 foot variance from the required 30 foot setback to build 9.8 feet from the right of way of Black Bass Lane is hereby granted.

GENERAL CONDITIONS

The granting of this variance 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.


Secretary
Oconto County Board of Adjustment

10/27/21
Date

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

DATE 10-27-21 BY KJ

CASE NO: VA-20210035
REDUCE VISUAL CLEARANCE TRIANGLE

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

1. The petitioner is Eugene Wusterbarth, 401 Quincy Street, Oconto, WI 54153
2. The petitioner is the owner of record of parcel number 036-59233021110 located in Section 23, T32N, R17E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on September 7, 2021, noticed, as provided for by law, on October 6, 2021 and October 13, 2021, and a public hearing was held by the Oconto County Board of Adjustment on October 26, 2021.
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 variance 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 variance to reduce the visual clearance triangle.

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

Variance- The variance does meet all three of the following tests:

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of the lot size and shape.
2. The variance will not harm the public interest because it is a low traffic area with unimproved roadways.
3. Unnecessary Hardship is present because of the lot size and shape, unbuildable without variance.

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 variance consisting of a 90 foot variance from the required 150 foot setback to reduce the visual clearance triangle to 60 feet is hereby granted.

GENERAL CONDITIONS

The granting of this variance 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.

Secretary

Oconto County Board of Adjustment

Date

10/27/21

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

CASE NO: VA-20210035
RIGHT OF WAY – GEWONT LANE

DATE 10/27/21 BY KZ

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

1. The petitioner is Eugene Wusterbarth, 401 Quincy Street, Oconto, WI 54153
2. The petitioner is the owner of record of parcel number 036-59233021110 located in Section 23, T32N, R17E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on September 7, 2021, noticed, as provided for by law, on October 6, 2021 and October 13, 2021, and a public hearing was held by the Oconto County Board of Adjustment on October 26, 2021.
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 variance 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 variance to build closer to the right of way of Gewont Lane.

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

Variance- The variance does meet all three of the following tests:

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of the lot size and shape.
2. The variance will not harm the public interest because it is away from the lake and a low traffic area.
3. Unnecessary Hardship is present because of the lot size and shape.

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 variance consisting of a 20 foot variance from the required 30 foot setback to build 10 feet from the right of way of Gewont Lane is hereby granted.


GENERAL CONDITIONS

The granting of this variance 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.



Secretary
Oconto County Board of Adjustment

10/27/21

Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
October 26, 2021

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 10-27-21 BY AK

1. Hearing called to order at 11:15 AM.
2. Roll Call: Present: Mr. Alan Sleeter, Chair
 Mr. Allan Stranz, Vice-Chair
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Mrs. Diane Nichols

 Absent: Mr. Robert Pott, Secretary

Others Present: Mr. William Lester, Assistant Zoning Administrator
 Ms. Jennifer Eslinger, Agent
 Mr. Jim Zittlow
3. Mr. Lester read the Notice of Public Hearing pertaining to Steven Grusznski's application for variance to build closer to side lot line and variance to build closer to rear lot line. Location of the property is in Section 22, T32N, R17E, Town of Riverview, 12175 W. Crooked Lake Lane.
4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 18 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. Lester stated that the petition was filed on September 10, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Ms. Jennifer Eslinger appeared and was sworn in. She stated that she is the agent for Steven Grusznski, who would like to build a 10' x 24' bedroom addition to the southwest corner of the cabin. He is requesting a rear yard and side yard variance. The deck and holding tank is in front, and the utilities are in an awkward spot. The addition will be on a slab. The existing holding tank is sized accordingly for the additional bedroom.
 - B. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
 - A. Staff Report
 - B. Letter from neighbors Greg and Brenda Ludwig in favor.
8. Testimony closed at 11:20 AM.
9. Deliberation/Discussion: Board discussed Findings of Fact.
As to the request to build closer to the side lot line:
 - A. Unique physical limitation – location of septic system, utilities and cabin on property.
 - B. Harm to public interest – None, enough room around structures.

C. Unnecessary hardship – cabin size, location of utilities and holding tank.


As to the request to build closer to the rear lot line:

- A. Unique physical limitation – septic, deck and utilities locations.
- B. Harm to public interest – no harm, ample room around structure.
- C. Unnecessary hardship – single bedroom, utilities location.

10. Decision: Moved by Ragen, seconded by Ballestad to approve a 4 foot variance from the required 10 foot setback to build 6 feet from the side lot line. Roll Call Vote: Ballestad, Nichols, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.

Moved by Ballestad, seconded by Stranz to approve a 7 foot variance from the required 20 foot setback to build 13 feet from the rear lot line. Roll Call Vote: Ballestad, Nichols, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.

11. Hearing adjourned at 11:29 AM.


Secretary


Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

DATE 10-27-21 BY [Signature]

CASE NO: VA-20210032
SIDE LOT LINE

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

1. The petitioner is Steven Grusznski, W2542 County Road N, Sheboygan Falls, WI 53085
2. The petitioner is the owner of record of parcel number 036-58220662150 located in Section 22, T32N, R17E, Town of Riverview.
3. The petition for conditional use permit was filed with the Board Secretary on September 10, 2021, noticed, as provided for by law, on October 6, 2021 and October 13, 2021, and a public hearing was held by the Oconto County Board of Adjustment on October 26, 2021.
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 variance 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 variance to build closer to the side lot line.

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

Variance- The variance does meet all three of the following tests:

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of the septic system and location of the cabin on the property, as well as utilities coming to the cabin limits buildable area.
2. The variance will not harm the public interest because there will be no impact, enough room around structure.
3. Unnecessary Hardship is present because of the cabin size, location of utilities and holding tank.

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 variance consisting of a 4 foot variance from the required 10 foot setback to build 6 feet from the side lot line is hereby GRANTED.

GENERAL CONDITIONS

The granting of this variance 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.

[Signature]

Oconto County Board of Adjustment

Date 10/27/21

DATE 10-27-21 BY My

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

1. The petitioner is Steven Grusznski, W2542 County Road N, Sheboygan Falls, WI 53085
2. The petitioner is the owner of record of parcel number 036-58220662150 located in Section 22, T32N, R17E, Town of Riverview.
3. The petition for conditional use permit was filed with the Board Secretary on September 10, 2021, noticed, as provided for by law, on October 6, 2021 and October 13, 2021, and a public hearing was held by the Oconto County Board of Adjustment on October 26, 2021.
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 variance 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 variance to build closer to the rear lot line.

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

Variance- The variance does meet all three of the following tests:

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of the septic location and existing deck and utilities.
2. The variance will not harm the public interest because there is ample room around structures, no harm.
3. Unnecessary Hardship is present because of the single bedroom and utility location.

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 variance consisting of a 7 foot variance from the required 20 foot setback to build 13 feet from the rear lot line is hereby GRANTED.

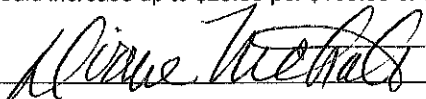
GENERAL CONDITIONS

The granting of this variance 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.



Oconto County Board of Adjustment

10/27/21
Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
October 26, 2021

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

DATE 10-27-21 BY [Signature]

1. Hearing called to order at 11:32 AM.

2. Roll Call: Present: Mr. Alan Sleeter - Chair
Mr. Allan Stranz, Vice-Chair
Mr. Karl Ballestad
Mr. Elmer Ragen
Mrs. Diane Nichols, Alternate

Absent: Mr. Robert Pott, Secretary

Others Present: Mr. William Lester, Assistant Zoning Administrator
Ms. Annalisa Barrie

3. Mr. Lester read the Notice of Public Hearing pertaining to Annalisa Barrie's application for variance to build closer to the ordinary high water mark. Location of the property is in Section 7, T32N, R16E, Town of Riverview, 16296 Anderson Lane.

4. Mr. Lester 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. Lester stated that the petition was filed on September 29, 2021. He provided the required notices, application, plot plan and maps.

6. Appearances:

A. Ms. Annalisa Barrie appeared and was sworn in. She stated that she petitioned for a variance to build a roof over the existing deck. The footprint did not change, just added a roof. There is no increase to impervious surfaces and no excavation was done. The rain garden was built/installed on the property to help with runoff. Construction started one year ago, last Summer. She did not obtain any permits or inquire if permits were required. Her understanding was that no change in the footprint didn't require permits. The contractor was Scott Cornette from Suamico. The existing deck was flat, no railings. Now the structure has an independent roofline, and is now a covered deck/porch. The deck is roofed and enclosed with screens. Ms. Barrie clarified that there was no expansion of the deck towards the water. She provided photos showing this deck was not increased, just a roof placed. No area would meet the 75 foot setback requirement in her opinion for a compliant screen porch.

B. Mr. William Lester appeared and was sworn in. He read the staff report.

7. Correspondence

A. Staff Report – recommend denial.

B. Letter from Dept. of Natural Resources – recommend denial.

8. Testimony closed at 11:55 AM.

Deliberation/Discussion: As to the request to build closer to the ordinary high water mark:

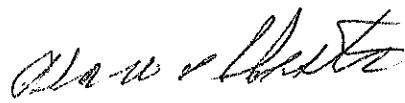
- A. Unique physical limitation – None, could have been replaced like for like. The roof changed the status of the structure.
- B. Harm to public interest – Yes, roof over addition created additional runoff to lake.
- C. Unnecessary hardship – None, self-created. No permits applied for.

Board discussed the need for the applicant to work with Zoning Office staff to bring property into compliance.

9. Decision: Moved by Stranz, seconded by Ragen to deny the after-the-fact variance request consisting of a 40 foot variance from the required 75 foot setback to build at 35 feet from the ordinary high water mark. Roll Call Vote: Ballestad, Nichols, Ragen, Stranz, and Sleeter all voting aye, no nays, motion carried.

10. Hearing adjourned at 12:00 PM.


Secretary


Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

NOTICE OF DECISION AND ORDER
OCONTO COUNTY BOARD OF ADJUSTMENT (Chapter 26)

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

DATE 10-27-21 BY AL
CASE NO: VA-20210037

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

1. The petitioner is Annalisa Barrie, 503 E. Lake Shore Drive, Tower Lakes, IL 60010
2. The petitioner is the owner of record of parcel number 036-070704712W located in Section 7, T32N, R16E, Town of Riverview.
3. The petition for a variance was filed with the Board Secretary on September 29, 2021, noticed, as provided for by law, on October 6, 2021 and October 13, 2021, and a public hearing was held by the Oconto County Board of Adjustment on October 26, 2021.
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 **variance** under the provisions of Section 26.601 of the Oconto County Shoreland Protection 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 variance to build closer to the ordinary high water mark.

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 26.1405 of the Oconto County Shoreland Protection Ordinance

Variance- The variance does not meet all three of the following tests:

1. The variance is not required due to physical limitations of the property rather than the circumstances of the appellant because the deck could have been replaced like for like. The roof over the deck changed the status of the structure.
2. The variance will harm the public interest because the roof addition created more runoff to the lake.
3. Unnecessary Hardship is not present because it is self-created. No permits were applied for.

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 variance consisting of a 40 foot variance from the required 75 foot setback to build at 35 feet from the ordinary high water mark is hereby DENIED.

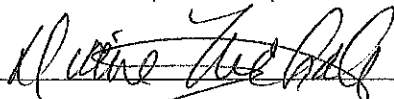
GENERAL CONDITIONS

The granting of this variance 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.



Oconto County Board of Adjustment

10/27/21

Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
October 26, 2021

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 10-27-21 BY KJ

1. Hearing called to order at 12:03 P.M.

2. Roll Call: Present: Mr. Alan Sleeter - Chair
Mr. Allan Stranz, Vice-Chair
Mr. Karl Ballestad
Mr. Elmer Ragen
Mrs. Diane Nichols, Alternate

Absent: Mr. Robert Pott, Secretary

Others Present: Mr. William Lester, Assistant Zoning Administrator
Mr. Justin Clauson
Mrs. Pam Clauson
Mr. Heinz Gund
Mrs. Wanda Gund

3. Mr. Lester read the Notice of Public Hearing pertaining to Ken Schott's application for variance to build closer to the ordinary high water mark. Location of the property is in Section 31, T33N, R16E, Town of Lakewood, 17260 Pinkowsky Lane, Private.

4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 9 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. Lester stated that the petition was filed on September 27, 2021. He provided the required notices, application, plot plan and maps.

6. Appearances:

A. Mr. Justin Clauson appeared and was sworn in. He stated he is requesting an ordinary high watermark variance of 40 feet. He would like to add on 32'X44', 700 sq ft of living quarters and 700 sq ft for garage space. Soil test was completed and can fit a conventional system. All of the existing structure would stay, the addition would be 39.8 feet from the ordinary high watermark. Grading/landscaping would be done to control runoff away from the lake. Shoreline area is all slopes, rocky and currently has a native shoreline buffer.

B. Mrs. Pam Clauson appeared and was sworn in. She stated that the existing cabin's septic was not compliant and up to code. She stated Justin and herself now own the property and the structure does not have a functioning bathroom, the existing plumbing would be removed. They are proposing a new septic, well and interior plumbing.

C. Mr. William Lester appeared and was sworn in. He read the staff report.

7. Correspondence

- A. Staff Report
- B. DNR Letter

8. Testimony closed at 12:20 P.M.

Deliberation/Discussion: As to the request to build closer to the ordinary high water mark:


- A. Unique physical limitation – lot size, slopes & easement location
- B. Harm to public interest – mitigation, erosion control, & storm water management
- C. Unnecessary hardship – no bath, septic is not compliant

9. Decision: Moved by Ballestad, seconded by Stranz to grant a 40 foot variance from the required 75 foot setback to build at 35 feet from the ordinary high water mark. Roll Call Vote: Ballestad, Nichols, Ragen, Stranz, and Sleeter all voting aye, no nays, motion carried.

10. Hearing adjourned at 12:30 P.M.



Secretary



Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

DATE 10/27/21 BY KJ

CASE NO: VA-20210036

FINDINGS OF FACT: Having heard the testimony and considered the evidence presented, the Board determines the facts of this case to be:

1. The petitioner is Ken Schott, 1737 Oakridge Court, Menasha, WI 54952
2. The petitioner is the owner of record of parcel number 019-413107222L located in the NW ¼, NW ¼, Section 31, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on September 27, 2021, noticed, as provided for by law, on October 6, 2021 and October 13, 2021, and a public hearing was held by the Oconto County Board of Adjustment on October 26, 2021.
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 **variance** under the provisions of Section 26.601 of the Oconto County Shoreland Protection Ordinance.
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting variance to build closer to the ordinary high water mark.

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 26.1405 of the Oconto County Shoreland Protection Ordinance.

Variance- The variance does meet all three of the following tests:

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of the lot size, slopes and the easement location.
2. The variance will not harm the public interest because mitigation, erosion control and storm water will be managed.
3. Unnecessary Hardship is present because the existing septic is not to code and there is no bathroom.

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 variance consisting of 40 foot variance from the required 75 foot setback to build 35 feet from the ordinary high water mark is hereby granted subject to the following conditions/mitigation:

1. This is a one time addition
2. All runoff from existing and new addition to be managed by approved storm water/ runoff plan.

GENERAL CONDITIONS

The granting of this variance 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.

Secretary

Oconto County Board of Adjustment

Date

10/27/21

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
October 26, 2021

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 10-27-21 BY AS

1. Hearing called to order at 2:45 P.M.
2. Roll Call: Present: Mr. Alan Sleeter - Chair
 Mr. Allan Stranz, Vice-Chair
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Mrs. Diane Nichols, Alternate

 Absent: Mr. Robert Pott, Secretary

Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Mr. Wayne Sleeter-Oconto County
 Mr. Leroy Steffenhagen
3. Mr. Moody read the Notice of Public Hearing pertaining to LeRoy & Glennis Steffenhagen's application for variance from the fall radius for a communications tower. Location of the property is in Section 8, T27N, R21E, Town of Pensaukee, Mocco Lane.
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 September 14, 2021. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Wayne Sleeter appeared and was sworn in. He stated he is requesting a variance for a radio tower on Mocco Lane. The tower is 330 feet in height, and needs a 165 fall zone. If the tower fell it would fall in the center of Mocco Lane. The tower is for 911 communications. It is designed to break and collapse on itself. Electricity will need to be run, 12' X 24' shelter with generator, and a driveway will be needed. The tower may hold other carriers for internet, up to four different carriers, which is important for dead spots in the county. A soil test and survey has been completed. The tower may fall 35 feet into the road right of way.
 - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
 - A. Staff Report
8. Testimony closed at 2:52 P.M.

9. Deliberation/Discussion: Board discussed Findings of Fact. The adjacent location is wetlands. No developable lands will be impacted.
- A. Unique physical limitation – wetlands & lot size
 - B. Harm to public interest – none
 - C. C. Unnecessary hardship – cannot build without variance & for public safety


10. Decision: Moved by Stranz, seconded by Nichols to grant the 35 foot variance to the fall radius.

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

11. Hearing adjourned at 2:58 P.M.



Secretary



Alan Sleeter
Chair

Gabe Moody
Assistant Zoning Administrator

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 10-27-21 BY dy

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

CASE NO: VA-20210034

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

1. The petitioner is LeRoy & Glennis Steffenhagen, 4335 Kruegers Quarry Road, Oconto, WI 54153
2. The petitioner is the owner of record of parcel number 034-190800721E located in the NE ¼, NW ¼, Section 8, T27N, R21E, Town of Pensaukee.
3. The petition for variance permit was filed with the Board Secretary on September 14, 2021, noticed, as provided for by law, on October 6, 2021 and October October 13, 2021, and a public hearing was held by the Oconto County Board of Adjustment on October 26, 2021.
4. The property is zoned Community Service District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a **variance** 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 variance from the fall radius for a communications tower.

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

Variance- The variance does meet all three of the following tests:

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of wetlands and the lot size.
2. The variance will not harm the public interest because there is none.
3. Unnecessary Hardship is present because the tower cannot be built without a variance and for public safety.

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 variance consisting of a 35 foot variance from the fall radius for a communications tower is hereby granted.

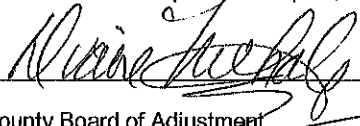
GENERAL CONDITIONS

The granting of this variance 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.

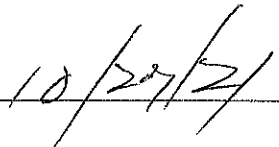
Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

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.



Secretary
Oconto County Board of Adjustment



Date

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 10-27-21 BY AS

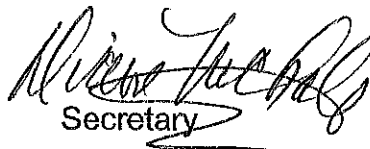
DATE 10-27-21 BY KJ


MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
October 26, 2021

1. Hearing called to order at 3:00 PM.
2. Roll Call: Present: Mr. Alan Sleeter - Chair
 Mr. Allan Stranz, Vice-Chair
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Mrs. Diane Nichols, Alternate

 Absent: Mr. Robert Pott, Secretary

 Others Present: Mr. Gabe Moody, Assistant Zoning Administrator
 Mr. LeRoy Steffenhagen
 Mr. Wayne Sleeter
3. Mr. Moody read the Notice of Public Hearing pertaining to LeRoy & Glennis Steffenhagen's application for Conditional Use Permit for a communication tower site. Location of the property is in Section 8, T27N, R21E, Town of Pensaukee, Mocco Lane.
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 September 15, 2021. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Wayne Sleeter appeared and was sworn in. He stated that Oconto County would like a Conditional Use Permit for a communications tower. The property has already been rezoned to Community Service.
 - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
 - A. Staff Report
 - B. Town of Pensaukee Recommendation Form – recommend approval.
8. Testimony closed at 3:03 PM.
9. Deliberation/Discussion: Good proposal, will help the public.
10. Decision: Moved by Ragen, seconded by Nichols to grant a Conditional Use Permit for a communication tower site. Roll Call Vote: Ballestad, Nichols, Ragen, Stranz, and Sleeter all voting aye, no nays, motion carried.
11. Hearing adjourned at 3:04 PM.


Secretary


Alan Sleeter
Chair

Gabe Moody
Assistant Zoning Administrator

DATE 10-27-21 BY KJ

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

1. The petitioner is LeRoy & Glennis Steffenhagen, 4335 Kruegers Quarry Road, Oconto, WI 54153
2. The petitioner is the owner of record of parcel number 034-190800721E located in the NE ¼, NW ¼, Section 8, T27N, R21E, Town of Pensaukee.
3. The petition for conditional use permit was filed with the Board Secretary on September 15, 2021, noticed, as provided for by law, on October 6, 2021 and October 13, 2021, and a public hearing was held by the Oconto County Board of Adjustment on October 26, 2021.
4. The property is zoned Community Service District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a **conditional use** 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 communication tower site.

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 14.1003(d).

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 consisting of a communication tower site is hereby GRANTED.

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.

Alison Trechak
Oconto County Board of Adjustment

Date 10/27/21