

MINUTES
WEDNESDAY, FEBRUARY 24, 2021
BOARD OF ADJUSTMENTS
Draft minutes until Committee approved

Meeting called to order at 2:00 PM by Alan Sleeter, Chair.

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

OTHERS William Lester, Assistant Zoning Administrator

1. Approval of Agenda
 - a. Change of Sequence
 - b. Removal of Items
Moved by Ragen, seconded by Stranz to approve the Agenda. Motion voted on and carried.

2. Approval of Minutes
 - a. Business Meeting of January 28, 2021
Moved by Stranz, seconded by Pott to approve the minutes of the business meeting of January 28, 2021. Motion voted on and carried.

 - b. Public Hearings of February 24, 2021
 - 1) Stephen and Kathleen Ryan
 - 2) Peter and Nancy Dreher
 - 3) Peter and Kathryn Endries
 - 4) Mark SylvesterMoved by Stranz, seconded by Pott to approve the minutes of the public hearings of February 24, 2021. Motion voted on and carried.

3. Public Comments – None.

4. Hearing Dates
 - a. Public Hearings – to be held March 24, 2021.
 - b. Business Meeting Date – to be held March 25, 2021.

5. Adjournment
Chair Sleeter adjourned the meeting at 2:40 PM.

Robert Pott

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
February 24, 2021

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 2-25-21 BY 43

1. Hearing called to order at 10:08 AM.
2. Roll Call: Present: Mr. Alan Sleeter, Chair
 Mr. Allan Stranz, Vice-Chair
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Mr. Robert Pott

Others Present: Mr. William Lester, Assistant Zoning Administrator
 Mr. Ryan VanDeWalle, Enforcement Technician
 Mr. Stephen Ryan
 Mrs. Kathleen Ryan
3. Mr. Lester read the Notice of Public Hearing pertaining to Stephen and Kathleen Ryan's application for a variance to build closer to the centerline of the road, and a variance to build closer to the ordinary high water mark.. Location of the property is in Section 32, T30N, R19E, Town of Brazeau.
4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 24 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 January 15, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Steve Ryan appeared and was sworn in. He stated that they are requesting a variance to build 35 feet from the ordinary high water mark, and 17 feet from the road right of way, or 42 feet from the centerline of the road. The impervious surfaces would be 33%, with the concrete patio. The existing cottage will be removed and the new structure will be further back than the existing structure. The property is in the sanitary district. The well is in the old cottage, and they plan to drill a new well. There will be a 4 foot crawl space under the single story home.
 - B. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
 - A. Staff Report
 - B. Letter from Kathi Kramasz, WI Department of Natural Resources
8. Testimony closed at 10:22 AM.
9. Deliberation/Discussion: Board discussed Findings of Fact.
As to the request to build closer to the centerline of the road:
 - A. Unique physical limitation – shape and size of lot.

- B. Harm to public interest – None, new structure will be further away from water and road, no issue with snow removal.
- C. Unnecessary hardship – age of home, shape and size of lot.

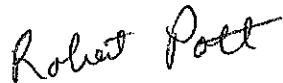
As to the request to build closer to the ordinary high water mark:

- A. Unique physical limitation – old cabin needs to be replaced, lot size.
- B. Harm to public interest – None, setbacks will be better for public interest in compliance with Oconto County.
- C. Unnecessary hardship – lot size and shape.

10. Decision: Moved by Ragen, seconded by Pott to approve a variance of 21 feet from the required 63 foot setback to build 42 feet from the centerline of the road. Roll Call Vote: Ballestad, Pott, Ragen, Stranz and Sleeter voting aye, no nays, motion carried.

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

11. Hearing adjourned at 10:30 AM.



Robert Pott
Secretary



Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

DATE 2-25-21 BY ADJ

CASE NO: VA-20210002
OHWMM

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 Stephen and Kathleen Ryan, 2065 Sandalwood Court, Green Bay, WI 54304
2. The petitioner is the owner of record of parcel number 008-3232072 located in Section 32, T30N, R19E, Town of Brazeau.
3. The petition for variance was filed with the Board Secretary on January 15, 2021, noticed, as provided for by law, on February 10, 2021 and February 17, 2021, and a public hearing was held by the Oconto County Board of Adjustment on February 24, 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 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 of the lot size, old cabin needs to be replaced. Mitigation plan will help the environment.
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 40 foot variance from the required 75 foot setback requirement to build 35 feet from the ordinary high water mark 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.

Robert Pott
Robert Pott
Oconto County Board of Adjustment

2-24-2021
Date

DATE 2-25-21 BY [Signature]

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

1. The petitioner is Stephen and Kathleen Ryan, 2065 Sandalwood Court, Green Bay, WI 54304
2. The petitioner is the owner of record of parcel number 008-3232072 located in Section 32, T30N, R19E, Town of Brazeau.
3. The petition for variance was filed with the Board Secretary on January 15, 2021, noticed, as provided for by law, on February 10, 2021 and February 17, 2021, and a public hearing was held by the Oconto County Board of Adjustment on February 24, 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 centerline of the road.

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 shape and size of the lot.
2. The variance will not harm the public interest because the new structure will be further away from the water and road. No issue with snow removal.
3. Unnecessary Hardship is present because of the age of the home, and the lot size.

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 variance of 21 feet from the required 63 foot setback to build 42 feet from the centerline of the road 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.

Robert Pott
Robert Pott, Secretary
Oconto County Board of Adjustment

2-24-2021
Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
February 24, 2021

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 2-25-21 BY lj

1. Hearing called to order at 11:05 A.M.
2. Roll Call: Present: Mr. Allan Stranz, Vice-Chair
 Mr. Karl Ballestad
 Mr. Elmer Ragen
 Mr. Robert Pott

Absent: Mr. Alan Sleeter, Chair

Others Present: Mr. William Lester, Assistant Zoning Administrator
 Mr. Ryan VanDeWalle, Enforcement Tech.
 Mr. Peter Endries
3. Mr. Lester read the Notice of Public Hearing pertaining to Peter and Kathryn Endries' application for a variance to build closer to the north side lot line, and for a variance to build closer to the centerline of the road. Location of the property is in Section 22, T33N, R15E, Town of Townsend.
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 January 21, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Peter Endries appeared and was sworn in. He stated he is requesting to raze his existing 16' X 22' garage and build a new 30' X 34' garage on a concrete slab. He will also raze an existing shed near the water to help with impervious surface.
 - B. Mr. Lester appeared and was sworn in.
7. Correspondence
 - A. Staff Report
 - B. Letter from Dave & April Ismael
 - C. Letter from Fred, Beverly, Jim & Dawn Foshag
 - D. Email from Jamie & Kendra Sampson
 - E. Brad Augustian
8. Testimony closed at 11:12 A.M.
9. Deliberation/Discussion: Board discussed Findings of Fact:
As to the request to build closer to the side lot line:
 - A. Unique physical limitation – small lot

- B. Harm to public interest – new structure will not be any closer than old structure
- C. Unnecessary hardship – small lot

As to the request to build closer to centerline of the road:


- A. Unique physical limitation – small lot
- B. Harm to public interest – new structure will not be any closer than old structure
- C. Unnecessary hardship – small lot

10. Decision: Moved by Ballestad, seconded by Pott to grant the 4.5 foot variance from the required 7.5 foot setback requirement to build 3 feet from the north side lot line. Roll Call Vote: Ballestad, Pott, Ragen, and Stranz voting aye, no nays, motion carried.

Moved by Pott, seconded by Ragen to grant the 36.4 foot variance from the required 63 foot setback requirement to build 26.6 feet from the centerline of the road. Roll Call Vote: Ballestad, Pott, Ragen, Stranz and Sleeter voting aye, no nays, motion carried.

11. Hearing adjourned at 11:21 A.M.


Robert Pott
Secretary


Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

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

DATE: 2-25-21 BY: [Signature]

CASE NO: VA-20210003
Centerline Road

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

1. The petitioner is Peter and Kathryn Endries, 905 S 31st Street, Maintowoc, WI 54220
2. The petitioner is the owner of record of parcel number 042-222200911L located in Section 22, T33N, R15E, Town of Townsend.
3. The petition for a variance permit was filed with the Board Secretary on January 21, 2021, noticed, as provided for by law, on February 10, 2021 and February 17, 2021 and a public hearing was held by the Oconto County Board of Adjustment on February 24, 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 centerline of the road.

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 the lot is small and limits buildable area.
2. The variance will not harm the public interest because the garage will be the same distance as existing and mitigation plan will be met.
3. Unnecessary Hardship is present because small lot.

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 36.4 foot variance from the required 63 foot setback to build at 26.6 feet from the centerline of the road 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.

Robert Pott
Robert Pott, Secretary
Oconto County Board of Adjustment

2-24-2021
Date

DATE 2-25-21 BY AS

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

1. The petitioner is Peter and Kathryn Endries, 905 S 31st Street, Maintowoc, WI 54220
2. The petitioner is the owner of record of parcel number 042-222200911L located in Section 22, T33N, R15E, Town of Townsend.
3. The petition for a variance permit was filed with the Board Secretary on January 21, 2021, noticed, as provided for by law, on February 10, 2021 and February 17th, 2021 and a public hearing was held by the Oconto County Board of Adjustment on February 24, 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 north 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 it's a small lot.
2. The variance will not harm the public interest because the new structure will not be any closer to the lot line than the existing structure already was.
3. Unnecessary Hardship is present because small lot size.

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 4.5 foot variance from the required 7.5 foot setback to build at 3 feet from the north 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.

Robert Pott
Robert Pott, Secretary
Oconto County Board of Adjustment

2-24-2021
Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
February 24, 2021

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 2-25-21 BY AM

1. Hearing called to order at 1:01 PM.
2. Roll Call: Present: Mr. Alan Sleeter - Chair
 Mr. Allan Stranz, Vice-Chair
 Mr. Robert Pott, Secretary
 Mr. Karl Ballestad
 Mr. Elmer Ragen

Others Present: Mr. William Lester, Assistant Zoning Administrator
 Mr. Ryan VanDeWalle, Enforcement Technician
 Mr. Patrick Virtues, Zoning Administrator
 Mr. Steven Heimerman
 Mr. Christopher Kruger
 Mrs. Stephanie Kruger
3. Mr. Lester read the Notice of Public Hearing pertaining to Mark Sylvester's application for a variance to build a retaining wall closer to both side lot lines, closer to the centerline of the road, closer to the ordinary high water mark, and for a variance to reduce flood proofing fill requirements for elevating an existing dwelling to floodplain. Location of the property is in Section 05, T27N, R22E, Town of Pensaukee.
4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 7 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 January 29, 2021. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Steven Heimerman appeared and was sworn in. He discussed the project plans to bring the property into floodplain compliance. They will raise the structure up four feet above its current elevation and will not be able to make the 15 foot fill requirement due to lot size and the area between the current structure and the lot to the north (only 3 feet). The retaining wall is proposed at 1 foot from the north lot line, with limited width fill/raising along the east side due to the sanitary district's grinder pump, location and elevation. They are requesting retaining walls on the north and south lot lines to hold the required fill, as well as to reduce the 15 foot fill requirement. The well is located along the roadside, and should not have issue. They are requesting a 4 foot variance on the north lot line for the retaining wall to be 1 foot from the lot line, as the lot is only 50 feet wide. The south retaining wall would be 8 feet from the lot line, and a variance is not needed.
 - B. Mrs. Stephanie Kruger appeared and was sworn in. She stated that she is the neighbor who owns 4860 South Shore, to the south. She questioned what will control the runoff from the newly raised cabin on to their lower parcel. She is concerned about future

- C. runoff issues. The Board informed her that the Land Use Permit would address controlling future runoff, as well as the building inspector.
- D. Mr. Christopher Kruger appeared and was sworn in. He reiterated the same concerns Stephanie had, and questioned if there would be any future notices. There will not.
- E. Mr. William Lester appeared and was sworn in. He read the staff report.

7. Correspondence

- A. Staff Report
- B. Letter and plans from WI Department of Natural Resources

8. Testimony closed at 1:30 PM.

9. Deliberation/Discussion: Board discussed conditions.

As to the request to build closer to the left (north) side lot line:

- A. Unique physical limitation – small lot size and elevation.
- B. Harm to public interest – none, raising house out of floodplain.
- C. Unnecessary hardship – small lot size, location of long along the bayshore.

As to the request to build closer to the right (south) side lot line: No variance is needed

As to the request to build closer to the centerline of the road:

- A. Unique physical limitation – small lot size and elevation.
- B. Harm to public interest – none, raising house out of floodplain.
- C. Unnecessary hardship – small lot size, location of lot along the bayshore.

As to the request to build closer to the ordinary high water mark:

- A. Unique physical limitation – small lot size and elevation.
- B. Harm to public interest – none, raising house out of floodplain
- C. Unnecessary hardship – small lot size, location of lot along the bayshore.

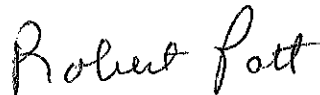
As to the request to reduce flood proofing fill requirements for elevating an existing dwelling to floodplain standards:

- A. Unique physical limitation – small lot size and elevation.
- B. Harm to public interest – none, raising house out of floodplain.
- C. Unnecessary hardship – small lot size and location of lot along the bayshore.

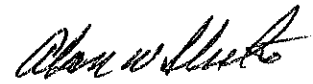
10. Decision: Moved by Stranz, seconded by Pott to reduce the 15 foot fill requirement by 12.5 feet to 2.5 feet on the closest corner of the structure to the north from the existing footprint and outward per submitted plan. Roll Call Vote: Ballestad, Pott, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.

Moved by Ballestad, seconded by Stranz to approve a 4 foot variance from the required 5 foot setback to build 1 foot from the north lot line, a 23.25 foot variance from the required 63 foot setback to build a retaining wall 39.75 feet from the centerline of the road, and a 55 foot variance from the required 75 foot setback to build a retaining wall 20 feet from the ordinary high water mark per submitted plan. Roll Call Vote: Ballestad, Pott, Ragen, Stranz, and Sleeter all voting aye, no nays, motion carried.

11. Hearing adjourned at 1:38 PM.



Robert Pott
Secretary



Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

DATE 2-25-21 BY ag

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

1. The petitioner is Mark Sylvester, N81 W22260 Katherine Court, Sussex, WI 53089
2. The petitioner is the owner of record of parcel number 034-4905007 located in Section 05, T27N, R22E, Town of Pensaukee.
3. The petition for conditional use permit was filed with the Board Secretary on January 29, 2021, noticed, as provided for by law, on February 10, 2021 and February 17, 2021, and a public hearing was held by the Oconto County Board of Adjustment on February 24, 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 a retaining wall closer to the left 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 small lot size and elevation.
2. The variance will not harm the public interest because they are raising the house out of flood plain.
3. Unnecessary Hardship is present because small lot size and the location of the lot being along the Bayshore.

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 variance of 1 foot from the required 5 foot setback to build a retaining wall 4 feet from the left 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.

Robert Pott
Robert Pott, Secretary
Oconto County Board of Adjustment

2-24-2021
Date

DATE 2-25-21 BY RP

CASE NO: VA-20210004
CENTER LINE OF ROAD

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 Mark Sylvester, N81 W22260 Katherine Court, Sussex, WI 53089
2. The petitioner is the owner of record of parcel number 034-4905007 located in Section 05, T27N, R22E, Town of Pensaukee.
3. The petition for variance was filed with the Board Secretary on January 29, 2021, noticed, as provided for by law, on February 10, 2021 and February 17, 2021, and a public hearing was held by the Oconto County Board of Adjustment on February 24, 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 centerline of the road.

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/does not) 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 small lot size and elevation.
2. The variance will not harm the public interest because they are raising the house out of flood plain.
3. Unnecessary Hardship is present because small lot size and the location of the lot being along the Bayshore.

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 23.25 foot variance from the required 63 foot setback to build a retaining wall at 39.75 feet from the centerline of the road 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.

Robert Pott
Robert Pott, Secretary
Oconto County Board of Adjustment

2-24-2021
Date

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

DATE 2-25-21 BY AS

CASE NO: VA-20210004
REDUCE FP REQUIREMENTS

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 Mark Sylvester, N81 W22260 Katherine Court, Sussex, WI 53089
2. The petitioner is the owner of record of parcel number 034-4905007 located in the Section 05, T27N, R22E, Town of Pensaukee.
3. The petition for variance was filed with the Board Secretary on January 29, 2021, noticed, as provided for by law, on February 10, 2021 and February 17, 2021, and a public hearing was held by the Oconto County Board of Adjustment on February 24, 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 reduce flood proofing fill requirements for elevating an existing dwelling to floodplain standards.

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 small lot size and elevation.
2. The variance will not harm the public interest because they are raising the house out of flood plain.
3. Unnecessary Hardship is present because small lot size and the location of the lot being along the Bayshore.

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 variance to reduce the flood proofing fill requirements of 15 feet to 2.5 feet north for elevating an existing dwelling to floodplain standards is hereby granted per the submitted 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.

Robert Pott
Robert Pott, Secretary
Oconto County Board of Adjustment

2-24-2021
Date

DATE 2-25-21 BY [Signature]

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

CASE NO: VA-20210004
ORDINARY HIGH WATER MARK

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 Mark Sylvester, N81 W22260 Katherine Court, Sussex, WI 53089
2. The petitioner is the owner of record of parcel number 034-4905007 located in Section 05, T27N, R22E, Town of Pensaukee.
3. The petition for variance was filed with the Board Secretary on January 29, 2021, noticed, as provided for by law, on February 10, 2021 and February 17, 2021, and a public hearing was held by the Oconto County Board of Adjustment on February 24, 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 close 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 small lot size and elevation.
2. The variance will not harm the public interest because they are raising the house out of flood plain.
3. Unnecessary Hardship is present because small lot size and the location of the lot being along the Bayshore.

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 55 foot variance from the required 75 foot setback to build a retaining wall at 20 feet from the ordinary high water mark 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.

Robert Pott
Robert Pott, Secretary
Oconto County Board of Adjustment

2-24-2021
Date