

**MINUTES**  
**THURSDAY, APRIL 29, 2021**  
**BOARD OF ADJUSTMENTS**  
**Draft minutes until Committee approved**

Meeting called to order at 11:00 AM by Al Stranz, Vice-Chair

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

ABSENT: Alan Sleeter, Chair

OTHERS PRESENT: Gabe Moody, Assistant Zoning Administrator

1. Approval of Agenda
  - a. Change of Sequence
  - b. Removal of Items  
Moved by Ballestad, seconded by Ragen to approve the Agenda. Motion voted on and carried.
2. Approval of Minutes
  - a. Business Meeting of March 25, 2021  
Moved by Pott, seconded by Ballestad to approve the minutes of the business meeting of March 25, 2021. Motion voted on and carried.
  - b. Public Hearings of April 28, 2021
    - 1) Kevin Sommerfeld
    - 2) Greg Strong
    - 3) Michael Secora
    - 4) Dale & Barbara Schmechel
    - 5) Mich-Wis Pipeline
    - 6) Mike & Julie Casper
  - c. Public Hearings of April 29, 2021
    - 1) Randy O'Tool
    - 2) SWAVI LLP
    - 3) Nicholas BergMoved by Ballestad, seconded by Pott to approve the minutes of the public hearings of April 28, 2021 and April 29, 2021. Motion voted on and carried.
3. Reconsideration of Re-submission of Schmechel variance request within one year.  
Moved by Pott, seconded by Ballestad to allow the public hearing for variance request of Dale & Barbara Schmechel to be held less than one from the time of the first application, which was denied. Motion voted on and carried.
4. Public Comments – None.
5. Hearing Dates
  - a. Public Hearings to be held May 26, 2021.
  - b. Business Meeting Date – to be held May 27, 2021.
6. Adjournment  
Vice-Chair Sleeter adjourned the meeting at 12:10 PM.

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Robert Pott, Secretary

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 28, 2021

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 4-29-21 BY KL

1. Hearing called to order at 10:01 A.M.
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. Kevin Sommerfeld  
                                  Mr. Steve Bieda
3. Mr. Lester read the Notice of Public Hearing pertaining to Kevin Sommerfeld's application for 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 19, T31N, R17E, Town of Mountain, 13480 Old 64 Road.
4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 12 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 March 22, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Steve Bieda appeared and was sworn in. He stated he is requesting a variance from the ordinary high watermark and the centerline of the road. He is proposing to tear down and rebuild at 65 feet from the ordinary high water mark and 58 feet from the centerline of the road. The existing structure is 70 feet from the ordinary high water mark and 56 feet from the centerline of the road. No decks or patios are proposed along the waterside. The septic will be replaced so it can accommodate a 3 bedroom home. The sand point will be replaced with a drilled well. Per LOMA, the mapped floodplain area has been removed.
  - B. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
  - A. Staff Report
  - B. Letter from Jansen's
  - C. Letter from Hoppe
8. Testimony closed at 10:12 A.M.
9. Deliberation/Discussion:

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

- A. Unique physical limitation – wetland area
- B. Harm to public interest – no issues with snow removal or vision
- C. Unnecessary hardship – wetlands and replacement of home

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

- A. Unique physical limitation – wetland area
- B. Harm to public interest - no change in layout
- C. Unnecessary hardship – wetlands present a limit on buildable area

10. Decision: Moved by Stranz, seconded by Ballestad, to grant the request for a 5 foot variance to build 58 feet from the centerline of the road. Roll Call Vote: Ballestad, Pott, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.

Moved by Ragen, seconded by Pott, to grant the request for a 10 foot variance to build 65 feet from the ordinary high water mark. Roll Call Vote: Ballestad, Pott, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.

11. Hearing adjourned at 10:20 A.M.

William Lester  
Assistant Zoning Administrator

Robert Pott  
Secretary

*Robert Pott*

*Al Stranz*

Alan Sleeter  
~~Chair~~

Al STRANZ  
Vice-Chair

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

CASE NO: VA-20210008  
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 Kevin Sommerfeld, 2060 Cottonwood Court, DePere, WI 54115
2. The petitioner is the owner of record of parcel number 029-561900432 located in Section 19, T31N, R17E, Town of Mountain.
3. The petition for variance was filed with the Board Secretary on March 22, 2021, noticed, as provided for by law, on April 14, 2021 and April 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 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 wetland area.
2. The variance will not harm the public interest because it will be further than the existing structure, and there will be no issues with snow removal or vision.
3. Unnecessary Hardship is present because of wetlands and replacement of home.

**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 5 feet from the required 63 foot setback to build 58 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

4-29-2021  
Date

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 4-29-21 BY KJ

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

CASE NO: VA-20210008  
OHWWM

**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 Kevin Sommerfeld, 2060 Cottonwood Court, DePere, WI 54115
2. The petitioner is the owner of record of parcel number 029-561900432 located in Section 19, T31N, R17E, Town of Mountain.
3. The petition for variance was filed with the Board Secretary on March 22, 2021, noticed, as provided for by law, on April 14, 2021 and April 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 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 wetland area.
2. The variance will not harm the public interest because there is minimal impact within 75 feet, and the shoreland buffer area will not be disturbed.
3. Unnecessary Hardship is present because wetlands present limit buildable area.

**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 10 feet from the required 75 foot setback to build 65 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

4-29-2021  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 28, 2021

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 4-29-21 BY ds

1. Hearing called to order at 10:23 A.M.
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. Greg Strong  
                                  Ms. Carla VanCamp, Town Chair
3. Mr. Lester read the Notice of Public Hearing pertaining to Greg Strong's application for variance to build closer to the centerline of the road. Location of the property is in Section 31, T33N, R15E, Town of Townsend, 17259 N. Wapota Drive.
4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 10 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 March 24, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Greg Strong appeared and was sworn in. He stated he is requesting a variance to the centerline of the road because he has steep slopes all over the property. He would like an 18 foot variance to build at 45 feet from the centerline of the road. He is proposing to build a 2-stall car garage, with small loft for storage. Drain field vent is 10 feet from proposed garage location. Board suggested reaching out to Land Conservation or a landscaper to come up with a plan to stabilize and armor the hillside between proposed garage and town right of way. Willing to do what it takes to satisfy all parties.
  - B. Ms. Carla VanCamp appeared and was sworn in. She stated the town has concerns to stop hillside erosion towards the town right of way on the bank. The town would like to be informed of what the plan is to stabilize the bank and when it will take place.
  - C. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
  - A. Staff Report
8. Testimony closed at 10:34 A.M.

- 9. Deliberation/Discussion: Board discussed findings of Fact
  - A. Unique physical limitation – location of the septic and steep slopes
  - B. Harm to public interest – will not impede vision or snow removal
  - C. Unnecessary hardship – steep slopes, shape of the lot and location of the septic
  
- 10. Decision: Moved by Stranz, seconded by Pott to grant an 18 foot variance to build 45 feet from the centerline of the road, with the condition that the hillside between the proposed garage and road right of way be stabilized. Roll Call Vote: Ballestad, Pott, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.
  
- 11. Hearing adjourned at 10:39 A.M.

Robert Pott  
Secretary

Alan Sleeter  
Chair

William Lester  
Assistant Zoning Administrator

*Robert Pott*

*Al Stranz*

AL STRANZ

Vice-Chair

DATE 4-29-21 BY RS

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

1. The petitioner is Greg Strong, 17259 N. Wapota Drive, Townsend, WI 54175
2. The petitioner is the owner of record of parcel number 042-313103041H located in Section 31, T33N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on March 24, 2021, noticed, as provided for by law, on April 14, 2021 and April 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 2021.
4. The property is zoned Rural Residential District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a 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 location of the septic and steep slopes.
2. The variance will not harm the public interest because it will not impede vision or snow removal.
3. Unnecessary Hardship is present because of steep slopes, shape of the lot and location of the septic.

**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 18 feet from the required 63 foot setback to build 45 feet from the centerline of the road is hereby GRANTED, subject to the following conditions/mitigation:**

1. Hillside will need to be stabilized between proposed garage and road right of way.

#### 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

4-29-2021  
Date



MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 28, 2021

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 4-29-21 BY AJ

1. Hearing called to order at 10:42 AM.
2. Roll Call: Present:       Mr. Alan Sleeter, Chairman  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mr. Robert Pott  
  
Others Present:           Mr. William Lester, Assistant Zoning Administrator  
                                  Mr. Mike Secora  
                                  Mrs. Sharon Secora
3. Mr. Lester read the Notice of Public Hearing pertaining to Michael Secora's application for variance to build closer to centerline of the road, and for a variance to build closer to the ordinary high water mark. Location of the property is in Section 28, T33N, R15E, Town of Townsend, 17411 Meadow Parkway.
4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 12 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 March 26, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mrs. Sharon Secora appeared and was sworn in. She stated that they are requesting a variance to put on an addition of 192 square feet. The existing cottage is only 480 square feet. The proposed location is centered between the water setback and the road setback. Construction will be on piers, no basement is proposed. The single bedroom cottage will still be under 700 square feet if granted. The original proposal in 2015 was 16' x 20' road side that was denied. They are now requesting a 12' x 16' addition between the road and the water. No shoreline will be disturbed. There is a two bedroom septic system installed. The roof line will match the existing covered porch.
  - B. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
  - A. Staff Report
8. Testimony closed at 10:50 AM.
9. Deliberation/Discussion: Board discussed Findings of Fact. Reasonable request, will not impact road or shoreland. Mitigation will be handled through the Land Use Permit. As to the request to build closer to the centerline of the road:

Michael Secora Public Hearing  
April 28, 2021  
Page Two

- B. Harm to public interest – none, will not harm snow removal or vision of vehicles.
- C. Unnecessary hardship – size of lot, location, shape of lot.

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

- A. Unique physical limitation – lot size and lot layout.
- B. Harm to public interest – none, no basement or disruption within 35' buffer.
- C. Unnecessary hardship – lot size, lot layout and location.

10. Decision: Moved by Stranz, seconded by Ballestad to grant an 18 foot variance from the required 63 foot setback to build 45 feet from the centerline of the road. Variance is granted for one time addition only. Roll Call Vote: Ballestad, Pott, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.

Moved by Ragen, seconded by Pott to grant a 37 foot variance from the required 75 foot setback to build 38 feet from the ordinary high water mark. Variance is granted for one time addition only. Roll Call Vote: Ballestad, Pott, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.

11. Hearing adjourned at 11:00 AM.

Robert Pott  
Secretary

Alan-Sleeter  
Chairman

William Lester  
Assistant Zoning Administrator

*Robert Pott*

*Al Stranz*  
Vice-Chair

DATE 4-29-21 BY RS

CASE NO: VA-20210013  
OHWM

**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 Michael Secora, 2686 Valentine Road, Abrams, WI 54101
2. The petitioner is the owner of record of parcel number 042-282808604B located in Section 28, T33N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on March 26, 2021, noticed, as provided for by law, on April 14, 2021 and April 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 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 lot layout.
2. The variance will not harm the public interest because there will be no basement and no disruption within the 35 foot buffer.
3. Unnecessary Hardship is present because of the size and location of the lot, and lot layout.

**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 37 feet from the required 75 foot setback to build 38 feet from the ordinary high water mark is hereby GRANTED subject to the following conditions/mitigation:**

1. **Granted for a one time addition only.**

#### 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

4-29-2021  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 28, 2021

1. Hearing called to order at 11:02 AM.

2. Roll Call: Present:       Mr. Alan Sleeter, Chairman  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mr. Robert Pott

Others Present:           Mr. William Lester, Assistant Zoning Administrator

3. Mr. Lester read the Notice of Public Hearing pertaining to Dale & Barbara Schmechel's application for variance to build closer to side lot line, and for a variance to build closer to the ordinary high water mark. Location of the property is in Section 31, T33N, R16E, Town of Lakewood, 15895 E. Chain Lake Road and 17293 Peninsula Lane.

4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 10 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 March 29, 2021. He provided the required notices, application, plot plan, maps and staff report.

6. Appearances: None. On-site was done, applicants told that they did not need to appear today.

7. Correspondence

A. Staff Report

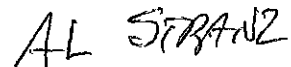
Discussion: Brief discussion held on updated proposal. Board will review and decide on rehearing it during business meeting.

8. Decision: Moved by Stranz, seconded by Ballestad to postpone hearing until decision is made by Board to re-hear prior to one year, and Board may review and decide at business meeting.  
Roll Call Vote: Ballestad, Pott, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.

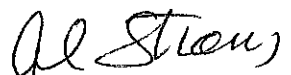
9. Hearing adjourned at 11:05 AM.

William Lester  
Assistant Zoning Administrator

Robert Pott  
Secretary



Alan Sleeter  
Chairman



Vice chair

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 28, 2021

1. Hearing called to order at 1:44 P.M.
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. Rick Bowers  
                                  Mr. Duane Beyer  
                                  Mr. Ryan Moss  
                                  Mr. Miguel Salazar
3. Mr. Lester read the Notice of Public Hearing pertaining to Mich-Wis Pipeline's application for variance to build a structure greater than the 35 foot height standard. Location of the property is in Section 5, T30N, R18E, Town of Bagley, 11345 State Highway 64.
4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 4 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 March 26, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Rick Bowers appeared and was sworn in. He stated he is requesting a height standard variance. His plan is to remove both old compressor buildings and replace with a new designed single building approximately 80'X70'. It needs additional height due to snow load and design of building.
  - B. Mr. Duane Beyer appeared and was sworn in. He stated the proposed structure will be 80'X70' and the old compressor buildings will be removed. Looking to have it completed by winter 2022. Height of structure is 47' to peak, all steel building.
  - C. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
  - A. Staff Report
8. Testimony closed at 1:50 P.M.
9. Deliberation/Discussion: Board discussed findings of Fact

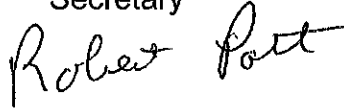
- A. Unique physical limitation – safety issues, making property more up to date
- B. Harm to public interest – site will become safer and more up to date
- C. Unnecessary hardship – only place structure can go

10. Decision: Moved by Stranz, seconded by Ragen, to grant a 12 foot variance from the required 35 foot height standard to build a structure at 47 feet in height. Roll Call Vote: Ballestad, Pott, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.

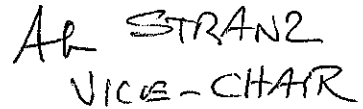
11. Hearing adjourned at 1:55 P.M.

William Lester  
Assistant Zoning Administrator

Robert Pott  
Secretary



Alan Sleeter  
Chair



ALAN STRANZ  
VICE-CHAIR

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 4-30-21 BY AL

DATE 4-30-21 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 Mich-Wis Pipeline, W3925 Pipeline Lane, Eden, WI 53019
2. The petitioner is the owner of record of parcel number 006-030500723A located in Section 5, T30N, R18E, Town of Bagley.
3. The petition for a variance was filed with the Board Secretary on March 26, 2021, noticed, as provided for by law, on April 14, 2021 and April 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 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 a variance to build a structure greater than the 35 foot height standard.

**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 safety issues, improving the existing industrial site by removing the two old compressor buildings and constructing a new compressor building.
2. The variance will not harm the public interest because the site will become safer and more up to date.
3. Unnecessary Hardship is present because it is the only place the structure can go.

**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 12 feet from the 35 foot height standard to build a structure 47 feet in height 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*

*4-29-2021*

Robert Pott, Secretary  
Oconto County Board of Adjustment

Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 28, 2021

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 4-29-21 BY AS

1. Hearing called to order at 1:57 PM.
2. Roll Call: Present:       Mr. Alan Sleeter, Chairman  
                                  Mr. Allan Stranz, Vice-Chairman  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mr. Robert Pott  
  
Others Present:           Mr. William Lester, Assistant Zoning Administrator  
                                  Mr. Mike Casper  
                                  Ms. Julie Toniazzo  
                                  Mr. Justin Arneson  
                                  Mr. Edmond Sutrick  
                                  Mr. Justin Warner  
                                  Mr. Dannie McCoy  
                                  Mr. Kelly Shaw  
                                  Mr. Kyle Piper  
                                  Mr. Jeff Piper
3. Mr. Lester read the Notice of Public Hearing pertaining to Mike and Julie Casper's application for Conditional Use Permit for a home older than 15 years. Location of the property is in Section 20, T29N, R19E, Town of Spruce, 9114 Kelly Brook Court.
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 March 31, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Justin Arneson appeared and was sworn in. He stated that they are seeking a Conditional Use Permit to place a mobile home over 15 years old on the property. He supplied an email correspondence regarding covenant enforcement. The goal is to upgrade the mobile home as needed. Unsure of electrical service.
  - B. Mr. Justin Warner appeared and was sworn in. He stated that he is an adjacent property owner, and is opposed to the Conditional Use Permit. He would like to Board to side with the Town Plan Commission and Town Board decision to deny the Conditional Use Permit. He is concerned about property values going down.
  - C. Mr. Dan McCoy appeared and was sworn in. He stated that he was opposed, and felt that the covenants would protect them from a mobile home over 15 years old being placed on the property. He is also concerned about property values.



- D. Mr. Kelly Shaw appeared and was sworn in. He brought the covenant to the Board's attention, and is also opposed. He wishes to protect the property value of their property. Board informed them that the county or the town do not enforce covenants.
- E. Mr. Jeff Piper appeared and was sworn in. He stated that he is a nearby property owners, and is opposed to the mobile home being placed on the property. He brought up comments regarding the town's 20 year plan, the 2008 Comprehensive Plan, and how this proposal does not fit in. The property value may diminish due to the mobile home being placed nearby.
- F. Mr. Edmond Sutrick appeared and was sworn in. He stated that he is now the property owner. He saved to purchase this land, and no covenants or restrictions were brought to his attention upon purchase. The mobile home is structurally sound, and he plans to put in new windows, roof, siding, etc. The home is a 1991 or 1992, is 16' x 80'. There currently is 100 amp electrical service. He is proposing to place a garage on the property. Mr. Sutrick already has bids for a drilled well and a septic system. The structure will be properly attached and anchored on a concrete slab, and will include skirting. The home is currently located in the Town of Morgan. Board did not view the actual home, but have photographs. Did an on-site of the Spruce property.
- G. Mr. Jeff Piper reappeared and stated that he does not want this general area to be dilapidated and worn down, like surrounding areas. He questioned how the approval process is made without seeing the home itself.
- H. Mr. Lester appeared and was sworn in. He read the Staff Report.

7. Correspondence

- A. Staff Report
- B. Offer to Purchase of Edmond Sutrick
- C. Email from Attorney Tim Polack through Justin Arneson
- D. Email from Spruce Town Clerk regarding Wisconsin Towns Association information on restrictive covenants.
- E. Town of Spruce Recommendation Form – recommend denial.

8. Testimony closed at 2:38 PM.

9. Deliberation/Discussion: Dealing with mobile home over 15 years old. Board cannot based their decision on restrictive covenants.

10. Decision: Moved by Ballestad, seconded by Pott to approve a Conditional Use Permit for a home older than 15 years with the following conditions:

- A. Must have approved septic system and well.
- B. Proper tie downs and mounting.
- C. Proper skirting to be installed.
- D. Minimum 100 amp electrical service.

Mike Casper Public Hearing (Edmond Sutrick)  
April 28, 2021  
Page Two

DONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 4-29-21 BY [Signature]

E. Must have pitched roof.

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

12. Hearing adjourned at 2:45 PM.

William Lester  
Assistant Zoning Administrator

Robert Pott  
Secretary

*Robert Pott*

*Al Stranz*

Alan Steeter  
Chairman

*AL STRANZ  
VICE-CHAIR*

DATE 4-29-21 BY az

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

1. The petitioner is Mike and Julie Casper, 8392 Clay Road, Suring, WI 54174
2. The petitioner is the owner of record of parcel number 038-202002034B2 located in the SE ¼, SW ¼, Section 20, T29N, R19E, Town of Spruce.
3. The petition for conditional use permit was filed with the Board Secretary on March 31, 2021, noticed, as provided for by law, on April 14, 2021 and April 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on April 28, 2021.
4. The property is zoned Rural Residential District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use permit 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 home older than 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 home older than 15 years is hereby GRANTED subject to the following conditions/mitigation:**

- A. Must have approved septic system and well.
- B. Proper tie downs and mounting.
- C. Proper skirting to be installed.
- D. Minimum 100 amp electrical service.
- E. Must have pitched roof.

**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.

Robert Pott  
Robert Pott, Secretary  
Oconto County Board of Adjustment

4-29-2021  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 29, 2021

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 4-29-21 BY KZ

1. Hearing called to order at 9:35 AM
2. Roll Call: Present:       Mr. Allan Stranz, Vice-Chair  
                                  Mr. Robert Pott, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
  
                                  Absent:       Mr. Alan Sleeter, Chair  
  
Others Present:       Mr. Gabe Moody, Assistant Zoning Administrator  
                                  Mr. Mike Andraschko  
                                  Mr. Ron Jansen  
                                  Mr. Dave Jansen
3. Mr. Moody read the Notice of Public Hearing pertaining to Randy O'Tool's application for variance to reduce the floodproofing fill requirements. Location of the property is in Section 8, T26N, R21E, Town of Little Suamico, 4219 Lade Beach Road.
4. Mr. Moody 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. Moody stated that the petition was filed on March 22, 2021. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Mike Andraschko appeared and was sworn in. He stated that he is the agent for Randy O'Tool, who is building a new house and needs fill 15 feet around the structure. The home is only 10 feet from the lot line. The proposal is to bring fill 5 feet out from the structure on the north side. They will raise the well casing so they won't need a variance on the south wide. Water/runoff will run to the Bay.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Staff Report
8. Testimony closed at 9:37 AM.
9. Deliberation/Discussion: Board discussed Findings of Fact:
  - A. Unique physical limitation – small lot and existing conditions.
  - B. Harm to public interest – None, removing impervious surface, water will not run to the road.
  - C. Unnecessary hardship – small lot, existing conditions. Cannot meet 15' fill requirement.

Randy O'Tool Public Hearing  
April 29, 2021  
Page Two

10. Decision: Moved by Pott, seconded by Ballestad to grant a 10 foot variance to allow for 5' of fill on the north side of the structures. Roll Call Vote: Ballestad, Pott, Ragen, and Stranz all voting aye, no nays, motion carried.

11. Hearing adjourned at 9:37 AM.

Gabe Moody  
Assistant Zoning Administrator

Robert Pott  
Secretary

*Robert Pott*

*Al Steeter*

Alan Steeter  
Chair

*AL STRANZ*  
*VICE-CHAIR*

DATE 4-29-21 BY KJ

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

CASE NO: VA-20210009

**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 Randy O'Tool, 14755 300th Court, Mason City, IA 50401
2. The petitioner is the owner of record of parcel number 024-34080442J located in Section 8, T26N, R21E, Town of Little Suamico.
3. The petition for variance was filed with the Board Secretary on March 22, 2021, noticed, as provided for by law, on April 14, 2021 and April 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on April 29, 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.

**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 of the small lot size and existing conditions.
2. The variance will not harm the public interest because they are removing impervious surface, water will not run to the road.
3. Unnecessary Hardship is present because of the small lot size and existing conditions. Cannot meet 15' fill requirement.

**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 10 feet to allow for 5 feet of fill on the north side of the structure is hereby GRANTED subject to the following conditions/mitigation:**

**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

4-29-2021  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 29, 2021

1. Hearing called to order at 9:47 A.M.
2. Roll Call: Present:       Mr. Allan Stranz, Vice-Chair  
                                  Mr. Robert Pott, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
  
Absent:                       Mr. Alan Sleeter, Chair  
  
Others Present:            Mr. Gabe Moody, Assistant Zoning Administrator  
                                  Mr. Will Athey
3. Mr. Moody read the Notice of Public Hearing pertaining to SWAVI LLP's application for Conditional Use Permit for a HVAC business. Location of the property is in Section 26, T27N, R20E, Town of Abrams, 5672 O'Malley Lane.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, 8 adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Moody stated that the petition was filed on March 17, 2021. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Will Athey appeared and was sworn in. He stated he is requesting a conditional use permit for a HVAC business. The building would be 40'X92', running east to west. The property is under 4 acres and would meet all the setbacks. The business would have one full time employee but may hire more. The property is in the sewer district and will have a bathroom. The business will have adequate lighting, hours of operation would be 6 A.M.-7P.M., emergency hours 24/7, disposal of recycle materials and no storage outside of the building.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Staff Report
  - B. Town Approval
8. Testimony closed at 9:59 A.M.
9. Deliberation/Discussion:
  1. Hours of operation 6 A.M.-7P.M./Emergency Hours 24/7
  2. Adequate parking

- 3. Adequate lighting
- 4. Proper disposal of solid waste/ recycle material- no outside storage
- 5. Must get all state/ federal approvals

10. Decision: Moved by Ballestad, seconded by Ragen to grant the Conditional Use Permit for an HVAC business.

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

11. Hearing adjourned at 10:04 A.M.

Gabe Moody  
Assistant Zoning Administrator

Robert Pott  
Secretary

*Robert Pott*

*Alan Steeter*

Alan Steeter  
Chair

*AL STRANZ*  
VICE-CHAIR



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 4-29-21 BY KJ

CASE NO: CU-20210004

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

1. The petitioner is SWAVI LLP, 4551 Thome Road, Oconto, WI 54153
2. The petitioner is the owner of record of parcel number 002-322605433B located in Section 26, T27N, R20E, Town of Abrams.
3. The petition for conditional use permit was filed with the Board Secretary on March 17, 2021, noticed, as provided for by law, on April 14, 2021 and April 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on April 29, 2021.
4. The property is zoned General Commercial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use 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 conditional use permit for HVAC business.

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

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

**Conditional Use-**The application for a conditional use permit does qualify under the criteria of Section 14.1803(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 permit consisting of a HVAC business 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.

Robert Pott  
Robert Pott, Secretary  
Oconto County Board of Adjustment

4-29-2021  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
April 29, 2021

1. Hearing called to order at 10:06 A.M.
2. Roll Call: Present:       Mr. Allan Stranz, Vice-Chair  
                                  Mr. Robert Pott, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
  
Absent:                       Mr. Alan Sleeter, Chair  
  
Others Present:            Mr. Gabe Moody, Assistant Zoning Administrator  
                                  Mr. Cal Berg  
                                  Ms. Carol Byng  
                                  Ms. Debra Rowell
3. Mr. Moody read the Notice of Public Hearing pertaining to Nicholas Berg's application for Conditional Use Permit for a duplex. Location of the property is in Section 34, T27N, R20E, Town of Abrams, Main Street.
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 March 25, 2021. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Cal Berg appeared and was sworn in. He stated his son is asking for a conditional use permit for a duplex. The duplex would be the same as the one next to his vacant lot. It would be on the sewer district and would be on natural gas.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Staff Report
  - B. Town Approval
8. Testimony closed at 10:12 A.M.
9. Deliberation/Discussion: It would be an improvement for Abrams and meets all the setbacks.
10. Decision: Moved by Pott, seconded by Ragen to grant a Conditional Use Permit for a duplex.  
Roll Call Vote: Ballestad, Pott, Ragen, and Stranz all voting aye, no nays, motion carried.

11. Hearing adjourned at 10:14 A.M.

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

DATE 4-29-21 BY KJ

*Al Steeter*

Alan Steeter  
Chair

Robert Pott  
Secretary

*Robert Pott*

Gabe Moody  
Assistant Zoning Administrator

*AL STRANZ  
VICE-CHAIR*

DATE 4-29-21 BY KZ

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

CASE NO: CU-20210005

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

1. The petitioner is Nicholas Berg, 2900 T-Berg Circle, Abrams, WI 54101
2. The petitioner is the owner of record of parcel number 002403403122F1A located in the NW ¼, NW ¼, Section 34, T27N, R20E, Town of Abrams.
3. The petition for conditional use permit was filed with the Board Secretary on March 25, 2021, noticed, as provided for by law, on April 14, 2021 and April 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on April 29, 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 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 duplex.

**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 14.703(b) 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 duplex 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.

Robert Pött  
Robert Pött, Secretary  
Oconto County Board of Adjustment

4-29-2021  
Date