

MINUTES
THURSDAY, JULY 29, 2021 – 11:00 AM
BOARD OF ADJUSTMENTS
Draft minutes until Committee approved

Meeting called to order at 11:00 AM by Alan Sleeter, Chair.

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

OTHERS PRESENT: Gabe Moody, Assistant Zoning Administrator

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

2. Approval of Minutes
 - a. Business Meeting of June 29, 2021.
 - b. Public Hearings of July 28, 2021
 - 1) Juan Medardo Cruz
 - 2) Chris Pierquet
 - 3) Bruce & Lori Mueller
 - 4) Cadabeky, LLC
 - 5) Charles Schneider
 - 6) RBA Properties
 - c. Public Hearings of July 29, 2021
 - 1) J & J Developments of Northeast Wisconsin LLC – application withdrawn.
 - 2) Brian Olson

Moved by Ballestad, seconded by Stranz to approve the minutes of July 28 and 29, 2021. Motion voted on and carried.

3. Review and correction of minutes and Decision & Order from Rasmussen Construction/Payne & Dolan Conditional Use Permit hearing. Action, if necessary.
Board reviewed the Town Recommendation Form and corrected minutes and Decision & Order to reflect what was granted at the public hearing. Corrected minutes and Decision and Order will be re-filed and mailed.

4. Public Comments

5. Hearing Dates
 - a. Public Hearings – to be held on August 30, 2021 and August 31, 2021 (if needed)
 - b. Business Meeting Date – August 31, 2021

6. Adjournment – Chair Sleeter adjourned the meeting at 11:30 AM.

Robert Pott, Secretary

DATE: 7-29-21 BY: [Signature]

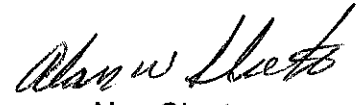
MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
July 28, 2021

1. Hearing called to order at 12:40 PM.
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. Jose Pablo Galvan-Morales
 Mr. Rick Gauthier
 Mrs. Deborah Gauthier
3. Mr. Lester read the Notice of Public Hearing pertaining to Juan Medardo Cruz's application for Conditional Use Permit for a dwelling older than 15 years. Location of the property is in Section 31, T28N, R17E, Town of Underhill, 5115 County Road HH.
4. Mr. Lester 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. Lester stated that the petition was filed on June 21, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Juan Cruz appeared and was sworn in. He stated the mobile home is not on-site yet, it is located in Freedom. Board reviewed photographs, and it looks in good condition. The home is a 1987 – 16' x 80 mobile home with a pitched roof. The proposed site already has a septic system, well and slab on site.
 - B. Mr. Rick Gauthier appeared and was sworn in. He questioned the intent of the residence, whether it would be temporary or permanent. The Board informed them that it will be a permanent residence.
 - C. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
 - A. Staff Report
 - B. Email from Town of Underhill indicating Town Board approval.
8. Testimony closed at 12:47 PM.
9. Deliberation/Discussion: Board discussed conditions.

10. Decision: Moved by Stranz, seconded by Pott to grant a Conditional Use Permit for a dwelling older than 15 years, with the condition that it be tied down per Oconto County Ordinance and state requirements. Roll Call Vote: Ballestad, Pott, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.
11. Hearing adjourned at 12:49 PM.


Robert Pott
Secretary


Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

DATE 7-29-21 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 Juan Medardo Cruz, W5146 Shady Lane, Shawano, WI 54166
2. The petitioner is the owner of record of parcel number 044-313102632 located in Section 31, T28N, R17E, Town of Underhill.
3. The petition for conditional use permit was filed with the Board Secretary on June 21, 2021, noticed, as provided for by law, on July 14, 2021 and July 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on July 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 dwelling 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 dwelling older than 15 years is hereby GRANTED subject to the following conditions/mitigation:

- A. Must be tied down per Oconto County ordinances and state regulations..

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.

[Signature]
Robert Pott, Secretary
Oconto County Board of Adjustment

7-29-2021
Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 7-29-21 BY ASJ

1. Hearing called to order at 1:20 PM.
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. Bruce Mueller
 Mrs. Lori Mueller
3. Mr. Lester read the Notice of Public Hearing pertaining to Bruce & Lori Mueller's application for variance to build closer to side lot line and variance to build closer to the centerline of the road. Location of the property is in Section 22, T32N, R17E, Town of Riverview, 12430 Crooked Lake Lane.
4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 13 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 June 24, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Bruce Mueller appeared and was sworn in. He stated that he is requesting a variance to build a new garage 3.3 feet from the side lot line, and 32 feet from the centerline of the road. The proposed garage is to be located over the existing garage area and the existing black top. During the on-site it was noted that the driveway was tore up and black top removed. The current proposal of the garage is now at 5 feet from the septic tank. Board is concerned over the grade change between the property to the northwest. No plumbing is proposed. The garage will be 34' x 42' with an 8' x 26' bumpout around the septic system. The septic system would potentially be encroached if it were shifted to the south. Discussed DSPS variance route to allow to go closer to the holding tank. The existing garage was 16' x 20'. Discussed side lot line variance and Mr. Mueller decided to redesign his plan to meet the 5' side back and 5' from the holding tank.
 - B. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
 - A. Staff Report
 - B. Letter from Jim and Barb Sanderfoot – opposed.
8. Testimony closed at 1:41 PM.

9. Deliberation/Discussion: Board discussed Findings of Fact:
As to the request to build closer to the side lot line – request withdrawn.

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

- A. Unique physical limitation – property layout, lot size and location of holding tank.
- B. Harm to public interest – None, low traffic. Runoff will be managed with mitigation plan.
- C. Unnecessary hardship – Small lot size, need for a garage in Wisconsin winters.

10. Decision: Moved by Ragen, seconded by Pott to approve a 31 foot variance from the required 63 foot setback to build 32 feet from the centerline of the road, with the condition of an infiltration system being installed between the proposed garage and northwest lot line due to the grade change. Roll Call Vote: Ballestad, Pott, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.

11. Hearing adjourned at 1:46 PM.


Robert Pott
Secretary


Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

DATE 7-29-21 BY RP

CASE NO: VA-20210022
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 Bruce & Lori Mueller, 12430 W. Crooked Lake Lane, Crivitz, WI 54114
2. The petitioner is the owner of record of parcel number 036-58220991130 located in Section 22, T32N, R17E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on June 24, 2021, noticed, as provided for by law, on July 14, 2021 and July 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on July 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 the property layout, lot size and location of holding tank.
2. The variance will not harm the public interest because there is low traffic. Runoff will be managed with mitigation plan.
3. Unnecessary Hardship is present because of the small lot size. Wisconsin winters need a garage.

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 31 foot variance from the required 63 foot setback to build 32 feet from the centerline of the road is hereby **GRANTED** subject to the following conditions/mitigation:

A. Approved stormwater infiltration system to be installed between garage and northwest lot line.

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

7-29-2021
Date

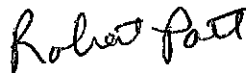
MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
July 28, 2021

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 7-29-21 BY dy

1. Hearing called to order at 1:48 pm.
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. Carl Bauman
 Mr. Ryan Beaber
3. Mr. Lester read the Notice of Public Hearing pertaining to Cadabeky, LLC's application for variance to build closer to the ordinary high water mark. Location of the property is in Section 10, T32N, R16E, Town of Riverview, 14652 Williamson Lane.
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 July 1, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Carl Bauman appeared and was sworn in. He stated that he is requesting a variance to build closer to the ordinary high water mark to tear down and rebuild a new structure with an attached garage in the back. The proposed new structure will not be any closer to the ordinary high watermark than the existing one. The survey shows it 1 foot closer due to overhang/eave, but the new structure would not be placed any closer than the existing. The current septic area would be utilized if the garage is built. A soil test was performed and they can fit a new conventional system on the site. Approximate existing structure is 22' x 34'. The lot is limited due to steep slopes along the rear of the property.
 - B. Mr. Ryan Beaber appeared and was sworn in. He stated that he is the agent/contractor for Carl. They would prefer if a new structure is kept at 39 feet, no closer than existing. Moving it back farther into the ridge is not easy to do. The cabin proposed will be 30' x 40' and the proposed garage will be 22' x 32'. The wall along the ridge would hold up the soils/hill side.
 - C. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
 - A. Staff Report
 - B. Emails regarding septic issue – no issue as soil test done.

8. Testimony closed at 2:00 PM.
9. Deliberation/Discussion: Board discussed Findings of Fact. No closer than the lake, septic system will be replaced with a new conventional system.
 - A. Unique physical limitation – lot topography, steep slope, limited buildable area.
 - B. Harm to public interest – None, will be no closer. Drainage will be managed. Not a public road.
 - C. Unnecessary hardship – lot topography, slopes and the old home.
10. Decision: Moved by Ballestad, seconded by Stranz to approve a 36 foot variance from the required 75 foot setback to build 39 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 2:05 PM.



Robert Pott
Secretary



Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

DATE 7-29-21 BY RP

CASE NO: VA-20210024

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 Cadabeky, LLC, 153 Lake Shore Road, Grafton, WI 53024
2. The petitioner is the owner of record of parcel number 036-10100150270 located in Section 10, T32N, R16E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on July 1, 2021, noticed, as provided for by law, on July 14, 2021 and July 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on July 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 topography, steep slope, limits buildable area.
2. The variance will not harm the public interest because they will be no closer. Drainage will be managed. Not a public road.
3. Unnecessary Hardship is present because of the lot topography, slopes and the old 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 36 foot variance from the required 75 foot setback to build 39 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

7-29-2021
Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE ~~7-29-21~~ BY ~~44~~

1. Hearing called to order at 2:07 PM.
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. Rod Hansen
3. Mr. Lester read the Notice of Public Hearing pertaining to Charles Schneider's application for variance to build closer to centerline of the road and town access road. Location of the property is in Section 33, T33N, R15E, Town of Townsend, 16999 Burnt Dam Road.
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 June 24, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mr. Rod Hansen appeared and was sworn in. He stated that Mr. Schneider is requesting a variance to build closer to the road centerline, and a variance to build closer to the town public access. This will be for a new home and attached garage. The existing home will be torn down, and the new home moved farther back, utilizing setback averaging to place the home 40 feet from the ordinary high water mark. The existing septic area may be too close to the attached garage. They had a new soil test completed and can replace with a new Elgin unit if it does not meet setbacks. They are proposing to build 59 feet to East Burnt Dam Road and 52 feet to the public access.
 - B. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
 - A. Staff Report
8. Testimony closed at 2:15 PM.
9. Deliberation/Discussion: Board discussed Findings of Fact. Road relief is minimal, home moving farther from lake.
As to the request to build closer to the centerline of the road:
 - A. Unique physical limitation – lot shape, location of public access, visual clearance triangle.
 - B. Harm to public interest – no impact to public interest, no vision or snow removal issues.
 - C. Unnecessary hardship – old home, lot shape, proximity to public access.

As to the request to build closer to the centerline of the town access:


- A. Unique physical limitation – lot shape, location of visual clearance triangle and public access.
- B. Harm to public interest – no vision or snow removal issues, no impact, home will be farther from lake.
- C. Unnecessary hardship – old home to be replaced, wedge shaped lot.

10. Decision: Moved by Stranz, seconded by Ragen to approve a 4 foot variance from the required 63 foot setback to build 59 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 approve an 11 foot variance from the required 63 foot setback to build 52 feet from the centerline of the town access. Roll Call Vote: Ballestad, Pott, Ragen, Stranz and Sleeter all voting aye, no nays, motion carried.

11. Hearing adjourned at 2:20 PM.


Robert Pott
Secretary


Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

DATE 7-29-21 BY RS

CASE NO: VA-20210021
CENTERLINE OF 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 Charles Schneider, N2289 County Road C, Chilton, WI 53014
2. The petitioner is the owner of record of parcel number 042-3333102 located in Section 33, T33N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on June 24, 2021, noticed, as provided for by law, on July 14, 2021 and July 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on July 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 the lot shape, location of public access and the visual clearance triangle.
2. The variance will not harm the public interest as there will be no vision or snow removal issue.
3. Unnecessary Hardship is present because of the old home, lot shape and proximity to public access.

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

The requested variance consisting of a 4 foot variance from the required 63 foot setback to build 59 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

7-29-2021
Date

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

DATE 7-29-21 BY RS

CASE NO: VA-20210021
TOWN ACCESS

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

1. The petitioner is Charles Schneider, N2289 County Road C, Chilton, WI 53014
2. The petitioner is the owner of record of parcel number 042-3333102 located in Section 33, T33N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on June 24, 2021, noticed, as provided for by law, on July 14, 2021 and July 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on July 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 town access.

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

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

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

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of the lot shape, location of visual clearance triangle and public access.
2. The variance will not harm the public interest because there will be no vision or snow removal issues. No impact as home will be farther from the lake.
3. Unnecessary Hardship is present because the old home is to be replaced, wedge shaped 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 an 11 foot variance from the required 63 foot setback to build 52 feet from the centerline of the town access 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

7-29-2021
Date

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

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 7-29-21 BY DJ

1. Hearing called to order at 9:01 AM.
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. Gabe Moody, Assistant Zoning Administrator
 Mr. Brian Olson
 Mr. Jeremy VanStraten
 Mr. Andrew Otradovec
 Mr. Brandon Robaidek
3. Mr. Moody read the Notice of Public Hearing pertaining to Brian Olson's application for Conditional Use Permit for a storage warehouse for an online business. Location of the property is in Section 23, T26N, R20E, Town of Little Suamico, Executive Circle.
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 June 23, 2021. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Mr. Brian Olson appeared and was sworn in. He stated that he would like a Conditional Use Permit for a storage warehouse for online business. The warehouse will be 60' x 120', with 1000 square foot office, space for a breakroom and showroom. He sells commercial door closures and locks, and has deliveries going out once or twice a month. Deliveries come in once a week. There will be no retail traffic and no manufacturing, online sales only. He has no plans for signs. The hours would be from 8:00AM to 5:00 PM, Monday through Sunday.
 - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
 - A. Staff Report – in favor with conditions.
 - B. Town of Little Suamico Recommendation Form – recommend approval with conditions.
8. Testimony closed at 9:11 AM.
9. Deliberation/Discussion: Board discussed conditions, change in hours and days of operation.

10. Decision: Moved by Stranz, seconded by Pott to grant a Conditional Use Permit for a storage warehouse for an online business with the following conditions:
- A. Hours of operation – Monday – Sunday, 8:00 AM – 5:00 PM.
 - B. No retail sales from the building.
 - C. No outside storage.
 - D. No storage of hazardous materials.
 - E. Dusk to dawn lighting.
 - F. Paved parking when construction is completed.
 - G. Must have neutral colors.
 - H. No living quarters.
 - I. Signs to conform with Oconto County ordinances.

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

11. Hearing adjourned at 9:14 AM


Robert Pott
Secretary


Alan Sleeter
Chair

Gabe Moody
Assistant Zoning Administrator

DATE 7-29-21 BY RP

CASE NO: CU-20210021

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

1. The petitioner is Brian Olson, 6646 Anthony Drive, Sobieski, WI 54171
2. The petitioner is the owner of record of parcel number 024-172301322A8 located in the NW ¼, NW ¼, Section 23, T26N, R20E, Town of Little Suamico.
3. The petition for conditional use permit was filed with the Board Secretary on June 23, 2021, noticed, as provided for by law, on July 14, 2021 and July 21, 2021, and a public hearing was held by the Oconto County Board of Adjustment on July 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 a conditional use for a storage warehouse for an online 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 14.1800 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 storage warehouse for an online business is hereby GRANTED subject to the following conditions/mitigation:

- A. Hours of operation – Monday – Sunday, 8:00 AM – 5:00 PM.
- B. No retail sales from the building.
- C. No outside storage.
- D. No storage of hazardous materials.
- E. Dusk to dawn lighting.
- F. Paved parking when construction is completed.
- G. Must have neutral colors.
- H. No living quarters.
- I. Signs to conform with Oconto County ordinances.

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

7-29-2021
Date