

**MINUTES**  
**FRIDAY, SEPTEMBER 24, 2021**  
**BOARD OF ADJUSTMENTS**  
**Draft minutes until Committee approved**

Meeting called to order at 10:07 AM by Al Stranz, Vice-Chair.

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

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 Ragen, seconded by Ballestad to approve the Agenda. Motion voted on and carried.
2. Approval of Minutes
  - a. Business Meeting of August 31 2021  
Moved by Pott, seconded by Ragen to approve the minutes of the business meeting of August 31, 2021. Motion voted on and carried.
  - b. Public Hearings of September 22, 2021
    - 1) David Hartig
    - 2) Charles Rueckert
    - 3) William Wilmet
    - 4) Gary Schomburg
    - 5) Robert Kappell, et al
    - 6) Charles BuxtonMoved by Ballestad, seconded by Pott to approve the minutes of the hearings of September 22, 2021. Motion voted on and carried.
  - c. Public Hearing of September 24, 2021
    - 1) CV Wholesale, LLCMoved by Ballestad, seconded by Pott to approve the minutes of the hearing of September 24, 2021. Motion voted on and carried.
3. Public Comments – None.
4. Hearing Dates
  - a. Public Hearings – to be held October 26, 2021 and October 27, 2021 (if necessary).
  - b. Business Meeting Date – to be held October 27, 2021.
5. Adjournment  
Vice-Chair Stranz adjourned meeting at 10:34 AM.

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Robert Pott, Secretary

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
September 22, 2021

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 9-24-21 BY ASJ

1. Hearing called to order at 9:20 AM.
2. Roll Call: Present:       Mr. Allan Stranz, Vice-Chair  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mr. Robert Pott  
                                  Mrs. Diane Nichols, Alternate  
  
                  Absent:       Mr. Alan Sleeter, Chair  
  
                  Others Present:   Mr. Gabe Moody, Assistant Zoning Administrator  
                                  Mr. David Hartig  
                                  Mrs. Bonnie Hartig
3. Mr. Moody read the Notice of Public Hearing pertaining to David Hartig's application for Conditional Use Permit for a dwelling over 15 years. Location of the property is in Section 17, T28N, R17E, Town of Underhill, 13874 Harry's Road.
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 August 26, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. David Hartig appeared and was sworn in. He stated that he would like a conditional use permit for a 2005 mobile home, 16' x 80' on a slab. It will be for recreational use, and they will eventually retire there. The home has 200 amp service, and is located in Lakewood. He will put a new metal roof on, and will have tie downs and block foundation. The cost to move the home will be \$4,200.00. He had a soil test done two weeks ago and has two options, an at-grade or pump up conventional system.
  - B. Mrs. Bonnie Hartig appeared and was sworn in. She stated that David covered everything.
  - C. Mr. Moody appeared and was sworn in. He read the Staff Report.
7. Correspondence
  - A. Staff Report
  - B. Town of Underhill Recommendation Form – recommend approval
8. Testimony closed at 9:31 AM.

9. Deliberation/Discussion: Board discussed conditions, tie downs, slab, new roof, well and septic system. Home is in great shape.

10. Decision: Moved by Ragen, seconded by Pott to grant a Conditional Use Permit for a dwelling over 15 years, with the following conditions:

- A. New roof to be placed on home.
- B. Tie downs/slab per State code

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

11. Hearing adjourned at 9:31 AM.

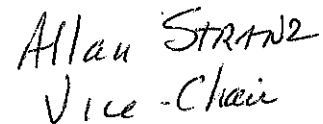


Robert Pott  
Secretary



Alan Steeter  
Chair

Gabe Moody  
Assistant Zoning Administrator



Allan STRANZ  
Vice-Chair

DATE 9-24-21 BY RP

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

1. The petitioner is David Hartig, 8123 W. Tesch Avenue, Greenfield, WI 53220
2. The petitioner is the owner of record of parcel number 044-171700313A located in the SW ¼, NE ¼, Section 17, T28N, R17E, Town of Underhill.
3. The petition for conditional use permit was filed with the Board Secretary on August 26, 2021, noticed, as provided for by law, on September 8, 2021 and September 15, 2021, and a public hearing was held by the Oconto County Board of Adjustment on September 22, 2021.
4. The property is zoned Forest 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 over 15 years old

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

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

**Conditional Use-**The application for a conditional use permit does qualify under the criteria of Section 14.427(d) of the ordinance.

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

**The requested conditional use consisting of a conditional use permit for a dwelling over 15 years older is hereby GRANTED subject to the following conditions:**

- A. New roof to be placed on home.
- B. Tie downs/slab per State code

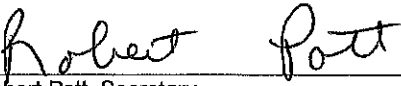
#### GENERAL CONDITIONS

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

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

Revocation. This order may be revoked by the Committee, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action of certiorari with the Circuit Court for Oconto County within 30 days after the filing of this decision. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. When a floodplain variance is granted the applicant is made aware that the variance may increase risks to life, property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage.

  
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Robert Pott, Secretary  
Oconto County Board of Adjustment

9-24-2021  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
September 22, 2021

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 9-24-21 BY sz

1. Hearing called to order at 9:32 AM.
2. Roll Call: Present:       Mr. Allan Stranz, Vice-Chair  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mr. Robert Pott  
                                  Mrs. Diane Nichols, Alternate  
  
                                  Absent:       Mr. Alan Sleeter, Chair  
  
Others Present:       Mr. Gabe Moody, Assistant Zoning Administrator  
                                  Mr. Charles Rueckert
3. Mr. Moody read the Notice of Public Hearing pertaining to Charles Rueckert's application for variance to build closer to the road right of way. Location of the property is in Section 20, T28N, R18E, Town of Gillett, 5751 State Highway 22.
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 August 16, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Charles Rueckert appeared and was sworn in. He stated that he wants a variance to build a garage closer to the road right of way. The existing garage is falling apart, and he wants to attach a garage to the house. The alternative site is not feasible. The highway department won't grant another driveway access. This is not a safe corner for backing up on the highway.
  - B. Mr. Moody appeared and was sworn in. He read the Staff Report. He stated that the request would be for a 39 foot variance to build at 11 feet from the right of way. Petitioner meets side lot line setback. There is plenty of room for snow removal.
7. Correspondence
  - A. Staff Report – in favor after on-site inspection.
8. Testimony closed at 9:40 AM.
9. Deliberation/Discussion: Board discussed Findings of Fact.
  - A. Unique physical limitation – existing conditions, small lot, wide right of way. Location of well and septic system.
  - B. Harm to public interest – none, room for snow removal, safer to drive out of driveway.
  - C. Unnecessary hardship – winter weather and existing conditions.

10. Decision: Moved by Nichols, seconded by to Ballestad to grant a 39 foot variance from the required 50 foot setback from the road right of way to build 11 feet from the road right of way of State Highway 22. Roll Call Vote: Ballestad, Nichols, Pott, Ragen and Stranz all voting aye, no nays, motion carried.

11. Hearing adjourned at 9:45 AM.

*Robert Pott*  
Robert Pott  
Secretary

*Al Stranz*  
AL STRANZ  
Alan-Sleeter  
Vice Chair

Gabe Moody  
Assistant Zoning Administrator

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

DATE 9-24-21 BY AJ

CASE NO: VA-20210027

**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 Rueckert, 5751 State Highway 22, Gillett, WI 54124
2. The petitioner is the owner of record of parcel number 016-202002144B2 located in the SE ¼, SE ¼, Section 20, T28N, R18E, Town of Gillett.
3. The petition for variance was filed with the Board Secretary on August 16, 2021, noticed, as provided for by law, on September 8, 2021 and September 15, 2021, and a public hearing was held by the Oconto County Board of Adjustment on September 22, 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 road right of way.

**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 existing conditions, small lot and wide right of way. Location of well and septic system.
2. The variance will not harm the public interest because there is room for snow removal. It will be safer to drive out of the driveway.
3. Unnecessary Hardship is present because of winter weather and existing conditions.

**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 a 39 foot variance from the required 50 foot setback from the road right of way to build 11 feet from the road right of way of State Highway 22 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

9-24-2021  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
September 22, 2021

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

DATE 9-24-21 BY AY

1. Hearing called to order at 1:05 PM.
2. Roll Call: Present:        Mr. Allan Stranz, Vice-Chair  
                                     Mr. Karl Ballestad  
                                     Mr. Elmer Ragen  
                                     Mr. Robert Pott  
                                     Mrs. Diane Nichols, Alternate  
  
                 Absent:        Mr. Alan Sleeter, Chair  
  
Others Present:        Mr. William Lester, Assistant Zoning Administrator  
                                     Mr. William Wilmet  
                                     Mrs. Kathleen Wilmet  
                                     Ms. Donna Fischer  
                                     Mr. Jim Verbeten  
                                     Mrs. Beth Verbeten
3. Mr. Lester read the Notice of Public Hearing pertaining to William Wilmet's application for variance to build closer to the side lot line. Location of the property is in Section 33, T33N, R15E, Town of Townsend, 17171 Bowman Avenue.
4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 25 adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Lester stated that the petition was filed on September 1, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. William Wilmet appeared and was sworn in. He stated that he would like a variance to add on a 20' x 44' addition to the existing non-conforming structure. The existing structure is not compliant with the side lot line. A variance is needed to make the structure compliant to allow the addition to be permitted.
  - B. Ms. Donna Fischer appeared and was sworn in. She stated that her concerns were with the addition to meet today's standards and setbacks. The board explained the plot plan and addition proposal. Ms. Fischer had no further concerns.
  - C. Mr. Jim Verbeten appeared and was sworn in.
  - D. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
  - A. Staff Report
  - B. Letter from Don and Donna Fischer



- 8. Testimony closed at 1:16 PM.
- 9. Deliberation/Discussion: Board discussed Findings of Fact. Variance needed to make existing structure compliant to permit addition.
  - A. Unique physical limitation – Existing structure location, not compliant, too close to side lot line.
  - B. Harm to public interest – None, no closer to side lot line or water. New septic system, no impact on vision or snow removal.
  - C. Unnecessary hardship – Unique structures on property.
- 10. Decision: Moved by Ragen, seconded by Pott to grant a 7.7 foot variance from the required 10 foot setback to build 2.3 feet from the side lot line. Roll Call Vote: Ballestad, Nichols, Pott, Ragen and Stranz all voting aye, no nays, motion carried.
- 11. Hearing adjourned at 1:21 PM.

*Robert Pott*  
Robert Pott  
Secretary

*Al Stranz*  
AL STRANZ  
Alan Sleeter  
Vice Chair

William Lester  
Assistant Zoning Administrator

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

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

DATE 9-24-21 BY APJ

CASE NO: VA-20210030

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

1. The petitioner is William Wilmet, N7285 County Road W, Crivitz, WI 54114
2. The petitioner is the owner of record of parcel number 042-3333146 located in Section 33, T33N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on September 1, 2021, noticed, as provided for by law, on September 8, 2021 and September 15, 2021, and a public hearing was held by the Oconto County Board of Adjustment on September 22, 2021.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a variance under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a variance to build closer to the north side lot line.

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

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

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

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant due to the existing structure location being non-complaint as it is too close to the side lot line.
2. The variance will not harm the public interest because it will be no closer to the side lot line or water. There will be a new septic system, No impact on vision or snow removal.
3. Unnecessary Hardship is present because of the unique structure setback to the lot line.

**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 7.7 feet from the required 10 foot setback to build 2.3 feet from the north side lot line is hereby GRANTED.**

**GENERAL CONDITIONS**

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

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

**Revocation.** This order may be revoked by the Committee, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

**Appeals.** This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action of certiorari with the Circuit Court for Oconto County within 30 days after the filing of this decision. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. When a floodplain variance is granted the applicant is made aware that the variance may increase risks to life, property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage.

Robert Pott  
Robert Pott, Secretary  
Oconto County Board of Adjustment

9-24-2021  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
September 22, 2021

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

DATE 9-24-21 BY eg

1. Hearing called to order at 1:24 PM.
2. Roll Call: Present:       Mr. Allan Stranz, Vice-Chair  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mr. Robert Pott  
                                  Mrs. Diane Nichols, Alternate  
  
Others Present:           Mr. William Lester, Assistant Zoning Administrator  
                                  Mr. Jeffrey Lieuwen
3. Mr. Lester read the Notice of Public Hearing pertaining to Gary Schomburg's application for variance to build closer to centerline of the road and variance to build closer to ordinary high water mark. Location of the property is in Section 21, T33N, R16E, Town of Lakewood, 17911 Lake John Road.
4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 11 adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Lester stated that the petition was filed on September 1, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Jeffrey Lieuwen appeared and was sworn in. He stated that he is the agent for Gary Schomburg, who wants to place a 14' x 30' pre-fab shed on a gravel bottom. The lot is too narrow to meet the road and water setbacks. There is no other storage on the lot. The proposed structure will be perpendicular to the road, and will be located at least 10 feet from the side lot line. The alternative layout is not the best option. The driveway area would increase impervious surfaces, due to the looped drive and location of the holding tank. He clarified that the proposal is to the north of the property, not the south lot line.
  - B. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
  - A. Staff Report
  - B. Letter from Shannon and Tracy VandeVoort
8. Testimony closed at 1:32 PM.
9. Deliberation/Discussion: Board discussed Findings of Fact. Alternative option would increase impervious surfaces due to looped driveway and potentially impact the holding tank.

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

- A. Unique physical limitation – shallow lot, property size and layout.
- B. Harm to public interest – minimal disturbance, runoff will be controlled. Alternate site would impact holding tank and increase impervious surfaces.
- C. Unnecessary hardship – narrow lot, setbacks cannot be met.

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


- A. Unique physical limitation – property layout, lot size (shallow).
- B. Harm to public interest – None, no impact on snow removal or vision.
- C. Unnecessary hardship – shallow lot, unique layout of property.

10. Decision: Moved by Ballestad, seconded by Nichols to grant a 30 foot variance from the required 75 foot setback to build 45 feet from the ordinary high water mark. Roll Call Vote: Ballestad, Nichols, Pott, Ragen and Stranz all voting aye, no nays, motion carried.

Moved by Ragen, seconded by Pott to grant a 23.5 foot variance from the required 30 foot setback to build 6.5 feet from the road right of way. Roll Call Vote: Ballestad, Nichols, Pott, Ragen and Stranz all voting aye, no nays, motion carried.

11. Hearing adjourned at 1:43 PM.

  
Robert Pott  
Secretary

  
AL STRANZ  
Alan Sleeter  
Vice-Chair

William Lester  
Assistant Zoning Administrator

DATE 9-24-21 BY AS

**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 Gary Schomburg, 17911 Lake John Road, Lakewood, WI 54138
2. The petitioner is the owner of record of parcel number 019-21210261C located in Section 21, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on September 1, 2021, noticed, as provided for by law, on September 8, 2021 and September 15, 2021, and a public hearing was held by the Oconto County Board of Adjustment on September 22, 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 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 shallow lot, property size and layout.
2. The variance will not harm the public interest because there will be minimal disturbance, runoff will be controlled. The alternate site would impact holding tank and increase impervious surfaces.
3. Unnecessary Hardship is present because the lot is narrow, no setbacks can be met.

**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 30 feet from the required 75 foot setback to build 45 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

9-24-2021  
Date

DATE 9-24-21 BY RP

CASE NO: VA-20210031  
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 Gary Schomburg, 17911 Lake John Road, Lakewood, WI 54138
2. The petitioner is the owner of record of parcel number 019-21210261C located in Section 21, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on September 1, 2021, noticed, as provided for by law, on September 8, 2021 and September 15, 2021, and a public hearing was held by the Oconto County Board of Adjustment on September 22, 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 – too shallow.
2. The variance will not harm the public interest because there will be no impact on snow removal or vision.
3. Unnecessary Hardship is present because of the shallow lot and unique layout of property.

**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 23.5 feet from the required 30 foot setback to build 6.5 feet from the road right of way 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

9-24-2021  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
September 22, 2021

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 9-24-21 BY slg

1. Hearing called to order at 1:44 PM.
2. Roll Call: Present:       Mr. Allan Stranz, Vice-Chair  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mr. Robert Pott  
                                  Mrs. Diane Nichols, Alternate  
  
Others Present:           Mr. William Lester, Assistant Zoning Administrator  
                                  Mr. Robert Kappell  
                                  Mrs. Joan Kappell  
                                  Mr. Harry Smith
3. Mr. Lester read the Notice of Public Hearing pertaining to Robert Kappel, et al's application for variance to build closer to the side lot line and variance to build closer to the road right of way. Location of the property is in Section 27, T33N, R16E, Town of Lakewood, 14443 Cottontail Lane.
4. Mr. Lester stated that the notice was mailed to the petitioner, DZA for posting, 19 adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Mr. Lester stated that the petition was filed on August 30, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Harry Smith appeared and was sworn in. He stated that he is the agent for the land owner. They would like to combine the lots into one. The original plan was to place a 24' x 30' garage near the septic area. Plan B, this proposal is for a 24' x 30' garage to be placed more southwest towards the driveway. They will need to excavate to create a building site for the garage. Cottontail Lane is a traveled roadway which infringes upon this property more than the neighboring properties. A 12' x 24' addition to the north of the home will require a side lot line variance of 2.2 feet from the 10 foot requirement. The home addition will be beyond the 75 foot setback from the water, and the proposed garage will be 33 feet from the centerline, requesting a 30' variance.
  - B. Mr. Robert Kappell appeared and was sworn in. He stated that the proposed garage will have retaining wall to hold back the grade changes. There will be no basement under the cabin addition.
  - C. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
  - A. Staff Report

8. Testimony closed at 1:52 PM.
9. Deliberation/Discussion: Board discussed Findings of Fact.  
As to the request to build closer to the side lot line:  
A. Unique physical limitation – lot size and location of existing structure.  
B. Harm to public interest – none, will be away from the lake, impervious surfaces less than 15%.  
C. Unnecessary hardship – unique property layout and building location.

As to the request to build closer to the road right of way:

- A. Unique physical limitation – property layout and septic system location.  
B. Harm to public interest – none, will be entering the garage from existing driveway, not backing out on to the road. No impact to snow removal.  
C. Unnecessary hardship – unique property layout and septic system location limit buildable area.


10. Decision: Moved by Ballestad, seconded by Nichols to grant a 2.2 foot variance from the required 10 foot setback to build 7.8 feet from the side lot line.

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

Moved by Nichols, seconded by Ragen to grant a 12.5 foot variance from the required 30 foot setback to build 17.5 feet from the road right of way of Cottontail Lane. Roll Call Vote: Ballestad, Nichols, Pott, Ragen and Stranz voting aye, no nays, motion carried.

11. Hearing adjourned at 2:02 PM.

  
Robert Pott  
Secretary

  
AL STRANZ  
Alan Steeter  
VILLAGE Chair

William Lester  
Assistant Zoning Administrator



DATE 9-24-21 BY RP

CASE NO: VA-20210029  
SIDE LOT LINE

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

1. The petitioner is Robert Kappel, et al, 10136 E. Paseo San Rosendo, Tucson, AZ 85747
2. The petitioner is the owner of record of parcel number 019-8722084 located in Section 27, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on August 30, 2021, noticed, as provided for by law, on September 8, 2021 and September 15, 2021, and a public hearing was held by the Oconto County Board of Adjustment on September 22, 2021.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a variance under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a variance to build closer to the side lot line.

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

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

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

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of the lot size and location of existing structure.
2. The variance will not harm the public interest because it will be away from the lake, and impervious surfaces less than 15%.
3. Unnecessary Hardship is not present because of the unique property layout and building location.

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

**The requested variance consisting of a 2.2 foot variance from the required 10 foot setback to build 7.8 feet from the side lot line s hereby GRANTED subject to the following conditions/mitigation:**

**A. One time addition.**

**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

9-24-2021  
Date

DATE 9-24-21 BY RS

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

CASE NO: VA-20210029  
ROAD RIGHT OF WAY

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

1. The petitioner is Robert Kappel, et al, 10136 E. Paseo San Rosendo, Tucson, AZ 85747
2. The petitioner is the owner of record of parcel number 019-8722084 located in Section 27, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on August 30, 2021, noticed, as provided for by law, on September 8, 2021 and September 15, 2021, and a public hearing was held by the Oconto County Board of Adjustment on September 22, 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 road right of way.

**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 and septic system location.
2. The variance will not harm the public interest because they will be entering the garage from existing driveway and not backing out on to the road. No impact to snow removal.
3. Unnecessary Hardship is present because the unique property layout and septic location limit the 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 12.5 foot variance from the required 30 foot setback to build 17.5 feet from the road right of way of Cottontail Lane is hereby GRANTED.**

**GENERAL CONDITIONS**

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

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

Revocation. This order may be revoked by the Committee, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action of certiorari with the Circuit Court for Oconto County within 30 days after the filing of this decision. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. When a floodplain variance is granted the applicant is made aware that the variance may increase risks to life, property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage.

Robert Pott  
Robert Pott, Secretary  
Oconto County Board of Adjustment

9-24-2021  
Date

MINUTES OF HEARING  
OCONTO COUNTY BOARD OF ADJUSTMENT  
September 22, 2021

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

DATE 9-24-21 BY MS

1. Hearing called to order at 2:04 PM.
2. Roll Call: Present:       Mr. Allan Stranz, Vice-Chair  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mr. Robert Pott  
                                  Mrs. Diane Nichols, Alternate  
  
                  Absent:       Mr. Alan Sleeter, Chair  
  
                  Others Present:   Mr. William Lester, Assistant Zoning Administrator  
                                  Mr. Charles Buxton  
                                  Mrs. Brenda Buxton  
                                  Mr. Harry Smith
3. Mr. Lester read the Notice of Public Hearing pertaining to Charles Buxton's application for variance to build closer to the side lot line and variance to build closer to centerline of road. Location of the property is in Section 27, T33N, R16E, Town of Lakewood, 17672 W. Wheeler Lake Lane.
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 August 18, 2021. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
  - A. Mr. Harry Smith appeared and was sworn in. He stated that he is the agent for Charles Buxton, who combined lots and is requesting a variance for a garage addition that will be further away from the road than the existing structure. He only needs a road centerline variance. The proposed addition to the garage will meet the 5 foot side yard setback and the 75 foot ordinary high water mark setback. There is an unimproved public "walkway" south of the property. The proposed location will need to be excavated. They are trying to avoid the number of vehicles parked in the road right of way.
  - B. Mr. Charles Buxton appeared and was sworn in. He clarified that the address was incorrect, he now lives at 17672 W Wheeler Lake Lane. There is no proposed work shop or plumbing in the garage.
  - C. Mr. Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
  - A. Staff Report
8. Testimony closed at 2:13 PM

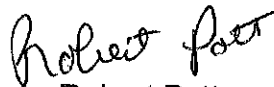
9. Deliberation/Discussion: Board discussed Findings of Fact.  
As to the request to build closer to the side lot line – variance not needed.


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

- A. Unique physical limitation – existing garage location, property layout.
  - B. Harm to public interest – none, will allow vehicles to park out of the right of way, will be safer.
  - C. Unnecessary hardship – unique property layout.
10. Decision: Moved by Pott, seconded by Nichols to deny the side lot line variance as it is not needed. Roll Call Vote: Ballestad, Nichols, Pott, Ragen and Stranz all voting aye, no nays, motion carried.

Moved by Nichols, seconded by Ballestad to grant a 25.6 foot variance from the required 63 foot setback to build 37.4 feet from the centerline of the road. Roll Call Vote: Ballestad, Nichols, Pott, Ragen and Stranz all voting aye, no nays, motion carried.

11. Hearing adjourned at 2:20 PM.

  
Robert Pott  
Secretary

  
AL STRANZ  
Alan-Sleeter  
VICE Chair

William Lester  
Assistant Zoning Administrator

DATE 9-24-21 BY RP

CASE NO: VA-20210028  
SIDE LOT LINE

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

1. The petitioner is Charles Buxton, 931 Woodland Drive, Menasha, WI 54138
2. The petitioner is the owner of record of parcel number 019-8627001 located in Section 27, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on August 18, 2021, noticed, as provided for by law, on September 8, 2021 and September 15, 2021, and a public hearing was held by the Oconto County Board of Adjustment on September 22, 2021.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a variance under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a variance to build closer to the side lot line.

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

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

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

1. The variance is not required due to physical limitations of the property.
2. The variance will not harm the public interest because:
3. Unnecessary Hardship is not present.

**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 2.3 foot variance from the required 5 foot requirement to build 5.2 feet from the side lot line is hereby DENIED as it is not needed.**

#### 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

9-24-2021  
Date

DATE 9-24-21 BY RS

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

CASE NO: VA-20210028  
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 Buxton, 931 Woodland Drive, Menasha, WI 54138
2. The petitioner is the owner of record of parcel number 019-8627001 located in Section 27, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on August 18, 2021, noticed, as provided for by law, on September 8, 2021 and September 15, 2021, and a public hearing was held by the Oconto County Board of Adjustment on September 22, 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 existing garage location.
2. The variance will not harm the public interest because it will be safer by allowing vehicles to park out of the right of way.
3. Unnecessary Hardship is not present because of the unique property 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 25.6 foot variance from the required 63 foot setback to build 37.4 feet from the centerline of the road is hereby GRANTED subject to the following conditions/mitigation:**

- A. Runoff on the north of garage to be managed due to elevation changed between neighbors.**

**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

9-24-2021  
Date

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

OCONTO COUNTY, WISCONSIN  
FILING DATE FOR SECTION  
59.694(10) STATUTORY PURPOSES  
DATE 9-24-21 BY sj

1. Hearing called to order at 8:57 AM.
2. Roll Call: Present:       Mr. Allan Stranz, Vice-Chair  
                                  Mr. Robert Pott, Secretary  
                                  Mr. Karl Ballestad  
                                  Mr. Elmer Ragen  
                                  Mrs. Diane Nichols, Alternate  
  
                                  Absent:       Mr. Alan Sleeter, Chair  
  
                                  Others Present:       Mr. Gabe Moody, Assistant Zoning Administrator  
  Mr. Chris Van Kilsdonk
3. Mr. Moody read the Notice of Public Hearing pertaining to CV Wholesale, LLC's application for Conditional Use Permit for a used vehicle dealership. Location of the property is in Section 26, T26N, R20E, Town of Little Suamico, 837 E. Frontage Road.
4. Mr. Moody stated that the notice was mailed to the petitioner, DZA for posting, 6 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 August 18, 2021. He provided the required notices, application, plot plan and maps.
6. Appearances:
  - A. Mr. Chris VanKilsdonk appeared and was sworn in. He state that he wants a Conditional Use Permit for a used car dealership. The property is only for sale, retail only, no repair work. They will put in an indoor showroom for 3 – 4 vehicles. There are no plans for expansion, just modifying the door so vehicles can go in the building.
  - B. Mr. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
  - A. Staff Report – approve with conditions.
  - B. Town of Little Suamico Recommendation Form – recommend approval
8. Testimony closed at 9:04 AM.
9. Deliberation/Discussion: Board discussed conditions.
10. Decision: Moved by Pott, seconded by Nichols to grant the Conditional Use Permit for a used vehicle dealership with the following conditions:
  - A. Hours: Monday thru Friday, 9:00 AM – 6:00 PM by appointment.  
                                  Saturday 9:00AM – 1:00 PM by appointment only.

- B. Dumpster allowed on property.
- C. No storage for hazardous materials or salvage materials.
- D. No on-site repair work will be conducted.
- E. 20 – 25 vehicles allowed onsite. No vehicle parking on lawns.
- F. Downward lighting required. No casting of lights onto the highway or other property owners.
- G. All signs must comply with Oconto County Ordinances.

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

11. Hearing adjourned at 9:07 AM.

  
Robert Pott  
Secretary

  
AL STRANZ  
~~Alan Sleeter~~  
VICE Chair

Gabe Moody  
Assistant Zoning Administrator



DATE 9-24-21 BY ag

CASE NO: CU-20210026

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

1. The petitioner is CV Wholesale, LLC, 3069 Harbor Winds Drive, Suamico, WI 54173
2. The petitioner is the owner of record of parcel number 024-202601022A1B located in the NW ¼, NW ¼, Section 26, T26N, R20E, Town of Little Suamico.
3. The petition for conditional use permit was filed with the Board Secretary on August 18, 2021, noticed, as provided for by law, on September 8, 2021 and September 15, 2021, and a public hearing was held by the Oconto County Board of Adjustment on September 24, 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 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 used vehicle dealership.

**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 14.410 (a) (3) and 14.410 (e) of the ordinance because:

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

The requested conditional use permit consisting of a conditional use permit for a used vehicle dealership is hereby GRANTED subject to the following conditions:

- A. Hours: Monday thru Friday, 9:00 AM – 6:00 PM by appointment.  
Saturday 9:00AM – 1:00 PM by appointment only.
- B. Dumpsters allowed on property.
- C. No storage for hazardous materials or salvage materials.
- D. No on-site repair work will be conducted.
- E. 20 – 25 vehicles allowed onsite. No vehicle parking on lawns.
- F. Downward lighting required. No casting of lights onto the highway or other property owners.
- G. All signs must comply 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

9-24-2021  
Date