

MINUTES
WEDNESDAY MARCH 26, 2025 AT 9:00 AM
BOARD OF ADJUSTMENTS
Draft minutes until Committee approved

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

BOARD MEMBERS PRESENT: Al Sleeter, Carol Heise, Jolene Barkhaus, Dave Behrend, Elmer Ragen
Char Meier and Dave Christianson

1. Approval of Agenda
 - a. Change of Sequence
 - b. Removal of Items

Moved by Barkhaus, seconded by Christianson, to approve the agenda of the business meeting.
Motion voted on and carried.
2. Approval of Minutes
 - a. Business Meeting of February 28, 2025
Moved by Heise, seconded by Barkhaus to approve the minutes of the business meeting of February 28, 2025. Motion voted and carried.
 - b. Public Hearings of March 25, 2025
 - 1) Joshua Skarban
 - 2) Richard Neuses
 - 3) Gary & Cheryl Meyer
 - 4) John Knecht
 - 5) Dave & Karen Vande Voort
 - 6) Mike Ricker
 - c. Moved by Heise, seconded by Behrend to approve the minutes of the public hearing of March 26, 2025. Motion voted on and carried.
3. BOA Training- Video presentation from U.W.S.P. Lynn Markham
4. Public Comments- Ask Kaylynn to send staff reports to alternates
5. Hearing Dates
 - a. Public Hearings- April 22, 2025
 - b. Business Meeting Date- April 22, 2025, 3 PM after public hearings
6. Adjournment

Vice Chair Heise adjourned meeting at 11:25 AM

Secretary

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
March 25, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 3-27-25 BY KH

1. Hearing called to order at 9:00 AM

2. Roll Call: Present: Alan Sleeter, Chair
Carol Heise, Vice Chair & Secretary
Dave Christianson
Dave Behrend
Jolene Barkhaus, Alternate

Absent: Elmer Ragen
Others Present: Gabe Moody, Assistant Zoning Administrator
Lea Wauters
Josh Skarban

3. Gabe Moody read the Notice of Public Hearing pertaining to Joshua Skarban's application for Conditional use permit for a home based dog grooming business with dog boarding. Location of the property is in Section 12, T28N, R19E, Town of Oconto Falls.

4. Gabe Moody stated that the notice was mailed to the petitioner, DZA for posting, 3 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. Gabe Moody stated that the petition was filed on January 20, 2025. He provided the required notices, application, plot plan and maps.

6. Appearances:

- A. Lea Wauters appeared and was sworn in. She stated she is requesting a conditional use permit to provide dog grooming and boarding on the parcel. There would be up to 8 dogs. She has been operating since January.
- B. Joshua Skarban appeared and was sworn in. He stated he is the property owner and has 10.1 acres. He has no additional comments.
- C. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence

- A. Staff Report
- B. Town Recommendation- Approved with conditions

8. Testimony closed at 9:11 AM

9. Deliberation/Discussion: Discussed conditions.

10. Decision: Moved by Barkhaus, seconded by Christianson, to grant a conditional use permit for a home based dog grooming business with dog boarding with the following conditions:

1. Hours 6AM-7PM, 7 days a week

Joshua Skarban Public Hearing
March 25, 2025
Page Two

2. Adequate lighting
3. Adequate parking
4. Must obtain all State, Federal and Local Permits and licenses

Roll Call Vote: Barkhaus, Behrend, Christianson, Heise, and Sleeter all voting aye, no nays, motion carried.

11. Hearing adjourned at 9:16 AM



Carol Heise
Secretary



Alan Sleeter
Chair

Gabe Moody
Assistant Zoning Administrator

DATE 3-27-25 BY KF

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

1. The petitioner is Joshua Skarban, 6639 Chestnut Rd., Oconto Falls, WI 54154
2. The petitioner is the owner of record of parcel number 032-121201232A located in Section 12, T28N, R19E, Town of Oconto Falls.
3. The petition for conditional use permit was filed with the Board Secretary on January 20, 2025, noticed, as provided for by law, on March 5, 2025 and March 12, 2025, and a public hearing was held by the Oconto County Board of Adjustment on March 25, 2025.
4. The property is zoned Agricultural District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a conditional use permit for a home based dog grooming business with dog boarding.

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 14.403 (d) and Section 14.417 (e) 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 home based dog grooming business with dog boarding is hereby granted subject to the following conditions/mitigation:

1. Hours of operation 6 AM- 10PM, 7 days per a week
2. Adequate lighting
3. Adequate parking
4. Must obtain all State, Federal and Local permits and licenses

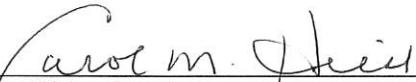
GENERAL CONDITIONS

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.

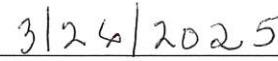
Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

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.



Carol Heise, Secretary
Oconto County Board of Adjustment



Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
March 25, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 3/27/25 BY KJ

1. Hearing called to order at 9:19 AM

2. Roll Call: Present: Alan Sleeter, Chair
Carol Heise, Vice Chair & Secretary
Dave Christianson
Dave Behrend
Jolene Barkhaus, Alternate

Absent: Elmer Ragen

Others Present: Gabe Moody, Assistant Zoning Administrator
Richard Neuses
Chanda Zelzer
John Peplinski

3. Gabe Moody read the Notice of Public Hearing pertaining to Richard Neuses's application for Variance from the centerline of the road for a new home. Location of the property is in Section 22, T28N, R19E, Town of Oconto Falls.

4. Gabe 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. Gabe Moody stated that the petition was filed on February 14, 2024. He provided the required notices, application, plot plan and maps.

6. Appearances:

- A. Richard Neuses appeared and was sworn in. He stated he is requesting a variance to build a new home closer to the centerline of the road. He would like to build 10 feet from the side lot line, 49.5 feet from the centerline of the road and would meet the setback requirement from the ordinary high water mark. There is already an existing flo well mitigation system for the lot to address impervious surface.
- B. John Peplinski appeared and was sworn in. He stated he is the general contractor and will be getting all the permits for the project.
- C. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence

- A. Staff Report-recommend approval

8. Testimony closed at 9:29 AM

9. Deliberation/Discussion: Board discussed Findings of Fact

- A. Unique physical limitation- lot size, road right of way size and angle of road
- B. Harm to public interest- no impact to snow removal
- C. Unnecessary hardship- lot size, road right of way size and road angle

Richard Neuses Public Hearing
March 25, 2025
Page Two

10. Decision: Moved by Barkhaus, seconded by Behrend, to grant a 13.5 foot variance from the required 63 foot setback to build 49.5 feet from the centerline of the road for a new home.

Roll Call Vote: Barkhaus, Behrend, Christianson, Heise, and Sleeter all voting aye, no nays, motion carried.

11. Hearing adjourned at 9:34 AM


Carol Heise
Secretary


Alan Sleeter
Chair

Gabe Moody
Assistant Zoning Administrator

DATE 3-27-25 BY KJ

CASE NO: VA-20250001

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

1. The petitioner is Richard Neuses, 8251 Coffey Lane, Oconto Falls, WI 54154
2. The petitioner is the owner of record of parcel number 032-222203468 located in the Section 22, T28N, R19E, Town of Oconto Falls.
3. The petition for conditional use variance was filed with the Board Secretary on February 14, 2024, noticed, as provided for by law, on March 5, 2025 and March 12, 2025, and a public hearing was held by the Oconto County Board of Adjustment on March 25, 2025.
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 from the centerline of the road for a new home.

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/does not) meet all three of the following tests:

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of the lot size, road right of way size and the angle of the road.
2. The variance will not harm the public interest because there is no impact on snow removal.
3. Unnecessary Hardship is present because of the lot size, road right of way size and the angle of the road.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests. This standard reflects the new Zier vogel and Waushara County decisions.

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 13.5 foot variance from the required 63 foot setback to build 49.5 feet from the centerline of the road for a new home is hereby granted.

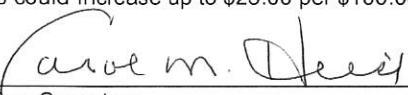
GENERAL CONDITIONS

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.


Carol Heise, Secretary
Oconto County Board of Adjustment

3-26-2025
Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
March 25, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 3-27-25 BY KJ

1. Hearing called to order at 10:15 AM
2. Roll Call: Present:
Alan Sleeter, Chair
Carol Heise, Vice Chair & Secretary
Dave Christianson
Dave Behrend
Jolene Barkhaus, Alternate
Absent:
Elmer Ragen
Others Present:
Gabe Moody, Assistant Zoning Administrator
Chris Deering
3. Gabe Moody read the Notice of Public Hearing pertaining to Gary & Cheryl Meyer's application for Conditional use permit for a propane distributing business. Location of the property is in Section 14, T30N, R19E, Town of Brazeau.
4. Gabe Moody stated that the notice was mailed to the petitioner, DZA for posting, 9 adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Gabe Moody stated that the petition was filed on February 5, 2025. He provided the required notices, application, plot plan and maps.
6. Appearances:
 - A. Chris Deering appeared and was sworn in. He stated he is requesting a conditional use permit for a propane distribution business that has already been rezoned to Light Industrial District. The driveway and 200 feet off of County Road B will have one 30,000 gallon propane tank that is 10 feet wide. He may go up to 4 tanks in total. The driveway will be gated, and he may fence in the entire property. The delivery trucks will be single axle. He will be meeting with the fire department and emergency management as well.
 - B. Gabe Moody appeared and was sworn in. He read the staff report.
7. Correspondence
 - A. Staff Report- in favor
 - B. Town Recommendation- in favor with conditions
8. Testimony closed at 10:25 AM
9. Deliberation/Discussion: Discussed conditions.
10. Decision: Moved by Christianson, seconded by Behrend, to grant a conditional use permit for a propane distribution business with the following conditions:
 1. Hours of operation Monday- Friday 6 AM- 6 PM, Nights & Weekends for Emergency Only

Gary & Cheryl Meyer Public Hearing
March 25, 2025
Page Two

2. Verification of Land Contract
3. Must comply with all State, Federal and County rules, regulations, permits, and approvals
4. Emergency Management plan- Contact Jon Spice at Oconto County
5. Dusk/dawn lighting
6. Gated driveway
7. Adequate parking

Roll Call Vote: Barkhaus, Behrend, Christianson, Heise, and Sleeter all voting aye, no nays, motion carried.

11. Hearing adjourned at 10:30 AM



Carol Heise
Secretary



Alan Sleeter
Chair

Gabe Moody
Assistant Zoning Administrator

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

DATE 3/27/25 BY KH

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

CASE NO: CU-20250002

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 & Cheryl Meyer, 7976 County Rd. B, Coleman, WI 54112
2. The petitioner is the owner of record of parcel number 008-141401734 located in the SE ¼, SW ¼, Section 14, T30N, R19E, Town of Brazeau.
3. The petition for conditional use permit was filed with the Board Secretary on February 5, 2025, noticed, as provided for by law, on March 5, 2025 and March 12, 2025, and a public hearing was held by the Oconto County Board of Adjustment on March 25, 2025.
4. The property is zoned Agricultural District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting conditional use under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a conditional use permit for a propane distributing 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 14.1903 (a) 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 propane distribution business is hereby granted subject to the following conditions/mitigation:

1. Hours of operation Monday-Friday 6 AM-6 PM, Nights & Weekends for Emergency Only
2. Verification of Land Contract
3. Must comply with all State, Federal and County rules, regulations, permits, and approvals
4. Emergency Management plan- Contact Jon Spice at Oconto County
5. Dusk/dawn lighting
6. Gated driveway
7. Adequate parking

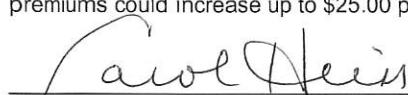
GENERAL CONDITIONS

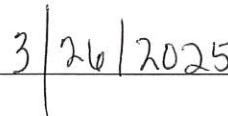
The granting of this conditional use permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands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


Carol Heise, Secretary
Oconto County Board of Adjustment


Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
March 25, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 3/27/25 BY KH

1. Hearing called to order at 2:00 PM

2. Roll Call: Present: Alan Sleeter, Chair
Carol Heise, Vice-Chair & Secretary
Dave Christianson
Dave Behrend
Jolene Barkhaus, Alternate

Absent:
Elmer Ragen
Others Present: William Lester, Assistant Zoning Administrator
Eric Hull
Terry Mix
Adam Mix

3. William Lester read the Notice of Public Hearing pertaining to John Knecht's application for Variance from the ordinary high water mark to build a new home. Location of the property is in Section 36, T31N, R16E, Town of Mountain.

4. William 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. William Lester stated that the petition was filed on February 21, 2025. He provided the required notices, application, plot plan, maps and staff report.

6. Appearances:

A. Eric Hull appeared and was sworn in. He stated he was appointed as agent for the applicant in Jerry Hull's absence. He is requesting a variance from the ordinary high water mark to build a slightly larger dwelling. The new dwelling would be set back further from the ordinary high water mark than what is currently existing. The well and septic will be replaced. The new dwelling will be 2 stories and 30'X65'.

B. Terry Mix appeared and was sworn in. He stated he is an adjacent property owner and wanted clarification on what structures are being removed and which are staying. The board explained the proposal and Terry was only concerned about the ordinary high water mark setback.

C. William Lester appeared and was sworn in. He read the Staff Report.

7. Correspondence

A. Staff Report
B. Email designating Eric Hull as agent

8. Testimony closed at 2:15 PM

9. Deliberation/Discussion: Board discussed Findings of Fact

John Knecht Public Hearing
March 25, 2025
Page Two

- A. Unique physical limitation- lot size, lot width
- B. Harm to public interest- increasing ordinary high water mark setback
- C. Unnecessary hardship- lot size, lot layout and lot shape

10. Decision: Moved by Heise, seconded by Barkhaus, to grant a 40 foot variance from the required 75 foot setback to build 35 feet from the ordinary high water mark with the following condition:

1. No retaining walls or patio's within 35 feet of the ordinary high water mark

Roll Call Vote: Barkhaus, Behrend, Christianson, Heise, and Sleeter all voting aye, no nays, motion carried.

11. Hearing adjourned at 2:20 PM



Carol Heise
Secretary



Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 3-27-25 BY KJ

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

CASE NO: VA-20250002

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 John Knecht, 5803 W National Ave, West Allis, WI 53714
2. The petitioner is the owner of record of parcel number 029-683110923 located in Section 36, T31N, R16E, Town of Mountain.
3. The petition for variance was filed with the Board Secretary on February 21, 2025, noticed, as provided for by law, on March 5, 2025 and March 12, 2025, and a public hearing was held by the Oconto County Board of Adjustment on March 25, 2025.
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 from the ordinary high water mark.

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

The Board has jurisdiction on this matter under the provisions of Section 26.1405 of the Oconto County Shoreland Protection Ordinance.

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

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of the lot size and lot width.
2. The variance will not harm the public interest because they are increasing the ordinary high water mark setback.
3. Unnecessary Hardship is not present because of the lot size, layout and the lot shape.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests. This standard reflects the new Zier vogel and Waushara County decisions.

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

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

1. No retaining walls or patio's within 35 feet of the ordinary high watermark.

GENERAL CONDITIONS

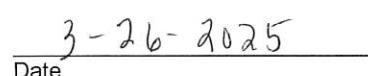
The granting of this variance does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands and accepts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


Carol Heise, Secretary
Oconto County Board of Adjustment


Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
March 25, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 3-27-25 BY KL

1. Hearing called to order at 2:23 PM

2. Roll Call: Present: Alan Sleeter, Chair
Carol Heise, Vice-Chair & Secretary
Dave Christianson
Dave Behrend
Jolene Barkhaus, Alternate

Absent: Elmer Ragen

Others Present: William Lester, Assistant Zoning Administrator
Dave Vande Voort
Karen Vande Voort

3. William Lester read the Notice of Public Hearing pertaining to Dave & Karen VandeVoort's application for Variance from the ordinary high water mark for rebuilding an existing retaining wall and a patio. Location of the property is in Section 29, T33N, R15E, Town of Townsend.

4. William 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. William Lester stated that the petition was filed on February 21, 2025. He provided the required notices, application, plot plan, maps and staff report.

6. Appearances:

A. Dave Vanden Voort appeared and was sworn in. He stated he is requesting a variance from the ordinary high water mark for a patio and retaining wall. Dave went over his Water Mitigation Plan with the Board. He explained prior work and improvements that were completed with and without permits. A new septic was installed, along with a new roof and some grading. The retaining wall was multi-tier wooden wall which was replaced in the same footprint with a brick/concrete wall. The applicant explained erosion that was present onsite, and that the patio was installed to send waterway from the lake. Alternative locations were reviewed with the Board. Applicants are willing to install an engineered storm water infiltration system to treat the added impervious surfaces. The board asked if the applicant had photos of previous conditions, and he only had photos of the existing conditions. The retaining wall was discussed, and the Board feels as if it was built in the same footprint and can be resolved with an after the fact land use permit. However, the patio would not be permitted.

B. Dave was called back to the stand and the Board asked how hard it would be to remove the patio. He stated removing concrete is never easy. He feels the treated mitigation plan outweighs the negative effects of the patio. The concrete is about 4 inches thick, and the total size of the structure is about 676 square feet in size.

C. William Lester appeared and was sworn in. He read the Staff Report.

7. Correspondence

Dave & Karen VandeVoort Public Hearing
March 25, 2025
Page Two

- A. Staff Report
- B. Letter from Harold Peterson- in favor
- C. Letter from Mandy & Joe Kraynik-in favor
- D. Letter from Willie Evans- in favor

8. Testimony closed at 3:05 PM

9. Deliberation/Discussion: Board discussed Findings of Fact

- A. Unique physical limitation- lot size & lot limitations
- B. Harm to public interest- if there is a treated mitigation plan implemented
- C. Unnecessary hardship- self created

10. Decision: Moved by Heise, seconded by Behrend, to deny a 35 foot variance from the required 75 foot setback to build 40 feet from the ordinary high water mark for an existing patio.

Roll Call Vote: Behrend, Christianson, Heise, and Sleeter all voting aye, Barkhaus voting nay, motion carried.

11. Hearing adjourned at 3:22 PM



Carol Heise
Secretary



Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

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

CASE NO: VA-20250003

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 Dave & Karen VandeVoort, 6686 Vandevoot Ct., Greenleaf, WI 54126
2. The petitioner is the owner of record of parcel number 042-2929130 located in Section 29, T33N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on February 21, 2025, noticed, as provided for by law, on March 5, 2025 and March 12, 2025, and a public hearing was held by the Oconto County Board of Adjustment on March 25, 2025.
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 from the ordinary high water mark for rebuilding an existing retaining wall and a patio.

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

The Board has jurisdiction on this matter under the provisions of Section 26.1405 of the Oconto County Shoreland Protection Ordinance.

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

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of the lot size and lot limitations.
2. The variance will not harm the public interest because if there is a treated mitigation plan implemented.
3. Unnecessary Hardship is not present because it was self created.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests. This standard reflects the new Ziervogel and Waushara County decisions.

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

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

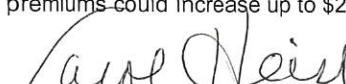
GENERAL CONDITIONS

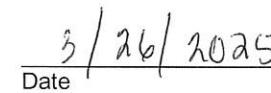
The granting of this variance does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands and accepts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

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

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

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


Carol Heise, Secretary
Oconto County Board of Adjustment


Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
March 25, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 3/27/25 BY KL

1. Hearing called to order at 3:24 PM
2. Roll Call: Present:
Alan Sleeter, Chair
Carol Heise, Vice-Chair & Secretary
Dave Christianson
Dave Behrend
Jolene Barkhaus, Alternate Abstained
Absent:
Elmer Ragen
Others Present:
William Lester, Assistant Zoning Administrator
Michael Ricker
3. William Lester read the Notice of Public Hearing pertaining to Mike Ricker's application for Variance from the road right away and the side lot line to rebuild existing garage larger. Location of the property is in Section 27, T33N, R16E, Town of Lakewood.
4. William 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. William Lester stated that the petition was filed on February 21, 2025. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Mike Ricker appeared and was sworn in. He stated that he is requesting a road right of way and side yard variance to rebuild an existing garage larger. The existing garage is 24'X24' and was located partially in the road right of way. The new garage would be 36'X52' in total size, this includes 12' overhang with a porch and patio. They would access the garage from W Wheeler Lake Lane and allow parking parallel to the garage. The board questioned the patio and rotating the garage to move it further away from the road right of way setback.
 - B. Mike was called back up the stand after discussion. The board asked what the minimum size garage he could build to suffice his need for storage. He said with the proposed sized that would fit his pontoon boat and two vehicles.
 - C. William Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
 - A. Staff Report
8. Testimony closed at 3:40 PM
9. Deliberation/Discussion: Board discussed Findings of Fact – Side
 - A. Unique physical limitation- lot size and septic location
 - B. Harm to public interest- no impact

Mike Ricker Public Hearing
March 25, 2025
Page Two

C. Unnecessary hardship- in need of a garage for storage

10. Decision: Moved by Behrend, seconded by Christianson, to grant a 2.5 foot variance from the required 7.5 foot setback to build 5 feet from the side lot line.

Roll Call Vote: Barkhaus, abstained, Behrend, Christianson, and Sleeter all voting aye, Heise voting nay, motion carried.

11. Board discussed Findings of Fact – ROW

- A. Unique physical limitation- lot size and road location
- B. Harm to public interest- no impact
- C. Unnecessary hardship- in need of a garage with Wisconsin winters

12. Decision: Moved by Behrend, seconded by Christianson, to grant a 27 foot variance from the required 30 foot setback to build 3 feet from the road right of way.

Roll Call Vote: Barkhaus abstained, Behrend, Christianson, and Sleeter all voting aye, Heise voting nay, motion carried.

13. Hearing adjourned at 3:52 PM



Carol Heise
Secretary

Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

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

1. The petitioner is Mike Ricker, 2665 Howard Commons, Howard, WI 54313
2. The petitioner is the owner of record of parcel number 019-8627002 located in Section 27, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on February 21, 2025, noticed, as provided for by law, on March 5, 2025 and March 12, 2025, and a public hearing was held by the Oconto County Board of Adjustment on March 25, 2025.
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 from the road right of way to rebuild an existing garage larger.

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 not required due to physical limitations of the property rather than the circumstances of the appellant because of the lot size and road location.
2. The variance will not harm the public interest because there is no impact.
3. Unnecessary Hardship is present because they are in need of a garage with Wisconsin winters.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests. This standard reflects the new Zier vogel and Waushara County decisions.

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 27 foot variance from the required 30 foot setback to build 3 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.

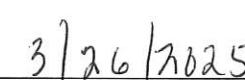
Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

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.



Carol Heise, Secretary
Oconto County Board of Adjustment



Date

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

SIDE
CASE NO: VA-20250004

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

1. The petitioner is Mike Ricker, 2665 Howard Commons, Howard, WI 54313
2. The petitioner is the owner of record of parcel number 019-8627002 located in Section 27, T33N, R16E, Town of Lakewood.
3. The petition for variance was filed with the Board Secretary on February 21, 2025, noticed, as provided for by law, on March 5, 2025 and March 12, 2025, and a public hearing was held by the Oconto County Board of Adjustment on March 25, 2025.
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 from the side lot line to rebuild an existing garage larger.

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/is not required due to physical limitations of the property rather than the circumstances of the appellant because of the lot size and septic location.
2. The variance will not harm the public interest because there is no impact.
3. Unnecessary Hardship is present because they are in need of a garage for storage.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests. This standard reflects the new Ziervogel and Waushara County decisions.

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 2.5 foot variance from the required 7.5 foot setback to build 5 feet from the side lot line is hereby granted.

GENERAL CONDITIONS

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

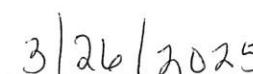
Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

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

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



Carol Heise, Secretary
Oconto County Board of Adjustment



Date