

MINUTES
Tuesday January 28,2025 AT 2:00 PM
BOARD OF ADJUSTMENTS
Draft minutes until Committee approved

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

BOARD MEMBERS PRESENT: Al Sleeter, Dave Behrend, Elmer Ragen and Char Meier

1. Approval of Agenda

- a. Change of Sequence
- b. Removal of Items

Moved by Meier, seconded by Ragen, to approve the agenda of the business meeting. Motion voted on and carried.

2. Approval of Minutes

- a. Business Meeting of December 17, 2024

Moved by Ragen, seconded by Sleeter to approve the minutes of the business meeting of December 17, 2024. Motion voted and carried.

- b. Public Hearings of January 28, 2025

1) Timothy & Julie Endries
2) Phillip & Julie Bronsteatter

- c. Moved by Behrend, seconded by Meier to approve the minutes of the public hearing of January 28, 2025. Motion voted on and carried.

3. Public Comments

4. Hearing Dates

- a. Public Hearings- Move to February 28, 2025
- b. Business Meeting Date- same

5. Adjournment

Chair Sleeter adjourned meeting at 3:00 PM

Secretary

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
January 28, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1-29-25 BY KJ

1. Hearing called to order at 9:30 AM
2. Roll Call: Present:
Alan Sleeter, Chair
Elmer Ragen
Dave Behrend
Char Meier, Alternate

Absent: Carol Heise, Vice-Chair & Secretary
Dave Christianson

Others Present: William Lester, Assistant Zoning Administrator
Timothy Endries
3. William Lester read the Notice of Public Hearing pertaining to Timothy & Julie Endries's application for Variance from the centerline of the road and ordinary high watermark for a garage addition. Location of the property is in Section 1, T31N, R18E, Town of Brazeau.
4. William Lester stated that the notice was mailed to the petitioner, DZA for posting, 10 adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. William Lester stated that the petition was filed on December 5, 2024. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Tim Endries appeared and was sworn in. He stated he is requesting a variance for an existing structure that was built 20 years ago by the previous owner. The structure needs to be brought into compliance to allow an addition to the structure. The proposed addition would meet all setbacks. The property has an existing compliant buffer.
 - B. William Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
 - A. Staff Report
 - B. Letter from the DNR
8. Testimony closed at 9:35 AM
9. Deliberation/Discussion: Board discussed Findings of Fact – OHWM
 - A. Unique physical limitation- lot layout, lot size & steep slopes
 - B. Harm to public interest- no impact to lake, compliant buffer present
 - C. Unnecessary hardship- prior owners built in wrong location, moving home would be a burden & costly

Timothy & Julie Endries Public Hearing
January 28, 2025
Page Two

10. Decision: Moved by Meier, seconded by Behrend, to grant a 4 foot variance from the required 75 foot setback for the existing dwelling located 71 feet from the ordinary high watermark.

Roll Call Vote: Behrend, Meier, Ragen, and Sleeter all voting aye, no nays, motion carried.

11. Board discussed Findings of Fact – centerline

- A. Unique physical limitation- lot layout & road location
- B. Harm to public interest- no impact for snow removal or vision
- C. Unnecessary hardship- prior owners built in wrong location, moving home would be a burden & costly

12. Decision: Moved by Ragen, seconded by Behrend, to grant a 7 foot variance from the required 63 foot setback for the existing dwelling located 56 feet from the centerline of the road.

Roll Call Vote: Behrend, Meier, Ragen, and Sleeter all voting aye, no nays, motion carried.

13. Hearing adjourned at 9:44 AM



Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

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 Timothy & Julie Endries, 1121 River Rock Ct., Kiel, WI 53042
2. The petitioner is the owner of record of parcel number 008-3701031148 located in Section 1, T31N, R18E, Town of Brazeau.
3. The petition for variance was filed with the Board Secretary on December 5, 2024, noticed, as provided for by law, on January 8, 2025 and January 15, 2025, and a public hearing was held by the Oconto County Board of Adjustment on January 28, 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 watermark.

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 layout, lot size and steep slopes.
2. The variance will not harm the public interest because there is no impact to the lake, and there is a compliant buffer present.
3. Unnecessary Hardship is present because prior owners built in the wrong location, moving home would be a burden & costly.

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 4 foot variance from the required 75 foot setback for the existing dwelling located 71 feet from the ordinary high watermark 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.



Alan Sleeter, Chair
Oconto County Board of Adjustment



Date

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

1. The petitioner is Timothy & Julie Endries, 1121 River Rock Ct., Kiel, WI 53042
2. The petitioner is the owner of record of parcel number 008-3701031148 located in Section 1, T31N, R18E, Town of Brazeau.
3. The petition for variance was filed with the Board Secretary on December 5, 2024, noticed, as provided for by law, on January 8, 2025 and January 15, 2025, and a public hearing was held by the Oconto County Board of Adjustment on January 28, 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.

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 layout and location of the road.
2. The variance will not harm the public interest because there is no impact on snow removal or vision.
3. Unnecessary Hardship is present because prior owners built in the wrong location, moving home would be a burden & costly.

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 7 foot variance from the required 63 foot setback for the existing dwelling located 56 feet from the centerline of the road is hereby granted.

GENERAL CONDITIONS

The granting of this variance does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicant's 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 a 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.



Alan Sleeter, Chair

Oconto County Board of Adjustment

Date



1-28-2025

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
January 28, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1-29-25 BY KL

1. Hearing called to order at 11:45 AM

2. Roll Call: Present: Alan Sleeter, Chair
Elmer Ragen
Dave Behrend
Char Meier, Alternate

Absent: Carol Heise, Vice-Chair & Secretary
Dave Christianson

Others Present: William Lester, Assistant Zoning Administrator
Phillip Bronsteatter
Andy VanWychen
David Szepanski

3. William Lester read the Notice of Public Hearing pertaining to Phillip & Julie Bronsteatter's application for Variance from both side lot lines, centerline of the road and the ordinary high watermark for a home addition, garage addition and deck addition. Location of the property is in Section 23, T32N, R17E, Town of Riverview.
4. William Lester stated that the notice was mailed to the petitioner, DZA for posting, 13 adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. William Lester stated that the petition was filed on December 23, 2024. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:

- A. Phillip Bronsteatter appeared and was sworn in. He stated he is requesting variances from both side lot lines, the ordinary highwater mark and the centerline of the road. This would be for removing the existing structures and rebuilding to include additions, an attached garage, and a larger deck. Everything would be completely removed and rebuilt as a single story. The garage access would be off of Wetter Lane. The proposed deck is proposed to be 51 feet from the ordinary high watermark, which would be 6 feet closer than the existing deck. After talking, the applicant is withdrawing the ordinary high watermark variance and would like to utilize setback averaging. Based on the neighboring property they would be able to build 51 feet from the ordinary high watermark but will be building 57 feet from the ordinary high watermark. The variance request for the North side lot line is a 4 foot variance, South side lot line is 3 foot variance and centerline of the road is 19 foot variance.
- B. Dave Szepanski appeared and was sworn in. He stated he is the Town Supervisor and is in favor of the proposal. It looks like a large job but not much larger than what already is existing.
- C. William Lester appeared and was sworn in. He read the Staff Report.

Phillip & Julie Bronsteatter Public Hearing
January 28, 2025

7. Correspondence

- A. Staff Report
- B. Letter from Town of Riverview Chair
- C. Letter from DNR

8. Testimony closed at 12:01 PM

9. Board discussed Findings of Fact – centerline

- A. Unique physical limitation- lot layout, lot size & lot width
- B. Harm to public interest- plenty of room for snow removal, no impact on vision & is a low traffic road.
- C. Unnecessary hardship- no outside storage

10. Decision: Moved by Behrend, seconded by Ragen, to grant a 19 foot variance from the required 63 foot setback to build 44 feet from the centerline of the road.

Roll Call Vote: Behrend, Meier, Ragen, and Sleeter all voting aye, no nays, motion carried.

11. Board discussed Findings of Fact – south side

- A. Unique physical limitation- lot width & lot size
- B. Harm to public interest- new structure will not be any closer than the existing structure
- C. Unnecessary hardship- lot size & lot width

12. Decision: Moved by Meier, seconded by Behrend, to grant a 3 foot variance from the required 10 foot setback to build 7 feet from the side lot line.

Roll Call Vote: Behrend, Meier, Ragen, and Sleeter all voting aye, no nays, motion carried.

13. Board discussed Findings of Fact – north side

- A. Unique physical limitation- lot is very narrow
- B. Harm to public interest- new structure will not be any closer than the existing structure
- C. Unnecessary hardship- lot size & lot width

14. Decision: Moved by Ragen, seconded by Behrend, to grant a 4 foot variance from the required 10 foot setback to build 6 feet from the side lot line with the following condition:

1. Must establish or increase the shoreline buffer.

Roll Call Vote: Behrend, Meier, Ragen, and Sleeter all voting aye, no nays, motion carried.

15. Hearing adjourned at 12:11 PM

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 1-29-25 BY KH

Phillip & Julie Bronsteatter Public Hearing
January 28, 2025



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 Phillip & Julie Bronsteatter, 929 Altgeld St. Unit 1, Chicago, IL 60614
2. The petitioner is the owner of record of parcel number 036-59233491930 located in the SW 1/4, NW 1/4, Section 23, T32N, R17E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on December 23, 2024, noticed, as provided for by law, on January 8, 2025 and January 15, 2025, and a public hearing was held by the Oconto County Board of Adjustment on January 28, 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 resting a variance from the centerline of the road.

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

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

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

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of the lot layout, lot size and lot width.
2. The variance will not harm the public interest because there is plenty of room for snow removal, no impact on vision and is a low traffic road.
3. Unnecessary Hardship is present because there is no outside 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 19 foot variance from the required 63 foot setback to build 44 feet from the centerline of the road is hereby granted.

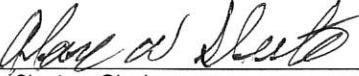
GENERAL CONDITIONS

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

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

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

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



Alan Sleeter, Chair
Oconto County Board of Adjustment



Date

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

1. The petitioner is Phillip & Julie Bronsteatter, 929 Altgeld St. Unit 1, Chicago, IL 60614
2. The petitioner is the owner of record of parcel number 036-59233491930 located in the SW ¼, NW ¼, Section 23, T32N, R17E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on December 23, 2024, noticed, as provided for by law, on January 8, 2025 and January 15, 2025, and a public hearing was held by the Oconto County Board of Adjustment on January 28, 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 north side lot line

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

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

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

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because lot is very narrow.
2. The variance will not harm the public interest because the structure will not be any closer than the existing structure.
3. Unnecessary Hardship is present because of the lot size and the lot width.

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 4 foot variance from the required 10 foot setback to build 6 feet from the north side lot line is hereby granted subject to the following conditions/mitigation:

1. Must establish or increase the shoreline buffer.

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/applicant's 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 a court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

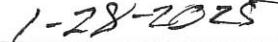
Revocation. This order may be revoked by the Committee, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

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.



Alan Sleeter, Chair
Oconto County Board of Adjustment

Date



1-28-2025

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1. The petitioner is Phillip & Julie Bronsteatter, 929 Altgeld St. Unit 1, Chicago, IL 60614
2. The petitioner is the owner of record of parcel number 036-59233491930 located in the SW 1/4, NW 1/4, Section 23, T32N, R17E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on December 23, 2024, noticed, as provided for by law, on January 8, 2025 and January 15, 2025, and a public hearing was held by the Oconto County Board of Adjustment on January 28, 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 variance from the south 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 width and lot size.
2. The variance will not harm the public interest because the structure will not be any closer than the existing structure.
3. Unnecessary Hardship is present because of the lot size and the lot width.

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 3 foot variance from the required 10 foot setback to build 7 feet from the south side lot line is hereby granted subject to the following conditions/mitigation:

1. **Must establish a shoreline buffer.**

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.

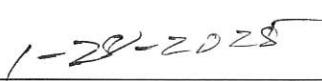
Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

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.



Alan Sleeter, Chair
Oconto County Board of Adjustment



Date
1-28-2025