

MINUTES
TUESDAY JULY 29, 2025 AT 2:30 PM
BOARD OF ADJUSTMENTS
Draft minutes until Committee approved

Meeting called to order at 2:45 PM by Al Sleeter, Chair.

BOARD MEMBERS PRESENT: Al Sleeter, Carol Heise, Dave Behrend and Dave Christianson

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

Moved by Behrend, seconded by Christianson, to approve the agenda of the business meeting. Motion voted on and carried.
2. Approval of Minutes
 - a. Business Meeting of June 24, 2025

Moved by Christianson, seconded by Heise to approve the minutes of the business meeting of June 24, 2025. Motion voted and carried.

 - b. Public Hearings of July 29, 2025
 - 1) Warren & Cheryl Kahler
 - 2) James & Patricia Degoey
 - 3) Tyler Schulke
 - 4) Justin Wisnepske
 - 5) Happyness Properties LLC
 - 6) Finger Family Farm LLC
 - c. Moved by Heise, seconded by Behrend to approve the minutes of the public hearing of July 29, 2025. Motion voted on and carried.
3. Public Comments- none
4. Hearing Dates
 - a. Public Hearings- August 26, 2025
 - b. Business Meeting Date- August 26, 2025
5. Adjournment

Chair Sleeter adjourned meeting at 3:20 PM

Secretary

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
July 29, 2025

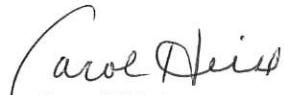
OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 7-30-25 BY KR

1. Hearing called to order at 9:51 AM
2. Roll Call: Present:
 - Alan Sleeter, Chair
 - Carol Heise, Vice-Chair & Secretary
 - Dave Christianson
 - Dave BehrenAbsent:
 - Elmer RagenOthers Present:
 - William Lester, Assistant Zoning Administrator
 - Leif Bloom
3. William Lester read the Notice of Public Hearing pertaining to Warren & Cheryl Kahler's application for Variance from the road right of way for a detached garage. Location of the property is in Section 31, T31N, R17E, Town of Mountain.
4. William Lester stated that the notice was mailed to the petitioner, DZA for posting, 14 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 June 27, 2025. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:
 - A. Leif Blom appeared and was sworn in. He stated he is requesting a 10 foot variance from the road right away of Woodland Lane for a 40'X50' detached garage for storage only, no water or plumbing. The small existing shed on the lot will be removed.
 - B. William Lester appeared and was sworn in. He read the Staff Report.
7. Correspondence
 - A. Staff Report
8. Testimony closed at 9:59 AM
9. Deliberation/Discussion: Board discussed Findings of Fact – Right of way
 - A. Unique physical limitation- slope on lot
 - B. Harm to public interest- no impact to vision or snow removal
 - C. Unnecessary hardship- storage is needed
10. Decision: Moved by Behrend, seconded by Christianson, to grant a 10 foot variance from the required 30 foot setback to build a detached garage 20 feet from the right of way on Woodland Lane with the following conditions:
 1. All existing storage buildings must be removed
 2. No living quarters allowed in accessory structure

Warren & Cheryl Kahler Public Hearing
July 29, 2025
Page Two

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

11. Hearing adjourned at 10:04 AM


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 Warren & Cheryl Kahler, 325 West Marquette St., Appleton, WI 54911
2. The petitioner is the owner of record of parcel number 029-783100902 located in Section 31, T31N, R17E, Town of Mountain.
3. The petition for variance was filed with the Board Secretary on June 27, 2025, noticed, as provided for by law, on July 9, 2025 and July 16, 2025 and a public hearing was held by the Oconto County Board of Adjustment on July 29, 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 applicant is requesting a variance from 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 slope on the lot.
2. The variance will not harm the public interest because there is no impact to vision or snow removal.
3. Unnecessary Hardship is present because it is needed 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 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 10 foot variance from the required 30 foot setback to build 20 feet from the road right of way is hereby granted subject to the following conditions:

1. All existing storage buildings must be removed
2. No living quarters allowed in accessory structure

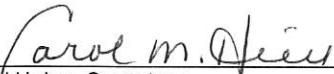
GENERAL CONDITIONS

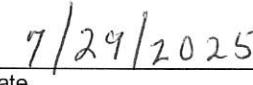
The granting of this variance permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands and accepts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


Date
7/29/2025

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
July 29, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 7-30-25 BY KR

1. Hearing called to order at 10:06 AM

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

Elmer Ragen, Absent

Others Present: William Lester, Assistant Zoning Administrator
Jim Degoey
Harry Smith, Agent

3. William Lester read the Notice of Public Hearing pertaining to James & Patricia Degoey's application for Variance from the centerline of the road for a detached garage. Location of the property is in Section 31, T31N, R17E, Town of Mountain.
4. William Lester stated that the notice was mailed to the petitioner, DZA for posting, 15 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 June 20, 2025. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:

A. Harry Smith appeared and was sworn in. He is the surveyor and agent for the Degoey's. They had a prior garage approximately 20 x 20 in size. The lakeside of the cottage is all mapped flood plain. The new garage would be 20 x 22 in size (2 feet closer to the road) and 5 feet from the edge of the holding tank. Garage will be attached, proposing to build at 36.5 feet from the centerline of the road. The side yard setbacks will be met at 5 feet.

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

7. Correspondence

A. Staff Report

8. Testimony closed at 10:16 AM

9. Deliberation/Discussion: Board discussed Findings of Fact -centerline

- A. Unique physical limitation- Flood plain on south side by lake, side lots are too narrow to access back side
- B. Harm to public interest- no snow removal issue
- C. Unnecessary hardship-no vehicle storage for winter

James & Patricia Degoey Public Hearing
July 29, 2025
Page Two

10. Decision: Moved by Heise, seconded by Sleeter, to grant a 26.5 foot variance from the required 63 foot setback to build a detached garage 36.5 feet from the centerline of the road.

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

11. Hearing adjourned at 10:20 AM



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 James & Patricia Degoey, E8489 Huntley Rd., New London, WI 54961
2. The petitioner is the owner of record of parcel number 029-6831157 located in the SE ¼, SW ¼, Section 31, T31N, R17E, Town of Mountain.
3. The petition for variance was filed with the Board Secretary on June 20, 2025, noticed, as provided for by law, on July 9, 2025 and July 16, 2025 and a public hearing was held by the Oconto County Board of Adjustment on July 29, 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 requested 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 if the flood plain on the south lake side, also side lots are too narrow to access the back side.
2. The variance will not harm the public interest because there is no issue with snow removal.
3. Unnecessary Hardship is present because of no vehicle storage in the winter months.

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 Zievogel 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 26.5 foot variance from the required 63 foot setback to build 36.5 feet from the centerline of the road is hereby granted subject to the following conditions/mitigation:

1. Obtain all building permits through the County and Town.

GENERAL CONDITIONS

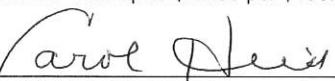
The granting of this variance permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands and accepts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

7-29-2025

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
July 29, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 7-30-25 BY KJ

1. Hearing called to order at 10:23 AM

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

Absent: Elmer Ragen

Others Present: William Lester, Assistant Zoning Administrator
Todd Martin
Lindsey Schulke
David Szepanski

3. William Lester read the Notice of Public Hearing pertaining to Tyler Schulke's application for General zoning variance from the centerline of the road, vision clearance triangle and a shoreline variance to allow an addition to a primary dwelling that is 29 feet from the ordinary high water mark. 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, 12 adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.

5. William Lester stated that the petition was filed on June 25, 2025. He provided the required notices, application, plot plan, maps and staff report.

6. Appearances:

A. Lindsey Schulke appeared and was sworn in. She stated they are requesting a variance from the ordinary high water mark, centerline of the road and the vision clearance triangle for an addition onto their existing cabin. Bill reviewed with the board the proposed expansion. A holding tank permit was also submitted to the county for review. The lot across the road to the property is also owned by the applicant so they have adequate space for an accessory structure if needed in the future.

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

7. Correspondence

A. Staff Report
B. DNR Correspondence

8. Testimony closed at 10:34 AM

9. Deliberation/Discussion: Board discussed Findings of Fact -centerline
A. Unique physical limitation- road and existing cabin location
B. Harm to public interest- no new impact on snow removal

Tyler Schulke Public Hearing
July 29, 2025

C. Unnecessary hardship- no existing bathroom

10. Decision: Moved by Behrend, seconded by Christianson, to grant a 11 foot variance from the required 75 foot setback from the county road and a 14.5 foot variance from the required 63 foot setback from the town road, to build an addition on a primary dwelling 64 feet and 48.5 feet from the centerline of the road.

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

11. Board discussed Findings of Fact -Vision clearance triangle

- A. Unique physical limitation- location and condition of cabin
- B. Harm to public interest- roads are higher elevation than structure
- C. Unnecessary hardship- no bathroom

12. Decision: Moved by Behrend, seconded by Heise, to grant a 20 foot variance to reduce the vision clearance triangle to 180 feet on County Road W and 130 feet on E Crooked Lake Lane to build an addition to a primary dwelling.

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

13. Board discussed Findings of Fact -OHWM

- A. Unique physical limitation- existing cabin location
- B. Harm to public interest- no new impact
- C. Unnecessary hardship- no bathroom

14. Decision: Moved by Christianson, seconded by Behrend, to grant a 37 foot variance from the required 75 foot setback to build an addition to a primary dwelling 38 feet from the ordinary high water mark with the following conditions:

1. Must improve shoreline buffer
2. One time addition only

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

15. Hearing adjourned at 10:45 AM


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-20250012
VCT

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 Tyler Schulke, W14109 County Rd. M, Tigerton, WI 54486
2. The petitioner is the owner of record of parcel number 036-59232378030 located in Section 23, T32N, R17E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on June 25, 2025, noticed, as provided for by law, on July 9, 2025 and July 16, 2025, and a public hearing was held by the Oconto County Board of Adjustment on July 29, 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 vision clearance triangle.

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 location and condition of the existing cabin.
2. The variance will not harm the public interest because roads are higher than structure.
3. Unnecessary Hardship is present because there is no bathroom.

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.

The requested variance consisting of a 20 foot variance to reduce the vision clearance triangle to 180 feet on County Road W and 130 feet on E Crooked Lake Lane to build an addition to a primary dwelling is hereby granted.

GENERAL CONDITIONS

The granting of this variance 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 M. Heise
Carol Heise, Secretary
Oconto County Board of Adjustment

7-29-2025

Date

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 Tyler Schulke, W14109 County Rd. M, Tigerton, WI 54486
2. The petitioner is the owner of record of parcel number 036-59232378030 located in Section 23, T32N, R17E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on June 25, 2025, noticed, as provided for by law, on July 9, 2025 and July 16, 2025, and a public hearing was held by the Oconto County Board of Adjustment on July 29, 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 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 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 road and existing cabin location.
2. The variance will not harm the public interest because there is no new impact on snow removal.
3. Unnecessary Hardship is present because there is no bathroom.

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:

3. The requested variance consisting of an 11 foot variance from the required 75 foot setback from the county road and a 14.5 foot variance from the required 63 foot setback from the town road, to build an addition on a primary dwelling 64 feet and 48.5 feet from the centerline of the road is hereby granted.

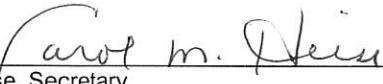
GENERAL CONDITIONS

The granting of this variance 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

7-29-2025
Date

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

DATE 7-30-25 BY KL

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

CASE NO: VA-20250012
OHWM

FINDINGS OF FACT: Having heard the testimony and considered the evidence presented, the Board determines the facts of this case to be:

1. The petitioner is Tyler Schulke, W14109 County Rd. M, Tigerton, WI 54486
2. The petitioner is the owner of record of parcel number 036-59232378030 located in Section 23, T32N, R17E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on June 25, 2025, noticed, as provided for by law, on July 9, 2025 and July 16, 2025, and a public hearing was held by the Oconto County Board of Adjustment on July 29, 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/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 location of the existing cabin.
2. The variance will not harm the public interest because there is no new impact.
3. Unnecessary Hardship is present because there is no bathroom.

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 Zervogel 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 37 foot variance from the required 75 foot setback to build an addition to a primary dwelling 38 feet from the ordinary high water mark is hereby granted subject to the following conditions/mitigation:

1. Must improve shoreline buffer
2. One time addition only

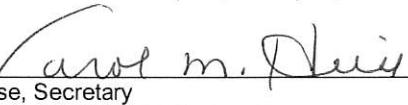
GENERAL CONDITIONS

The granting of this variance 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 M. Heise
Oconto County Board of Adjustment

7-29-2025
Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
July 29, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 7-30-25 BY KH

1. Hearing called to order at 11:45 AM

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

Absent: Elmer Ragen

Others Present: Gabe Moody, Assistant Zoning Administrator
Justin Wisnfske

3. Gabe Moody read the Notice of Public Hearing pertaining to Justin Wisnfske's application for Conditional use permit for firearm sales. Location of the property is in Section 01, T29N, R19E, Town of Spruce.

4. Gabe 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. Gabe Moody stated that the petition was filed on June 9, 2025. He provided the required notices, application, plot plan and maps.

6. Appearances:

A. Justin Wisnfske appeared and was sworn in. He stated he is requesting a conditional use permit for firearm sales. He will obtain a Federal Firearms License. Sales will be online or by appointment only. Hours of operation will be 6 AM until 8 PM, 7 days a week. There will be adequate lighting and parking. Must obtain Local, State and Federal permits. May sell ammunition but will not fix or repair guns.

B. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence

A. Staff Report
B. Town Recommendation- Approved

8. Testimony closed at 11:51 AM

9. Deliberation/Discussion: Discussed conditions

10. Decision: Moved by Behrend, seconded by Christianson to grant a conditional use permit for firearm sales with the following conditions:

1. Hours of operation 6am-8pm, 7 days a week
2. Must have Federal Firearm License

Justin Wisenefske Public Hearing
July 29, 2025
Page Two

3. Must have adequate parking
4. Must have adequate lighting
5. Must obtain all Local, State and Federal permits
6. No repairs of firearms

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

11. Hearing adjourned at 11:52 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 7-30-25 KJ

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

1. The petitioner is Justin Wisnfske, 9607 Charolais Rd., Coleman, WI 54112
2. The petitioner is the owner of record of parcel number 038-010100111 located in Section 01, T29N, R19E, Town of Spruce.
3. The petition for conditional use permit was filed with the Board Secretary on June 9, 2025, noticed, as provided for by law, on July 9, 2025 and July 16, 2025 and a public hearing was held by the Oconto County Board of Adjustment on July 29, 2025.
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 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 firearm sales.

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 14.1203 (h) 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 firearm sales is hereby granted subject to the following conditions/mitigation:

1. Hours of operation 6am-8pm, 7 days a week
2. Must have Federal Firearms License
3. Must have adequate parking
4. Must have adequate lighting
5. Obtain all Local, State and Federal permits
6. No repairs of firearms

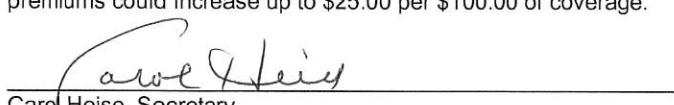
GENERAL CONDITIONS

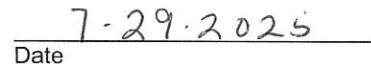
The granting of this conditional use permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands 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
July 29, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 7-30-25 BY KF

1. Hearing called to order at 1:00 PM

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

Absent: Elmer Ragen

Others Present: Gabe Moody, Assistant Zoning Administrator
Brent Heim

3. Gabe Moody read the Notice of Public Hearing pertaining to Happyness Properties LLC's application for Floodplain variance to reduce the 15 foot fill requirements around a residential structure in the flood fringe. Location of the property is in Section 4, T25N, R22E, Town of Little River.

4. Gabe 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. Gabe Moody stated that the petition was filed on June 26, 2025. He provided the required notices, application, plot plan and maps.

6. Appearances:

A. Brent Heim appeared and was sworn in. He stated he is requesting a variance to reduce the 15 foot fill requirement around the home for the West and South sides of the property. The house is 1600 square feet, 1 story with 100 square feet and a porch and attached garage totaling 2,200 square feet. This would be a 2 bedroom, 2 bath on a concrete slab with limited area to build. It's possible to build a 2 story structure and reduce the footprint.

B. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence

A. Staff Report
B. DNR Correspondence- email

8. Testimony closed at 1:19 PM

9. Deliberation/Discussion: Board discussed Findings of Fact – reduce fill requirements
A. Unique physical limitation- if house is downsized, no variance is needed
B. Harm to public interest- fill in wetlands would cause more flooding
C. Unnecessary hardship- none, has buildable area

Happyness Properties LLC Public Hearing
July 29, 2025
Page Two

10. Decision: Move by Heise, seconded by Christianson, to deny a variance to reduce the 15 foot fill requirements around a residential structure in the flood fringe.

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

11. Hearing adjourned at 1:25 PM



Carol Heise
Secretary



Alan Sleeter
Chair

Gabe Moody
Assistant Zoning Administrator

DATE 7-30-25 BY KH

CASE NO: VA-20250013

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 Happyness Properties LLC, W12115 Slack Rd., Lodi, WI 53555
2. The petitioner is the owner of record of parcel number 022-550402631 located in Section 4, T25N, R22E, Town of Little River.
3. The petition for variance was filed with the Board Secretary on June 26, 2025, noticed, as provided for by law, on July 9, 2025 and July 16, 2025, and a public hearing was held by the Oconto County Board of Adjustment on July 29, 2025.
4. The property is zoned Rural Residential District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a variance under the provisions of Section 26.601 of the Oconto County Shoreland Protection Ordinance.
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a variance to reduce the 15 foot fill requirements around a residential structure in the flood fringe.

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 not required due to physical limitations of the property rather than the circumstances of the appellant because if the house is downsized the variance is not needed.
2. The variance will harm the public interest because fill in wetlands would cause more flooding.
3. Unnecessary Hardship is not present because there is buildable area.

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 request to reduce the 15 foot fill requirements around a residential structure in the flood fringe is hereby denied.

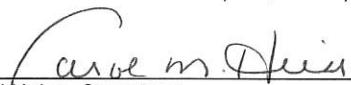
GENERAL CONDITIONS

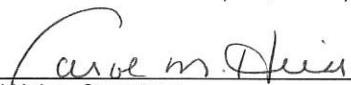
The granting of this variance permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands and accepts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


7-29-2025

Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
July 29, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 7-30-25 BY KR

1. Hearing called to order at 1:26 PM

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

Absent: Elmer Ragen

Others Present: Gabe Moody, Assistant Zoning Administrator
Laura Finger
Molly Kubichek
Scott Kubichek
Darlene Bourassa

3. Gabe Moody read the Notice of Public Hearing pertaining to Finger Family Farm LLC's application for Conditional Use Permit for migrant employee housing. Location of the property is in Section 36, T29N, R21E, Town of Little River.

4. Gabe 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. Gabe Moody stated that the petition was filed on June 24, 2025. He provided the required notices, application, plot plan and maps.

6. Appearances:

A. Laura Finger appeared and was sworn in. She stated she is requesting a conditional use permit for migrant housing. A 1600 square foot home with 4 bedrooms will be built for migrant workers. There will be 2 couples, with up to 8 people in the house total. They have quality employees with no issues.

B. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence

A. Staff Report
B. Town Recommendation- Approved

8. Testimony closed at 1:38 PM

9. Deliberation/Discussion: Discussed conditions and Gaertig Farms previous Conditional Use Permit.

Finger Family Farm LLC Public Hearing
July 29, 2025
Page Two

10. Decision: Moved by Christianson, seconded by Behrend to grant a conditional use permit for migrant employee housing with the following conditions:

1. The Conditional Use Permit shall be reviewed annually for the first two years by the Town Planning Commission.
2. Violations to the condition may result in the Town Plan Commission recommending revocation to the Board of Adjustments for action.
3. Migrant labor facilities and housing must meet all provisions of Chapter DWD 301, published under Wis. Stats. 35.93, as from time to time amend or renumbered.
4. The migrant housing facility, and each room within it, can't exceed the number of tenants specified in the Condition Use Permit. There shall be an inspection of the facilities by the Oconto County Zoning Department staff if there are complaints about the number of individuals in the facility or its rooms.
5. Proper disposal of trash, recyclables and solid waste
6. No unlicensed vehicles or junk cars are allowed on the property
7. Adequate parking
8. Dusk to dawn lighting provided at or near the housing facility
9. No more than 2 people per bedroom, or a maximum of 8 residents in the facility
10. Cannot use campers or RV's as living quarters for migrant workers

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

11. Hearing adjourned at 1:40 PM



Carol Heise
Secretary



Alan Sleeter
Chair

Gabe Moody
Assistant Zoning Administrator

7-30-25 RY K8

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

1. The petitioner is Finger Family Farm LLC, 8831 Old 41 Rd., Oconto, WI 54153
2. The petitioner is the owner of record of parcel number 022-303602343 located in the SW 1/4, SE 1/4, Section 36, T29N, R21E, Town of Little River.
3. The petition for conditional use permit was filed with the Board Secretary on June 24, 2025, noticed, as provided for by law, on July 9, 2025 and July 16, 2025 and a public hearing was held by the Oconto County Board of Adjustment on July 29, 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 migrant employee housing.

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 14.1403 (d)(2) 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 migrant employee housing is hereby granted subject to the following conditions/mitigation:

1. The Conditional Use Permit shall be reviewed annually for the first two years by the Town Planning Commission.
2. Violations to the condition may result in the Town Plan Commission recommending revocation to the Board of Adjustments for action.
3. Migrant labor facilities and housing must meet all provisions of Chapter DWD 301, published under Wis. Stats. 35.93, as from time to time amend or renumbered.
4. The migrant housing facility, and each room within it, can't exceed the number of tenants specified in the Condition Use Permit. There shall be an inspection of the facilities by the Oconto County Zoning Department staff if there are complaints about the number of individuals in the facility or its rooms.
5. Proper disposal of trash, recyclables and solid waste
6. No unlicensed vehicles or junk cars are allowed on the property
7. Adequate parking
8. Dusk to dawn lighting provided at or near the housing facility
9. No more than 2 people per bedroom, or a maximum of 8 residents in the facility
10. Cannot use campers or RV's as living quarters for migrant workers

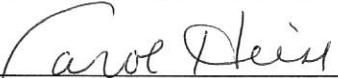
GENERAL CONDITIONS

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

7-29-2025

Date