Oneida County Board of Adjustment
December 10, 2013
8:30 am – Committee Room #2, Second Floor
Oneida County Courthouse, Rhinelander WI 54501

Chairman Harland Lee called the meeting to order at 8:30 a.m. in accordance with the Wisconsin Open Meeting Law.

Roll call of Members
John Bloom "here", Harland Lee "here", Bob Rossi "here," Phil Albert "here", Alternate Norris Ross "here," Alternate Bernie Dart "here". Guy Hansen joined the meeting in session at approximately 8:35 am.

County Staff members present: Peter S Wegner, Assistant Zoning Director; Lila J Dumar, Secretary III.

Guests present: See Sign In Sheet

Approve agenda.

Motion by Phil Albert, second by Robert Rossi, to approve the agenda as posted. With all members voting "aye", the motion carried.

Continuation of Appeal No. 13-012 of Sandra Bressers, owner; Gregg Bruso, Agent requesting an area variance to allow construction of a 16' X 26' detached garage 50 feet from the ordinary high water mark (OHWM) of Shepard Lake. This is contrary to the Oneida County Zoning and Shoreland Protection Ordinance, as amended September 28, 2012, Section 9.94 A (1) Setback of 75 feet. The property is located at 4600 Shepard Lake Road, being part of Government Lot 3, Section 27, T37N, R9E, PIN #PL 573, Town of Pine Lake, Oneida County, Wisconsin.

Chairman Harland Lee re-opened Appeal 13-012 of Sandra Bressers, Gregg Bruso, Agent.

Mr. Lee: I think we had pretty well exhausted all of the questions that the Board had, but I will ask the Board if they have any further questions or concerns at this time for Mr. Bruso.

Mr. Albert: We will be getting a clarification of the split at some point?

Mr. Lee: If it is known, we will get that from Mr. Wegner. If it is not, it is my opinion that we can proceed and make a decision regardless of the standing of that.

Mr. Wegner: It's no longer an issue. It's back to its original dimensions.

Mr. Lee: It is. Well, that was not going to be an issue for us anyway. Any further questions for Mr. Bruso?

Mr. Lee: Any comments you want to make at this time?

Gregg Bruso: No.

Mr. Lee: No questions from the Board?

Mr. Lee: Mr. Wegner, do you want to make any comments at this time?

Mr. Wegner: Just to recap what I mentioned at the previous meeting before this lot issue came up. That the County feels there are alternative locations. There is the existing slab. That is there that would have required a permit. So if you are going to grant a variance, we would like to see the garage in that location. Also, if you are going to grant a variance, the County would request that you condition it that he re-vegetate the 35 foot buffer zone; remove the small shed that is located on the property as you come into the driveway on your right.

Mr. Lee: I do have one question for you Pete. If a garage, a smaller garage than was proposed, were attached to the house, which is a pre-existing legal structure between 40 and 75 feet. I think it is 50 feet from the OHWM, which is allowed 100% expansion, if it were attached to the house.

Mr. Wegner: That may be a possibility. It's just the angle of the wetland and the 50 ft setback to the OHWM kind of narrows any rectangular or square type garage if it was added on at 50 feet. The wetland goes like this. So it would be kind of difficult.

Mr. Lee: But if it were basically put on the concrete slab.

Mr. Wegner: Yes. With the exception of just one corner of it.

Mr. Lee: I am talking about attaching it to the house. That would be legal. Is that correct?

Mr. Wegner: I would have to verify what that setback was. I think it was 50 feet.

Mr. Lee: The house is a legal pre-existing structure. Is that right? And it is between 40 & 75 feet from the OHWM.

Mr. Wegner: Yes. He could add on.

Mr. Lee: That being the case it would allow for expansion of the house.

Mr. Wegner: Correct. As long as the addition wasn't any closer than the existing setback of 50 feet.

Mr. Lee: So, if we were to deny this appeal, he could re-apply to do what I have just mentioned.

Mr. Wegner: Correct. It might be of a smaller dimension or different dimension than what was proposed.

Mr. Lee: That's what I wanted to find out.

Mr. Lee: Any other concerns of the Board?

Mr. Bloom: Well, who's ownership is it under? Now that it has been put back together. Mr. Bruso had one parcel and they had the other.

Gregg Bruso: Sandy Bressers.

Mr. Lee: She owns the entire parcel.

Mr. Ross: What is in the building that is called a privy?

Gregg Bruso: That's just a little structure that was originally built as an outhouse. It does have a tank underneath it. Concrete tank. And I don't know what the current owner is using it for. I used it to put lawn chairs, and your summer, seasonal items inside.

Mr. Ross: It's not part of the property?

Gregg Bruso: Oh, yes. I just don't know what Sandy is using it for.

Mr. Lee: Any further questions? Any comments Mr. Bruso?

Gregg Bruso: No.

Mr. Lee: Mr. Wegner?

Mr. Wegner: No sir.

Mr. Biser: I just would like to re-iterate what we talked about before at the last meeting. There are a number of us that are residents and are opposed to this. I want it known that we are not in favor of granting a variance.

Mr. Lee: Did you make a comment at the first part of the hearing?

Mr. Biser: Yes.

Mr. Lee: You are basically restating your position. Is that what I understand?

Mr. Biser: Yes.

8:39 am. – The public hearing was closed. No additional testimony will be accepted.

The Board deliberated in open session.

Motion by Phil Albert, second by John Bloom, to deny Appeal 13-012 of Sandra Bressers, with the knowledge that there is a legal alternative. The motion carried on a unanimous voice vote.

Approve public hearing minutes of February 12, 2013, April 2, 2013, June 11, 2013, July 30, 2013, August 13, 2013, August 20, 2013

Guy Hansen noted a correction to the August 20, 2013 meeting minutes, which will be corrected.

Motion by Guy Hansen, second by Phil Albert to approve the public hearing meeting minutes as posted on the agenda, with correction to the August 20, 2013 minutes. The motion carried.

Approve meeting minutes of July 30, 2013, August 13, 2013 and August 20, 2013.

Guy Hansen noted a correction to the August 20, 2013 meeting minutes, which will be corrected.

Motion by Phil Albert, second by Norris Ross, to approve the public hearing meeting minutes as posted on the agenda, with correction to the August 20, 2013 minutes. The motion carried.

Consider status of previous cases.

Peter S Wegner, Assistant Zoning Director, noted that Bressers wanted to he keep the deck, so that is why staff didn't discuss the garage addition.

Massarelli – Violations of variance granted. Mr. Wegner discussed the numerous violations including native vegetation removal, tree cutting, extensive view corridors, and placement of rock walls. Mr. Wegner distributed photos for the Board to review showing the property before the excavation was done, and afterwards. The Board discussed the violations and any recourse to be taken.

There was discussion regarding possible revocation of the variance that was granted to Massarelli's. Mr. Lee discussed Chapter 17.07 (5) Decisions of the Board. "*Permits issued or variances approved under a conditional approval by the Board shall be valid only so long as the conditions are observed. Any violation of conditions specified may result in revocation of a permit or other privilege granted by the Board after notice and an opportunity to be heard*."

Mr. Lee noted that the Board must revoke the variance in order for the Planning and Zoning Department to revoke the permit. The notice of revocation must come from the Board.

Update on Zoning Statutes and Ordinance Amendments.

Peter S Wegner, Assistant Zoning Director, discussed off premise real estate signs. The Department will be sending all Townships a letter advising them of the impact of the proposed sign ordinance revision that is coming up and that it will include all types of signs, not just real estate signs. The letter will also be asking for the Town's opinion.

Peter S Wegner, Assistant Zoning Director, discussed flat roofed boathouses, which will be going to the December County Board for consideration.

Approve any available bills.

No bills today.

Consider current and pending appeals to BOA.

Fugle, Skye and Swett appeal has been postponed to late March or early April, 2014. Turzenski appeal is on hold, waiting for a survey and will be schedule when ready.

The Asik appeal scheduled for today needs to be postponed due to WVIC requirements. This included the onsite inspection and the public hearing. It will be rescheduled in the spring, when WVIC can onsite the property.

Motion by Harland Lee, second by Guy Hansen to reschedule the Asik appeal as required due to WVIC requirements to a future date to be determined. With all members voting "aye", the motion carried.

Review/revise meeting/hearing calendar.
January 14, 2014 – Massarelli Revocation (9:00 am business meeting).

Feb 11, 2014 – Turzenski Appeal
John Bloom, Phil Albert & Guy Hansen are excused from the Feb 11th meeting.

9:45 a.m. - The Board adjourned following a motion by Phil Albert, second by Guy Hansen and with all members voting "aye".

Harland Lee, Chairperson Phil Albert, Secretary