

ONEIDA COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING SUMMARY
JUNE 22, 2023 1:00 PM
COMMITTEE ROOM #2, 2nd FLOOR, ONEIDA COUNTY COURTHOUSE

Chair Lee called the meeting to order at 1:00 PM in accordance with the Wisconsin Open Meeting Law.

Roll call of Board members present: Mr. Albert, “here”; Mr. Hansen, “here”; Mr. Ross, “here”; Mr. Pazdernik, “here”; Mr. Viegut, “here”; Mr. Chronister, “here”; and Mr. Lee, “here”.

Members absent: None

County staff members present: Todd Troskey, Assistant Director and Julie Petraitis, Program Assistant.

Other individuals present: See Sign in Sheet.

Chair Lee stated that the meeting will be held in accordance with Wisconsin open meeting law and will be tape-recorded and sworn testimony will be transcribed. The Board of Adjustment asks that only one person speak at a time because of the difficulty in transcribing when several people are talking at once. The Board of Adjustment consists of five regular members and two alternates. Anyone wishing to testify must identify themselves by name, address, and interest in the appeal and shall be placed under oath.

Mr. Lee swore in Todd Troskey and David Kindler.

Mr. Lee stated the procedure for the hearing would be testimony from the Appellant(s), then the County, any public comment; back to the Appellant (s), County and then close the meeting from any further testimony. The Board will then deliberate. If they have any questions they will ask them and ask that only address that question. The Appellant(s) may stay for the deliberation.

The Board of Adjustment will conduct an onsite inspection of the property involved in this appeal beginning at approximately 10:00 am prior to the hearing. Pertinent property boundaries and locations of existing and proposed structures shall be clearly identified. A representative or the appellant must be present. The inspection shall be open to the public. Following the adjournment of the public hearing, the Board will vote in open session for a decision on this appeal. Information on the decision can be had by calling or visiting the Planning and Zoning Office during normal business hours on or after the next or a later day set by the Board at the hearing. The appellant will be notified of the decision via certified mail.

Copies of appeals and related documents are available for public inspection during normal business hours at the Planning and Zoning Office, Oneida County Courthouse, Rhinelander, WI 54501. The Oneida County Zoning & Shoreland Protection Ordinance

is available on the internet at www.co.oneida.wi.us. All appropriate media outlets were notified and the inspection was conducted between 10:00 a.m. and 10:35 a.m. this morning, June 22, 2023, at property located at 2120 Highway Y, further described as Lot 7 Lee Road Estates, Section 29, T36N, R6E, PIN NO 1459-2, Town of Nokomis, Oneida County, Wisconsin. Board members were present at the onsite along with David and Lori Kindler, owners, Todd Troskey of the Planning and Zoning Department. Observations by the Board: The property boundaries were adequately marked with stakes and each had flags; highway right-of-way was not marked; well and sanitary/sewer are not applicable; outline of proposed construction was not marked as it is an existing building. The land is flat field with open space. There was no erosion present. There is a commercial storage building existing on the property. It was suggested that the front corner of the building be cut off and replaced.

Chair Lee informed the Appellant (s) how the hearing will be handled. He stated that the Board has to consider the three criteria, in which all three need to be met in order to grant a variance and the Appellant should be sure to address those in their testimony.

David Kindler began his testimony by stating basically the variance is the two feet that is already existing on the building, which has been there since 2015. For them to try to remove the two-foot portion would be very costly and they are trying to get the variance to leave it as it has been for the last eight or nine years.

Mr. Albert asked that if it was built in 2015 and the contractor did not look at the situation or the siting of the facility.

Mr. Kindler replied that he and his partner had just purchased the property so he was not familiar with the contractor. They were made aware of the situation as a last minute thing that was brought to their attention. It was represented that how it is planned out is what could be done and that is what he was looking at when he purchased the property.

Mr. Pazdernik asked if they had the Title Policy when they closed.

Mr. Kindler said they did everything electronically.

Mr. Albert asked Mr. Troskey if the building was built in 2015 and purchased by another party what brought it to his attention.

Mr. Troskey stated that he believes the process was when whomever it was approached the department to add an additional two storage units, he believes Scott Ridderbusch, Land Use Specialist, in the process of asking what was required for the additional two storage units the was a question as to where the current structure was. At that point the buyers, Romboy and Kindler, decided to have a survey done.

Mr. Kindler said that was correct. That is when it was noted that the building was over the lot line.

Mr. Troskey added that to date there has not been any additional permits submitted because this situation needed to be straightened out prior to the department knowing what could be done additionally for more storage units.

Mr. Albert confirmed that there were no complaint that it was the additional buildings needed the permit that brought Scott to look at the property.

Mr. Pazdernik asked if they purchased the survey or if the previous owner purchased it or if it was part of the offer to purchase.

Mr. Kindler stated they did the survey. They wanted to know, they were laying the plans for the other two buildings. He stated that the survey also showed a utility easement that they were unaware of. Now they have incurred an extra cost to move that.

Mr. Troskey stated that part of Scott's research included looking at the GIS aerial photos which indicated that the building may be very close to the lot line.

Chair Lee closed the public portion of the public hearing.

Motion by Phil Albert to grant the variance with the front corner be left as is. It appears the error is from the prior owner. Second by Mike Pazdernik. On roll call vote all members voted "aye". The motion carried.

1:22 p.m. Chair Lee adjourned the meeting.

Harland Lee, Chairperson

Phil Albert, Secretary