

ONEIDA COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING SUMMARY
JULY 20, 2023 1:00 PM
ONEIDA COUNTY COURTHOUSE, 2ND FLOOR, COMMITTEE ROOM #2

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. Ross, “here”; Mr. Pazdernik, “here”; Mr. Viegut, “here”; Mr. Chronsiter, “here”; and Mr. Lee, “here”.

Members absent: Phil Albert and Guy Hansen

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.

Chair Lee swore in Todd Troskey, James Klement and Jeffrey Zwiers.

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,

Rhineland, 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 10:20 AM, this morning, July 20, 2023, at property located at 8529 Hwy D, further described as Government Lot 3, Section 8, T38N, R7E, PIN LT 94, Town of Lake Tomahawk, Oneida County, Wisconsin. Board members were present at the onsite along with Todd Troskey of the Planning and Zoning Department, James Klement and Jeffrey Zwiers of Camp American Legion and several citizens (see sign in sheet). Observations by the Board: the property boundaries were obvious, the highway/road right-of-way were not an issue, the well and sanitary facilities were located and the outline of the proposed construction were adequately marked. The proposed construction is approximately 36' to the ordinary high water mark. There is a steep hillside on the property. There are two cabins to be removed.

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.

Mr. Troskey, Assistant Zoning Director, began his testimony by stating the denial was based on section 9.94 of the Oneida County Zoning and Shoreland Protection Ordinance and all of that is adopted from NR 115 and WI Stat 59.692, which deal with Shoreland protection. The County is, in essence, an agent for the State of Wisconsin in Oneida County. Oneida County has adopted the Shoreland Protection Program. Specifically Section 9.94, when talking about setbacks, there has to be a 75' setback for any structure. The reason for the denial is we have a proposal to actually raze or demolish two cabins. That one is going to be approximately 36' from the Ordinary High Water Mark. Again, that is not going to be something that can be approved of if it is not at least 75' from the ordinary high water mark. To further add to this, you would be allowed to replace, in the existing footprint, both cabin 1 and cabin 2 but in this case the proposal is to eliminate both of those and have one in the place of those two existing cabins. This would not be allowed under the existing ordinance and put one in its place. This would not be allowed under the current ordinance.

Mr. Klement, Camp Director, began his testimony by stating that the razing of these two cabins is a safety issue. The foundations are rotten and there is black mold in the stumps. He asked if within the 35' they can replace the original footprint and within 35' to 75' can't you replace the footprint and add 200 square feet not in the direction of the shoreline?

Mr. Troskey replied that is correct. In this case, there would need to be portions of those existing cabins removed first to get into a less restrictive category.

Mr. Klement continued, the main purpose is if they were to take down these two 500 square foot existing cabins and expand or renovate 200 square feet realistically they would only be requesting 100 additional feet if they would replace both the cabins. Not to mention that a new cabin would be ADA compliant. The mission of Camp American Legion is to help and heal those who have served and their families, through a Northwoods experience. At any given point there is wheelchair and mobility disabled Veterans. The average age of their census is 72 years old. If they do not get the two cabins replaced up to an Americans with Disability Act (ADA) compliance they are hindering some people from attending their camp.

Mr. Klement referred to an ADA regulation that Todd provided him and said they could discuss at this meeting, which states: “the granting of a variance is not the appropriate vehicle for granting reasonable accommodations required by the Federal FHAA, WFAA, and ADA except in circumstances where criteria (per Statute) are satisfied where unnecessary hardship”. That is more the route he is looking at because this is more of a handicapped quality of life for the veterans that are physically disabled.

Mr. Zwiers began his testimony by repeating that the cabins are a health concern. At the site visit everyone saw the elevation changes. There is over 30’ of elevation change between the shoreline and what they will be performing construction on. He is aware it does not count toward the vertical or linear footage of 75’ from high water mark, but at this point he hopes the Board will take into accommodation. Camp American Legion has been there 100 years next year and hope to be around another 100 years. This is a progression, they are going to be replacing the cabins. This is a start where they need to be ADA compliant and these two cabins are in close proximity to the main lodge where all the activities take place so this is where the more severe handicapped individuals and the care takers can be right next door to them and can be called upon 24/7.

Mr. Lee asked if this is going to be a two unit building.

Mr. Zwiers replied that the total building will be 1500 square feet. A simple rectangle building with 0 elevation change. Right now the existing cabins are approximately 500 square feet each and there are four occupants per cabin. This will be a duplex that will include a bathroom on each side and bunk quarters and possibly a small gathering area. This will accommodate six handicapped individuals on each side of the building. This will increase their capacity by 30 percent just on these two buildings. They could replace the existing buildings but the value is not there. They have to show their sponsors that the money they provide they will make something out of it and make it available for them. They do not want to put two small cabins in there; that will not meet their needs in the future.

Mr. Klement added that he did go through the existing cabins and made a list of all the things that, structurally, are not ADA compliant.

Mr. Lee asked if they would address the “no harm to public interest” criteria and if they are going contrary to the public interest what is the justification

Mr. Zwiers responded that they are gaining six (6) feet on the front of the buildings. They are not interfering with the shoreline. They are actually going to be six (6) feet further back from the front east corner. They are actually gaining safety and removing any hazard. The front sidewalk will make it more accessible for the general public. They are improving the safety standards.

Me. Klement added that they razed a cabin two year so they are giving back green space in the long term of the project.

Mr. Ross asked when a handicapped situation can override an ordinance.

Mr. Troskey replied that the handicapped portion is secondary to the potential placement of the structure. This is something that the department has to discuss with Corporation Counsel.

Chair Lee closed the public portion of the public hearing.

Motion by Norris Ross, second by Jeff Viegut to grant the variance. On roll call vote: “Aye”, unanimous. The motion carried.

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

Harland Lee, Chairperson

Phil Albert, Secretary