

**ONEIDA COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES SUMMARY
January 18, 2024 AT 9:00 A.M.
COMMITTEE ROOM #2, 2ND FLOOR
ONEIDA COUNTY COURTHOUSE**

Members Present: Harland Lee, Guy Hansen, Norris Ross, Mike Padzernik, Jeff Viegut, Dan Chronister, Steve Petersen (arrived late: 1:00 p.m.)

County Staff Present: Todd Troskey, Assistant Director; Monique Taylor, Administrative Support

Guests Present: See Sign in Sheet.

Chair Lee, called the meeting to order at 9:00 a.m. in accordance with the Wisconsin Open Meeting Law.

Wisconsin open meeting law statement.

Roll Call of Members.

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

Approve the agenda.

Motion by Mike Padzernik, second by Guy Hansen, to approve the agenda. With all members present voting “Aye,” the motion carried.

Approve meeting summaries of December 21, 2023 and January 4, 2024. Motion by Mike Padzernik, second by Jeff Viegut, to approve the meeting summaries of December 21, 2023 and January 4, 2024. With all members present voting “Aye,” the motion carried.

Approve public hearing summaries of December 21, 2023 and January 4, 2024. Motion by Mike Padzernik, second by Guy Hansen, to approve the meeting summaries of December 21, 2023 and January 4, 2024. With all members present voting “Aye,” the motion carried.

Public comment. None.

Old Business:

- a. Consider status of previous cases.** Mr. Troskey informed the Board that the Wyss retaining wall permit was received. He also informed the Board of the status of the Maki matter. The Board and Mr. Troskey had general discussions.
- b. Update on zoning statutes and ordinance amendments.** Mr. Troskey informed the Board that a response was received from the DNR, but it is still pending some clarifying questions. The Board conferred with Mr. Troskey concerning the current campground ordinance language.

Current Business:

- a. Approve any available bills.** None

- b. Consider current and pending appeals to BOA.**
 - 1. Town of Newbold retaining wall appeal – February 8, 2024.
- c. Review/revise meeting/hearing calendar.** No changes.
- d. Approve Board of Adjustment to attend meeting January 31, 2024.** Motion by Norris Ross, second by Guy Hansen, to approve attendance of the Board for a meeting on January 31, 2024 for Planning and Zoning Workshop. With all members present voting “Aye,” the motion carried.

10:00 a.m. Recess for onsite inspection. The Board will travel together to the inspection site 9686 Swamp Lake Road, further described as being part of Government Lots 5 and 6, Section 35, T37N, R6E, PIN CA 543, Town of Cassian, Oneida County, Wisconsin, to conduct an onsite inspection at approximately 10:00 a.m., followed by lunch together at a place to be determined. No public business will be discussed while traveling or at lunch.

Return from onsite at 1:00 p.m.

Roll Call of Members.

Mr. Hansen, “here”; Mr. Ross, “here”; Mr. Pazdernik, “here”; Mr. Viegut, “here”; Mr. Chronister, “here”; Mr. Petersen, “here”; and Mr. Lee, “here.”

Steve Petersen arrived at 1:00 p.m.

1:00 p.m. – Hold a Public Hearing on the following appeal:

Appeal No. 23-018 of Aqua Properties, LLC, owner, appealing removal of a portion of a deck constructed without the benefit of a permit within 75 feet of the ordinary high water mark (OHWM). The property is located at 3783 USH 51, further described as being part of Government Lots 5 and 6, Section 35, T37N, R6E, PIN CA 543, Town of Cassian, Oneida County, Wisconsin. Chair Lee stated on the record that a letter was received from Dale Rezabek from the Wisconsin Department of Natural Resources and is contained in the file. Chair Lee noted that the meeting would be held in accordance with Wisconsin open meeting law, be tape-recorded, and have sworn testimony 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, Scott Allsup, and Cassian Town Chair Patty Francoeur.

An onsite inspection was conducted at approximately 10:00 a.m. on January 18, 2024, at the property located at 3783 USH 51, further described as being part of Government Lots 5 and 6, Section 35, T37N, R6E, PIN CA 543, Town of Cassian, Oneida County, Wisconsin. The Board members were present onsite along with Todd Troskey of the Planning and Zoning Department, Scott Allsup, Attorney Dan Daubert, Timothee Thieme, Patty Francoeur, Cassian Town Chair, and Mr. Morrow.

Observations by the Board: The distance from the proposed structure to the ordinary high water mark was 61 feet. The existing structure located on the property was a cabin.

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

Mr. Lee stated the procedure for the hearing would be testimony from the Appellant(s), then the County, the Town of Cassian, and any additional 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.

Mr. Allsup began his testimony by stating his position with Aqua Properties, LLC, and the nature of the business. He explained the construction process and conversations with Planning and Zoning staff concerning compliance with the Oneida County Zoning and Shoreland Protection Ordinance.

Mr. Troskey provided the Board with a Staff Report. He made note on the record of the deck size that was initially permitted and the actual measurements of the dwelling. He further discussed the sequence of events, including the issuance of the permit and the follow-up onsite inspection. Mr. Troskey explained the County's basis for an administrative decision to remove the deck.

Ms. Francoeur spoke on behalf of the Town of Cassian.

The address was corrected on the record as 3783 USH 51.

Attorney Daubert began his testimony by discussing the three criteria for the situation. He further discussed his concerns with a stairway and his belief in the intentions of Aqua Properties, LLC when constructing the structures at the subject property.

Ms. Francoeur provided additional comments.

Mr. Allsup provided additional comments.

Chair Lee closed the public portion of the public hearing.

The Board had discussions concerning allowable construction and measurements.

Motion by Norris Ross, second by Guy Hansen, to deny the variance request based on not being able to meet the three criteria requirements. With all members present voting "Aye," the motion carried.

1:47 p.m. Chair Lee adjourned the meeting.

Harland Lee, Chair

Jeff Viegut, Secretary