

**ONEIDA COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING SUMMARY
JANUARY 4, 2024 AT 1:00 P.M.
COMMITTEE ROOM #2, 2ND FLOOR
ONEIDA COUNTY COURTHOUSE**

Chair, Harland Lee, called the meeting to order at 1:00 p.m. in accordance with the Wisconsin Open Meeting Law.

Roll Call of Members: Mr. Hansen, “here”; Mr. Pazdernik, “here”; Mr. Viegut, “here”; Mr. Chronister, “here”; Mr. Petersen, “here”; and Mr. Lee, “here”.

Members Absent: Mr. Ross

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

Guests 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, Jennifer Wingstedt, Katie Maki, Mike Miller, and Ryan Miller.

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 they only address that question. The Appellant(s) may stay for the deliberation.

An onsite inspection was conducted at approximately 10:00 a.m. this morning, January 4, 2024, at property located 185 Knapp Road, further described as part Government Lot 1, Section 1, T39N, R11E, PIN TL 877, Town of Three Lakes, Oneida County, Wisconsin. Board members were present at the onsite along with Todd Troskey of the Planning and Zoning Department, Katie Maki, Jennifer Wingstedt, Ryan Miller, Mike Miller, and Pete Plaushines.

Observations by the Board: The property boundaries toward the road had two marked and by the lake there were none; the road and right-of-way was not an issue; sanitary facilities will be installed new; the outline of proposed construction site was adequately marked. The distance from the proposed structure to the ordinary high water mark facing the lake on the right corner was 35 feet and the left corner was 23 feet; the right side boundary marker was

15 feet and the left side boundary marker was way over and not an issue; the distance to the right-of-way was not an issue; the distance to the centerline of road was not an issue. The topography and condition of the land surface was pretty much flat. The existing structures consist of a cabin to be torn down and a guest house to be torn down.

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.

Chair Lee: After you have given your testimony, then the County will have the opportunity to say what it has to say.

Mr. Mike Miller started his testimony by asking for clarification of the information from the reading from the onsite inspection and stating that there was a 23 foot setback. He was wondering where the 23 feet was measured at. He stated that no part of the project was supposed to be closer than 35 feet.

Mr. Troskey stated that what the Board was going off of was when they looked at the other drawings that were submitted.

Mr. Mike Miller stated that was done at the office. He showed what was submitted and what was written on the submission was 35 feet back. He stated that he understood that in order to do the variance for the 75 feet, it had to be at least 35 feet.

Mr. Viegut questioned if the left corner facing the lake was also going to be 35 feet.

Mr. Mike Miller stated that would be 35 feet and that the other one would actually be further because it is on an angle. He referenced a pink box on a map provided to the Board being the shaded house and stated that it could actually be taken and spun anywhere they wanted. He stated that they worked off the back corner getting it to be within 15 feet of the property line so that they were meeting the guidelines. Then by doing that, they thought they were exceeding the setbacks for everything else, including this corner being 35 feet making this one even further back than that.

Mr. Viegut stated that when they measured that, they came up with the 35 feet.

Mr. Mike Miller stated that they will have a surveyor go out there and mark it on the ground so that the hole gets put in the right spot, but that the intention is to be 35 feet back from the water.

Mr. Troskey stated that from the flag that they measured to approximately in that direction, it was the 35 feet they were talking about. They were saying that this was going to be even further, and if that was the case, then that would be something they would need to consider.

Mr. Mike Miller stated that he did not believe the house could be squared because of the existing house.

Mr. Mike Miller continued his testimony by reading supporting information based on the

criteria, beginning with unique physical property limitations. His response to this criteria was as follows:

1. The subject property has lake-frontage on two of its four sides. Averaging width is approximately 76 feet, making it impossible anywhere on the lot to have the required setbacks.
2. There are two resident structures to be removed and replaced with a single-family residence on a crawlspace of similar size that is taken into consideration of two buildings.

Additionally, he spoke on the second criteria to be met, no harm to public interest. His response to this criteria was as follows:

1. Allowing this variance will improve the public interest by moving the primary structure back and away from the water on both sides.
2. A holding tank will be installed keeping all waste contained.
3. With the change of the floor plan of the home from the current one, less runoff from the roof will find its way to the lake, as it should be absorbed better with the increased distance. The roof lines of the house are angled down towards the lake at this point and the roofline will be changed.
4. The neighboring property owner's common line will confirm with today's setbacks with the change.

Furthermore, he spoke on the third criteria to be met, unnecessary hardship. His response to this criteria was as follows:

1. The area dimensional area restrictions now in place would not allow for any building to be created because of the setbacks, both normal sidelines and the 75 foot water.
2. The purpose improves the existing conditions on the ground in regard to the natural resources protection and cleans up the property line issues that are out there.

There are two adjoining property owners with the property.

Chair Lee asked if the Board had any questions.

Mr. Chronister asked how big the roofline overhang is at the end of the house.

Mr. Mike Miller responded that it has a 16 inch overhang.

Mr. Hansen stated that he was concerned that there were three separate drawings with different measurements. He further stated that he would ask that there be a guarantee that when it is built, it will be 35 feet back from the lake.

Mr. Mike Miller stated that a surveyor would need to come to the property to conduct a survey. He also asked that if there were to be approval from the Board that the closest point be included to reflect the intent of 35 feet back.

Mr. Troskey began his testimony by stating that NR 115 and the Oneida County Code allow replacement in the existing footprint. He further stated that if the consideration for approval is present, the recommendation would be that everything be required to be shifted as far away from both the ordinary high water mark to the east and to the south. He also stated that there is a 10 foot minimum setback from the side lot line, so moving it within 10 feet of the overhang along the entire length of the house would be the County's stance.

Mr. Hansen asked if when construction takes place if onsite visit would be an option to verify the location.

Mr. Troskey stated that for this project that would occur and if it was surveyed, staff would be checking on what the surveyor had completed.

Chair Hansen asked if Ms. Maki or Ms. Wingstedt would like to speak.

Ms. Wingstedt stated she was happy with the testimony of Mr. Miller.

Ms. Maki stated that the home is their family home and that they respect the property with what they are trying to do.

Mr. Mike Miller further stated that they were willing to be flexible in their project and were trying to comply with as many of the rules as possible.

Chair Lee stated that he believed that the intention to do that has happened. He also questioned how important the deck was in the project.

Ms. Maki and Ms. Wingstedt stated that they would like to keep it, but if it is a make or break in the project then it can go.

Chair Lee asked if the sliding doors were leading to the deck or if they were just windows.

Mr. Mike Miller stated that there was a sliding door on the left hand side and a window on the right hand side.

Mr. Chronister asked if when the guest cottage was torn down along the lot line, the full 15 feet the full length of the house could square the house to the lot line.

Mr. Troskey stated that with the survey, the minimum setback would be 20 feet from the right-of-way, which is the property line instead of 60 feet from the center line.

1:32 p.m. Chair Lee closed the public portion of the public hearing.

Mr. Hansen stated that from an environmental standpoint, the impervious surface square footage would be reduced. Additionally, if the proposed square footage with the deck were to be moved further back from the water, it is possible to meet the three criteria.

Mr. Padzernik stated that by taking down two older buildings, adding one new one, and putting the variance farther from the lake than they previously were requesting, could be a win-win scenario.

Mr. Troskey wanted to clarify on the record the impervious surface dimensions as it related to the deck. The Board, Mr. Troskey, Mr. Mike Miller, and Mr. Ryan Miller confirmed the calculations.

Motion by Guy Hansen, second by Mike Padzernik, to approve the variance as long as the newly built structure as proposed, with or without a deck, is at least forty (40) feet from the closest point to the water, and a fifteen (15) foot sideyard lot setback is in place. With all members present voting "Aye," the motion carried.

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

Harland Lee, Chairperson

Jeff Viegut, Secretary