

ONEIDA COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING SUMMARY
OCTOBER 26, 2023; 1:00 PM
COMMITTEE ROOM #2, 2ND FLOOR
ONEIDA COUNTY COURTHOUSE

Vice-Chair Hansen 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. Chronister, “here”; Mr. Petersen, “here”; and Mr. Hansen, “here”.

Members absent: Mr. Lee

County staff members present: Karl Jennrich, Director and Julie Petraitis, Program Assistant

Other individuals present: See Sign in Sheet.

Vice-Chair Hansen 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.

Vice-Chair Hansen swore in Karl Jennrich, Jeff Dirks, and Gary Luedke.

Mr. Hansen 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.

Vice-Chair Hansen 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. Dirks began his testimony by stating that based on the way that his lot is laid out he cannot have an attached garage, to the house, and with the septic and well location the only feasible spot is the proposed location. Knowing that he is in a cul de sac he is somewhat land locked but was able to stay five (5) feet from the neighbor’s lot. He has gotten a response from each of his neighbors that would be affected and they wished him luck and were more than okay with him going forward with this request. He has had no complaints.

Mr. Pazdernik asked Mr. Dirks what the purpose of having such a large garage was.

Mr. Dirks replied that his pontoon with the trailer and some of his other trailers was the reason he wanted the size he is requesting.

Mr. Viegut asked Mr. Jennrich what the required distance to the right-of-way is supposed to be. Mr. Jennrich told him it is 20' to the overhang/eave.

Mr. Viegut added that it is his understanding that the Town of Nokomis has no problem with letting him build that close to the road right-of way.

Mr. Luedke responded that he had the Town crew out there observing it. The gentleman that has been plowing that road for the last ten/fifteen years sees no problem with the snow as far as that building being that close to the right-of-way.

Mr. Jennrich began his testimony by stating that Mr. Dirks approached the department about construction of a garage. Basically the ordinance provides two setbacks that we have to take a look at which are the setback from right-of-way. Ellen Court is a Town road. It may be a dead end road, but it is still considered a Town road so there is a 20' setback from the right-of-way. On the map that was provided by Mr. Dirks (by a Surveyor) there is a line that shows that twenty-foot setback on that map. Also, the other setback to be cognizant of is, for accessory structures, pursuant to Section 9.71 they are required to meet a five foot side yard setback as measured, again, to the eave of the structure not to the physical walls. That is for both of those setbacks. Based on that information, he believes the only size of a garage would be the shed that you saw on the property today. That is probably the biggest they could squeeze in there to meet the applicable setbacks. The other information he can provide is the Plat was recorded in 1968. This is not a Shoreland zoning issue because he meets the applicable setback to the ordinary high water mark of Lake Nokomis.

He thought it is very important for the Town of Nokomis to weigh in on this matter because they have to service and plow Ellen Court. As Mr. Luedke testified, he believes the Town should still be able to plow, even with the garage being placed closer than 20 feet to the right-of-way.

The Board, in the past, has indicated that a garage may be considered a necessary and reasonable thing, especially in Northern Wisconsin, to have your vehicle under cover. The Board has to make the decision what they believe a reasonable size building would be to provide that type of relief. In his perspective, there are physical property limitations that would necessitate the issuance of a variance because, again, you cannot push it any closer towards the home because that is where the septic system is. That is probably the only other area that the septic system could be besides putting it closer to Nancy Drive, on the other site of the proposed garage.

There was a question asked to Mr. Jennrich on the site; there is a permit that was issued in 1977 and one in 2015 for the sanitary. There was a steel tank at the site and it was replaced with a concrete tank. Right now they are serviced by a code compliant septic system.

Mr. Hansen asked if there is a County requirement to have an alternate septic site.

Mr. Jennrich replied that there used to be.

Mr. Hansen asked if there were impervious surface issues with the garage size. Mr. Jennrich stated that if the Board grants a variance the department will have to work with the applicant or his contractor on stormwater runoff. They could do gutters and some type of retention more towards Nancy Drive. He does not foresee them not being able to overcome impervious surface issues on that site.

Mr. Dirks added that they will put gutters on the building.

Discussion was held on the size of the eaves and then addition of gutter would put the actual building at 40', not 36.

Mr. Jennrich added that the setback measurements are to the eave.

Mr. Dirks finished his testimony by stating that by looking at the property you can see his predicament in terms of where can he fit a garage and this is what he came up with considering the location of the well and septic that limits him.

1:25 pm. Vice-Chair Hansen closed the public portion of the public hearing.

Mr. Ross stated that the Board has always been sympathetic to garages, but they should figure out a way to add the eaves and gutters to be able to meet a five foot side yard setback and two feet setback to the road right-of-way.

Mr. Pazdernik stated that he agrees with Mr. Ross. He believes a 32' garage would make it much more palpable.

Motion by Norris Ross, second by Mike Pazdernik to grant the variance to allow the construction of the garage in the proposed location and take into consideration the overhang and gutters and get that to a five (5) foot side yard setback and 2.8 feet from the road right-of-way, including eaves, which makes the building 32' x 50. There shall also include a system to direct the runoff, from the new structure, to a retaining area to go toward Nancy Drive. The shed is to be removed and the impervious surface addressed. On roll call vote: Aye – Unanimous.

1:35 p.m. Vice-Chair Hansen adjourned the meeting.

Guy Hansen, Vice-Chairperson

Karl Jennrich, Zoning Director