

**ONEIDA COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES SUMMARY
DECEMBER 12, 2024 AT 9:00 A.M.
COMMITTEE ROOM #1, 2ND FLOOR
ONEIDA COUNTY COURTHOUSE**

Members Present: Guy Hansen, Jeff Viegut, Dan Chronister, Norris Ross (10:00 a.m.), Mike Pazdernik (1:00 p.m.)

Members Absent: None

County Staff Present: Todd Troskey, Assistant Director; Erica Sauer, Program Assistant

Guests Present: See Sign in Sheet.

Chair Hansen called the meeting to order at 9:00 a.m. in accordance with the Wisconsin Open Meetings Law.

Wisconsin Open Meetings Law statement.

Roll call of members.

Mr. Viegut, “here;” Mr. Chronister, “here;” and Mr. Hansen, “here.”

Approve the agenda.

Motion by Mr. Chronister, second by Mr. Viegut, to approve the agenda. With all members present voting “Aye,” the motion carried.

Approve meeting minutes summary of November 14, 2024. Motion by Mr. Chronister, second by Mr. Viegut, to approve the meeting summary of November 14, 2024. With all members present voting “Aye,” the motion carried.

Public comment. None

Old Business:

- a. Consider status of previous cases.**
- b. Update on zoning statutes and ordinance amendments.**
 - Mr. Troskey updated the Board on ordinance amendments and Oneida County Planning and Development Committee updates.

Current Business:

- a. Approve any available bills.** None
- b. Consider current and pending appeals to BOA.**
 - Mr. Troskey discussed Appeal #24-013 with the Board.
- c. Review/revise meeting/hearing calendar.**
 - Appeal #24-013 scheduled for January 9, 2025

10:00 a.m. Recess for onsite inspection. The Board will travel together to the inspection site at 7462 Russell Road, further described as Rustlewood Resort Condo Unit #2, Part of Government Lot 8, Section 31, T39N, R11E, PIN TL-3031, Town of Three Lakes, 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.

Norris Ross arrived at 10:00 a.m. for onsite and afternoon meeting.

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

Appeal No. – 24-012 of Brian Vorpahl, owner, appealing the denial of Zoning Permit #2401178 for property located at 7462 Russell Road, further described as Rustlewood Resort Condo Unit #2, Part of Government Lot 8, Section 31, T39N, R11E, PIN TL-3031, Town of Three Lakes.

Mike Pazdernik arrived at 1:00 p.m. for Public Hearing.

Chair Hansen stated that the meeting would be held in accordance with Wisconsin Open Meetings Law and be recorded. 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 Hansen swore in Brian Vorpahl and Todd Troskey.

An onsite inspection was conducted at approximately 10:00 a.m. on December 12, 2024, at property located at 7462 Russell Road, further described as Rustlewood Resort Condo Unit #2, Part of Government Lot 8, Section 31, T39N, R11E, PIN TL-3031, Town of Three Lakes, Oneida County, Wisconsin. Board members were present at the onsite inspection along with Todd Troskey of the Planning and Zoning Department, and Brian Vorpahl.

Observations by the Board: The property boundaries were not adequately marked, but it was not relative. The proposed area for the project was covered with snow, but still able to see relative area. The topography and condition of the land surface had a large slope towards Planting Ground Lake. The existing structure is the dwelling. This dwelling in a condo association existing of eight (8) additional dwellings, some of which have existing stairways descending towards the water.

Chair Hansen 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.

Chair Hansen stated that the procedure for the hearing would include testimony from the Appellant, followed by testimony from the County, any public comment, and then back to the Appellant and the County before closing the meeting to further testimony. The Board will then deliberate. If they have any questions, they will ask them, and the parties should address only those questions. The Appellant may stay for the deliberation.

Mr. Vorpahl began his testimony by stating background on their property and why the stairway is wanted due to the steep slope to Planting Ground Lake making it inaccessible for ease of access to lake and dock. Mr. Vorpahl continued to discuss other condo unit owners having stairways for personal usage. Furthermore, he spoke to the support from the condo association and president for a stairway to be installed in the area of his dwelling. He continued with details on the design of the stairway, purposely designed to be a least invasive installation allowing of the ground to be minimally disturbed. In turn, Mr. Vorpahl stated he would add additional natural growth landscaping to keep the ground as natural as possible.

Chair Hansen questioned Mr. Vorpahl, asking him to expand upon the three (3) criteria required.

Mr. Vorpahl referenced his submitted appeal which included his answers for justification of use for variance.

Mr. Ross questioned Mr. Vorpahl on the maintenance and grounds keeping responsibilities of the condo association and HOA.

Mr. Troskey began his testimony by stating his staff report. The property has existed for many years without a stairway. Furthermore, he stated that Oneida County Zoning and Shoreland Protection Ordinance Chapter 9 Article 9.94 states:

9.94 SHORELAND SETBACKS, EXEMPT STRUCTURES, REDUCED PRINCIPAL STRUCTURE SETBACKS, FLOODPLAIN STRUCTURES, IMPERVIOUS SURFACES AND HEIGHT (3-2019, 6-2020)

Unless exempt under section 9.94(A), or reduced under section 9.94(C), a setback of 75 feet from the ordinary high water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.

Mr. Troskey stated a stairway is not an exempt structure per ordinance. He continued with an explanation as to how this property is considered one parcel with individual condo dwelling owners.

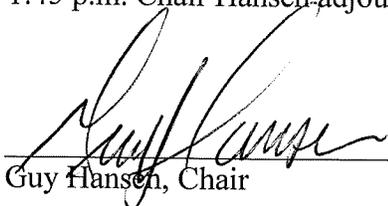
Chair Hansen closed the public portion of the public hearing.

Chair Hansen spoke to meeting the three (3) conditions. The Board discussed.

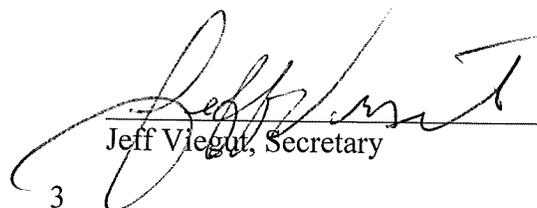
The Board questioned Mr. Troskey for clarification of the ordinance.

Motion by Mr. Norris, second by Mr. Pazdernik, to approve the variance for the stairway directing Mr. Vorpahl to work with Planning and Zoning staff to complete a new permit. With all members present voting "Aye," the motion carried.

1:45 p.m. Chair Hansen adjourned the meeting.



Guy Hansen, Chair



Jeff Viegut, Secretary