

**ONEIDA COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES SUMMARY
FEBRUARY 15, 2024 AT 9:00 A.M.
COMMITTEE ROOM #1, 2ND FLOOR
ONEIDA COUNTY COURTHOUSE**

Members Present: Guy Hansen, Norris Ross, Mike Pazdernik, Jeff Viegut, Dan Chronister, Harland Lee

Members Absent: Steve Petersen

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

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

Approve meeting minutes summary of January 11, 2024. The Board discussed making changes to the minutes of January 11, 2024. Motion by Chair Lee, second by Norris Ross, to approve the meeting summary of January 11, 2024, with the amendment to the motion made to read that the tower shall have a height so as not to exceed two hundred seventy-four (274) feet above ground level as approved by the FAA as addressed in the determination letter dated September 11, 2023. 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 of the status of an after-the-fact permit for a garage project that he conducted an onsite for and that the construction has started.
- b. Update on zoning statures and ordinance amendments.** Mr. Troskey informed the Board that a response was received from the DNR. Mr. Troskey, Mr. Jennrich, and Corporation Counsel met with Attorney Larry Konopacki to review the DNR’s response. They are now working on a response to the DNR and scheduling a meeting with them, but staff is unsure on when that will occur.

Current Business:

- a. Approve any available bills. None.**
- b. Consider current and pending appeals to BOA. None.**
- c. Review/revise meeting/hearing calendar. None.**

9:09 a.m. Recess for onsite inspection. The Board will travel together to the inspection site at 7276 Mildred Parkway, further described as Lot 3 of Lake Mildred Park Plat, being Part of Government Lot 9, Section 19, T37N, R8E, PIN NE 2149, Town of Newbold, 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.

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

Appeal No. 24-002 of Randall Stifter and Beverly Shrier, for an administrative decision to remove unpermitted retaining walls for property located at 7276 Mildred Parkway, further described as Lot 3 of Lake Mildred Park Plat, being Part of Government Lot 9, Section 19, T37N, R8E, PIN NE 2149, Town of Newbold, Oneida County, Wisconsin.

Chair Lee stated 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, Beverly Shrier, Randall Stifter, Chad Novak, and Jim Kleinschmidt.

An onsite inspection was conducted at approximately 10:00 a.m. on February 15, 2024, at property located at 7276 Mildred Parkway, further described as Lot 3 of Lake Mildred Park Plat, being Part of Government Lot 9, Section 19, T37N, R8E, PIN NE 2149, Town of Newbold, Oneida County, Wisconsin. Board members were present at the onsite inspection along with Todd Troskey of the Planning and Zoning Department, Beverly Shrier, Randall Stifter, Chad Novak, and Jim Kleinschmidt.

Observations by the Board: The distance from the proposed structure to the ordinary high water mark from the front of the lake, which was the north side to the south side of the sunroom was seventy-five (75) feet, and from the North side of the lake to the closest part of the retaining wall was sixty-two (62) feet. The topography and condition of the land surface steep slope. The existing structure located on the property was the house.

A letter from the DNR was received and is contained in the file.

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, any public comment, back to the Appellant(s), County, and then closing 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.

Ms. Shrier began her testimony by stating her stance on permits being needed and her misunderstanding of when a permit was required. She further discussed the problems they ran into with water run-off and unstable rock as some of the reasons for building the retaining wall. She also stated that the slope of the yard was thought to be a factor and brought safety concerns and that the earthen wall was discussed as well, but she stated that they felt it would not be stable enough.

Mr. Kleinschmidt spoke.

The Board conferred with Mr. Troskey regarding complaints, permits, and permit conditions.

Steven Bailey was sworn in and spoke.

Mr. Troskey began his testimony by stating that an after-the-fact permit was issued on January 15, 2024. Mr. Troskey explained that the retaining wall was also going to be included but that the decision was that the variance would be based on an administrative decision to require the removal of the retaining wall, which was then removed from the permit. The Board was provided the permit for reference. Mr. Troskey clarified that the retaining wall had already been built when the permit was issued.

The Board conferred further concerning permit questions.

Chair Lee allowed the appellants a chance to speak for rebuttal.

Ms. Shrier provided additional comments and asked questions.

The Board conferred with Mr. Troskey and the appellants.

Chair Lee closed the public portion of the public hearing.

The Board deliberated on the matter.

Motion by Guy Hansen, second by Jeff Viegut, to approve the variance considering that the retaining wall is within twelve (12) feet of the legal seventy-five (75) foot setback from the ordinary high water mark and removal of the wall would impose additional environmental harm. With all members present voting "Aye," the motion carried.

1:49 p.m. Chair Lee adjourned the meeting.

Harland Lee, Chair

Jeff Viegut, Secretary