

**ONEIDA COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES SUMMARY
FEBRUARY 20, 2025 AT 9:00 A.M.
COUNTY BOARD ROOM, 2ND FLOOR
ONEIDA COUNTY COURTHOUSE**

Members Present: Guy Hansen, Norris Ross, Mike Pazdernik, Jeff Viegut, Dan Chronister, Brad Herrold, Jeff Verdoorn

Members Absent: None

County Staff Present: Karl Jennrich, Director; Carla Blankenship, Land Use Specialist; Erica Sauer, Program Assistant

Guests Present: Outside Counsel Attorney Ronald Stadler, Attorney Fredrick Melms, Corporation Counsel Michael Fugle, Attorney Andrew Jones, See Also 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. Ross, “here;” Mr. Pazdernik, “here;” Mr. Viegut, “here;” Mr. Chronister, “here;” Mr. Herrold, “here;” Mr. Verdoorn, “here;” and Mr. Hansen, “here.”

Approve the agenda.

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

It is anticipated that the committee may meet in closed session pursuant to Wisconsin Statutes, Section 19.85(1)(g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session.

- a. Appeal #24-011 concerning Conditional Use Permit #2300385

Motion by Mr. Viegut, second by Mr. Chronister, to go into closed session. Aye: Unanimous.

Mr. Jennrich, Ms. Blankenship, Ms. Sauer, Attorney Melms, and Attorney Fugle were excused.

A roll call vote will be taken to return to open session.

Motion by Mr. Chronister, second by Mr. Pazdernik, to return to open session. Aye: Unanimous.

Mr. Jennrich, Ms. Blankenship, Ms. Sauer, Attorney Melms, and Attorney Fugle returned.

Announcement of any action taken in closed session.

- No action taken.

Approve meeting minutes summary of January 9, 2025. Motion by Mr. Viegut, second by Mr. Chronister, to approve the meeting summary of January 9, 2025. With all members present voting “Aye,” the motion carried.

Public comment. None.

Old Business:**a. Consider status of previous cases.**

- **Variance Use Extension Request – Garro.** Mr. Jacob Garro spoke to background of Appeal #22-001 (NO-521-1B Jean Owsiany – 1962 Robinson Rd) approved February 4, 2022. A zoning permit was not applied for within the two (2) year allowance. Mr. Garro is requesting an extension to submit a permit stating the project would include bringing the property into compliance specifically moving the dwelling outside of seventy-five (75) feet to the Ordinary High Water Mark.

The Board questioned Mr. Garro and deliberate on the matter. Motion by Mr. Pazdernik, second by Mr. Viegut, to grant an extension of Appeal #22-001 for property located at 1962 Robinson Rd, giving until December 31, 2026 to submit a zoning permit for approved variance. Roll call vote and with all members present voting “Aye,” the motion carried.

- b. Update on zoning statutes and ordinance amendments.** Mr. Jennrich provided updates on department progress on ordinance amendments, including amendments to Shoreland Zoning, Comprehensive Plan Revisions, Sign Ordinance, and Cellular Tower Ordinance.

Current Business:

- a. Approve any available bills. None**
- b. Consider current and pending appeals to BOA.**
- c. Review/revise meeting/hearing calendar.**
 - **Appeal #25-001 – March 27, 2025 - Minocqua**

10:00 a.m. – Hold a Public Hearing on the following appeal:

Appeal No. 24-011 of Kirk Bangstad, dba Minocqua Brewing Company, appealing the revocation of Conditional Use Permit (CUP) #2300385 for property located at 329 E Front Street, further described as Lot 1 & 2 of Block 3, Village of Minocqua, Lot 1 of CSM 5589, Part of Government Lot 5, Section 14, T39N, R6E, PIN MI-3240, Town of Minocqua

Roll call of members.

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

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.

Chair Hansen asked for participants to stand and identify themselves. Kirk Bangstad, owner of Minocqua Brewing Company; Attorney Melms, representing Mr. Bangstad; Attorney Michael Fugle, representing Oneida County; Andrew Jones Representing Oneida County; Attorney Ronald Stadler, representing Oneida County Board of Adjustment.

Attorney Stadler questioned the Board, by roll call vote: Do you set aside anything that you may have heard or read before today about the facts of this matter and to be able to reach your decision based upon the evidence that is presented here today? Roll call vote: Mr. Ross, "Aye;" Mr. Pazdernik, "Aye;" Mr. Viegut, "Aye;" Mr. Chronister, "Aye;" Mr. Herrold, "Aye;" Mr. Verdoorn, "Aye;" and Mr. Hansen, "Aye."

Attorney Stadler spoke to the issues being presented today asking parties to keep evidence relative to the revocation of CUP #2300385. The Board will not be addressing any items relating to allegations of Constitutional Violations as the Board does not have power to address them.

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 will be swearing in individually any one who would like to present.

Chair Hansen swore in Mr. Bangstad.

Mr. Bangstad began his testimony by asking if he would be able to share a PowerPoint of slides for evidence.

Mr. Jennrich stated due to Oneida County IT policy, any outside electronic device wanting to use Oneida County electronics would need to have Oneida County IT department scan and check the device prior to use to check for safety threats.

Discussion was had between Mr. Bangstad and Attorney Stadler clarifying presentations today. Attorney Stadler restated the Board will not hear items relating to Constitutional Violations.

Mr. Bangstad continued his testimony.

Attorney Stadler reiterated, per the brief submitted by Attorney Melms, what items will be heard by the Board today pertaining to the violations of the Conditional Use Permit (CUP) and reminding

that Constitutional Violations will not be heard. Conversation was had between Mr. Bangstad and Attorney Stadler.

Mr. Bangstad continued his testimony.

10:25 a.m. Attorney Melms and Mr. Bangstad asked for a recess for discussion.

10:30 a.m. Attorney Melms and Mr. Bangstad returned, Mr. Bangstad continued his testimony.

Attorney Stadler reminded Mr. Bangstad to stay on topic and present relative evidence.

Mr. Bangstad continued his testimony.

Attorney Stadler halted Mr. Bangstad's testimony.

Chair Hansen stated that Mr. Bangstad is reading the pre-hearing brief submitted by Attorney Melms on behalf of Mr. Bangstad. Furthermore, Chair Hansen stated if Mr. Bangstad continued to read the prehearing brief, his time to speak would be ended unless relative evidence is presented.

Mr. Bangstad continued to read from the prehearing brief.

Discussion was had between Mr. Bangstad, Attorney Melms, Attorney Stadler, and Chair Hansen.

Attorney Stadler asked Mr. Bangstad to be seated and allow his attorney to continue his case.

Mr. Bangstad continued to read from brief, declining to be seated.

Chair Hansen ruled Mr. Bangstad out of order and requested him to be seated.

11:07 a.m. Chair Hansen called for a recess.

Mr. Bangstad continued to read during recess.

11:12 a.m. Chair Hansen called the meeting back in session.

Attorney Stadler reiterated that Mr. Bangstad's time had expired. Attorney Melms may continue with testimony and evidence.

Chair Hansen ruled Mr. Bangstad out of order and requested him to be escorted from the room.

Attorney Melms began his testimony, presenting evidence on behalf of Mr. Bangstad.

Attorney Fugle began his testimony, presenting evidence on behalf of Oneida County Planning and Development Committee.

Chair Hansen swore in Mr. Jennrich.

Attorney Fugle called Mr. Jennrich for questioning.

Mr. Jennrich spoke representing Oneida County Planning and Zoning Department.

11:51 a.m. Attorney Fugle called for a recess.

11:59 a.m. Chair Hansen called the meeting back in session.

Attorney Fugle questioned Mr. Jennrich.

Mr. Melms questioned Mr. Jennrich.

Attorney Stadler opened the floor for closing statements. Attorney Melms and Attorney Fugle provided their closing statements.

The Board questioned Attorney Fugle and Attorney Melms.

12:36 p.m. Chair Hansen closed the public portion of the public hearing.

Attorney Stadler restated to the Board the question that needs to be answered is whether there was error in the Planning and Development Committee's determination that Conditional Use Permit #2300385 had not been complied with and should be revoked.

The Board deliberated on this matter.

Motion by Mr. Ross, second by Mr. Chronister, to uphold the decision of revocation of Conditional Use Permit #2300385 made by Oneida County Planning and Development Committee on July 24, 2024. Roll Call Vote: Mr. Ross, "Aye;" Mr. Pazdernik, "Aye;" Mr. Viegut, "Aye;" Mr. Chronister, "Aye;" and Mr. Hansen, "Aye."

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

Guy Hansen, Chair

Jeff Viegut, Secretary