

**ONEIDA COUNTY BOARD OF ADJUSTMENT  
MEETING MINUTES SUMMARY  
JULY 11, 2024 AT 9:00 A.M.  
COMMITTEE ROOM #1, 2<sup>ND</sup> FLOOR  
ONEIDA COUNTY COURTHOUSE**

---

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

Members Absent: None

County Staff Present: Karl Jennrich, Director; 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 Meetings 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 Mr. Ross, second by Mr. Hansen, to approve the agenda. With all members present voting “Aye,” the motion carried.

**Approve meeting minute summary of June 27, 2024.** Chair Lee tabled minutes to the next meeting as they are not available.

**Old Business:**

**a. Consider status of previous cases.**

- i. Dirks Revocable Trust Zoning Permit garage addition. Discussion was had by the Board. A permit was applied for a 10ft addition to a garage, previously approved, making the garage 36’ x 60’ (Permit #2300845, Appeal 23-013). Mr. Ross made a motion to direct staff to issue the new Zoning Permit for Dirks Revocable Trust as it is not contrary to the variance previously approved, Mr. Pazdernik seconds. With all members present voting “Aye,” the motion carried.

**Current Business:**

- a. Consider current and pending appeals to BOA.**
- b. Review/revise meeting/hearing calendar.**

- i. July 18, 2024 Appeal 24-005 Public Hearing has been cancelled by the request of the Attorney representing Bourne Family Trust. Waiting on a date to reschedule.
- ii. July 25, 2024 Appeal 24-003 Great Lakes Inter-Tribal Council Inc. August 1, 2024
- iii. Appeal 24-004 Paul and Pamela Zaremba.

**9:15 a.m. Recess for onsite inspection.** The Board will travel together to the inspection site at 1925 Sabinois Point Rd, further described as Lot 1 of CSM 3649, Part of Government Lot 1, Section 13, T35N, R10E, PIN SC-716-1, Town of Schoepke, 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. 24-006 of David Augustiniak appealing the denial of zoning permit #2400202. The property is located at 1925 Sabinois Point Rd, further described as Lot 1 of CSM 3649, Part of Government Lot 1, Section 13, T35N, R10E, PIN SC-716-1, Town of Schoepke.**

Chair Lee 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 Lee swore in Karl Jennrich, Lloyd Augustiniak, and Peggy Augustiniak.

An onsite inspection was conducted at approximately 10:30 a.m. on July 11, 2024, at property located at 1925 Sabinois Point Rd, further described as Lot 1 of CSM 3649, Part of Government Lot 1, Section 13, T35N, R10E, PIN SC-716-1, Town of Schoepke, Oneida County, Wisconsin. Board members were present at the onsite inspection along with Karl Jennrich of the Planning and Zoning Department, Lloyd Augustiniak, Peggy Augustiniak.

Observations by the Board: The property boundaries were adequately marked; the road and right-of-way were not adequately marked, but it was not relative. The issue for this appeal was a request to put a roof over an existing deck which extended towards the lake. The distance from the deck to the ordinary high water mark (OHWM) was eighty-one (81) feet from the South, sixty-nine (69) feet from the South-East crossing the neighboring property. The topography and condition of the land surface was good level and flat surface.

Chair Lee informed the Appellant(s) how the hearing would be handled. He stated that the Board has to consider the three (3) 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 County, then the Appellant(s), 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.

Mr. Jennrich began his testimony by stating the department issued permit #0900971 in 2009 to build a dwelling on SC-716-1. At that time the building permit showed the eighty-one (81) foot set back from the OHWM. The property owners submitted permit #2400202, applying to put a roof over the deck. He further explained that the sixty-nine (69) foot setback measurement is from the closest corner of the deck to the OHWM traveling South-East crossing the neighboring property as previous stated in the Board observations.

The Board conferred further concerning permit and property questions.

Mr. Augustiniak began his testimony by stating when they applied for the permit in 2009 (#0900971), they were approved to build where the dwelling is currently located. He further stated that they spoke with their contractor to have the house be at a minimum eighty-five (85) feet from the OHWM.

Mrs. Augustiniak began her testimony by stating the reason they did not cover the deck at the time of building the home in 2009. She further explained the OHWM seems to keep moving further up towards their property due to the erosion and ice dam damage on Pelican Lake. She also stated that they are not adding any additional footprint, only covering the current deck, and feel that they should be approved based off the original approved permit in 2009.

The Board conferred with the appellants

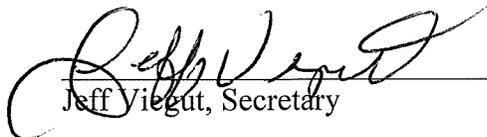
Chair Lee closed the public portion of the public hearing.

The Board deliberated on the matter.

Motion by Mr. Viegut, second by Mr. Hansen, to approve the variance. With all members present voting "Aye," the motion carried.

1:30 p.m. Chair Lee adjourned the meeting.

  
\_\_\_\_\_  
Guy Hansen, Chair

  
\_\_\_\_\_  
Jeff Viegut, Secretary