

ONEIDA COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING SUMMARY
COMMITTEE ROOM #2, 2ND FLOOR
ONEIDA COUNTY COURTHOUSE
MAY 26, 2021
1:00 PM

Chairman Harland Lee called the meeting to order at 1:00 PM in accordance with the Wisconsin Open Meeting Law.

Roll call of Board members present: Mr. Hansen, “here”; Mr. Albert, “here”; Mr. Pazdernik, “here”; Mr. Viegut, “here”; Mr. Lee, “here”.

Members absent: Mr. Ross

County staff members present: Karl Jennrich, Zoning Director; Mike Fugle, Corporation Counsel; and Julie Petraitis, Program Assistant

Other individuals present: See Sign in Sheet.

Chairman Harland Lee 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 is made up 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, Zoning Director; Jeff Verdoorn; Executive Director, OCEDC; and Keith White, Air Pro.

Secretary Phil Albert read the notice of public hearing for Appeal No. 21-001 of Wisconsin Industrial Technologies, appealing the denial of a Zoning Permit Application for the placement of a 155’ x 45’ and 40’ x 21’ shop addition approximately 13 feet from the right-of-way of Highway 1. The property is located at 4858 Hwy 17 further described as NE NE, Section 15, T37N, R9E, PIN PL 385-1, Town of Pine Lake, Oneida County, Wisconsin.

The Oneida County Board of Adjustment Rules of Procedure, Section 178.05(12), Chapter 17, Oneida County Code of Ordinance, provide that a timely appeal shall stay all proceedings and furtherance of the action appealed from, unless such stay would cause imminent peril to life or property.

The Board of Adjustment will conduct an onsite inspection of the property involved in this appeal beginning at approximately 10:00 am prior to the hearing. Pertinent property boundaries and locations of existing and proposed structures shall be clearly identified. A representative or the appellant must be present. The inspection shall be open to the public.

Following the adjournment of the public hearing, the Board will vote in open session for a decision on this appeal. Information on the decision can be had by calling or visiting the Planning and Zoning Department during normal business hours on or after the next day or later that day set by the Board at the hearing. The appellant must be notified of the decision via certified mail.

All appropriate local media outlets were properly noticed and a site visit was conducted between 10:00 a.m. and 10:35 a.m. this morning. The location was 4858 Hwy 17, Town of Pine Lake. Property owners, WI Industries, Keith White, all members of the Board of Adjustment; Karl Jennrich, Zoning Director; Jeff Verdoorn, Oneida County Economic Development Corporation were present. In terms of observations of the boundaries: they were adequately marked; the highway road right-of-way was adequately marked; the outline of proposed construction was adequately marked with painted stakes. In terms of the existing structure, it really did not come into play. The proposed structure, the 155' x 45' addition was 45' from the side boundaries. There was no high water mark involved. In terms of the right-of-way, approximately 13' from the right-of-way and approximately 58' from the center mark of the road. The topography and condition of the land surface and erosion, none was visible. The existing structure is a manufacturing building. Another observation was a culvert between the road to Hwy 17 and Road C and the existing and proposed structure. That concludes the comments and observations of the site visit.

Chair Lee stated the procedure for the hearing will rather informal. It will begin with the Appellant telling the Board what they want to do, the reasons they want to do it, and why they think a variance should be granted in this particular case. The Board may ask questions during the presentation. Then Mr. Jennrich will present the County's point of view. Any back and forth discussion that needs to take place will take place after that. When that is done, Chair Lee will close the Hearing. You can stay and the Board will deliberate in open session and reach a decision. You will know the outcome when you leave.

Keith White, WI Industrial Technologies, began his testimony by stating that they want to expand the facility. They are expecting that all of the existing trees the Board saw during the onsite will remain intact. Mr. White stated that when they were looking at the project they were mindful of the setback and made sure they were inside the ten-foot rule, which they thought was the state mandate. That is where the confusion came in with the setbacks. They are asking for the variance. The critical piece, as far as the additional few feet to put it where it was marked out, is really the doorway access because there is going to be a lot of material flow that is going to come through as well as giving them the obvious production space. The purposes of the space is new production cells. There will be about ten (10) new production cells. A production cell will have one or two employees, depending on the project that is being done. It is giving them more capacity.

Chair Lee asked if this expansion would affect the rest of the work in the facility.

Mr. White stated that it would definitely affect the work in the rest of the facility. With the addition, there will be additional employees. The affect, as far as the additional employees,

is the work cells. With the additional space, they will be able to change some of the workflow, which is going to give them more capacity out in the main space, where the product is moving from fabrication spaces to the finish line. They are simply looking at gaining efficiency of how the material is flowing through the operation and that is the big upside to the additions.

Jeff Verdoorn, Executive Director Oneida County Economic Development Corporation, stated that he provided his comments in writing prior to the hearing (Exhibit A).

Karl Jennrich, Zoning Director, began his testimony by stating that the department was approached by Wanta & Son Inc. to add an addition onto this facility. This facility has been in existence, at least from County records, since 1987. It was a former Tool & Die /manufacturing shop. It is zoned District #5, Recreational. It slowly has grown over time. There are several issues that face this facility. One is that it is a very tight sight. There is mapped wetland on (showing on map) one side of the facility so they really do not have area to expand on that side. They would have to go through a process to try to get approval from the Department of Natural Resources. Therefore, they have been expanding on the portion of high ground that they have. The parking area is constrained, because that is the only area they have for employee parking. Oneida County has a 20' setback to the right-of-way. Mr. Jennrich stated that his understanding of the purpose of the setback was that if a road were not placed within the center of the right-of-way there would be room for snow removal, etc. Mr. Jennrich stated that from his perspective it would not be an impediment, at least for safety, to expand because that part of the highway is a straightaway. They are not expanding toward the center section. There would still be a clear sight line to see out. There are physical property limitations on the site.

Chair Lee stated the only question he had was why the County has the right-of-way setback that they do.

Mr. Jennrich stated that a lot of Counties or Municipalities have a ten (10) or twenty (20) foot. The intent of the setback to right-of-way, and again people feel that it is taking away from their property by having that type of setback, is there are many roads that are not within the right-of-way. If the traveled portion of the road is pushed one way or the other you still have to maintain it.

Mr. Hansen asked if this appeal is for a use variance.

Mr. Jennrich stated he did not believe it was. It is strictly an area variance request for a reduced setback.

Chair Lee asked if there were any final comments from the appellant or other questions from the Board.

Chair Lee closed the public portion of the public hearing.

Chair Lee stated that he does not feel that the difference in the setback is great enough to cause any problems. He would be in favor of granting the variance.

Mr. Pazdernik agrees with Chair Lee. He feels that the three criteria are met.

Chair Lee explained the three criteria to the appellant.

Mr. Hansen stated that regarding the three criteria he felt that the unique physical limitation of the property is met. No harm to public interest is met. Unnecessary hardship restriction would make it unnecessarily burdensome. He feels it meets all three criteria that need to be satisfied.

Mr. Albert stated that in having to consider the three criteria he feels that in terms of the use of the property, it is unique. The use of the property, in terms of being able to expand only in certain directions and based on both the wetland and the configuration of the lot itself he thinks the best use of the property is being made. It is unique. There is no harm to the public interest. He agrees that there is no issue in terms of meeting the three criteria.

Mr. Viegut stated that he feels the same. He said that three or four feet has nothing to do with it. He feels all three criteria are met.

Mr. Lee asked for a motion.

Motion by Mr. Pazdernik, second by Mr. Hansen to approve appeal 21-001 as it meets the three criteria and with a right-of-way setback of up to 13' to Highway 17. With all members voting "aye" on a roll call vote, the motion carried.

1:30 - The meeting was adjourned by Chair Lee.

Harland Lee, Chairman

Phil Albert, Secretary