

ONEIDA COUNTY BOARD OF ADJUSTMENT  
PUBLIC HEARING SUMMARY  
MINOCQUA CENTER LIBRARY CONFERENCE ROOM  
415 MENOMINEE ST., MINOCQUA WI  
JUNE 30, 2022 1:00 PM

Chair, 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. Ross, “here”; Mr. Pazdernik, “here”; Mr. Viegut, “here” and Mr. Lee, “here”.

Members absent: None.

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

Other individuals present: See Sign in Sheet.

---

Chair 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 consists of five regular members and two alternates. All will participate in the public hearing; the alternate will not participate in the deliberation or vote. 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, Todd Troskey, Tommy Olson, and several community members (see list).

Chair 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 close the meeting from any further testimony. The Board will then deliberate. If they have any questions they will ask them and ask that only address that question. The Appellant(s) may stay for the deliberation.

Chair Lee informed the Appellant (s) how the hearing will be handled. He stated that the Board has to consider the three criteria, in which all three need to be met in order to grant a variance and the Appellant should be sure to address those in their testimony.

Sam Winterfeldt, Keller Inc., began his testimony by addressing the nine items in the denial letter.

#1. Interior Remodel: Mr. Winterfeldt stated that due to the age of the building, the building is in need of repair. Part of that repair is structural reinforcement. The foundation on the south side of the building are being pushed inward. The proposed columns will reinforce the structure as well as the foundation. The interior structural

alterations lead into a building code that states when you are modifying the inside of a building, you have to spend 25% of the investment to that building to handicap upgrades to the building (Americans Disability Act / ADA). Part of that handicap upgrade means that the restrooms get much larger in the building. The larger restrooms are encroaching and causing an unnecessary hardship on the business. Another handicap upgrade is the vestibule.

Because the unique physical limitations of the property do not allow outward expansion, they also do not allow upward expansion. They thought it would be less of an imposition to go up rather than go out, due to the property. They went up to make up for the loss of some of the seating. When they go up, there are two means of egress, from a fire code standpoint, that are required. One of them needs to be fire rated, which means it is enclosed and has a fire rating. That means that if there is a fire elsewhere the stairway exit is still safe to use. That is the reason for the outward expansion, which is item #2, the enclosed staircase on the east side.

#4. Exterior staircase on the west side. The second level has a portion of the roof covered. In the denial letter, the County is considering that an accessory structure. The structure for the rooftop is integral to the structure of the building. That is item #8. The covered rooftop deck is an accessory structure. It is being denied because it is within 75' of the ordinary high water mark (OHWM). The entire building is within 75' of the OHWM.

#9. The uncovered portion of the rooftop deck. The County is also considering this an accessory structure.

#3. Exterior Restroom. This is another outward expansion of the building. The reason for this exterior restroom is handicap accessibility. The pier was approved by the Department of Natural Resources. Part of that approval included one handicapped boat slip. Because of the handicapped boat slip and the topography of the site limits the ability to access the ADA restrooms up above. They are offering an ADA restroom at the grade that the pier is on.

#5. Retaining wall structure and walkway. There is a retaining wall between the enclosed stairway and the proposed boathouse. The reason is the limitations of the site. There is a lot of topography between the parking area and anyone who should decide to use the pier. The retaining wall holds the earth back.

#6. Exterior staircase on the east to the Lake. They put the retaining wall and the staircase in for safety reasons. A code compliant stairway access from the floor level of the main bar/restaurant to the pier. The stairway access the pier and the retaining wall holds the parking lot back where it is.

#7. Exterior staircase east to the boathouse roof deck. This again has to do with the limitations (topography) of the site. Coming out of the main floor of the bar/restaurant area, you can go on the staircase to get to the top of the boathouse deck. The reason for the staircase is accessibility to the rooftop. There is an existing wet boathouse that is being removed because it is in structural disrepair and as part of the DNR approval process it has to be removed. The County allows a boathouse to be built. The current wet boathouse is 1550 square feet. The largest boathouse the County will permit is 720 square feet. The unnecessary hardship comes where they are losing a 1550 square foot boathouse to build one approximately 45% of the size. They lost over half of the area. That is the reason for #7.

Attorney Melms stated that in terms of the public interest he knows the Board of Adjustment considers the wishes of the Town. There was a letter provided to the Board from the Town of Minocqua. After the Town met on December 7, 2021, the full Town Board unanimously passed a motion that they do not have any opposition to this project. The Town Board did understand that the Planning and Zoning Department was going to deny the project based on the current ordinance. In terms of the public interest that is an important consideration when the full Town Board, which represents the public, approves the project. That pretty much covers not contrary to the public interest. In addition, the County Supervisor for this District, Tom Ryden, fully approves of the project.

Mr. Lee stated that public interest goes beyond the Town. When it comes to the water, there is the rest of the County and the rest of the State. Every ordinance that is within the County ordinance is a statement in front of each ordinance that states public interest for that specific area. That is something that needs to be considered, as well.

Attorney Melms said he agrees with that.

Mr. Lee asked Mr. Melms why this proposed project did not go in front of the Minocqua Planning Commission.

Attorney Melms replied that he did not know why it did not go to them.

Mr. Pazdernik stated that he feels if it had gone to the Town Planning Commission, many of the questions would have been answered. He would like to know why it did not go in front of the Plan Commission.

Attorney Melms stated that it went in front of the full Town Board. The appellant was working with Planning and Zoning. The permit was denied and the appellant was told they could appeal to the Board of Adjustment. There was never any mention of going in front of the Minocqua Plan Commission. It did not come up at the Town Board meeting.

Karl Jennrich, Zoning Director, stated that it might not have gone to the Plan Commission because the Zoning Department made an administrative decision that because the proposed project will require a Conditional Use Permit (CUP) and that will require a variance from the Board of Adjustment prior to them applying for that CUP. He stated he did not know why it did not go in front of the Town Plan Commission.

Mike Fugle, Corporation Counsel began testimony for the County by stating that there is still subsequent following whatever the Board of Adjustment decides, this will have to go back to the Planning and Development Committee as a CUP.

Mr. Lee asked why it did not go to the Planning and Development Committee first.

Mr. Fugle stated that depending on what/if any variances are granted, will impact what the Committee would determine for a CUP. The permit was denied because the

proposals did not comply with the Shoreland Protection Ordinance. That is why Minocqua Hospitality Holdings was told that they could appeal to the Board of Adjustment to determine if and what variance may be approved because that will then impact what decision are made by the Planning and Development Committee.

Mr. Lee stated that is not the way things are usually done.

Mr. Jennrich said it was a chicken and an egg argument. Let us say they came in and paid their \$600.00 for a CUP to authorize this expansion. It is approved at the Town level and the County level. Then they come in a apply for the Zoning Permit. We deny the zoning permit and then they go to the Board of Adjustment. The Board of Adjustment may say they do not grant the variance. The owner then says they do not want to do the project. That is why he made the decision to go this route.

Todd Troskey, Assistant Director, began his testimony by stating that the denial is based on anything that the County would normally do for any other property, be it residential or otherwise. In terms of that, the County looked at it that the property has reasonable use and they could not do anything in terms of the way the denial was based.

Mr. Lee asked Mr. Troskey if he wanted to address any of the points listed in the denial letter.

Mr. Fugle stated that Todd set forth the reason for the denial. If anyone had questions to flush that out, they could. Denials are based on specific ordinance citations and Todd can flush that out if you have a question. He feels it was a fairly straightforward application despite the fact that the Architect disputes the accessory structure, if that is something you want to have flushed out.

Mr. Lee asked the Board if they had any questions.

Mr. Albert asked about item number 2, the interior remodel. Remodel is one thing but what is being stated is the remodel has require, both structurally and otherwise, ADA and the other changes that are being requested. The remodel itself is something that can be approved. The remodel, based on other conditions of the building require other variances that may be required.

Mr. Troskey said that is correct.

Mr. Ross stated he would like to hear a defense on the unnecessary hardship.

Mr. Hansen reiterated that no matter what the Board does it will still go back to Zoning for action.

Mr. Fugle replied that it depends on if any variances are granted or if none is permitted then Minocqua Hospitality could still, based on what their plan is, request a CUP from the Committee. The Committee would then go through that process and, theoretically,

depending on what happens at the Committee level, they may have the opportunity to come back to the Board of Adjustment related solely to a decision on the CUP.

Mr. Ross asked what if it is the same issue coming back.

Mr. Fugle stated that if the Board of Adjustment makes a decision on something, unless there is a request to specifically revisit that, once you decide something it is done unless you decide to reopen and revisit it.

Chair Lee opened the public portion of the public hearing.

Greg Walker, 9194 Stonegate Place, Minocqua: spoke in favor of the project.

Billy Fried, District 17 Supervisor, Minocqua: spoke in favor of the project.

Jimmy Rein, 418 E Park Ave, Minocqua: spoke in favor of the project.

Andrew Freeman, 8270 Hwy 51, Minocqua: spoke against the project.

Connie Campbell, 8276 Hwy 51, Minocqua: spoke in favor of the project.

Wendy Peters, Minocqua Lakes Condo, Minocqua: has no opinion on the project but is concerned about parking and boat parking.

Ron Braedesen, Minocqua Lakes Condo, Minocqua: spoke about the parking issues.

Attorney Melms asked Mr. Winterfeldt to address the undue hardship.

Mr. Winterfeldt stated that the unnecessary hardship comes in part of the review process is that they have to allocate a certain percentage of the budget for the project towards ADA accessibility. That entails the bathrooms. They are much larger, which is good for accessibility but not so good for the dining area. They are losing a lot of the capacity on the inside of the current building. The bonus is capacity. The unnecessary hardship is the loss of capacity. That is the reason they are going up with the structure, as to not impact the shoreland any further but also to recover some of that lost seating. That is what is driving the vertical expansion. The vertical expansion requires both sets of steps. So, they are all intermingled. It is not just one or the other. There is a chain of events that had to be followed to meet that state code that are causing them to breach other setbacks.

Mr. Lee pointed out that there is a Case Law in Wisconsin. Hardship cannot be self-created.

Mr. Albert added that economic and financial hardship is not a justification, which was also part of the Winnebago County decision. So, economic and financial hardship; it is a question of capacity and remodeling. It is not part of the consideration we can look at in terms of unnecessary hardship.

Mr. Winterfeldt stated he may have misspoke. The chain of events starts beyond the restrooms. The chain of events starts with item number 1 on the denial. They are not allowed to repair the structure of the building. No structural alterations to a building that is failing. Those structural alterations are what is driving the larger bathrooms. It is not self-imposed; it is a must to maintain the structure.

Mr. Lee asked if some of those structural alterations are to support the roof.

Mr. Winterfeldt said they are.

Attorney Melms stated that he feels this is a fantastic project. He thinks it is wonderful for the community. He stated that he understands now why this did not go in front of the Plan Commission and that there would be an opportunity for some of the concerns to be addressed in front of the Planning and Development Committee. But the reason they are here is that they need the variance from the Board of Adjustment first. In terms of the three criteria, they talked about the public interest and the unique physical limitations of the property. In terms of the unnecessary hardship, one of the factors is compliance with the ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity to such restrictions unnecessarily burdensome. So to be able to do what they want to do but if they were to comply with the ordinance as written right now, they basically cannot do anything. They feel that the fact that they cannot do anything there is unnecessarily burdensome. They are hoping the Board of Adjustment will at least grant them the variance so they can continue down the process to see if this project is something that can go forward. For those reasons, they are hoping you will grant the variance so they can move on in the process. They do feel the three standards have been met.

Mr. Troskey clarified that non-conforming structures, such as this, are allowed to reconstruct in the existing footprint.

Mr. Ross asked how high they can go if they build in the footprint.

Mr. Troskey replied 35'.

Mr. Fugle added that if they rebuild in the footprint he does not know if they are still subject to meeting the 25% toward ADA.

Mr. Winterfeldt stated that if the whole building is new it has nothing to do with the percentage, it has to be code compliant. In a remodel is when a certain percentage has to be allocated to ADA.

Mr. Lee asked if the County considers the rooftop deck an accessory structure because it is not enclosed.

Mr. Troskey said that is correct.

Mr. Lee asked if they enclosed it what it would be considered.

Mr. Troskey stated that as long as they did not exceed 35', he believes would be acceptable. Making it actual usable interior space.

Attorney Melms asked if the rooftop deck is also considered a roof.

Mr. Troskey said it is considered an accessory structure.

Mr. Jennrich stated that the roof is being used as a deck.

Discussion was held on roof vs. deck.

Mr. Lee asked about the stairs going to the deck on the boathouse.

Mr. Troskey confirmed that exterior stairs are currently not allowed by the ordinance.

Mr. Lee talked about the existing berm and using it to place the stairs to the deck of the boathouse to make them compliant.

Mr. Troskey confirmed as long as there are no exterior stairs; it would have to be berm. It would have to match the finished grade of the roof of the deck of the boathouse.

Mr. Winterfeldt stated that the site does not allow an earthen berm to access the rooftop. They did explore that option, but they would lose parking spaces if they were to install a berm.

Mr. Albert asked if the interior remodel is what was requiring the structural changes to the building.

Mr. Winterfeldt stated that it was the opposite. Because the building needs structural repair, because the foundation is leaning inward. Regardless of any structure that is being installed for the rooftop purposes, they would be making structural alterations to the inside of the building to maintain it. That is what kicked them into the bathroom being ADA upgraded and so on and so forth.

Mr. Albert stated that remodel encompasses all these things, the ADA requirements, the stairs, all of that. But, the remodel is what is driving your desire to expand your capacity.

Mr. Olson stated that the boathouse that needs to be raised is what started the whole conversation. You look the structural repairs that need to be done to the building, the expansion of the docks, allowing the public to use those docks, giving an ADA compliant bathroom on the first level to accommodate the ADA public pier, it all just rolls together and they ended up with nine (9) issues. They tried to eliminate as many as they could.

Mr. Albert stated that the all-encompassing remodel is what is driving many of the structural changes.

Mr. Winterfeldt stated he would say it is the opposite. The structural changes is what is driving the remodel. Because they are doing structure, the code requires a percentage of that money invested in that structure be used...

Mr. Albert said they would not be doing the structural changes if they did not want to do the remodel. You have to have the structure in order to support much of the remodel.

Mr. Winterfeldt said he understands what Mr. Albert is saying and he thinks he is correct when you look at the end-result. If you look at the end and work backwards, Mr. Albert is correct. If you look at the beginning of the project, if the only part of this project was structural alterations to maintain the building, so at day one, they were maintaining the building that is there, that is driving the remodel. The remodel is taking up space, causing unnecessary hardship, driving more remodel to go upward. If you look at the result, where they are today, he understands where Mr. Albert would come to that conclusion.

Mr. Albert asked what the beginning process was. . There are nine different issues. The beginning is the need to remodel the interior, which drives ADA and structure.

Mr. Olson stated that he did not feel that remodeling was a goal at all, it just morphed into that because the structure itself, from the crawlspace to the south wall leaning in, to be able to fix all those things, the rotten lumber that is inside the walls, they'd have to tear...if they did nothing else, the rooftop deck, none of that was off the table, they would still have to tear the place apart.

Mr. Albert stated that occupancy, the number of bodies you can get into a restaurant or bar, drives revenue. So, the idea of the remodel is to get greater occupancy or a greater number of bodies inside. That is what is driving the remodel.

Mr. Winterfeldt replied that the original phone call was structural disrepair. It morphed into a remodel and absolutely, if there is a bonus to having additional occupancy.

Mr. Olson stated Mr. Albert is right. They want the additional occupancy, they want people to be comfortable. The fact of the matter is people are going to be there, this weekend especially, standing on the grass, sitting in uncomfortable places and it is not good. It is not up to their brand and he does not think it is up to the Town of Minocqua's brand. It is their investment to make it all better and make their patrons comfortable, there is public benefit and they have done everything they can to make it an investment.

Mr. Albert stated that the bottom line is profit. You have to have the occupancy in order to drive the profit at the end of the day what you expect out of that facility.

Mr. Winterfeldt asked if loss of occupancy, causing a decrease in revenue, would that be considered an unnecessary hardship for a business.

Mr. Albert said no. As he stated earlier economic financial hardship is not a justification for unnecessary hardship.

Mr. Winterfeldt said he misunderstands the reason for this meeting. They are losing revenue because of the ordinances or in this case the State code. The unnecessary hardship is the Code causing the loss of revenue.

Mr. Albert stated that as Mr. Lee addressed earlier there are other reasons for the Code being placed in terms of protection of the public. That is not just with shoreland or the properties on the shoreland. That is two of the criteria the Board has to consider.

Attorney Melms stated that he does not think they put anything in their submission to the Board of Adjustment about increasing revenue. It was about improving the property and making structural changes.

Mr. Albert replied that ultimately it is occupancy that drives the revenue and their purpose in buying the business.

Attorney Melms stated that it is business principles, but that was not the focus of their appeal to the Board of Adjustment, to increase revenue. They know that cannot be considered. It is about improving the property, making the structural changes, complying with the Americans with Disabilities Act. Those kinds of things is why they are here.

Mr. Olson stated that the people are not comfortable in their establishment.

Mr. Ross asked if the Appellant just wanted to fix the old building if it was a structural alteration.

Mr. Troskey replied that goes back to Section 9.99 B, which states:

*“Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures. An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.”*

Mr. Hansen said he had the same question. In Mr. Troskey’s statement, for item #1, he does talk about ordinary maintenance ‘shall be permitted if they do not alter the envelope of the structure’ and C says ‘structural improvements, the alteration of any structural member of the existing wall, roof or interior structural member of said structure shall not be permitted. So, it kind of boils down whether use of the property can be continued without repair. His understanding is that it can be whatever necessary to repair the building would be allowed.

Mr. Troskey responded that it is no different than if somebody applied for a dwelling that was in the same situation, say 33' from the OHWM. As long as the replacement was in the existing footprint, that is something that is permissible.

Mr. Hansen said it would include the foundation, the rotten members in the wall, if they have to tear the whole wall down and rebuild.

Mr. Troskey agreed. He said sometimes Staff goes out to sites and help locate the corner of the structures so we have documentation of where the structure was when people raze and rebuild so that the department is able to tie in where the previously existing foundation was.

Mr. Lee closed the public hearing for deliberation.

1. Project #2, Interior Remodel. Mr. Ross stated, for the sake of discussion, they might grant a variance on #1 but within #1 is confusing because ordinary maintenance, etc. etc., would be approved but then when you get to the alteration of any structural member, the question is, is the Board going to permit them to alter structural members because if they do, that leads to the ADA code. Number one is crucial. All the items in the denial letter are connected.

Mr. Hansen stated if they are remodeling within the existing footprint that is allowed. In addition, as he understands it, that is what #1 addresses.

Mr. Ross added that their request is to go outside the footprint to go up. It is not just maintenance of the building as it stands. They are proposing a structure that will allow that deck on top. That is not normal maintenance.

Mr. Hansen said that included in #1 is the expansion.

Mr. Ross said that is why they need the variance, because that is not allowable. So, the question is if the Board is going to allow it.

Mr. Albert stated that it reads that interior remodel involves structural alterations to the existing building. As he understands, the structural alteration, that does include those subsequent nonconforming use.

Attorney Melms said they could clarify that.

Mr., Winterfeldt stated that for item #1, he believes what Todd is referring to is the columns that support the rooftop structure. When they talk about repairing the structure to make sure that it is safe, the foundation, the beams, the rotted wood, when they do that it is permitted under Section 9.99 to maintain the building, which is permitted by the County. The State says if you are spending so much money on remodeling and repairing the building, so much of the money needs to be spent on accessibility. The accessibility means the bathrooms get larger causing the undue hardship or unnecessary hardship on the business owner, which is then driving the owner to go up rather than out.

Mr. Olson stated that there are significant changes to the bathroom to make them ADA compliant. That is where they lose the square footage that causes the undue hardship.

Mr. Hansen said the long and short of it is that they would be allowed to completely remodel the building as long as they stay in the same footprint and the requirement to include an ADA bathroom. That could be within the existing footprint. It does not have to be outside the existing footprint.

Mr. Olson stated that even if the Board did not like the outside ADA compliant bathroom, the ADA compliant bathrooms within the building are what is causing the undue hardship.

Mr. Olson added that you could not get to the ADA compliant bathrooms from piers which is where the ADA compliant boat slip is, that is why they are constructing the lower bathrooms.

Mr. Hansen asked if items one through nine (1-9) would have to meet all three criteria, including unnecessary hardship.

Mr. Lee stated that somebody said the items were all one big package, but he does not see it that way.

Mr. Pazdernik said the way he sees it is if the Board approves number one (1) or you do not do it the rest of the items are all contingent on number one (1). The bottom line is, it looks to him like in order to accomplish anything for the good and welfare of the whole community, they would almost have to approve number one (1). It is a hardship, it is not a problem for the community, and it enhances the building for everyone. Not only the patrons, but also the people coming by just to use the facilities.

Mr. Lee asked the Board what they wanted to do.

Mr. Hansen said he does not see that number one (1) really does encompass the rest of it. The structural alteration of the existing building.

Mr. Pazdernik replied that once you agree to that, then it jumps to the rest of the items, including the ADA and the stairs for egress from the second floor.

Mr. Lee stated that the upper deck of the main structure has a covered part and an uncovered part. Todd said if the whole thing were covered, there would be no need for a variance for that part of the appeal.

Mr. Troskey agreed.

Mr. Ross asked if the walls would have to be enclosed.

Mr. Troskey stated it would have to be usable space. He stated he is not sure where the differential is with commercial building code.

Mr. Lee stated he would agree to everything except he would say the upper deck would have to be enclosed.

Someone from the audience asked if enclosing the upper deck it would not be considered a deck but the second story of the building.

Mr. Lee stated that it is not an open deck but they have an open deck over on the boathouse. They can make that very nice. It is a suggestion.

Mr. Ross stated that they are expanding the footprint. How much are they actually expanding it if the variance is granted? The structure that is outside the existing structure is minimal.

Mr. Albert replied that number three (3) is an outward expansion, in terms of the restrooms of the building.

Mr. Winterfeldt stated that the expansion to the building is 376 square feet. That is the enclosed stairway and the accessible bathroom.

Mr. Ross stated that if they think of it as a variance in terms of area that is the amount of space they are talking about.

Mr. Hansen asked if the department has considered the non-permeable surface, including the existing wet boathouse and the proposed addition to the building. The covered area, onsite, is the wet boathouse considered a non-permeable surface.

Mr. Troskey replied that the area that is over land is included in that calculation.

Mr. Jennrich stated that if they get the Conditional Use Permit and Zoning Permit they have to go through the whole process of looking at the expansion. He believes they are over 30%; they will have to do some kind of engineered calculations showing how the square footage will have to be treated. The wet boathouse does not count. They are over their impervious surface, so they have to deal with that.

Mr. Lee asked Mr. Jennrich if he is thinking about taking this back to the Planning and Development Committee.

Mr. Jennrich stated he has to. The applicant is aware that they have to go through the Conditional Use Permit process.

Mr. Lee asked if the Board did not make a final decision.

Mr. Albert added the Board defer their decision until the Zoning Committee makes theirs.

Mr. Jennrich said the Board would have to talk to Counsel(s) to see if they are agreeable to that. He does not think the Planning and Development Committee would be adverse to that.

Attorney Melms replied that one of the problems for his clients would be the cost of going that route. If they were to get the approval from the Board for a variance (s), he feels they would move forward with the Planning and Zoning route. He is not sure how much more money they want to put into this without having any understanding of whether they would end up getting denied coming back to the Board of Adjustment later.

Mr. Olsen added that they have been being killed on construction costs since they started this project.

Mr. Lee asked when they wanted to start this project.

Mr. Olson stated that they have been looking at how to fix the structure since they got the inspection report for the purchase of the building, a little over a year ago.

Mr. Lee asked if they were trying to do something this year.

Mr. Olson said they originally wanted to start by October and finish by April.

Mr. Winterfeldt added that their intent was to start last October. With going through the Planning and Zoning process, they have learned about all the different ordinances that have to be followed for a variance. That pushed the project down the road further. The original construction of the repair/remodel portion of the project was October 2021. Now they were looking at October 2022, but his assumption from his experience is that the CUP process is going to take some time beyond this. He is now the first reasonable opportunity is October 2023.

**Motion by Mr. Ross, second by Mr. Pazdernik to approve the variance request.**

**On roll call vote: Mr. Hansen, “aye”; Mr. Albert, “aye”; Mr. Ross, “aye”; Mr. Pazdernik, “aye”; and Mr. Lee, “aye”.**

**With all members present voting “aye”, the motion carried.**

**2:45 p.m. -Chair Lee adjourned the meeting.**