

ONEIDA COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING SUMMARY
JULY 27, 2023, 1:00 pm
COMMITTEE ROOM #2, 2ND FLOOR
ONEIDA COUNTY COURTHOUSE

Chair 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. Albert, Mr. Hansen, Mr. Ross, Mr. Pazdernik, Mr. Viegut, Mr. Chronister and Mr. Lee.

Members absent: None

County staff members present: Todd Troskey, Assistant Zoning Director and Julie Petraitis, Program Assistant

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. 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, James Janet and Michelle Janet.

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 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.

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 Office during normal business hours on or after the next or a later day set by the Board at the hearing. The appellant will be notified of the decision via certified mail.

Copies of appeals and related documents are available for public inspection during normal business hours at the Planning and Zoning Office, Oneida County Courthouse,

Rhineland, WI 54501. The Oneida County Zoning & Shoreland Protection Ordinance is available on the internet at www.co.oneida.wi.us. All appropriate media outlets were notified and the inspection was conducted between 10:00 a.m. and 10:20 am on July 27, 2023. The property is located at 7983 Nokomis Dr., further described as Government Lot 7, Section 24, T39N, R8E, PIN NE 1248-1, Town of Newbold, Oneida County, Wisconsin. Along with the Board of Adjustment, Todd Troskey, Assistant Zoning Director; Jim and Michelle Janet, owners were present at the site. Observations by the Board: The property boundaries were marked; the road and right-of-way were marked: yes; the well and sanitary facilities were located; outline of proposed construction was flagged. The cabin was 50' from the front to the ordinary high water mark and 75' to the back. There was no erosion visible. There was a cabin on the property. There were no other observations.

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.

Mr. Janet began his appeal by stating the parcel was created in 1966. Back then a 60' lot was good. Looking at all the lots around, he has the biggest lot. He has tried to purchase some land next to his from the State but he was not able to. The town of Newbold has their own subdivision control ordinance. If this were strictly Oneida County and a different township he would be able to divide this lot into a front lot to a back lot and build his house behind and be completely legal. Because it is in the town of Newbold he cannot divide the lot because it does not meet the requirements of their subdivision control ordinance. That is the unique physical property limitation.

No harm to public interest. In the information Mr. Janet provided, he stated he does not plan on having the cabin as a rental. There will not be extra bodies. He does have the option of adding on to the existing cabin, but then he would have to put a footing around the whole building and bring in extra fill. Placing that amount of fill that close to a body of water is a harm to public interest.

Unnecessary hardship. His cabin is a dwelling, but it certainly is not a residence. He does have a letter from the UDC Inspector advising him not to add onto the cabin. He also has a letter from a contractor stating he wouldn't add on to the cabin.

Mr. Albert asked if he would have to go up, second floor, in order to add onto it.

Mr. Janet responded that it is the foundation that is the problem and it is a vertical, log structure. There are no 2 x 4 or 2x6 walls, old fashioned logs is holding the roof up. Someone mentioned, at the onsite, that it looked like the cabin had new shingles. Mr. Janet said they do but the boards they nailed the shingles to, is the same boards you see inside the cabin. There is no insulation or dead attic space. It is zoned Single Family Residential and he just wants to build a residence he and his wife can live in year around.

Mr. Troskey began his testimony by stating the permit was denied based on being in a single family residential zoning district on a Class II waterway the requirement would be that they need 35,000 square feet and 175' of riparian frontage for two dwellings. To add onto that the Town of Newbold has their own separate classification and subdivision standards that are stricter than Oneida County's. The permit had to be denied based on the ordinance.

Mr. Albert asked if Newbold is not subjected to County Zoning. He asked who has the authority.

Mr. Troskey responded that Newbold does not have their own zoning. They are subject to Oneida County, just like any other township in Oneida County. In this particular case, it just happens that the Town of Newbold is able to have a more strict subdivision ordinance or standards than the County does.

Mr. Ross asked if they removed the old building if they had to build the new building at 75' from the ordinary high water mark.

Mr. Troskey said they could average to get closer to the ordinary high water mark or rebuild in the same footprint and add on to the back because it is greater than 75' to the ordinary high water mark.

Mr. Chronister commented that the Town of Newbold worked hard on the regulations for the subdivision ordinance/standards.

Mr. Janet stated that a variance by a BOA is site specific. He is not asking for a variance from the Town of Newbold for a lot division. He is asking Oneida County for a variance to build a second dwelling.

Mr. Janet reiterated that the Board should have received a letter from a contractor and a letter from a UDC Inspector that recommend not adding onto the existing structure.

Chair Lee closed the public portion of the public hearing.

The Board discussed the three criteria.

Motion by Norris Ross, second by Guy Hansen to deny the variance as requested. On roll call vote, "aye" Unanimous.

1:25p.m. Chair Lee adjourned the meeting.

Harland Lee, Chairperson

Phil Albert, Secretary