

ONEIDA COUNTY BOARD OF ADJUSTMENT  
PUBLIC HEARING SUMMARY  
NOVEMBER 17, 2022  
COMMITTEE ROOM #2, 2<sup>nd</sup> FLOOR  
ONEIDA COUNTY COURTHOUSE

Vice-Chair Hansen 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, “here”; Mr. Ross, “here”; Mr. Pazdernik, “here”; Mr. Viegut, “here”; and Mr. Hansen, “here”.

Members absent: Mr. Lee

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

Other individuals present: See Sign in Sheet.

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Vice-Chair Hanse 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.

Vice-Chair Hansen swore in Todd Troskey, Mathew Waldvogel and Julie Waldvogel. Mr. Hansen 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, Rhinelander, WI 54501. The Oneida County Zoning & Shoreland Protection Ordinance

is available on the internet at [www.co.oneida.wi.us](http://www.co.oneida.wi.us). All appropriate media outlets were notified and the inspection was conducted at approximately 10:00 a.m. this morning, November 17, 2022, at property located at 4159 Forest Point Dr., further described as Section 30, T37N, R9E, PIN PL 615-1, Town of Pine Lake, Oneida County, Wisconsin. Board members were present at the onsite along with Todd Troskey, Assistant Zoning Director and Mathew Waldvogel, owner. Observations by the Board: The property boundaries were adequately marked. The highway road/right-of-way was quite a distance from the property and was not an issue. The well and sanitary facilities were located. The outline of the proposed construction were adequately marked. The home is located 82' from the Ordinary High Water Mark (OHWM). The proposed garage was 58', across the adjacent property line, to the OHWM and the side boundary was 15'. The OHWM was 82' on the owners property. The highway road/right of way was not measured as it was quite a way away. The garage addition would be closer to the OHWM of the adjacent property owners. The topography is it is an elevated lot. There was no erosion apparent. The only other structure on the property was the home and an outbuilding.

Vice-Chair Hansen 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.

Julie Waldvogel began her testimony by stating that their position is the unique physical property limitations; there is no other place on their property that they could build a garage due to the location of the drainfield and septic lines. There is also a dugout area beyond those with a steep dropoff that makes it unbuildable. There is no one else affected by the building. The neighbors have all indicated that they feel that they should be given the right to build the garage there. It is not going to cause a hardship on any of the neighbors. They feel that in order for them to consider moving to that property as their permanent location in the future it would present a hardship for them not to have a garage. They are thinking of possibly moving to that property as their permanent residence in the next two years.

Todd Troskey began his testimony by stating that the department stance on the proposal is exactly the same as any other one in which the department would work with the homeowner to come up with an alternate spot that would meet the applicable setback. In this case, the proposal is for an attached garage. The department believes that there would be an opportunity to have a detached garage somewhere else on the property that would meet the applicable setbacks. The department has to follow the ordinance and under Section 9.94 a garage is not an exempt structure that can be located within 75' of the water.

Mr. Ross asked, in terms of their lot, where Mr. Troskey would suggest they might build a detached garage.

Mr. Troskey replied that the lot is fairly narrow, but there is some depth to it. Without knowing what kind of soils are there, because it does look like there had been some filling in the past, the potential would exist somewhere further back on the lot, to the west of the driveway.

Mr. Hansen confirmed that he meant closer to the road.

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Mr. Ross stated that historically the Board worked to try to get anyone who is going to reside here a garage on the property if possible. He asked if this issue came down to whether they need an attached garage. He asked if they can do what they want to do on the property and be legal all the way around without having a variance.

Mr. Troskey stated that this is his first appeal involving an attached garage.

Mr. Albert confirmed that a garage is not included as an exempt structure.

Mr. Troskey replied that is correct.

Discussion was held on averaging.

Mr. Albert asked if it was common to cross a lot line in order to get the measurement to the ordinary high water mark.

Mr. Troskey replied that the department has to measure to the closest point, wherever that is, to the OHWM according to the DNR regulations.

Discussion was held on other locations for the garage.

Vice-Chair Hansen Closed the public hearing.

Motion by Mike Pazdernik, second by Guy Hansen to grant the variance with the conditions that there are gutters placed on the east side of the garage into some type of rain garden, which will be adequate enough to address a 2 year/24 hour rainfall event

**1:45 p.m. Vice-Chair Hansen adjourned the meeting.**

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Guy Hansen, Vice-Chair

Phil Albert, Secretary