

ONEIDA COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING SUMMARY
DECEMBER 1, 2022
3RD FLOOR CONFERENCE ROOM
MINOCQUA CENTER
415 MENOMINEE ST., MINOCQUA WI

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. 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: Todd Troskey, Assistant 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, Tim Melms, Scott Clem and Tom Cornette.

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 10:30 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. All appropriate media outlets were notified and the inspection was conducted between 10:30 a.m. and 10:50 a.m. this morning, at property located at 572 E Chicago Ave., further described as Section 14, T39N, R6E, Hazelhurst Land Co. Addition, Lot 2 Block 1, PIN MI 3426, Town of Minocqua, Oneida County, Wisconsin. Board members were present at the onsite along with Todd Troskey of the Planning and Zoning Department; Scott Clem, Everest Custom Homes. Observations by the Board: The property boundaries were not marked but they were determined by the roadways; the highway right-of-way was not marked; the well and sanitary facilities were not located; the outline of the proposed construction was adequately marked. There is an existing home on the property. The distance to the right-of-way was ten to twelve feet depending on where it was measured. The topography of the land was a basic residential city lot. There was no erosion. The home and foundation will need to be razed and new foundation and home constructed with an attached garage, which causes the problem with the side boundaries.

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.

Tom Cornette, neighbor stated that he is speaking for the neighborhood that they would highly recommend that the owner be able to build a two-stall garage. There is no garage now and everything is stored outside and it is very messy. He said a one car garage is not adequate as everything will still be outside. This is the only place in the neighborhood that has stuff stored outside.

Scott Clem stated that they wanted to get at least a one car garage for the owner's Son for his handicap. He said they'd love a two-stall garage but they did not want to push the limits of trying to get that.

Tim Melms stated that the house is being built for Ms. Fleming's son, who is handicapped. They thought it would be better for him to have a garage space. This is not an Air B&B, it will be for the Son. Ms. Fleming went with a single stall garage for the purpose of getting approval but they would accept a two-stall garage. As far as unnecessary hardship, a garage is a hardship in the winter in this area. The unique physical property limitations is that the size of the lot is tiny. They are trying to build within the existing footprint. With respect to no harm to the public interest he stated that he spoke with Minocqua Town Chair, Mark Hartzheim, and he indicated that adding a garage seemed like a reasonable accommodation and the Town does not have any objection to that structure going into the right-of-way. And, the Board heard from the neighbors that they had no objections. He feels the variance should be granted as it meets the three criteria.

Mr. Albert asked if the person who will be living in the house drives.

Mr. Melms stated that he does not, but he would be getting picked up and dropped off and that person would pull into the garage. The intent is to not store things outside, however.

Mr. Albert asked if it is necessary to have a two-stall garage.

Mr. Melms stated that as long as there is adequate storage a one-stall garage would work.

Discussion was held on the size and location of a garage.

Todd Troskey, Assistant Zoning Director, began his testimony by stating that the house can be replaced in the existing footprint and still not meet the setbacks but with the addition of the garage is where the County would state that the house has been utilized for "X" number of years already and by adding a garage, from the County's perspective, they are not denying reasonable use of the property. Above and beyond that, the garage could probably be smaller than 16' to meet the setback to the side lot line. It would not meet the centerline setback, but it would meet the side line setback.

Mr. Albert asked if there would be a ramp on the structure for handicap access.

Mr. Clem said they were doing a 0 entryway, so basically the garage floor and house floor will be even so no ramp is needed.

More discussion was held on the location of the garage/storage are in the garage. The Board was looking at drawings of the proposed construction.

Mr. Troskey asked the contractor to verify why he needs a 16' wide garage.

Mr. Clem stated that it was for the structural Uniform Dwelling Code.

Chair Lee closed the public hearing at this time.

Motion by Norris Ross, second by Guy Hansen to approve the variance request for the slight intrusion on the road right-of way and the extension of the one car garage to 16'x26' to accommodate storage. With all members voting "aye" on a roll call vote, the motion carried.

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