

**Oneida County Board of Adjustment
Meeting Summary
September 3, 2020 at 9:00 a.m.
Committee Room #2, Second Floor
Oneida County Courthouse, Rhinelander WI 54501**

Chair, Harland Lee, called the meeting to order at 9:00 a.m. in accordance with the Wisconsin Open Meeting Law.

Wisconsin open meeting law statement.

Roll call of Members: Mr. Hansen, "here"; Mr. Ross, "here"; Mr. Pazdernik, "here"; and Mr. Lee, "here".

County Staff members present: Karl Jennrich, Zoning Director and Julie Petraitis, Program Assistant

Guests present: See Sign in sheet

Approve the agenda.

Motion by Guy Hansen, second by Mike Pazdernik to approve the agenda. With all members present voting "aye", the motion carried.

Public comment: **None.**

Approve meeting summary of July 27 and August 3, 2020.

Motion by Guy Hansen, second by Norris Ross to approve the meeting summary of July 27, 2020 and August 3, 2020 as submitted. With all members present voting "aye", the motion carried.

Approve public hearing meeting summary of July 27, and August 3, 2020.

Motion by, second by to approve the public hearing meeting summary of July 27 and August 3, 2020 as submitted. With all members present voting "aye", the motion carried.

Discuss/decide:

- a. Extend the 30-day appeal limit on Appeal #20-002, Peterchak/Picerne, to accommodate appellant working with Planning and Zoning Director to resolve enforcement concerns.
- b. Re-opening, rehearing, or reversal of Decision on Appeal #20-002, Peterchak/Picerne.

Attorney Wiesneske requested a 30-day extension for his clients, Appeal #20-002, Peterchak/Picerne, before he files a petition with the Circuit Court or resolves the issues. Corporation Counsel, Brian Desmond, stated he has been discussing this matter with Attorney Melms and Attorney Wiesneske. No resolution was reached. Attorney Melms is unable to attend the meeting today, but has indicated that he agrees with Mr. Desmond.

Attorney Wiesneske stated that item 8a is contingent upon item 8b. He did research on the authority of the Board of Adjustment to grant an extension. He doesn't feel they have that authority.

Chair Lee stated that the request for the extension is for Attorney Wiesneske and his clients to work with the County to resolve whatever issues they have with Attorney Melms' client.

Mr. Desmond stated that he somewhat agrees with Attorney Wiesneske's position regarding that the Board does not have the authority to grant an extension. He stated that the Board needs to look at item 8b on the agenda. Mr. Desmond stated that the Board can only re-hear or re-open for public necessity or other good cause, such as a significant procedural error.

Chair Lee asked where it states that the Board does not have authority to grant an extension. Mr. Desmond quoted State Statute 59.69 4 (10):

A person aggrieved by a decision of the Board of Adjustment, or taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the board, commence an action seeking the remedy available by certiorari.

Mr. Desmond said if the Board does not re-open or rehear the matter Attorney Wiesneske's only recourse is to file a Certiorari.

The Board discussed the option of granting an extension of 30-days. Since they do not have the authority to grant an extension, Attorney Wiesneske withdrew his request.

Item b. Discussion was held on whether the Board feels they violated any procedural rules in dismissing Appeal 20-002.

Attorney Wiesneske stated that under Section 9.83 B (1) of the Oneida County Zoning and Shoreland Protection Ordinance, the Board of Adjustment has the authority "to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by any administrative official in the enforcement or administration of this ordinance."

Chair Lee stated that if the Board determined that there was no error, then that is the basis for their decision.

Motion by Norris Ross, second by Mike Pazdernik to not consider re-opening/re-hearing Appeal #20-002, based on the fact that no procedural errors were made and the issue is an enforcement issue which should be dealt with by the Planning and Zoning Department and Planning and Development Committee and that there is no basis on which to re-open/re-hear the Appeal. With all members voting "aye" on roll call vote. The motion carried.