

MINUTES
TUESDAY AUGUST 26TH, 2025 AT 2:30 PM
BOARD OF ADJUSTMENTS
Draft minutes until Committee approved

Meeting called to order at 2:50 PM by Al Sleeter, Chair.

BOARD MEMBERS PRESENT: Al Sleeter, Carol Heise, Elmer Ragen, Dave Behrend and Dave Christianson

1. Approval of Agenda
 - a. Change of Sequence
 - b. Removal of Items

Moved by Christianson, seconded by Ragen, to approve the agenda of the business meeting. Motion voted on and carried.
2. Approval of Minutes
 - a. Business Meeting of July 29 2025
Moved by Behrend, seconded by Heise to approve the minutes of the business meeting of July 29, 2025. Motion voted and carried.
 - b. Public Hearings of August 26, 2025
 - 1) Brian Schmiling
 - 2) Matthew & Debra Campbell
 - 3) Vintage Works LLC
 - 4) CVW Properties LLC
 - 5) Marlene Heise Trust
 - c. Moved by Heise, seconded by Behrend to approve the minutes of the public hearing of August 26, 2025. Motion voted on and carried.
3. Public Comments- none
4. Hearing Dates
 - a. Public Hearings- September 24, 2025
 - b. Business Meeting Date- September 24, 2025
5. Adjournment

Chair Sleeter adjourned meeting at 3:05 PM

Secretary

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
August 26, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 8-27-25 BY KR

1. Hearing called to order at 9:46 AM

2. Roll Call: Present: Alan Sleeter, Chair
Carol Heise, Vice-Chair & Secretary
Elmer Ragen
Dave Christianson
Dave Behrend

Others Present: William Lester, Assistant Zoning Administrator
Brian Schmiling
David Szepanski

3. William Lester read the Notice of Public Hearing pertaining to Brian Schmiling's application for Variance from the centerline of the road and vision clearance triangle to build a detached garage. Location of the property is in Section 23, T32N, R17E, Town of Riverview.
4. William Lester stated that the notice was mailed to the petitioner, DZA for posting, 23 adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. William Lester stated that the petition was filed on July 24, 2025. He provided the required notices, application, plot plan, maps and staff report.
6. Appearances:

A. Brian Schmiling appeared and was sworn in. He stated he is requesting a variance from the centerline of the road and the vision clearance triangle. He would like to build a 24'X33' with 8' side walls garage 49 feet from the center of Gilkey Road and 10 feet into the vision clearance triangle. There would be room for parking and snow removal. It's a low traffic area so there should be no impact on the vision clearance triangle. The septic is located in the southwest corner.

B. William Lester appeared and was sworn in. He read the Staff Report.

7. Correspondence

A. Staff Report

8. Testimony closed at 9:59 AM
9. Deliberation/Discussion: Board discussed Findings of Fact -centerline
 - A. Unique physical limitation- lot shape and layout
 - B. Harm to public interest- no impact, low traffic area
 - C. Unnecessary hardship- outdoor storage is needed
10. Decision: Moved by Christianson, seconded by Heise, to grant a 14 foot variance from the required 63 foot setback to build 49 feet from the centerline of Gilkey Lake Rd.

Brian Schmiling Public Hearing
Page Two
August 26, 2025

Roll Call Vote: Behrend, Christianson, Heise, Ragen, and Sleeter all voting aye, no nays, motion carried.

11. Deliberation/Discussion: Board discussed Findings of Fact -vct

- A. Unique physical limitation- lot shape and layout
- B. Harm to public interest- no impact, low traffic area
- C. Unnecessary hardship- outdoor storage is needed

12. Decision: Moved by Heise, seconded by Behrend, to grant a 10 foot variance from the required 150 foot setback to build 140 feet from the vision clearance triangle of Gilkey Lake Rd.

Roll Call Vote: Behrend, Christianson, Heise, Ragen, and Sleeter all voting aye, no nays, motion carried.

13. Hearing adjourned at 10:03 AM



Carol Heise
Secretary



Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

FINDINGS OF FACT: Having heard all the testimony and considered the entire record herein, the Committee finds the following facts:

1. The petitioner is Brian Schmiling, 1811 Eliason Rd., Crivitz, WI 54114
2. The petitioner is the owner of record of parcel number 036-59232052040 located in Section 23, T32N, R17E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on July 24, 2025, noticed, as provided for by law, on August 6, 2025 and August 13, 2025, and a public hearing was held by the Oconto County Board of Adjustment on August 26, 2025.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a variance under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a variance from the vision clearance triangle for a detached garage.

CONCLUSIONS OF LAW: Based upon the above Findings of Fact, the Board concludes that:

The Board has jurisdiction on this matter under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance

Variance- The variance does meet all three of the following tests:

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of the lot shape and layout.
2. The variance will not harm the public interest because there is no impact and it's a low traffic area.
3. Unnecessary Hardship is present because they are in need of outdoor storage.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests. This standard reflects the new Ziervogel and Waushara County decisions.

DETERMINATION & ORDER: On the basis of the above Findings of Fact, Conclusions of Law and the record herein, the Board determines & orders as follows:

The requested variance consisting of a 10 foot variance from the required 150 foot setback to build 140 feet from the vision clearance triangle on Gilkey Lake Rd. is hereby granted.

GENERAL CONDITIONS

The granting of this variance does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands and accepts the conditions.

Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

Revocation. This order may be revoked by the Committee, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action of certiorari with the Circuit Court for Oconto County within 30 days after the filing of this decision. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. When a floodplain variance is granted the applicant is made aware that the variance may increase risks to life, property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage.

Carol M. Heise
Carol Heise, Secretary
Oconto County Board of Adjustment

8-26-2025
Date

FINDINGS OF FACT: Having heard all the testimony and considered the entire record herein, the Committee finds the following facts:

1. The petitioner is Brian Schmiling, 1811 Eliason Rd., Crivitz, WI 54114
2. The petitioner is the owner of record of parcel number 036-59232052040 located in Section 23, T32N, R17E, Town of Riverview.
3. The petition for variance was filed with the Board Secretary on July 24, 2025, noticed, as provided for by law, on August 6, 2025 and August 13, 2025, and a public hearing was held by the Oconto County Board of Adjustment on August 26, 2025.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a variance under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a variance from the centerline of the road for a detached garage.

CONCLUSIONS OF LAW: Based upon the above Findings of Fact, the Board concludes that:

The Board has jurisdiction on this matter under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance

Variance- The variance does meet all three of the following tests:

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of the lot shape and layout.
2. The variance will not harm the public interest because there is no impact and it's a low traffic area.
3. Unnecessary Hardship is present because they are in need of outdoor storage.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests. This standard reflects the new Ziervogel and Waushara County decisions.

DETERMINATION & ORDER: On the basis of the above Findings of Fact, Conclusions of Law and the record herein, the Board determines & orders as follows:

The requested variance consisting of a 14 foot variance from the required 63 foot setback to build 49 feet from the centerline of Gilkey Lake Rd. is hereby granted.

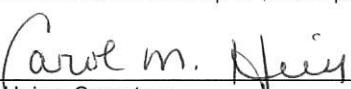
GENERAL CONDITIONS

The granting of this variance does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands and accepts the conditions.

Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

Revocation. This order may be revoked by the Committee, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action of certiorari with the Circuit Court for Oconto County within 30 days after the filing of this decision. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. When a floodplain variance is granted the applicant is made aware that the variance may increase risks to life, property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage.



Carol Heise, Secretary
Oconto County Board of Adjustment



Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
August 26, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 8/27/25 BY KJ

1. Hearing called to order at 11:45 AM

2. Roll Call: Present: Alan Sleeter, Chair
Carol Heise, Vice Chair & Secretary
Elmer Ragen
Dave Christianson
Dave Behrend

Others Present: Gabe Moody, Assistant Zoning Administrator
Paul Nelson

3. Gabe Moody read the Notice of Public Hearing pertaining to Vintage Works LLC's application for Conditional use permit to establish a bakery & confectionary business. Location of the property is in Section 23, T26N, R20E, Town of Little Suamico.
4. Gabe Moody stated that the notice was mailed to the petitioner, DZA for posting, 10 adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Gabe Moody stated that the petition was filed on June 19, 2025. He provided the required notices, application, plot plan and maps.
6. Appearances:

A. Paul Nelson appeared and was sworn in. He stated he is the owner of Vintage Works and he is requesting a conditional use permit for a bakery, ice cream, chocolate and coffee shop. There will be no formal seating area, there will just be a few tables. He has state approved plans. There will be employees, and they will handle about 75 people at a time. He will obtain all permits needed, hook up to the sewer district, have parking per architect and have hours of operation 7 days per week, 6 AM – 10 PM.

B. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence

A. Staff Report
B. Town Recommendation- Approved

8. Testimony closed at 11:55 AM

9. Deliberation/Discussion: Discussed conditions.

10. Decision: Moved by Christianson, seconded by Behrend, to grant a conditional use permit to establish a bakery and confectionary business with the following conditions:

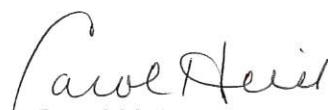
1. Follow site plan and vegetation plan

Vintage Works LLC Public Hearing
Page Two
August 26, 2025

2. Connect to the Sanitary District
3. Follow lighting plan and egress location
4. Hours of operation- 7 days per week, 6 AM- 10 PM
5. Adequate parking
6. Obtain State, Federal and Local permits, approvals and licenses prior to operation.

Roll Call Vote: Behrend, Christianson, Heise, Ragen, and Sleeter all voting aye, no nays, motion carried.

11. Hearing adjourned at 11:58 AM



Carol Heise
Secretary



Alan Sleeter
Chair

Gabe Moody
Assistant Zoning Administrator

DATE 8-27-25 BY KH

FINDINGS OF FACT: Having heard all the testimony and considered the entire record herein, the Committee finds the following facts:

1. The petitioner is Vintage Works LLC, 5680 Executive Circle, Little Suamico, WI 54141
2. The petitioner is the owner of record of parcel number 024-172301422A12 located in the NW 1/4, NW 1/4, Section 23, T26N, R20E, Town of Little Suamico.
3. The petition for conditional use permit was filed with the Board Secretary on June 19, 2025, noticed, as provided for by law, on August 6, 2025 and August 13, 2025, and a public hearing was held by the Oconto County Board of Adjustment on August 26, 2025.
4. The property is zoned General Commercial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a conditional use permit to establish a bakery and confectionary business.

CONCLUSIONS OF LAW: Based upon the above Findings of Fact, the Board concludes that:

The Board has jurisdiction on this matter under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance

Conditional Use-The application for a conditional use permit does qualify under the criteria of Section 14.1803 (d) of the ordinance.

DETERMINATION & ORDER: On the basis of the above Findings of Fact, Conclusions of Law and the record herein, the Board determines & orders as follows:

The requested conditional use consisting of establishing a bakery and confectionary business is hereby granted

1. Follow site plan and vegetation plan
2. Connect to the Sanitary District
3. Follow lighting plan and egress location
4. Hours of operation- 7 days per week, 6 AM- 10 PM
5. Adequate parking
6. Obtain State, Federal and Local permits, approvals and licenses prior to operation.

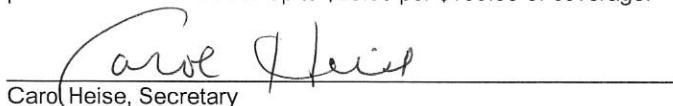
GENERAL CONDITIONS

The granting of this conditional use permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands and accepts the conditions.

Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of a court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

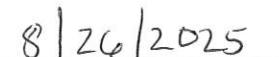
Revocation. This order may be revoked by the Committee, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action of certiorari with the Circuit Court for Oconto County within 30 days after the filing of this decision. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. When a floodplain variance is granted the applicant is made aware that the variance may increase risks to life, property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage.



Carol Heise, Secretary
Oconto County Board of Adjustment

Date



8/26/2025

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
August 26, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 8-27-25 BY KH

1. Hearing called to order at 1:00 PM

2. Roll Call: Present: Alan Sleeter, Chair
Carol Heise, Vice Chair & Secretary
Elmer Ragen
Dave Christianson
Dave Behrend

Others Present: Gabe Moody, Assistant Zoning Administrator
Robert Franks
Chris VanKilsdonk

3. Gabe Moody read the Notice of Public Hearing pertaining to CVW Properties LLC's application for Conditional use permit for a used car dealership. Location of the property is in Section 25, T28N, R21E, Town of Oconto.
4. Gabe Moody stated that the notice was mailed to the petitioner, DZA for posting, 7 adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.
5. Gabe Moody stated that the petition was filed on July 24, 2025. He provided the required notices, application, plot plan and maps.
6. Appearances:

A. Chris VanKilsdonk appeared and was sworn in. He wants a Conditional Use Permit for a used car dealership. Initially 10-15 cars with a max of 25 cars. No showroom. There is a service shop that will be used for car inspections and oil changes/light service. No outside storage of parts, junk or tires. Has adequate lighting. Hours will be 4 days a week, Tuesday through Friday, 9am – 6pm. BOA requested hours be listed as 7am to 9 pm, 365 days a year. Proper disposal of wastes – all stored in adjacent garage.

B. Robert Franks appeared and was sworn in. He has concerns about lighting and watershed. All water drains to his property and feels there was a low area (wetlands). Gene pitched water to the ditch and had lighting that was shielded. He does not want additional light poles. He feels lighting is not correct right now and the shields are not on the lights.

C. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence

A. Staff Report

8. Testimony closed at 1:18 PM

9. Deliberation/Discussion: Discussed conditions.

CVW Properties LLC Public Hearing
August 26, 2025
Page Two

10. Decision: Moved by Christianson, seconded by Ragen, to grant a conditional use permit for a used car dealership with the following conditions:

1. Hours of operation 7AM-9PM, 365 days a year
2. Adequate parking
3. Proper disposal of waste oil and other waste
4. No outside storage of junk, parts, tires, etc.
5. Lighting – shielded fixtures directing light downward only on owners property, to prevent light scatter, skyglow and light trespass.
6. Maximum of 25 vehicles onsite
7. Any Federal, State or local permits and licenses

Roll Call Vote: Behrend, Christianson, Heise, Ragen, and Sleeter all voting aye, no nays, motion carried.

11. Hearing adjourned at 1:20 PM



Carol Heise
Secretary



Alan Sleeter
Chair

Gabe Moody
Assistant Zoning Administrator

FINDINGS OF FACT: Having heard all the testimony and considered the entire record herein, the Committee finds the following facts:

1. The petitioner is CVW Properties LLC, 3069 Harbor Winds Dr., Suamico, WI 54173
2. The petitioner is the owner of record of parcel number 030-232500411D located in Section 25, T28N, R21E, Town of Oconto.
3. The petition for conditional use permit was filed with the Board Secretary on July 24, 2025, noticed, as provided for by law, on August 6, 2025 and August 13, 2025, and a public hearing was held by the Oconto County Board of Adjustment on August 26, 2025.
4. The property is zoned General Commercial District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a conditional use under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a conditional use permit for a used car dealership.

CONCLUSIONS OF LAW: Based upon the above Findings of Fact, the Board concludes that:

The Board has jurisdiction on this matter under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance

Conditional Use-The application for a conditional use permit does qualify under the criteria of Section 14.1803(e) of the ordinance.

DETERMINATION & ORDER: On the basis of the above Findings of Fact, Conclusions of Law and the record herein, the Board determines & orders as follows:

The requested conditional use consisting of a used car dealership is hereby granted subject to the following conditions/mitigation:

1. Hours of operation 7AM-9PM, 365 days a year
2. Adequate parking
3. Proper disposal of waste oil and other waste
4. No outside storage of junk, parts, tires, etc.
5. Lighting – shielded fixtures directing light downward only on owners property, to prevent light scatter, skylight and light trespass.
6. Maximum of 25 vehicles onsite
7. Any Federal, State or local permits and licenses

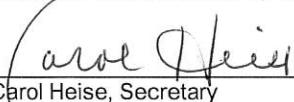
GENERAL CONDITIONS

The granting of this conditional use permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands and accepts the conditions.

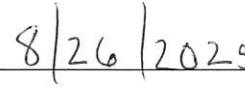
Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

Revocation. This order may be revoked by the Committee, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action of certiorari with the Circuit Court for Oconto County within 30 days after the filing of this decision. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. When a floodplain variance is granted the applicant is made aware that the variance may increase risks to life, property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage.



Carol Heise, Secretary
Oconto County Board of Adjustment



Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
August 26, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 8-27-25 BY KL

1. Hearing called to order at 1:24 PM

2. Roll Call: Present: Alan Sleeter, Chair
Carol Heise, Vice Chair & Secretary
Elmer Ragen
Dave Christianson
Dave Behrend

Others Present: Gabe Moody, Assistant Zoning Administrator
Marlene Heise

3. Gabe Moody read the Notice of Public Hearing pertaining to Marlene Heise Trust's application for Floodplain variance to reduce the 15 foot floodplain fill requirement for a new dwelling. Location of the property is in Section 33, T29N, R22E, Town of Little River.

4. Gabe Moody stated that the notice was mailed to the petitioner, DZA for posting, 6 adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.

5. Gabe Moody stated that the petition was filed on July 7, 2025. He provided the required notices, application, plot plan and maps.

6. Appearances:

- A. Marlene Heise appeared and was sworn in. She is requesting a variance to the 15 foot fill requirement to build a home so she can retire there. Bought the land 7 years ago.
- B. Gabe Moody appeared and was sworn in. He read the staff report.

7. Correspondence

- A. Staff Report – In favor
- B. Letter from Dale & Karen Hanson – In favor

8. Testimony closed at 1:33 PM

9. Deliberation/Discussion: Board discussed Findings of Fact – fill requirement

- A. Unique physical limitation- floodplain & wetlands
- B. Harm to public interest- no impact
- C. Unnecessary hardship- older home, garage very close

10. Decision: Moved by Behrend, seconded by Christianson, to grant a variance to reduce the fill requirement to accommodate an existing garage area approximately 8' x 15' due to the restricted area of the shoreland standards.

Roll Call Vote: Behrend, Christianson, Heise, Ragen, and Sleeter all voting aye, no nays, motion carried.

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 8/27/25 BY KL

Marlene Heise Trust Public Hearing
August 26, 2025
Page Two

11. Hearing adjourned at 1:37 PM



Carol Heise
Secretary



Alan Sleeter
Chair

Gabe Moody
Assistant Zoning Administrator

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES

DATE 8-27-25 BY KH

NOTICE OF DECISION AND ORDER
OCONTO COUNTY BOARD OF ADJUSTMENT (Chapter 21)

CASE NO: VA-20250015

FINDINGS OF FACT: Having heard the testimony and considered the evidence presented, the Board determines the facts of this case to be:

1. The petitioner is Marlene Heise Trust, 11528 Indian Hawthrone, Bakersfield, CA 93311
2. The petitioner is the owner of record of parcel number 022-54330073B located in Section 33, T29N, R22E, Town of Little River.
3. The petition for variance was filed with the Board Secretary on July 7, 2025, noticed, as provided for by law, on August 6, 2025 and August 13, 2025, and a public hearing was held by the Oconto County Board of Adjustment on August 26, 2025.
4. The property is zoned Rural Residential District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a variance under the provisions of Section 21.703 of the Oconto County Floodplain Ordinance.
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a variance to reduce the floodplain fill requirement.

CONCLUSIONS OF LAW: Based upon the above Findings of Fact, the Board concludes that:

The Board has jurisdiction on this matter under the provisions of Section 21.703 of the Oconto County Shoreland Protection Ordinance.

Variance- The variance does meet all three of the following tests:

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because of floodplain and wetlands on the lot.
2. The variance will not harm the public interest because there is no impact.
3. Unnecessary Hardship is present because it is an older home that will be replaced and the garage is so close.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests. This standard reflects the new Ziervogel and Waushara County decisions.

DETERMINATION & ORDER: On the basis of the above Findings of Fact, Conclusions of Law and the record herein, the Board determines & orders as follows:

The requested variance consisting of a 1 foot variance to reduce the fill requirement from 15 feet to 14 feet, in an 8 x 15 area by the garage only is hereby granted.

GENERAL CONDITIONS

The granting of this variance does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands and accepts the conditions.

Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

Revocation. This order may be revoked by the Committee, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action of certiorari with the Circuit Court for Oconto County within 30 days after the filing of this decision. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. When a floodplain variance is granted the applicant is made aware that the variance may increase risks to life, property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage.

Carol Heise
Carol Heise, Secretary
Oconto County Board of Adjustment

8-26-2025
Date

MINUTES OF HEARING
OCONTO COUNTY BOARD OF ADJUSTMENT
August 26, 2025

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 8/27/25 BY KR

1. Hearing called to order at 10:06 AM

2. Roll Call: Present: Alan Sleeter, Chair
 Carol Heise, Vice-Chair & Secretary
 Elmer Ragen
 Dave Christianson
 Dave Behrend

Others Present: William Lester, Assistant Zoning Administrator
 Matt Campbell

3. William Lester read the Notice of Public Hearing pertaining to Matthew & Debra Campbell's application for Variance from the centerline of the road and the ordinary high watermark for a detached garage. Location of the property is in Section 02, T32N, R15E, Town of Townsend.
4. William Lester stated that the notice was mailed to the petitioner, DZA for posting, 11 adjacent landowners within approximately 300 feet of the affected parcel, and others on the distribution list. He also made a statement in regard to the Open Meeting Law.

5. William Lester stated that the petition was filed on July 23, 2025. He provided the required notices, application, plot plan, maps and staff report.

6. Appearances:

A. Matt Campbell appeared and was sworn in. He is requesting road and water variances for a pre-fab 14 x 20 shed. The board asked why the west side of the property would not work and he stated the setbacks from the side lot would then cause encroachment into 10 foot home setback. No other outside storage is present, minus a small 8 x 8 shed. Requesting a 38 foot variance from the required 63 foot, to build at 25 feet from the centerline. He chose this size shed to best fit the area. He has no plans for a garage in the future.

B. William Lester appeared and was sworn in. He read the Staff Report.

7. Correspondence

A. Staff Report
B. DNR Letter

8. Testimony closed at 10:18 AM

9. Deliberation/Discussion: Board discussed Findings of Fact -centerline
A. Unique physical limitation- lot size, no storage present
B. Harm to public interest- ample room for snow removal, no impact to vision
C. Unnecessary hardship- need for storage

Matthew & Debra Campbell
Page Two
August 26, 2025

10. Decision: Moved by Behrend, seconded by Ragen, to grant a 38 foot variance from the required 63 foot setback to build 25 feet from the centerline of the road to build a detached shed.

Roll Call Vote: Behrend, Christianson, Heise, Ragen, and Sleeter all voting aye, no nays, motion carried.

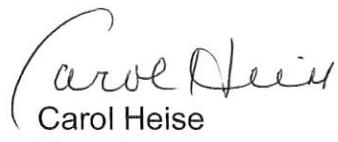
11. Deliberation/Discussion: Board discussed Findings of Fact -OHWM

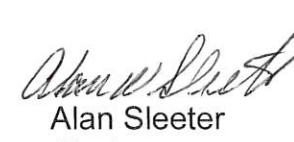
- A. Unique physical limitation- lot size limits buildable area
- B. Harm to public interest- no impact
- C. Unnecessary hardship- no outside storage

12. Decision: Moved by Behrend, seconded by Christianson, to grant a 28 foot variance from the required 75 foot setback to build 47 feet from the ordinary high water mark to build a detached shed.

Roll Call Vote: Behrend, Christianson, Heise, Ragen, and Sleeter all voting aye, no nays, motion carried.

13. Hearing adjourned at 10:27 AM


Carol Heise
Secretary


Alan Sleeter
Chair

William Lester
Assistant Zoning Administrator

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES
DATE 8-27-25 BY KJ

NOTICE OF DECISION AND ORDER
OCONTO COUNTY BOARD OF ADJUSTMENT (Chapter 26)

OHWM
CASE NO: VA-20250016

FINDINGS OF FACT: Having heard the testimony and considered the evidence presented, the Board determines the facts of this case to be:

1. The petitioner is Matthew & Debra Campbell, 1261 Canterbury Rd., Green Bay, WI 54304
2. The petitioner is the owner of record of parcel number 042-3802050 located in Section 02, T32N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on July 23, 2025, noticed, as provided for by law, on August 6, 2025 and August 13, 2025, and a public hearing was held by the Oconto County Board of Adjustment on August 26, 2025.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a variance under the provisions of Section 26.601 of the Oconto County Shoreland Protection Ordinance.
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a variance from the ordinary high water mark.

CONCLUSIONS OF LAW: Based upon the above Findings of Fact, the Board concludes that:

The Board has jurisdiction on this matter under the provisions of Section 26.1405 of the Oconto County Shoreland Protection Ordinance.

Variance- The variance does meet all three of the following tests:

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because the lot size limits buildable area.
2. The variance will not harm the public interest because there is no impact.
3. Unnecessary Hardship is present because there is no other outside storage.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests. This standard reflects the new Zier vogel and Waushara County decisions.

DETERMINATION & ORDER: On the basis of the above Findings of Fact, Conclusions of Law and the record herein, the Board determines & orders as follows:

The requested variance consisting of 28 foot variance from the required 75 foot setback to build 47 feet from the ordinary high water mark is hereby granted.

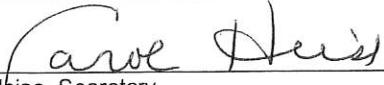
GENERAL CONDITIONS

The granting of this variance permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands and accepts the conditions.

Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

Revocation. This order may be revoked by the Committee, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action of certiorari with the Circuit Court for Oconto County within 30 days after the filing of this decision. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. When a floodplain variance is granted the applicant is made aware that the variance may increase risks to life, property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage.


Carol Heise, Secretary
Oconto County Board of Adjustment


Date

OCONTO COUNTY, WISCONSIN
FILING DATE FOR SECTION
59.694(10) STATUTORY PURPOSES

DATE 8-27-25 BY KJ

NOTICE OF DECISION AND ORDER
OCONTO COUNTY BOARD OF ADJUSTMENT (Chapter 14)

CENTERLINE
CASE NO: VA-20250016

FINDINGS OF FACT: Having heard all the testimony and considered the entire record herein, the Committee finds the following facts:

1. The petitioner is Matthew & Debra Campbell, 1261 Canterbury Rd., Green Bay, WI 54304
2. The petitioner is the owner of record of parcel number 042-3802050 located in Section 02, T32N, R15E, Town of Townsend.
3. The petition for variance was filed with the Board Secretary on July 23, 2025, noticed, as provided for by law, on August 6, 2025 and August 13, 2025, and a public hearing was held by the Oconto County Board of Adjustment on August 26, 2025.
4. The property is zoned Residential Single Family District under the Oconto County Zoning Ordinance which was enacted November 9, 1989.
5. The applicant is requesting a variance under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance
6. The features of the proposed construction and property that relate to the grant or denial of the application are applicant is requesting a variance from the centerline of the road.

CONCLUSIONS OF LAW: Based upon the above Findings of Fact, the Board concludes that:

The Board has jurisdiction on this matter under the provisions of Section 14.3100 of the Oconto County Zoning Ordinance

Variance- The variance does meet all three of the following tests:

1. The variance is required due to physical limitations of the property rather than the circumstances of the appellant because there is no storage present. Lot size/layout and limited buildable area.
2. The variance will not harm the public interest because there is ample room for snow removal, no impact to vision.
3. Unnecessary Hardship is present because there is no other outside storage.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests. This standard reflects the new Zier vogel and Waushara County decisions.

DETERMINATION & ORDER: On the basis of the above Findings of Fact, Conclusions of Law and the record herein, the Board determines & orders as follows:

The requested variance consisting of 38 foot variance from the required 63 foot setback to build 25 feet from the centerline of the road is hereby granted.

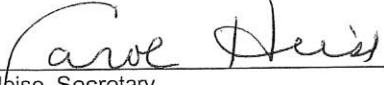
GENERAL CONDITIONS

The granting of this variance permit does not relieve the applicant of the obligation to obtain sanitary and zoning permits. The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicants signature that he/she understands and accepts the conditions.

Any privileges granted by this decision and order are subject to the conditions herein stated. Any period of time during which this decision and order is stayed by order of and court or operation of law shall not be counted in determining the time for exercise of the privileges granted.

Revocation. This order may be revoked by the Committee, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action of certiorari with the Circuit Court for Oconto County within 30 days after the filing of this decision. The County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period. When a floodplain variance is granted the applicant is made aware that the variance may increase risks to life, property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage.



Carol Heise, Secretary
Oconto County Board of Adjustment

Date

