

Oneida County Board of Adjustment
July 9, 2013
8:00 am – Committee Room 2, Second Floor
Oneida County Courthouse, Rhinelander WI 54501

Chairman Harland Lee called the meeting to order at 8:00 a.m. in accordance with the Wisconsin Open Meeting Law.

Roll call of Members

Alternate Jack Young “here”, Alternate Norris Ross “here,” John Bloom “here”, Guy Hansen “here”, Harland Lee “here”, Bob Rossi “here” and Phil Albert “here”.

County Zoning Staff members present: Peter S Wegner, Assistant Zoning Director; and Julie Petraitis, Secretary II

Guests present: Jim Majewski, Lisa Majewski, Rose Toussaint, Al Toussaint, Ruth Barchfeld, Justin Barchfeld, John Schiek and Jonathon Anderson.

Approve agenda.

Motion by Guy Hansen, second by Phil Albert, to approve the agenda as posted. With all members voting “aye”, the motion carried.

Approve minutes of June 11, 2013.

Chairman Lee stated that minutes should reflect that the meeting was at 8:30 a.m. not 9:00 a.m. as stated. **Motion by Phil Albert, second by Guy Hansen to approve the meeting minutes of June 11, 2013 with the change reflected. With all members voting “aye”, the motion carried.**

Old Business:

- a. Consider status of previous cases.

Norris Ross asked about what the status of a boathouse the Board approved in Nokomis would have if the new Boathouse language goes into effect.

Mr. Wegner stated it would have to be discussed when/if the language changes.

- b. Update on zoning statutes and ordinance amendments.

Mr. Wegner informed the Board that there was a Public Hearing the previous evening on three proposed Ordinance Amendments. The first one being changes to the Pier language under Section 9.98. The Planning and Development Committee is going to keep regulating piers with similar language to the Department of Natural Resources (DNR) language with the exception of lighting and marinas. That language would stay as is unless it is similar to the DNR language.

The second proposed change involved the expansion of an existing open deck or patio located between 40’ and 75’ to the Ordinary High Water Mark.

The third proposed change was regarding boathouses. Option A was to eliminate boathouses entirely in Oneida County. Option B was to allow boathouses and allow them to have flat roofs. The Committee chose Option B.

Current Business:

a. Annual election of officers. Chair, Vice-Chair and Secretary need to be voted on. Bob Rossi nominated Harland Lee for the Chairman position, second by John Bloom. With all members present voting "aye" the nomination carried. John Bloom nominated Bob Rossi for the Vice-Chair position, second by Guy Hansen. With all members present voting "aye" the nomination carried. Guy Hansen nominated Phil Albert for the Secretary position, second by Norris Ross. With all members present voting "aye" the motion carried.

b. Approve any available bills. None

c. Review/revise meeting/hearing calendar.

Pete Wegner stated that the Gregory appeal has been scheduled for July 30, 2013 at 8:30 a.m. There are appeals from McCall, Sippel and Howard Young Medical Center to be scheduled. The Board scheduled Sippel for the 13th of August at 8:00 a.m.; McCall is scheduled for August 20, 2013 at 8:30 a.m. and Howard Young Medical Center is scheduled for September 10, 2013 at 8:30 a.m.

Motion by Lee, second by Rossi to request legal counsel to represent the Board of Adjustment for the Howard Young Medical Center appeal. With all members present voting "aye" the motion carried.

Lee stated a letter will need to be sent to the County Board for this request.

Continuation of Appeal No. 13-004 of James Majewski, W7631 Koshkonong Lake Rd, Fort Atkinson, WI 53538, requesting relief from a discretionary enforcement letter dated April 26, 2013 from Peter Wegner, Assistant Zoning Director, regarding steps to be taken to comply with Section 9.70 A (1) and Section 9.94 A (1), Chapter 9, Oneida County Code of Ordinances. The property is located at 7865 Alva Lake Road, being part of Government Lot 2, Section 11, T37N, R7E, PIN LT 533-6, Town of Lake Tomahawk, Oneida County, Wisconsin.

Mr. Majewski was present and informed the Board that he had a special meeting with the Lake Tomahawk Town Board to consider looking at an easement for the back-up they've been using. The Town decided they do not need the easement.

Mr. Wegner stated that there is a large portion of concrete that was placed within 75' of the OHWM and within 20' of the right-of-way. As an enforcement decision the County was asking that the concrete be removed. In addition, since they are adding on to a home less than 40' to the OHWM they are required to mitigate. A mitigation requirement is that they vegetate the 35' buffer and the 10' side lot buffers, which would also require the removal of

the concrete and vegetating that area. There is a section of concrete behind the boathouse leading to the front door that has been there longer than 10 years and can remain.

Chairman Lee asked if Mr. Wegner has had any discussion with Mr. Majewski since the meeting regarding the situation. Mr. Wegner stated he had. Mr. Wegner did not attend the Town meeting. The only other conversation they've had is upon removal of the concrete and if there is a way to gain access from the front door back to the service door to the garage. There were no other conversations.

Chairman Lee asked Mr. Majewski if he had any other comments.

Mr. Majewski stated that he felt the Town letter stated everything. Mr. Majewski stated that he felt there may have been a misconception that they were trying to get the building permit and not follow through on the mitigation. He stated that was not the case. They have every intention of doing what the County says they have to but they did have the right to appeal. They do want to be able to put a concrete pad where the service door is. As far as tearing up the other concrete, it is a hardship because it will cost money and they had it poured fairly thick for what they were using it for.

8:40 a.m. Chairman Lee closed the public portion of the

Motion by Hansen, second by Rossi to allow the Majewski's to retain a 6' swath of concrete from the base of the garage with a 4' walkway to meet the concrete at the boathouse, removing the rest of the concrete with mitigation to be completed and maintained. On roll call vote: John Bloom "nay"; Guy Hansen "aye"; Harland Lee "aye"; Bob Rossi "aye"; Phil Albert "aye". Motion carried.

The hearing on 13-004 is concluded.

8:45 a.m. – The Board recessed for the onsite inspection.