

Oneida County Board of Adjustment
Tuesday, August 9, 2011
9:00 am – Committee Room 1, Second Floor
Oneida County Courthouse, Rhinelander WI 54501

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

Roll call of Members

Robert Rossi “here”, Elmer Goetsch, “here”, Robert Fries, “here”, Harland Lee “here”, John Bloom “here”, Alternate Guy Hansen “here”, Alternate Phil Albert: “here.”

County Zoning Staff members present: Karl Jennrich, Zoning Director; Lila Dumar, Secretary.

Other County Staff present: None

Approve the agenda

Motion by Elmer Goetsch, second by Robert Rossi to approve the amended agenda. With all members voting “aye”, the motion carried.

Approve minutes of previous meetings and hearings as available.

Motion by Robert Fries, second by Elmer Goetsch, to approve the 8:30 a.m. meeting minutes of May 24, 2011; and the 1:00 pm public hearing minutes of May 24, 2011 as presented. With all members voting “aye” the motion carried.

Old Business:

a. Consider status of previous cases.

Scott’s Northwoods Diesel - Appeal # 10-005. A public hearing was held by the Planning and Zoning Committee pursuant to Section 9.82 D Revocation of Permits. There were numerous complaints filed with the Department against the Negri’s by neighboring property owners. The Department had difficulty in enforcement of some of the conditions that had been imposed by the Board of Adjustment. Those conditions were modified at the public hearing. Chairman Harland Lee asked what authority the Planning and Zoning Committee had to do this. Karl Jennrich, Zoning Director, referred to Section 9.82 Enforcement & Penalties--Revocation of Permits. Mr. Jennrich reviewed the amended conditions of approval with the Board.

There was discussion on Condition #13 imposed by the Board of Adjustment, which is contrary to the zoning ordinance. The Zoning Director does not have the authority to automatically revoke a permit.

Karl Jennrich, Zoning Director, discussed the possibility of Chairman Harland Lee and Secretary Elmer Goetsch meeting with the Planning and Zoning Committee or with individual member(s) of the zoning committee.

Motion by Robert Rossi, second by Robert Fries for the Chairman and the Secretary to meet with the Planning and Zoning Committee on September 7, 2011 or on an alternate date. With all members voting "aye" the motion carried.

Eagle Cove Camp and Conference Center. Elmer Goetsch noted that a jury trial is scheduled for September 12-23, 2011.

Current Business:

a. Approve any available bills.

There were no bills.

b. Decide whether Appeal #11-005, Augle, is timely.

The question before the Board is whether Appeal #11-005 is timely. Elmer Goetsch stated that an appellant is given 30 days from the date of notice of the action being appealed. In this case, the notice had to be forwarded from a Florida mailing address. Mr. Goetsch noted that the notice was received by the appellant on July 11th and they had 7 days (until July 18th) to file the appeal. The appeal was received on July 20th.

Motion by Elmer Goetsch, second by Robert Fries that the Board of Adjustment considers Appeal #11-005 to have not met the 30-day deadline. With all members voting "aye" the motion carried. Mr. Goetsch will notify the appellants that the appeal is untimely and will not be heard. The \$500.00 appeal fee will be returned to the appellants.

c. Consider current and pending appeals to BOA.

Appeal 11-004. This involves Nussbaum property in the Town of Three Lakes. The contractor, Design/Build by Visner, Jeffery Visner, is appealing the Planning and Zoning Committee's decision to require that the site must be restored and after that is verified by staff, the stairway can be replaced correctly, in accordance with the zoning and shoreland alteration permits.

d. Review/revise meeting/hearing calendar.

August 23, 2011, September 13, 2011 and October 11, 2011 were confirmed as future meeting dates.

e. Annual election of officers

Chairman Lee opened the election of officers.

Chairman Lee asked for nominations for Chairperson.

Robert Fries nominated Harland Lee for Chairperson. There being no further nominations for Chairperson, Harland Lee was unanimously elected Chairperson with a motion by Robert Fries, second by John Bloom and with all members voting aye.

Chairman Lee asked for nominations for Vice-Chairperson.

Elmer Goetsch nominated Robert Rossi for Vice-Chairman. There being no further nominations for Vice-Chairperson, Robert Rossi was unanimously elected Vice-Chairperson with a motion by Elmer Goetsch, second by Robert Fries and with all members voting aye.

Chairman Lee asked for nominations for Secretary.

Harland Lee nominated Elmer Goetsch for Secretary. There being no further nominations for Secretary, Elmer Goetsch was unanimously elected Secretary with a motion by Harland Lee, second by John Bloom and with all members voting aye.

9:50 am. The Board recessed for the scheduled onsite inspection. The Board traveled to the inspection site to conduct an onsite inspection at approximately 10:00 a.m.

Harland Lee, Chairperson

Elmer Goetsch, Secretary