

CITY OF OCONTO
MINUTES OF THE MEETING OF THE PLAN COMMISSION

City Hall – Council Chambers
1210 Main St, Oconto, WI 54153

TUESDAY, AUGUST 16, 2022 - 5:00 PM

Draft for Approval

Meeting of the Plan Commission was called to order at 5:00 pm by Mayor John Panetti

Roll Call –

Members Present: Mayor Panetti, Butch Mehlberg, Jeremy Wusterbarth, Bob Bake, Joe Last, and John Matravers

Also present: City Attorney Frank Calvert, City Administrator Brittney Bickel and as recording secretary, and other interested parties

Members Excused: Mike Werner

Approval of Agenda –

MOTION: Bake / Matravers

Motion to approve the agenda as presented for the Plan Commission meeting on August 16, 2022. Voice Vote: 6 ayes - MOTION CARRIED

Approval of Minutes –

MOTION: Matravers / Mehlberg

Motion to approve the minutes as presented for the Plan Commission meetings on July 12, 2022. Voice Vote: 6 ayes - MOTION CARRIED

Correspondence/Public Input – none

Discussion/Recommendation on –

- a. Certified Survey Map for Cody Nasgovitz located in the City of Oconto

MOTION: Bake / Wusterbarth

Motion to approve the CSM for Cody Nasgovitz as presented.

Voice Vote: 6 ayes - MOTION CARRIED

- b. Ordinance Sec 13-1-42(g)(4) Variances

Administrator Bickel handed out a couple informational packets on variances. Mayor Panetti stated the reason he asked for this to be on tonight's agenda is there was a variance request by Ann Beekman that was heard by the Board of Appeals on 07/20/22 that needs to be denied because it goes against our Ordinances. Our Ordinances state that "no variance shall be granted" with regards to setbacks. Attorney Calvert explained the very strict regulations of variances by state statutes and case law. Building Inspector Joe Last explained the reason these variances are important in the City because they keep the City safe, fair, and consistent. The City is as flexible as possible and works with residents when issues arise. The importance of fairness and consistency was stressed. The ordinance is in place for an important reason. Many lots in Oconto are small and setbacks

are important for safety and access. The Mayor stated each property is a stand-alone case and should be looked at individually. Matravers stated the many variances are given by the County every year. Last explained he did a lot of research and reached out to many other Municipalities regarding variances. Wusterbarth questioned if we approve a variance, and then deny one that may be viewed as similar, can we be sued? Attorney Calvert replied that potentially yes. The Committee discussed the criteria per state statute for approving a variance. Bake stated the need for a wheelchair ramp is a hardship, the desire for a larger deck is not a hardship. Mayor Panetti argued that a variance should be granted because it helps out the resident and makes their property look better. Bickel stated she read the state statutes and researched variances, the criteria to approve a variance is very strict, so how is the County able to approve so many? Could it possibly open the door up to unintentionally violating state statutes and a potential lawsuit? Mayor Panetti stated if the County grants variances, so should we. Further discussion was had on the lack of hardship in regards to the deck. Bickel explained there are two kinds of variances: use variance and area variance. Area variances, which applies to the deck, are not as strict as the use variance “hardship test”, it is still strict, but is instead is a “unnecessarily burdensome” test. Which the deck doesn’t meet either test. The denial of a variance in this case does not create a hardship nor cause the property owner to be unnecessarily burdened.

MOTION: Mehlberg / Wusterbarth

Motion to Table. Voice Vote: 4 ayes, 1 nay (Last) - **MOTION CARRIED**

****John Matravers left the meeting at 5:53 pm****

Adjournment –

MOTION: Wusterbarth / Mehlberg

Motion to adjourn at 5:55 pm. Voice Vote: 5 ayes - **MOTION CARRIED**

Respectively submitted by
Brittney M. Bickel, City Administrator