

**MINUTES OF THE  
BOARD OF ZONING APPEALS  
MONDAY, JANUARY 5, 2026 6:30 p.m.**

Chairman Gregorek called the meeting to order at 6:31 p.m. The following Board Members were present at roll call: Members Bodette, Jakubczyk, Henne, and Wagner. Members Lipp, Yerkey and Garcia-Dwyer were absent. Also present: Planner Nic D'Amato.

**Approval of Minutes - May 5, 2025**

Member Bodette moved to approve the minutes of the May 5, 2025 meeting. Member Henne seconded. On roll call, all voted aye.

**CASE 26-001  
NICOLE AND CHRISTOPHER REIMESCH  
607 E. RAWSON AVE.  
TK#: 766-9997-000**

Member Gregorek called the hearing to order at 6:15 p.m.

The Board heard sworn testimony from appellant Nicole Reimesch, 607 E. Rawson Ave., Oak Creek, WI. Ms. Reimesch described the steps she and Mr. Reimesch had already taken in the hopes of building a new garage: updated plat of survey, co-ordination with neighbors to correct existing plats, relocation of gas line, and working with contractors to explore other options for placement of the garage.

Ms. Reimesch described the flooding in the rear of the house and the hilly and treed nature of the back yard. She stated that adding impervious surface to the rear yard would exacerbate the flooding situation for her and her neighbors. The current house is situated in the center of the lot; placing the garage where proposed would not infringe on the required front setback. The residence is also situated in a more commercial area. Setting the garage in front of the house would not present an eyesore for the existing businesses or neighbors.

Chairman Gregorek asked Ms. Reimesch if the flooding she described also affected the neighbors. Ms. Reimesch replied that it did. Chairman Gregorek confirmed the proposed location of the garage with the applicant.

Member Bodette asked the applicant to indicate where the gas line was relocated to from its original position. The Board heard sworn testimony from Christopher Reimesch, 607 E. Rawson Ave., Oak Creek, WI. Mr. Reimesch described the location of the gas line. Member Bodette questioned how far the gas line was from the western edge of the slab or house. Mr. Reimesch estimated the line was nine to ten feet away from the edge of the slab.

Chairman Gregorek asked the applicants to clarify the dimensions of the proposed shed. Mr. Reimesch stated it was 24 ft x 40 ft.

Member Henne asked if it was possible to build the garage next to the existing house. Both Reimeschs responded that there was not enough room to build on either to side of the house and meet the required setbacks.

The Board heard sworn testimony from Planner Nic D'Amato. Member Wagner asked Planner D'Amato to confirm the required setbacks for a detached accessory building from both the home and lot line. Planner D'Amato stated five feet from the lot line and ten feet from the house. Member Wagner questioned if, with the proper fire rating, the accessory building could be placed five feet from the home. Planner D'Amato explained that was not in the Zoning Code; fire rating is covered in the Building Code. Member Wagner asked Planner D'Amato if the accessory building was proposed in any floodplain. Planner D'Amato stated it was not.

Member Wagner asked the applicants about any construction alternatives the contractor had offered them, or if there was any engineering report to identify the types of soils on the property. The applicant could not provide any additional information. Member Wagner asked Planner D'Amato to provide a contour map of the property. Planner D'Amato obliged: the contour map indicated a roughly five-foot slope from the rear of the house to the area the applicants claim floods.

Chairman Gregorek asked the applicant to describe any other structures in the back yard. Ms. Reimesch stated there was a raised patio, a play structure, and a small shed.

Chairman Gregorek questioned how many feet there were between the house and the west lot line. Mr. Reimesch stated there were roughly 35 feet. Chairman Gregorek asked if the contractor ever proposed bringing in fill on which to construct. Mr. Reimesch stated the advice was to build the accessory building where proposed; that adding fill to the lot would likely cause further flooding issues for the neighbors.

Member Bodette questioned if the shed in the rear west corner of the yard also flooded. Both Reimeschs answered that it gets wet.

Chairman Gregorek read a letter of support from the neighbors at 535 W. Rawson Ave. into the record.

Chairman Gregorek closed the public hearing at 7:14 p.m.

**Deliberation and Findings of Fact Case 26-001**

The Board discussed the case and the criteria for each of the “Findings of Fact” as follows:

- a. **Preservation of Intent** The proposed accessory structure preserves the purpose and intent of code section 17.0414(a)(7)b. The intent of section 17.0414(a)(7)b is for to allow for two (2) accessory structures to be constructed in the rear and side yards. An accessory structure constructed ahead of the principal structure on the Appellant’s property is set behind the adjacent property’s principal structure.
- b. **Exceptional Circumstances:** The principal structure of the property located directly to the west is set back approximately 20 ft. meanwhile the Appellant’s principal structure is set back approximately 110 ft. from the front property line. In turn, the accessory structure proposed is still set back approximately 40 ft. from the furthest extent of the adjacent property’s principal structure.
- c. **Economic Hardship and Self-Imposed Hardship not Grounds for Variance:** Economic hardship or self-imposed hardship do not apply.
- d. **Preservation of Property Rights:** Municipal Code Section 17.0414(a)(1) permits two (2) accessory buildings on properties. Granting the variance allows the Appellant to preserve the property rights set forth by the Code.
- e. **Absence of Detriment:** Granting the variance would not cause a detriment to adjacent property owners or the public interest.

#### Action Case 26-001

Member Henne moved that the Board grant a variance from Code Section 17.0414(a)(7)b, allowing the applicant to construct a garage set between the principal building and the front property line. Member Bodette seconded. On roll call: Member Wagner voted no, all others voted aye. Motion carried.

#### CASE 26-002

DONOHUE & ASSOCIATES

8400 S. 5<sup>TH</sup> AVE.

TK#: 821-9998-000

Chairman Gregorek called the hearing to order at 7:43 p.m.

The Board heard sworn testimony from Nina Fricano, 260 W. Seeboth St., Milwaukee, WI. Ms. Fricano stated she was the Milwaukee Metropolitan Sewerage District (MMSD) Project Manager for the proposed solar panel installation. Ms. Fricano provided basic background information about MMSD and the reason for the proposed project, specifically, to meet 100% of energy needs through renewable energy sources and to reduce MMSD’s carbon footprint by 90% by 2035.

The Board heard sworn testimony from Michael Stohl, 3311 Hidden Creek Rd., Sheboygan, WI, Electrical Engineer on behalf of Donohue & Associates. Mr. Stohl provided a visual of the South Shore Water Reclamation Facility (SSWRF) while describing the site layout and topography.

Mr. Stohl proceeded to provide specific details of the proposed solar array project and demonstrated the location of the solar panels on the site.

The Board heard sworn testimony from Mike Hemmingsen, 1033 Mayfair Rd, Milwaukee, WI, Civil Engineer on behalf of OTIE.

Mr. Hemmingsen addressed each of the requested variances:

1. 15' setback from wetlands with a five-foot undisturbed buffer:
  - The area selected for the solar array is the flattest on the site and currently has no other uses.
  - A fence is proposed north of the wetlands.
  - Preliminary discussions with WI DNR have occurred.
  - Wetlands have been delineated and approved by DNR. (11-7-2025 and 11-19-2025)
  - Wetlands were not present at site origin.
  - Stormwater design does not raise any DNR issues.
  - DNR is weighing whether or not a wetland disturbance permit will be required.
  - Driven/screwed solar racks cause minimal disturbance to wetlands.

Chairman Gregorek asked if there were any plans for future arrays. Mr. Hemmingsen acknowledged that there were, but not in the scope of the current discussion. Chairman Gregorek asked if methods other than driven/screwed solar racking would cause more wetland disturbance. Mr. Hemmingsen replied the other most common method would involve digging a trench.

2. Rear yard or side yard placement:
  - The principal building as designated for purposes of the public hearing is located next to the lake, meaning the remainder of the site is essentially front and side yard.
  - The facility cannot be seen from the road.
  - Regardless of where on site the proposed array could be positioned, it is impossible to place the solar panels in the rear yard because of the lake, hydrology, and future planned uses.
  - There is not another area on site that would accommodate the size of the solar array being proposed.
  - Minimal tree removal is required.

Member Wagner questioned the location of existing buildings to the south of the proposed solar array site. Member Wagner stated he has previously visited the MMSD site and did not recall if the building being discussed was actually the principal building on site.

Planner D'Amato clarified the reason for designating the principal building as such was that the property spans multiple parcels. The designated building is the only structure on the affected parcel, therefore it is the principal structure for purposes of the solar array project regardless of its use.

Chairman Gregorek asked for the distance from the proposed solar array to the property to the north. Mr. Hemmingsen stated there is a roughly 90-foot-wide parcel owned by the City which separates MMSD from the norther property, so the nearest other property would be approximately 105 feet.

Member Bodette referenced the information packet and questioned what was meant by the statement “the two end point portrait configuration is needed to achieve the project’s energy production goals”. Mr. Hemmingsen explained the panels were at a 25-degree angle, in a portrait configuration, two tall by one wide. Mr. Hemmingsen further explained the dimensions of the panels. The proposed configuration allows MMSD to have a smaller footprint for the array than would be possible if required to strictly follow City Code.

Member Bodette asked what type of solar panels were proposed. Mr. Hemmingsen stated the panels were bifacial. Discussion ensued as to the orientation of the panels and the relevance to the requested variance.

3. Maximum height of ground-mounted solar panels:
  - Taller is better for energy collection, snow run off, and undergrowth.
  - Scale illustrations of the site at ground level from 5<sup>th</sup> Ave. were shared.
  - Fencing will separate the road and fishing pier parking area from the solar array.

Chairman Gregorek closed the hearing at 8:01 p.m.

### Deliberation and Findings of Fact Case 26-002

The Board discussed the case and the criteria for each of the “Findings of Fact” as follows:

- a. **Preservation of Intent:** The proposed ground-mounted solar field preserves the purpose and intent of code section 17.0301(b). The variance is consistent with the purpose and intent for the regulations for the zoning district that the Appellant’s property is located in. Granting of the variance does not create a permitted use that is otherwise not permitted in the I-1 zoning district.
- b. **Exceptional Circumstances:** Severe topography and the placement of other essential buildings and equipment limits the available land on the property for solar field. The available land is located in an area where wetlands currently exist. The method of construction of driven/screwed solar racking supports limits the intrusiveness of the panels. The Appellant is working with the Wisconsin Department of Natural Resources to mitigate the impact of constructing in wetlands.
- c. **Economic Hardship and Self-Imposed Hardship not Grounds for Variance:** Economic hardship or self-imposed hardship do not apply.
- d. **Preservation of Property Rights:** Granting the variance is necessary to preserve the Appellant’s property rights to utilize a renewable energy source on the site.

- e. **Absence of Detriment:** Granting the variance would not cause a detriment to adjacent property owners or the public interest.

### **Action Case 26-002**

Member Wagner moved that the Board grant variances from Code Sections 17.0301(b), 17.0414(p), and 17.0414(p)(3), allowing the applicant to construct a ground-mounted solar field within 15 feet of existing wetlands, in the front yard of the facility, at a height of approximately 9.75 feet. Member Henne seconded. On roll call: all voted aye. Motion carried.

### **Election of Vice Chairman**

Member Wagner nominated Member Jakubczyk as Vice Chairman. Member Henne seconded. On roll call, all voted aye.

### **Discussion/Action Regarding Amending Rules of Procedure Manual**

Planner D'Amato provided a brief overview of the reasoning for amending the Rules of Procedure Manual and for eliminating the annual meeting.

Discussion ensued as to the merits of the proposal.

Member Bodette moved that the Board approve an amendment to the 1996 City of Oak Creek Zoning Board of Appeals Rules of Procedure handbook by amending Section 2. A. to state "The Chairman of the Board shall be appointed by the Mayor. At the first meeting of each year, the Board shall elect one of its members as Vice-Chairperson."; And to remove Section 3. Meetings, Paragraph B. and re-lettering Paragraphs C. through G. to be re-lettered as B. through F. Member Wagner seconded. On roll call: all voted aye. Motion carried.

Chairman Gregorek adjourned the meeting at 9:03 p.m.