

Date Mailed: _____

SUSAN T. ERTMER
Winnebago County Clerk
112 Otter Ave, PO Box 2806
Oshkosh, WI 54903-2806
(920) 232-3430

NOTICE OF COMMISSION, BOARD OR COMMITTEE MEETING

**NAME OF COMMISSION,
BOARD OR COMMITTEE:** BOARD OF ADJUSTMENT
**see below

TIME OF MEETING: 7:30 A.M.

DATE OF MEETING: Thursday, February 2, 2023

PLACE OF MEETING: WINNEBAGO COUNTY ADMINISTRATION BLDG
112 Otter Ave, 3rd Floor Conference Room *
Oshkosh, WI

* All interested persons wishing to be heard at the public hearing may appear in person or via Zoom using the meeting information below. A direct link to the Zoom Meeting is available on the Winnebago County Meetings and Agenda calendar on the above indicated date.

ZOOM MEETING INFORMATION LINK: <https://www.co.winnebago.wi.us/planning-and-zoning/boa-meeting-links>

Additional instructions can be found at: <https://www.co.winnebago.wi.us/planning-and-zoning>.

For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning office, where the application is available for viewing.

SUBJECT MATTER OF THE MEETING

DELIBERATIVE AGENDA

(Deliberative meetings are open to the public for viewing only – public participation is not allowed.)

1. Approval of minutes from January 05, (Deliberative), January 19, (Viewing), and January 24, 2023 (Public Hearing).
2. Hemp, David – 8514 Herbst Rd, Town of Poygan - Variance

**** This meeting is also being posted as a Committee meeting for: Facilities & Property Management**

The Committee reserves the right to take up any item on the agenda at any time after the meeting commences.

Upon request, provisions will be made for people with disabilities upon 24 hours prior notice to the Office of the County Clerk. Phone Number: (920) 232-3430.

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE MEETING

January 5th, 2023

7:30 A.M.

Third Floor Conference Room – County Administration Building

DELIBERATIVE MEETING HELD VIA ZOOM

PRESENT

Greg Kargus, Tom Tuschl, Sue Drexler, Tom Verstegen (alternate),
Larry Kriescher (excused)

Daniel Lefebvre -Assistant Zoning Administrator & Karen Fredrick -Court Reporter

The meeting was called to order by Greg Kargus at 7:30 A.M.

GENERAL

MOTION to approve the November 16, (Public Hearing), December 1, (Deliberative),
December 15, (Viewing) and December 21, 2022 (Public Hearing) meeting minutes by
T. Tuschl, seconded by S. Drexler. MOTION carried 4-0.

The Board reviewed findings and criteria in order to act on the variance.

**WINNEBAGO COUNTY PARKS – 1801 GRUNDMAN LN, TOWN OF
VINLAND – VARIANCE**

The Board discussed options for the property, as well as the variance criteria. Stating
the request is for the good of the public, and will allow reasonable use of the property.

MOTION by S. Drexler, seconded by T. Verstegen, to approve the variance as
requested with all staff conditions. S. Drexler read the findings for approval. The
Board determined the variance has met the variance criteria based off the findings.
MOTION carried 4-0.

ADJOURNMENT

MOTION made by S. Drexler to adjourn the meeting. Seconded by T. Verstegen.
Motion carried 4-0. Meeting adjourned at 7:39 A.M.

Respectfully submitted,

Daniel R. Lefebvre
Assistant Zoning Administrator

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
VIEWING

January 19th, 2023

8:00 A.M.

County Administration Building

PRESENT

Greg Kargus, Sue Drexler, Tom Tuschl, Tom Verstegen (alternate)
Larry Kriescher (excused)

Daniel Lefebvre -Assistant Zoning Administrator

ITEMS

The Board met at 8:00 A.M. at the County Administration Building, then departed to view the following properties:

1. David Hemp – 8514 Herbst Rd, Town of Winneconne - Variance

ADJOURNMENT

Meeting adjourned at 9:08 A.M.

Respectfully submitted,

Daniel R. Lefebvre
Assistant Zoning Administrator

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING

January 24th, 2023

5:30 P.M.

First Floor Conference Room (120) – County Administration Building

PUBLIC HEARING HELD VIA ZOOM

PRESENT

Greg Kargus, Tom Tuschl, Sue Drexler, Tom Verstegen (alternate),
Larry Kriescher (excused)

Daniel Lefebvre -Code Enforcement Officer & Karen Fredrick -Court Reporter

The meeting was called to order by Greg Kargus, Chairman at 5:30 P.M. Board members introduced themselves and Daniel Lefebvre, Code Enforcement Officer explained review by court of record procedure. He stated that petitions shall be presented to the court within 30 days after the filing of the decision in the County Planning and Zoning Office.

HEMP, DAVID – 8514 HERBST RD, TOWN OF POYGAN – VARIANCE

Applicant is requesting a variance for a substandard floodplain fill requirement. The applicant, David Hemp, and applicant's agent, Matthew Reider (Contracted Surveyor) explained the variance.

The Board discussed the variance request with the applicants including the possibility of denial, information about the size of the structure, and potential drainage issues for neighboring properties.

A neighboring property owner asked questions about drainage of the proposed construction, and addressed concern about the effects of water run-off on his property.

Daniel Lefebvre stated Winnebago County has received a letter from the Town of Poygan, and summarized the correspondence.

ADJOURNMENT

MOTION made by S. Drexler to adjourn the meeting. Seconded by T. Verstegen. Motion carried 4-0. Meeting adjourned at 5:47 P.M.

Respectfully submitted,

Daniel R. Lefebvre
Code Enforcement Officer

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
POST STAFF REPORT
February 02, 2023

Town and/or agency's comments:

Town of Poygan

Findings: Other houses in locale with similar conditions.

CRITERIA AND ADVISORY FINDINGS

23.7-234 "Basis of decision" (required for all Ch. 23 Town/County Zoning Code, Ch. 26 Floodplain Zoning Code, and Ch. 27 Shoreland Zoning Code variances)

1. Criteria: The requirement in question would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with such requirement unnecessarily burdensome and such circumstances were not self-created.

Findings for approval: The shore-yard setback and floodplain fill requirements limit the available buildable area for new development outside the existing building footprint.

Findings for denial: A single- family dwelling could be designed to accommodate the floodplain fill requirements of 15 feet of fill around the perimeter of the structure while still meeting the shore-yard setback.

2. Criteria: The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in questions.

Findings for approval: The property has a unique buildable area shape that is not accommodating to floodplain fill requirements due to the shore-yard setback requirement.

Findings for denial: The lot is large in area providing room to accommodate an alternative narrow design.

3. Criteria: The granting of the variance will not be contrary to or harm the public interest given the general purposes of the zoning regulations and the specific purposes of the requirement in question.

Findings for approval: The proposed house is similar to the existing pattern of development in the surrounding area so public interest will not be harmed.

Findings for denial: Meeting the 15- ft floodplain fill requirement will not harm the public interest. 26.6-7(a) "Review criteria" (required for all Ch. 26 Floodplain Zoning Code variances).

26.6-7(a) "Review criteria" (required for all Ch. 26 Floodplain Zoning Code variances)

1. Criteria: The variance is consistent with the purpose of the Floodplain Zoning Code

Findings for approval: The request still allows for 8.1 feet and 10.1 feet of floodplain fill on the sides of the structure. The full 15 feet of fill will be met on the street and shore sides of the structure.

Findings for denial: The reductions in floodplain fill will not offer as much protection as the full 15 feet would and the risk of potential uplift of the foundation may be greater.

Based upon the above findings, it is the opinion of the Board that all criteria of Article 7, Division 12, Section 23.7-234, Town/County Zoning Code have have not been met.

Staff Recommendation: Approval With Conditions

Advisory Conditions:

Town Conditions:

Must meet all floodplain requirements.

County Conditions:

All applicable sanitary, zoning, and erosion control permits shall be submitted to the county before construction begins.

VOTE: _____ to _____