

WINNEBAGO COUNTY
BOARD OF ADJUSTMENT
PUBLIC HEARING

July 30, 2019
5:30 P.M.

First Floor Conference Room – County Administration Building

PRESENT: Members: Larry Kriescher, Tom Tuschl, and Sue Drexler
Cory Zibung (Code Enforcement Officer) Karen Fredrick (Court Reporter) and guests
present.

EXCUSED: Greg Kargus

The meeting was called to order by Tom Tuschl at 5:30 P.M. and the board members introduced themselves.

1. Michael Kowalske – 2717 Edgewood Ln.-Town of Oshkosh - Variance Request

Applicant is requesting to construct a detached garage 15' from the front property line where 30' is required.

Larry Kriescher read the legal description of the property.

Tim Borchardt, agent for the owner, was sworn in and stated that the proposed detached garage will encroach on the well which is located in front of the house and the owners wish to keep some distance to the well for future repairs and servicing of the well. He also mentioned there were a couple white birch trees that the owner would like to keep and the proposed location of the garage would allow the trees to remain in place or reduce the need for their removal. Larry Kriescher asked for Tim to verify the well location and Sue Drexler then asked questions about the existing attached garage size. Tim verified that the well was under a fake rock in the front yard toward the left side of the house and that the reason for proposing a detached garage at this location instead of adding on to the existing attached garage was because the access in and out of the garage would be restricted. Tom Tuschl then asked why a second garage was necessary and asked to explain the hardship since the owner already has an attached garage. Tim stated that the owners needed more room/garage space for vehicles and building closer to the well would make the well harder to access if or when needed for servicing. Tim then further added that placing a garage in a compliant location on the lakeside of the house would be hard to access given the location of the existing house and side yard restrictions needed to access a garage behind the house.

James Killinger, neighboring property owner, then sworn in and stated that he has no objections to the request as proposed. He also believes no other neighbors to be in objection of the request.

The Town of Oshkosh recommendation was read with the findings as follows: Town of Oshkosh's Board of Appeals held a hearing and recommended denial and the Town Board supports their decision on Thursday, July 18, 2019. There was no proven hardship.

No further comments were made.

2. Walter Juedes – 4606 Island View Dr., -Town of Oshkosh - Variance Request

Applicant is requesting to construct a new home 35' from the shoreline of a navigable creek where 75' is required and also for 7' of required floodplain fill on the north side of the proposed home where 15' is required.

Larry Kriescher read the legal description of the parcel.

Mark Biggar, agent/architect of the owner sworn in. Mark explained to the board two, 50' wide lots were being combined to create one, 100' wide conforming parcel upon which to build the proposed home and that he was proposing a 35' setback to the man-made ditch the town created many years ago and also would need a reduction in the 15' of floodplain fill on north side of 7' to keep minimum side setback and 35' south water setback. A revised plan was submitted which was apart of the hearing packet that showed the house with a reduced impervious surface area. Mark then handed out a site plan showing the building envelope area if all required setbacks were applied that it would result in only a 22' wide home. Tom Tuschl mentioned that previous variances were requested on this parcel and were granted approval for 50' which would allow for a 37' wide home and questioned whether that would be sufficient in this request. Mark stated owner was looking to maximize the usefulness of the home while staying under the 30% impervious maximum, hence resulting in a wider home, angled parallel with main lake to the east.

William Yates, proposed home owner and purchaser of the lot, sworn in and explained he would like to use the house for his family and guests and that it would be a year round home matching the other home sizes in the immediate area.

Wally Juedes, current owner of the lots sworn in and explained that the previous potential buyers of the lot were granted a 50' setback the south shoreline/creek and decided not to purchase the lots or build because their house plans didn't end up fitting what was approved for the 50' setback. Wally then explained that when the town dredged the creek/storm water ditch decades ago created the hardship for this lot seeing that the setback requirement of 75' is in effect today. His family has owned the lot for many years and they didn't have any say as to where the town decided to place the drainage ditch that connected the lake to a wetland area on the opposite side of the road his lot is on. The ditch was near his south property line, but not on his family's lot, so there was nothing he or his family could do at the time it was done by the town who owned the property the drainage ditch was constructed upon.

Toby Vanden Heuvel sworn in and is the property owner directly north of the vacant lots up for the variance request. He supports the reduction in the 35' setback request and the 7' floodplain fill request and believes the proposed house plans would be a nice addition to the neighborhood. He would prefer to see 1 larger house next to his house rather than a small/long 22' wide home or two that would look out of place for the neighborhood.

Jim Erdman, chairman for the Town of Oshkosh sworn in and stated that he's been involved in similar requests for these lots three or four times now and supports the development of the lots as planned with the reduced setback allowances. He mentioned that the grass is well maintained by the current owner and while it looks nice he believes the owner is getting pretty tired of mowing all the grass on these two vacant lots and would like to sell them and have a house finally built on one 100' wide lot. When the previous variance was granted for 50' the impervious surface rules weren't in effect like they are today which further justifies the request as proposed because the proposed home would meet the new impervious surface rules even with a reduction in the required setbacks.

The Town of Oshkosh recommendation was read with the findings as follows: It was unanimously approved by the Town of Oshkosh's Board of Appeals and the Town Board supports their decision on

Thursday, July 18, 2019. The applicant's plan is found to be a reasonable request for this particular land and situation.

No further discussion or testimony given.

ADJOURNMENT

MOTION requested to close the meeting made by Larry Kriescher, seconded by Sue Drexler.

Motion carried 3-0. Meeting adjourned at 6:10 P.M.

Respectfully submitted,

Cory Zibung

Recording Secretary