

WINNEBAGO COUNTY
BOARD OF ADJUSTMENT
PUBLIC HEARING

July 31, 2018
5:30 P.M.

First Floor Conference Room – County Administration Building

PRESENT: Members: Sue Drexler, Tom Tuschl, Greg Kargus, Larry Kriescher and Arden Schroeder
Cory Zibung (Code Enforcement Officer) Karen Fredrick (court reporter) and guests present.

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

1. Sherry and Timothy Krizek Property, 7714 Bay Ln. Town of Wolf River – Variance Request

Applicant is requesting a variance to attach and widen an existing 16'x24' non-conforming garage by 9' to a single family dwelling 4' from the front street yard setback line where 22.5' (per street yard averaging) is required.

Tim and Sherry Krizek were sworn in and discussed their proposed house addition which would involve attaching the existing non-compliant detached garage to the house by a 15'x16' addition and widening the garage at its existing location by 9' that is currently and proposed to be 4' from the front property line. They mentioned the addition would meet the north side yard setback requirement but the 9' addition to the garage would not meet the minimum front yard setback. The purpose is to make room for a 2 stall garage and add living space to the interior living space of the home.

David Koepp of 7901 Bay Ln sworn in and supported the variance request to allow the house addition to be 4' from the property line where 22.5' is required and said he believes it would be an improvement for the area. David also mentioned he is on the town board and that the town had no objections to the proposed request.

Glenn Scheff of 7710 Bay Ln. sworn in and stated that he is the neighbor to the north of the proposed variance request and he supports the request as proposed and believes it would improve the area.

No additional testimony was given.

2. Welnicke Property, 6449 Paulson Rd. – Variance Request

Applicant is requesting a variance to place 6.2' of fill on the north side and 9.2' of fill on the south side of a proposed new home where 15' of fill is required per floodplain zoning requirements. Applicant is also proposing a retaining wall 48.9' and 61.3' from the Ordinary High Water Mark (OHWM) of Lake Winneconne where 75' minimum is required. Due to the recent addition of fill and topography change on the property to the north, the proposed 48.9' retaining wall is not needed as both neighbors agree to create a swale at the property line for drainage which will not require the installation of a retaining wall.

Jim Smith, PLS, sworn in to explain fill and drainage of the proposed fill and house project. Mentioned that the pump house around the well would be removed on the north side of the house and a swale would be created along the north property line since the adjacent property has already filled to the property line and a retaining wall would not be needed on the north side as proposed because of this. All fill would be 1' above the 100 year floodplain elevation including on the south side of the house to the proposed retaining wall which would be a foot or two from the property line.

Daniel Mayer, property owner of 6455 Paulson Rd., north of Welnicke property, sworn in and stated that he approves the fill and variance request as proposed. He is willing to create the swale for drainage to the lake at his south property line which is also Welnicke's north property line because he recently placed fill to the property line to fulfill the floodplain requirement when his home was recently constructed.

Tony Welnicke (applicant and property owner) sworn in and agreed to remove the well hut and cap the well in order to stop the constant running water caused by the overflow and pressure of the well.

Paul Kuyper at 6437 Paulson Rd sworn in and mentioned he had drainage concerns if this variance was approved as he believed his property which is south of and lower than the subject property would accumulate more water and that the road ditch, or lack thereof, wouldn't be able to handle any water diverted to the road. During the winter he believes the accumulation of snow and ice have a negative effect by creating a direct path to his property when its starts to thaw in spring and could last well into summer if it ever dries out.

Jim Smith was then asked to explain his thoughts on the drainage of the subject property once again and the drainage of the overall area, including the surrounding properties along Paulson Rd. He mentioned the water on the subject property would directed to the lake via downspouts and drain tile collected from the roof and that a small portion of the street yard water drainage would be sloped to the road right of way.

Kirk Marx at 6445 Paulson Rd., parcel owner immediately south and adjoin subject property was sworn in and stated several reasons why he is concerned about the runoff and drainage seeing that his property is already lower than the subject property and placing fill will make his parcel that much lower. He was not aware of and did not see the site plan prepared by Jim Smith, surveyor of the subject property, until the public hearing and had questions as to which direction the water would flow. He is strongly against variance because he believes the 3 criteria for variance approval are not being met and the full 15' of required fill around

the house could be accomplished by reducing the width of the house and it would still meet the minimum dimensional standards for a single family dwelling. He stated that his front street yard already floods and allowing less than the 15' of required fill would not allow the water enough space to filter into the ground or at least help filter the water not directed by downspouts before it reached his property and increased water standing in his yard. He understands the rules of the floodplain requirements and seeing as other people in the neighborhood have built new homes to these specifications or were granted variances less than the 15' requirement have and will create more drainage issues for his property and other lower elevation neighboring properties that have no plans for future home alterations which often trigger the need for fill around the home. He disagrees with all of the town's finding for approval of the variance.

Valerie Stabenow at 6400 Paulson Rd. was sworn in and believes that the trend of approving variances along Paulson Rd. with less than the required 15' of fill around the home is not a good idea in her opinion. Valerie stated that she does not believe the proposed request meets any of the 3 variance approval criteria. She also has concerns of future parcel owners in the neighborhood that could propose a new home in the future which would require the floodplain flood proofing requirements and the likelihood of continuing to approve variance requests of less than the 15' of fill requirement. She stated she is a fulltime resident at the end of Paulson Rd and her concerns are year long unlike some part time residents in the area.

Tony Welnicke and his wife Kari Welnicke who was then sworn in, explained their need to rebuild the house, expected to do it when the property was purchased because the existing home is beyond the state of repair and the proposed size of the new home is to accommodate his family. They also mentioned a shed will be removed from the property and the well hut will be eliminated.

Paul Kuyper and Kirk Marx then reconfirmed that they are opposed to the granting of the variance.

No additional testimony was given.

ADJOURNMENT

MOTION made by Larry Kriescher to adjourn the meeting. Seconded by Greg Kargus. Motion carried 5-0. Meeting adjourned at 6:36 P.M.

Respectfully submitted,

Cory Zibung
Recording Secretary