

AMENDED
WINNEBAGO COUNTY
BOARD OF ADJUSTMENT
PUBLIC HEARING

October 24, 2017
5:30 P.M.

Third Floor Conference Room – County Administration Building

PRESENT: Arden Schroeder, Greg Kargus, Tom Tuschl and Sue Drexler. Cary Rowe, Zoning Administrator, Karen Fredrick, court reporter. Guests present.

EXCUSED: Tom Versteegen

The meeting was called to order by Arden Schroeder, Chairman at 5:30 P.M. Board members introduced themselves and Zoning Administrator 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.

1. Dianne DeGroot – 7883 Haase Rd - Town of Wolf River – Variance (Adjourned from August Public Hearing).

Applicant is requesting a variance to Chapter 27, Section 6.1, Chapter 26, Section 26.5-23(b) and Chapter 23, Section 23.8-65(a)(R-1), to be allowed to construct a residential structure with a substandard shoreyard setback and substandard floodplain fill requirements. Applicant is also requesting a variance to construct a boathouse with a substandard street yard setback. Attorney Dave Winkel – 411 S Commercial St, Neenah, was sworn in. Mr. Winkel was representing the applicant. Mr. Winkel presented his argument that his client's lot is considered an abandoned highway in accordance with Sec. 82.19 Wisconsin Statutes and that the lot is not a public road that was not vacated. Mr. Winkel stated that the Board of Adjustment must consider the variance request and not what the legal status of the road (lot) is. Attorney Jon Fischer from McCarty Law, was sworn in. Mr. Fischer was representing the adjoining property owner to the West. Mr. Fischer presented his argument that the applicant's lot is considered a public road that was not legally vacated and that his client has a right to cross it to get to a land locked parcel owned by his client. Mr. Fischer stated the Town of Wolf River also contends that the road (lot) was never legally vacated. Mr. Fischer also stated that both parties may be pursuing litigation to resolve the issue. Dianne DeGroot, applicant was sworn in. Ms. DeGroot stated that if the adjoining property owners to the North were infrequently accessing their property by crossing hers they were trespassing. Zoning Administrator stated that he received a letter from the Wolf River Town Board recommending denial of the variance with the following findings: 1) Boathouse structure would

be placed in such a way as to deny access to neighboring property owner as the structure would be directly over the easement to the neighbor's property, thus creating a land-locked property. 2) A public road exists in the aforementioned area at the end of this private road that was purposefully never vacated, nor abandoned by the town.

There was no additional testimony.

ADJOURNMENT

MOTION made by A. Schroeder to adjourn the meeting. Seconded by T. Tuschl. Motion carried 4-0. Meeting adjourned at 6:30 P.M.

Respectfully submitted

Cary A. Rowe
Recording Secretary

CAR