

WINNEBAGO COUNTY BOARD OF ADJUSTMENT

Tuesday, October 25, 2016 – 5:30 p.m.

County Administrative Building Room 408, Oshkosh, Wisconsin

PUBLIC HEARING

Present: Board Members: Arden Schroeder, Greg Kargus, Tom Verstegen, Susan Drexler, and Thomas Tuschl

Excused: None

Also present: Candace Bauer, Zoning Department; Karen Fredrick, court reporter; and guests.

Meeting was called to order at 5:30 p.m. Board members and staff introduced themselves and C. Bauer read the appeals process.

Debbie and Mike Van Rooy – Town of Poygan

Applicant is requesting a variance for a reduced side yard setback of 4'6" for a pergola addition.

Debbie Van Rooy approached the Board and was sworn in. She explained that they were requesting a variance for a 10' 15' pergola on the east side of the home. The post of the pergola needs to be a 3'6" into the required setback, which will leave it with a 4'6" setback. Mrs. Van Rooy added that they stopped construction when they learned that a permit was required for a pergola. S. Drexler inquired about what was left to finish, to which Mrs. Van Rooy answered that the pieces had to be nailed and screwed together and that a 2x2 decorative piece was to be added yet.

T. Tuschl asked if the applicants would remove or modify the pergola if the variance was denied. Mike Van Rooy approached the Board, was sworn in, and explained that it would be removed because the smaller pergola that could remain wouldn't be make sense.

G. Kargus inquired about the concrete portions of the posts and if they were in the ground. The applicants answered that they were in the ground like a footing but that they would be cut off.

A. Schroeder inquired if a building permit had been obtained. Mr. Van Rooy explained that a permit was not obtained because there were no walls, ceiling, or electrical so he didn't think a permit would be required. He added that he called the assessor and they stated that this type of structure wouldn't go on the tax bill as a structure [for tax purposes].

Cynthia Wright, neighbor to the west, approached the Board and was sworn in. She stated that she was in favor of the request and that it looked nice from her home.

David Brandt, neighbor at 8421 O'Connell's Resort Rd, approached the Board and was sworn in. Mr. Brandt noted that the applicants were trying to make the neighborhood look nice and that it can't be seen from the road.

Jeffrey Maloney, property owner on O'Connell's Resort Rd, approached the Board and was sworn in. Mr. Maloney stated that he has been the applicant's neighbor for several (about 20) years and has always known the applicants to follow the rules. Mr. Maloney added that the pergola doesn't infringe on anything like the floodplain and that it is enhancing the property.

C. Bauer read the Town's recommendation for approval of the variance, sent by email from the Town Clerk. C. Bauer also read emails from Shirley Kasperek and Diane and Dave Pritzl, all property owners on O'Connell's Resort Rd, in support of the request. T. Tuschl inquired about receiving email correspondence when guests at the public hearing are sworn in. C. Bauer explained that we are allowed to take written testimony and have always accepted emails in the past.

G. Kargus inquired about what was on the lake side of the home, as he did not view that portion of the property. Mrs. Van Rooy explained that there is currently a patio on the lake side of the home.

There was discussion regarding the ramp of the patio, its ability to be used for handicap access, and the ability for it to be expanded around the support posts. It was determined that there were no ADA requirements for the patio.

There being no other business, Chairman Schroeder adjourned the meeting at 5:45 p.m.

Respectfully submitted,

Candace M. Bauer

Recording Secretary