

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT August 29, 2023

TO WHOM IT MAY CONCERN:

The applicant(s) listed below has requested a variance which is regulated by one or more of the following ordinances: Chapter 23, the Town/County Zoning Code, Chapter 26, the Floodplain Zoning Code, and Chapter 27, the Shoreland Zoning Code. You are receiving this notice because this application or petition for action: 1. affects area in the immediate vicinity of property which you own; 2. requires your agency to be notified; 3. requires your Town to be notified; or 4. requires you, as the applicant, to be notified.

The Winnebago County Board of Adjustment will be holding a public hearing on August 29, 2023 at 5:30 PM in Conference Room 120 of the County Administration Building located at 112 Otter Ave, 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.

INFORMATION ON VARIANCE REQUEST

Application No.: 2023-VA-6440

Applicant: LIEBHAUSER, DEREK

Agent: WOELZ, DOUG MCMAHON GROUP

Location of Premises: 2689 COUNTY RD II

Tax Parcel No.: 006-0617, 006-0618, 006-0632

Legal Description: Being all of the NW 1/4 of the NE 1/4, all of the SW 1/4 of the NE 1/4, and part of the NW 1/4 of the SE 1/4 all in Section 24, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

Explanation: Applicant is requesting a variance for a sub-standard shore yard setback requirement.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
The shore yard setback from the nearest point of any structure shall be at least 75 ft from the OHWM unless exempt under section 6.1(1) or reduced under section 6.2.	27-6.1	Shore Yard: 75ft	Shore Yard: 0ft

INITIAL STAFF REPORT

Sanitation: Required; ; Municipal

Overlays: Shoreland, wetlands

Current Zoning: A-2 General Agriculture

Surrounding Zoning: **North:** I-1; **South:** No County Zoning; **East:** A-2; **West:** No County Zoning;

Code Reference: 27-6.1

Description of Proposed Use: Applicant is requesting a variance for a sub-standard shore yard setback requirement.

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER/APPLICANT

Describe your project, include the proposed dimensions and setbacks: See Attached.

Describe how compliance with the requirement in question unreasonably prevents or restricts development of a permitted use on the property: See Attached.

Describe the unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question: See Attached.

Describe how the granting of the requested variance will not harm the public interest or have adverse affects on surrounding properties: See Attached.

SECTION REFERENCE AND BASIS OF DECISION

Basis of Decision: Town/County Zoning Code: 23.7-234

When making its decision, the Board of Adjustment shall consider each of the following standards:

- (1) 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.
- (2) The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question.
- (3) 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.

The board shall grant a variance only if the board can make an affirmative finding for all of the criteria listed in this section.

Shoreland Zoning Code

27.14.8 Variances

(a) **Generally.** The Board of Adjustment may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that (1) literal enforcement of this chapter will cause unnecessary hardship; (2) the hardship is due to unique property conditions, not common to adjacent lots or premises; (3) the variance is not contrary to the public interest; and (4) the variance is consistent with the purpose of this chapter.

VARIANCE APPLICATION

Responses may be typed on a separate sheet and attached to this form.

Applicant, please fill out all of the questions in your own words.

C-1 Describe your project, include the dimensions and proposed setbacks:

The project includes the construction of a 156 lot subdivision (Scholar Ridge Estates), generally located on the south side of County Road II between N Clayton Ave and Winncrest Rd, in the Town of Clayton, Winnebago County, Wisconsin (NW ¼ of NE ¼, Section 24, T20N, R16E and SW ¼ of NE ¼, Section 24, T20N, R16E). Scholar Ridge Estates is a new construction development which will include medium density residential as well as multi-family residential which will assist in fostering economic development in the area. The proposed subdivision includes two navigable waterway crossings which are necessary to access the Southern half of the plat. Dimensions and proposed setbacks can be found on the preliminary plat and plans.

C-2 Describe how compliance with the requirement in question unreasonably prevents or restricts development of a permitted use on the property:

The proposed subdivision includes two navigable waterway crossings which are required to access the Southern half of the subdivision. Two crossings are required to allow for fire protection and looping of the water main within the development.

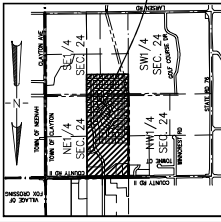
C-3 Describe the unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question:

The subject property contains a waterway that was determined to be navigable by the Wisconsin DNR. Because the navigable waterway extends the entire width of the property, development to the South of the stream would not be possible without crossing the waterway.

C-4 Describe how the granting of the requested variance will not harm public interest or have adverse affects on surrounding properties. :

Both culvert crossings shall be professionally engineered and permitted as to not adversely affect surrounding properties.

The proposed development follows the Town of Clayton's Comprehensive and Future Land Use Plan.



- LEGEND**
- 3/4" IRON REBAR FOUND
 - RECORDED BEARING AND/OR DISTANCE
 - SQUARE FEET
 - CERTIFIED LAND CORNER
 - WINNEBAGO COUNTY
 - EXISTING STORM DRAINAGE
 - EXISTING UTILITY WALL
 - EXISTING UTILITY BOX
 - EXISTING POST
 - UTILITY POLE
 - UTILITY POLE W/60V WIRE
 - TELEPHONE OR TELEVISION PEDESTAL
 - EXISTING BUILDING
 - EXISTING CONTOURS
 - EXISTING CULVERT WITH END SECTIONS
 - TREE OR BRUSH LINE
 - SOIL BORING LOCATION

- CABLE TELEVISION - BURIED
- GAS MAIN
- ELECTRIC CABLE - BURIED
- FIBER OPTIC CABLE - BURIED
- EXISTING FENCE
- DITCH LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- SECTION LINE
- EXISTING ASPHALT PAVEMENT
- EXISTING GRAVEL
- EXISTING CONCRETE PAVEMENT
- WETLANDS AS DELINEATED BY DAVID ENGINEERING & ENVIRONMENTAL, INC.
- TRAFFIC STUDY DATED OCT. 25, 2022

PRELIMINARY PLAT SCHOLAR RIDGE ESTATES

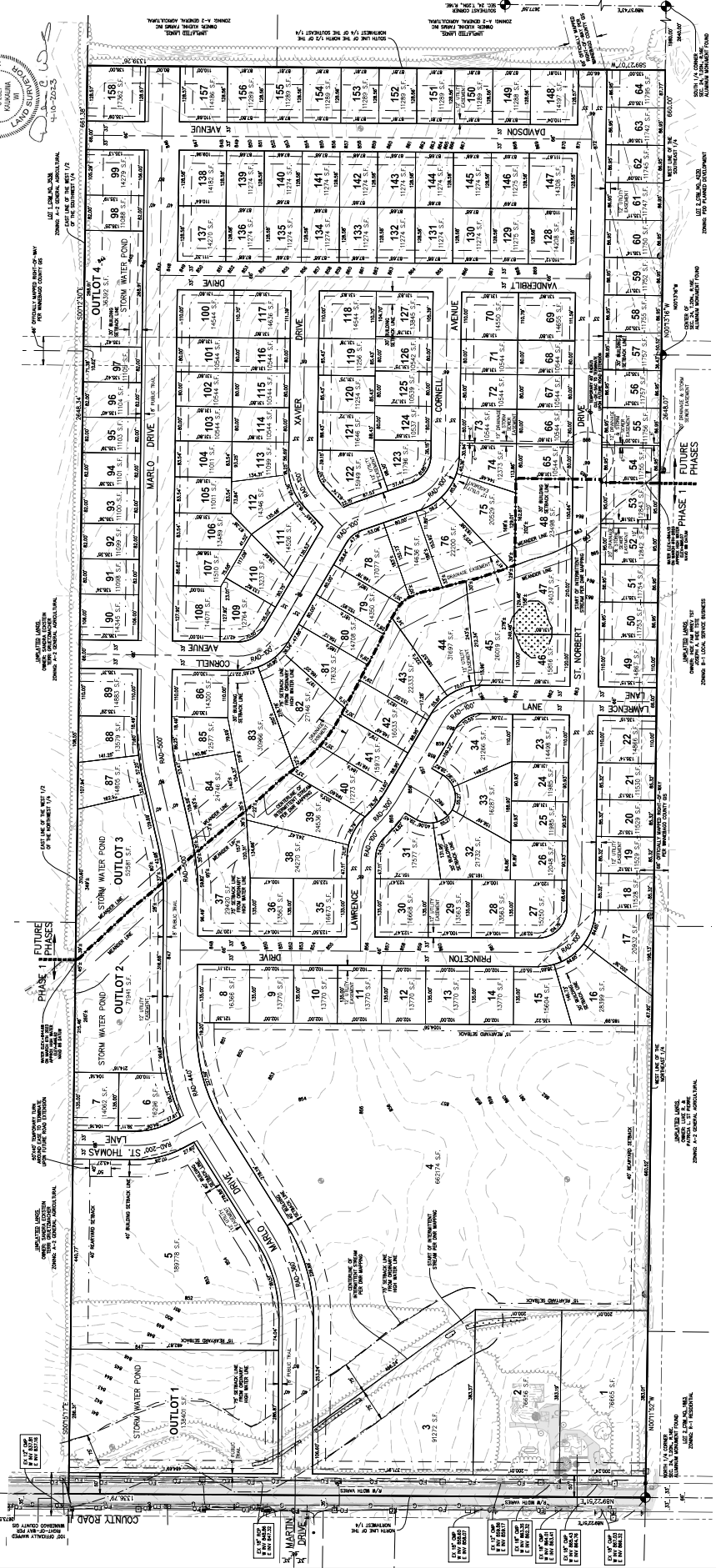
ALL OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 20 NORTH, RANGE 16 EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN

OWNER/DEVELOPER:
CLAYTON DEVELOPMENT GROUP, LLC
2005 AMERICAN DRIVE, SUITE A
NENAH, WI 54956
(920) 402-9401

SUBJECT:
NENAH, WI 54956
1445 MORRISON DRIVE
NENAH, WI 54956
(920) 701-4205

BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 20 NORTH, RANGE 16 EAST, WHICH BEARS N89°22'51"E 111.16' TO THE CORNER OF SECTION 24, TOWNSHIP 20 NORTH, RANGE 16 EAST, AS PUBLISHED FOR WINNEBAGO COUNTY

SCALE - FEET
120 60 0 120



PHASE 1 FUTURE PHASES

ST. MORRIS DRIVE

ST. LAWRENCE DRIVE

ST. JAMES DRIVE

ST. ANNE DRIVE

ST. MICHAEL DRIVE

ST. MARTIN DRIVE

ST. JOHN DRIVE

ST. PETER DRIVE

ST. PAUL DRIVE

ST. MARY DRIVE

ST. JOSEPH DRIVE

ST. FRANCIS DRIVE

ST. ANTHONY DRIVE

ST. BENEDICT DRIVE

ST. COLUMBUS DRIVE

ST. DOMINIC DRIVE

ST. GABRIEL DRIVE

ST. MICHAEL DRIVE

ST. MARTIN DRIVE

ST. JOHN DRIVE

ST. PETER DRIVE

ST. PAUL DRIVE

ST. MARY DRIVE

ST. JOSEPH DRIVE

ST. FRANCIS DRIVE

ST. ANTHONY DRIVE

ST. BENEDICT DRIVE

ST. COLUMBUS DRIVE

ST. DOMINIC DRIVE

ST. GABRIEL DRIVE

PRELIMINARY PLAT - SCHOLAR RIDGE ESTATES
PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 20 NORTH, RANGE 16 EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN

DATE	APRIL 10, 2023
PROJECT NO.	11116
OWNER	CLAYTON DEVELOPMENT GROUP, LLC
DESIGNER	DAVID ENGINEERING & ENVIRONMENTAL, INC.
APPROVED	DAVID ENGINEERING & ENVIRONMENTAL, INC.

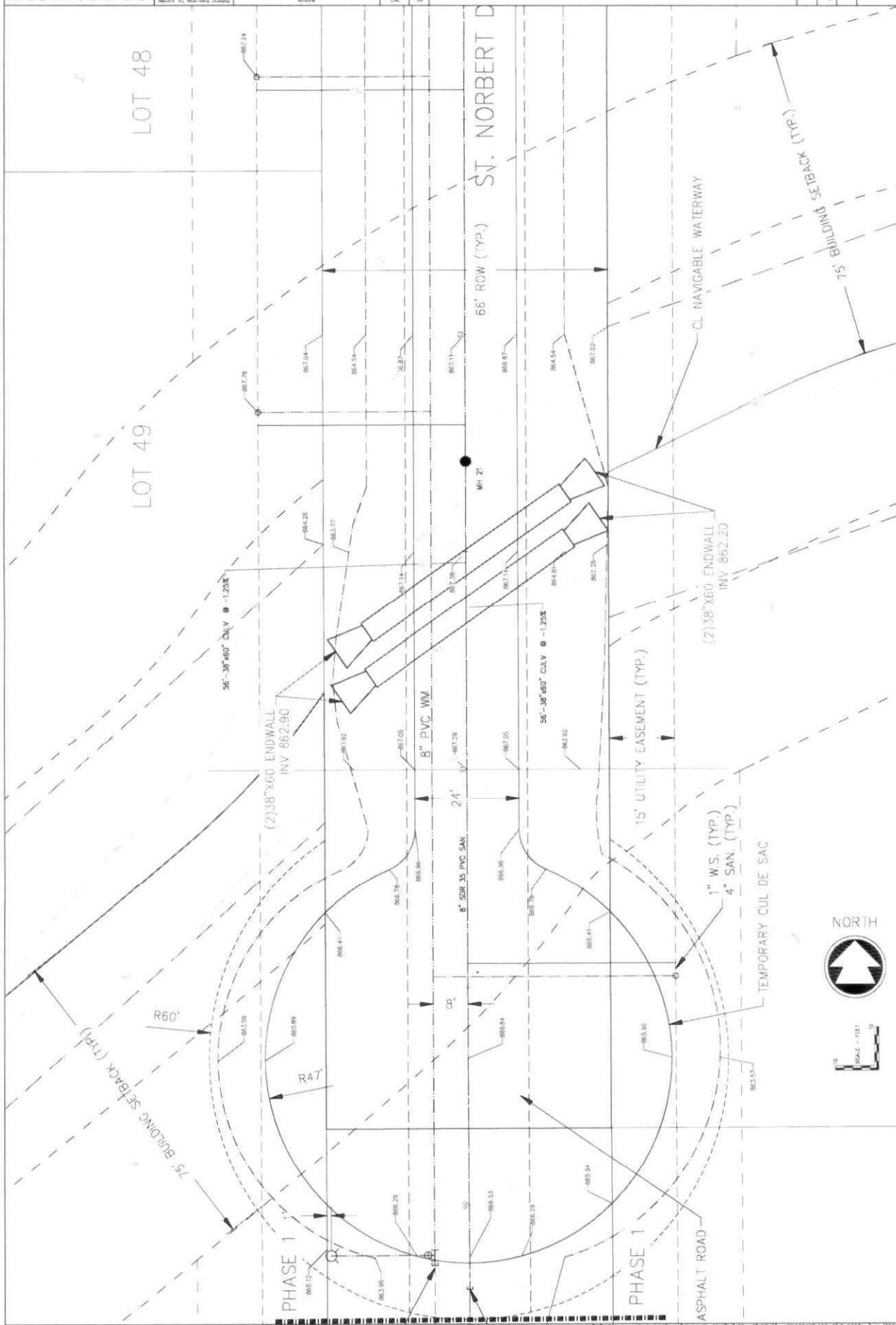
LOT 48

LOT 49

ST. NORBERT DRIVE

TOWN OF CLAYTON - PHASE 1
 SCHOLAR RIDGE ESTATES - PHASE 1

DATE	10/20/2023
PROJECT	SCHOLAR RIDGE ESTATES - PHASE 1
CLIENT	TOWN OF CLAYTON
SCALE	1" = 40'
SHEET	20



SCALE - FEET
 0 10 20

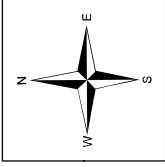


Application #23-VA-6440

Date of Hearing:
August 29, 2023

Owner(s):
CLAYTON DEVELOPMENT
GROUP LLC

Subject Parcel(s):
0060617 / 0060618 /
0060632



Winnebago County
WINGS Project

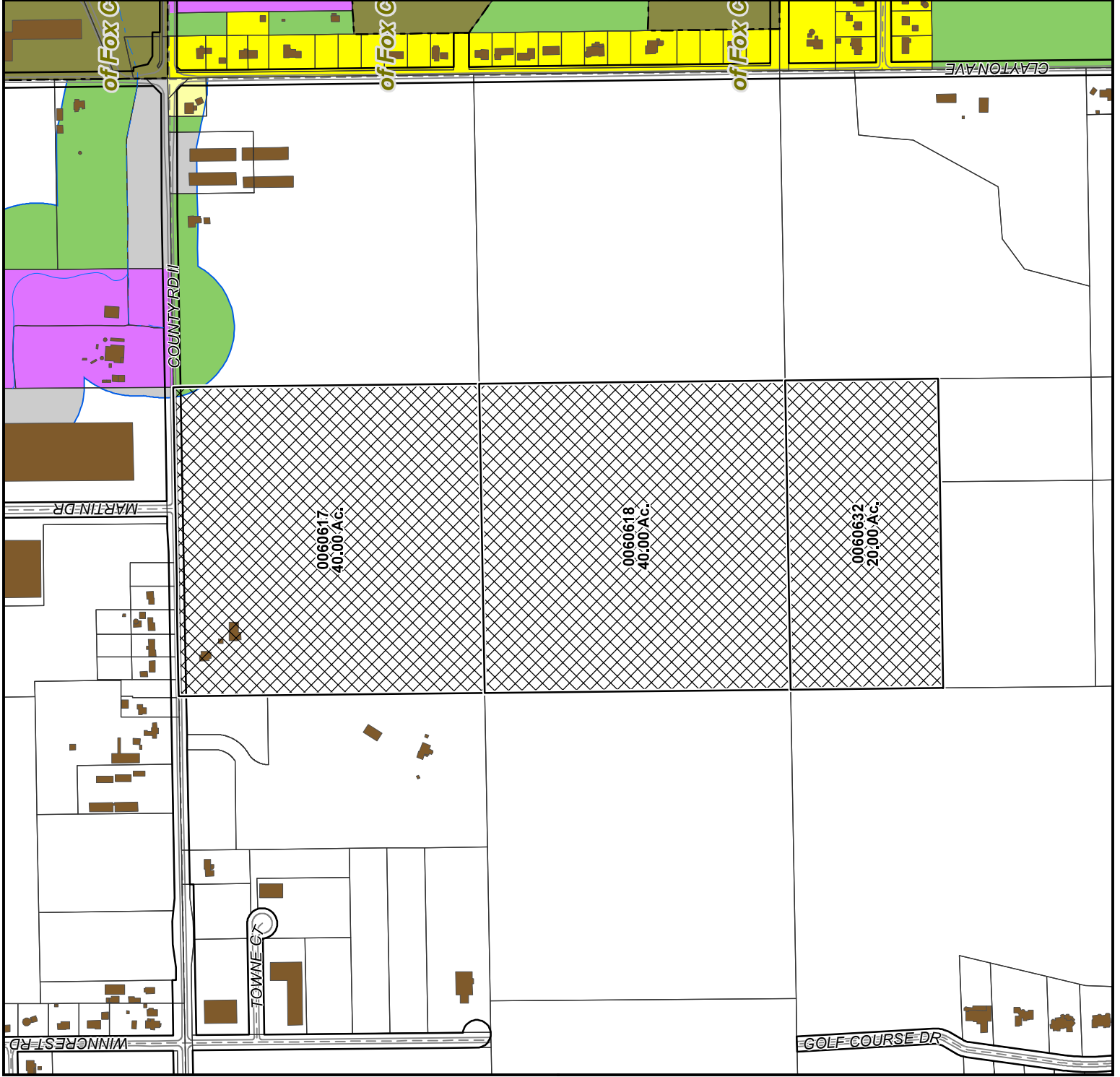
Scale
1 inch : 600 feet

County Zoning Districts

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial
Zoning Jurisdiction

Incorporated Area



○ = SITE

Application #23-VA-6440

Date of Hearing:

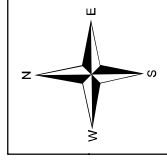
August 29, 2023

Owner(s):

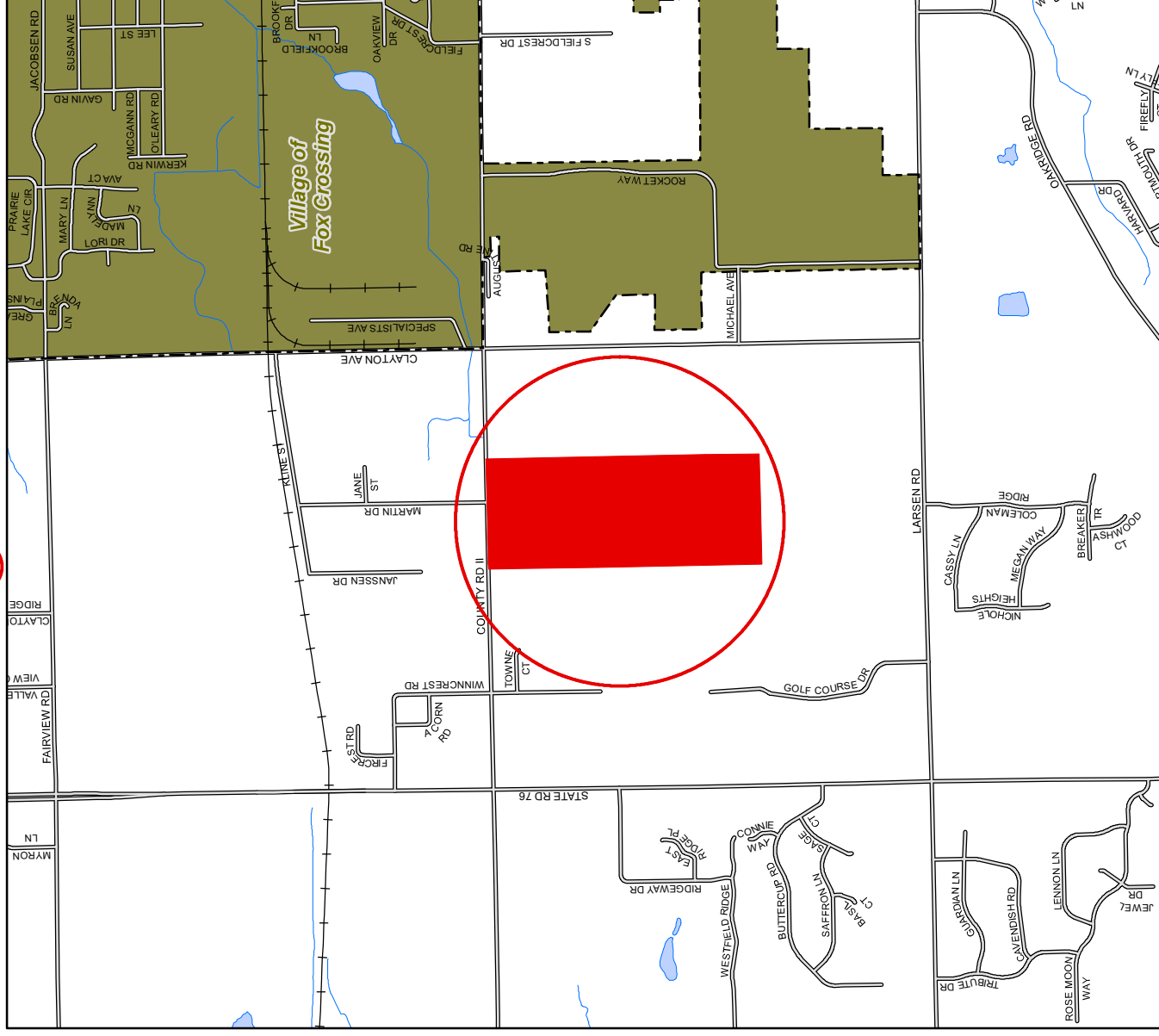
CLAYTON DEVELOPMENT GROUP LLC

Subject Parcel(s):

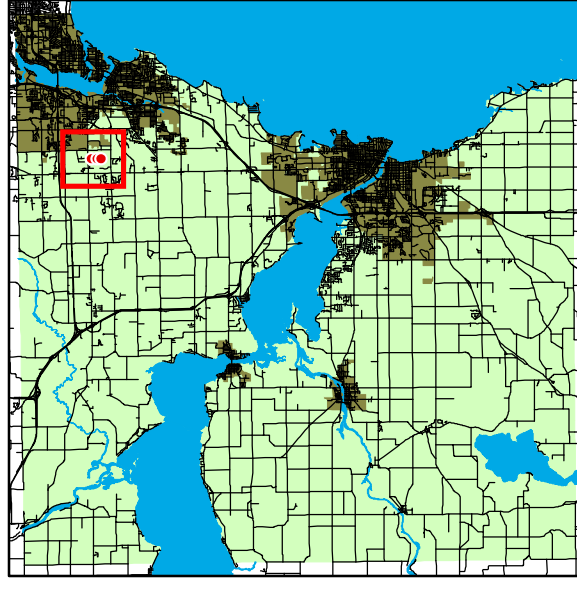
0060617 / 0060618 / 0060632



Winnebago County
WINGS Project



● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY