

WINNEBAGO COUNTY
BOARD OF ADJUSTMENT
PUBLIC HEARING

March 29, 2022
5:30 P.M.

First Floor Conference Room (120) – County Administration Building
***Public Hearing held via Zoom**

PRESENT: Arden Schroeder, Tom Tuschl (virtual), Larry Kriescher and Sue Drexler (virtual). Cary Rowe, Zoning Administrator and Karen Fredrick – Court Reporter (virtual). Guest present.

EXCUSED: Greg Kargus

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. Town of Neenah – 1650 S Park Ave (in road right-of-way), Town of Neenah - Variance

Applicant is requesting a variance for a substandard shore yard and street yard setback. Proposed 18' x 11' generator accessory building will be located within the road right-of-way. Ben Hamblin – McMahon Engineers, was sworn in. Mr. Hamblin explained the variance request. Mr. Hamblin stated that the town planning commission had denied the variance request because of questions and concerns the commission had. Mr. Hamblin also stated that he addressed the commissions questions and concerns in addition to the neighbors concerns at the town board meeting. The Neenah Town Board subsequently approved the variance request. Arden Schroeder asked Mr. Hamblin if the structure was going to be flood proofed. Mr. Hamblin stated that it was. Tom Tuschl asked Mr. Hamblin if any other locations were considered. Mr. Hamblin stated that another location was considered but the DNR objected to it because of the presence of wetlands and Mr. Hamblin provided an e-mail from the DNR confirming the same. Zoning Administrator read in an e-mail from Laurie Fletcher expressing her concerns about the proposed location of the building. Zoning Administrator also read in an e-mail from Franklin Nelson expressing his concerns about the proposed location of the building and how it impacted his view of the lake. The Zoning Administrator stated that he received a letter from the Neenah Town Board recommending approval of the variance with the following findings: 1) Town of Neenah Board of Supervisors voted on March 28, 2022 to recommend approval of the variance request for a substandard shore yard setback. 2) Town

of Neenah Board of Supervisors voted on March 28, 2022 to recommend approval of the variance request for a substandard road setback. There was no additional testimony.

ADJOURNMENT

MOTION made by S. Drexler to adjourn the meeting. Seconded by L. Kriescher. Motion carried 4-0. Meeting adjourned at 5:49 P.M.

Respectfully submitted

Cary A. Rowe
Recording Secretary

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Winnebago County
Board of Adjustment
DELIBERATIVE

April 14, 2022
7:30 A.M.

3rd Floor Conference Room - Winnebago County Administrative Building
Oshkosh, WI

***Deliberative held via Zoom**

PRESENT: Arden Schroeder, Greg Kargus, Tom Tuschl, Larry Kriescher and Susan Drexler, Cary Rowe – Zoning Administrator, Daniel Lefebvre – Code Enforcement Officer.

1. Approval of minutes from September 28 (Public Hearing), October 7 (Deliberative), December 2, 2021 (Special Meeting) and March 24, 2022 (Viewing)

Motion by T. Tuschl to approve the minutes from September 28 (Public Hearing), October 7 (Deliberative), December 2, 2021 (Special Meeting) and March 24, 2022 (Viewing). Seconded by L. Kriescher. Motion carried 5-0.

2. Town of Neenah – 1650 S Park Ave, Town of Neenah – Variance.

Applicant is requesting a variance for a substandard shoreyard and steetaryard setback.

The Board discussed the proposal and reviewed the findings. Motion by T. Tuschl, seconded by S. Drexler to include in the findings the DNR correspondence which concluded that there was no other suitable location for the generator building due to the presence of wetlands. Motion carried 4-0-1 (K. Kargus abstained)

Motion by T. Tuschl, seconded by L. Kriescher, to approve a variance for an 8.5-ft and 12-ft shoreyard setback and a 0-ft steetaryard setback. Motion carried 4-0-1. (K. Kargus – abstained)

There was no further testimony on this item.

Motion to adjourn by S. Drexler. Seconded by L. Kriescher. Motion carried 5-0.

Meeting adjourned at 7:37 A.M.

Respectfully submitted,

Cary A. Rowe
Recording Secretary

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
VIEWING

June 23rd, 2022

8:00 A.M.

County Administration Building

ACTION

A quorum was not met, board members will view the property stated below on their own.

1. Kish, John, et al – 7704 Cutoff Ln, Town of Wolf River - Variance

Respectfully submitted,

Daniel R. Lefebvre
Code Enforcement Officer

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
POST STAFF REPORT
June 29, 2022

Town and/or agency's comments:

1. The WDNR recommended the Board consider all variance criteria when making a decision, and recommended any proposed structure within the floodplain be floodproofed as much as practical, including fill around the structure.

CRITERIA AND ADVISORY FINDINGS

23.7-234 "Basis of decision" (required for all Ch. 23 Town/County Zoning Code, Ch. 26 Floodplain Zoning Code, and Ch. 27 Shoreland Zoning Code variances)

- 1. Criteria: 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.**

Findings for approval: The Floodplain fill requirements of 15 ft on all sides reduces the developmental space of the lot. Basements are not allowed in floodplain areas therefor reducing the allowable square footage of a single- family dwelling.

Findings for denial: A single family dwelling could be designed to accommodate the floodplain fill requirements of 15 ft of fill around the perimeter of the structure.

- 2. Criteria: The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in questions.**

Findings for approval: The property has a unique shape that is not accommodating to floodplain fill requirements.

Findings for denial: The property could provide room to accommodate the 15 ft of floodplain fill requirement.

- 3. Criteria: 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.**

Findings for approval: Having less fill will still keep the structure protected from floodwater and will not have an adverse effect on adjacent properties or harm to the public interest. Removal of non- conforming structures on the lot is desirable.

Findings for denial: Meeting the 15- ft floodplain fill requirement will not harm the public interest. 26.6-7(a) "Review criteria" (required for all Ch. 26 Floodplain Zoning Code variances).

Based upon the above findings, it is the opinion of the Board that all criteria of Article 7, Division 12, Section 23.7-234, Town/County Zoning Code have have not been met.

Staff Recommendation: Approval With Conditions

Advisory Conditions:

VOTE: _____ to _____

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
POST STAFF REPORT
July 7th 2022

**TOWN AND/OR
AGENCY'S
COMMENTS:**

1. The Town of Algoma is recommending denial of the appeal due to lack of motion.
2. The Town of Nekimi made a motion and seconded to accept the Board of Adjustment's final decision. Carried, 3-0
3. The Town of Vinland is recommending denial of the appeal in which the Town of Vinland affirms decision made by Winnebago County Planning & Zoning Staff.

DECISION:

Based upon the testimony stated at the Board of Adjustment Public Hearing on June 28th 2022, one of the following options must be selected in accordance with Article 7, Division 13, Section 23.7-253(7), Town/County Zoning Code.

1. Affirm the Zoning Administrator's Decision.
2. Set Aside the Zoning Administrator's Decision.
3. Modify the Zoning Administrator's Decision.

VOTE: _____ to _____