

Date Mailed: _____

SUSAN T. ERTMER
Winnebago County Clerk
112 Otter Ave, PO Box 2806
Oshkosh, WI 54903-2806
(920) 232-3430

NOTICE OF COMMISSION, BOARD OR COMMITTEE MEETING

**NAME OF COMMISSION,
BOARD OR COMMITTEE:** BOARD OF ADJUSTMENT
**see below

TIME OF MEETING: 7:30 A.M.

DATE OF MEETING: Thursday, August 5, 2021

PLACE OF MEETING: WINNEBAGO COUNTY ADMINISTRATIVE BLDG
112 Otter Ave, 3rd Floor Conference Room *
Oshkosh, WI

* Meetings will be held via Zoom for the welfare of everyone involved. All interested persons wishing to be heard at the public hearing may be in person, however we are encouraging the public to stay home and stay safe.

- **Join Zoom Meeting:** <https://us02web.zoom.us/j/89177509073?pwd=UGtLSXViL2doblRRQkcyOHBuNmoyUT09>
- **Dial by your location:** +1 312 626 6799 US (Chicago)
- **Meeting ID:** 891 7750 9073
- **Passcode:** 475905

Additional Instructions can be found at: <https://www.co.winnebago.wi.us/planning-and-zoning>.

SUBJECT MATTER OF THE MEETING

DELIBERATIVE AGENDA

1. Approval of minutes from May 25 (Public Hearing), June 3 (Deliberative) and June 24 (Viewing), June 29 (Public Hearing), July 22 (Deliberative), & July 27 (Public Hearing)
3. **Richard Panske et al** - 5404 E Reighmoor Rd, Town of Omro – Variance (Adjourned from June 29, 2021.)

**** This meeting is also being posted as a Committee meeting for: Facilities & Property Management**

The Committee reserves the right to take up any item on the agenda at any time after the meeting commences.

Upon request, provisions will be made for people with disabilities upon 24 hours prior notice to the Office of the County Clerk. Phone Number: (920) 232-3430.

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING

May 25, 2021

5:30 P.M.

First Floor Conference Room (120) – County Administration Building

Public Hearing held via Zoom

PRESENT

Tom Tuschl (virtual), Arden Schroeder, Larry Kriescher, and Sue Drexler. - Greg Kargus (excused)

Cary Rowe -Zoning Administrator, Daniel Lefebvre -Code Enforcement Officer, and Karen Fredrick -Court Reporter (virtual).

The meeting was called to order by Tom Tuschl, Chairman at 5:30 P.M. Board members introduced themselves and Daniel Lefebvre, Code Enforcement Officer 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.

AMCOR FLEXIBLES – 2451 BADGER AVE, CITY OF OSHKOSH – VARIANCE

Applicant is requesting a variance to exceed the standard airport height limit requirement. Ken Kraase – CR Meyer, was sworn in. Mr. Kraase explained the variance. Mr. Kraase explained the placement and height of the proposed silos. Mr. Lefebvre read a letter from the Federal Aviation Administration (FAA) into record, which in summary stated the proposed variance will not be a hazard to air navigation. Mr. Lefebvre stated he also received emails from the City of Oshkosh & Wittman Regional Airport Director both stating they have no concerns with the proposed silos.

MARK RAATZ – 8566 HERBST RD, TOWN OF POYGAN - VARIANCE

Applicant is requesting a variance for a substandard shore yard & floodplain fill requirement(s). Mark Raatz – Property Owner, was sworn in. Mr. Raatz explained the variance. Mr. Raatz explained his existing approved variance and the requirements he was not able to meet due to the property's size. T. Tuschl questioned Mr. Raatz on his flexibility on retaining wall & stair access placement. Mr. Lefebvre read a letter from

the WDNR into record, which in summary asked the Board of Adjustment to consider the applicability of each variance criteria. Mr. Lefebvre stated he also received correspondence from the Town of Poygan recommending support for the variance.

DAVID GAYLORD – 7583 MALLARD LN, TOWN OF WOLF RIVER – VARIANCE

Applicant is requesting a variance for a substandard road and building separation requirement(s). David Gaylord - Property Owner & Corey Kalkofen -McMahon Associates were sworn in. Mr. Gaylord & Mr. Kalkofen explained the variance. T. Tuschl discussed garage size and placement in relation to Mallard Ln. Mr. Lefebvre read correspondence from the Town of Wolf River into record, which in summary recommended approval for the variance.

LANCE ROBINSON – 7591 MALLARD LN, TOWN OF WOLF RIVER – VARAINCE

Applicant is requesting a variance for a substandard shore yard, side yard, road, floodplain fill, and building separation requirement(s). Lance Robinson – Property Owner & Corey Kalkofen -McMahon Associates were sworn in. Mr. Robinson & Mr. Kalkofen explained the variance. T. Tuschl and A. Schroeder discussed building footprint and minimum living space requirements. Mr. Lefebvre read correspondence from the Town of Wolf River into record, which in summary recommended approval for the variance.

ADJOURNMENT

MOTION made by A. Schroeder to adjourn the meeting. Seconded by L. Kriescher. Motion carried 4-0. Meeting adjourned at 6:18 P.M.

Respectfully submitted,

Daniel R. Lefebvre
Recording Secretary

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE HEARING

June 3, 2021

7:30 A.M.

Third Floor Conference Room – County Administration Building

DELIBERATIVE MEETING HELD VIA ZOOM

PRESENT

Arden Schroeder, Tom Tuschl, Sue Drexler (virtual), Larry Kriescher (excused), Greg Kargus (excused).

Cary Rowe -Zoning Administrator, Daniel Lefebvre -Code Enforcement Officer, and Karen Fredrick -Court Reporter (virtual).

The meeting was called to order by Tom Tuschl at 7:30 A.M.

GENERAL

MOTION to approve the March & April minutes by S. Drexler, seconded by A. Schroeder. MOTION carried 3-0.

Board reviewed findings and criteria in order to act on the variance(s).

AMCOR FLEXIBLES – 2451 BADGER AVE, CITY OF OSHKOSH – VARIANCE

MOTION by S. Drexler, seconded by A. Schroeder, to approve the variance as requested. The Board noted the correspondence letters from the City of Oshkosh, Wittman Regional Airport Director, and Federal Aviation Administration (FAA). The Board determined the variance met all applicable criteria based off the findings. MOTION carried 3-0.

MARK RAATZ – 8566 HERBST RD, TOWN OF POYGAN – VARIANCE

MOTION by S. Drexler, seconded by A. Schroeder, to approve the variance as requested. The Board discussed the shore-yard setback as it pertains to the proposed retaining wall & stair(s) placement, as well as the existing firepit and sidewalk locations. The Board determined the variance met all applicable criteria based off the findings.

MOTION carried 3-0.

DAVID GAYLORD – 7583 MALLARD LN, TOWN OF WOLF RIVER – VARIANCE

MOTION by A. Schroeder, seconded by S. Drexler, to approve the variance as requested with all staff advisory conditions. The Board discussed the hardship and unique property limitations occurring on the property. The Board determined the variance met all applicable criteria based off the findings, and the following advisory conditions must be applied to the variance:

- 1) Any part of the proposed structure located less than 5 ft to a separate structure must not have openings (doors/windows).
- 2) The proposed structure must have a firewall(s) due to the decreased structure separation setback.
- 3) All floodplain requirements must be met.

MOTION carried 3-0.

LANCE ROBINSON – 7591 MALLARD LN, TOWN OF WOLF RIVER – VARAINCE

MOTION by S. Drexler, seconded by A. Schroeder, to approve the variance as requested with all staff advisory conditions. The Board discussed the proposed patio's location within the shore-yard setback, and the 36 square foot access ingress/egress allowance. The Board determined the variance met all applicable criteria based off the findings, and the following advisory conditions must be applied to the variance:

- 1) Any part of the proposed structure located less than 5 ft to a separate structure must not have openings (doors/windows).
- 2) The proposed structure must have firewall(s) due to the decreased structure setback requirement.
- 3) All floodplain requirements must be met.
- 4) Proposed deck may be no greater than 36 square feet (ingress/egress allowance).

MOTION carried 3-0.

ADJOURNMENT

MOTION made by A. Schroeder to adjourn the meeting. Seconded by S. Drexler Motion carried 3-0. Meeting adjourned at 8:13 A.M.

Respectfully submitted,

Daniel R. Lefebvre
Code Enforcement Officer

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
VIEWING

June 24th, 2021

8:00 A.M.

County Administration Building

PRESENT

Arden Schroeder, Tom Tuschl, Sue Drexler, Greg Kargus (excused), and Larry Kriescher (excused).

Daniel Lefebvre -Code Enforcement Officer

ITEMS

The Board met at 8:00 A.M. at the County Administration Building, then departed to view the following properties:

1. Wade Hetrick - 6776 Sunset Trail, Town of Winneconne – Variance
2. Richard Panske et al - 5404 E Reighmoor Road, Town of Omro – Variance

ADJOURNMENT

Meeting adjourned at 9:45 A.M.

Respectfully submitted,

Daniel R. Lefebvre
Code Enforcement Officer

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING

June 29, 2021

5:30 P.M.

First Floor Conference Room (120) – County Administration Building

PUBLIC HEARING HELD VIA ZOOM

PRESENT

Greg Kargus, Tom Tuschl, Arden Schroeder, Larry Kriescher, Sue Drexler

Daniel Lefebvre -Code Enforcement Officer, & Karen Fredrick - Court Reporter

The meeting was called to order by Greg Kargus, Chairman at 5:30 P.M. Board members introduced themselves and Daniel Lefebvre, Code Enforcement Officer 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.

RICHARD PANSKE ET AL – 5404 E REIGHMOOR RD, TOWN OF OMRO – VARIANCE

The Town of Omro requested Adjournment. MOTION made to adjourn by S. Drexler. Seconded by T. Tuschl. Motion carried 5-0.

WADE HETRICK – 6776 SUNSET TRAIL, TOWN OF WINNECONNE – VARIANCE

Applicant is requesting a variance for a substandard shore yard setback requirement. Wade Hetrick - Property Owner was sworn in. Mr. Gaylord explained the variance. Multiple property owners neighboring the applicant's property spoke in support of the requested variance. The Board reviewed variance criteria for the public. Mr. Lefebvre read correspondence from the Town of Winneconne into record, which in summary recommended approval for the variance.

ADJOURNMENT

MOTION made by A. Schroeder to adjourn the meeting. Seconded by L. Kriescher. Motion carried 5-0. Meeting adjourned at 5:50 P.M.

Respectfully submitted,

Daniel R. Lefebvre
Recording Secretary

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE MEETING

July 22, 2021

7:30 A.M.

Third Floor Conference Room – County Administration Building

DELIBERATIVE MEETING HELD VIA ZOOM

PRESENT

Greg Kargus, Arden Schroeder, Tom Tuschl, Sue Drexler and Larry Kriescher.
Daniel Lefebvre -Code Enforcement Officer

The meeting was called to order by Greg Kargus at 7:30 A.M.

GENERAL

MOTION to defer approval of the May 25th, June 3rd, and June 24th meeting minutes until the July deliberative meeting by T. Tuschl, seconded by S. Drexler. MOTION carried 5-0.

The Board reviewed findings and criteria in order to act on the variance.

**WADE HETRICK – 6776 SUNSET TRAIL, TOWN OF WINNECONNE –
VARIANCE**

MOTION by T. Tuschl, seconded by L. Kriescher, to deny the variance as requested. The Board noted the importance of meeting all criteria for a variance request to be approved. T. Tuschl read the findings for denial. The Board determined the variance has not met the variance criteria based off the findings. MOTION carried 5-0.

ADJOURNMENT

MOTION made by A. Schroeder to adjourn the meeting. Seconded by L. Kriescher Motion carried 5-0. Meeting adjourned at 7:37 A.M.

Respectfully submitted,

Daniel R. Lefebvre
Code Enforcement Officer

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING

July 27, 2021

5:30 P.M.

First Floor Conference Room (120) – County Administration Building

PUBLIC HEARING HELD VIA ZOOM

PRESENT

Greg Kargus, Tom Tuschl, Arden Schroeder, Larry Kriescher, Sue Drexler

Daniel Lefebvre -Code Enforcement Officer, Cary Rowe -Zoning Administrator

The meeting was called to order by Greg Kargus, Chairman at 5:30 P.M. Board members introduced themselves and Daniel Lefebvre, Code Enforcement Officer 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.

RICHARD PANSKE ET AL – 5404 E REIGHMOOR RD, TOWN OF OMRO – VARIANCE

Applicant is requesting a variance for a substandard shore yard setback or a reduced floodplain fill requirement. Rick Panske – Property Owner was sworn in. Mr. Panske explained the variance. G. Kargus clarified floodplain fill placement and the configuration of the proposed retaining wall. Mr. Panske stated he preferred the reduced floodplain fill option of the variance request. Mr. Lefebvre read correspondence from the Town of Omro into record, which in summary recommended approval for the variance's substandard shore yard setback request, but denial of the reduced floodplain fill request.

ADJOURNMENT

MOTION made by S. Drexler to adjourn the meeting. Seconded by A. Schroeder. Motion carried 5-0. Meeting adjourned at 5:54 P.M.

Respectfully submitted,

Daniel R. Lefebvre
Code Enforcement Officer

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
DATE 07/27/2021

Town and/or agency's comments: The Town of Omro recommended approval for the variance with the reduced shore yard setback, but recommended denial for the reduced floodplain fill request.

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.**
 - a. Finding(s): Findings for approval: Due to the existing compact development of the area the floodplain fill requirement will create adverse drainage issues. Findings for denial: The property has adequate space for the 15 ft of fill requirement.
- 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.**
 - a. Finding(s): Findings for approval: Due to the limited room on the applicants property, denial of the reduced floodplain fill requirement will result in a structure being placed within the shore yard setback. Findings for denial: The property is large enough to 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.**
 - a. Finding(s): Findings for approval: Due to the elevation difference of the applicants property, the floodplain fill requirement will adversely effect neighboring properties drainage. Findings for denial: Meeting the 15 ft of floodplain fill requirement will not harm public interest. 26.6-7(a) "Review Criteria" (required for all Chapter 26 Floodplain Zoning Code variances).

26.6-7(a) "Review criteria" (required for all Ch. 26 Floodplain Zoning Code variances) 1. Criteria: The variance is consistent with the purpose of the Floodplain Zoning Code s. 26.1-5. a. Finding(s): Findings for approval: The flood proofing measures in place will keep the structure reasonably safe from flooding per the floodplain zoning code. Findings for denial: The reductions in floodplain fill will not offer as much protection as the complete 15 ft of fill, and the risk of potential uplift of the foundation would be greater.

27.6-8(a) "Generally" (required for all Ch. 27 Shoreland Zoning Code variances) 1. Criteria: The variance is consistent with the purpose of the Shoreland Zoning Code. a. Finding(s): Findings for approval: The retaining wall will allow floodplain fill stabilization along the property line. Findings for denial: The property will have better drainage with the approval of a floodplain fill request, and prevent adverse drainage issues on neighboring properties.

Based upon the above findings, it is the opinion of the Board that all criteria of , Article 6, Section 26.6-7 of the Floodplain Zoning Code, Article 6, Section 27.6-8 of the Shoreland Zoning Code have (have not) been met

STAFF RECOMMENDATION

- Approval
- Approval with conditions X
- Approval not as requested
- Approval not as requested with conditions
- Denial

ADVISORY CONDITIONS:

- 1. County Conditions: A retaining wall may not be placed within the shore yard setback.