

WINNEBAGO COUNTY BOARD OF ADJUSTMENT -- DELIBERATIVE SESSION

Thursday, January 5, 2012 – 7:30 a.m.

2nd Floor Conference Room, County Administration Building

112 Otter Ave, Oshkosh, Wisconsin

Members Present: Arden Schroeder, Greg Kargus, Dan Mingus, and Mary Mathwig

Excused: None

Absent: Tom Verstegen

Also Present: Candace Zeinert, zoning, and Holly Ford, court reporter

The meeting was called to order at 7:36 a.m.

Approval of Minutes

Motion by G. Kargus, second by D. Mingus to approve meeting minutes for November 4, 2011 and December 16, 2011. Motion to approve carried by unanimous voice vote.

Decision was made on the following request:

Steven Smits – Town of Omro – Variance

Mr. Smits had requested a variance to be allowed a reduced amount of fill to meet residential floodplain requirements.

D. Mingus clarified that the foundation wall thickness and height/depth does not have anything to do with meeting this specific floodplain requirement, as Mr. Smits' contractors had incorrectly informed him. C. Zeinert pointed out that the contractors may have gotten the regulations confused with construction requirements for building within the floodway district in which special engineering of foundation walls may be required. G. Kargus questioned the height of a retaining wall that would be required if fill. C. Zeinert further explained the fill requirement and that the retaining wall would need to be as high if not higher than the required fill height (750.9 ft NGVD).

After additional discussion a motion was made by G. Kargus, and seconded by D. Mingus, to grant a variance to allow filling on the east and west side to ten (10) feet rather than the required fifteen (15) feet and slope with a 3:1 slope on the east side with the following conditions:

1. Construct a retaining wall that is properly anchored so as to be able to withstand the pressure of the fill and driveway without collapsing.
2. Adequate drainage to be maintained on the west side of the house.

Findings:

1. **Exceptional Circumstances:** The 50ft wide residential lot makes it difficult to have a reasonably sized home while meeting the full fill requirements.
2. **Preservation of Property Rights:** Without a variance the property owner would be very limited to the size home that is allowed on the property.

3. **Absence of Detriment:** The lack of fill will not be a detriment to neighboring properties; however the benefits that the fill provides may be lost in the event of a flood.

Vote on the motion: A. Schroeder, aye; G. Kargus, aye; D. Mingus, aye; M. Mathwig, aye. Motion passed by a 4-0 vote. **Variance granted, not as requested, with conditions.**

Based upon the above findings, it is the opinion of the Board that all criteria of Section 17.32(7)(a), (b), and (c) have been met.

Upon conclusion of the agenda items, the meeting was adjourned at 7:57 a.m.

Respectfully submitted,

Candace M. Zeinert

Candace M. Zeinert, Recording Secretary