

## **WINNEBAGO COUNTY BOARD OF ADJUSTMENT**

Wednesday, April 25, 2012 – 5:30 p.m.

Lounge Room, Courthouse, Oshkosh, Wisconsin

### **PUBLIC HEARING**

**Present:** Board Members: Chairman Arden Schroeder, Greg Kargus, Dan Mingus, Mary Mathwig, and Tom Verstegen

**Absent:** None

**Excused:** None

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

Meeting was called to order at 5:30 p.m. Committee members and staff introduced themselves. C. Zeinert read the appeal process.

#### **Mary Ann Bennett – Town of Omro**

D. Mingus read the legal description and requested variance for the agenda item:

Ms. Bennett, applicant, was sworn in and described her variance request. Ms. Bennett informed the Board that her initial plans were to fix up the existing home because she was having problems with flooding and mold. Unfortunately, because the home was nonconforming, she was limited to 50% of the equalized assessed value of the home for total lifetime improvements, so rebuilding the residence seems more feasible.

Board members questioned the retaining walls. Ms. Bennett said they would be 3 ft high and that one side would be made of railroad ties while the other side will most likely be a block retaining wall. The retaining walls would be used to keep the fill (to meet floodplain regulations) on the property and would have a 42.5ft setback from the ordinary high water mark (wet boathouse). It was reiterated that there was no variance being requested for the new home (meets setbacks based on setback averaging).

C. Zeinert read 3 letters from neighbors: 2 were in favor of the variance request; 1 letter voiced concerns regarding drainage from the filled property.

C. Zeinert read the resolution submitted by the Town of Omro recommending approval.

#### **Louis Hafemeister – Town of Winneconne**

D. Mingus read the legal description and requested variance for the agenda item:

Garry Ruppel, agent and builder for the property owner, was sworn in and described the request. He said building on the property is confined to the specific location because of the channel and wetlands. Chairman Schroeder inquired why the structure could not be moved closer to the road (east). Mr. Ruppel said that there really isn't a gain in the depth of the lot as you go east. He specified that the house would be approximately 2,500 sq ft for the entire proposed 2-story home, with an approximate 26ft x 30ft garage. Mr. Ruppel said that Mr. Hafemeister has put a lot of money into enhancing wildlife habitat on the property.

At the request of the Board, C. Zeinert estimated lot depth using the ArcView GIS program. On the west side of the orchard the lot was approximated at 110-120 ft deep. On the east side of the property within the orchard the lot was approximated at 130-140 ft deep. Mr. Ruppel said that the wetlands cause problems with moving the home to the east.

C. Zeinert read the recommendation from Mr. Tom Blake, Shoreland Zoning Specialist, Wisconsin Department of Natural Resources.

Mr. Ruppel said he has been in discussions with Brian Bates (wetland consultant) regarding the boundary of the wetlands. He added that setback averaging was not available for this property and that there is no setback to the wetland.

C. Zeinert asked for clarification – if the wetland was only south of the existing driveway. Mr. Ruppel agreed. The ArcView GIS program shows mapped wetlands only on the property to the south. C. Zeinert described the difference between mapped wetlands and unmapped but potential wetlands.

The Board asked if any documentation had been submitted regarding the location of the wetlands. C. Zeinert replied that no information on wetlands, besides that which is already mapped, had been submitted. Mr. Ruppel said that Mr. Bates could do a delineation and submit the information, but probably not by the date of the deliberative.

**Motion** to adjourn this agenda item for 30 days (the next public hearing) made by T. Verstegan, seconded by M. Mathwig. All Ayes.

Tom Snider, Town of Winneconne Chairperson, was sworn in. He said the Town has the same concerns as the DNR and that the Town is not opposed to the request.

There being no other business, Chairman Schroeder adjourned the meeting at 6 p.m.

Respectfully submitted,

***Candace M. Zeinert***

Recording Secretary