

WINNEBAGO COUNTY BOARD OF ADJUSTMENT -- DELIBERATIVE SESSION

Tuesday, July 9, 2013 – 7:30 a.m.

3rd Floor Conference Room, County Administration Building

112 Otter Ave, Oshkosh, Wisconsin

Members Present: Arden Schroeder, Dan Mingus, Tom Verstegen, and David Weiss

Excused: Greg Kargus

Absent: James Forbes

Also Present: Candace Zeinert, zoning, Karen Fredrick, court reporter

The meeting was called to order at approximately 7:30 a.m.

Approval of Minutes

Motion by D. Mingus, second by T. Verstegen, to approve meeting minutes for May 28, 2013, June 6, 2013, and June 21, 2013. Motion to approve carried by unanimous voice vote.

Decisions were made on the following requests:

Richard Gabert & Tom Rusch – Town of Oshkosh – Variance

T. Verstegen asked if this request was the same as the last request and if the Town recommended approval. Yes to both.

D. Mingus motioned, seconded by D. Weiss to approve the variance as requested to change the height of the sign to 35ft.

Vote on the motion: A. Schroeder, aye; T. Verstegen, aye; D. Mingus, aye. D. Weiss, aye. Motion passed by a 4-0-2 vote (Forbes, Kargus). **Motion approved; variance granted.**

Findings for granting:

1. The existing sign is a legal nonconforming structure and its use is allowed to continue. The addition of the median was outside the property owner's control and does not allow the entire sign to be seen by northbound traffic.
2. The lower elevation of the subject parcel is compounded by the construction of the median wall of the highway which diminishes the use of the existing sign.
3. The increased height would not be against the purposes of the sign portion of the Zoning Code.

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 been met.

Bendixen – Town of Oshkosh – Variance

T. Verstegen inquired if anything was received from the DNR. C. Zeinert answered that a recommendation had not been submitted. D. Weiss confirmed that the hold up (reason for adjournment from May public hearing) was the 50% concern. C. Zeinert explained that we had received the calculations showing the project would be under the 50% rule (floodplain nonconforming) and that the information had been sent to the DNR, but still no reply was received.

A. Schroeder pointed out that there was room to build on the property. There was discussion amongst members regarding the original home's conforming status and how the addition would make the home nonconforming.

A. Schroeder stated that 1,200 square feet is quite a large addition and inquired why they did not think to do the addition from the start. C. Zeinert added that the DNR had the same question but that there was no definite answer, though it possibly could have been because the house came in sections instead of a stick-built home.

D. Mingus contributed that without a basement under the addition, there was no huge benefit to having/sloping 15ft of fill. C. Zeinert added that the Board may want to add a condition that the drain tile is installed, as the recommendation was missing from the staff report.

T. Verstegen asked how the 3.37 ft of fill was figured. C. Zeinert explained that it is calculated using current elevations, slope, and proposed setbacks.

T. Verstegen motioned, seconded by D. Mingus to approve the request for substandard floodplain fill to the proposed 3.37ft with the condition that drain tile is used to enhance drainage.

Vote on the motion: A. Schroeder, aye; T. Verstegen, aye; D. Mingus, aye. D. Weiss, aye. Motion passed by a 4-0-2 vote (Forbes, Kargus). **Motion approved; variance granted.**

Findings for granting:

1. The current layout of the residence and the encroachment of the floodplain boundary makes it difficult to construct an attached garage consistent with the standards of the R-2 Zoning District without a variance.
2. The original home was constructed outside the floodplain and was not required to meet floodplain requirements. The new addition will be located within the floodplain and will therefore have to meet more restrictive regulations for construction. The lot's width is only the minimum required for this district.
3. The reduced fill will not negatively impact neighboring properties. Drainage will be maintained.
4. There will still be approximately 3ft of fill on this side of the home, allowing for the intentions of the fill requirement to be met

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 and Article 6, Section 26.6-7 of the Floodplain Zoning Code, have been met.

Election of Officers

Item tabled until next deliberative meeting because members were absent.

Upon conclusion of the agenda items, the meeting was adjourned at 7:50 a.m.

Respectfully submitted,

Candace M. Zeinert

Candace M. Zeinert
Recording Secretary