

WINNEBAGO COUNTY BOARD OF ADJUSTMENT

Wednesday, October 16, 2013 – 5:30 p.m.

Lounge Room, Courthouse, Oshkosh, Wisconsin

PUBLIC HEARING

Present: Board Members: Arden Schroeder, Dan Mingus, Tom Verstegen, and Greg Kargus

Excused: David Weiss

Absent: James Forbes

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

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

Joseph Zelinski – Town of Oshkosh

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

Mark Biggar, applicant for the property owner was sworn in and described the request: a new home that needs a variance for floodplain fill. Mr. Biggar explained that the proposed home meets zoning side setbacks but the narrow lot makes meeting floodplain regulations difficult. He added that there will be a retaining wall encroaching into the 75ft shore yard setback to help keep drainage off the neighbor. There will be swales for drainage on both sides.

A. Schroeder inquired how far the retaining wall on the west side will go towards the water. Specifically, A. Schroeder inquired about an existing tree. Mr. Biggar said there would be some tapering off so that runoff doesn't go directly to the neighbor. A. Schroeder added that extending the retaining wall to the tree would help drainage. C. Zeinert clarified that the applicant requested a 60ft shore yard setback for the retaining wall which covers the 15ft of fill from the house at 75ft. She added that if the Board would like more room to taper the fill that a greater variance would need to be granted.

A. Schroeder inquired if the shoreline would be cut down for the swale. Mr. Biggar answered yes. There was some discussion regarding location of the stakes at the site.

T. Verstegen inquired about the existing retaining wall on the east side. Mr. Biggar explained that the wall would not be kept, but likely would be bought, removed, and possibly used on the property.

Gerald Fry, Town of Oshkosh Board of Adjustment Chair was sworn in. He acknowledged that the Town is only advisory in shoreland but that their Board agreed with the plan and the Town approves of the request. Mr. Fry added that their only major concern is drainage.

C. Zeinert explained that no other items (DNR recommendation) were submitted for record.

John Chavlovich – Town of Wolf River

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

John Chavlovich was sworn in and described the request to build a full 2nd story addition to an existing home. He added that they would not be changing the footprint of the structure. The variances being requested are for a shore yard setback and a side yard setback.

G. Kargus inquired if the boat slip was the location of the closest ordinary high water mark. Mr. Chavlovich explained that yes, it was the closest point of the water. T. Verstegen inquired if they were planning on filling in the boat slip. Mr. Chavlovich answered that they were not planning on it, but it was an option.

Joe Van Handel of Van Handel Construction was sworn in. Mr. Van Handel explained that he was the contractor for the project. He presented to the Board a few pictures comparing neighborhood homes with what is currently on the property and what is proposed. He said there were only positives in doing the project. The Board inquired what the negatives could be. Mr. Van Handel answered that he thought there may have been a possible height issue, but that it is not effective. He added that there were tall trees existing that already block the view for the neighbors. Mr. Van Handel pointed out that the roof is rotting and needs to be replaced anyways. The roof will have a 4:12 pitch which is only raising the height of the building by 13' from the first floor, but only visually about 8ft. Mr. Van Handel added that there will only be 600 sq ft of living space added to cut down the cost and stay under the 50% of equalized assess value limitation. 300 sq ft of the addition will be a covered porch. A. Schroeder inquired about the covered porch. Mr. Van Handel answered that it will be enclosed, but not as a 4 seasons room; no heat.

C. Zeinert clarified the boat slip and rip rap setbacks. The Town of Wolf River's recommendation to approve was read in to record. T. Verstegen inquired about the Town's finding that "there is not sufficient area on this lot to allow the placement of any residential structure...". C. Zeinert explained that in this floodway area, new construction is not allowed on the "first floor" (under most circumstances).

There being no other business, Arden Schroeder adjourned the meeting at 5:50 p.m.

Respectfully submitted,

Candace M. Zeinert

Recording Secretary