

## **WINNEBAGO COUNTY BOARD OF ADJUSTMENT**

Wednesday, November 14, 2012 – 5:30 p.m.

Lounge Room, Courthouse, Oshkosh, Wisconsin

### **PUBLIC HEARING**

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

**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. C. Zeinert read the appeal process.

### **Eric Hoffmann & Barbara Salemi – Town of Winneconne**

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

Eric Hoffmann and Barbara Salemi were sworn in. Mr. Hoffmann stated that they wish to build a new home where the garage currently is located. They are requesting reduced floodplain fill on the sides (5ft and 9ft instead of 15ft) while still meeting all other required setbacks. The property owners propose to also have drain tile on the sides.

Board members asked why they were choosing to taper the sides (instead of using retaining walls). Mr. Hoffmann replied that they will taper to allow for a gradual slope and room for the drain tile. He stated that they would prefer to taper than create a “border” between neighbors.

A. Schroeder mentioned that the property owners could do a swale with a “berm” (filling to property line with retaining wall) because the drain tile will not catch all the rain water. Mr. Hoffmann stated that he felt the sloping would be more aesthetically pleasing and that they are trying to make it work for everyone.

D. Mingus inquired if they plan to have a basement. Mr. Hoffmann replied that they may have just a crawlspace or simply a slab on grade.

T. Verstegen asked if the neighbor’s buildings are close to the lot line. Mr. Hoffmann replied that there is a outhouse/garden shed to the east but the proposed house will be set further back on the property because it is pie shaped.

Board members inquired what amount of fill will be on each side. Mr. Hoffmann stated that 9ft of fill is proposed on the west side and 5ft of fill is proposed on the east side which is the higher side.

A. Schroeder said he’s prefer to see an engineer do a drainage plan to ensure that the neighboring properties will not be negatively affected. D. Mingus asked if they had a drainage plan done. Mr. Hoffmann answered that they did not because they didn’t want to spend the money when they were not sure the variance would be granted.

Michael Hull of 5053 Rivermoor Drive was sworn in (neighbor to the west). He said he was concerned about being flooded out. He mentioned that the neighbor on the other side did the same thing and now the rain water goes on his property. He also mentioned he is trying to sell the property.

Board Members asked if they had a suggestion. Mr. Hull replied that he did not, but that he just doesn't want to be flooded out because no one would buy a property in a valley. He mentioned if water goes on to his property he will likely sue someone.

Roberta Mowrey of 5061 Rivermoor Drive was sworn in (neighbor to the east). She said she had the same concerns – she doesn't want water damage.

C. Zeinert said nothing was received from the DNR or Town for recommendations or comments.

Mr. Hoffmann again approached the Board. He said he doesn't see how the little amount being requested would be such a big deal. He mentioned that the new plan will help water go towards the lake. He said he plans to have the same amount of home on the property. Mr. Hoffmann said that everyone has water problems in the area because they were not planned for them back then.

Mr. Hull argued that the didn't have water problems along the shore until the neighbor built up their property.

G. Kargus asked what the existing grade is at and how much fill is needed. Mr. Hoffmann answered that 16-18 inches of fill will be required.

### **Donna McCarthy – Town of Menasha**

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

Bruce Klockzien and Gottlive were sworn in. They introduced themselves as employees of Four Seasons Sun Rooms and the representative of Donna McCarthy. They explained that the property owner has ingress and egress through 2 areas of the home. They explained that the existing deck is in need of great repair (pictures in Board members' packets) but that they got the ok from neighbors. They further explained that anything beyond the house would encroach into setbacks. The existing deck is 16' x 12' but they are proposing to extend into the setback by 10' 9".

D. Mingus inquired of staff if the house currently met street yard setbacks. C. Zeinert explained that the best information available was only an estimate from the GIS, but that it appeared that the house is approximately at the 30ft setback from both road right-of-ways.

The gentlemen from Four Seasons Sun Rooms described to the Board their discussions with George Dearborn, Town of Menasha Community Development Director.

A. Schroeder inquired if they would be able to rebuild the existing. C. Zeinert said yes, Act 170 may apply but it would take some further looking into to determine exactly what can happen. An answer will be supplied by the deliberative meeting.

There being no other business, Arden Schroeder adjourned the meeting at 6:00 p.m.

Respectfully submitted,

***Candace M. Zeinert***

Recording Secretary