

WINNEBAGO COUNTY BOARD OF ADJUSTMENT

Wednesday, December 21, 2011 – 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 guest.

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

Steven Smits – Town of Omro

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

Mr. Steven Smits was sworn in and described his request. Mr. Smits informed the Board that his contractor told him that using a 6ft frost wall on the west side of his home versus the 4ft frost wall would meet the floodplain criteria instead of filling. He also said that he had not heard he was noncompliant until he submitted paperwork to prove he was out of the floodplain (Letter of Map Revision – LOMR). Mr. Smits explained that he had a shared driveway with his neighbor to the west, though there is nothing officially recorded.

T. Verstegen asked Mr. Smits what his rationale was for thinking that the extra 2ft of frost wall would take care of the fill requirement. Mr. Smits answered that 2 different contractors had told him it would be sufficient and he did not question them because they should have known the requirements.

Mr. Smits explained his site plan that shows the second option involving retaining walls will be the maximum amount of fill, which would provide an 8-9ft wide driveway. It was mentioned that the retaining walls would not be able to be closer to the water than the allowed house setback. Chairman Schroeder inquired if the retaining wall would have a frost wall for support and Mr. Smits replied that he was not sure, but would need the assistance of a contractor.

C. Zeinert read the resolution submitted by the Town of Omro recommending approval, but not as requested.

There being no other business, Chairman Schroeder adjourned the meeting at 5:43 p.m.

Respectfully submitted,

Candace M. Zeinert

Recording Secretary