

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 8/31/2021

TO WHOM IT MAY CONCERN:

The applicant(s) listed below has requested a variance which is regulated by one or more of the following ordinances: Chapter 23, the Town/County Zoning Code, Chapter 26, the Floodplain Zoning Code, and Chapter 27, the Shoreland Zoning Code. You are receiving this notice because this application or petition for action: 1. affects area in the immediate vicinity of property which you own; 2. requires your agency to be notified; 3. requires your Town to be notified; or 4. requires you, as the applicant, to be notified.

The Winnebago County Board of Adjustment will be holding a public hearing on 8/31/2021 at 5:30 p.m. in Conference Room 120 of the County Administration Building located at 112 Otter Ave, Oshkosh, WI.

All interested persons wishing to be heard at the public hearing may appear in person or via Zoom using the meeting information below. A direct link to the Zoom Meeting is available on the Winnebago County Meetings and Agenda calendar on the above indicated date.

Join Zoom Meeting: <https://us02web.zoom.us/j/84415503050?pwd=Qm9YeFJKVkJ5T2grZFVFNzU09>

- **Dial by your location:** +1 312 626 6799 US (Chicago)
- **Meeting ID:** 844 1550 3050
- **Passcode:** 963927

Additional Instructions for making a virtual appearance can be found at:

<https://www.co.winnebago.wi.us/planning-and-zoning>.

For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning office, where the application is available for viewing.

INFORMATION ON VARIANCE REQUEST

Applicant: HOWARD, ROBERT A

Agent: None

File Number: 2021-VA-5770

Location of Premises: 7359 TEAL LN

Tax Parcel No.: 032-072312

Legal Description: Being a part of the NE 1/4 of the NE 1/4, Section 36, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin.

Description of Proposed Project: Applicant is requesting a variance for a sub standard shore yard, road, and building separation requirement.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
The shore yard setback from the nearest point of a structure shall be at least 75 ft from the OHWM unless exempt under 6.1(1) or reduced under 6.2. The road setback from the nearest point of any structure shall be at least 30 ft. The separation between detached buildings shall be at least 10 ft.	27-6.1 Exhibit 8-2	Shore Yard: 75 ft Road: 30 ft Building Separation: 10 ft	Shore Yard: 66 ft Road: 22 ft & 26 ft Building Separation: 5 ft

INITIAL STAFF REPORT

Sanitation: Existing System, Private System

Overlays: Floodplain, Shoreland

Current or Proposed Zoning: R-1 Rural Residential

Code Reference: 27-6.1 Exhibit 8-2

Description of Proposed Use: Applicant is requesting a variance for a sub standard shore yard, road, and building separation requirement.

Surrounding Zoning:

North: R-1

South: Lake Poygan Access Channel

East: R-1

West: R-1

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

I would like to build a garage 24' x 24' all steel construction on a concrete slab at the same elevation as the house. The proposed location would be 22' to 26' from the edge of the existing road. 5' from existing house. 5' from lot line and 66' from high water line.

Describe how compliance with the requirement in question unreasonably prevents or restricts development of a permitted use on the property:

As I understand the setbacks - 30' from edge of road 10' from other structures and 75' from water would only allow a space approximately 7' x 17' 119 sq ft which would be inadequate for a garage.

Describe the unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question:

The property being on a peninsula and rather narrow in width just doesn't have enough room for a garage in accordance of my understanding of current setbacks.

Describe how the granting of the requested variance will not harm the public interest or have adverse affects on surrounding properties:

The proposed building sight would be further from the edge of the road than the existing house. Rain water from proposed roof would be diverted to the south side by use of gutters and down spouts to prevent flooding of roadway and adjacent properties.

SECTION REFERENCE AND BASIS OF DECISION

Town/County Zoning Code

23.7-234 Basis of decision

When making its decision, the Board of Adjustment shall consider each of the following standards:

- (1) The requirement in question would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with such requirement unnecessarily burdensome and such circumstances were not self-created.

- (2) The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question.
- (3) The granting of the variance will not be contrary to or harm the public interest given the general purposes of the zoning regulations and the specific purposes of the requirement in question.

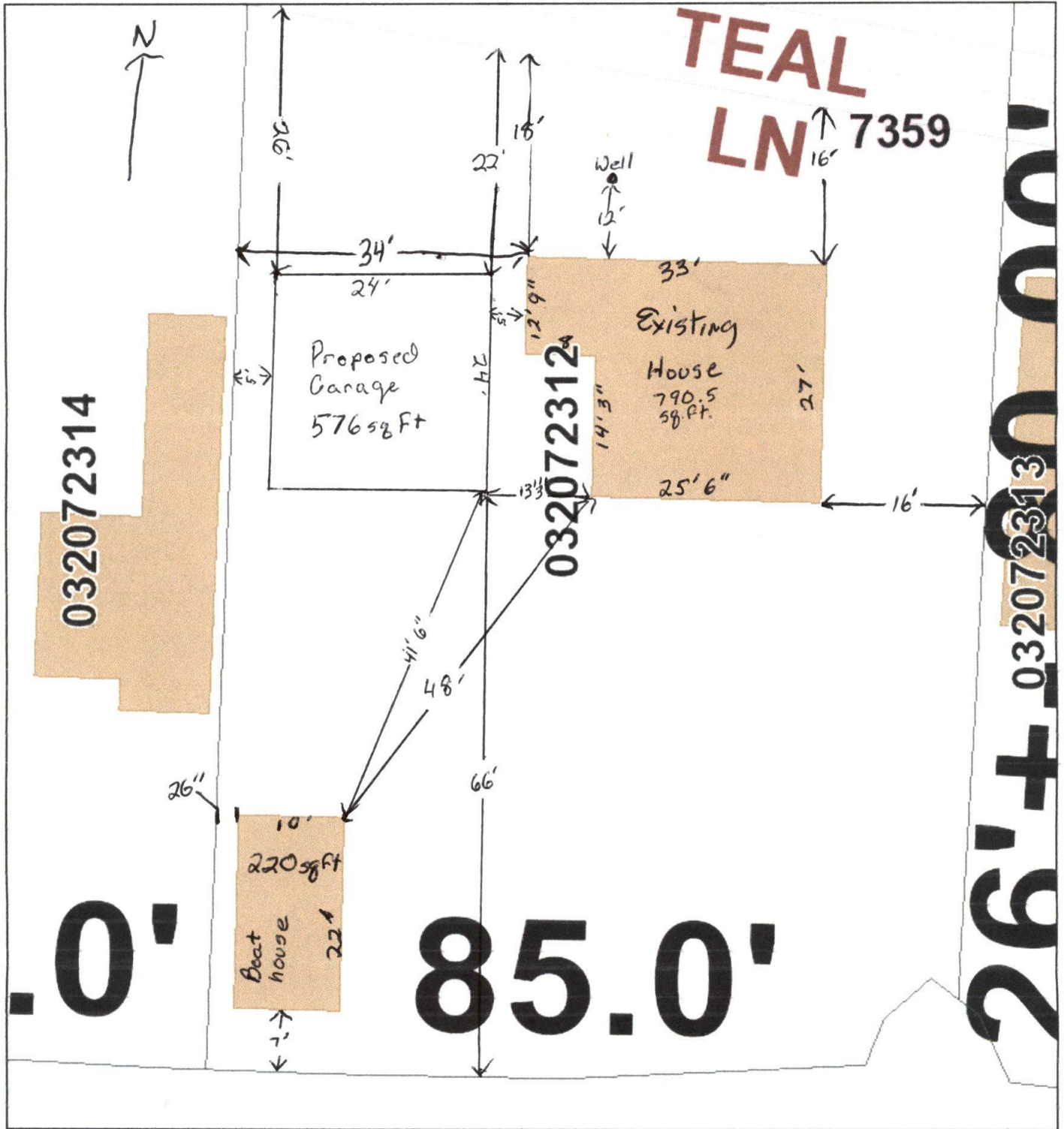
The board shall grant a variance only if the board can make an affirmative finding for all of the criteria listed in this section.

Shoreland Zoning Code

27.6 -8 Variances

- (a) **Generally.** The Board of Adjustment may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that (1) literal enforcement of this chapter will cause unnecessary hardship; (2) the hardship is due to unique property conditions, not common to adjacent lots or premises; (3) the variance is not contrary to the public interest; and (4) the variance is consistent with the purpose of this chapter.

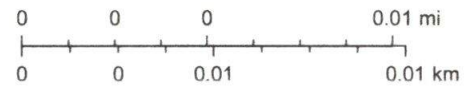
Site Map



5/8/2021, 4:01:30 PM

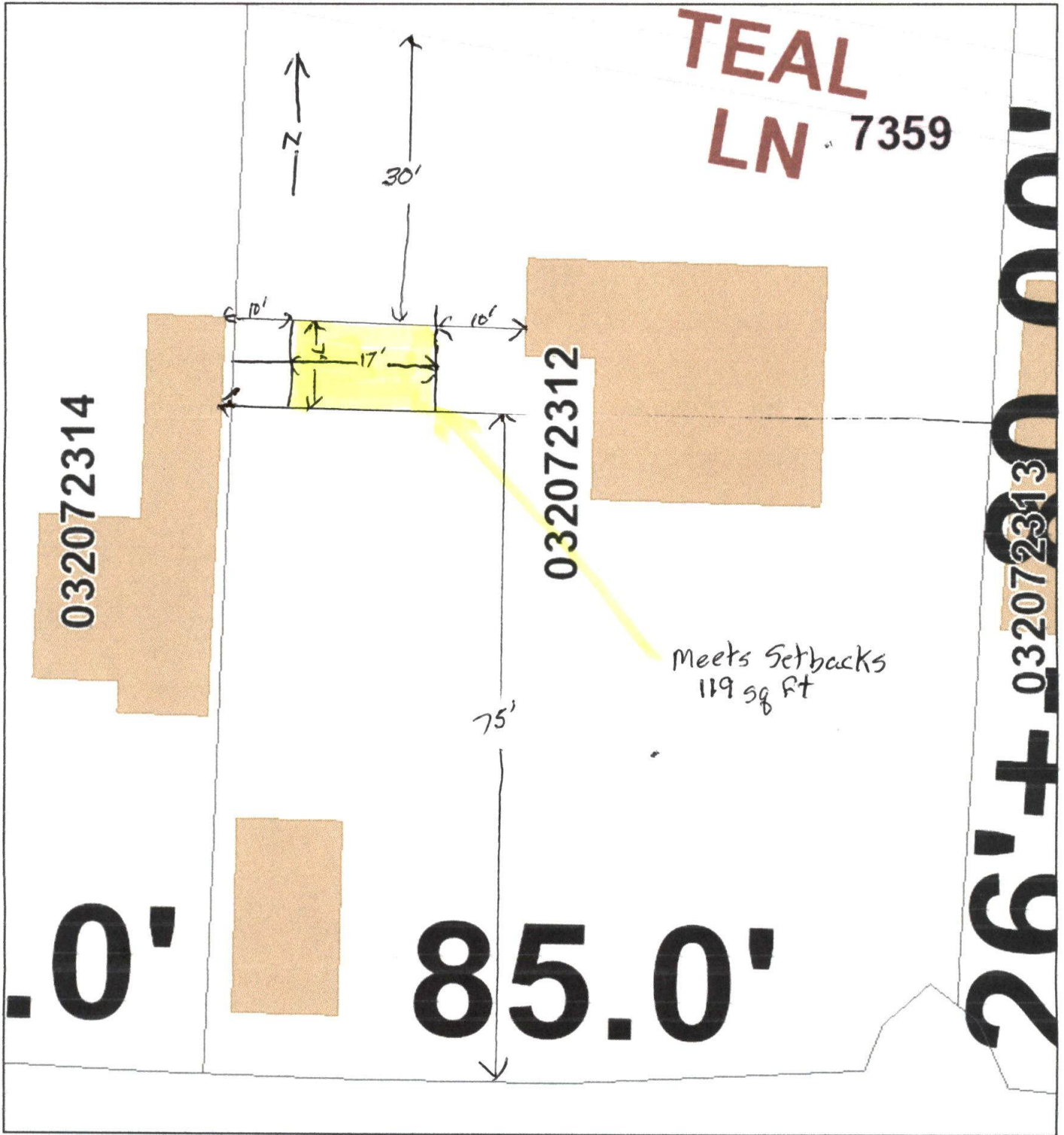
1:191

- Adjacent Counties
- Navigable - Permanent (checked)
- Lakes, Ponds and Rivers
- Navigable - Intermittent (checked)
- Navigable Waterways
- Navigable - Permanent (unchecked)
- Navigable - Intermittent (unchecked)
- Navigable - Stream (unchecked)
- Pavement Edge
- Centerline
- Railroads



Winnebago County GIS

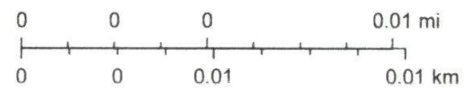
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5/8/2021, 4:01:30 PM

1:191

- | | |
|--------------------------------------|------------------------------------|
| Adjacent Counties | Navigable - Permanent (checked) |
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| Navigable - Intermittent (unchecked) | Centerline |
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Winnebago County GIS



Application #21-VA-5770

Date of Hearing:

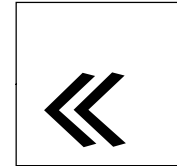
August 31, 2021

Owner(s):

HOWARD, ROBERT A

Subject Parcel(s):

032072312



Winnebago County
WINGS Project

Scale

1 inch : 300 feet

County Zoning Districts

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial
Zoning Jurisdiction

Incorporated Area

Lake Poygan

○ = SITE



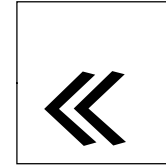
1 inch : 2,000 feet

Application #21-VA-5770

Date of Hearing:
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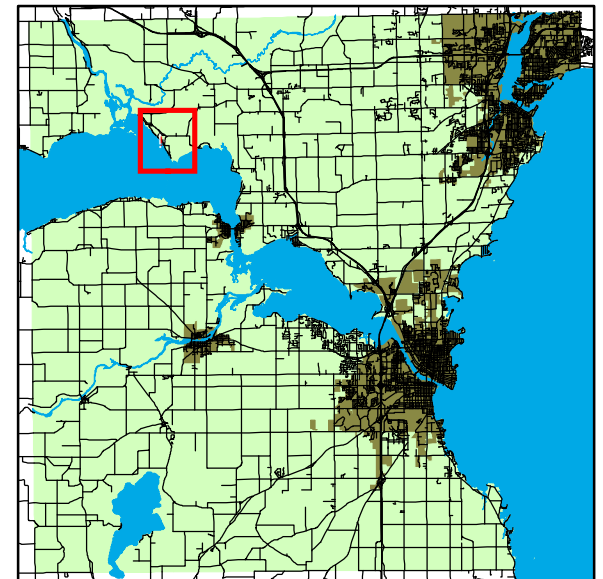
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Winnebago County
WINGS Project

● = SITE



WINNEBAGO COUNTY

Winnebago County Planning and Zoning Department

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INFORMATION ON VARIANCE REQUEST

Applicant: ROBINSON, CRAIG J; ROBINSON, SHELBY A

Agent: None

File Number: 2021-VA-5790

Location of Premises: 7445 RICHTER LN

Tax Parcel No.: 032-0795

Legal Description: Being a part of Lot 6 of Richter's Plat, located in Government Lot 3, Section 36, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin.

Description of Proposed Project: Applicant is requesting a variance for a sub standard floodplain fill requirement.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
Flood protection fill shall be one foot or more above the regional flood elevation, extending at least 15 ft beyond the limits of the structure.	26.5-23(b)(1)	Floodplain Fill: 15 ft	Floodplain Fill: 8.5 ft & 13.5 ft

INITIAL STAFF REPORT

Sanitation: System Required; Private System

Overlays: Floodplain; Shoreland

Current or Proposed Zoning: R-2 Suburban Low Density Residential

Code Reference: 26.5-23(b)(1)

Description of Proposed Use: Applicant is requesting a variance for a sub standard floodplain fill requirement.

Surrounding Zoning:

North: None

South: None

East: None

West: None

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

Building a cottage that will be 24' x 26'. The side setbacks would be approximately 8' on the south lot line and 18' on the north lot line. A retaining wall approximately 2' high would need to be put in on the lot lines to comply with the 2' high x 15' out from structure with fill.

Describe how compliance with the requirement in question unreasonably prevents or restricts development of a permitted use on the property:

Our lot is only 50' wide so to comply with 100 year flood plain we need to be 2' above that at 15' away from the proposed structure. Building would not be possible without the variance.

Describe the unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question:

The lot is too narrow to comply with the current 100 year flood plain regulations.

Describe how the granting of the requested variance will not harm the public interest or have adverse effects on surrounding properties:

The current structure on the property is a 70+ year old 16' x 20' duck shack that is an eyesore in the neighborhood. The floors are rotting and the roof is sagging. Keeping up with the times and putting in a new structure (with plumbing) will benefit the entire neighborhood.

SECTION REFERENCE AND BASIS OF DECISION

Town/County Zoning Code

23.7-234 Basis of decision

When making its decision, the Board of Adjustment shall consider each of the following standards:

- (1) The requirement in question would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with such requirement unnecessarily burdensome and such circumstances were not self-created.
- (2) The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question.

- (3) The granting of the variance will not be contrary to or harm the public interest given the general purposes of the zoning regulations and the specific purposes of the requirement in question.

The board shall grant a variance only if the board can make an affirmative finding for all of the criteria listed in this section.

Floodplain Zoning Code

26.6-7 Variances

(a) **Review criteria.** The Board of Adjustment may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that (1) literal enforcement of this chapter will cause unnecessary hardship; (2) the hardship is due to adoption of the floodplain chapter and unique property conditions, not common to adjacent lots or premises—in such case the chapter or map must be amended—; (3) the variance is not contrary to the public interest; and (4) the variance is consistent with the purpose of this chapter in s. 26.1-5.

(b) **Additional criteria.** In addition to the criteria in subsection (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

(1) The variance shall not cause any increase in the regional flood elevation;

(2) Variances can only be granted for lots that are less than 0.5 acres and are contiguous to existing structures constructed below the regional flood elevation;

(3) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts, and shall not be contrary to the purpose of the chapter.

(c) **Limitations.** A variance shall not (1) grant, extend, or increase any use prohibited in the zoning district; (2) be granted for a hardship based solely on an economic gain or loss; (3) be granted for a hardship which is self-created; (4) damage the rights or property values of other persons in the area; (5) allow actions without the amendments to this chapter or map(s) required in s. 26.6-4; or (6) allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

SITE PLAN

THE NORTH 1/2 OF LOT 6 OF "RICHTER'S PLAT", IN GOVERNMENT LOT 3 OF SECTION 36, TOWN 20 NORTH, RANGE 14 EAST, TOWN OF WOLF RIVER, WINNEBAGO COUNTY, WISCONSIN.

SITE ADDRESS:
7445 RICHTER LANE

TAX PARCEL NUMBER:
0320795

TOTAL AREA:
6,216 SQ.FT. ±/0.1427 AC. ±

15% OF TOTAL AREA = 932 SQ.FT.

(30% OF TOTAL AREA = 1,865 SQ.FT. IF MITIGATION IS USED)

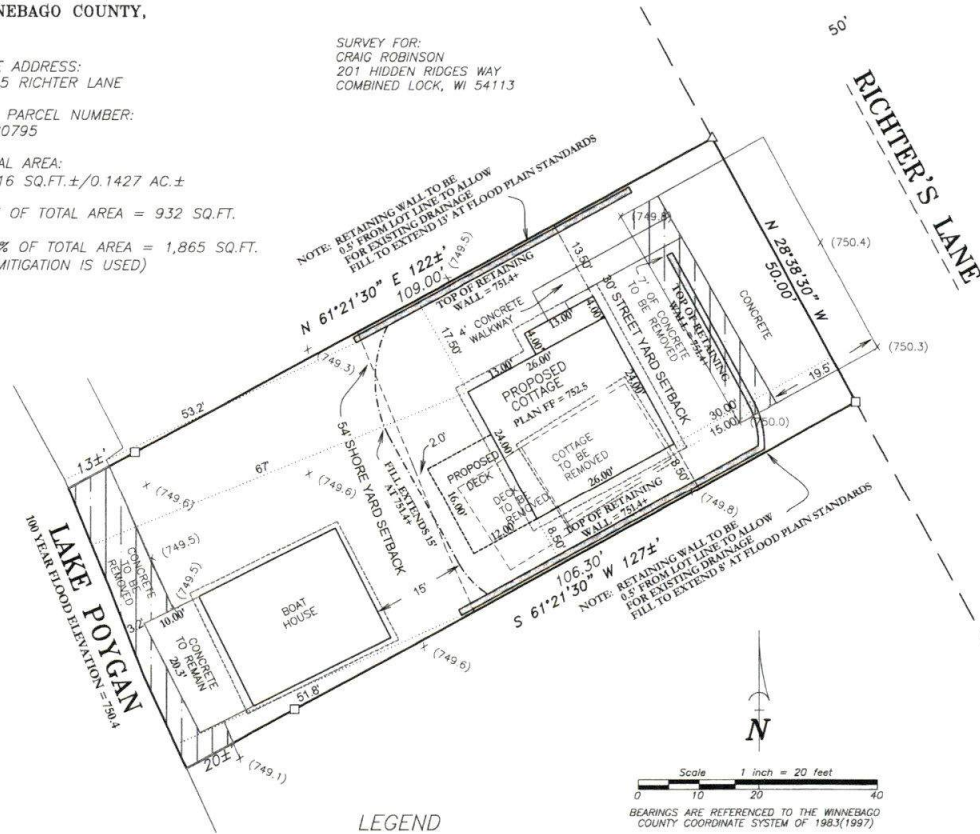
SURVEY FOR:
CRAIG ROBINSON
201 HIDDEN RIDGES WAY
COMBINED LOCK, WI 54113

EXISTING IMPERVIOUS AREA:	
CONCRETE ALONG SHORELINE	= 498 SQ.FT.
RESIDENCE WITH OVERHANG	= 347 SQ.FT.
BOAT HOUSE WITH OVERHANG	= 605 SQ.FT.
DECK	= 196 SQ.FT.
CONCRETE PARKING	= 763 SQ.FT.
	= 2,409 SQ.FT.
	= 38.75% IMPERVIOUS

PROPOSED IMPERVIOUS AREA:	
CONCRETE ALONG SHORELINE	= 177 SQ.FT.
RESIDENCE WITH OVERHANG	= 847 SQ.FT.
BOAT HOUSE WITH OVERHANG	= 605 SQ.FT.
CONCRETE PARKING & 4' WALKWAY	= 589 SQ.FT.
DECK	= 168 SQ.FT.
	= 2,386 SQ.FT.
	= 38.38% IMPERVIOUS

NOTE:

A VARIANCE WILL NEED TO BE GRANTED FOR 8 FEET OF FILL ON THE SOUTH SIDE OF THE BUILDING AND FOR 13 FEET OF FILL ON THE NORTH SIDE OF THE BUILDING ALONG WITH AN ALLOWANCE OF THE RETAINING WALLS TO BE 51.8 FEET ON THE SOUTH SIDE AND 53.2 FEET ON THE NORTH SIDE FROM THE ORDINARY HIGH WATER MARK.



LEGEND

- 1-1/4" O.D. IRON PIPE FOUND
- △ RAILROAD SPIKE FOUND
- x (767.3) EXISTING GROUND ELEVATION

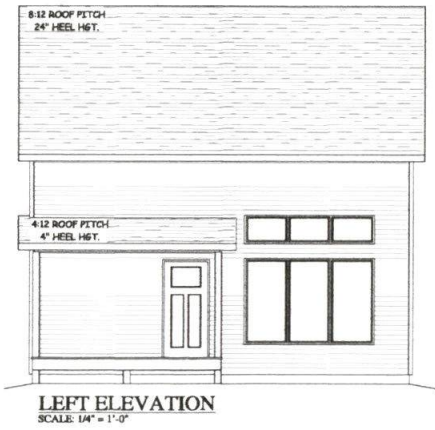
Martenson & Eisele, Inc.



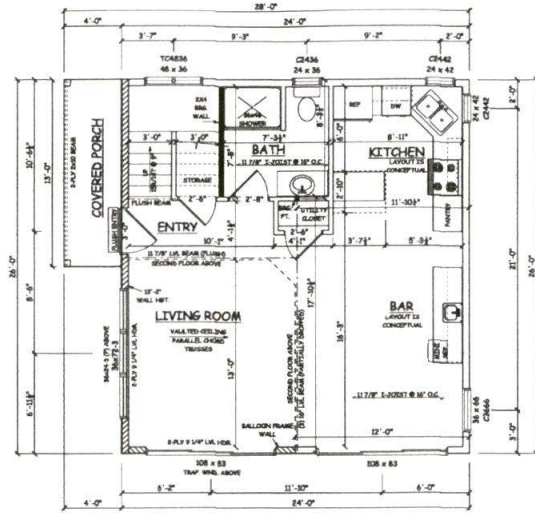
101 West Main Street
Omro, WI 54963
www.martenson-eisele.com
P 920.685.6240 F 920.685.6340

Planning
Environmental
Surveying
Engineering
Architecture

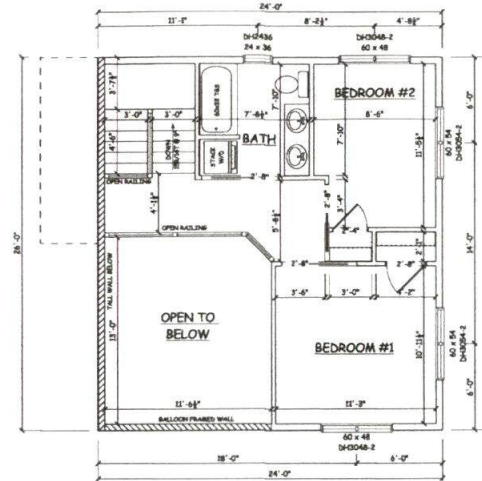
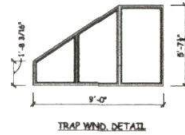
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PROJECT NO. 0-1666-003
FILE 1666003SITEPLAN.DWG
THIS INSTRUMENT WAS DRAFTED BY: DSL



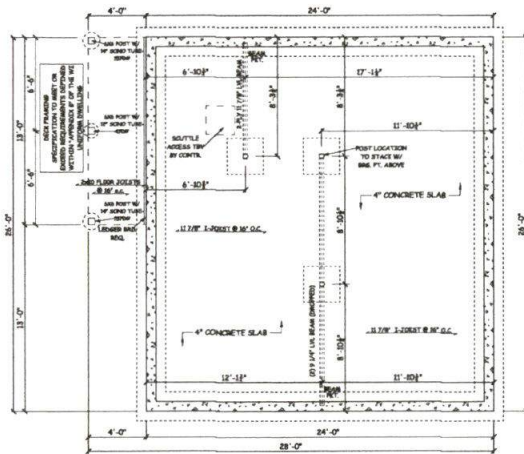
SHEET NO. 02 SCALE: 1/4" = 1'-0" DATE: 01/11/18	PROPOSED NEW PROJECT FOR: ROBINSON COTTAGE 7443 RICHTER LANE LARSEN, WI 54947	HARWELL HOMES	HARWELL HOMES 7443 RICHTER LANE LARSEN, WI 54947	BID PLAN <input type="checkbox"/> PRELIMINARY PLAN - NUMBER 01 <input type="checkbox"/> EXHIBITION - NUMBER 02 <input type="checkbox"/> EXHIBITION - NUMBER 03 <input type="checkbox"/> EXHIBITION - NUMBER 04 <input type="checkbox"/> EXHIBITION - NUMBER 05 <input type="checkbox"/> EXHIBITION - NUMBER 06 <input type="checkbox"/> EXHIBITION - NUMBER 07 <input type="checkbox"/> EXHIBITION - NUMBER 08 <input type="checkbox"/> EXHIBITION - NUMBER 09 <input type="checkbox"/> EXHIBITION - NUMBER 10
				COPYRIGHT © 2018 ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.
Drexel BUILDING SUPPLY DrexelTeam.com		120-352-W		



8'-1 1/8" WALL HGT. (JALO)
FINISHED SQ. FOOTAGE
FIRST FLOOR: 624 SQ. FT.
SECOND FLOOR: 407 SQ. FT.
TOTAL: 1031 SQ. FT.
ALLIANCE WINDOWS



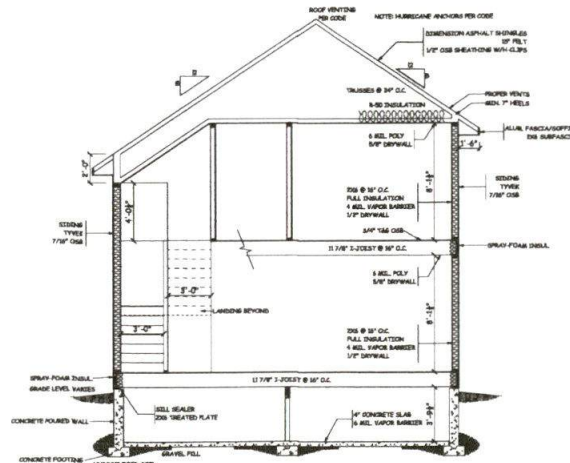
8'-1 1/8" WALL HGT.
FINISHED SQ. FOOTAGE: 407 SQ. FT.
ALLIANCE WINDOWS



CRAWL SPACE

- Note: Add appropriate amount to any R.O. in foundation plan.
- FOUNDATION PLAN**
- NOTE: REASON TO LOCATE PLASTER AND SIZE FOOTINGS PER CODE & SOIL CONDITIONS
- GENERAL NOTES:**
- ALL DIMENSIONS ARE TO THE OUTSIDE OF FOUNDATION WALLS/SLAB/EDGE
 - FRONT WALLS SHOWN AS IF THOSE EXIST (OTHERWISE NOTED)
 - WALL THICKNESS FOR REPRESENTATION ONLY - ARCHITECT/CONTRACTOR VERIFY

FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



PREPARED NEW PROJECT FOR: ROBINSON COTTAGE HARWELL HOMES 7445 RICHTER LANE LARSEN, WI 54947	BID PLAN A. FLOOR PLAN B. FOUNDATION PLAN C. ROOF PLAN D. SECTION E. ELEVATION F. DETAIL G. FINISH SCHEDULE H. SPECIFICATIONS I. NOTES J. CONTRACT AGREEMENT K. SCHEDULE OF VALUES L. PERMITS M. INSURANCE N. BOND O. OTHER
	CONTRACTOR'S NOTES 1. ALL DIMENSIONS ARE TO THE OUTSIDE UNLESS NOTED OTHERWISE. 2. ALL WALLS ARE TO BE CONCRETE UNLESS NOTED OTHERWISE. 3. ALL FLOORS ARE TO BE CONCRETE UNLESS NOTED OTHERWISE. 4. ALL ROOFS ARE TO BE ASPHALT/FLYSHINGLES UNLESS NOTED OTHERWISE. 5. ALL WINDOWS ARE TO BE ALLIANCE UNLESS NOTED OTHERWISE. 6. ALL DOORS ARE TO BE ALLIANCE UNLESS NOTED OTHERWISE. 7. ALL FINISHES ARE TO BE AS NOTED. 8. ALL MATERIALS ARE TO BE AS NOTED. 9. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND NOTES. 10. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LOCAL BUILDING CODES. 11. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LOCAL ZONING ORDINANCES. 12. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LOCAL HEALTH DEPARTMENT REGULATIONS. 13. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LOCAL FIRE DEPARTMENT REGULATIONS. 14. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LOCAL POLICE DEPARTMENT REGULATIONS. 15. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LOCAL SHERIFF DEPARTMENT REGULATIONS. 16. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LOCAL JUDICIAL BRANCH REGULATIONS. 17. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LOCAL LEGISLATIVE BRANCH REGULATIONS. 18. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LOCAL EXECUTIVE BRANCH REGULATIONS. 19. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LOCAL JUDICIAL BRANCH REGULATIONS. 20. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LOCAL LEGISLATIVE BRANCH REGULATIONS.
Drexel BUILDING SUPPLY Drexelfeam.com	SHEET NO. 001 SCALE: 1/4" = 1'-0" DATE: 10/20/2023 DRAWN BY: A2 CHECKED BY: T20-352-W

Application #21-VA-5790

Date of Hearing:

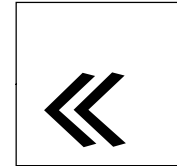
August 31, 2021

Owner(s):

ROBINSON, CRAIG J /
ROBINSON, SHELBY ANN

Subject Parcel(s):

0320795



Winnebago County
WINGS Project

Scale

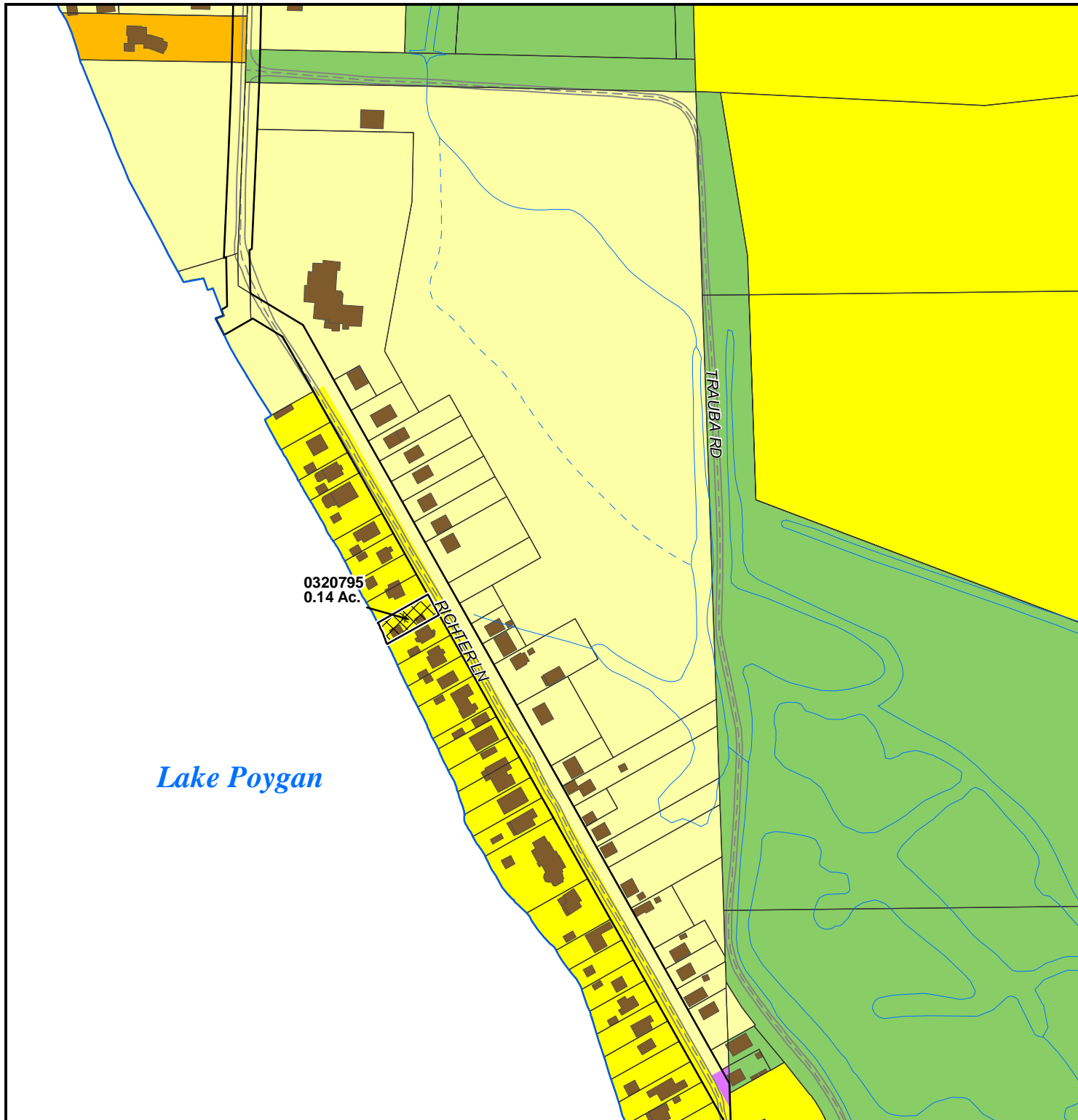
1 inch : 300 feet

County Zoning Districts

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial
Zoning Jurisdiction

Incorporated Area



Lake Poygan

0320795
0.14 Ac.

TRAUBA RD

RICHERLIN

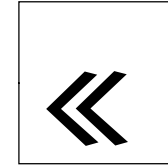
○ = SITE

Application #21-VA-5790

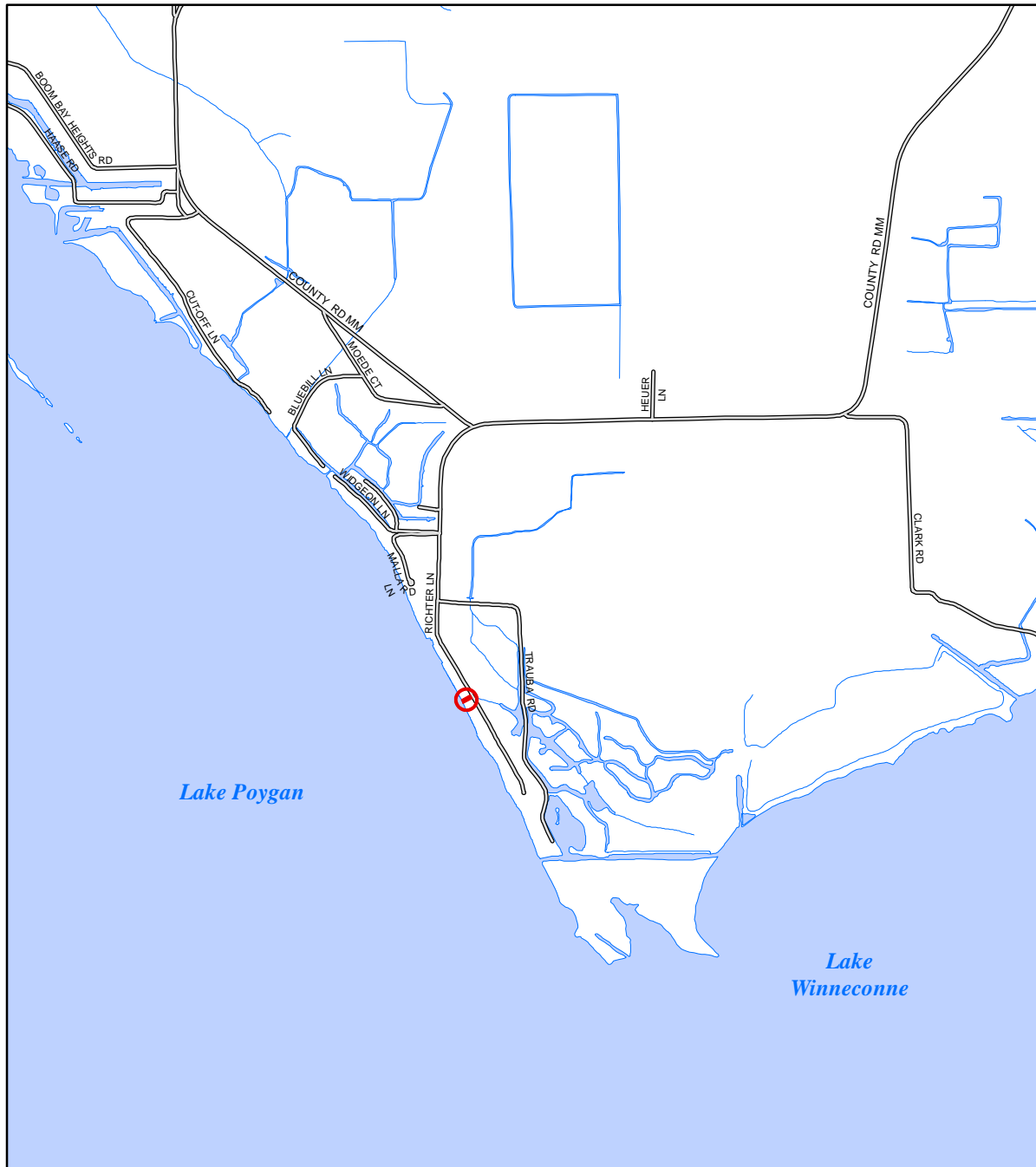
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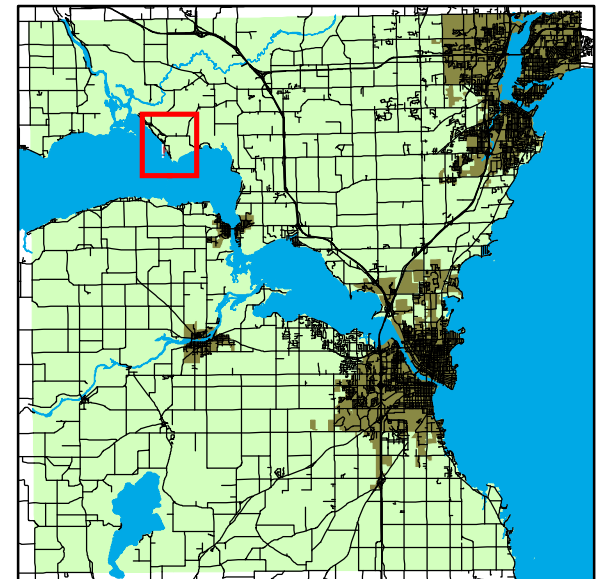
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*Winnebago County
WINGS Project*



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WINNEBAGO COUNTY