

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 9/28/2021

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 9/28/2021 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/87359235533?pwd=MURDRW9aZ3RMVDZ0bHpTdFZlpoUT09>
- **Dial by your location:** +1 312 626 6799 US (Chicago)
- **Meeting ID:** 873 5923 5533
- **Passcode:** 260492

Additional Instructions can be found at: <https://www.co.winnebago.wi.us/planning-and-zoning>.

INFORMATION ON VARIANCE REQUEST

Applicant: DANIEL GILL; DOREEN GILL

Agent: None

File Number: 2021-VA-5860

Location of Premises: 7365 RICHTER LN, LARSEN, WI 54947

Tax Parcel No.: 032-0804-01

Legal Description: Being part of Lot 15 of Richter's Plat located in Government Lot 3, and also part of unplatted lands 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 shore yard setback and floodplain fill requirement.

<u>DESCRIPTION:</u>	<u>CODE REFERENCE:</u>	<u>REQUIRED:</u>	<u>PROPOSED:</u>
The shore yard setback from the nearest point of any structure shall be at least 75 ft from the OHWM unless exempt under section 6.1(1) or reduced under section 6.2. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirement in subsection (b)(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 ft beyond the limits of the structure.	27-6.1 26.5-23(b)(1)	Shore Yard: 75 ft Floodplain Fill: 15 ft	Shore Yard: 43.2 ft & 48.5 ft Floodplain Fill: 9 ft & 9 ft

INITIAL STAFF REPORT

Sanitation:

Existing System
Private System

Overlays:

Floodplain; Shoreland

Current or Proposed Zoning:

R-2 Suburban Low Density Residential

Code Reference:

27-6.1 26.5-23(b)(1)

Description of Proposed Use:

Applicant is requesting a variance for a sub-standard shore yard setback and floodplain fill requirement.

Surrounding Zoning:

North: R-2

South: R-2

East: R-1

West: Lake Poygan

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

New single family home built to floodplain standards. See attached site plan for dimensions and proposed setbacks.

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

Building to floodplain standards requires installing fill around home and extend a min. of 15' out from structure. Lot width of 50 feet restricts installing 15 feet of fill on the side yard of home.

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

The 50 foot lot width limits the proposed width of a new home and also require 15 feet of fill on each side. A modest home width of 32 feet is proposed which will allow 8.5 feet of proposed fill on each side of building.

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

The request is to install 8.5 feet of fill on each side yard of home vs 15' of fill. The 8.5 feet of fill will be supported & stabilized by a retaining wall. The fill & retaining wall will be installed 0.5 feet inside the property line to allow existing drainage of neighbor to be unaffected. To hold back fill retaining wall is installed, needs to be approx. 19 feet into lake setback.

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.

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 PLAN

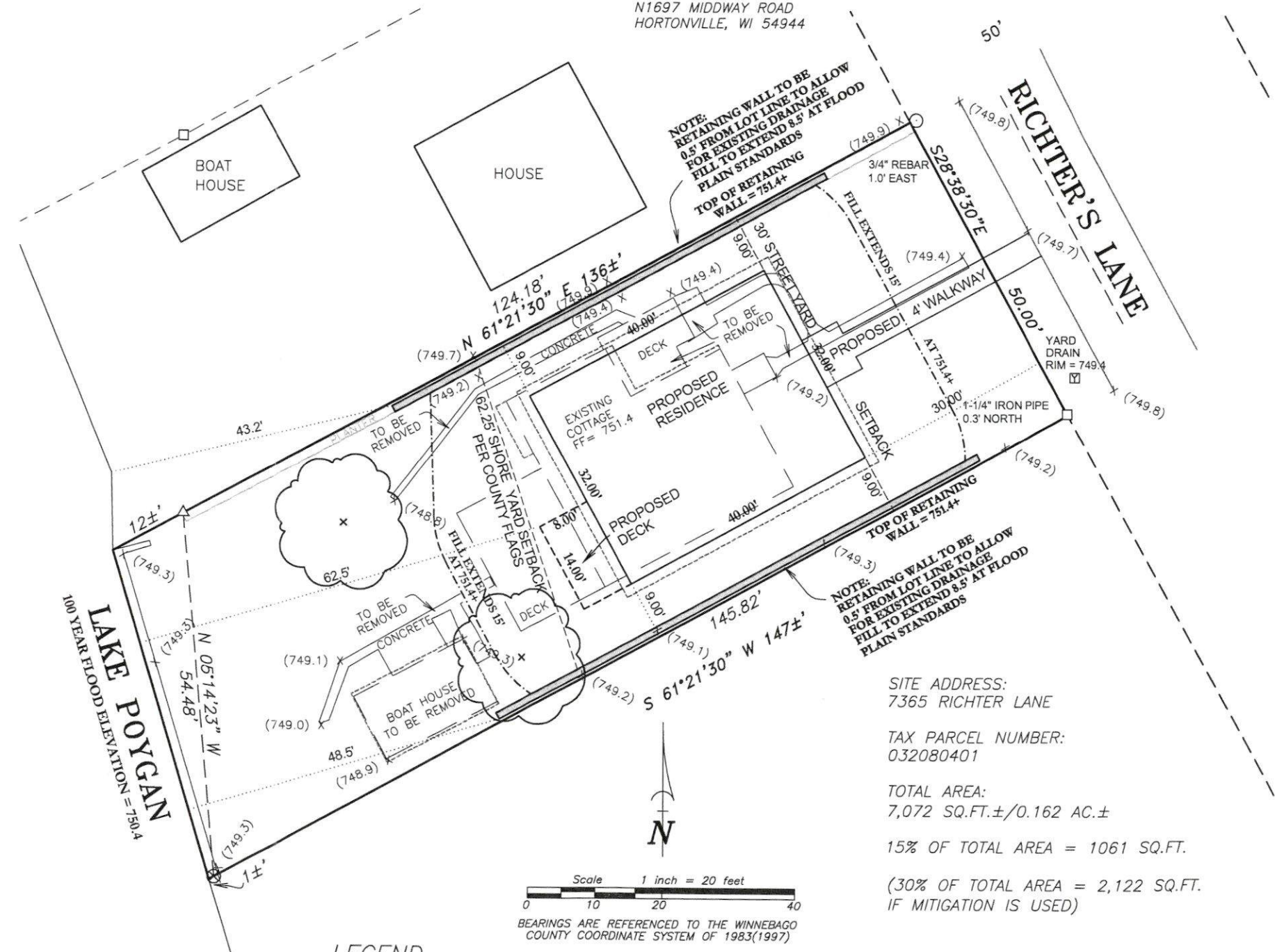
THE SOUTH 1/2 OF LOT 15 OF "RIECKER'S PLAT", IN GOVERNMENT LOT 3 OF SECTION 36, TOWN 20 NORTH, RANGE 14 EAST, TOWN OF WOLF RIVER, WINNEBAGO COUNTY, WISCONSIN.

SURVEY FOR:
DAN GILL
N1697 MIDDWAY ROAD
HORTONVILLE, WI 54944

EXISTING IMPERVIOUS AREA:
CONCRETE RESIDENCE WITH OVERHANG BOAT HOUSE WITH OVERHANG DECKS
= 278 SQ.FT.
= 923 SQ.FT.
= 218 SQ.FT.
= 416 SQ.FT.
= 1,835 SQ.FT.
= 25.95% IMPERVIOUS

PROPOSED IMPERVIOUS AREA:
RESIDENCE WITH 18" OVERHANG 4' CONCRETE WALKWAY DECK
= 1,505 SQ.FT.
= 132 SQ.FT.
= 91 SQ.FT.
= 1,728 SQ.FT.
= 24.43% IMPERVIOUS

NOTE:
A VARIANCE WILL NEED TO BE GRANTED FOR 8.5 FEET OF FILL ON THE SOUTH SIDE OF THE BUILDING AND FOR 8.5 FEET OF FILL ON THE NORTH SIDE OF THE BUILDING ALONG WITH AN ALLOWANCE OF THE RETAINING WALLS TO BE 48.5 FEET ON THE SOUTH SIDE AND 43.2 FEET ON THE NORTH SIDE FROM THE ORDINARY HIGH WATER MARK.



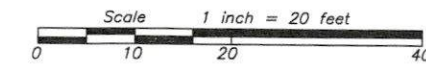
SITE ADDRESS:
7365 RICHTER LANE

TAX PARCEL NUMBER:
032080401

TOTAL AREA:
7,072 SQ.FT. ± / 0.162 AC. ±

15% OF TOTAL AREA = 1061 SQ.FT.

(30% OF TOTAL AREA = 2,122 SQ.FT. IF MITIGATION IS USED)



LEGEND

- 1-1/4" O.D. IRON PIPE FOUND
- 3/4" REBAR FOUND
- ⊗ CHISELED "X" FOUND
- x (767.3) EXISTING GROUND ELEVATION

Martenson & Eisele, Inc.



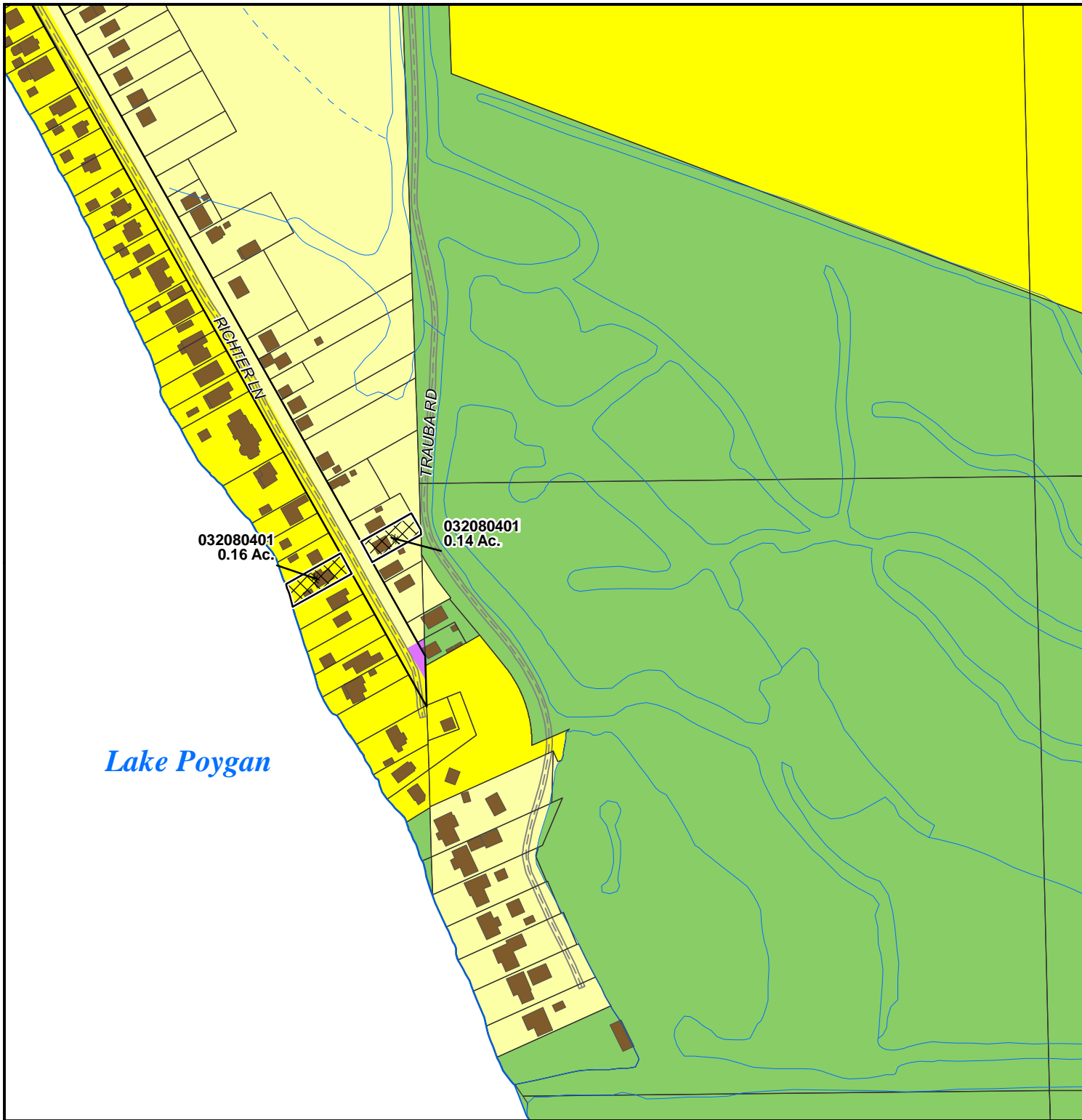
101 West Main Street
Omro, WI 54963
www.martenson-eisele.com
P 920.685.6240 F 920.685.6340

Planning
Environmental
Surveying
Engineering
Architecture

PROJECT NO. 0-2412-002

FILE 2412002SITEPLAN.DWG

THIS INSTRUMENT WAS DRAFTED BY: DSL

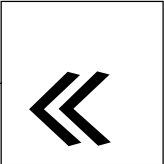


Application #21-VA-5860

Date of Hearing:
September 28, 2021

Owner(s):
GILL, DANIEL /
GILL, DOREEN

Subject Parcel(s):
032080401



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

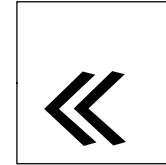
○ = SITE

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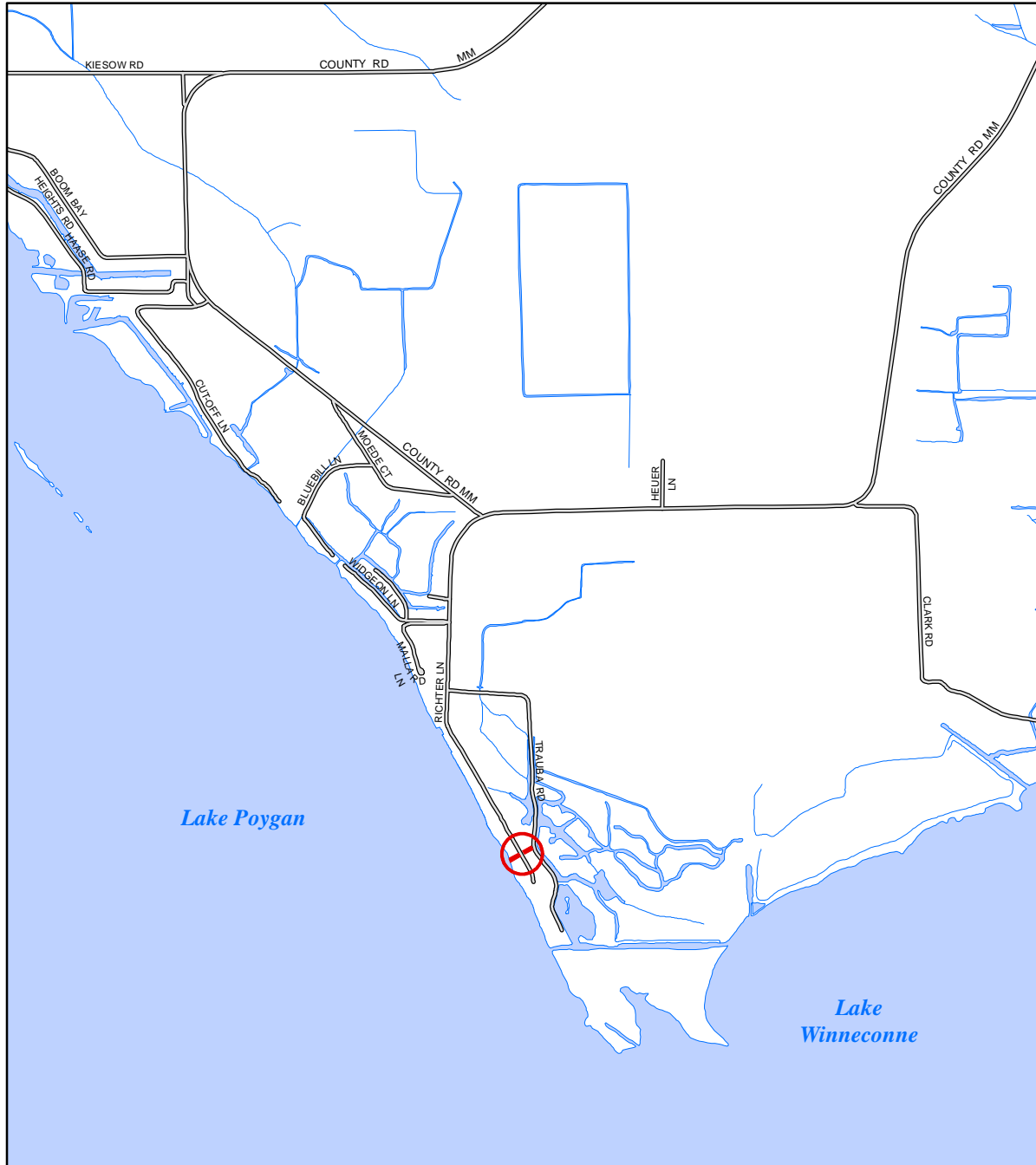
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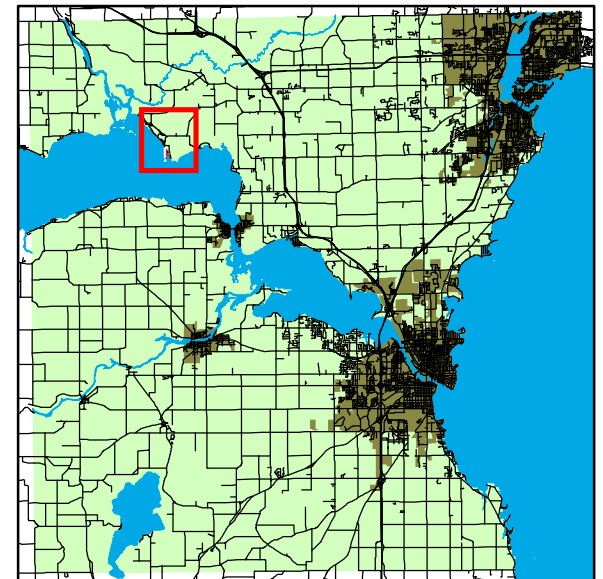
Subject Parcel(s):
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Winnebago County
WINGS Project



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1 inch : 2,000 feet

WINNEBAGO COUNTY

Winnebago County Planning and Zoning Department

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* 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/87359235533?pwd=MURDRW9aZ3RMVDZ0bHpTdFZlZlpoUT09>
- **Dial by your location:** +1 312 626 6799 US (Chicago)
- **Meeting ID:** 873 5923 5533
- **Passcode:** 260492

Additional Instructions can be found at: <https://www.co.winnebago.wi.us/planning-and-zoning>.

INFORMATION ON VARIANCE REQUEST

Applicant: DAS FAM TST; DENNIS P SCHUH; DAVID A STURM TSTE; AMY J STURM TSTE

Agent: REIDER, BOB - CAROW LAND SURVEYING

File Number: 2021-VA-5890

Location of Premises: 9251 WILLOW LN, FREMONT, WI 54940

Tax Parcel No.: 032-0696-04 & 032-0696-03

Legal Description: Being all of Units A and B of Willow Lane Condominium, located in Government Lot 4, Section 32, 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 setback requirement.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
The shore yard setback from the nearest point of any structure shall be at least 75 ft from the OHWM unless exempt under section 6.1(1) or reduced under section 6.2.	27-6.1	Shore Yard: 75 ft	Shore Yard: 35 ft

INITIAL STAFF REPORT

Sanitation:

Existing System
Municipal System

Overlays:

Floodplain; Shoreland; Wetlands

Current or Proposed Zoning:

PLANNED DEVELOPMENT DISTRICT

Code Reference:

27-6.1

Description of Proposed Use:

Applicant is requesting a variance for a sub-standard shore yard setback requirement.

Surrounding Zoning:

North: A-2

South: Lake Poygan

East: R-1

West: A-2

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

Want to build the 3rd unit in a previously approved and recorded condominium. The attached map shows the location of the proposed building bring 35'+ from the intermittent navigable stream that was not navigable when the condo plat was approved.

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

The normal 75' setback from the "new" stream makes it impossible to build the last unit of the condominium, which was previously approved.

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

The area left to construct the last unit is limited on the other sides by a driveway, wetlands and the existing condo unit.

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

The building location was previously approved by the town and county.

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.

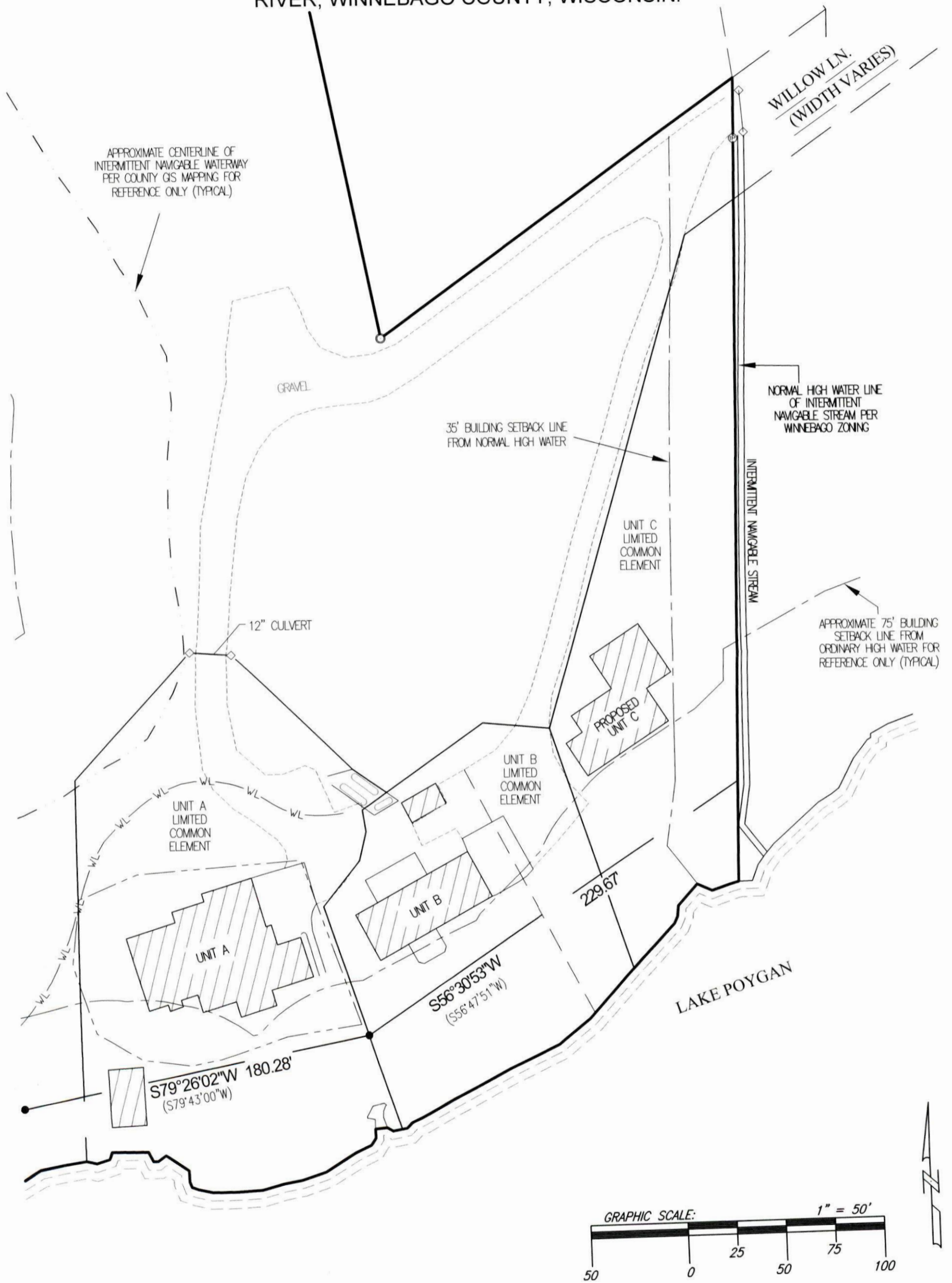
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FIRST ADDENDUM TO WILLOW LANE CONDOMINIUM

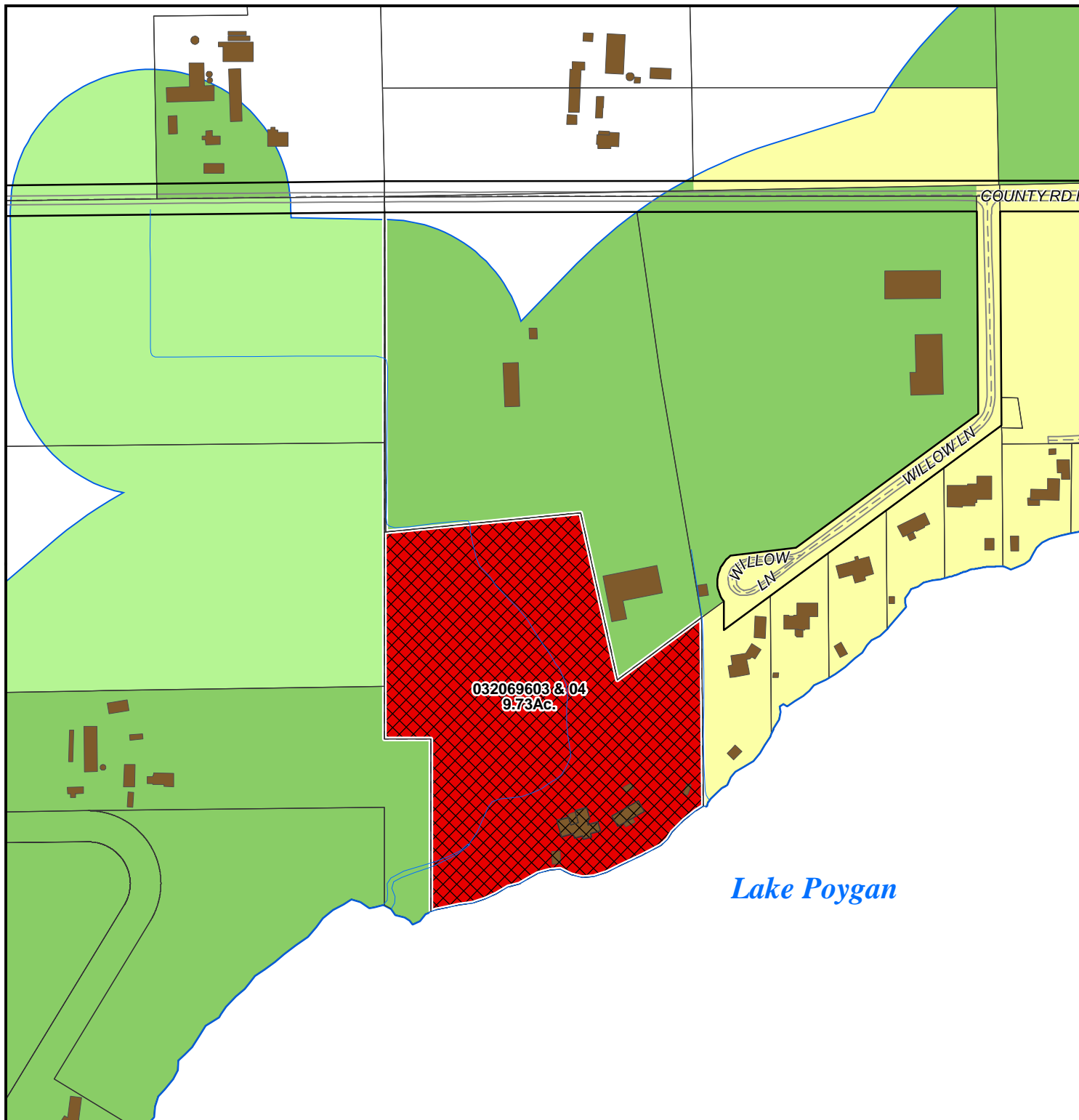
SHOWING PART OF THE FIRST ADDENDUM TO WILLOW LANE CONDOMINIUM, LOCATED IN PART OF GOVERNMENT LOT 4, SECTION 32, TOWNSHIP 20 NORTH, RANGE 14 EAST, TOWN OF WOLF RIVER, WINNEBAGO COUNTY, WISCONSIN.



CAROW LAND SURVEYING CO., INC.

615 N. LYNNDAL DRIVE, P.O. BOX 1297
 APPLETON, WISCONSIN 54912-1297
 PHONE: (920)731-4168 FAX: (920)731-5673

SCALE 1" = 50'
 DRAWN BY jdb-MRH
 PROJECT NO. B2006.34



Application #21-VA-5890

Date of Hearing:

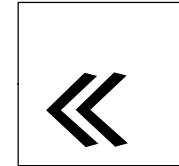
September 28, 2021

Owner(s):

DAS FAM TST
STURM TSTE, DAVID A, et al. /
SCHUH, DENNIS P

Subject Parcel(s):

032069603 & 032069604



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

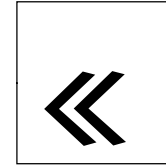
○ = SITE

Application #21-VA-5890

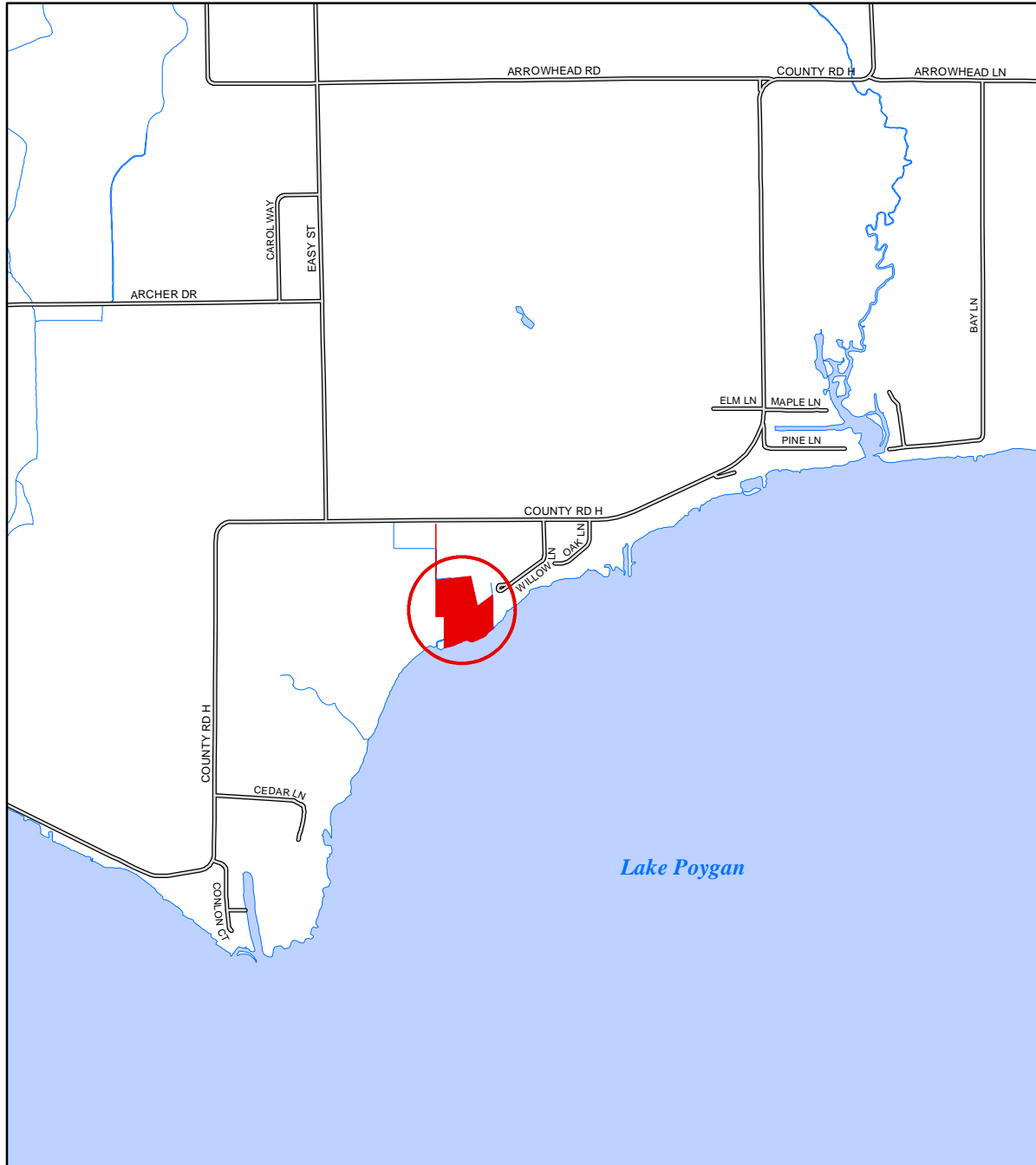
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STURM TSTE, DAVID A, et al. /
SCHUH, DENNIS P

Subject Parcel(s):
032069603 & 032069604

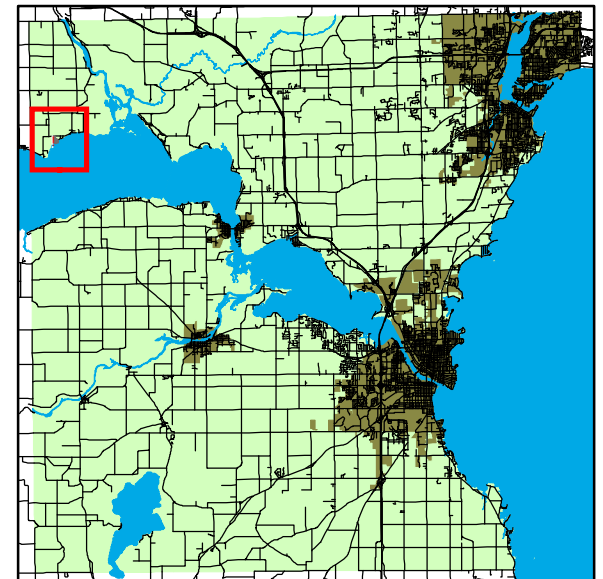


*Winnebago County
WINGS Project*



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WINNEBAGO COUNTY