

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT

3/28/2017

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 3/28/2017 at 5:30 p.m. in Conference Room 408 of the County Administration Building located at 112 Otter Ave, Oshkosh, WI.

All interested persons wishing to be heard at the public hearing are invited to be present. 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:

GAY, COREY

File Number:

2017-VA-3990

Location of Premises:

5812 SPRINGBROOK RD
OMRO, WI 54963

Tax Parcel No.:

016-0950

Legal Description:

Being a part of Nusser's Spring Brook Plat, Lots 1-4, Block 2, and part of Block 3, located in the SW 1/4 of the NE 1/4, and also part of unplatted SE 1/4 of the NE 1/4, all in Section 10, Township 18 North, Range 15 East, Town of Omro, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting a reduced shore yard setback of 16.75 feet in order to build a tiki bar.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
A 75ft shore yard setback is required for new structures.	Section 6.1 "Shoreland Setbacks" of Chapter 27, Shoreland Zoning Code.	75 feet	16.75 feet

INITIAL STAFF REPORT

Sanitation:

Existing System
Municipal System

Overlays:

Floodplain
Shoreland

Current or Proposed Zoning:

B-2 Community Business

Code Reference:

Section 6.1 "Shoreland Setbacks" of Chapter 27, Shoreland Zoning Code.

Description of Proposed Use:

Applicant is requesting a reduced shore yard setback of 16.75 feet in order to build a tiki bar.

Surrounding Zoning:

North: R-2

South: A-2

East: Water

West: R-2

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

A 10' x 10' gazebo type structure to be used as a tiki bar. It is currently located 17' landward of the seawall.

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

There is an existing structure (garage) that prevents the 75' shore yard setback requirement.

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

Due to the curvature of the OHWM of the neighboring property restricts compliance of the 75' shore yard setback requirements.

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

I do not believe the surrounding properties would be adversely affected because along with the tiki bar gazebo came a large effort improving the property aesthetically, clearing brush, piles of rubbish, tires, dilapidated sheds and numerous improvements. The surrounding properties include vacant land, a commercial property and marshland.

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:

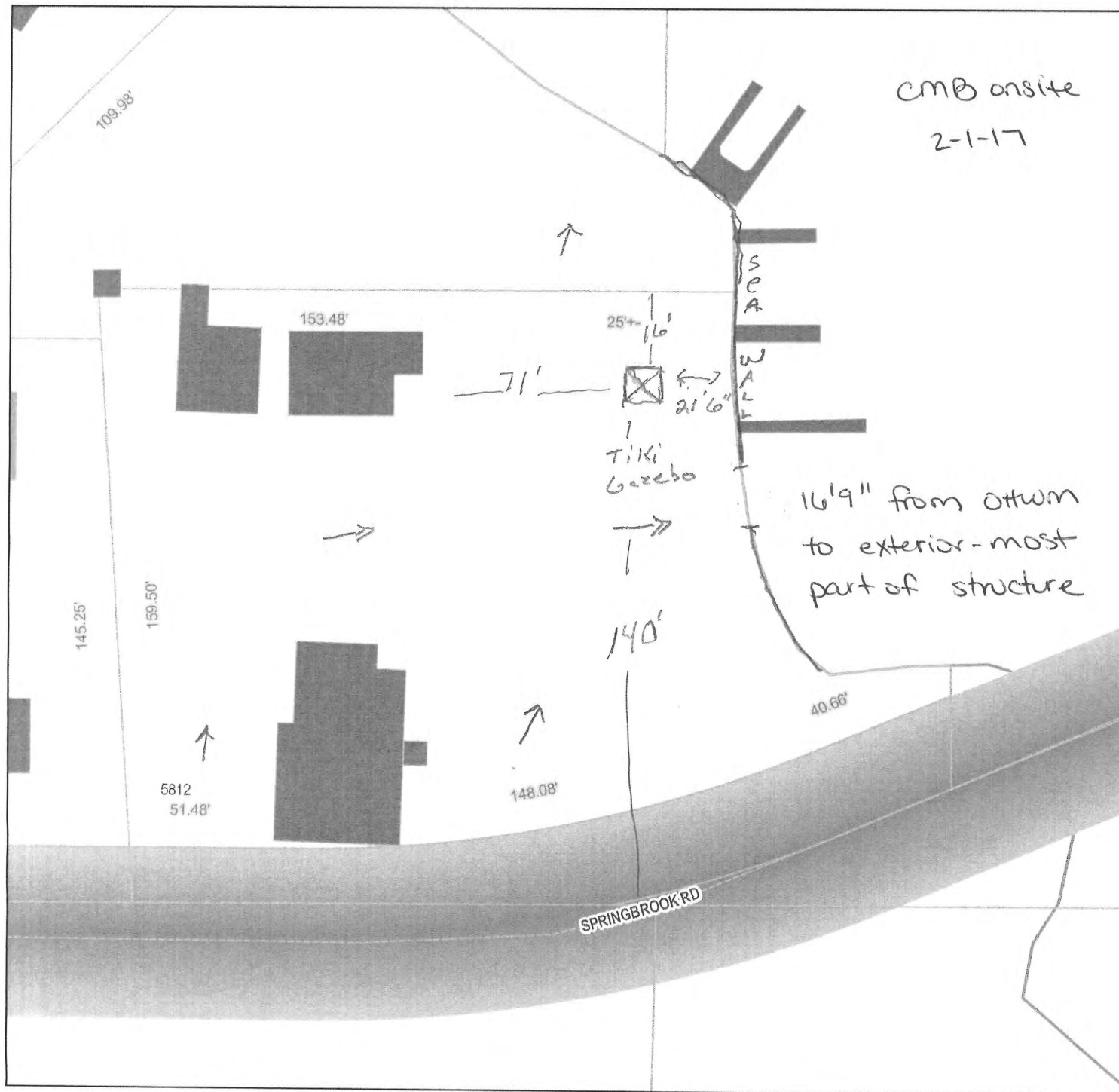
- (1) The requirement in question would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with such requirement unnecessarily burdensome and such circumstances were not self-created.
- (2) The subject property has unique physical characteristics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

Legend

Address Marker

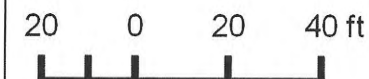
Tax Parcel

Section Number

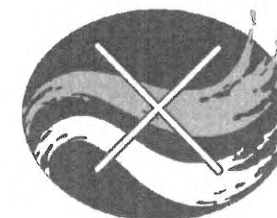
Conveyance Divisions

Conveyance Types

Lakes



1 Inch = 40 Feet



W.I.N.G.S. Project Disclaimer
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Jan 11, 2017 @ 02:15 PM



Site Map

Legend

Address Marker

Tax Parcel

Section Number

Conveyance Divisions

Conveyance Types

Lakes

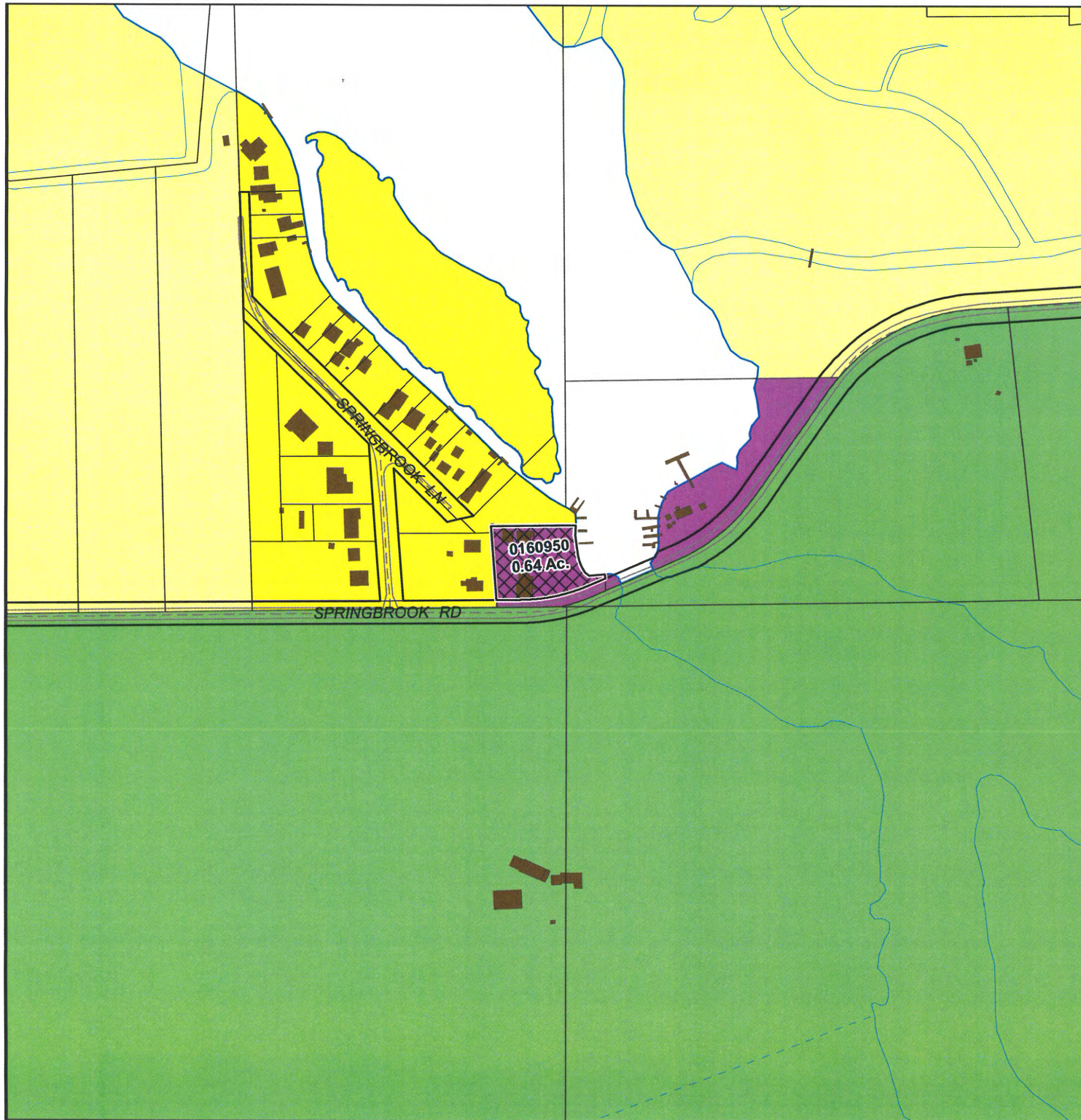


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Jan 11, 2017 @ 02:15 PM



Application #17-VA-3990

Date of Hearing:

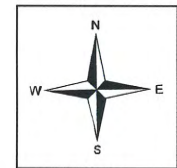
March 28, 2017

Owner(s):

Gay, Corey J.

Subject Parcel(s):

0160950



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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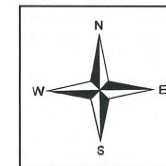
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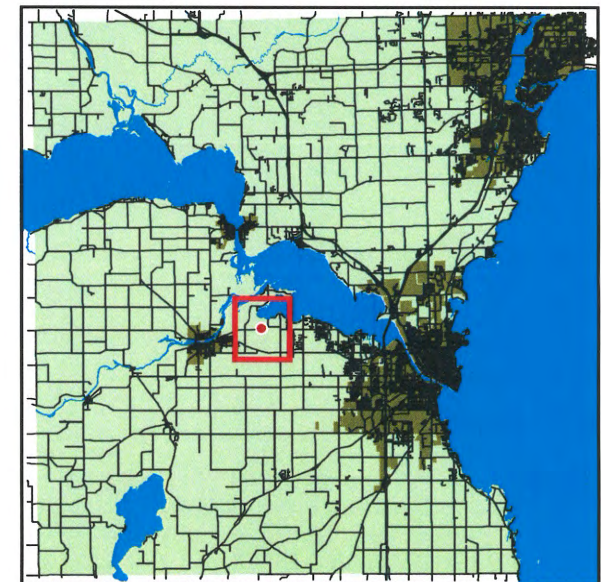
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*Winnebago County
WINGS Project*

● = SITE



WINNEBAGO COUNTY



1 inch : 2,000 feet

Winnebago County Planning and Zoning Department

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INFORMATION ON VARIANCE REQUEST

Applicant:

KUEPPER, CRAIG L
KUEPPER, PAMELA J

File Number:

2017-VA-4000

Location of Premises:

LOT ACROSS FROM 7431 RICHTER LN, LARSEN, WI 54947

Tax Parcel No.:

032-073016

Legal Description:

Being a part of 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 street yard setback variance of 22.5 feet and a shore yard setback variance of 63.5 feet in order to build a detached garage.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
A variance is required in order to build a garage with substandard street and shore yard setbacks.	Section 23.8-65 "Yard setbacks" of Article 8, Chapter 23, Town/County Zoning Code.	Street Yard: 26.3 feet (setback averaging applicable)	Street Yard: 22.5 feet
	Section 6.1 "Shoreland Setbacks" of Chapter 27, Shoreland Zoning Code.	Shore Yard: 75 feet	Shore Yard: 63.5 feet

Winnebago County Planning and Zoning Department

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INITIAL STAFF REPORT

Sanitation:

System Required
Private System

Overlays:

Floodplain
Shoreland
Wetlands

Current or Proposed Zoning:

R-1 Rural Residential

Code Reference:

Section 23.8-65 "Yard setbacks" of Article 8, Chapter 23, Town/County Zoning Code.

Section 6.1 "Shoreland Setbacks" of Chapter 27, Shoreland Zoning Code.

Description of Proposed Use:

Applicant is requesting a street yard setback variance of 22.5 feet and a shore yard setback variance of 63.5 feet in order to build a detached garage.

Surrounding Zoning:

North: R-1

South: R-1

East: R-1

West: R-2

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

I have an empty lot across the road from my cottage (7431 Richter Ln) that I would like to construct a 30' wide x 30' deep garage on. This garage would be used for storing a boat and trailer, vehicle, kayaks and other water related items. I am requesting a right-of-way setback at 22.5' and a shore yard setback at 63.5'.

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

Using the current delineation of the ordinary high water mark of my property, the maximum allowable garage depth would be set at 14.7 ft. This doesn't allow room for my boat and trailer or my truck to be stored inside.

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

Early summer of 2016 I had Martenson and Eisele complete a survey and wetland delineation of my property for the purpose of constructing a garage. The DNR concurrence was completed. I submitted a zoning permit application for the garage before October 1st. Late in the year I was told the Army Corp of Engineers were re-evaluating the OHWM, so this needed to be completed before getting a building permit. A delineation of the OHWM was done on 12/8/16 and attached is the site map I have received. I was then told I needed to apply for a variance in order to proceed in getting a building permit.

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

I talked with my neighbors and they have no issues with this proposal. There are garages on both sides of the property.

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.
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Shoreland Zoning Code

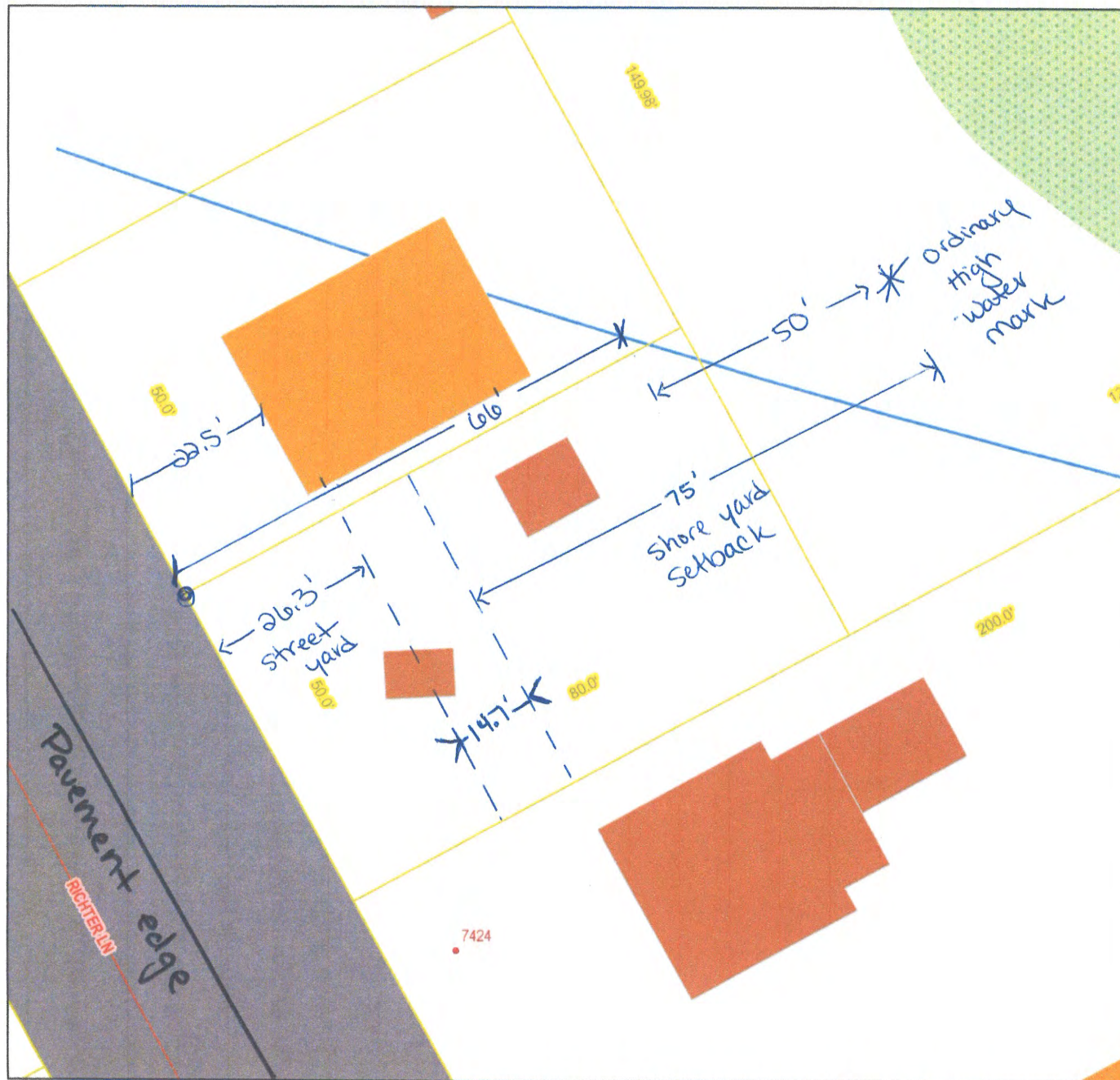
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032-0730-16

lot across from 7431 Richter Ln

Kuepper, Craig



Site Map

Legend

Address Marker

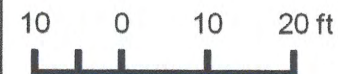
Tax Parcel

Section Number

Conveyance Divisions

Conveyance Types

Lakes



1 Inch = 20 Feet

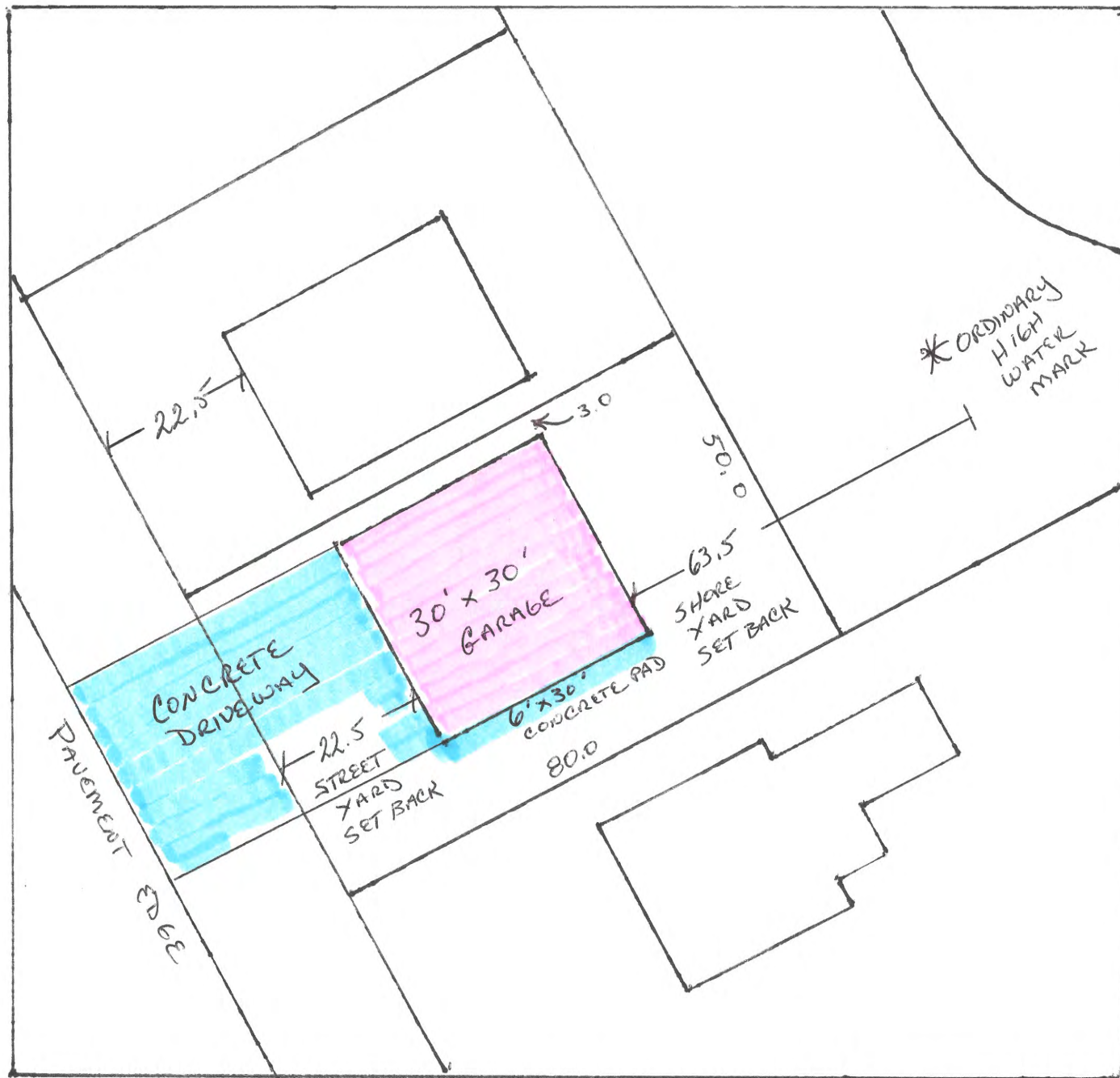


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Dec 08, 2016 @ 02:01 PM

cmb onsite w/ Chad Casper LWCD & Craig Kuepper 12-8-16



Application #17-VA-4000

Date of Hearing:

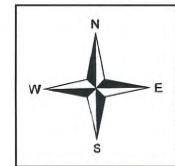
March 28, 2017

Owner(s):

Kuepper, Craig & Pam

Subject Parcel(s):

032073016



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



1 inch : 2,000 feet

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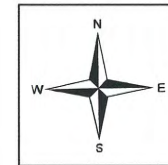
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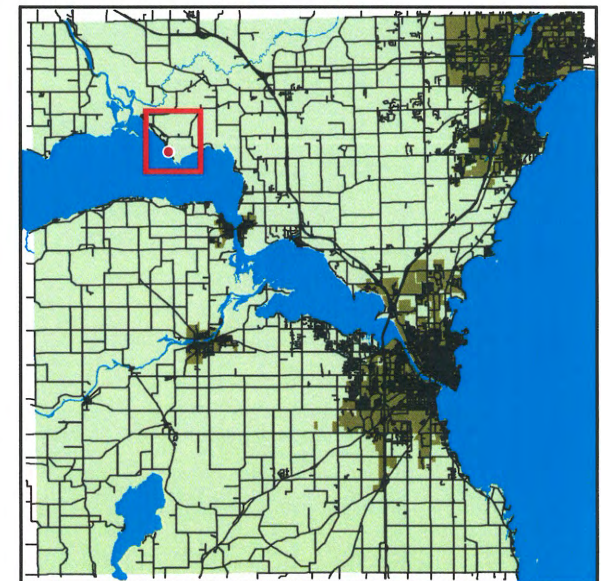
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WINGS Project*

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WINNEBAGO COUNTY