

## **WINNEBAGO COUNTY BOARD OF ADJUSTMENT**

Tuesday, August 31, 2010 - 5:30 p.m.

Lounge Room, Courthouse, Oshkosh, Wisconsin

### **PUBLIC HEARING**

**Present:** Board Members: Chairman Arden Schroeder, Greg Kargus, Dan Mingus, Mary Mathwig, and Carla Koller (alternate).

**Also present:** Kathryn Larson, zoning department; and Laurie Rodgers, court reporter; and interested citizens.

Meeting was called to order at 5:30 p.m. Committee members and staff introduced themselves and Chairman Schroeder explained the hearing process & announced that the Deliberative Session would be held Thursday, September 9, 2010, at 7:30 a.m. K. Larson read the appeal process.

G. Kargus read the legal description and requested variances for the following agenda items:

#### **Omro Dairy – Town of Omro**

No one appeared to represent the dairy and there was no response from the Town. D. Mingus made a motion to adjourn this to the next public hearing. Second by M. Mathwig. Carried by voice vote.

#### **Jerry Lutz – Town of Poygan**

Jerry Lutz appeared and explained that he wanted to build a 20' x 22' detached garage. The Board asked a lot of questions about the steps, both to the second floor of the garage and to the house, location of holding tanks, buying adjacent land, and clarification of available area between the house and the road. The applicant was asked if he could accept having the steps to the second floor of the garage on the inside of the garage, and he replied that he could. He was also asked if he could live with a smaller garage, and he replied in the negative to that question in that his wife's Tahoe needed at least 22 ft. His house in Milwaukee is for sale and the family plans on making this their primary residence. Regarding the adjacent land, Mr. Lutz said that he has tried for years to buy either the whole adjacent lot or to split the vacant lot between the two ends and has always been refused. The propane tank will be moved. Mr. Lutz also admitted to building the deck on the north side of the house without permits.

The Town of Winneconne submitted a letter recommending denial of the variance for the following reasons:

1. The proposed detached garage appears to include living space on the upper floor.
2. There could be parking issues with the structure so close to the road.

#### **Galow Family Revoc. Trust – Town of Oshkosh**

Gary Galow appeared to explain the several variances requested. He did this work as a landscape project and didn't realize he was doing anything wrong. He put in new steps down to a dock with retaining walls on the other two sides and laid a row of blocks level with the lawn

**Galow – Town of Oshkosh - continued**

at the back of the riprap for ease of mowing. He also wants a 19' x 22' parking pad adjacent to his garage for his boat or motor home and a concrete pad 6' x 20' (patio) adjacent to the sunroom. (The variance request for a retaining wall around a tree referred to by Mr. Galow was dismissed by zoning staff as a landscape feature only.)

Jerry Frey, Chairman, Town of Oshkosh, told the Board that the Town Board approved this variance with the following findings:

1. Definitely helped erosion
2. No extra structures so no impact on neighbors.
3. He had his grading permit.

The neighbor adjacent to the north spoke in favor of the variance. There was no response submitted from the DNR.

**Richard Ehlke – Town of Oshkosh**

Richard Ehlke was sworn in and explained that he was requesting a variance to build a single-family dwelling on his property. The structure would have a 40 ft. shore yard setback, a 13 ft. street yard setback and 7' and 10' side yard setbacks. The boathouse will be removed—it is a detriment to the neighborhood. Public sewer is available. He owned the property since 1995. The structure will be 24 x 48, two-story, with a 24' x 24' attached garage. The boatslip will be filled in. The property is in the floodplain.

Chairman Schroeder said that the square footage of the house would be about 1700 sq. ft. when the garage area is subtracted from the 24' x 48' proposed plans.

Jerry Frey, Chairman, Town of Oshkosh, spoke next and said the Town Board is against this variance for the following reasons:

1. This is an extreme variance. He said that zoning staff admitted that the Zacher variance [close to this property] was a mistake. Don't compound that mistake.
2. It will set a [terrible] precedence.

G. Kargus said that without variances, this lot is unbuildable. Jerry Frey responded that there is use of the property for boats.

Richard Hansen, 5024 Island View Dr., is opposed to the variance because of its extreme nature and, proportionately, it is too much building on this small lot.

Elwyn Long, neighbor to the west stated that he believed these lots were unbuildable. He thinks it is ridiculous and is opposed to the variance.

Jeff Breier, 5080 Island View Dr., owns lake and channel lots. He won't be able to see the channel if a house is built there. He uses the lot for storage.

**Ehlke – Town of Oshkosh – continued**

Pat Purtell, owns property on Island View Dr. Opposed to variance. Said there are covenants that houses could not be built on these lots. Had issues with Ehlkes in the past. He questioned how the setback could be so close to the side lot line when there is water in the boathouse on the adjacent lot near the Ehlkes lot line. Staff was instructed to look into that.

Because this meeting was cutting in to the Planning and Zoning Committee's scheduled meeting time, and because there were many people who still wanted to speak and staff needed to research the boatslip within the boathouse issue, D. Mingus made a motion to adjourn this portion of the hearing to the next public hearing. M. Mathwig seconded and the motion was carried by voice vote.

There being no other business, Chairman Schroeder adjourned the meeting at 6:45 p.m.

Respectfully submitted,

***Kathryn M. Larson***

Recording Secretary for the Board of Adjustment