

## **WINNEBAGO COUNTY BOARD OF ADJUSTMENT**

Tuesday, March 31, 2009 - 5:30 p.m.

Lounge Room, Courthouse, Oshkosh, Wisconsin

### **PUBLIC HEARING**

**Present:** Board Members: Chairman Arden Schroeder, Greg Kargus, Dan Mingus, and Tom Verstegen.

**Absent:** Board Member Mary Mathwig

**Also present:** Kathryn Larson, zoning department; and Karen Fredrick, court reporter.

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, 4/09/09, at 7:30 a.m. K. Larson read the appeal process.

G. Kargus read the legal description and requested variance for the following agenda item:

#### **Ernest Anthes – Town of Oshkosh**

Brian Malchow of Fox Cities Construction was sworn in. He stated that owners are combining two parcels into one and will build a house of 1200 sq. ft. or less, 1-1/2 story, with a garage not to exceed 600 sq. ft. There will be no basement. D. Mingus asked about the well. Brian responded that there is an 8 ft. setback required from the well to the structure. They are proposing the house to have a 60 ft. shore yard setback with a 10 ft. at-grade concrete patio, resulting in a shore yard setback of 50 ft. In accordance with the Town's recommendations, they have agreed to a 30 ft. street yard setback, which is 42.5 ft. from the easterly edge of the improved road. There will be no living space over the garage, and the side yard setbacks (both sides) will be not less than 10 ft.

Sally Sawicki was sworn in next. Her property is on the north (opposite) side of the road, one lot over. She is concerned about the drainage because right now, the lots all drain to the Anthes' property so any construction will affect the other lots. Would prefer no fill. Staff explained that that's not possible under State floodplain requirements, but that the run-off from the new structure will be handled under the drainage and erosion control permits. But, there will be an impact on an adjacent lot when the water cannot run onto the subject parcel anymore. Swales may be able to help that situation.

Steve Strong was sworn in. He said that a new house was put up just south of the stop sign and the adjacent home was being flooded out. He asked staff to look into it. He does not want that happening on their property.

Jeff Borgardt, 2971 Sunset Pt., was sworn in next. He had the same concerns about too much development on these small lots and that variances would make it possible for the area to become overdeveloped with resulting snow removal and drainage problems.

Jerry Frey, Town Chairman, was sworn in. He referenced the Town's eight conditions for the granting of the variance and explained why those conditions were requested. The Town wants to be sure that the drainage goes to the lake. They do not want any more drainage problems.

Jeff Borgardt stated that there's got to be a better way to handle this than simply guess work on the part of the County. He thought perhaps an engineering study should be done before any more construction took place.

There being no other business, Chairman Schroeder adjourned the meeting at 6:20 p.m.

Respectfully submitted,

***Kathryn M. Larson***

Recording Secretary for the Board of Adjustment