

MARK AND PEGGY RAATZ
8566 HERBST RD
WINNECONNE, WI 54986



JULY 19, 2016

WINNEBAGO COUNTY
ZONING DEPARTMENT
PO BOX 2808
OSHKOSH, WI 54903-2808

REGARDING: EXTENSION TO VARIANCE # 2015-VA-3090

TO WHOM IT MAY CONCERN:

DUE TO UNFORESEEN CIRCUMSTANCES WE FAILED TO MEET THE DEADLINE AS PER THE GRANTED VARIANCE. WE RAN INTO DELAYS IN DEMOLISHING THE EXISTING BUILDING FOLLOWED BY A SERIOUS HEALTH ISSUE INVOLVING BREAKING MY LEG WITH A COMPLICATED RECOVERY.

WE ARE WORKING WITH OUR DESIGN/BUILDER MARK BIGGAR FOR AN EXTENSION TO THE VARIANCE & WILL HAVE ALL NECESSARY DOCUMENTS AS REQUESTED BY THE DEPARTMENT PRIOR TO YOUR SEPTEMBER MEETING. IF YOU HAVE QUESTIONS FEEL FREE CONTACT TO MARK BIGGAR OR OURSELVES.

WE APOLOGIZE FOR ANY INCONVENIENCE TO THE DEPARTMENT. WE HOPE THAT WE MAY COMMENCE WITH CONSTRUCTION THIS FALL.

THANK YOU.

SINCERELY,

A handwritten signature in blue ink that reads "Mark + Peggy Raatz". The signature is written in a cursive style, with the last name "Raatz" circled.

MARK AND PEGGY RAATZ
920-378-5598 CELL
920-968-0550 BUSINESS WORK

CC:
MARK BIGGAR
920-585-4214

CARY A ROWE
Zoning Administrator



112 OTTER AVE, PO BOX 2808
OSHKOSH, WI 54903-2808

OSHKOSH (920) 232-3344
FOX CITIES (920) 727-2880
FAX (920) 232-3347

Winnebago County
Zoning Department

The Wave of the Future

Zoningdepartment@co.winnebago.wi.us



VARIANCE # 2015-VA-3090

Owner: MARK & PEGGY RAATZ
8566 HERBST RD
WINNECONNE, WI 54986

Agent: SMITH, JAMES –
MARTENSON & EISELE, INC.
109 W MAIN ST
OMRO, WI 54963

Location: 8566 HERBST RD
WINNECONNE, WI 54986

Tax Parcel No: 020-009011

Legal: Being a part of the NE 1/4 of the NE 1/4, Section 16, Township 19 North, Range 14 East, Town of Poygan, Winnebago County, Wisconsin.

On June 4, 2015, a variance was GRANTED WITH CONDITIONS to construct a new home with the following substandard setbacks and standards,

- | | |
|---|---------------------------------------|
| 1. Reduced Floodplain Fill (East) | 7' |
| 2. Shore yard setback (East retaining wall) | 49' from the Ordinary High Water Mark |
| 3. Shore yard setback (West retaining wall) | 46' from the Ordinary High Water Mark |

Conditions:

Town: None

County:

1. Swales to be installed on the east side of the home to contain stormwater on this property.
2. Downspouts from the home shall be directed to the lake.

MARK OR PEGGY RAATZ must sign and return this letter to the Winnebago County Zoning Dept, 112 Otter Ave, Oshkosh WI 54901, within 45 days of 6/4/2015. Their signature states that they are in agreement with the conditions that have been placed on the Variance. Failure to sign and return the decision notice within 45 days of the committee's decision shall void the approval. The decision notice shall become effective upon the property's owner signature.


MARK OR PEGGY RAATZ



The findings used to grant the variance have been made in accordance with Section 23.7-234 and are as follows:

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.**

The placement of the existing boathouse and detached garage limit the ability to construct a home with the 15' of floodplain fill.

Because of the depth of the lot and the location of the garage and boathouse the retaining walls provide the greatest amount of floodplain fill allowed on the lot.

2) **The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question.**

This is a lakefront property with limited buildable area because of an existing garage and boathouse.

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.**

Fill will be maintained at an elevation similar to that already around the garage on the property. The retaining walls, swales, and downspouts being directed to the lake will allow the property to maintain drainage without impacting adjacent properties.

26.6-7(a) "Review criteria" (required for all Ch. 26 Floodplain Zoning Code variances)

1. **The variance is consistent with the purpose of the Floodplain Zoning Code in s. 26.1-5.**

The requested variance allows for construction of a new home in compliance with zoning setbacks. The floodplain fill is being maintained to the distance available on the property through the utilization of retaining walls.

27.6-8(a) "Generally" (required for all Ch. 27 Shoreland Zoning Code variances)

1. **Criteria: The variance is consistent with the purpose of the Shoreland Zoning Code.**

The retaining walls are being used to maintain floodplain fill only.

27.6-8

(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.

APPLICANTS RIGHTS:

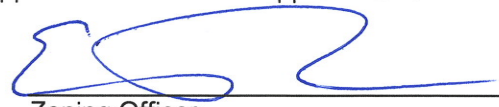
23.7-239(a)

(7) The applicant may appeal the decision to a court of competent jurisdiction.

(8) An aggrieved person, other than the applicant, may appeal the decision to a court of competent jurisdiction and that any work done by the applicant as authorized by the approval is done at the applicant's risk.

6/4/2015

Date


Zoning Officer

NOTES:

1. Variance granted by the Board of Adjustment **shall expire within twelve (12) months** unless substantial work has commenced pursuant to such grant. Board of Adjustment may with cause grant a one-time extension not to exceed 6 months.
2. Approval of your variance application does not exclude the need to obtain the required building or zoning permits. **Please make application for these permits through your town building inspector and zoning department.**



Winnebago County Zoning Department
 P.O. Box 2808
 112 Otter Ave, 3rd Floor
 Oshkosh, WI 54903-2808
 (920) 232-3344
 (920) 232-3347 (fax)



For office use only



Receipt # 307575
 Application #: 15-VA-3090

VARIANCE APPLICATION

(Please print or type. Please use black ink for duplicating purposes.)

Fee: \$765.00
 Payable to: Winnebago County

A. PROPERTY OWNER:

A-1 Name: MARK RAATZ
 Mailing Address: 8566 HERBST ROAD
WINNECONNE, WI 54986
 Phone: 920-378-5598 E-mail: _____

Permission is hereby granted for appropriate County Staff to enter upon the property for the placement and removal of hearing notices and conducting inspections prior to hearing. Said permission is to remain in force until the conclusion of the Public Hearing and is binding upon all heirs and assigns.

Property Owner's Signature: [Signature] Date: 3-31-15

I HEREBY APPOINT THE FOLLOWING AS MY AGENT FOR PURPOSES OF THIS APPLICATION:

A-2 AGENT (NAME): JAMES E. SMITH MARTENSON & EISELE, INC
 Mailing Address: 109 W. MAIN ST
OMRO, WI 54963
 Phone: 920-685-6240 E-mail: JIMS@MARTENSON-EISELE.COM
 Agent's Signature: [Signature] Date: 3-31-15

B. PROPERTY INFORMATION:

B-1 Tax Key/Parcel #: 020009011
 B-2 Location of affected property: 8566 HERBST RD
 B-3 Current or Proposed Zoning: R-1

Zoning Code Legend			
A-1	Agribusiness district	B-1	Local Service Business district
A-2	General Agriculture district	B-2	Community Business district
R-1	Rural Residential district	B-3	General Business district
R-2	Suburban Residential district	I-1	Light Industrial district
R-3	Two-family Residential district	I-2	Heavy Industrial district
R-4	Multifamily Residential district	M-1	Mixed-Use district
R-8	Manufactured/Mobile Home Community district	PDD	Planned Development district

B-4 Use (Proposed): R-1

B-5 SEWER: Existing Required TYPE: Municipal Private System

VARIANCE APPLICATION

Responses may be typed on a separate sheet and attached to this form.

Applicant, please fill out all of the questions in your own words.

C-1 Describe your project, include the dimensions and proposed setbacks:

REMOVE EXISTING HOME AND BUILD A NEW HOME ON THE NORTH SIDE OF THE EXISTING GARAGE SEE ATTACHED SITE PLAN DENOTING PROPERTY, SETBACKS AND PROPOSED BUILDING AREA.

C-2 Describe how compliance with the requirement in question unreasonably prevents or restricts development of a permitted use on the property:

THE PROPERTY IS IN THE 100YR FLOOD PLAIN. THERE IS LIMITED AREA WITHIN THE SETBACKS FOR THE HOME AND THE 15' OF FILL REQUIRED BEYOND THE HOME.

C-3 Describe the unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question:

THE PROPOSED HOME IS PLANNED TO CONNECT WITH THE EXISTING GARAGE AND BE 7 FT OFF THE EAST PROPERTY LINE SAME AS GARAGE. REQUESTING A REDUCTION FROM THE 15' FILL PLACEMENT ON THE EAST SIDE OF THE HOME TO 7' FEET, AND INSTALL RETAINING WALL INTO LAKE SETBACK A'PROX 15'

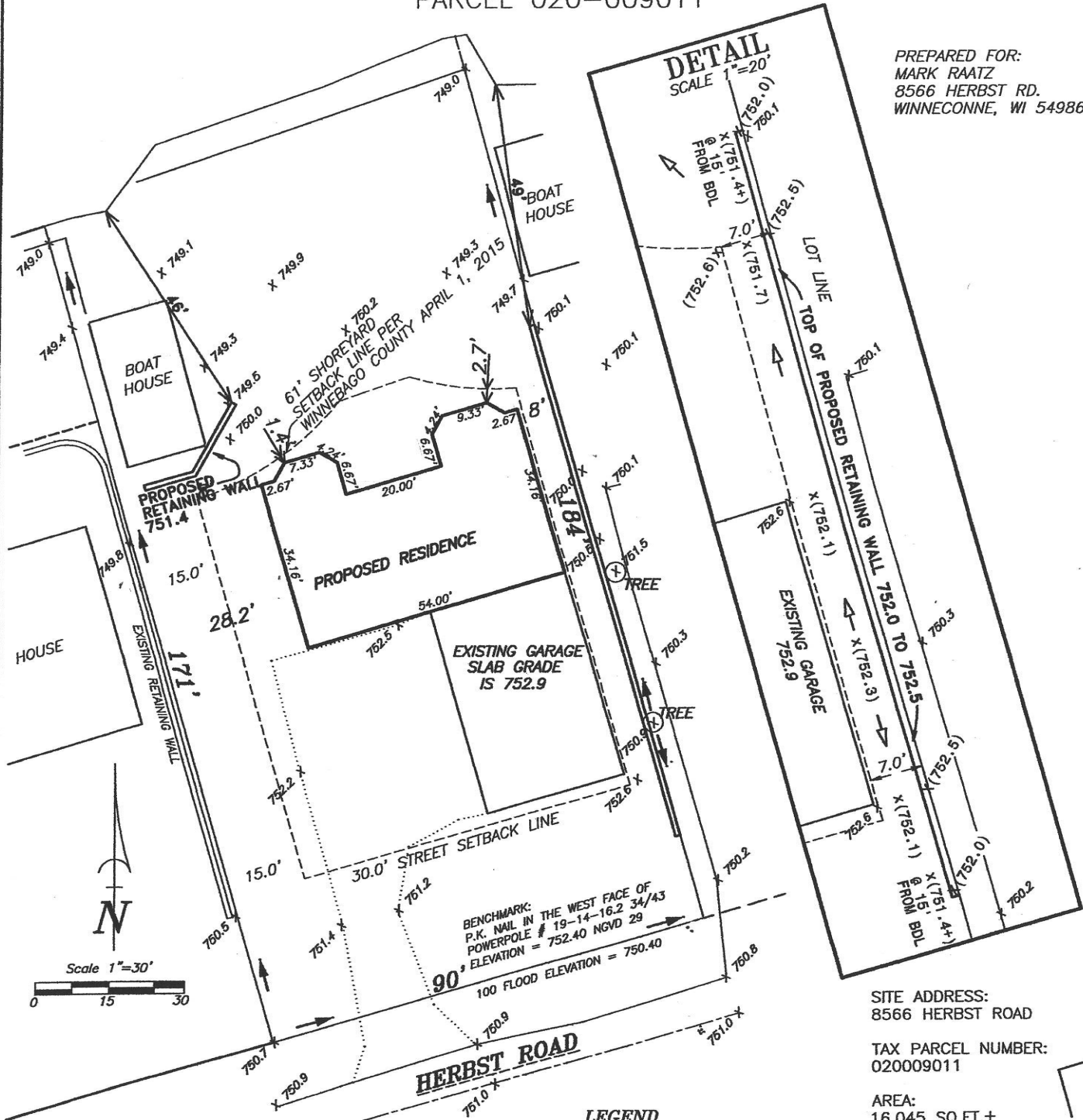
C-4 Describe how the granting of the requested variance will not harm public interest or have adverse affects on surrounding properties. :

A RETAINING WALL WOULD BE CONSTRUCTED ALONG THE EAST PROPERTY LINE AS SHOWN ON SITE PLAN. THE 15' FILL REQUIREMENT WILL BE MET IN ALL OTHER SIDES OF HOME AND GARAGE.

SITE PLAN

8566 HERBST ROAD, WINNECONNE, WI
 PARCEL 020-009011

PREPARED FOR:
 MARK RAATZ
 8566 HERBST RD.
 WINNECONNE, WI 54986



SITE ADDRESS:
 8566 HERBST ROAD
 TAX PARCEL NUMBER:
 020009011
 AREA:
 16,045 SQ.FT.±

Martenson & Eisele, Inc.



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

Planning
 Environmental
 Surveying
 Engineering
 Architecture

LEGEND

- x(770.0) PROPOSED FINISHED GRADE ELEVATION
- X 776.2 EXISTING ELEVATION
- ➔ DIRECTION OF EXISTING DRAINAGE
- DIRECTION OF PROPOSED DRAINAGE

PROJECT NO. 0-1355-003
 FILE 1355003SITEPLAN.DWG

THIS INSTRUMENT WAS DRAFTED BY: DSL