

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 11/16/2016

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 11/16/2016 at 5:00 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:
LERCH, ANNE

File Number:
2016-VA-3880

Location of Premises:
3636 SHANGRI-LA POINT RD
OSHKOSH, WI 54904

Tax Parcel No.:
018-2353

Legal Description:
Being a part of Shangri-La Point Plat, Lot 20, located in the Fractional NE 1/4, Section 5, Township 18 North, Range 16 East, Town of Oshkosh, Winnebago County, Wisconsin.

Description of Proposed Project:
Applicant is requesting a variance for reduced amounts of floodplain fill of 5'8" and 10' around a structure.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
A variance is needed in order to construct a home in the floodplain with less than 15' of floodplain fill around the structure.	Section 26.5-23(b)(1) of Chapter 26, the Floodplain Zoning Code.	1. 15' 2. 15'	1. 10' 2. 5'8"

INITIAL STAFF REPORT

Sanitation:

Existing System
Municipal System

Overlays:

Floodplain
Shoreland

Current or Proposed Zoning:

R-2 Suburban Low Density Residential

Code Reference:

Section 26.5-23(b)(1) of Chapter 26, the Floodplain Zoning Code.

Description of Proposed Use:

Applicant is requesting a variance for reduced amounts of floodplain fill of 5'8" and 10' around a structure.

Surrounding Zoning:

North: R-2
South: R-2
East: Lake
West: R-2

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

New home construction: 44'-4" x 72'. Setbacks: front 16' (roadside); north side 10'; south side 5'-8"; east side (lakeside) 52'. a.) flood plain fill requested south side 5'-8"; b.) flood plain fill requested north side 10'

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

Unable to build a reasonably sized home.

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

Narrow lot width.

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

Construction plan includes retaining walls on north and south sides so as not to adversely affect run-off

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.

FOR TOWN USE ONLY

TOWN ACTION FOR VARIANCE
Town of OSHKOSH
Winnebago County, Wisconsin

Applicant:
LERCH, ANNE

Location Of Premises Affected:
3636 SHANGRI-LA POINT RD
OSHKOSH, WI 54904

Tax Parcel No.:
018-2353

Legal Description:
Being a part of Shangri-La Point Plat, Lot 20, located in the Fractional NE 1/4, Section 5, Township 18 North, Range 16 East, Town of Oshkosh, Winnebago County, Wisconsin.

Current or Proposed Zoning:
R-2 Suburban Low Density Residential

Description of Proposed Use:
Applicant is requesting a variance for reduced amounts of floodplain fill of 5'8" and 10' around a structure.

DESCRIPTION:	REQUIRED:	PROPOSED:	TOWN RECOMMENDATION:
A variance is needed in order to construct a home in the floodplain with less than 15' of floodplain fill around the structure.	1. 15' 2. 15'	1. 10' 2. 5'8"	

*The Town may recommend approval, denial, approval with conditions, or approval not as requested.
Please indicate the Town's recommendation for each request.*

Town Findings:

Town Conditions:

Signed: _____

Date: _____

Floodplain Fill Variance – Additional Information Required

An additional sheet must be filed for each side of the structure where the floodplain fill requirement will not be met.

Retaining wall X OR Sloped to property line _____

Sloped to property line – Benchmark must be established by a Registered Land Surveyor

Surveyor James Smith Date (BM Established) _____

BM Elevation _____ BM Description _____

A. Regional Floodplain elevation _____

B. Required Elevation of fill (A + 1 ft) _____

Side (Circle one) N S E W

C. Lowest ground elevation along property line, in affected area _____

D. Depth of Fill required (B – C) _____

E. Length of horizontal slope using 3:1 slope (D x 3) _____

F. Width of Swale (if proposed) _____

G. Side yard setback proposed for structure _____

H. Total horizontal fill proposed (G – E – F) _____

Retaining Wall

Side (Circle one) N S E W

Total fill proposed (from foundation to outer edge of retaining wall) _____ ft

Will the retaining wall(s) meet the 75' required setback from the Ordinary High Water Mark?

YES _____ NO X Approx 40

If no, variance requested for retaining wall? 40 ft

List any measures proposed to prevent run-off onto neighboring properties:

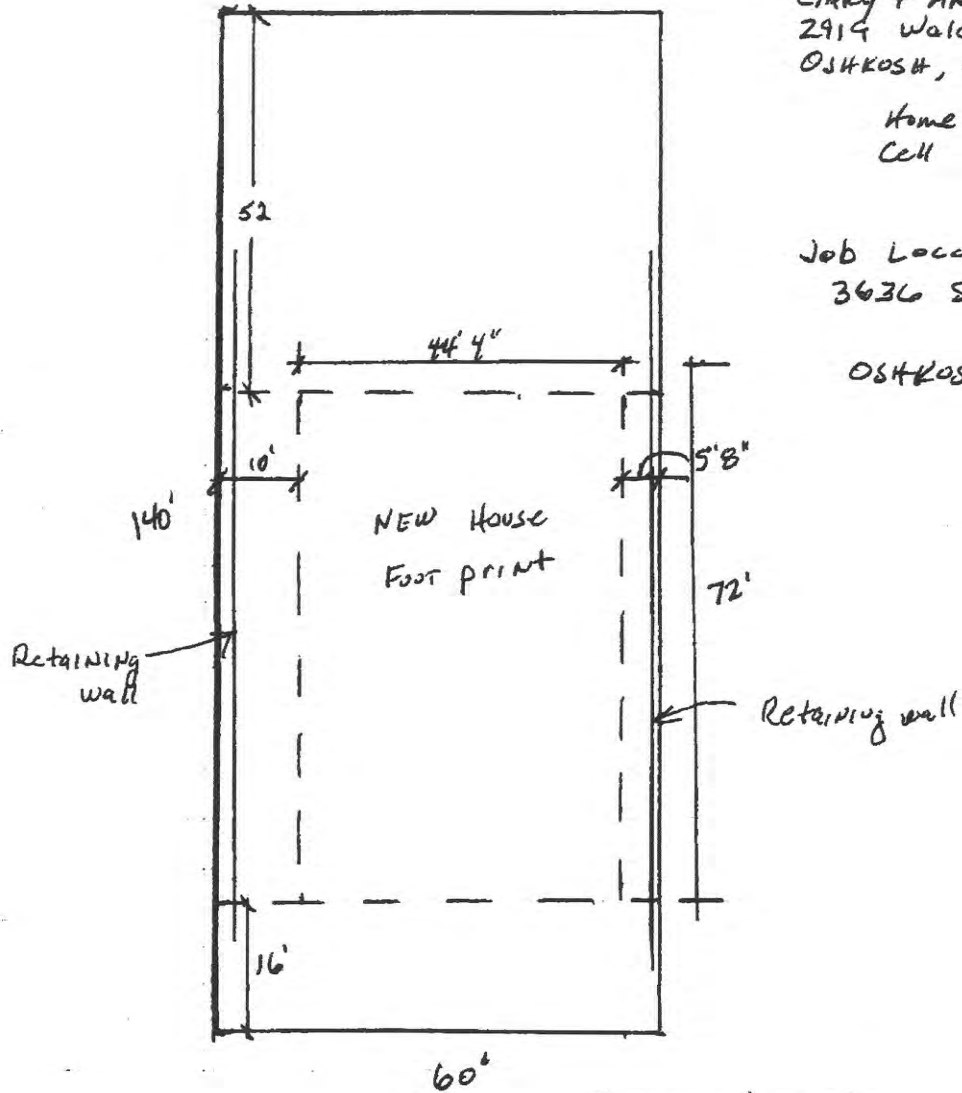
X Swale _____ Drain Tile _____ Downspouts to lake/ditch

_____ Other:

GARY + ANNE Lerch
2919 Waldwic Ln
OSTKOSH, WI 54904

Home 233-6259
Cell 851-1723

Job Location
3636 Shangri-la
Point Rd
OSTKOSH, WI



Scale 1' = 20'





Application #16-VA-3880

Date of Hearing:

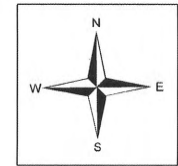
November 16, 2016

Owner(s):

Lerch, Anne

Subject Parcel(s):

0182353



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 #16-VA-3880

Date of Hearing:

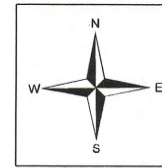
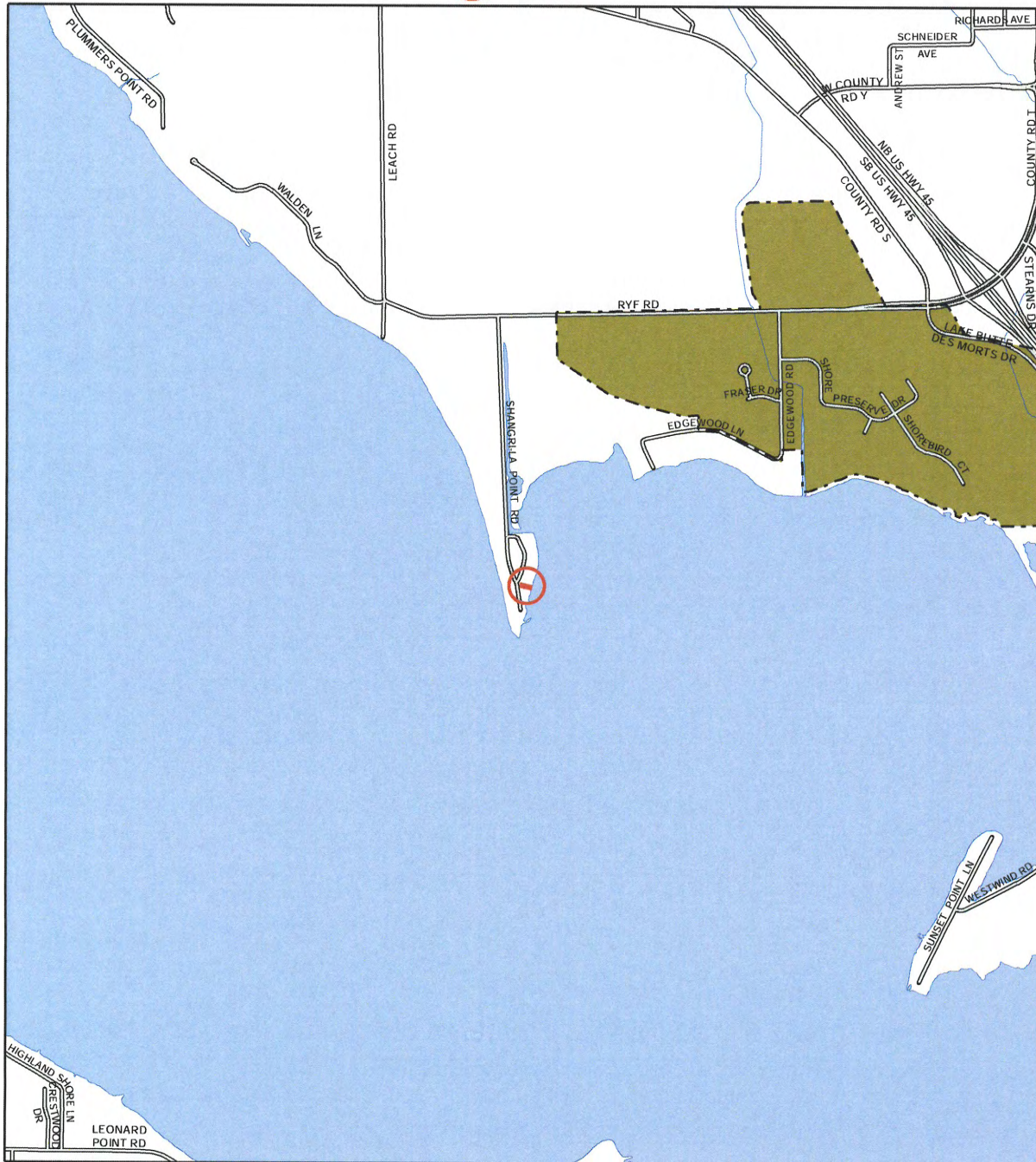
November 16, 2016

Owner(s):

Lerch, Anne

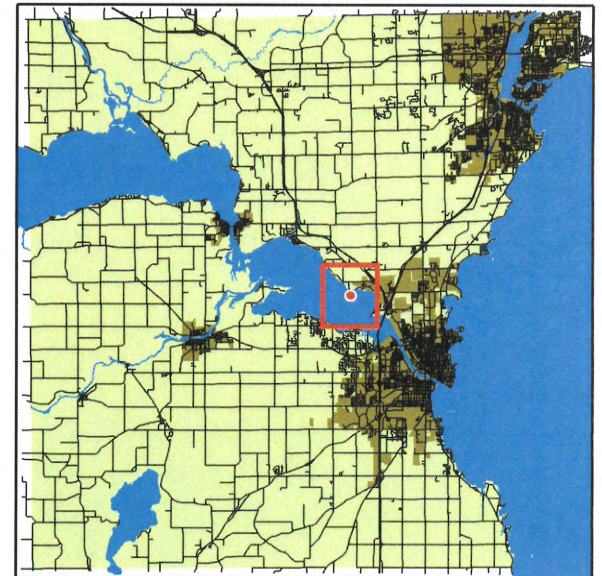
Subject Parcel(s):

0182353



Winnebago County
WINGS Project

● = SITE



WINNEBAGO COUNTY

1 inch : 2,000 feet

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 11/16/2016

TO WHOM IT MAY CONCERN:

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The Winnebago County Board of Adjustment will be holding a public hearing on 11/16/2016 at 5:00 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:
DOEHLING, AUSTIN

Agent:
None

File Number:
2016-VA-3870

Location of Premises:
6095 LAKE POYGAN RD
WINNECONNE, WI 54986

Tax Parcel No.:
020-018102

Legal Description:
Being a part of the NW 1/4 of the NW 1/4, Section 21, Township 19 North, Range 14 East, Town of Poygan, Winnebago County, Wisconsin.

Description of Proposed Project:
Applicant is requesting a variance to the street yard setback to be allowed to construct a detached garage.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
A variance is needed to construct a detached garage within the street yard setback	Chapter 23, Exhibit 8-2 "R-1 rural residential district (nonsubdivided)"	30'	24'

INITIAL STAFF REPORT

Sanitation:

Existing System
Private System

Overlays:

Shoreland

Current or Proposed Zoning:

R-1 Rural Residential

Code Reference:

Chapter 23, Exhibit 8-2 "R-1 rural residential district (nonsubdivided)"

Description of Proposed Use:

Applicant is requesting a variance to the street yard setback to be allowed to construct a detached garage.

Surrounding Zoning:

North: NA

South: R-1

East: A-2

West: A-2

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

To move the garage into compliance with the navigable waterway. The 30' x 40' building will need to be placed 24' from the right of way to clear the septic system.

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

With the size of the lot and location of the home and existing septic system as well as the required setback from the navigable stream, there is no compliant location for a garage of reasonable size.

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

The property is a narrow lot with the septic system running down the center and a navigable water way running along the side. It is also a corner lot that limits it as well.

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

The request is for a street yard variance only. The proposed setback will allow for a vehicle to be parked in front of the garage without impacting the road right of way.

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.

FOR TOWN USE ONLY

TOWN ACTION FOR VARIANCE
Town of POYGAN
Winnebago County, Wisconsin

Applicant:
DOEHLING, AUSTIN

Agent:
None

Location Of Premises Affected:
6095 LAKE POYGAN RD
WINNECONNE, WI 54986

Tax Parcel No.:
020-018102

Legal Description:
Being a part of the NW 1/4 of the NW 1/4, Section 21, Township 19 North, Range 14 East, Town of Poygan, Winnebago County, Wisconsin.

Current or Proposed Zoning:
R-1 Rural Residential

Description of Proposed Use:
Applicant is requesting a variance to the street yard setback to be allowed to construct a detached garage.

DESCRIPTION:	REQUIRED:	PROPOSED:	TOWN RECOMMENDATION:
A variance is needed to construct a detached garage within the street yard setback	30'	24'	

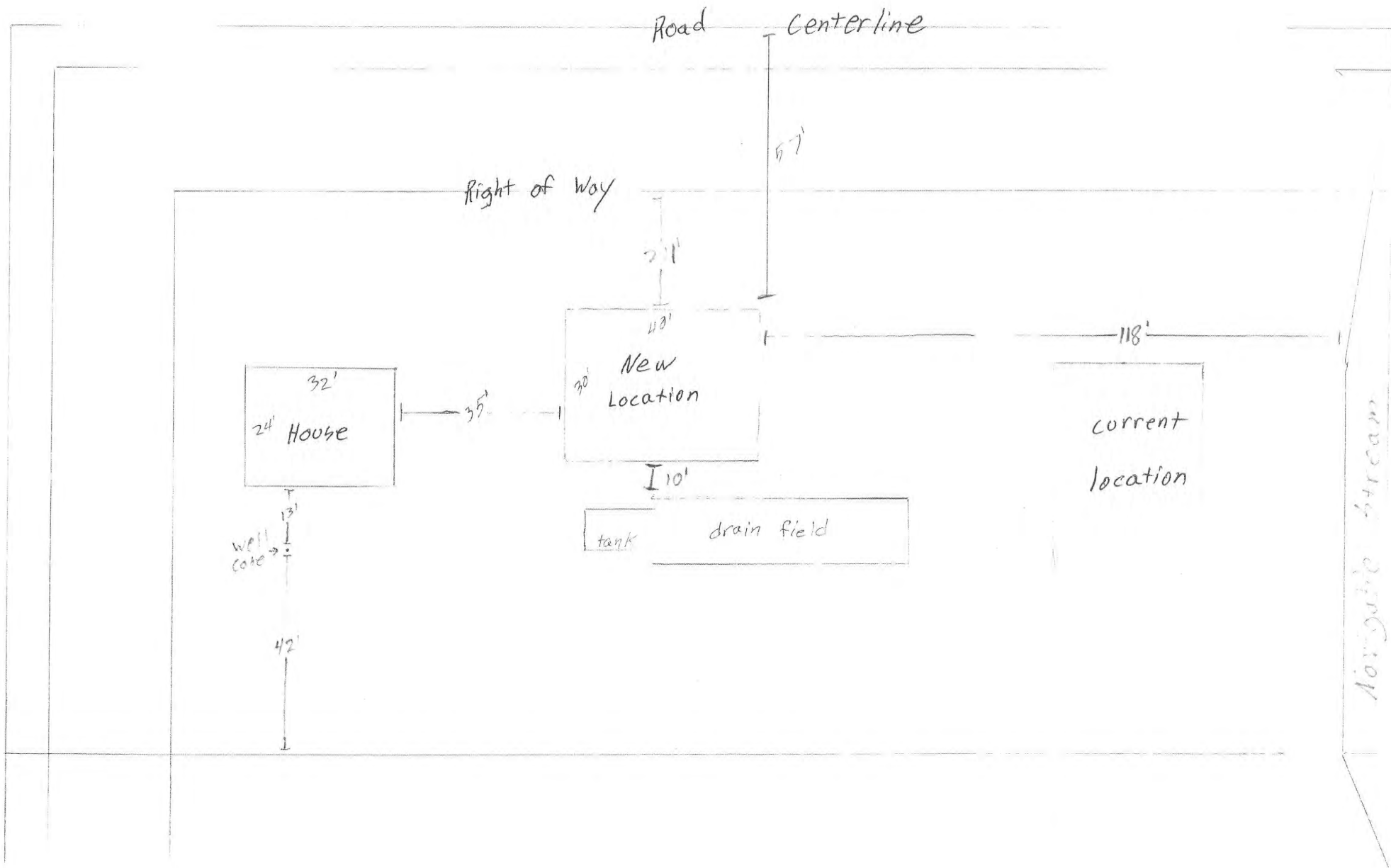
*The Town may recommend approval, denial, approval with conditions, or approval not as requested.
Please indicate the Town's recommendation for each request.*

Town Findings:

Town Conditions:

Signed: _____

Date: _____









Application #16-VA-3870

Date of Hearing:

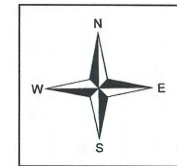
November 16, 2016

Owner(s):

Doehling, Austin

Subject Parcel(s):

020018102



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 #16-VA-3870

Date of Hearing:

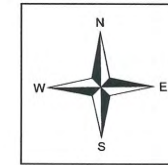
November 16, 2016

Owner(s):

Doehling, Austin

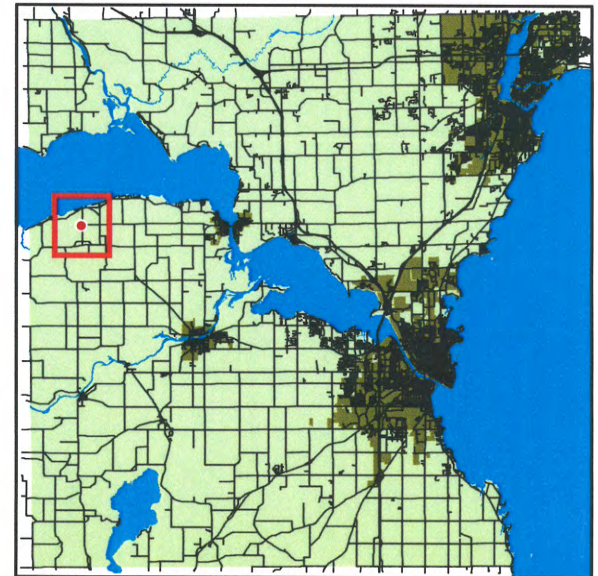
Subject Parcel(s):

020018102



Winnebago County
WINGS Project

● = SITE



WINNEBAGO COUNTY

1 inch : 2,000 feet

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 11/16/2016

TO WHOM IT MAY CONCERN:

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The Winnebago County Board of Adjustment will be holding a public hearing on 11/16/2016 at 5:00 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:

MAYER, JOHN
MAYER, MARK
MAYER, RICHARD

File Number:

2016-VA-3920

Location of Premises:

6455 PAULSON RD
WINNECONNE, WI 54986

Tax Parcel No.:

030-020109

Legal Description:

Being a part of the Fractional NE 1/4, Section 16, Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting a variance for a reduced amount of floodplain fill of 4' on the north side of an addition and a variance for a reduced street yard setback of 17.4' for an addition.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
A variance is necessary in order to construct the proposed addition in the floodplain and with a substandard street yard setback.	Section 26.5-23(b)(1) of Chapter 26, the Floodplain Zoning Code and Section 23.8-65(a) Exhibit 8-2 of Chapter 23, the Town/County Zoning Code.	1. 15' 2. 30'	2. 4' 2. 17.4'

INITIAL STAFF REPORT

Sanitation:

System Required
Private System

Overlays:

Floodplain
Shoreland

Current or Proposed Zoning:

R-1 Rural Residential

Code Reference:

Section 26.5-23(b)(1) of Chapter 26, the Floodplain Zoning Code and Section 23.8-65(a) Exhibit 8-2 of Chapter 23, the Town/County Zoning Code.

Description of Proposed Use:

Applicant is requesting a variance for a reduced amount of floodplain fill of 4' on the north side of an addition and a variance for a reduced street yard setback of 17.4' for an addition.

Surrounding Zoning:

North: R-1

South: R-1

East: R-1

West: R-1

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

Proposed 30 x 33 addition to east side of existing cottage. See attached site plan for dimensions and setbacks. 4' of floodplain fill on north side of lot.

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

The angle of the street effects one corner of the addition by 5.85 feet. The location of the existing cottage and the required street yard setback there is a very limited compliant area for a residential addition. This is a very narrow lot. Street compliance with floodplain fill regulations severely limit building area.

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

The location of the existing cottage and the angle of the street make one corner of the proposed addition 5.85 feet closer to setback than compliance. This is a 60' wide lot.

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

The property to the north is setback 16.5 feet which does not harm public interest. Proposed addition is consistent with development in this area.

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.

FOR TOWN USE ONLY

TOWN ACTION FOR VARIANCE
Town of WINNECONNE
Winnebago County, Wisconsin

Applicant:
MAYER, JOHN
MAYER, MARK
MAYER, RICHARD

Location Of Premises Affected:
6455 PAULSON RD
WINNECONNE, WI 54986

Tax Parcel No.:
030-020109

Legal Description:
Being a part of the Fractional NE 1/4, Section 16, Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin.

Current or Proposed Zoning:
R-1 Rural Residential

Description of Proposed Use:
Applicant is requesting a variance for a reduced amount of floodplain fill of 4' on the north side of an addition and a variance for a reduced street yard setback of 17.4' for an addition.

DESCRIPTION:	REQUIRED:	PROPOSED:	TOWN RECOMMENDATION:
A variance is necessary in order to construct the proposed addition in the floodplain and with a substandard street yard setback.	1. 15' 2. 30'	2. 4' 2. 17.4'	

*The Town may recommend approval, denial, approval with conditions, or approval not as requested.
Please indicate the Town's recommendation for each request.*

Town Findings:

Town Conditions:

Signed: _____

Date: _____

Floodplain Fill Variance – Additional Information Required

An additional sheet must be filed for each side of the structure where the floodplain fill requirement will not be met.

Retaining wall YES OR Sloped to property line _____

Sloped to property line – Benchmark must be established by a Registered Land Surveyor

Surveyor M&E Date (BM Established) 9.19.16

BM Elevation 752.03 BM Description NAIL IN PP

A. Regional Floodplain elevation 750.4

B. Required Elevation of fill (A + 1 ft) 751.4

Side (Circle one) (N) S E W

C. Lowest ground elevation along property line, in affected area 750.0

D. Depth of Fill required (B - C) 1.4

E. Length of horizontal slope using 3:1 slope (D x 3) 4.2 FT

F. Width of Swale (if proposed) 1 FT

G. Side yard setback proposed for structure 5.5 to 6.1

H. Total horizontal fill proposed (G - E - F) 60 FEET

Retaining Wall

Side (Circle one) (N) S E W

Total fill proposed (from foundation to outer edge of retaining wall) _____ ft 4 FT to 5 FEET

Will the retaining wall(s) meet the 75' required setback from the Ordinary High Water Mark?

YES _____ NO X

If no, variance requested for retaining wall? 67 ft

List any measures proposed to prevent run-off onto neighboring properties:

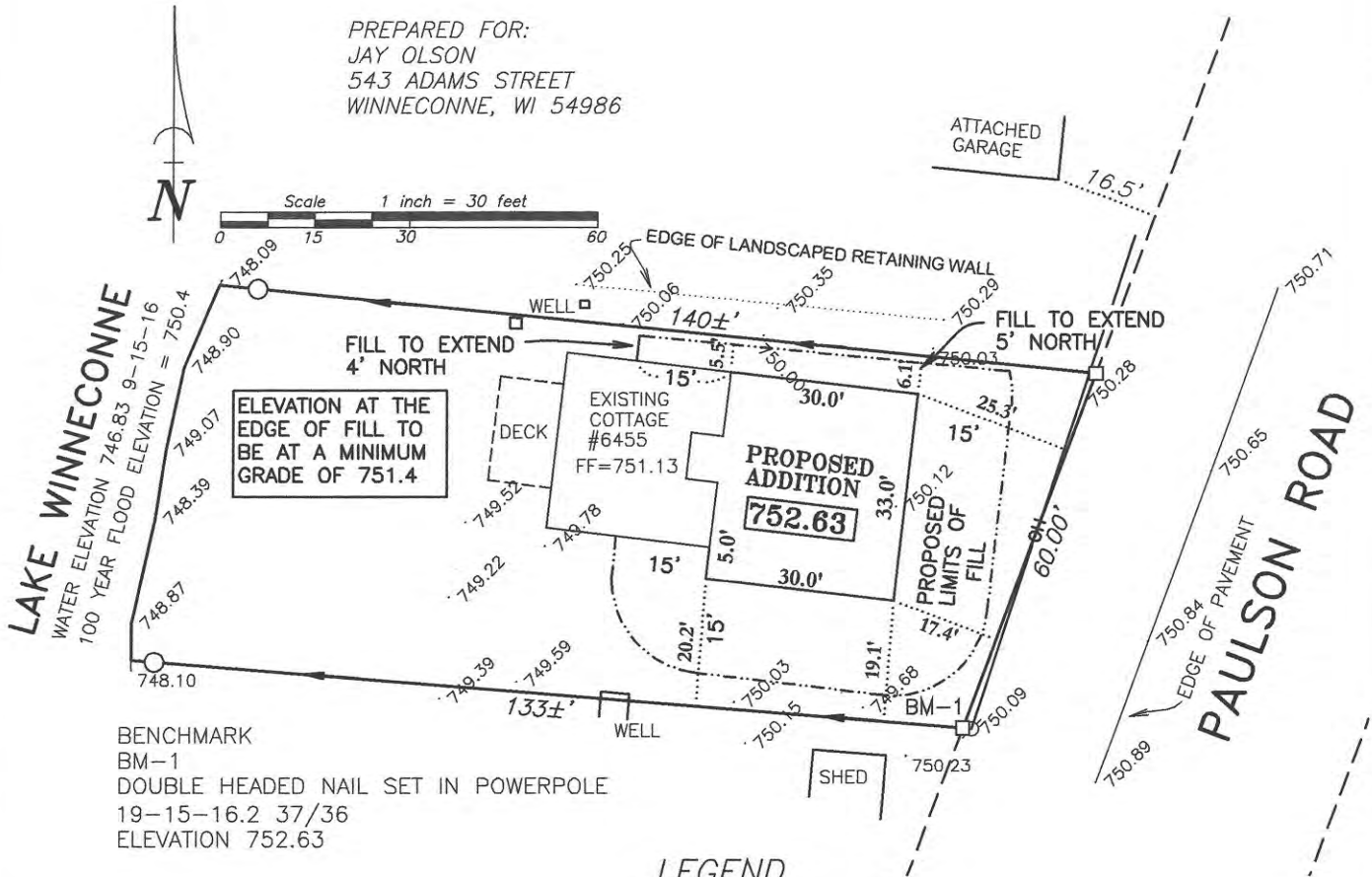
X Swale _____ Drain Tile X Downspouts to lake/pond

____ Other:

SITE PLAN

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 15 EAST, TOWN OF WINNECONNE, WINNEBAGO COUNTY, WISCONSIN.

PREPARED FOR:
 JAY OLSON
 543 ADAMS STREET
 WINNECONNE, WI 54986



BENCHMARK
 BM-1
 DOUBLE HEADED NAIL SET IN POWERPOLE
 19-15-16.2 37/36
 ELEVATION 752.63

SITE ADDRESS:
 6455 PAULSON ROAD

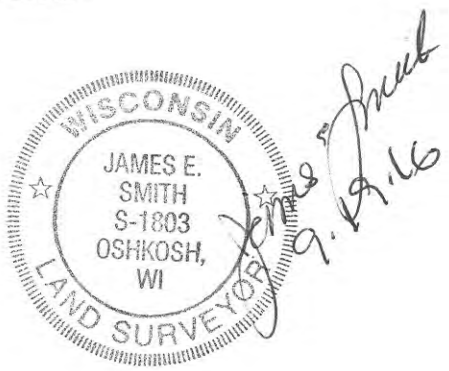
TAX PARCEL NUMBER:
 030020109

AREA:
 8,163 SQ.FT. ± / 0.187 AC. ±

- LEGEND**
- 3/4" REBAR FOUND
 - 1-1/4" O.D. IRON PIPE FOUND
 - 750.0 EXISTING GROUND ELEVATION
 - 752.63 PROPOSED TOP OF CONCRETE SLAB
 - DIRECTION OF PROPOSED DRAINAGE

MAINTAIN 10' VEGETATED BUFFER ON LOT LINES OR INSTALL SILT FENCE.

ALL DISTURBED AREAS SHALL BE TOPSOILED, SEEDED AND MULCHED AT THE COMPLETION OF CONSTRUCTION.

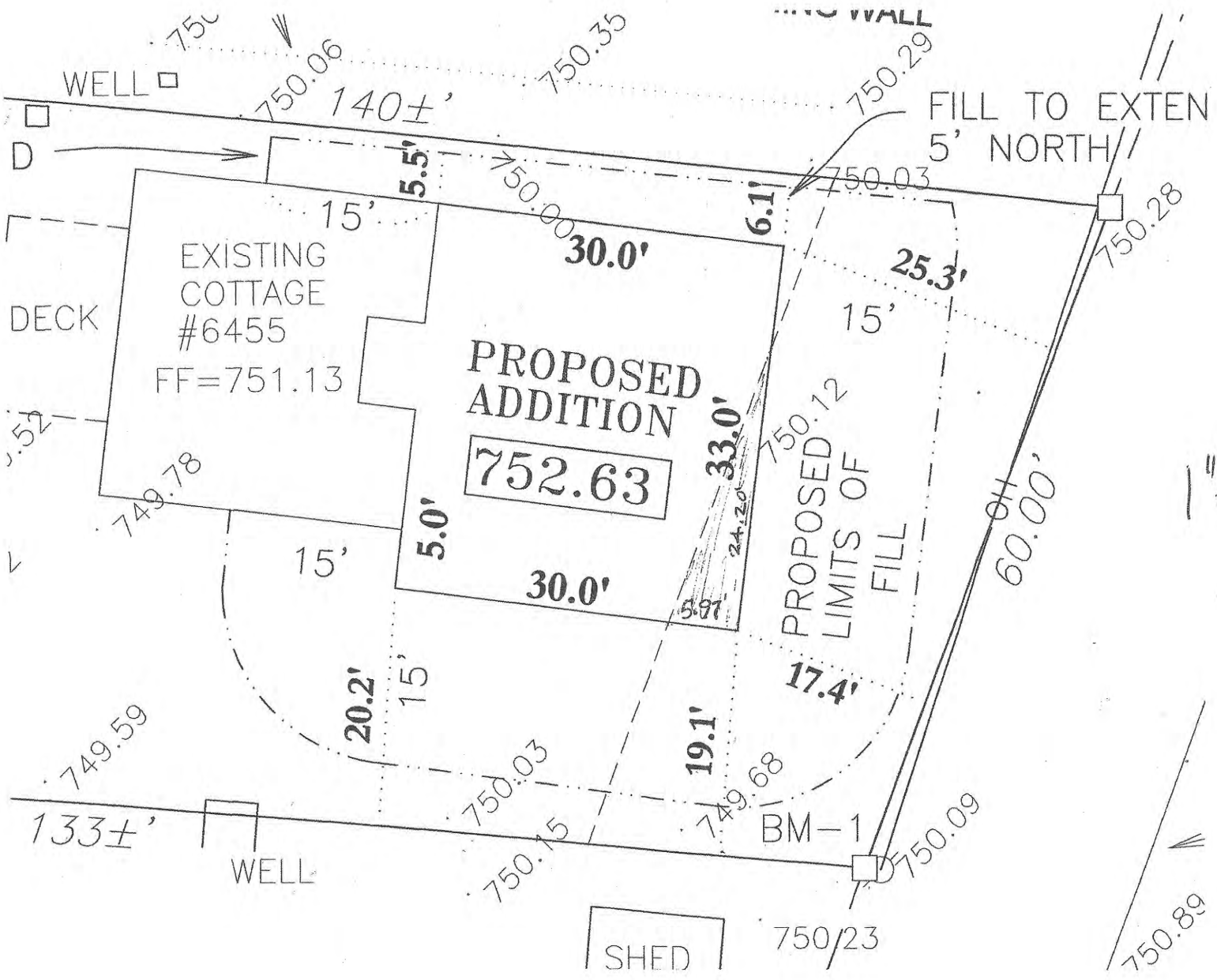


Martenson & Eisele, Inc.

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. 0-2099-001
 FILE 2099001CRS.DWG
 THIS INSTRUMENT WAS DRAFTED BY: DSL



1" = 10'

WELL
 D
 DECK
 EXISTING COTTAGE #6455
 FF=751.13
 PROPOSED ADDITION
 752.63
 SHED
 BM-1
 PROPOSED LIMITS OF FILL
 FILL TO EXTEN 5' NORTH
 140±'
 133±'
 60.00'
 750.06
 750.35
 750.29
 750.03
 750.28
 750.00
 750.12
 750.78
 750.59
 750.03
 750.15
 750.09
 750.23
 750.89
 15'
 5.5'
 30.0'
 6.1'
 25.3'
 15'
 15'
 5.0'
 33.0'
 17.4'
 20.2'
 15'
 15'
 19.1'
 5.97'
 24.20'
 1.68'
 750.72
 749.52
 749.68
 749.78
 749.59
 750.03
 750.15
 750.09
 750.23
 750.89

Application #16-VA-3920

Date of Hearing:

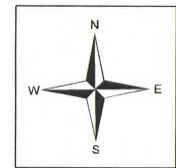
November 16, 2016

Owner(s):

Mayer, Daniel & Christine
(Life Estate)

Subject Parcel(s):

030020109



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

030020109
0.20 Ac.



○ = SITE

Application #16-VA-3920

Date of Hearing:

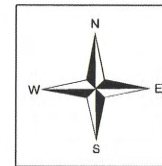
November 16, 2016

Owner(s):

Mayer, Daniel & Christine (Life Estate)

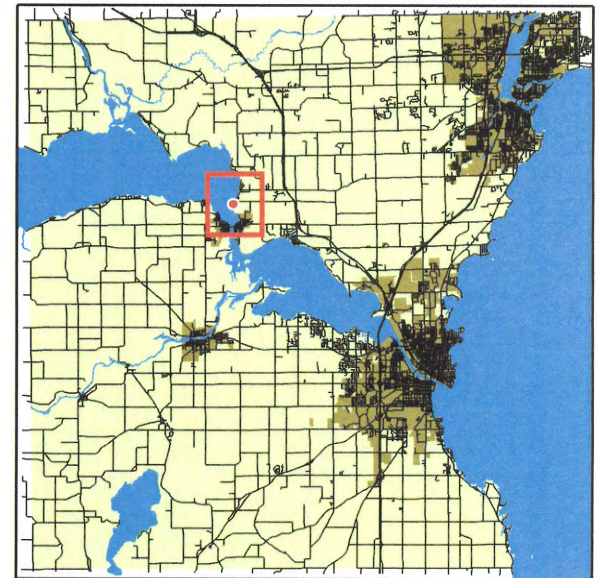
Subject Parcel(s):

030020109

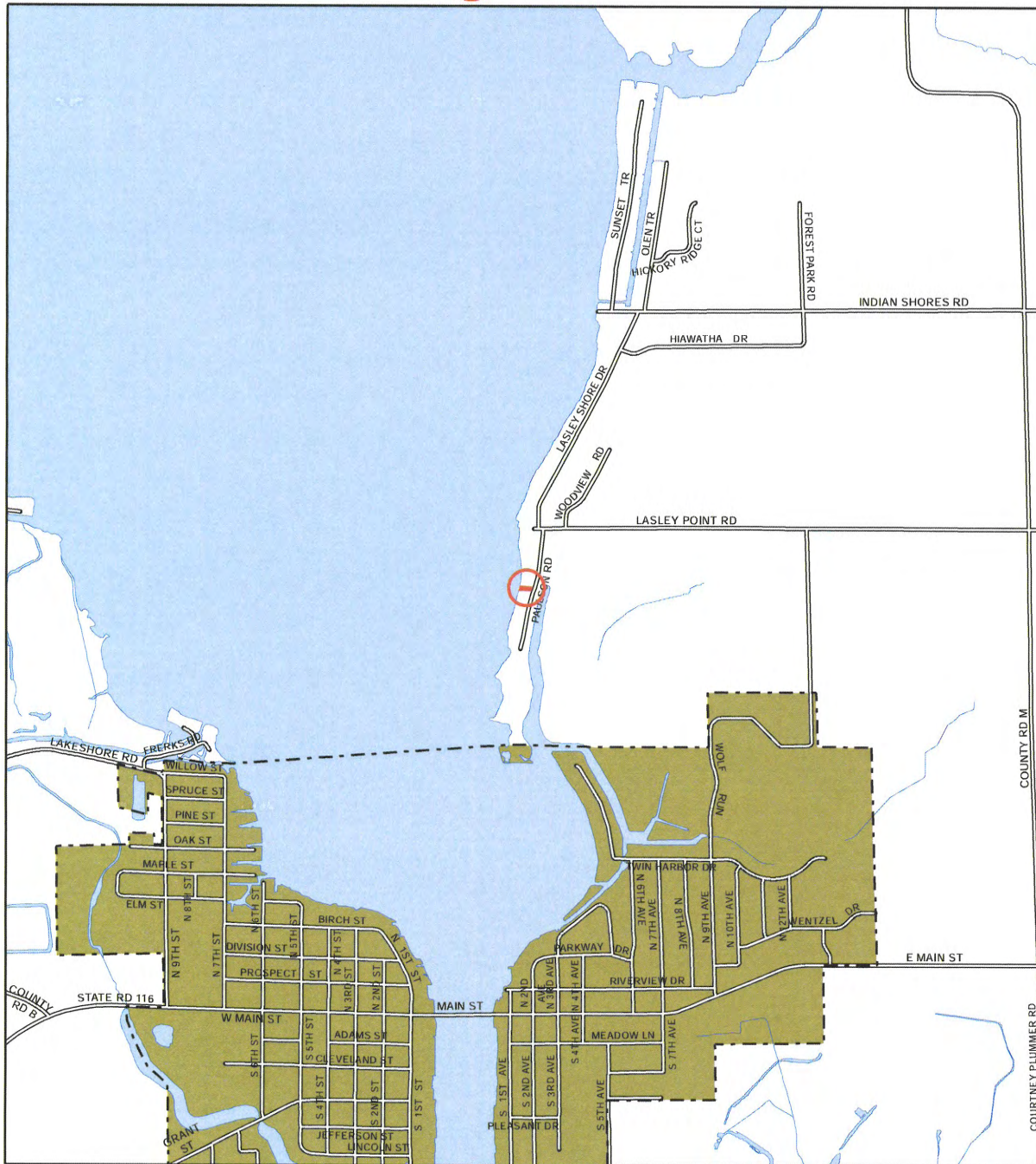


Winnebago County
WINGS Project

● = SITE



WINNEBAGO COUNTY



1 inch : 2,000 feet

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 11/16/2016

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 11/16/2016 at 5:00 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:

KISH, ANGELA S
KISH, JOHN A

File Number:

2016-VA-3850

Location of Premises:

7708 CUT-OFF LN
LARSEN, WI 54947

Tax Parcel No.:

032-054634

Legal Description:

Being a part of Government Lot 2, Section 25, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting a reduced amount of floodplain fill of 9.5' and 4' in order to construct a home in the floodplain.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
A variance is needed to construct a home with reduced amounts of floodplain fill around it.	Section 26.5-23(b)(1) of Chapter 26, the Floodplain Zoning Code	1. 15' 2. 15'	1. 9.5' 2. 4'

INITIAL STAFF REPORT

Sanitation:

Existing System
Private System

Overlays:

Floodplain
Shoreland

Current or Proposed Zoning:

R-1 Rural Residential

Code Reference:

Section 26.5-23(b)(1) of Chapter 26, the Floodplain Zoning Code

Description of Proposed Use:

Applicant is requesting a reduced amount of floodplain fill of 9.5' and 4' in order to construct a home in the floodplain.

Surrounding Zoning:

North: R-1
South: R-1
East: R-1
West: Lake

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

New home to replace existing cottage approximately 65' x 35'. Setbacks: 75' from lake; 5' on south lot line; 9'-6" from north lot line.

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

Existing 50' narrow lot located in floodplain. Strict compliance with floodplain fill regulations does not allow for construction of a residence of reasonable width.

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

Existing sub-standard lot. Floodplain and setback requirements severely limit buildable area.

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

Variance request is for a reduction to floodplain fill regulations only. All other setbacks will be met.

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.

FOR TOWN USE ONLY

TOWN ACTION FOR VARIANCE
Town of WOLF RIVER
Winnebago County, Wisconsin

Applicant:
KISH, ANGELA S
KISH, JOHN A

Location Of Premises Affected:
7708 CUT-OFF LN
LARSEN, WI 54947

Tax Parcel No.:
032-054634

Legal Description:
Being a part of Government Lot 2, Section 25, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin.

Current or Proposed Zoning:
R-1 Rural Residential

Description of Proposed Use:
Applicant is requesting a reduced amount of floodplain fill of 9.5' and 4' in order to construct a home in the floodplain.

DESCRIPTION:	REQUIRED:	PROPOSED:	TOWN RECOMMENDATION:
A variance is needed to construct a home with reduced amounts of floodplain fill around it.	1. 15' 2. 15'	1. 9.5' 2. 4'	

*The Town may recommend approval, denial, approval with conditions, or approval not as requested.
Please indicate the Town's recommendation for each request.*

Town Findings:

Town Conditions:

Signed: _____

Date: _____

SITE PLAN

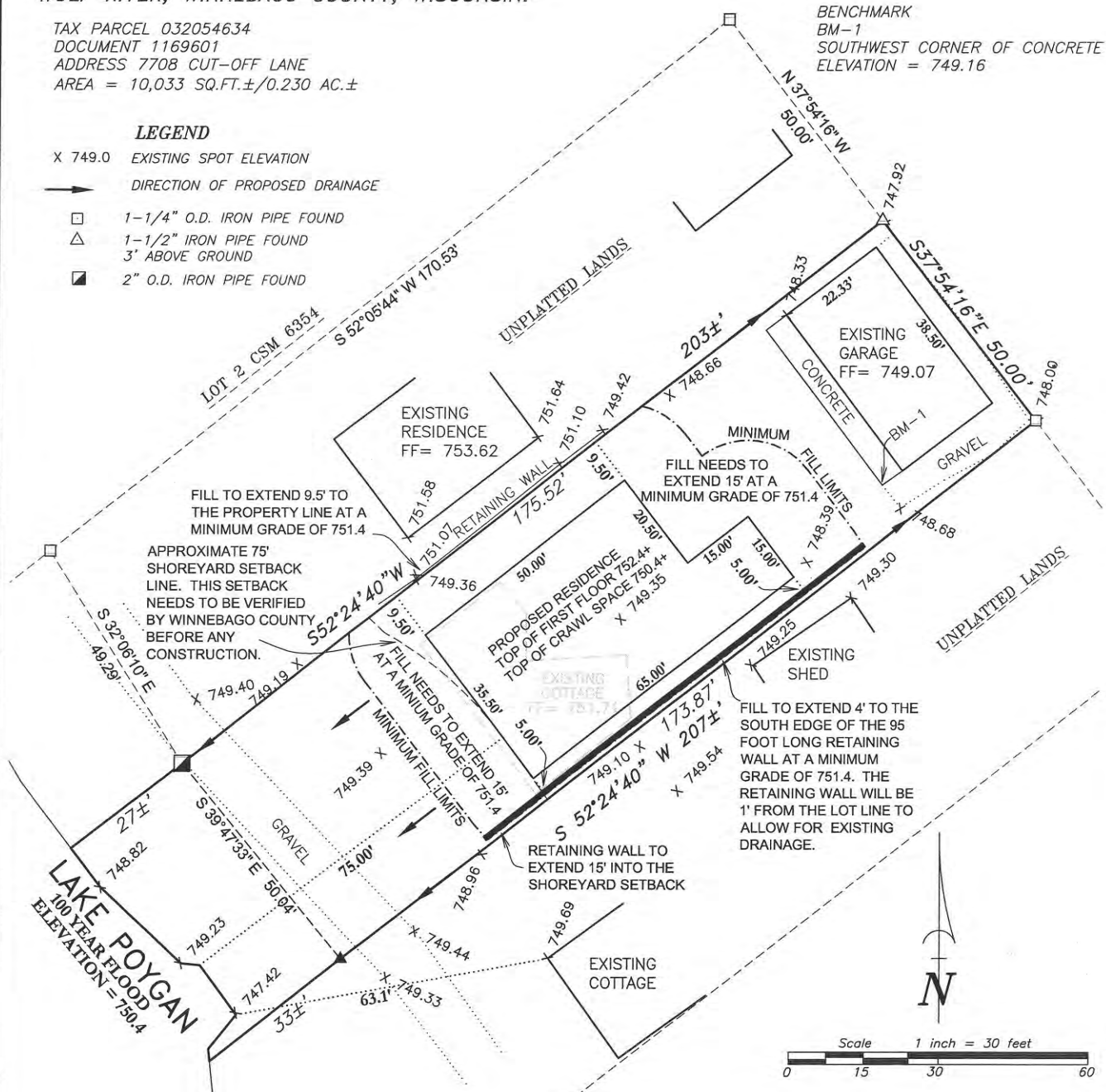
PART OF GOVERNMENT LOT 2 OF SECTION 25, TOWNSHIP 20 NORTH, RANGE 14 EAST, TOWN OF WOLF RIVER, WINNEBAGO COUNTY, WISCONSIN.

TAX PARCEL 032054634
DOCUMENT 1169601
ADDRESS 7708 CUT-OFF LANE
AREA = 10,033 SQ.FT.±/0.230 AC.±

BENCHMARK
BM-1
SOUTHWEST CORNER OF CONCRETE
ELEVATION = 749.16

LEGEND

- X 749.0 EXISTING SPOT ELEVATION
- DIRECTION OF PROPOSED DRAINAGE
- 1-1/4" O.D. IRON PIPE FOUND
- △ 1-1/2" IRON PIPE FOUND 3' ABOVE GROUND
- 2" O.D. IRON PIPE FOUND



THE BUILDER IS RESPONSIBLE FOR VERIFYING WITH THE SUBDIVISION DEVELOPER THAT THE BUILDING LAYOUTS AND SETBACKS SHOWN CONFORM TO THE CURRENT COVENANTS FOR THE SUBDIVISION.

MAINTAIN 10' VEGETATED BUFFER ON LOT LINES OR INSTALL SILT FENCE.

ALL DISTURBED AREAS SHALL BE TOPSOILED, SEEDED AND MULCHED AT THE COMPLETION OF CONSTRUCTION.

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. 0-2104-001

FILE 2104001boundary.DWG

THIS INSTRUMENT WAS DRAFTED BY: DSL

Floodplain Fill Variance – Additional Information Required

An additional sheet must be filed for each side of the structure where the floodplain fill requirement will not be met.

Retaining wall _____ OR Sloped to property line X

Sloped to property line – Benchmark must be established by a Registered Land Surveyor

Surveyor MARTENSON & EISELE Date (BM Established) 9.27.16

BM Elevation 749.16 BM Description SW CORNER OF CONCRETE

A. Regional Floodplain elevation _____

B. Required Elevation of fill (A + 1 ft) _____

Side (Circle one) (N) S E W

C. Lowest ground elevation along property line, in affected area _____

D. Depth of Fill required (B – C) _____

E. Length of horizontal slope using 3:1 slope (D x 3) _____

F. Width of Swale (if proposed) _____

G. Side yard setback proposed for structure _____

H. Total horizontal fill proposed (G – E – F) 9.5'

Retaining Wall

Side (Circle one) N S E W

Total fill proposed (from foundation to outer edge of retaining wall) 9.5 ft

Will the retaining wall(s) meet the 75' required setback from the Ordinary High Water Mark?

YES _____ NO _____

If no, variance requested for retaining wall? _____ ft

List any measures proposed to prevent run-off onto neighboring properties:

X Swale _____ Drain Tile X Downspouts to lake/ditch

_____ Other:

Floodplain Fill Variance – Additional Information Required

An additional sheet must be filed for each side of the structure where the floodplain fill requirement will not be met.

Retaining wall X OR Sloped to property line _____

Sloped to property line – Benchmark must be established by a Registered Land Surveyor:

Surveyor MARTENSON & EISELE Date (BM Established) 9.27.16

BM Elevation 749.16 BM Description SW CORNER OF CONCRETE

A. Regional Floodplain elevation _____

B. Required Elevation of fill (A + 1 ft) _____

Side (Circle one) N S E W

C. Lowest ground elevation along property line, in affected area _____

D. Depth of Fill required (B – C) _____

E. Length of horizontal slope using 3:1 slope (D x 3) _____

F. Width of Swale (if proposed) _____

G. Side yard setback proposed for structure _____

H. Total horizontal fill proposed (G – E – F) _____

Retaining Wall

Side (Circle one) N S E W

Total fill proposed (from foundation to outer edge of retaining wall) 4 ft

Will the retaining wall(s) meet the 75' required setback from the Ordinary High Water Mark?

YES _____ NO X

If no, variance requested for retaining wall? 60 ft

List any measures proposed to prevent run-off onto neighboring properties:

X Swale _____ Drain Tile X Downspouts to lake/ditch

_____ Other:

Application #16-VA-3850

Date of Hearing:

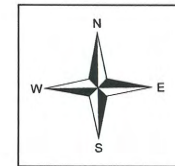
November 16, 2016

Owner(s):

Kish, John & Angela

Subject Parcel(s):

032054634



Winnebago County
WINGS Project

Scale

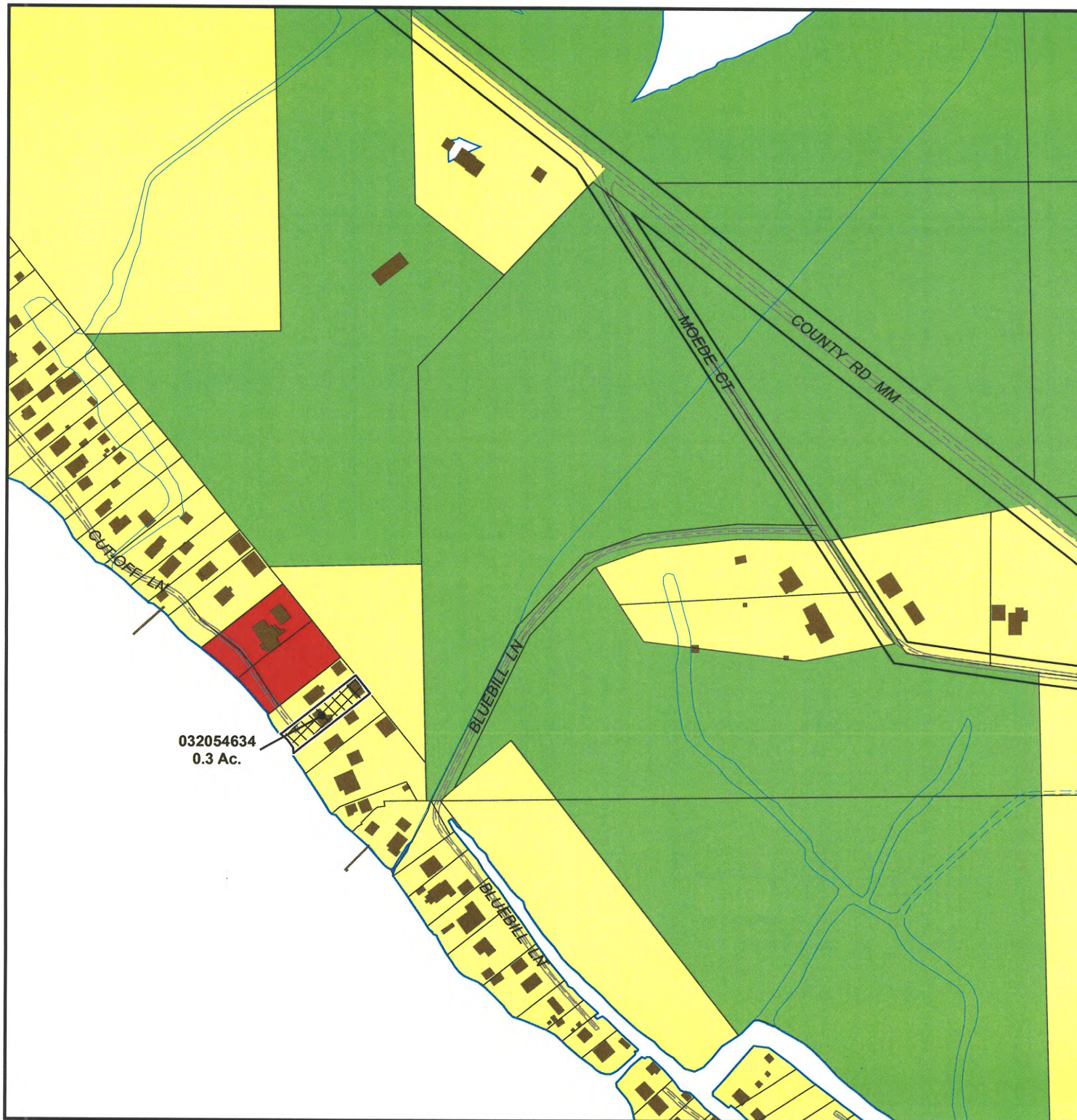
1 inch : 300 feet

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



032054634
0.3 Ac.

○ = SITE



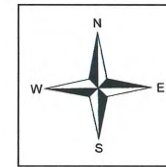
1 inch : 2,000 feet

Application #16-VA-3850

Date of Hearing:
November 16, 2016

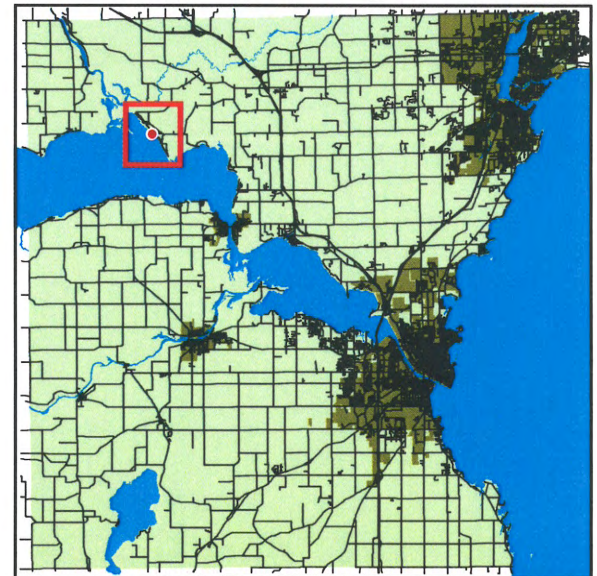
Owner(s):
Kish, John & Angela

Subject Parcel(s):
032054634



Winnebago County
WINGS Project

● = SITE



WINNEBAGO COUNTY

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 11/16/2016

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 11/16/2016 at 5:00 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:

WESTIN LAND HOLDINGS LLC

Agent:

HAMBLIN, BEN - MCMAHON

File Number:

2016-VA-3890

Location of Premises:

2590 COUNTY RD II
NEENAH, WI 54956

Tax Parcel No.:

006-0370
006-037007
006-037006

Legal Description:

Being a part of the SE 1/4 of the SE 1/4, Section 13, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting variances to the shoreyard setback for several structures associated with the bar and outdoor recreation / entertainment uses on the property.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
A variance is being requested to the shoreyard setback to maintain several structures associated with the bar and outdoor recreation/entertainment uses on the property.	1. Shoreyard - north diamond fencing 2. Shoreyard - south diamond fencing 3. Shoreyard - outdoor dining/recreation area 4. Shoreyard - stadium lights	1. 75' 2. 75' 3. 75' 4. 75'	1. 29' 2. 27' 3. 20' 4. 20'

INITIAL STAFF REPORT

Sanitation:

System Required
Private System

Overlays:

Shoreland

Current or Proposed Zoning:

B-2 Community Business

Code Reference:

1. Shoreyard - north diamond fencing
2. Shoreyard - south diamond fencing
3. Shoreyard - outdoor dining/recreation area
4. Shoreyard - stadium lights

Description of Proposed Use:

Applicant is requesting variances to the shoreyard setback for several structures associated with the bar and outdoor recreation / entertainment uses on the property.

Surrounding Zoning:

North: I-1
South: A-2
East: I-1;A-2
West: I-1

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

A variance to the 75' shoreland zoning setback for existing structures is being requested for Willie Beamons Restaurant, Bar & Sports Complex, 2590 CTH II, Town of Clayton. A navigable stream is located on the property. Presently, parking lots, softball diamond fencing, stadium lights, paved outdoor dining and recreational areas, evergreen landscaping and two culvert crossings are located within the stream's 75' setback. Installation of these existing facilities occurred over decades, beginning in 1995 and ending in 2010. Requested setbacks for existing structures include: 29' from OHWM for north softball diamond fencing; 27' from OHWM for South softball diamond fencing; 20' from outdoor dining and/or recreation area; 5' from OHWM to parking lots & gravel areas; 0' from OHWM to two culvert crossings & utility crossing; 20' from OHWM to stadium lights. See attached plan set for reference.

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

Historically, the property has been used only as a recreational facility, which is an allowed use under B-2 zoning. Between 1995 and 2003, Town and County staff have permitted various structures related to

outdoor dining, recreation and entertainment to be placed within the 75' stream setback. Prior to the current ownership, the stream has been rerouted, two culvert crossings were installed over it, two parking lots were constructed near it, a driving range was constructed around it, a miniature golf course was constructed near it, and finally a 9 hole golf course was constructed around it. Similar to the structures installed today, these initial structures were essential to the continued use of the property as an outdoor dining, recreation and entertainment establishment. Removal of these structures would negate 25 years of development and property land use that reasonably match what was previously approved by Town, County and State staff.

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

The navigable stream divides the property. Since 1995, the stream's inconvenient location has forced some of the property's development to occur within 75' of the stream's banks (see questions C-1 & C-2 for development history surrounding stream). The requested variance is to allow existing structures to remain.

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

Granting the variance to the shoreland zoning rule is appropriate. The property's use has not substantially changed when compared to its prior use as a golf driving range and golf course. Land use is appropriate with the current zoning and the areas' future land use plans. The adjacent properties are light industrial and agricultural, with the closest residential structure approximately 700' from the property line. The current structures within the 75' setback do not pose an adverse effect on the navigable stream, or downstream waterways/wetlands. Finally, language within the proposed conditional use permit is tailored to further protect public interest and surrounding properties.

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.

FOR TOWN USE ONLY

TOWN ACTION FOR VARIANCE
Town of CLAYTON
Winnebago County, Wisconsin

Applicant:
WESTIN LAND HOLDINGS LLC

Agent:
HAMBLIN, BEN - MCMAHON

Location Of Premises Affected:
2590 COUNTY RD II
NEENAH, WI 54956

Tax Parcel No.:
006-0370
006-037007
006-037006

Legal Description:
Being a part of the SE 1/4 of the SE 1/4, Section 13, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

Current or Proposed Zoning:
B-2 Community Business

Description of Proposed Use:
Applicant is requesting variances to the shoreyard setback for several structures associated with the bar and outdoor recreation / entertainment uses on the property.

DESCRIPTION:	REQUIRED:	PROPOSED:	TOWN RECOMMENDATION:
A variance is being requested to the shoreyard setback to maintain several structures associated with the bar and outdoor recreation/entertainment uses on the property.	1. 75' 2. 75' 3. 75' 4. 75'	1. 29' 2. 27' 3. 20' 4. 20'	

*The Town may recommend approval, denial, approval with conditions, or approval not as requested.
Please indicate the Town's recommendation for each request.*

Town Findings:

Town Conditions:

Signed: _____

Date: _____



W:\PROJECTS\W104291600746\GIS\Figure 1.mxd 09/23/2016 slh

Mapped Features

-  Navigable Stream
-  Property Boundary

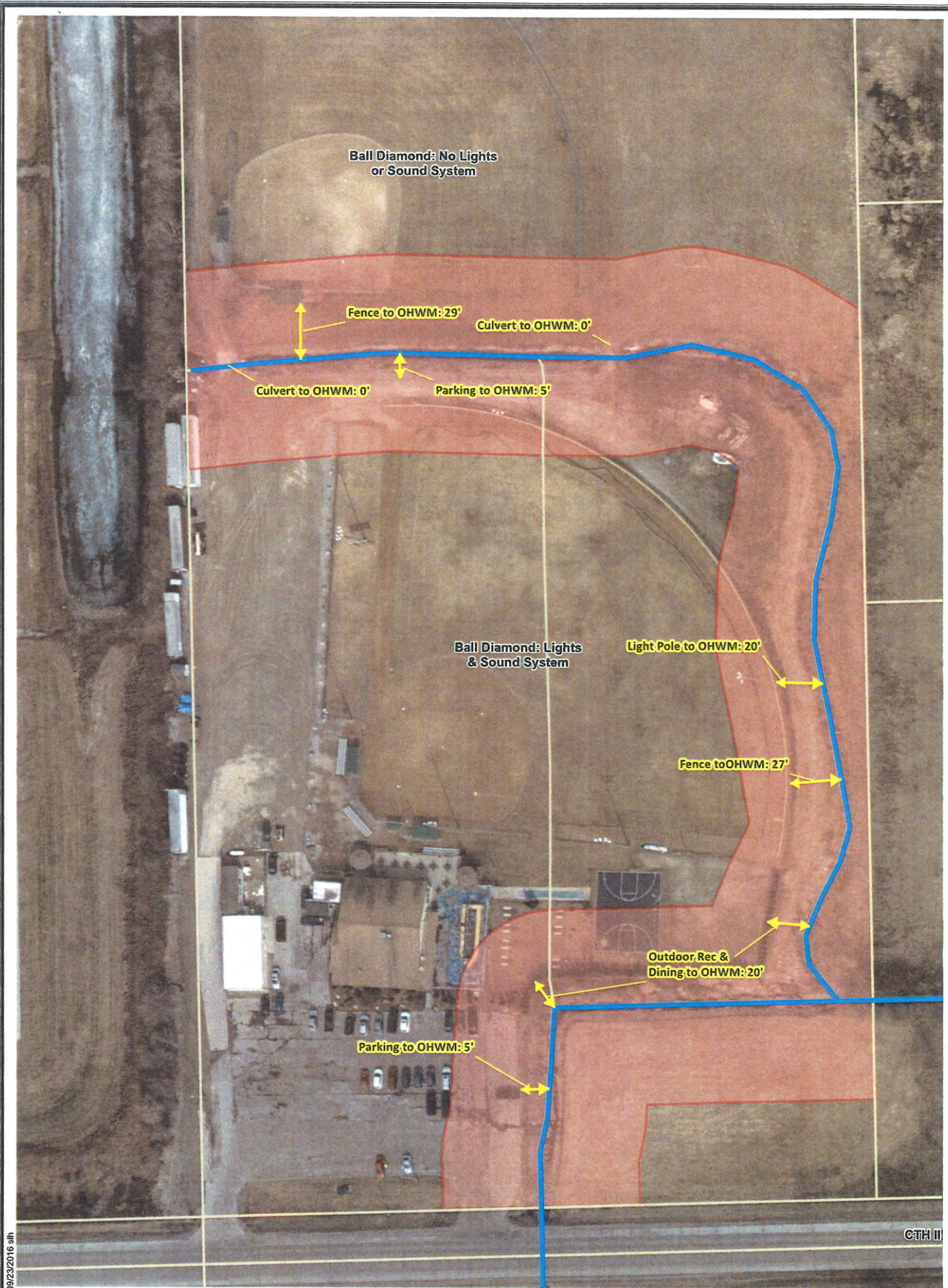


Source: Winnebago, 2014-2016.

Disclaimer: The property lines, right-of-way lines, and other property information on this drawing were developed or obtained as part of the County Geographic Information System or through the County property tax mapping function. McMAHON does not guarantee this information to be correct, current, or complete. The property and right-of-way information are only intended for use as a general reference and are not intended or suitable for site-specific uses. Any use to the contrary of the above stated uses is the responsibility of the user and such use is at the user's own risk.



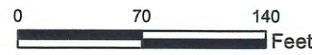
FIGURE 1
WESTIN LAND HOLDINGS, LLC
 2590 CTH II
 TOWN OF CLAYTON
 WINNEBAGO COUNTY, WI



W:\PROJECTS\SW\042191600746\GIS\Figure1.mxd 09/23/2016 ah

Mapped Features

- Distance: OHWM to Structure
- Navigable Stream
- 75' Stream Setback
- Property Boundary



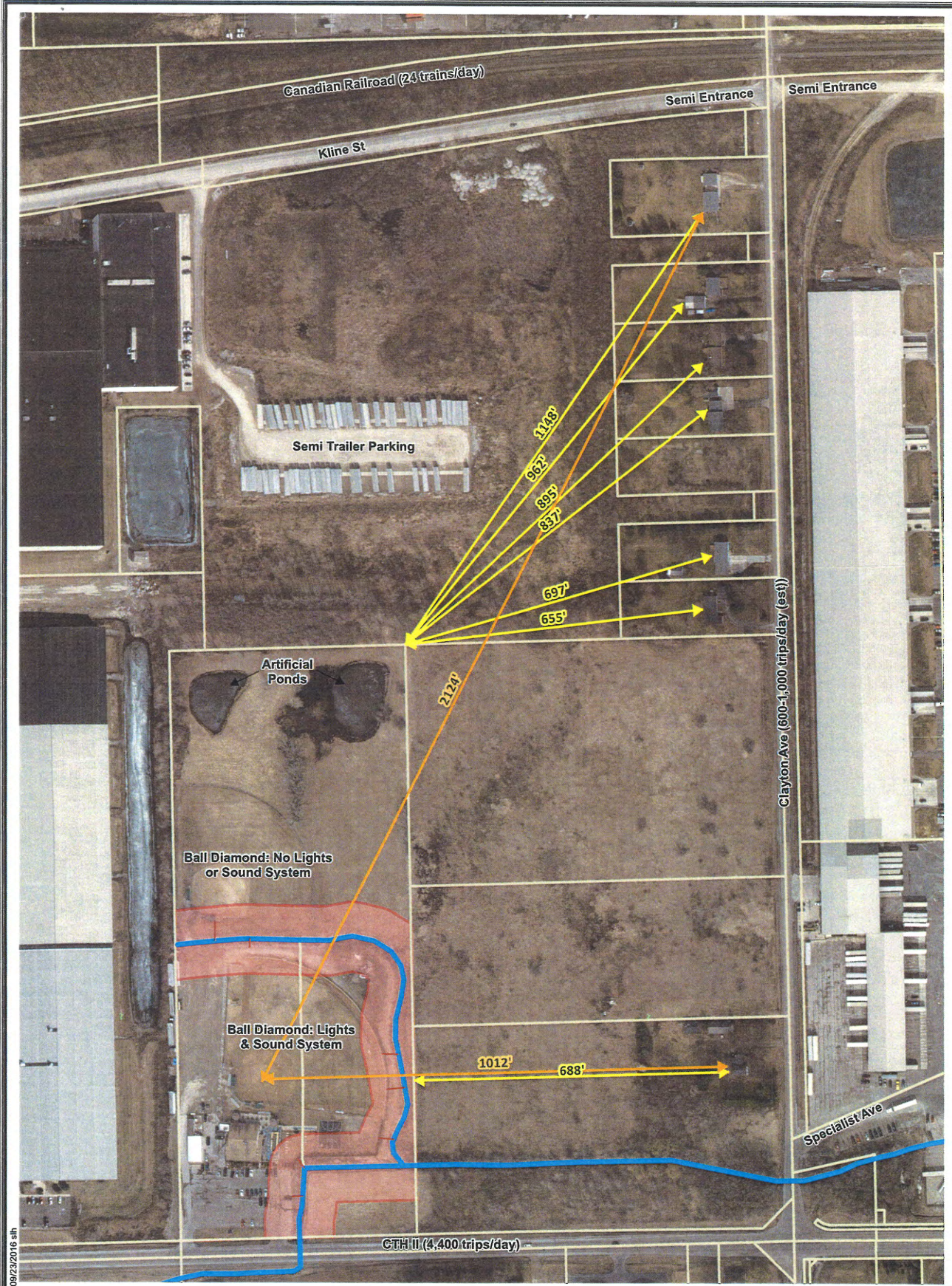
Source: Winnebago, 2014-2016.

Disclaimer: The property lines, right-of-way lines, and other property information on this drawing were developed or obtained as part of the County Geographic Information System or through the County property tax mapping function. McMAHON does not guarantee this information to be correct, current, or complete. The property and right-of-way information are only intended for use as a general reference and are not intended or suitable for site-specific uses. Any use to the contrary of the above stated uses is the responsibility of the user and such use is at the user's own risk.

McMAHON
ENGINEERS ARCHITECTS

FIGURE 2
WESTIN LAND HOLDINGS, LLC
2590 CTH II
TOWN OF CLAYTON
WINNEBAGO COUNTY, WI

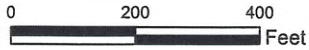
CTH II



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Mapped Features

- Distance: Residence to Property Boundary
- Distance: Residence to Pitcher's Mound
- Navigable Stream
- 75' Stream Setback
- Property Boundary



Source: Winnebago, 2014-2016.

Disclaimer: The property lines, right-of-way lines, and other property information on this drawing were developed or obtained as part of the County Geographic Information System or through the County property tax mapping function. McMAHON does not guarantee this information to be correct, current, or complete. The property and right-of-way information are only intended for use as a general reference and are not intended or suitable for site-specific uses. Any use to the contrary of the above stated uses is the responsibility of the user and such use is at the user's own risk.

McMAHON
ENGINEERS ARCHITECTS

FIGURE 3
WESTIN LAND HOLDINGS, LLC
2590 CTH II
TOWN OF CLAYTON
WINNEBAGO COUNTY, WI

Application #16-VA-3890

Date of Hearing:

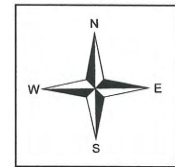
November 16, 2016

Owner(s):

Westin Land Holdings LLC

Subject Parcel(s):

**0060370 / 006037006 /
006037007**



*Winnebago County
WINGS Project*

Scale

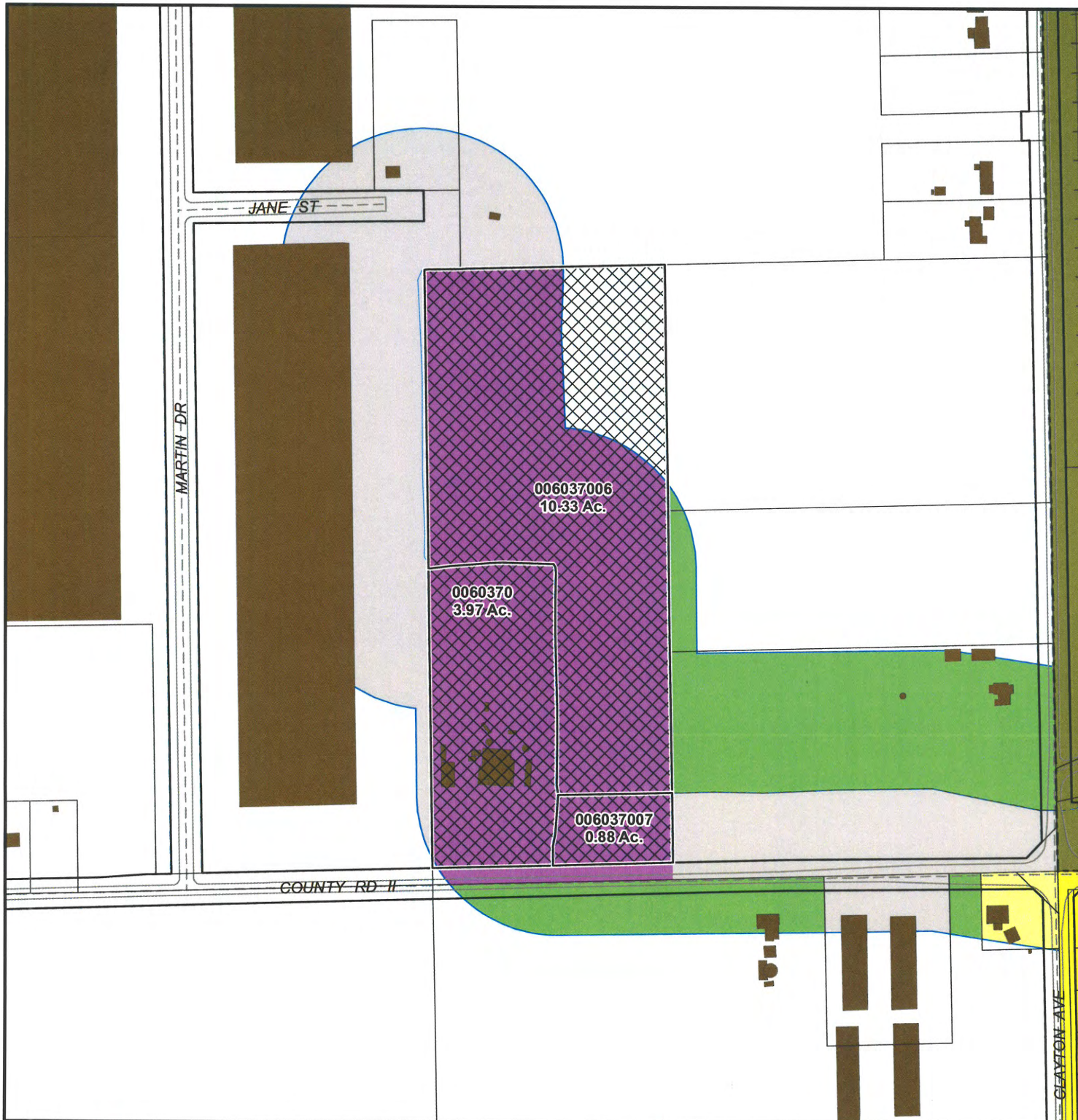
1 inch : 300 feet

County Zoning Districts

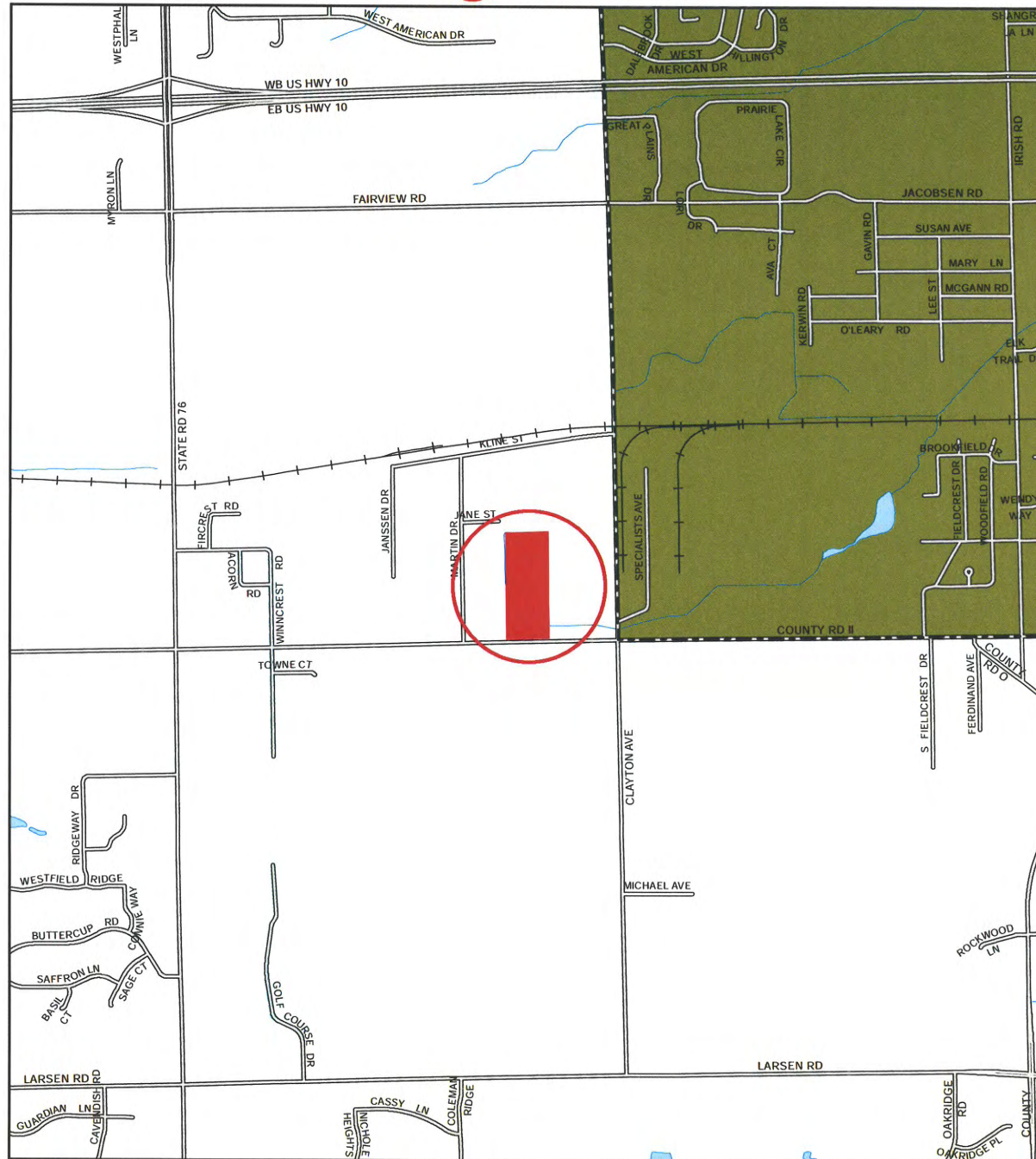
R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

*City of Oshkosh Extraterritorial
Zoning Jurisdiction*

Incorporated Area



○ = SITE



1 inch : 2,000 feet

Application #16-VA-3890

Date of Hearing:

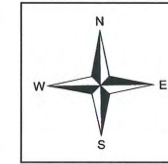
November 16, 2016

Owner(s):

Westin Land Holdings LLC

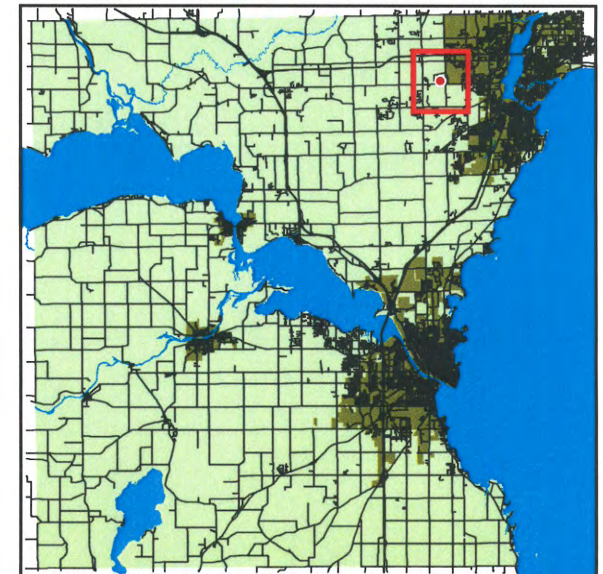
Subject Parcel(s):

0060370 / 006037006 / 006037007



Winnebago County
WINGS Project

● = SITE



WINNEBAGO COUNTY

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 11/16/2016

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 11/16/2016 at 5:00 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:
WALTER J JUEDES TST,
SUSANNA K LAST TST

Agent:
TRIBBEY, DENISE
TRIBBEY, JERRY

File Number:
2016-VA-3860

Location of Premises:
4606 ISLAND VIEW DR
OSHKOSH, WI 54901

Tax Parcel No.:
018-2228 and 018-2227

Legal Description:
Being a part of the Fairview Beach Plat, Lots 24 and 25, located in Government Lot 2, Section 30, Township 19 North, Range 17 East, Town of Oshkosh, Winnebago County, Wisconsin.

Description of Proposed Project:
Applicant is requesting a reduced shore yard setback from a navigable waterway in order to build a home on the property.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
A variance is needed in order to build a home within the 75 ft required shore yard setback.	Section 27.5-2(a) of Chapter 27, the Shoreland Zoning Code.	75 ft	10 ft

INITIAL STAFF REPORT

Sanitation:

Existing System
Municipal System

Overlays:

Floodplain
Shoreland

Current or Proposed Zoning:

R-2 Suburban Low Density Residential

Code Reference:

Section 27.5-2(a) of Chapter 27, the Shoreland Zoning Code.

Description of Proposed Use:

Applicant is requesting a reduced shore yard setback from a navigable waterway in order to build a home on the property.

Surrounding Zoning:

North: R-2
South: R-2
East: Lake
West: City

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

Build a house with garage on the combined parcels. The house, garage and patio deck first floor square footage will be approximately 2,600 and will be reasonably placed within a rectangle defined by the required setbacks for a waterfront property 100' wide by 230' deep. That is a 75' from the lake; 30' from Island View Drive; 10' from the south parcel's south boundary and 7' from the north parcel's north boundary. "Reasonably" meaning a tendency to center the construction in the combined parcels but allowing for some deviation to maximize lake view and minimize tree removal. The shed will be removed.

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

The small man made swale to south has been recently designated a navigable waterway with associated 75' setback. Variance is necessary to build as described in C-1 above.

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

The small man made swale to south has been recently designated a navigable waterway with associated 75' setback. Variance is necessary to build as described in C-1 above.

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

The lots are currently zoned for R-2. We want to keep them as R-2 with parcels combined.

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.

FOR TOWN USE ONLY

TOWN ACTION FOR VARIANCE
Town of OSHKOSH
Winnebago County, Wisconsin

Applicant:
WALTER J JUEDES TST,
SUSANNA K LAST TST

Agent:
TRIBBEY, DENISE
TRIBBEY, JERRY

Location Of Premises Affected:
4606 ISLAND VIEW DR
OSHKOSH, WI 54901

Tax Parcel No.:
018-2228 and 018-2227

Legal Description:
Being a part of the Fairview Beach Plat, Lots 24 and 25, located in Government Lot 2, Section 30, Township 19 North, Range 17 East, Town of Oshkosh, Winnebago County, Wisconsin.

Current or Proposed Zoning:
R-2 Suburban Low Density Residential

Description of Proposed Use:
Applicant is requesting a reduced shore yard setback from a navigable waterway in order to build a home on the property.

DESCRIPTION:	REQUIRED:	PROPOSED:	TOWN RECOMMENDATION:
A variance is needed in order to build a home within the 75 ft required shore yard setback.	75 ft	10 ft	

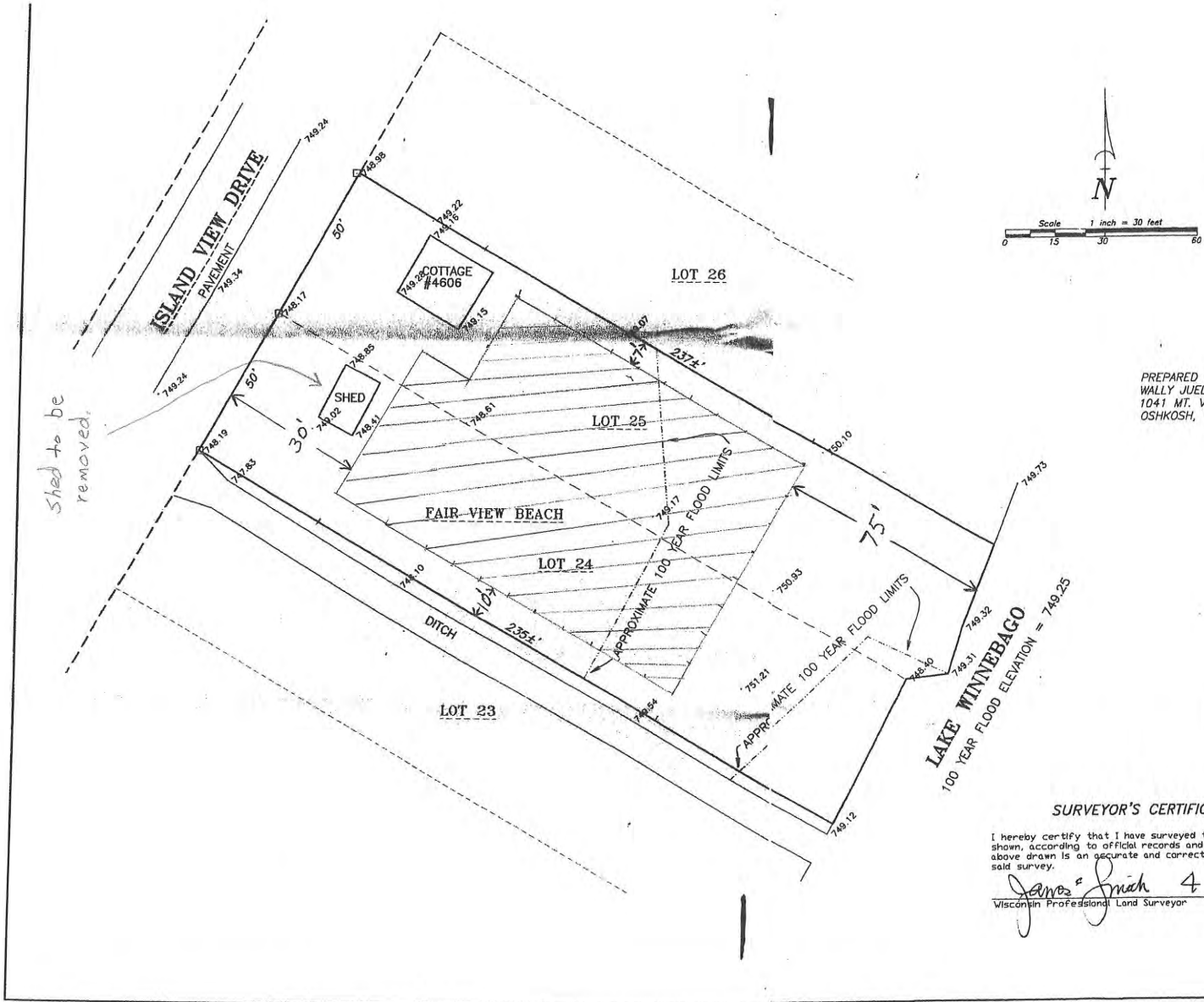
*The Town may recommend approval, denial, approval with conditions, or approval not as requested.
Please indicate the Town's recommendation for each request.*

Town Findings:

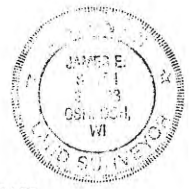
Town Conditions:

Signed: _____

Date: _____



PREPARED FOR:
WALLY JUJES
1041 MT. VERNON STREET
OSHKOSH, WI 54901



SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed the property as shown, according to official records and that the plat above drawn is an accurate and correct representation of said survey.

James E. Smith 4.11.16
Wisconsin Professional Land Surveyor Date

Mattenson & Eiselt, Inc.
Planning - Surveying - Engineering - Analysis
109 W. Main St., Oshkosh, WI 54901
Phone: (920) 842-2246 Fax: (920) 842-6046
www.mattenson-eiselt.com
info@mattenson-eiselt.com

NO.	DATE	BY	CHECKED	APPROVED	REVISIONS

TOPOGRAPHIC SURVEY
4606 ISLAND VIEW DRIVE

SCALE	DATE
1"=30'	4.7-16
COMPUTER FILE	
D460610.TOPD	
DRAWING NO.	
D-2042-001	



Application #16-VA-3860

Date of Hearing:

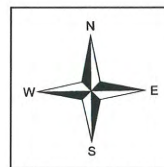
November 16, 2016

Owner(s):

**Walter J Juedes and
Susanna K Last Trust**

Subject Parcel(s):

0182227 & 0182228



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
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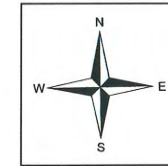
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Application #16-VA-3860

Date of Hearing:
November 16, 2016

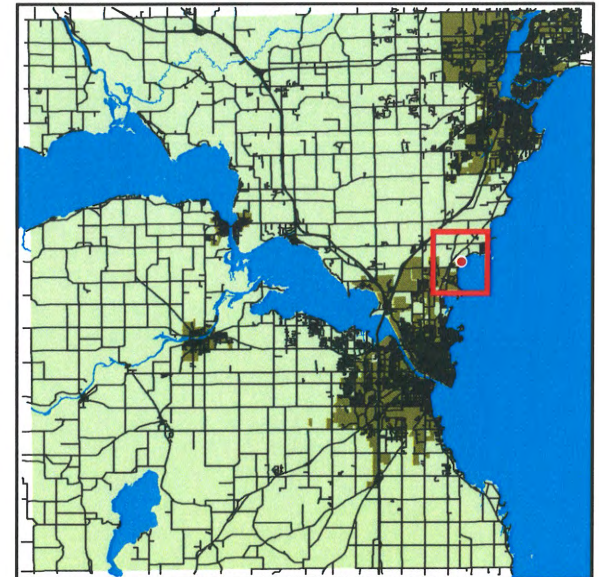
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Winnebago County
WINGS Project

● = SITE



WINNEBAGO COUNTY