

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 10/25/2016

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 10/25/2016 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:

VAN ROOY, DEBBIE
VAN ROOY, MIKE

File Number:

2016-VA-3830

Location of Premises:

8418 OCONNELLS RESORT RD
WINNECONNE, WI 54986

Tax Parcel No.:

020-000219

Legal Description:

Being a part of Government Lot 1, Section 10, and also a part of the NW 1/4 of the NW 1/4, Section 15, all in Township 19 North, Range 14 East, Town of Poygan, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting a variance for a reduced side yard setback of 4'6" for a pergola.

<u>DESCRIPTION:</u>	<u>CODE REFERENCE:</u>	<u>REQUIRED:</u>	<u>PROPOSED:</u>
A variance is necessary in order to reduce a side yard setback requirement from 8' to 4'6" (proposed).	Section 23.8-65(a) "Yard setbacks" and Exhibit 8-2 of the Winnebago County Town/County Zoning Code.	8'	4'6"

INITIAL STAFF REPORT

Sanitation:

Existing System
Municipal System

Overlays:

Floodplain
Shoreland

Current or Proposed Zoning:

R-1 Rural Residential

Code Reference:

Section 23.8-65(a) "Yard setbacks" and Exhibit 8-2 of the Winnebago County Town/County Zoning Code.

Description of Proposed Use:

Applicant is requesting a variance for a reduced side yard setback of 4'6" for a pergola.

Surrounding Zoning:

North: Lake
South: R-8
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:

Build a 10' 6" x 15' wood cedar pergola with 16" overhang joists. The pergola is to be attached to the east side of house. The two 6 x 6 outside posts will be 10' 6" from the house. The property line is 15' from the house, so the requested variance is to allow the posts to be 4' 6" off the property line.

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

Current compliance requires posts to be 8' off property line. The current set back is 15' only allowing for a 7' wide structure. We are asking for an additional 3' 6" to allow for a shaded area of 10' 6", this will still allow 4' 6" set back from property line.

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

Our property is 50' wide lake front property. The house sets 5' off property line to the west, 30' wide house, leaving 15' offset to the east. Lake frontage prohibits building to the north, this is the only location possible to build a pergola.

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

The size and location allows for a nice shaded sitting area. The structure is made of wood cedar with a natural color stain. The open structure does not hinder any view or lake access. Adjacent neighbors to the east have no objections to the location or size and feel the structure brings beauty to the area. This sitting area adds style and finish, and gives our property a more complete landscape surrounding. Structure will be in compliance with both street and shore yard setbacks.

SECTION REFERENCE AND BASIS OF DECISION

Town/County Zoning Code

23.7-234 Basis of decision

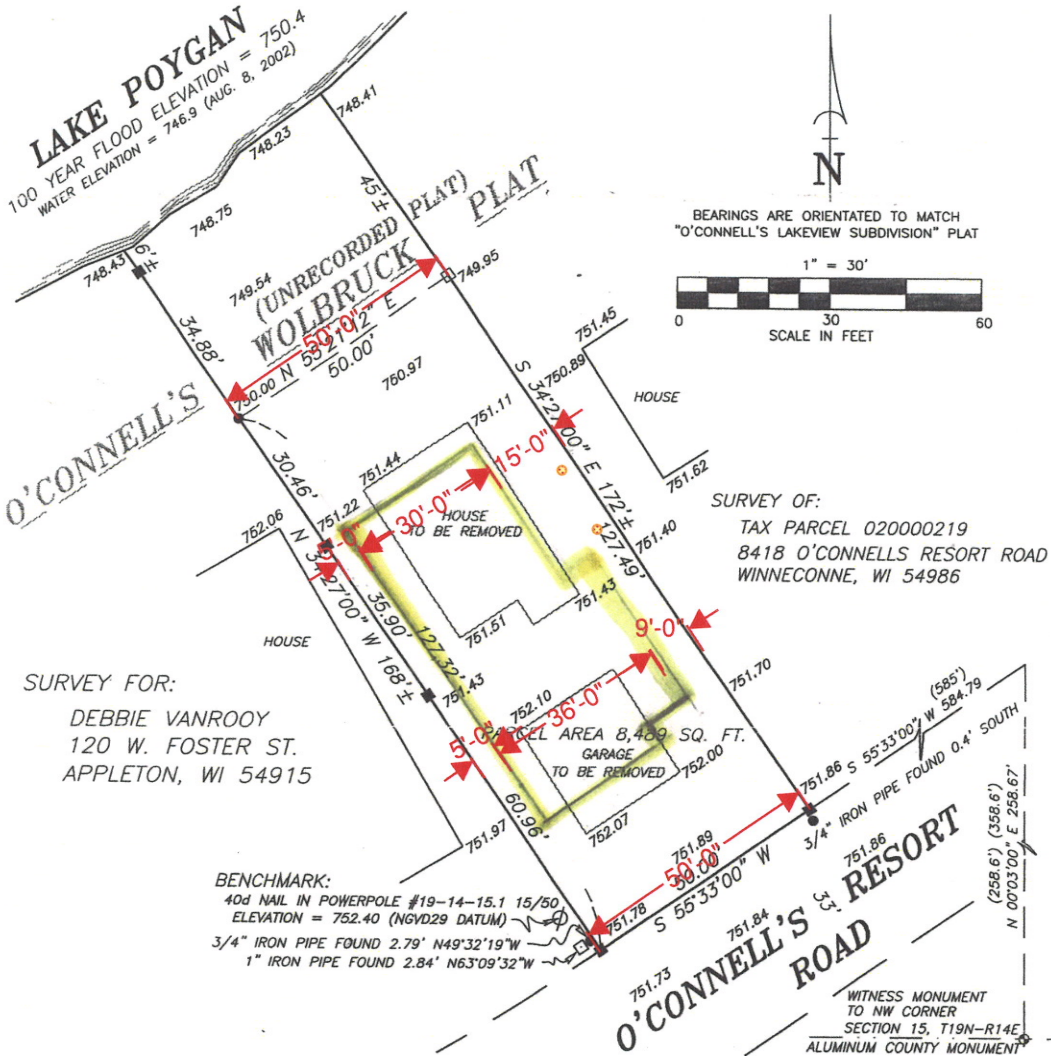
When making its decision, the Board of Adjustment shall consider each of the following standards:

- (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.

PLAT OF SURVEY & FLOOD PLAIN SURVEY

PART OF GOVERNMENT LOT 1 OF SECTION 10, AND PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 19 NORTH, RANGE 14 EAST, TOWN OF POYGAN, WINNEBAGO COUNTY, WISCONSIN.



LEGEND

- 1" IRON PIPE SET, 24" LONG, WEIGHING 1.130 LBS. PER LIN. FOOT
- ▲ 1-1/4" STEEL REINFORCING BAR SET, 30" LONG WEIGHING 4.303 LBS. PER LIN. FOOT
- × CHISELED "X" SET
- 3/4" IRON PIPE FOUND
- 1" IRON PIPE FOUND
- △ 1-1/4" REBAR FOUND
- ▣ 2" IRON PIPE FOUND
- ⊕ CHISELED "X" FOUND
- ◇ GOVERNMENT CORNER
- ×× FENCE LINE
- () RECORDED AS

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.

David W. Carlson Aug. 12, 2002
Wisconsin Registered Land Surveyor Date



Martenson & Eisele, Inc.

Planning - Surveying - Engineering - Architecture

109 W. Main St., Omro, WI 54963

Phone (920) 685-6240 Fax (920) 685-6340

www.martenson-eisele.com

info@martenson-eisele.com

PROJECT NO. 0-0857-001

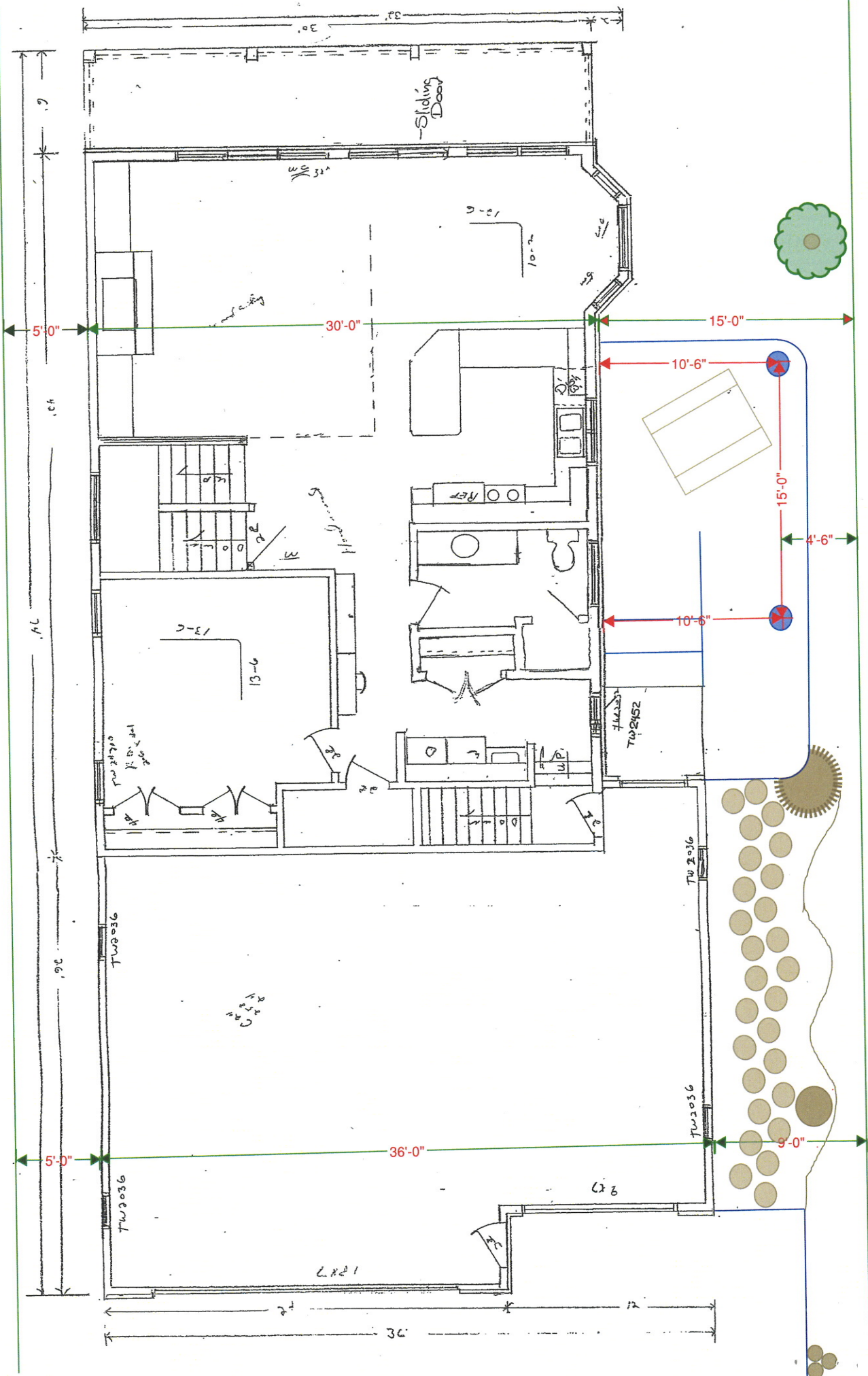
FIELD BOOK: FILE

FILE: 0857001POS.DWG

THIS INSTRUMENT WAS DRAFTED BY: DWC







Application #16-VA-3830

Date of Hearing:

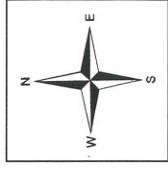
October 25, 2016

Owner(s):

VanRooy, Michael & Debra

Subject Parcel(s):

020000219



Winnepago County
WINGS Project

Scale
1 inch : 300 feet

County Zoning Districts

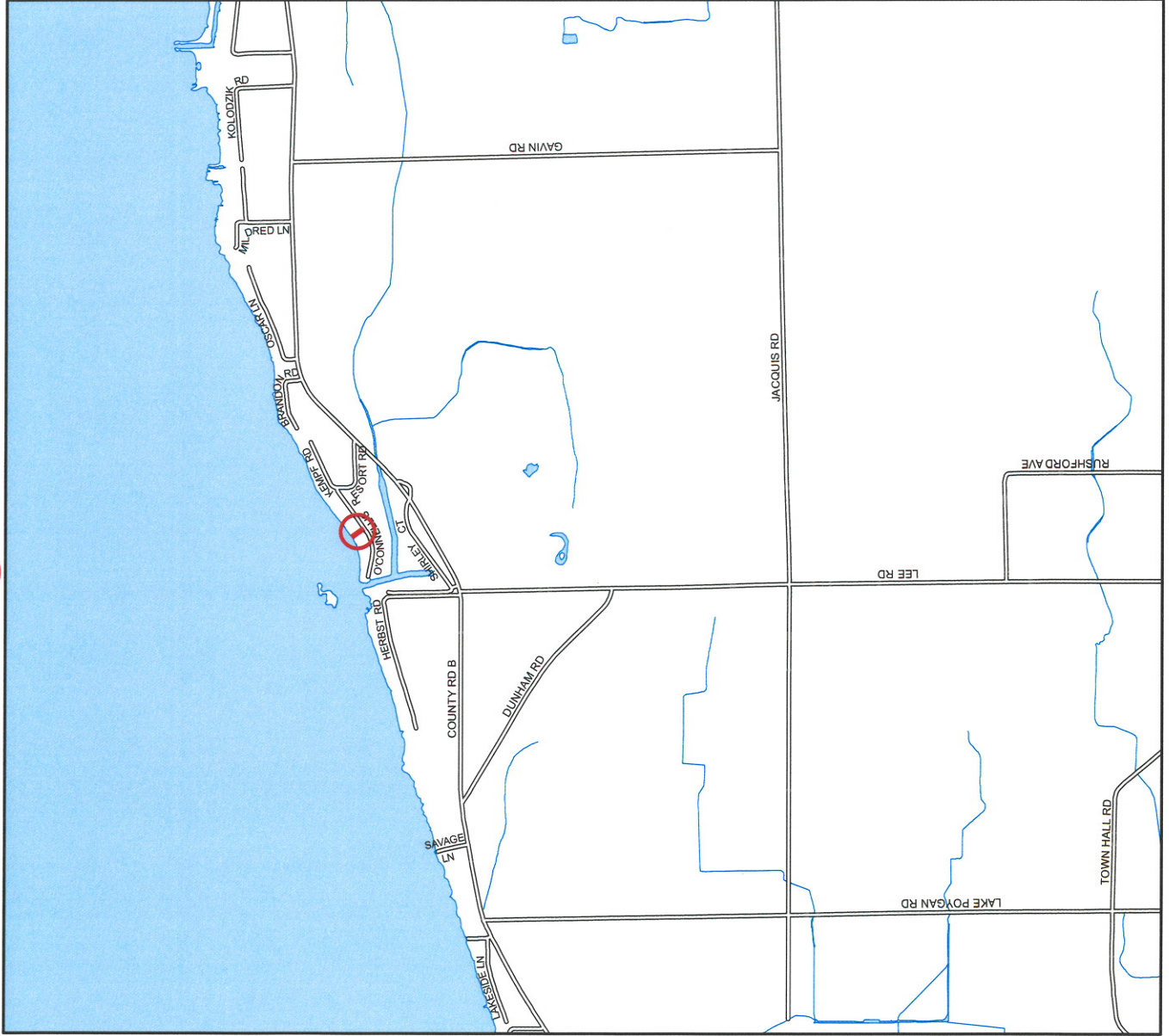
R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial Zoning Jurisdiction

Incorporated Area



○ = SITE

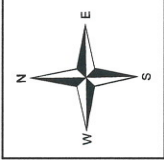


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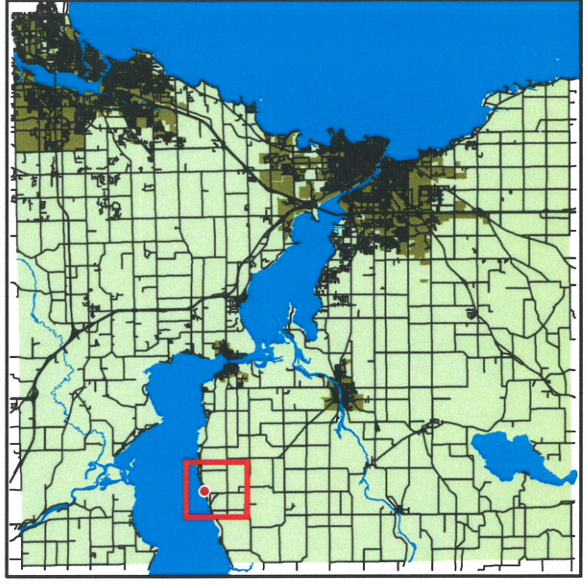
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Winnebago County
WINGS Project

● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY