

Date Mailed: _____

JULIE A. BARTHELS
Winnebago County Clerk
112 Otter Ave, PO Box 2806
Oshkosh, WI 54903-2806
(920) 232-3430

NOTICE OF COMMISSION, BOARD OR COMMITTEE MEETING

**NAME OF COMMISSION,
BOARD OR COMMITTEE:** BOARD OF ADJUSTMENT
**see below

TIME OF MEETING: 7:30 A.M.

DATE OF MEETING: Thursday, March 9, 2023

PLACE OF MEETING: WINNEBAGO COUNTY ADMINISTRATION BLDG
112 Otter Ave, 3rd Floor Conference Room *
Oshkosh, WI

* All interested persons wishing to be heard at the public hearing may appear in person or via Zoom using the meeting information below. A direct link to the Zoom Meeting is available on the Winnebago County Meetings and Agenda calendar on the above indicated date.

ZOOM MEETING INFORMATION LINK: <https://www.co.winnebago.wi.us/planning-and-zoning/boa-meeting-links>

Additional instructions can be found at: <https://www.co.winnebago.wi.us/planning-and-zoning>.

For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning office, where the application is available for viewing.

SUBJECT MATTER OF THE MEETING

DELIBERATIVE AGENDA

(Deliberative meetings are open to the public for viewing only – public participation is not allowed.)

1. Approval of minutes from February 02, (Deliberative), February 23, (Viewing).
2. **SSALIX, LLC** – 8641 River Ln, Town of Wolf River - Variance
3. **DAS Fam Tst** – 9251 Willow Ln, Town of Wolf River – Request for Variance Extension

**** This meeting is also being posted as a Committee meeting for: Facilities & Property Management**

The Committee reserves the right to take up any item on the agenda at any time after the meeting commences.

Upon request, provisions will be made for people with disabilities upon 24 hours prior notice to the Office of the County Clerk. Phone Number: (920) 232-3430.

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE MEETING

February 2nd, 2023

7:30 A.M.

Third Floor Conference Room – County Administration Building

DELIBERATIVE MEETING HELD VIA ZOOM

PRESENT

Greg Kargus, Tom Tuschl, Sue Drexler, Tom Verstegen (alternate),
Larry Kriescher (excused)

Daniel Lefebvre -Assistant Zoning Administrator & Karen Fredrick -Court Reporter

The meeting was called to order by Greg Kargus at 7:30 A.M.

GENERAL

MOTION to approve the January 05, (Deliberative), January 19, (Viewing), and
January 24, 2023 (Public Hearing) meeting minutes by T. Tuschl, seconded by S.
Drexler. MOTION carried 4-0.

The Board reviewed findings and criteria in order to act on the variance.

DAVID HEMP – 8514 HERBST RD, TOWN OF POYGAN – VARIANCE

Daniel Lefebvre stated Winnebago County has received correspondence from the Town
of Poygan which in summary recommended approval for the variance.

The Board discussed options for reasonable use of the property if the variance was
denied, setback requirements, buildable area, and findings for approval/denial.

MOTION by T. Tuschl, seconded by T. Verstegen, to deny the variance as requested.
The Board discussed alternative options for a variance decision.
MOTION failed 0-4.

MOTION by T. Tuschl, seconded by T. Verstegen, to approve the variance not as
requested with all staff conditions. T. Tuschl read the findings for approval. The Board
determined the variance has met the variance criteria not as requested based off the
findings.

MOTION carried 4-0.

ADJOURNMENT

MOTION made by S. Drexler to adjourn the meeting. Seconded by T. Verstegen.
Motion carried 4-0. Meeting adjourned at 7:58 A.M.

Respectfully submitted,

Daniel R. Lefebvre
Assistant Zoning Administrator

Winnebago County
Board of Adjustment

VIEWING

February 23, 2022

8:00 A.M.

Parking lot of County Administration Building

112 Otter Ave

Oshkosh, WI

Present: Cary Rowe – Zoning Administrator.

The Board of Adjustment did not meet due to inclement weather conditions. Individual members may view the SSALIX, LLC property individually at another time before the public hearing.

Respectfully submitted,

Cary A. Rowe
Recording Secretary

CAR

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
POST STAFF REPORT

Town and/or agency's comments:

Town of Poygan:

Findings: 1. Fits in with variances granted to neighboring properties.
2. Fits the Town of Wolf River Comp. Plan.

Department of Natural Resources:

The WDNR recommended the Board consider all variance criteria when making a decision. The WDNR stated, for a variance to be approved the proposal must meet all three statutory variance criteria.

CRITERIA AND ADVISORY FINDINGS

23.7-234 "Basis of decision" (required for all Ch. 23 Town/County Zoning Code, Ch. 26 Floodplain Zoning Code, and Ch. 27 Shoreland Zoning Code variances)

- 1. Criteria: 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.**

Findings for approval: There is no compliant location to build a single family dwelling that will meet the shore-yard and street setback requirements.

Findings for denial: A single family dwelling could be designed to accommodate the floodplain fill requirements of 15 ft of fill around the perimeter of the structure.

- 2. Criteria: The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in questions.**

Findings for approval: The applicants property has shore-yard and street yard setbacks which cover the entire property.

Findings for denial: The property could provide room to accommodate the 15 ft of floodplain fill requirement.

- 3. Criteria: 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.**

Findings for approval: The proposed single family dwelling is similar to the existing pattern of development in the surrounding area so public interest will not be harmed.

Findings for denial; The shoreland zoning code provides relief to property owners who own properties in existing development patterns without causing harm to public interest.

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

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

Findings for approval: The request still allows for practical floodplain fill on the street yard side of the structure. The full 15 ft of fill will be met on the side yards and shore-yard side of the structure.

Findings for denial: The reductions in floodplain fill will not offer as much protection as the full 15 ft of fill, and the risk of potential uplift of the foundation may be greater as well as less space for emergency services.

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.

Findings for approval: The request allows reasonable use of the property, and is similar to neighboring development.

Findings for denial: The proposed single family dwelling could be designed to meet a 35 ft shore-yard setback.

Based upon the above findings, it is the opinion of the Board that all criteria of Article 7, Division 12, Section 23.7-234, Town/County Zoning Code have have not been met.

Staff Recommendation: Approval With Conditions

Town Conditions:

Make sure drainage flows away from the road and back to the existing ditch - behind the proposed new home.

County Conditions:

All applicable sanitary, zoning, and erosion control permits shall be submitted to the county before construction begins.

All construction shall meet the floodplain requirements stated in Chapter 26: Floodplain Zoning Code.

VOTE: _____ to _____ _____