

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, October 12, 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 April 25, (Public Hearing), May 04, (Deliberative), August 24 (Viewing)
2. **LIEBHAUSER, DEREK** – 2689 County Rd II – Town of CLAYTON - Variance

**** 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
PUBLIC HEARING

April 25th, 2023

5:30 P.M.

First Floor Conference Room (120) – County Administration Building

PUBLIC HEARING HELD VIA ZOOM

PRESENT

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

Daniel Lefebvre -Assistant Zoning Administrator

The meeting was called to order by Greg Kargus, Chairman at 5:30 P.M. Board members introduced themselves and Daniel Lefebvre, Code Enforcement Officer explained review by court of record procedure. He stated that petitions shall be presented to the court within 30 days after the filing of the decision in the County Planning and Zoning Office.

**LAEMMRICH, MICHAEL – 6702 SUNSET TRAIL, TOWN OF WINNECONNE
– VARIANCE**

Applicant is requesting a variance for a substandard shore-yard and street-yard setback requirement. The applicant, Michael Laemmrich, explained the variance.

The Board discussed the variance request with the applicant including information about the size and dimensions of the proposed structure. The Board also discussed impervious surface, appropriate drainage, and the use of the existing structure.

Multiple neighboring property owners spoke in favor of the variance. One neighboring property owner submitted a letter opposing the variance which was read into the record by Mr. Lefebvre.

Daniel Lefebvre stated Winnebago County has received a letter from the Town of Winneconne, and summarized the correspondence.

MARSH, STEPHEN & CHRISTINA – 7579 MALLARD LN, TOWN OF WOLF RIVER – VARIANCE

Applicant is requesting a variance for a substandard floodplain fill and side-yard setback requirement. The applicant's agent, Corey Kalkofen, explained the variance.

The Board discussed the variance request with the applicant and applicant's agent including information about the size of the structure, potential drainage issues for neighboring properties, use of the existing structure, and the construction of retaining walls.

Multiple neighboring property owners spoke in favor of the variance.

Daniel Lefebvre stated Winnebago County has received a letter from the Town of Wolf River and the WDNR, and summarized the correspondence.

ADJOURNMENT

MOTION made by S. Drexler to adjourn the meeting. Seconded by T. Tuschl. Motion carried 4-0. Meeting adjourned at 6:31 P.M.

Respectfully submitted,

Daniel R. Lefebvre
Assistant Zoning Administrator

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE MEETING

May 4th, 2023
7:30 A.M.

Third Floor Conference Room – County Administration Building
DELIBERATIVE MEETING HELD VIA ZOOM

PRESENT

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

Daniel Lefebvre -Assistant Zoning Administrator & Brian O'Rourke – Planner

The meeting was called to order by Tom Tuschl at 7:30 A.M.

GENERAL

MOTION made by S. Drexler to approve the March 1st (Public Hearing), March 9th (Deliberative), and March 28th (Public Hearing) meeting minutes, and move the March 23rd (Viewing) and April 20th (Viewing) meeting minutes for action to the next deliberative meeting. Seconded by T. Verstegen. MOTION carried 3-0.

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

**LAEMMRICH, MICHAEL – 6702 SUNSET TRAIL, TOWN OF WINNECONNE
– VARIANCE**

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

MOTION by S. Drexler to approve the variance with conditions. Seconded by T. Verstegen. S. Drexler read the findings for approval. The Board determined the variance has met the variance criteria with conditions based on the findings. MOTION carried 3-0.

MARSH, STEPHEN & CHRISTINA – 7579 MALLARD LN, TOWN OF WOLF RIVER – VARIANCE

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

MOTION by T. Verstegen to approve the variance with conditions, with the additional condition: "The retaining wall around the foundation of the addition shall be a 1 foot poured concrete wall." Seconded by S. Drexler. T. Verstegen read the findings for approval. The Board determined the variance has met the variance criteria with conditions based on the findings.

MOTION carried 3-0.

ADJOURNMENT

MOTION made by T. Verstegen to adjourn the meeting. Seconded by S. Drexler. MOTION carried 3-0. Meeting adjourned at 7:55 A.M.

Respectfully submitted,

Daniel R. Lefebvre
Assistant Zoning Administrator

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
VIEWING

August 24th 2023

8:00 A.M.

County Administration Building

PRESENT

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

Daniel Lefebvre -Assistant Zoning Administrator
Caleb Edwards -Code Enforcement Officer

ITEMS

The Board met at 8:00 A.M. at the County Administration Building, then departed to view the following properties:

1. Liebhauser, Derek – 2689 County Rd II, Town of Clayton- Variance

ADJOURNMENT

Meeting adjourned at 9:15 A.M.

Respectfully submitted,

Daniel R. Lefebvre
Assistant Zoning Administrator

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
POST STAFF REPORT

Town and/or agency's comments:

The Town of Clayton has recommended unanimous approval of the varaince.

The WDNR recommended the Board consider all variance criteria when making a decision. The WDNR stated, for a varaince 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: Due to the navigable stream which divides the parcels subject to development, a large portion of property is non-buildable as there is no way to gain access or develop each parcel unless a variance is granted.

Findings for denial: None that staff is aware of.

- 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 property has unique land-locked parcels due to the newly determined navigable stream which unreasonably prevents development for future residential areas.

Findings for denial: None that staff is aware of.

- 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 public utilities and roads which enter the shoreyard setback are essential to service new lots and provide ingress/egress access to existing land-locked parcels.

Findings for denial: None that staff is aware of.

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 while protecting the waters of the state, environment, and natural scenic beauty of the area.

Findings for denial: None that staff is aware of.

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

Advisory Conditions:

Town Conditions:

None

County Conditions:

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

All applicable local, state, and federal requirements/permits shall be met/obtained before construction begins.

VOTE: _____ to _____