

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, April 4, 2024

PLACE OF MEETING: **DAVID ALBRECHT ADMINISTRATION BUILDING**
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 Microsoft Teams using the meeting information below. A Link to the Microsoft Teams Meeting as available on the Winnebago County Meetings and Agenda calendar on the above indicated date.

Microsoft Teams Meeting Information Link: <https://www.co.winnebago.wi.us/planning-and-zoning/p-z-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 January 04, (Deliberative), March 21, (Viewing), March 26, (Public Hearing)
2. **DAHLINGER, NICHOLAS** – 7474 COUNTY RD II, – Town of Wolf River - 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

March 26th, 2024

5:30 P.M

First Floor Conference Room (120)- County Administration Building

PUBLIC HEARING HELD VIA ZOOM

PRESENT

Greg Kargus, Tom Tuschl, Sue Drexler, and Tom Verstegen

Daniel Lefebvre- Assistant Zoning Administrator, Caleb Edwards- Code Enforcement Officer. Karen Frederick

This meeting was called to order by Greg Kargus at 5:30 P.M. Board members introduced themselves and Caleb Edwards, Code Enforcement Officer explained the appeals process.

DAHLINGER, NICHOLAS-7474 COUNTY RD II, -Town of Wolf River - Variance

Applicant is requesting a variance for a substandard road access point setback.

Jim Sehloff and Nicholas Dahlinger were sworn in.

Jim Sehloff went over the project and explained the wetlands and access issues with the Board. He also went over possible other locations rejected by the DNR and stated nothing is planned to happen with existing access.

G. Kargus asked County staff when the 600' limit was implemented. D. Lefebvre stated the ordinance was adopted in 2000 and amended in 2010.

Nicholas Dahlinger discussed property with Board. He stated when he bought property and prior research he did on lot before he purchased it regarding it ability to be developed.

Board asked staff if there was any other correspondence regarding the variance. C. Edwards and D. Lefebvre stated they had not received any other correspondence.

ADJOURNMENT

MOTION made by T. Verstegen to adjourn the meeting. Seconded by Tom S. Drexler. Motion carried 4-0. Meeting adjourned at 5:45 P.M.

Respectfully submitted,

Caleb Edwards

Code Enforcement Officer

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
VIEWING

March 23rd, 2024

8:00 A.M.

County Administration Building

PRESENT

Tom Tuschl, Tom Versteegen, Sue Drexler, Greg Kargus (Excused)

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. DAHLINGER, NICHOLAS—7474 COUNTY RD II, —Town of Wolf River - Variance

ADJOURNMENT

Meeting adjourned at 9:07 A.M

Respectfully submitted,

Caleb Edwards

Code Enforcement Officer

FOR TOWN USE ONLY

TOWN ACTION FOR VARIANCE
TOWN OF WOLF RIVER
WINNEBAGO COUNTY, WISCONSIN

Owner(s): DAHLINGER, NICHOLAS

Agent: SEHLOFF, JAMES DAVEL ENGINEERING & ENVIRONMENTAL

Parcel No.: 032-0264

Location of Premises Affected: 7474 COUNTY RD II

Legal Description: Being all of Lot 2 of CSM-4881 located in the NE 1/4 of the SW 1/4 of Section 12, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin.

Current Zoning: A-2 General Agriculture

Description of proposed use: Applicant is requesting a variance for a sub standard road access point setback

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
The horizontal distance between access points shall not be less than 600 ft.	Chapter 7.14 (10)(a)	Road Access Point: 600'	Road Access Point: 395'

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:

*Would allow property owner to utilize property with undue burden
meets DNR requirements of least impact to wetlands
Provides best line of sight in both directions allowable*

TOWN CONDITIONS:

DATED THIS 25th DAY OF March, 2024

SIGNED: *Susan J. Hubert*

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
POST STAFF REPORT

Town and/or agency's comments:

Would allow property owner to utilize property will undo burden
Meets DNR requirements of least impact to wetlands
Provides best line of sight in both directions allowable

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 access the road from the lot and the existing access point could not meet DNR wetland standards.
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: Wetlands are present on the property and can be found on the southern border of the parcel where any road access could be located.
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 access point has a clear line of sight in both directions for ingress/egress onto County Road II
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
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:

Must meet all DNR requirements
Must obtain all required permits

VOTE: _____ to _____