

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING
BOARD OF ADJUSTMENT
March 26, 2024

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 7, the Traffic Code Ordinance, 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 March 26, 2024, at 5:30 PM in Conference Room 120 of the David Albrecht Administration Building located at 112 Otter Ave, 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.

INFORMATION ON VARIANCE REQUEST

Application No.: 2024-VA-6590

Applicant: DAHLINGER, NICHOLAS

Agent: SEHLOFF, JAMES DAVEL ENGINEERING & ENVIRONMENTAL

Location of Premises: 7474 COUNTY RD II

Tax Parcel No.: 032-0264

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.

Explanation: 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'

INITIAL STAFF REPORT

Sanitation: Existing; ; Private System

Overlays: Shoreland, wetlands

Current Zoning: A-2 General Agriculture

Surrounding Zoning: **North:** Town; **South:** A-2; **Town East:** A-2; **Town West:** Town;

Code Reference: Chapter 7.14 (10)(a)

Description of Proposed Use: Applicant is requesting a variance for a substandard road access point setback

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER/APPLICANT

Describe your project, include the proposed dimensions and setbacks: See Attached.

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

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

Describe how the granting of the requested variance will not harm the public interest or have adverse effects on surrounding properties: See Attached.

SECTION REFERENCE AND BASIS OF DECISION

Basis of Decision: Town/County Zoning Code: 23.7-234

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

27.14.8 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.

Traffic Code Ordinance

7.14 (13) Variances

Any person or any office or department aggrieved by an order, requirement or interpretation made by the Commission may request a review of that order, requirement, or interpretation before the Winnebago County Board of Adjustment. Requests for variances shall be filed with the Winnebago County Zoning Department within 30 days of notification. A fee shall be paid at the time of filing pursuant to Section 17.02(12) of General Code of Winnebago County.

(a) If the Board of Adjustment finds that practical difficulty and unnecessary hardship may result from strict compliance with the Ordinance, it may vary the regulation so that substantial justice may be done provided that the public interest is secured and that such variance will not have the effect of nullifying the intent and purpose of this Ordinance.

(b) In granting variances, the Board of Adjustment shall request evidence of practical difficulty and hardship and record the reasons in the minutes of which the variance was granted or denied.

VARIANCE APPLICATION

Responses may be typed on a separate sheet and attached to this form.

Applicant, please fill out all of the questions in your own words.

C-1 Describe your project, include the dimensions and proposed setbacks:

Proposed project is a new home with a driveway onto CTR II. The existing lot is 599 feet wide by 1043 feet deep on the west side. There is an existing access point located at the southeast corner of the property. Setbacks are per standards of 75 feet for the front yard and 15 feet for each side yard. In addition there is a 30 foot wetland protective buffer on all delineated wetlands

C-2 Describe how compliance with the requirement in question unreasonably prevents or restricts development of a permitted use on the property:

CTR II has a restriction that requires 600 feet between driveways/entrances. There is a delineated feature between the existing driveway and the developable uplands which the DNR has denied any proposed impact to. Without the Wetland Disturbance Permit, at that location, there is no legal access to the parcel. The DNR will issue a permit, for Wetland Disturbance, at the location that allows for the least amount of disturbance. This location is the 395 feet east of an existing drive located on Lot 1 CSM 4881. The location of the proposed driveway puts my clients access in conflict with the County Highway Driveway spacing requirement. This placement of the driveway is the only option that will allow my client to access his property.

C-3 Describe the unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question:

Wetland features surrounding the exterior of therefore Lot 2, CSM 4881, limit options for access. A Wetland Disturbance Permit is required for any driveway onto the property. A PAA (Practical Alternative Analysis) was prepared and submitted to the DNR to obtain a Wetland Disturbance Permit at the existing driveway location but was denied due to the approved option having less disturbance.

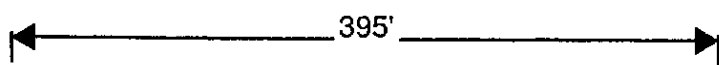
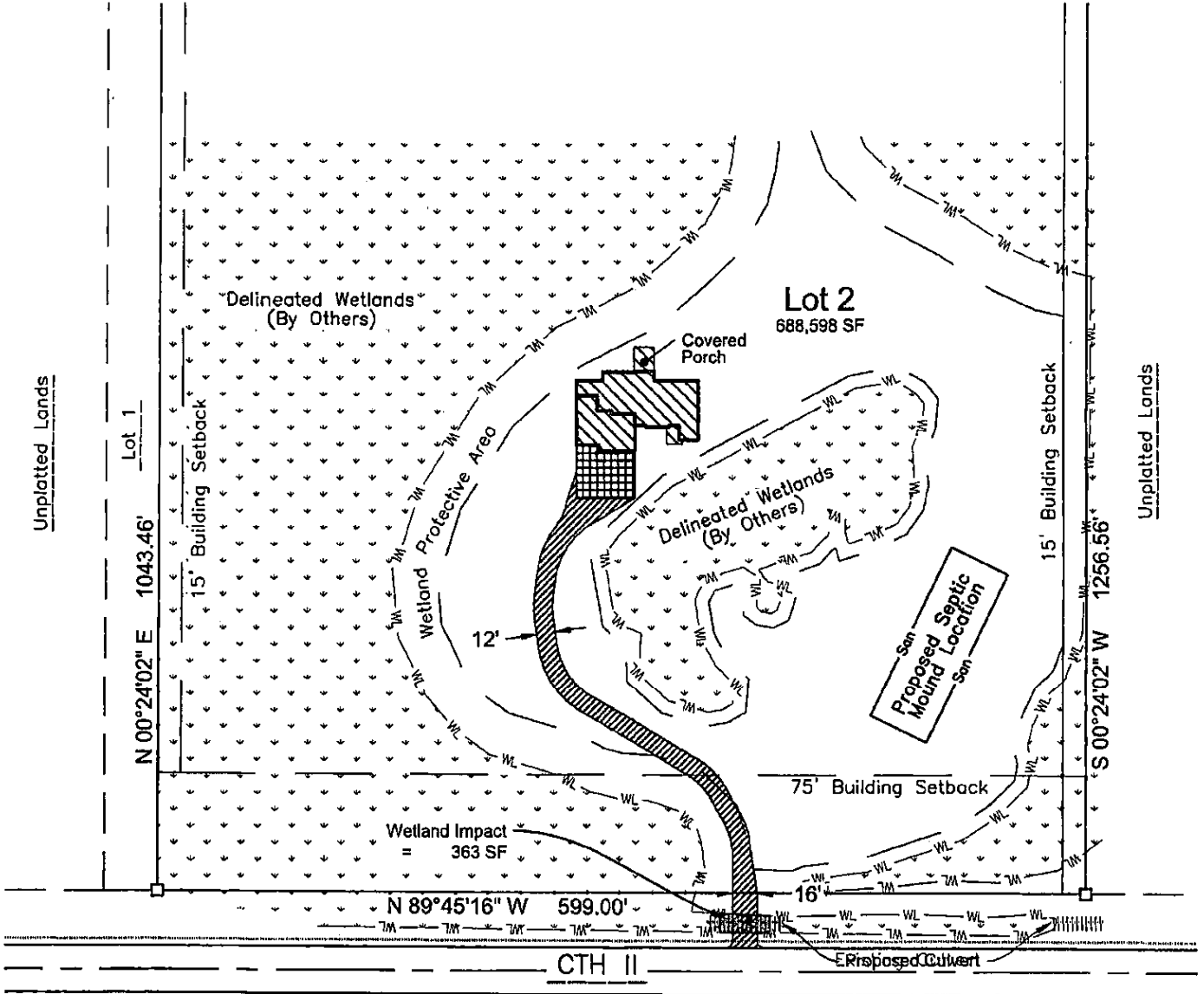
C-4 Describe how the granting of the requested variance will not harm public interest or have adverse affects on surrounding properties. :

The adjustment to the driveway location will create no adverse affects to the neighboring properties. The new location is actually further west from a curve in the right of way. This alllows for a safer amount of line of site from the curve to the driveway.

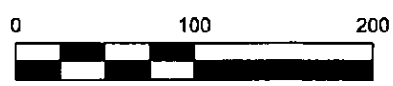
Lot 1 CSM 4881

Minimum Impact Alternative

Town of Wolf River
Winnebago County, WI



Wetland Impact
= 363 SF

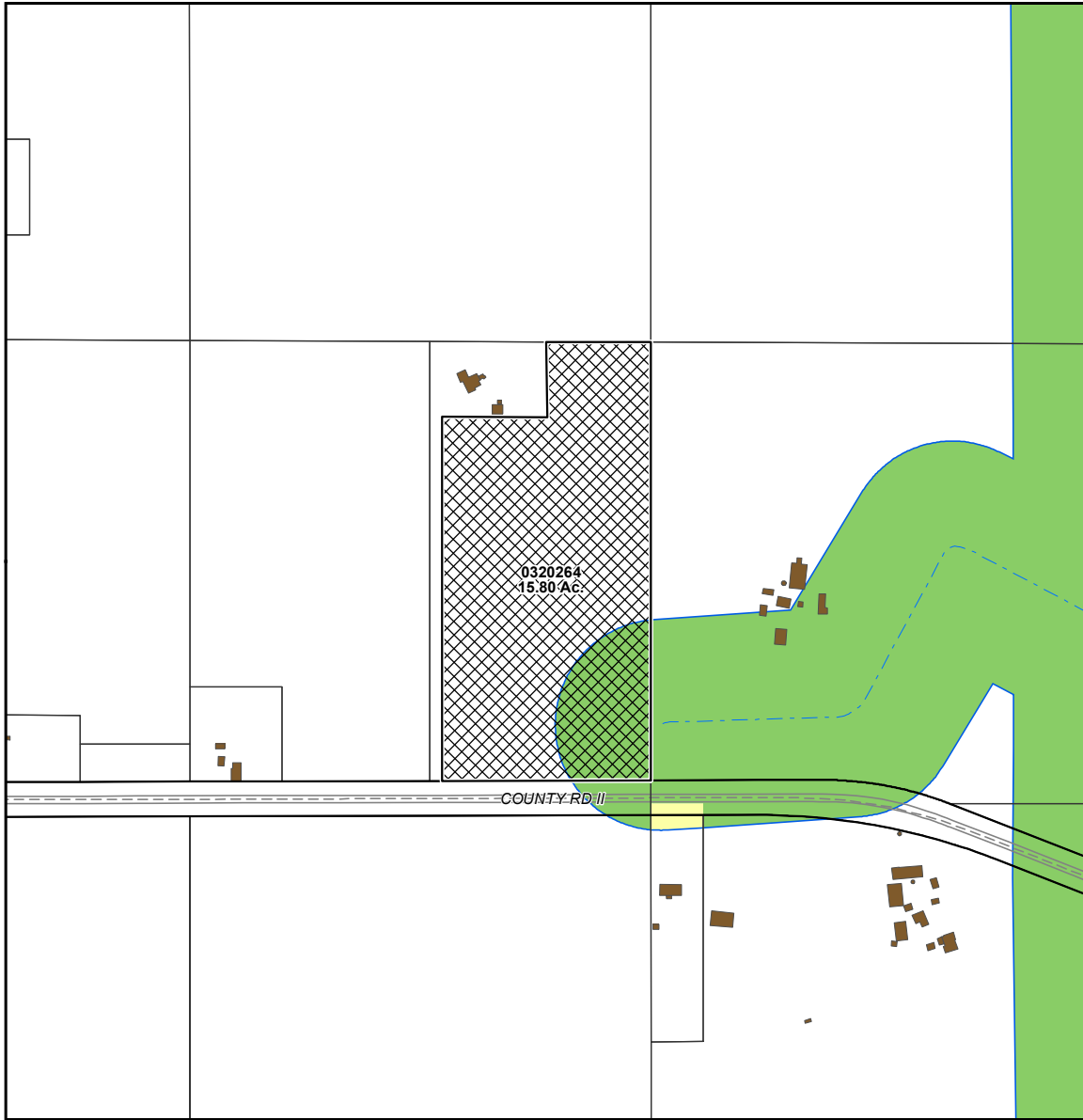


DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Provinca Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro

Site Plan For:
Virtue Homes LLC
N1093 Chatham Ct
Greenville, WI 54942

Setback Requirements
Front: 75'
Sides: 15'

File: 8068Alt3.dwg
Date: 02/06/2024
Drafted By: johnathon
Sheet: Alt 3

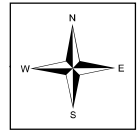


Application #24-VA-6590

Date of Hearing:
 March 26, 2024

Owner(s):
 DAHLINGER,
 NICHOLAS MICHAEL &
 KATHRYN MARIE

Subject Parcel(s):
 0320264



Winnebago County
 WINGS Project

Scale
 1 inch : 400 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

