

WINNEBAGO COUNTY BOARD OF ADJUSTMENT

Tuesday, September 29, 2009 - 5:30 p.m.

Lounge Room, Courthouse, Oshkosh, Wisconsin

PUBLIC HEARING

Present: Board Members: Chairman Arden Schroeder, Greg Kargus, Dan Mingus, Tom Verstegen, and Mary Mathwig.

Also present: Kathryn Larson, zoning department; and Karen Fredrick, court reporter.

Meeting was called to order at 5:30 p.m. Committee members and staff introduced themselves and Chairman Schroeder explained the hearing process & announced that the Deliberative Session would be held Thursday, 10/08/09, at 7:30 a.m. K. Larson read the appeal process.

G. Kargus read the legal description and requested variances for the following agenda items:

Dominic Collar – Town of Oshkosh

Dominic Collar appeared. Said he wanted to build a 24' wide by 44' long home on his property. He was asking for a 9' setback on the north side and a 56' shore yard setback. He stated that at the public hearing, he had agreed with the Town of Oshkosh to hold the 59' setback allowed by setback averaging, still building the 24' x 44' house, and having the street yard setback decreased from 27' to 24' (according to the site plan.) He also stated that he will be building a garage across the street that will meet all setback requirements.

The Town of Oshkosh submitted a letter recommending approval of the variance with the changes stated above. Findings were that without a variance the lot would not be able to meet the 1000 sq. ft. minimum requirement for single-family dwellings. No other letters were submitted and only Jerry Frey, Town Chairman, spoke at the hearing.

Thomas Hoinacki – Town of Poygan

Thomas Hoinacki appeared. He stated that we he wanted to build a 22' x 22' detached garage with a one-foot setback from the road right-of-way, a one-foot setback from the side lot line, and a 3.5' (+/-) setback from the principal structure. The garage would have the same street and side yard setbacks as the current shed that is being replaced. He also stated that he will provide off-street parking on the east side of the garage and will install a firewall on the north side of the garage. It will be two-story structure to provide storage space which is very limited within the small house and with no basement because of the floodplain. His last comment was that the substandard setback was similar to many others in this area.

Mary Knoepke, the neighbor immediately adjacent to the east, was sworn in. She stated that she was concerned about the elevation of the garage. She did not want it raised. She also doesn't like the idea of the 2-story structure next to such a small house, and she was also concerned about parking. Tom replied that the new garage would be only one parking space wider than the existing shed. No one else appeared at the hearing.

The Town of Poygan town board submitted a letter recommending denial of the variance based on the following findings:

1. It requires variances on three different sides.
2. The proposed height would not meet the requirements of the maximum height allowed by the Town's zoning ordinance.
3. A structure could be built that would be more compatible to the property than requiring variances on three sides.
4. A neighbor objected.

Janet Abraham – Town of Wolf River

Janet Abraham was sworn in and stated that she wanted to build an attached garage, 16' wide by 24' deep, in front of her house. At the hearing, she provided a new site plan with corrected setbacks. It would be 21' from the pavement, but only 10' from the right-of-way. There is no reasonable alternative because of the location of the propane tank and tree behind the house and a well on the east side of the house. She cannot shift the garage to the west because she needs to have a driveway area for large trucks getting to the shoreline to deal with rip rap. The length is needed because of a pressure tank and pump box that will be within the garage, limiting the parking depth within the structure. She said that the Town supported this variance, but the County had not yet received any statement from the town board. Her last comment was that there were two other structures closer to the road than what hers will be.

Richard Larsen, Chairman of the Pine Lane Road Assoc. Works Committee submitted a letter in support of the variance request.

There being no other business, Chairman Schroeder adjourned the meeting at 6:20 p.m.

Respectfully submitted,

Kathryn M. Larson

Recording Secretary for the Board of Adjustment