

WINNEBAGO COUNTY
BOARD OF ADJUSTMENT
PUBLIC HEARING

July 25, 2017
5:30 P.M.

Third Floor Conference Room – County Administration Building

PRESENT: Arden Schroeder, Greg Kargus, Dave Weiss, Tom Tuschl and Sue Drexler. Cary Rowe, Zoning Administrator, Karen Fredrick, court reporter. Guests present.

EXCUSED: Tom Verstegen

The meeting was called to order by Arden Schroeder, Chairman at 5:30 P.M. Board members introduced themselves and Zoning Administrator 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.

1. Approval of Minutes

Motion by G. Kargus, seconded by S. Drexler, to delete this item from the agenda and place it on the agenda for the deliberative meeting. Motion carried 5-0.

There was no further testimony.

2. Walter Juedes – 4606 Island View Dr., Town of Oshkosh – Variance.

Applicant is requesting a variance to Chapter 27, Section 6.1 of the Winnebago County Shoreland Zoning Code, to be allowed to construct a new home with a substandard setback from a navigable ditch. Attorney Charles Hertel who was representing the applicant was sworn in. Mr. Hertel explained the variance request and summarized the history of the property including the development of the navigable ditch. Mr. Hertel specified the setback being requested from the navigable ditch is 25-ft. Zoning Administrator stated that new shoreland regulations allow setback averaging up to 35-ft and that the lot would be subject to 30 percent impervious surfaces. Zoning Administrator read the impervious surface statistics for the lot into the record. Walter Juedes, 1041 Mt Vernon St, Oshkosh, was sworn in. Mr. Juedes stated that the current residence would be removed. Jim Erdman, Town of Oshkosh Chairman was sworn in. Mr. Erdman stated that the Town Board of Appeals approved the variance request and read in the findings for the record. Toby Vanden Heuvel, 4610 Island View Dr, Oshkosh, was sworn in. Mr. Vanden Heuvel stated that he supported the variance request because only one house would be built on the two lots.

There was no further testimony.

3. United Cooperative – 2550 Clairville Rd - Town of Algoma – Variance.

Applicant is requesting a variance to Chapter 24, Section 24.5-7, to be allowed to erect three structures that will exceed the maximum height allowed in the AIR-6 overlay district. Allen Jentz, Vice President of United Cooperative, was sworn in. Mr. Jentz explained the variance request for three structures with heights of 195-ft, 135-ft and 135-ft. Mr. Jentz also stated they had all the necessary permits to construct the structures but later found out the property was located within the airport limitation zone. Mr. Jentz said the FAA and EAA determined the height of the structures did not present any aviation hazard and that Peter Moll - Airport Director, recommended approval of the variance provided the tallest structure included lighting. According to Mr. Jentz, the 190-ft structure included the lighted beacon. Brad Peot from Wisconsin and Southern Railroad, was sworn in. Mr. Peot stated that he supported the variance. David Kramer, President of United Cooperative, was sworn in. Mr. Kramer stated that they tried to take all the correct steps to secure the necessary permits for the project. Zoning Administrator stated that there was no response from the Town of Algoma.

There was no further testimony.

4. Lynn Foltz Cottage Tst – 7679 Bluebill Ln - Town of Wolf River – Variance.

Applicant is requesting a variance to Chapter 27, Section 6.1, Chapter 23, Section 23.8-65(a) Exhibit 8-2(R-1) and Chapter 23, Section 23.8-65(d), to be allowed to construct a detached garage with two substandard shoreyard setbacks, a substandard street yard setback and a substandard setback from another structure. George Mathwig from GM Custom Homes, was sworn in. Mr. Mathwig explained the variance request. Zoning Administrator read the impervious surface statistics for the lot into the record. Zoning Administrator stated that the Wolf River Town Board recommended approval of the variance with the following findings: 1) No objection from neighbors. 2) In line with variances granted to neighbors. 3) Positively influence tax base.

There was no further testimony.

5. Dianne DeGroot – 7883 Haase Rd - Town of Wolf River – Variance.

Applicant is requesting a variance to Chapter 27, Section 6.1, Chapter 26, Section 26.5-23(b) and Chapter 23, Section 23.8-65(a)(R-1), to be allowed to construct a residential structure with a substandard shoreyard setback and substandard floodplain fill requirements. Applicant is also requesting a variance to construct a boathouse with a substandard street yard setback. Zoning Administrator advised the Board that the owner and neighbor were both represented by attorneys because of a dispute regarding the vacation of a road which provides access to neighbor's property and as a result, the neighbor's attorney requested an adjournment. Zoning Administrator suggested the Board consider adjourning the hearing until next month since the presence of the road could have major impact on structure location. Dianne DeGroot was sworn in. Ms. DeGroot explained the road vacation dispute and provided correspondence regarding the road vacation for the record. Zoning Administrator read the impervious surface statistics for the lot into the record. Dianne DeGroot provided a site plan put together by her surveyor for the record which contradicted Zoning Administrator's impervious surface estimate. Shane DeGroot was sworn in. Mr. DeGroot asked the Board to move forward with the hearing so that their construction was not delayed. Zoning Administrator stated that the Wolf River Town Board made a motion stating "This request for variance was tabled due to an unresolved issue regarding right-of-way to an adjacent property. This owner is refusing to grant right-of-way across her property to the owner of a property beyond hers, which would create a land-locked property. The town is reviewing whether or not a public road near both properties was ever vacated. Lawyers for each owner are trying to come to some agreement before proceeding to the courts to resolve this issue. Motion by S. Drexler, seconded by D. Weiss, to adjourn the hearing to the August 29th hearing. Motion carried 5-0.

There was no additional testimony.

ADJOURNMENT

MOTION made by D. Weiss to adjourn the meeting. Seconded by G. Kargus. Motion carried 5-0. Meeting adjourned at 6:56 P.M.

Respectfully submitted

Cary A. Rowe
Recording Secretary

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