

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 5/31/2016

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 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 5/31/2016 at 5:30 p.m. in Conference Room 408 of the County Administration Building located at 112 Otter Ave, Oshkosh, WI.

All interested persons wishing to be heard at the public hearing are invited to be present. 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

Applicant:

ZAGRODNIK, KRISTIN S
ZAGRODNIK, SHAWN J

Agent:

None

File Number:

2016-VA-3580

Location of Premises:

5003 RIVERMOOR DR
OMRO, WI 54963

Tax Parcel No.:

030-0986

Legal Description:

Being a part of Rivermoor Plat, Lot 38, located in Government Lot 4, Section 34, Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting a variance to construct a detached garage with substandard street yard setbacks.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
1. Street yard setback (North)	1. Chapter 23, Article 8, Exhibit 8-2	1. 30'	1. 10' 6"
2. Street yard setback (East)	2. Chapter 23, Article 8, Exhibit 8-2	2. 30'	2. 22' 6"

INITIAL STAFF REPORT

Sanitation:

Existing System
Private System

Overlays:

Shoreland

Current or Proposed Zoning:

R-2 Suburban Low Density Residential

Code Reference:

1. Chapter 23, Article 8, Exhibit 8-2
2. Chapter 23, Article 8, Exhibit 8-2

Description of Proposed Use:

Applicant is requesting a variance to construct a detached garage with substandard street yard setbacks.

Surrounding Zoning:

North: R-2
South: R-2
East: R-1
West: Lake

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

5003 RIVERMOOR DR IS A WATERFRONT PROPERTY WITH AN AVERAGE DEPTH OF 170' AND A WIDTH OF 50'. IT HAS A 43' X 22'-3" HOUSE WITH A ONE CAR ATTACHED GARAGE ON IT THAT IS 22'-3" X 18' EQUALING 400.5 SQUARE FEET. THE HOUSE IS LOCATED ABOUT 5' FROM THE FIRE LANE. THERE IS ALSO A 20' X 16' BOAT HOUSE LOCATED 5' FROM THE FIRE LANE LOT LINE. I'M CURRENTLY WORKING ON INSTALLING A HOLDING TANK ON THE SOUTH SIDE OF THE LOT. I ALSO OWN 5011 RIVERMOOR DR, 2 DOORS DOWN FROM THIS PROPERTY THAT IS OUR MAIN RESIDENCE. 5011 RIVERMOOR DR. HAS A DETACHED GARAGE MEASURING 30'-6" DEEP BY 24'-2" WIDE WHICH EQUALS 738 SQUARE FEET. I WANT TO MOVE THIS GARAGE OVER TO 5003 RIVERMOOR DR AND BUILD AN ATTACHED GARAGE AT 5011 RIVERMOOR DR. THIS WILL BRING THE SQUARE FOOTAGE TOTAL TO 1138.5 ON THE 5003 RIVERMOOR DR. THE GARAGE WILL HAVE A SET BACK FROM THE FIRE LANE OR THE NORTH PROPERTY LINE OF 10'-6" AND A SET BACK OF 22'-6" FROM RIVERMOOR DR. BOTH THESE SET BACKS BY RULE ARE 30'.

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

5003 RIVERMOOR DR HAS RIVERMOOR DR ON THE EAST SIDE AND A FIRE LANE ON THE NORTH SIDE. BOTH OF THESE HAVE A 30' SETBACK WHICH MEANS THERE IS NO PLACE TO PUT A GARAGE UP DUE TO A FIRE LANE THAT IS NO LONGER IN USE BY THE FIRE DEPARTMENT.

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

THE GARAGE THAT I'M PROPOSING WILL MEET THE HOLDING TANK SET BACK, HOUSE SET BACK, AND WELL SET BACK. IT INTERFERES WITH THE ROAD SET BACKS AND FIRE LANE SET BACKS. THE FACE OF THE MOVED GARAGE WOULD BE EVEN WITH OR A FOOT CLOSER TO THE ROAD THAN THE NEXT DOOR NEIGHBORS ATTACHED GARAGE. TO MAKE IT EVEN WITH THEIR GARAGE I WOULD HAVE TO MOVE INTO THE 10' BUILDING SET BACKS.

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

THIS WILL NOT AFFECT OR HARM THE SURROUNDING AREAS IN ANY SHAPE OR FORM. THE GARAGE ON THIS PROPERTY IS TOO SMALL. THIS GARAGE MAKES THE PROPERTY MORE USEFULL AND GIVES ME THE OPPORTUNITY TO ELIMINATE THE ATTACHED GARAGE AND MAKE IT PART OF THE HOUSE, IF I CHOOSE THIS OPTION.

SECTION REFERENCE AND BASIS OF DECISION

Town/County Zoning Code

23.7-234 Basis of decision

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.

Floodplain Zoning Code

26.6-7 Variances

(a) **Review criteria.** 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 adoption of the floodplain chapter and unique property conditions, not common to adjacent lots or premises—in such case the chapter or map must be amended—; (3) the variance is not contrary to the public interest; and (4) the variance is consistent with the purpose of this chapter in s. 26.1-5.

(b) **Additional criteria.** In addition to the criteria in subsection (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

- (1) The variance shall not cause any increase in the regional flood elevation;
- (2) Variances can only be granted for lots that are less than 0.5 acres and are contiguous to existing structures constructed below the regional flood elevation;
- (3) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts, and shall not be contrary to the purpose of the chapter.

(c) **Limitations.** A variance shall not (1) grant, extend, or increase any use prohibited in the zoning district; (2) be granted for a hardship based solely on an economic gain or loss; (3) be granted for a hardship which is self-created; (4) damage the rights or property values of other persons in the area; (5) allow actions without the amendments to this chapter or map(s) required in s. 26.6-4; or (6) allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

Shoreland Zoning Code

27.6 -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.

SHAWN J ZAGRODNIK

5003 RIVERMOOR DR.

OMRO, WI 54963

C-1

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C-2

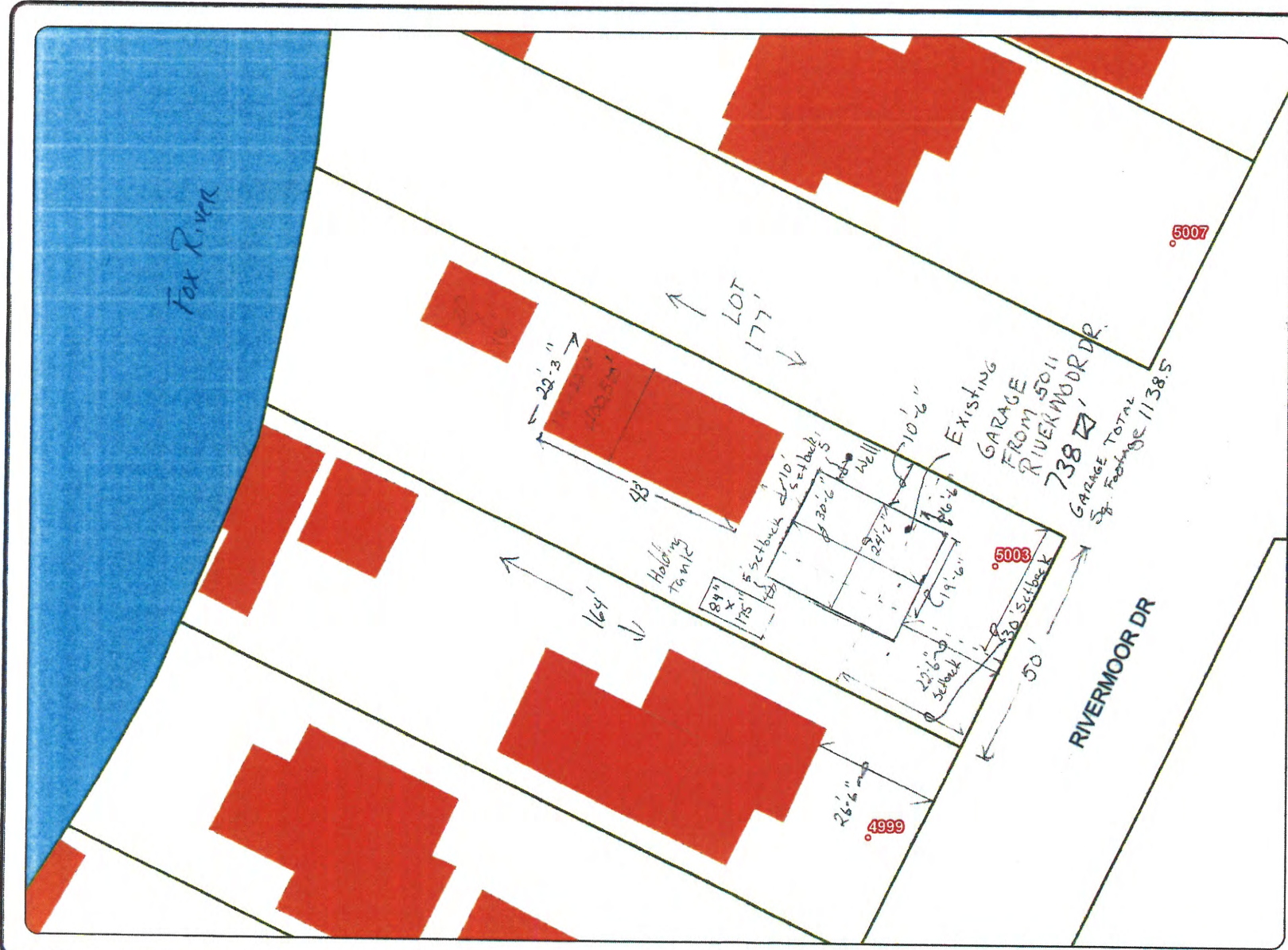
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C-3

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C-4

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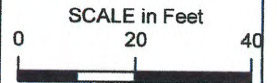
**5003
Rivermoor**



Winnebago County,
Wisconsin

Legend

- Tax Parcel
- Site Address Points
- Road Centerlines
- Waterbodies
- Road ROW
- Building Footprints**
- Building Footprints



1 inch = 20 feet



W.I.N.G.S. Project Disclaimer
 This data was created for use by the Winnebago County Geographic Information System project. Any other use/application of this information is the responsibility of the user and such use/application is at their own risk. Winnebago County disclaims all liability regarding fitness of the information for any use other than Winnebago County business. *Data for this map copyrighted December 31, 2006*

5003 Rivermoor

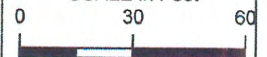


Winnebago County,
Wisconsin

Legend

- Tax Parcel
- Site Address Points
- Road Centerlines
- Waterbodies
- Road ROW
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- Building Footprints

SCALE in Feet



1 inch = 30 feet



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Application #16-VA-3580

Date of Hearing:

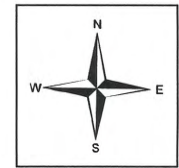
May 31, 2016

Owner(s):

Zagrodnik, Shawn & Kristin

Subject Parcel(s):

0300986



*Winnebago County
WINGS Project*

Scale

1 inch : 300 feet

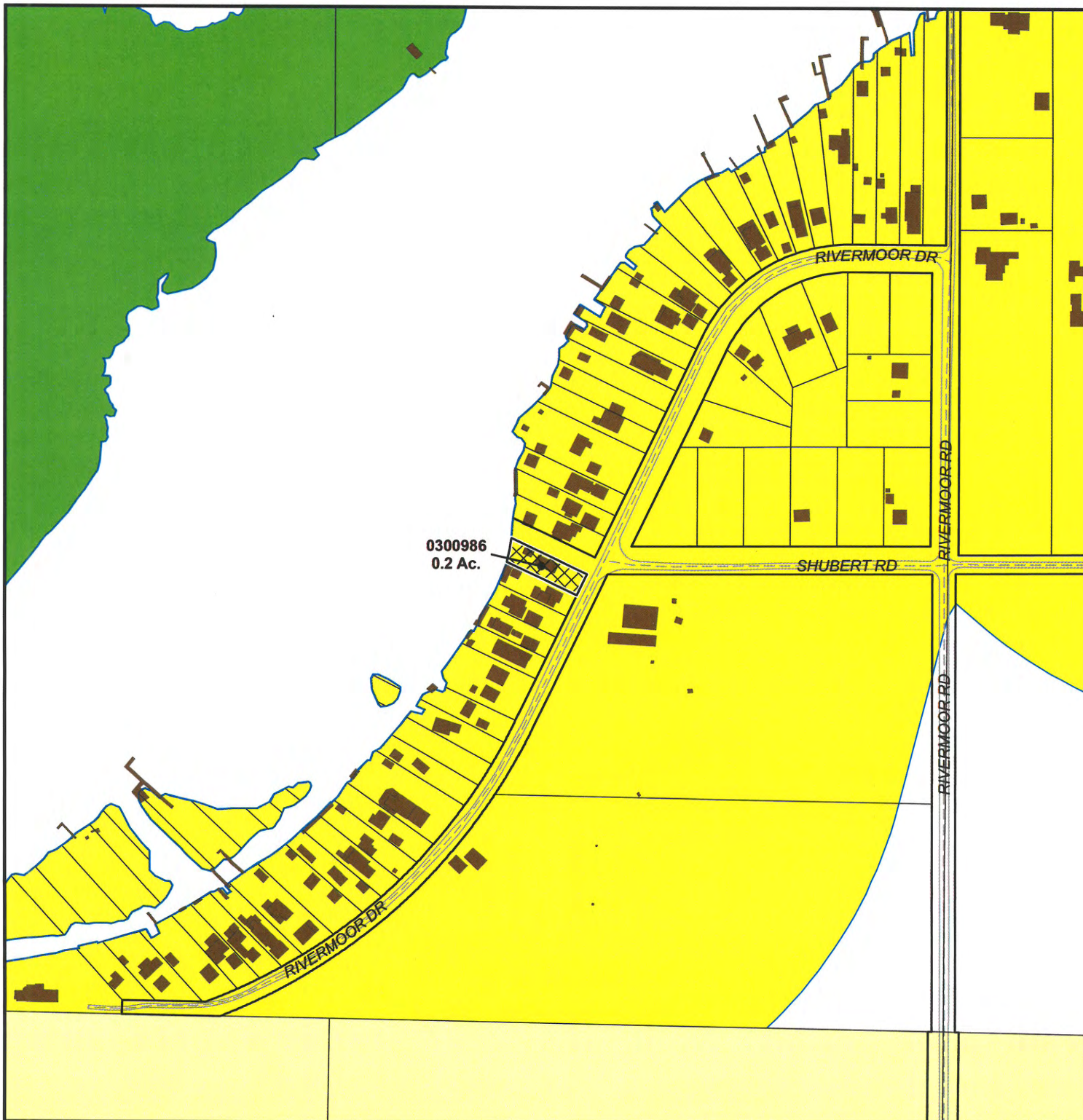
County Zoning Districts

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

Other Areas

*City of Oshkosh Extraterritorial
Zoning Jurisdiction*

Incorporated Area



○ = SITE

Application #16-VA-3580

Date of Hearing:

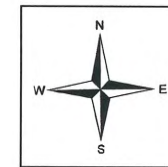
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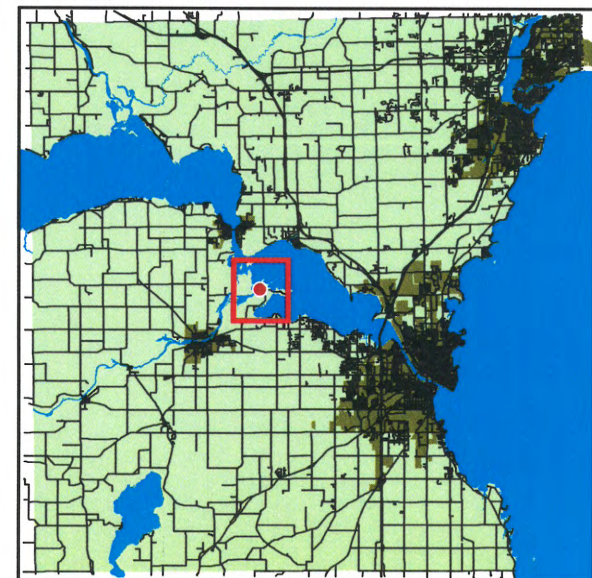
Subject Parcel(s):

0300986



*Winnebago County
WINGS Project*

● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY