

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:
BRAY, MARK

Agent:
None

File Number:
2016-VA-3590

Location of Premises:
1637 BUTTE DES MORTS BEACH RD
NEENAH, WI 54956

Tax Parcel No.:
008-1264

Legal Description:
Being a part of West Butte des Morts Beach Plat, Lot 12, located in Government Lot 2, Section 9, Township 20 North, Range 17 East, Town of Menasha, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting a variance to be allowed to construct a sunroom with reduced floodplain fill. The applicant is also requesting a variance to be allowed to construct a retaining wall with a substandard shore yard setback to retain fill for floodproofing requirements.

<u>DESCRIPTION:</u>	<u>CODE REFERENCE:</u>	<u>REQUIRED:</u>	<u>PROPOSED:</u>
1. Floodplain fill	1. Chapter 26, Section 26.5-23(b)(1)	1. 15'	1. 13'
2. Shore yard setback	2. Chapter 27, Section 27.5-2 (a)	2. 75'	2. 55'

INITIAL STAFF REPORT

Sanitation:

Existing System
Municipal System

Overlays:

Floodplain
Shoreland

Current or Proposed Zoning:

R-2 Suburban Low Density Residential

Code Reference:

1. Chapter 26, Section 26.5-23(b)(1)
2. Chapter 27, Section 27.5-2 (a)

Description of Proposed Use:

Applicant is requesting a variance to be allowed to construct a sunroom with reduced floodplain fill. The applicant is also requesting a variance to be allowed to construct a retaining wall with a substandard shore yard setback to retain fill for floodproofing requirements.

Surrounding Zoning:

North: R-2
South: R-2
East: Lake
West: Highway 41

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

SEE ATTACHED - DOCUMENT "C-1"

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

In order to comply with the 15' fill distance on the North side of the property, the structure would have to be modified and the North support wall would need to be offset from the existing house exterior wall by a distance of 6". The concern with this solution is that it creates a structure that it stands out architecturally and may affect the overall property value when the property is sold. The proposed design was created with an eye toward practical compliance as well as addressing preexisting drain issues in the properties between the two existing homes.

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

The property line on this property falls 6" short of the required flood plain fill boundary required in the zoning code. This issue has been addressed with both fill and a retaining wall around the fill.

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

The design proposed for this variance not only addresses a fill/property line issue, it also includes a plan for improved drainage of the roof and sump pump drains that are currently draining between the two existing homes and creating water issues in times of extreme weather. The new plan has been reviewed by the neighbors involved, and we will be implementing this solution with their input for a solution that works for the neighborhood, not just our property.

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.

Floodplain Fill Variance – Additional Information Required

An additional sheet must be filed for each side of the structure where the floodplain fill requirement will not be met.

Retaining wall North Side OR Sloped to property line _____

Sloped to property line – Benchmark must be established by a Registered Land Surveyor

Surveyor Martinson and Eisele Date (BM Established) March 2016

BM Elevation 744.75 BM Description Floor of sunroom

A. Regional Floodplain elevation 742.7

B. Required Elevation of fill (A + 1 ft) 743.7

Side (Circle one) S E W

C. Lowest ground elevation along property line, in affected area 742.0

D. Depth of Fill required (B – C) 1.7

E. Length of horizontal slope using 3:1 slope (D x 3) n/a

F. Width of Swale (if proposed) n/a

G. Side yard setback proposed for structure 14.5'

H. Total horizontal fill proposed (G – E – F) 13' to 14'

Retaining Wall

Side (Circle one) N S E W

Total fill proposed (from foundation to outer edge of retaining wall) 13ft

Will the retaining wall(s) meet the 75' required setback from the Ordinary High Water Mark?

YES _____ NO X

If no, variance requested for retaining wall? 54 ft

List any measures proposed to prevent run-off onto neighboring properties:

_____ Swale _____ Drain Tile _____ Downspouts to lake/ditch

X Other: Retaining wall kept 1.5 feet back from property line to allow existing drainage to be unaffected.

Cell #: 920-475-9868
 Office #: 888-380-5840
 Office #: 920-380-5840
 Fax #: 920-558-4810



Mailing Address and Showroom:
 1985 American Drive
 Neenah, WI 54956

"Seller Shall refer to Job #: 15158"

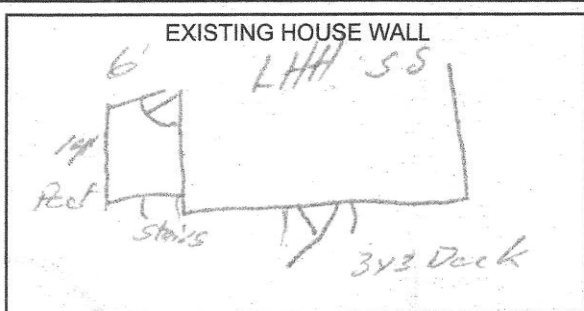
Sunrooms ◦ Decks ◦ Patio Furniture

Buyer(s) Name Mark & Dana Brody
 Mailing Address 920-969-0055
 City Neenah State WI Zip 54956
 Phone: _____
 Cell Phone 920 969 0055

Job Location 1637 Butte Des Morte Beach Rd
 Address _____
 City Town Menasha County Winnebago
 State _____ Zip _____
 Work Phone _____

A. PROJECTION OF ROOM L 16 R 16
 B. WIDTH OF ROOM 29'8"
 C. HEIGHT OF SIDEWALL 91"
 D. HEIGHT OF FRONT WALL 182
 E. PROJECTION OF ROOF 17
 F. WIDTH OF ROOF 31'8"
 G. WOOD DECK _____
 H. CONCRETE Piers 17
 I. THERMADECK 16 X 29'8"
 J. FOUNDATION 12' X 4'
 K. BUILDING PERMIT BUYER OTHER _____

- Gable
- Studio
- Traps
- Saddle
- Do It Yourself Kit
- Do It Yourself Installed
- Conversion



- 3 Season
- Screen Room
- Railings
- 4 Season
- Walls under existing roof

ROOM STYLE

SCREEN GLASS VINYL
 VINYL _____
 CLEAR SMOKE GRAY BRONZE
 MIXED _____
 GLASS/ALUMINUM COLOR White
Low INSULATED
 GLASS/PVC COLOR _____
 WINDOW TYPE Sliders

KICKPLATE

HEIGHT OTHER Grass
Tanwood

EXTRUSION COLOR

White Driftwood
 Bronze Other

INTERIOR PANEL COLOR

FRP ALUMINUM
 FIBERBOARD OTHER _____
 SCREEN TYPE BetterView

ROOF

INTERIOR COLOR Tan EXTERIOR COLOR Shingle
 SKY LIGHTS Quantity _____ CLEAR
 FAN BEAMS SKYVIEW
 SHINGLE COLOR 3

ROOM CONFIGURATION

1 WALL 2 WALL 3 WALL _____

Description of Work to be Performed

Install Alum Deck & Railings, Tan Floor Black Rail
Install trim In House Supplied By Owner Finished
Install Tan In Sky Lights Doesn't Inc Elec or Flooring
Doesn't Inc sliding Doors or Five Places Will Sell 1
of my Cost Fitting Hex Window By Beam
Doesn't cover Building Permit

ALL DISCOUNT & COUPONS INCLUDED IN TOTAL PRICES

Buyer agrees to pay the sum of \$ 61,000 Total Price Deposit: _____
 Buyer agrees to pay the aforementioned cash price as follows:
 50% due On Date of Contract \$ 30,500 Approximate Start Date 9-26-13
 40% due On Delivery of Materials \$ 24,400 Approximate Completion Date 10-7-13
 Balance due On Completion \$ 6,100 TODAY'S DATE: 8-25-13

NOTICE TO BUYER: (a) DO NOT SIGN THIS BEFORE YOU READ THE WRITING ON THE REVERSE SIDE EVEN IF OTHERWISE ADVISED.
 (b) DO NOT SIGN THIS IF IT CONTAINS ANY BLANK SPACES
 (c) YOU ARE ENTITLED TO AN EXACT COPY OF ANY AGREEMENT YOU SIGN
 (d) YOU HAVE THE RIGHT AT ANY TIME TO PAY IN ADVANCE THE UNPAID BALANCE DUE UNDER THIS AGREEMENT, AND YOU MAY BE ENTITLED TO A PARTIAL REFUND OF THE FINANCE CHARGE.

You, the Buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the notice of cancellation form below for an explanation of

SITE PLAN

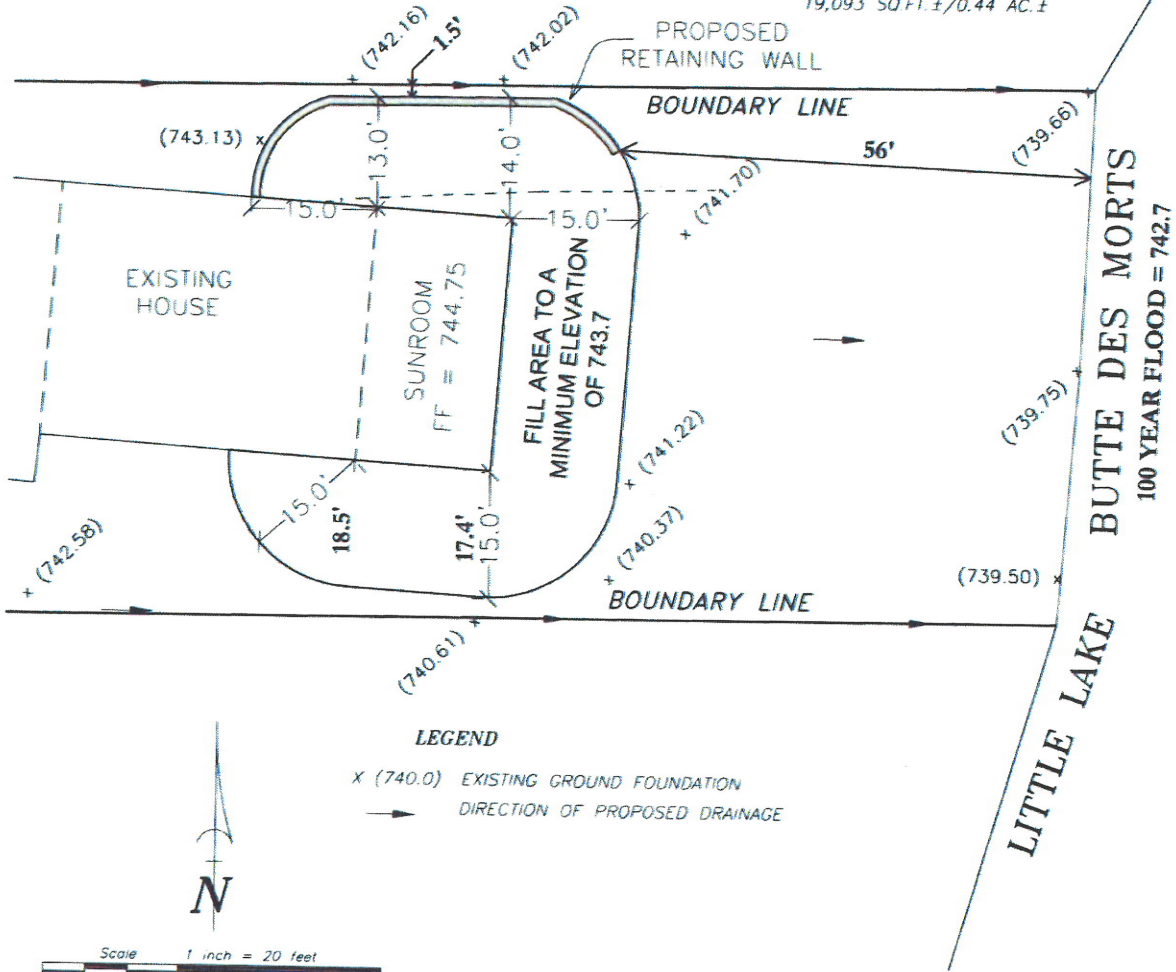
PART OF LOT 12, WEST BUTTE DES MORTS BEACH PLAT, BEING PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 9, TOWNSHIP 20 NORTH, RANGE 17 EAST, TOWN OF MENASHA, WINNEBAGO COUNTY, WISCONSIN

PREPARED FOR:
 MARK BRAY
 1937 BUTTE DES MORTS BEACH ROAD
 NEENAH, WI 54956

SITE ADDRESS:
 1637 BUTTE DES MORTS BEACH ROAD

TAX PARCEL NUMBER:
 0081264

AREA:
 19,093 SQ FT ±/0.44 AC. ±



LEGEND

- x (740.0) EXISTING GROUND FOUNDATION
- DIRECTION OF PROPOSED DRAINAGE



Martenson & Eisele, Inc.



109 West Main Street
 Omro, WI 54963
 www.martenson-eisele.com
 P 920.685.6240 F 920.685.6340

Planning
 Environmental
 Surveying
 Engineering
 Architecture

PROJECT NO. 0-2028-001
 FILE 2028001SP.DWG

THIS INSTRUMENT WAS DRAFTED BY DSL

Rasmussen, Eric

From: Mark Bray <mark@mabtechnologies.net>
Sent: Tuesday, April 05, 2016 6:37 PM
To: Rasmussen, Eric
Subject: Bray Variance request Sun comfort contract
Attachments: sun comfort04052016.pdf

Eric,

I was able to locate the original contract for the complete project from Suncomfort. The total amount on the overall contract was \$61,000. I spoke with Bernie Bos, and asked him if he could break out labor and materials as separate line items and he gave me the following information:

Labor: \$ 10,500
Materials: \$ 50,500

Total project: \$61,000

Bernie also indicated that if you needed a more formal break out or a letter from Sun Comfort, that he would be happy to provide this as well.

Please let me know if this will be sufficient, or if you feel we need a letter from Bernie.

Thank you,

Mark Bray

--
Mark Bray
MaB Technologies
625 Towmen Rd
Neenah, WI 54956
Office - 920-215-3001
Cell - 920-969-0055



ddk Engineering

6311 Black Wolf Point
Oshkosh, WI 54902
920-688-5546
ddkengr@charter.net

November 2, 2015

Bernie Bos
Sun Comfort Multi Season Rooms
1985 American Drive
Neenah, WI 54956

Subject:
1637 W Butte des Morts Beach Rd., Neenah, WI

Dear Bernie,

As requested, I inspected the addition to the home at 1637 W Butte des Morts Beach Rd., Neenah, WI, to determine the status of the construction relative to floodproof construction.

Construction of the addition consists of a metal and glass sunroom enclosure on a wood framed platform, supported by wood posts, attached to concrete pier foundations.

The following issues are relevant in considering the foundation to be floodproof.

- 1) There is no grade wall or solid skirting below the enclosure that would prevent water from entering the "crawl space" area. Because the foundation does not exclude water movement, and allows water to flow freely around the foundations, flood pressures are eliminated. Also, depths, velocities, uplift, and impact from at the flood level are not considered relevant to the viability of the foundation, based on the construction type of the foundation. (piers).
- 2) The foundation protects the structure to the flood protection elevation.
- 3) The structure is anchored securely to the foundation.
- 4) The foundation minimizes infiltration into the crawl space. (No crawl space)
- 5) The foundation does not allow discharges into the flood waters. (No crawl space)

Base Flood elevation is 742.7. The elevation of the addition has been determined to be 744.4, which is 1.7 ft above the base flood level, and 0.3 ft below the desired flood protection elevation. This elevation also matches the existing home, which is currently non-compliant. Because the existing house is non-compliant, it is pointless to place the addition higher than the existing house, just for compliance sake. However, I would recommend filing for a variance to acknowledge that the house and addition are in non-compliance with the flood protection elevation.

Based on the items above, I consider the foundation to be of flood proof construction,

In addition...

- 1) No floor of the addition is below the 100 year flood elevation
- 2) No walkouts or basement areas below the habitable floor are below the flood protection elevation
- 3) The first habitable floor is NOT above the flood protection elevation. However, it matches the floor level of the existing house, which was established before the current

regulations were in effect. It is my understanding that a variance can acknowledge this difference.

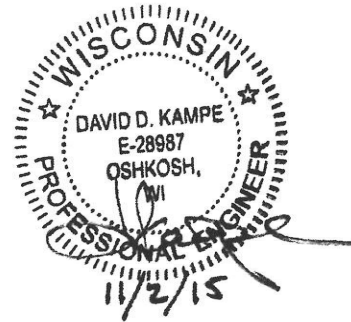
Please call me if you have any questions, or require further clarifications on any of the items above.

Sincerely,

ddk Engineering



David D. Kampe P.E.
Principal/Structural Engineer



ELEVATION CERTIFICATE

Important: Read the instructions on pages 1-9.

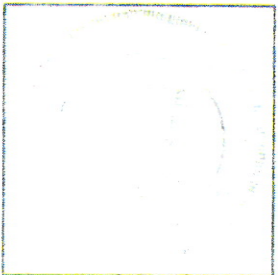
OMB No 1660-0008
 Expiration Date July 31 2015

SECTION A - PROPERTY INFORMATION		FOR INSURANCE COMPANY USE
A1 Building Owner's Name Mark Bray		Policy Number
A2 Building Street Address (including Apt. Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No 1637 Butte Des Morts Beach Road City Neenah State WI ZIP Code 54956		Company NAIC Number
A3 Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Lot 12 West Butte Des Morts Beach Plat tax parcel 0081264		
A4 Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Residential</u>		
A5 Latitude/Longitude Lat <u>44.22130</u> Long <u>-88.46737</u> Horizontal Datum <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983		
A6 Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance		
A7 Building Diagram Number <u>5</u>		
A8 For a building with a crawlspace or enclosure(s) a) Square footage of crawlspace or enclosure(s) <u>n/a</u> sq ft b) Number of permanent flood openings in the crawlspace or enclosure(s) within 10 foot above adjacent grade <u>n/a</u> c) Total net area of flood openings in A8.b <u>n/a</u> sq in d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A9 For a building with an attached garage a) Square footage of attached garage <u>n/a</u> sq ft b) Number of permanent flood openings in the attached garage within 10 foot above adjacent grade <u>n/a</u> c) Total net area of flood openings in A9.b <u>n/a</u> sq in d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1 NFIP Community Name & Community Number Winnebago County	B2 County Name Winnebago	B3 State WI			
B4 Map/Panel Number 55139C01105	B5 Suffix E	B6 FIRM Index Date March 17, 2003	B7 FIRM Panel Effective/Revised Date March 17, 2003	B8 Flood Zone(s) AE	B9 Base Flood Elevation(s) (Zone AO use base flood depth) 742.7
B10 Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in item B9 <input type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input checked="" type="checkbox"/> Other/Source <u>FIS table 4</u>					
B11 Indicate elevation datum used for BFE in item B9 <input checked="" type="checkbox"/> NGVD 1929 <input type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source _____					
B12 Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? Designation Date _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)	
C1 Building elevations are based on <input type="checkbox"/> Construction Drawings* <input type="checkbox"/> Building Under Construction* <input checked="" type="checkbox"/> Finished Construction *A new Elevation Certificate will be required when construction of the building is complete	
C2 Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1, V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete items C2 a-h below according to the building diagram specified in item A7. In Puerto Rico only, enter meters. Benchmark Utilized: <u>GPS calibrated to NGVD29</u> Vertical Datum: <u>NGVD 1929</u> Indicate elevation datum used for the elevations in items a) through h) below: <input checked="" type="checkbox"/> NGVD 1929 <input type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source _____ Datum used for building elevations must be the same as that used for the BFE.	
Check the measurement used	
a) Top of bottom floor (including basement, crawlspace, or enclosure floor) <u>744.4</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
b) Top of the next higher floor <u>n/a</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only) <u>743.1</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
d) Attached garage (top of slab) <u>n/a</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) <u>n/a</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG) <u>742.2</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG) <u>742.5</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support <u>n/a</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION	
This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.	
<input checked="" type="checkbox"/> Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Check here if attachments.	
Certifier's Name James E Smith	License Number 1803
Title Land Surveyor	Company Name Martenson and Eisele, Inc
Address 109 W Main Street	City Omro State WI ZIP Code 54963
Signature <i>James E Smith</i>	Date October 29, 2015 Telephone 920-685-6240



Building Photographs

See Instructions for Item A6

IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt. Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.

City

State

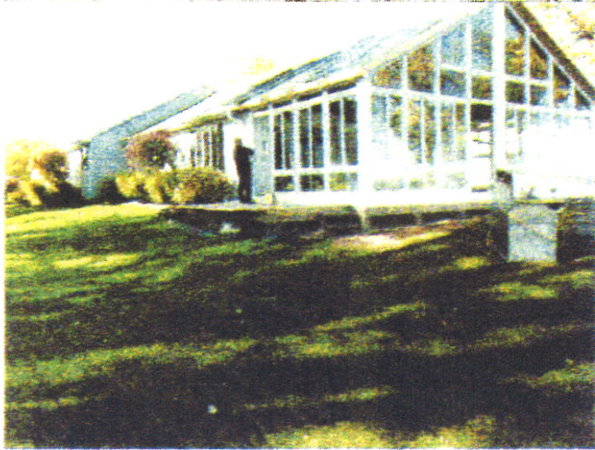
ZIP Code

FOR INSURANCE COMPANY USE

Policy Number

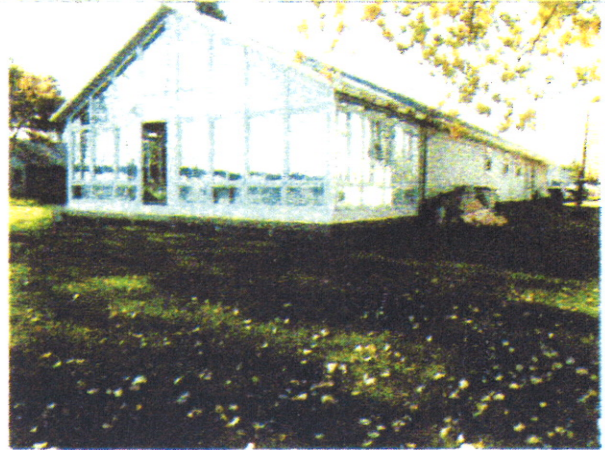
Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken, "Front View" and "Rear View" and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A6. If submitting more photographs than will fit on this page, use the Continuation Page.



Lake side looking northwest

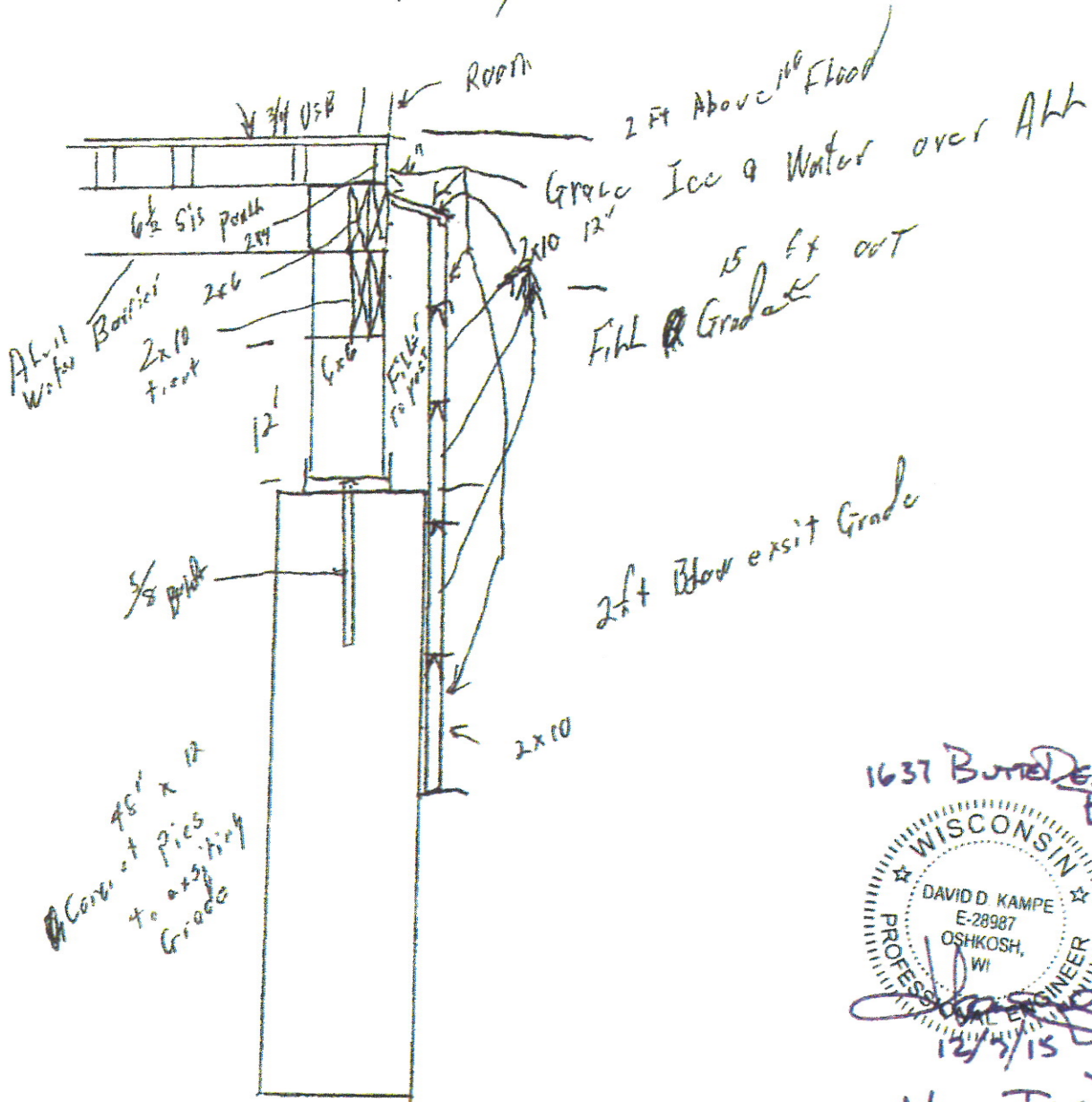
Oct 27 2015



Lake side looking southwest

Oct 27 2015

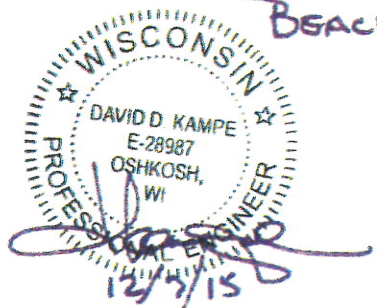
Bray



78' x 12'
 Connect pieces
 to existing
 grade

From Bernie

1637 Butler DesMorts
 Beach



NOTE: THIS DETAIL
 IS FUNCTIONALLY
 IDENTICAL TO
 DETAIL PROVIDED
 AND ACCEPTABLE
 FOR CONSTRUCTION

ELEVATION CERTIFICATE

OMB No 1660-0008
 Expiration Date: July 31, 2015

Important: Read the instructions on pages 1-9.

SECTION A - PROPERTY INFORMATION

A1 Building Owner's Name: Mark Bray		FOR INSURANCE COMPANY USE
A2 Building Street Address (including Apt. Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1637 Butte Des Morts Beach Road		Policy Number:
City: Neenah	State: WI	Company NAIC Number:
A3 Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Lot 12 West Butte Des Morts Beach Plat tax parcel 0081264		
A4 Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): Residential		
A5 Latitude/Longitude: Lat 44.22130 Long -88.46737 Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983		
A6 Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance		
A7 Building Diagram Number: 5		
A8 For a building with a crawlspace or enclosure(s):		A9 For a building with an attached garage:
a) Square footage of crawlspace or enclosure(s): n/a sq ft	b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: n/a	a) Square footage of attached garage: n/a sq ft
c) Total net area of flood openings in A8.b: n/a sq in	d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No	b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: n/a
		c) Total net area of flood openings in A9.b: n/a sq in
		d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1 NFIP Community Name & Community Number Winnebago County		B2 County Name Winnebago	B3 State WI
B4 Map/Panel Number 55139C01105	B5 Suffix E	B6 FIRM Index Date March 17, 2003	B7 FIRM Panel Effective/Revised Date March 17, 2003
		B8 Flood Zone(s) AE	B9 Base Flood Elevation(s) (Zone AD, use base flood depth) 742.7
B10 Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in item B9: <input type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input checked="" type="checkbox"/> Other/Source FIS table 4			
B11 Indicate elevation datum used for BFE in item B9: <input checked="" type="checkbox"/> NGVD 1929 <input type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source			
B12 Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1 Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete

C2 Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete items C2 a-h below according to the building diagram specified in item A7. In Puerto Rico only, enter meters.
 Benchmark Utilized: GPS calibrated to NGVD29 Vertical Datum: NGVD 1929
 Indicate elevation datum used for the elevations in items a) through h) below: NGVD 1929 NAVD 1988 Other/Source
 Datum used for building elevations must be the same as that used for the BFE

		Check the measurement used:
a) Top of bottom floor (including basement, crawlspace, or enclosure floor): <u>744.4</u>		<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
b) Top of the next higher floor: <u>n/a</u>		<input type="checkbox"/> feet <input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only): <u>743.1</u>		<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
d) Attached garage (top of slab): <u>n/a</u>		<input type="checkbox"/> feet <input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments): <u>n/a</u>		<input type="checkbox"/> feet <input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG): <u>742.2</u>		<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG): <u>742.5</u>		<input type="checkbox"/> feet <input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support: <u>n/a</u>		<input type="checkbox"/> feet <input type="checkbox"/> meters

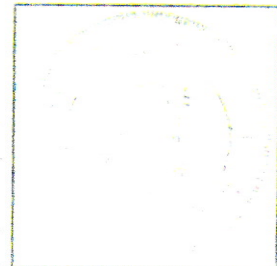
SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No

Check here if attachments.

Certifier's Name: James E. Smith License Number: 1803
 Title: Land Surveyor Company Name: Martenson and Eisele, Inc.
 Address: 109 W Main Street City: Omro State: WI ZIP Code: 54963
 Signature: [Signature] Date: October 29, 2015 Telephone: 920-655-6240

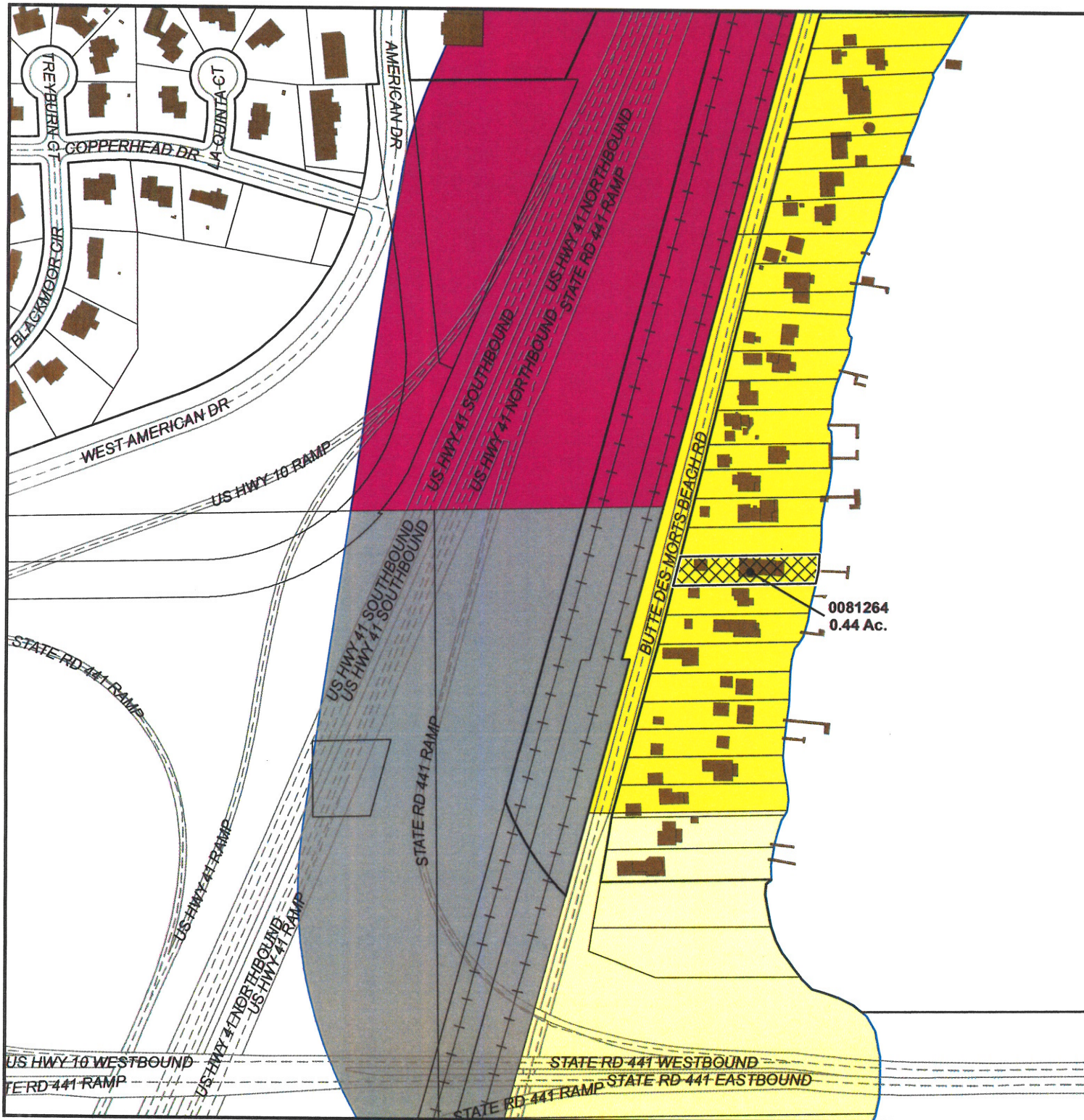












Application #16-VA-3590

Date of Hearing:

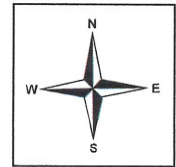
May 31, 2016

Owner(s):

Bray, Mark

Subject Parcel(s):

0081264



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

City of Oshkosh Extraterritorial
Zoning Jurisdiction

Incorporated Area

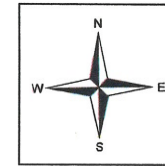
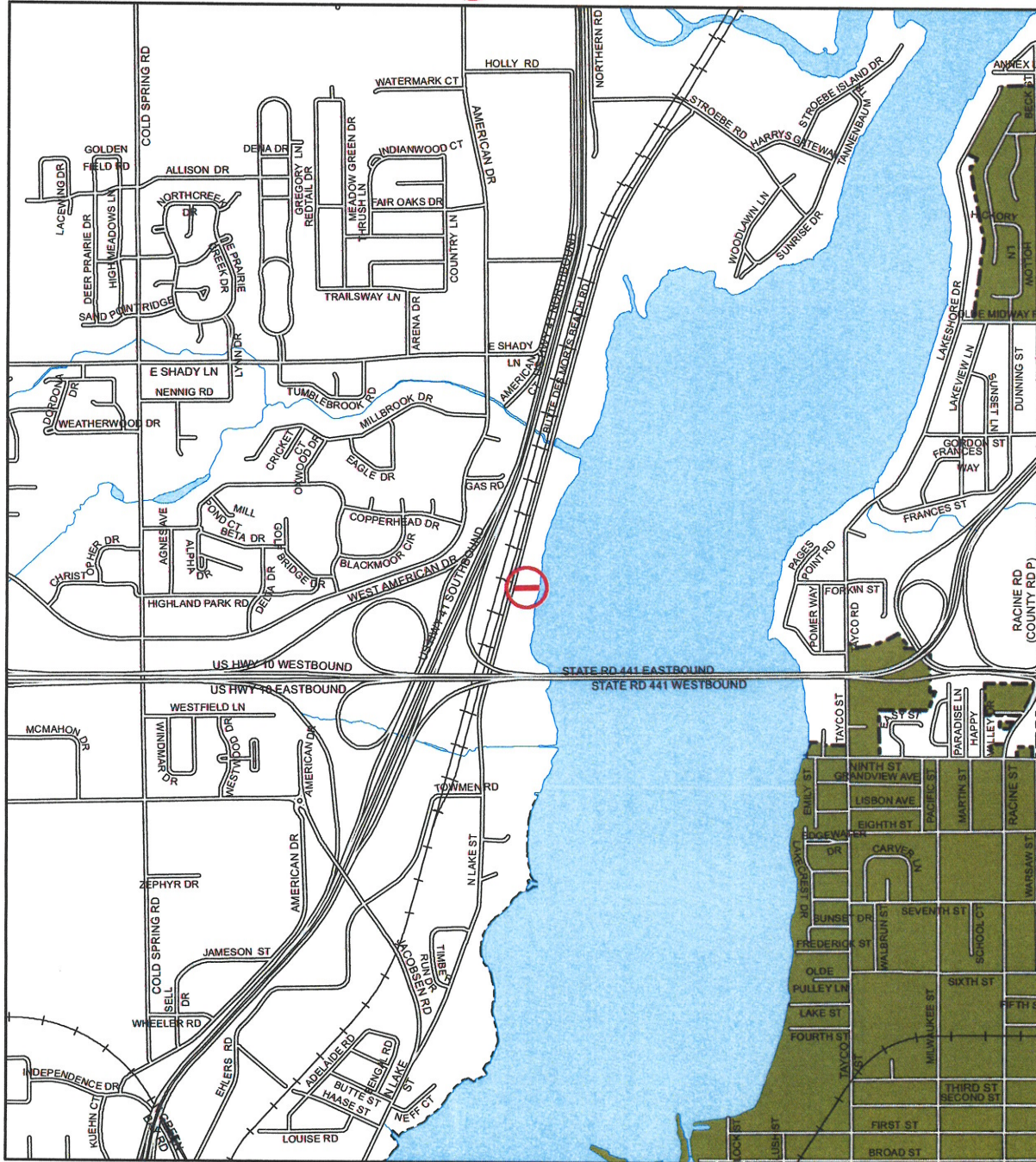
○ = SITE

Application #16-VA-3590

Date of Hearing:
May 31, 2016

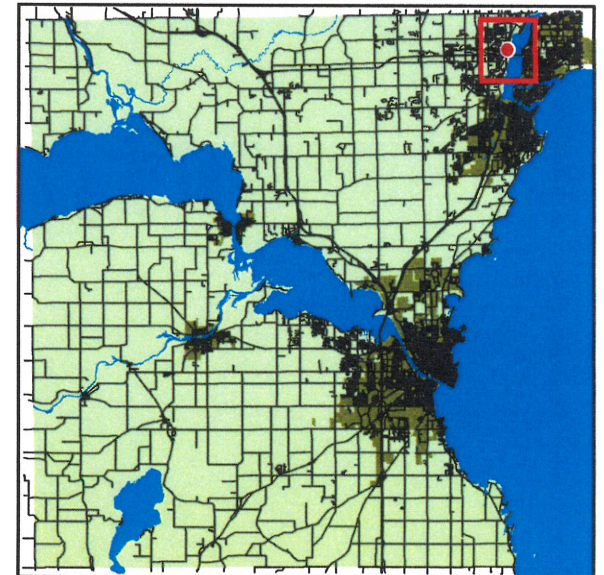
Owner(s):
Bray, Mark

Subject Parcel(s):
0081264



Winnebago County
WINGS Project

● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY

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

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"X18' EQUALING 400.5 SQUARE FEET. THE HOUSE IS LOCATED ABOUT 5' FROM THE FIRE LANE. THERE IS ALSO A 20'X16' 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'.

C-2

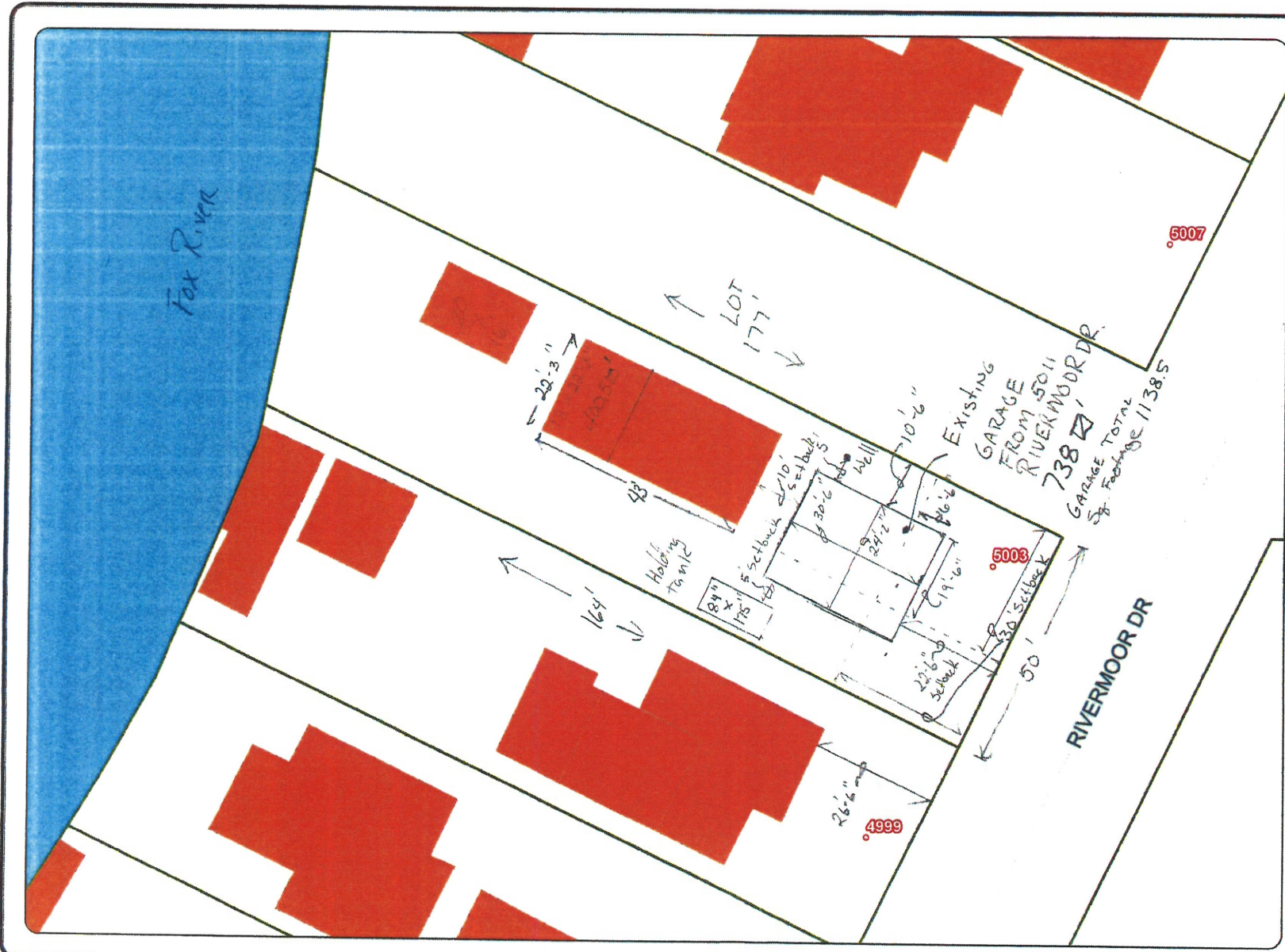
5003 RIVERMOOR DR HAS RIVERMOOR DR ON THE EAST SIDE AND A FIRE LANE ON THE NORTH SIDE. BOTH OF THESE HAVE A 30' SETBACK WHICH MEANS THERE IS NO PLACE TO PUT A GARAGE UP DUE TO A FIRE LANE THAT IS NO LONGER IN USE BY THE FIRE DEPARTMENT.

C-3

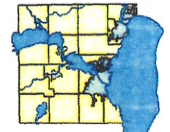
THE GARAGE THAT I'M PROPOSING WILL MEET THE HOLDING TANK SET BACK, HOUSE SET BACK, AND WELL SET BACK. IT INTERFERES WITH THE ROAD SET BACKS AND FIRE LANE SET BACKS. THE FACE OF THE MOVED GARAGE WOULD BE EVEN WITH OR A FOOT CLOSER TO THE ROAD THAN THE NEXT DOOR NEIGHBORS ATTACHED GARAGE. TO MAKE IT EVEN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

C-4

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.



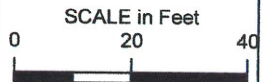
**5003
Rivermoor**



Winnebago County,
Wisconsin

Legend

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



1 inch = 20 feet





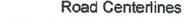


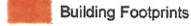
W.I.N.G.S. Project Disclaimer
 This data was created for use by the Winnebago County Geographic Information System project. Any other use/application of this information is the responsibility of the user and such use/application is at their own risk. Winnebago County disclaims all liability regarding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

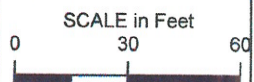
5003 Rivermoor



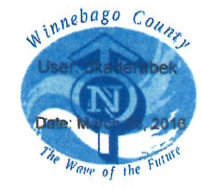
Winnebago County,
Wisconsin

Legend

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

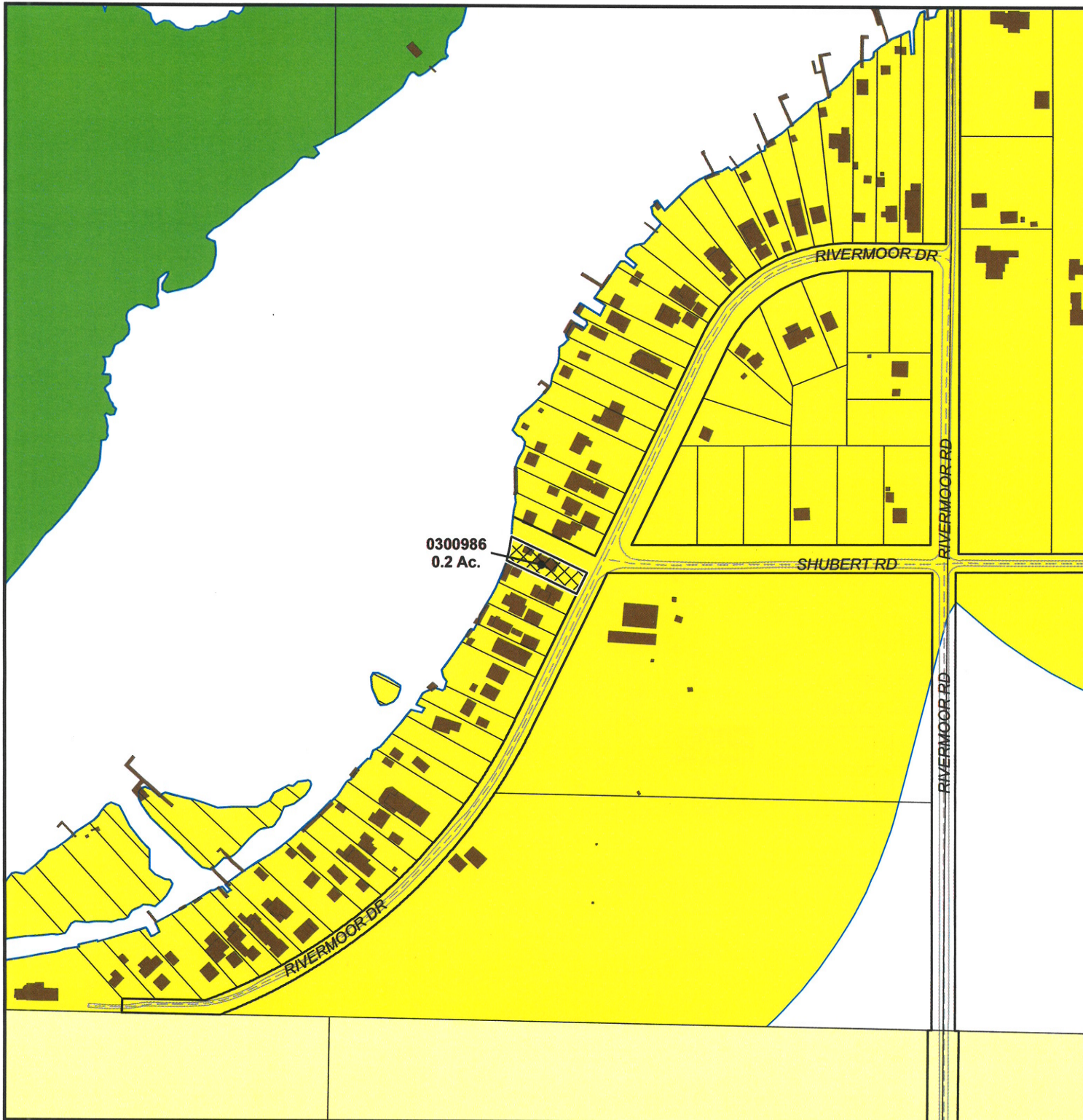


1 inch = 30 feet



W.J.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*





Application #16-VA-3580

Date of Hearing:

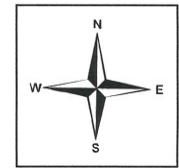
May 31, 2016

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:

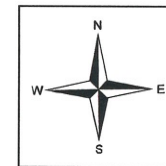
May 31, 2016

Owner(s):

Zagrodnik, Shawn & Kristin

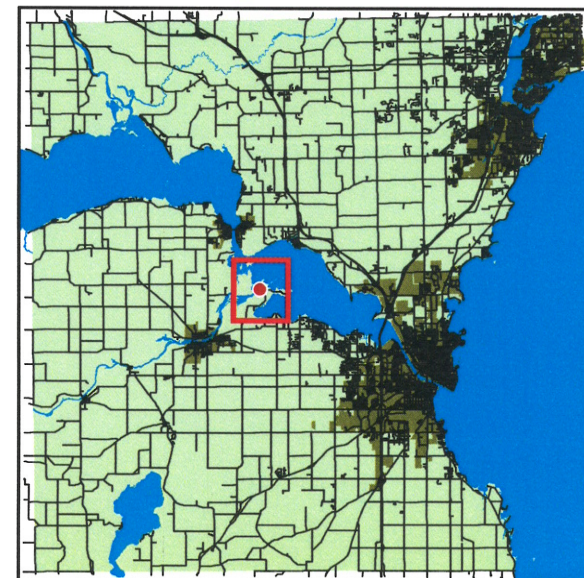
Subject Parcel(s):

0300986



*Winnebago County
WINGS Project*

● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY