

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 7/25/2017

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 7/25/2017 at 5:30 p.m. in the 3rd floor conference room 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: DEGROOT, DIANNE

Agent: None

File Number: 2017-VA-4200

Location of Premises: 7883 HAASE RD; LARSEN, WI 54947

Tax Parcel No.: 032-056609

Legal Description: Being a part of Government Lot 2, Section 26, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin.

Description of Proposed Project: Applicant is requesting a variance 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.

<u>DESCRIPTION:</u>	<u>CODE REFERENCE:</u>	<u>REQUIRED:</u>	<u>PROPOSED:</u>
A 75-ft shoreyard setback is required for all structures from any navigable water.	Chapter 27, Section 6.1 of the Winnebago County Shoreland Zoning Code.	75-ft	12.8-ft
A 30-ft street yard setback is required for all structures. Flood proofing standards require 15-ft of fill around the perimeter of a residential structure.	Chapter 26, Section 26.5-23 (b) of the Winnebago County Floodplain Zoning Code.	15-ft	10-ft and 6-ft
	Chapter 23, Section 23.8-65 (a) (R-1) of the Winnebago County Town/County Zoning Code.	30-ft	12-ft

INITIAL STAFF REPORT

Sanitation: System Required; Private System

Overlays: Floodplain, Shoreland

Current or Proposed Zoning: R-1 Rural Residential

Code Reference: Chapter 27, Section 6.1 of the Winnebago County Shoreland Zoning Code.
Chapter 26, Section 26.5-23 (b) of the Winnebago County Floodplain Zoning Code.
Chapter 23, Section 23.8-65 (a) (R-1) of the Winnebago County Town/County Zoning Code.

Description of Proposed Use: Applicant is requesting a variance 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.

Surrounding Zoning:

North: Channel

South: Lake

East: R-1

West: R-1

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

1. 20 X 24 boathouse with a 15 ft shoreline setback.
2. 24 x 36 single family dwelling with a 12.8 ft shore yard setback SW
3. 10 ft set back SE for floodplain fill requirements.
4. A variance is requested for a reduced amount of floodplain fill to 6 ft on the south side (as it can't fill in the wetlands) and 10 ft of the east side because the lot isn't wide enough.
5. A variance is requested for a 12 ft edge of road setback for the boathouse.

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

The lot is not large enough to accommodate setbacks from the channel, wetlands and road and still meet required square footage.

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

The size of the property vs. current zoning regulations are restricting what can do with the property.

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

Building a home and boathouse will improve the surrounding property values.

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.

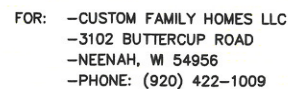
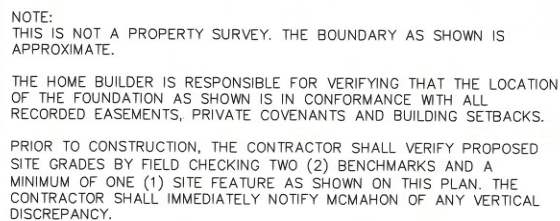
(c) **Limitations.** A variance shall not (1) grant, extend, or increase any use prohibited in the zoning district; (2) be granted for a hardship based solely on an economic gain or loss; (3) be granted for a hardship which is self-created; (4) damage the rights or property values of other persons in 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.

TAX PARCEL No. 03-2-0566-09



DESIGNED BY		DRAWN	
CHKD	CMK	CHK	CMK
PROJECT NO.		DATE	
C1014 91600880.00		APR. 2017	
SHEET NO.		1	

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\\skalkofm, W:\PROJECTS\C1014\91600880\00\7883 HAASE STREET-DEGROOT-FLOODPLAIN FILL VARIANCE.dwg, model, Plot Date: 4/12/2017 2:08 PM, xref(s): (hydrology_co-winnabago_2014_06, winnebago county parcels-county wide)

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 X OR Sloped to property line X

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

Surveyor McMahon

Date (BM Established) 3-31-2017

BM Elevation 751.40

BM Description nail in Power Pole on South Lot line

A. Regional Floodplain elevation 750.4

B. Required Elevation of fill (A + 1 ft) 751.4

Side (Circle one) N (S) (E) W

C. Lowest ground elevation along property line, in affected area 750.7

D. Depth of Fill required (B - C) 0.70

E. Length of horizontal slope using 3:1 slope (D x 3) 2.1

F. Width of Swale (if proposed) N/A = 0

G. Side yard setback proposed for structure 10.5 feet

H. Total horizontal fill proposed (G - E - F) 8.4

Retaining Wall

Side (Circle one) N (S) E (W)

Total fill proposed (from foundation to outer edge of retaining wall) 2.4 ft

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

YES X NO _____

If no, variance requested for retaining wall? _____ ft

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

_____ Swale _____ Drain Tile X Downspouts to lake/ditch

_____ Other:

Application #17-VA-4200

Date of Hearing:

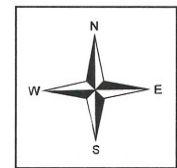
July 25, 2017

Owner(s):

DeGroot, Dianne

Subject Parcel(s):

032056609



Winnebago County
WINGS Project

Scale

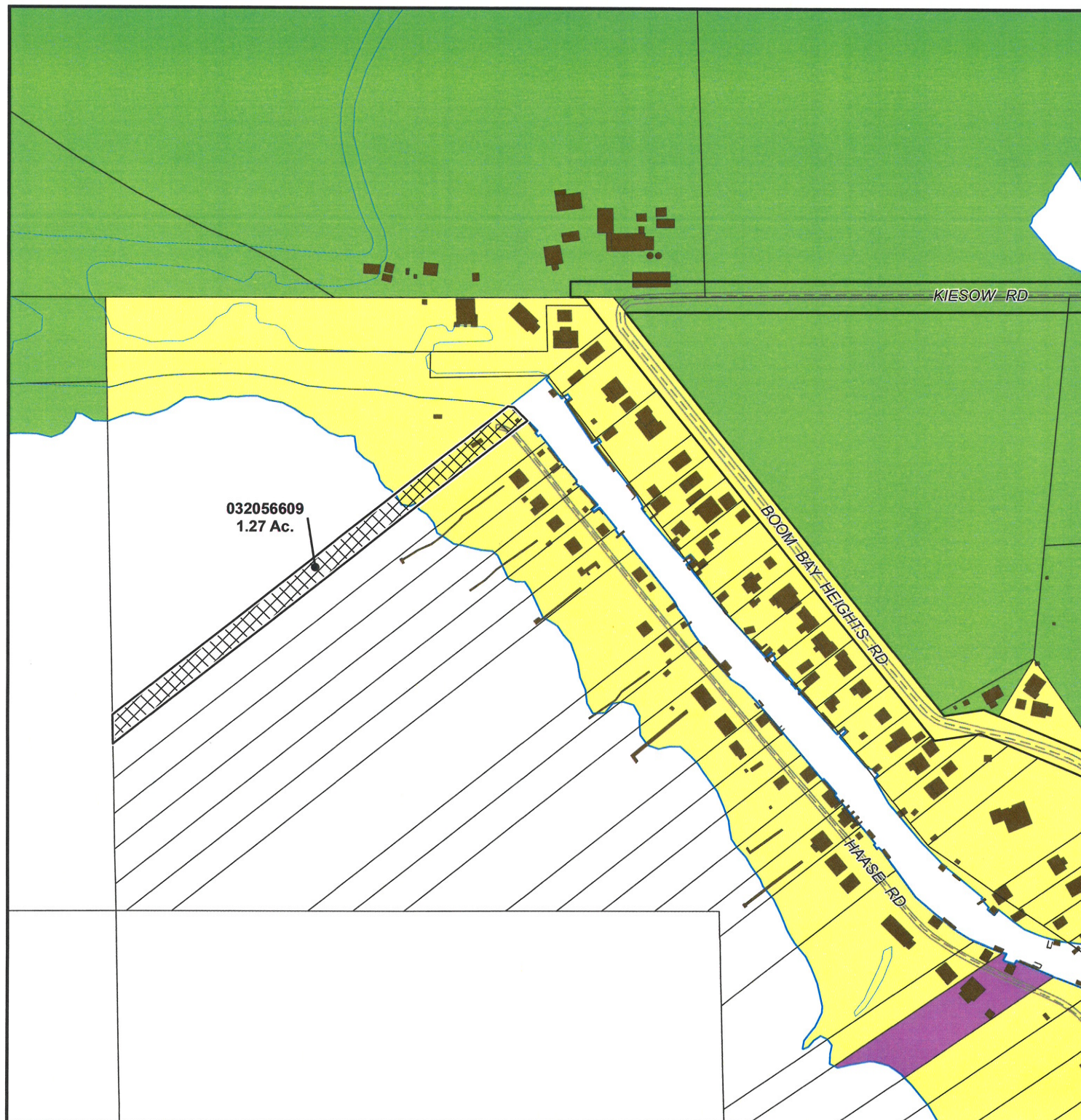
1 inch : 300 feet

County Zoning Districts

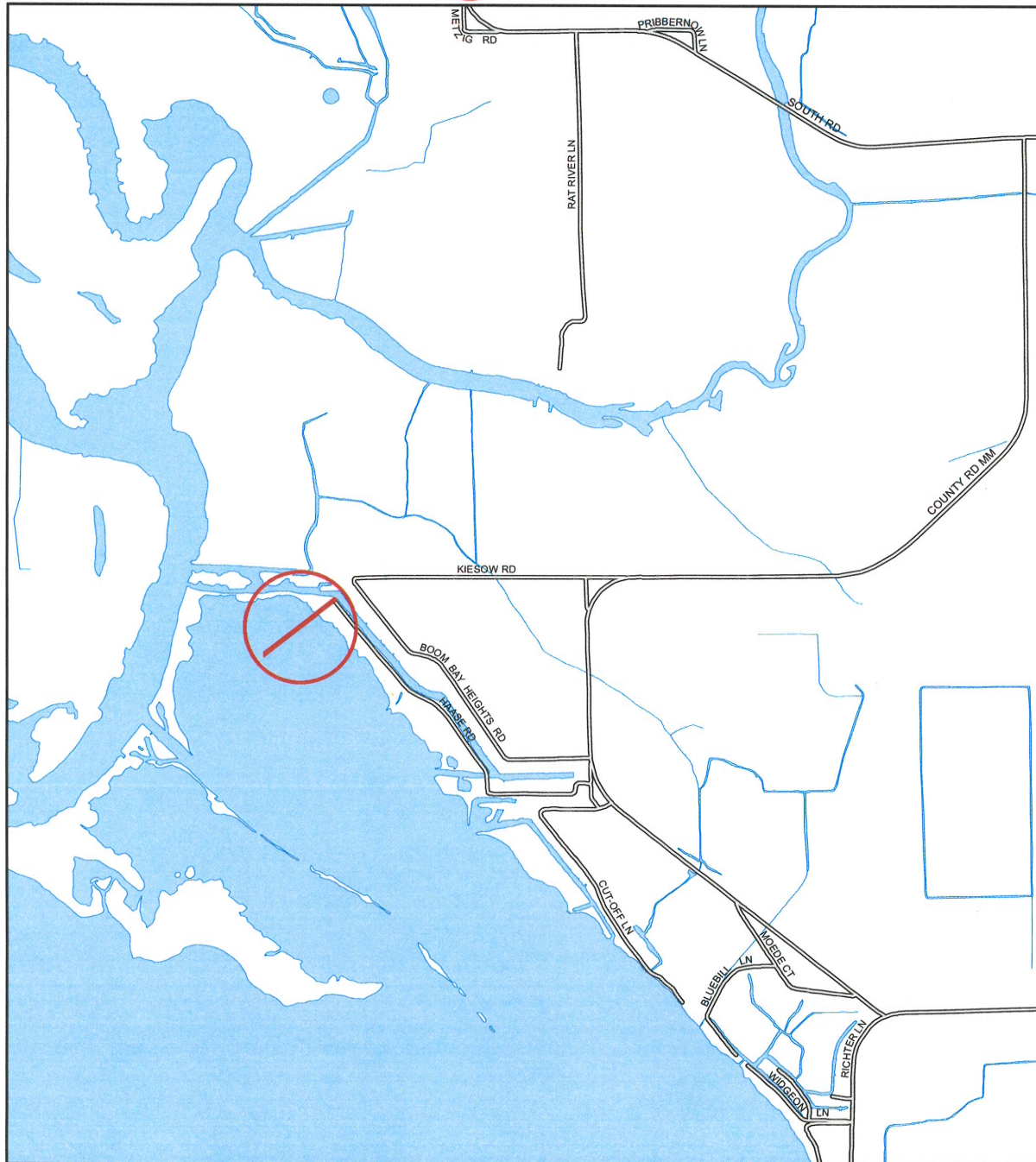
R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial
Zoning Jurisdiction

Incorporated Area



○ = SITE



1 inch : 2,000 feet

Application #17-VA-4200

Date of Hearing:

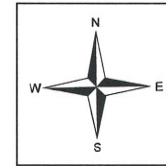
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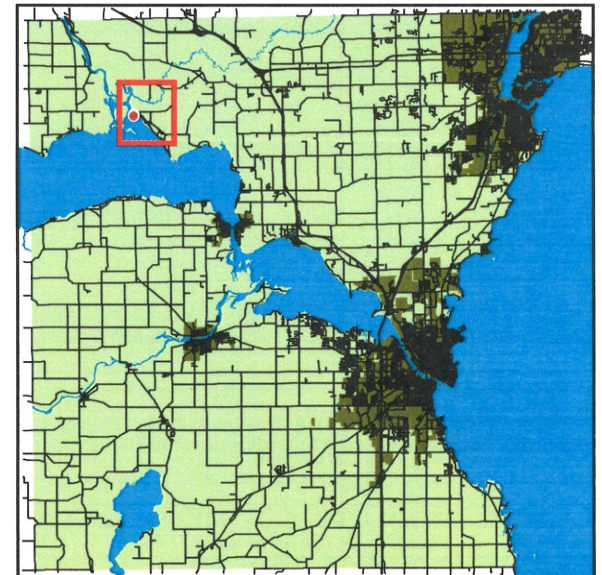
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*Winnebago County
WINGS Project*

● = SITE



WINNEBAGO COUNTY