

# Winnebago County Planning and Zoning Department

## NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 2/28/2017

### 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 2/28/2017 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:**  
OTTO, GREGORY  
OTTO, PETRA

**Agent:**  
KALKOFEN, COREY - MCMAHON ASSOCIATES INC

**File Number:**  
2017-VA-3970

**Location of Premises:**  
607 PLUMMERS HARBOR RD  
NEENAH, WI 54956

**Tax Parcel No.:**  
010-0499

**Legal Description:**  
Being a part of the Plat of Plummer's Harbor, Lot 27 and part of Lot 31, located in Government Lot 2, Section 3, Township 19 North, Range 17 East, Town of Neenah, Winnebago County, Wisconsin.

**Description of Proposed Project:**  
Applicant is requesting a reduced street yard setback of 15ft for the construction of a single family dwelling.

<u>DESCRIPTION:</u>	<u>CODE REFERENCE:</u>	<u>REQUIRED:</u>	<u>PROPOSED:</u>
A 30ft street yard setback from a road right-of-way is required for single family dwellings.	Section 23.8-65 "Yard setbacks" of Article 8, Chapter 23, Town/County Zoning Code.	24.85ft (setback averaging applicable)	15ft

## INITIAL STAFF REPORT

**Sanitation:**

Existing System  
Municipal System

**Overlays:**

Floodplain  
Shoreland

**Current or Proposed Zoning:**

R-2 Suburban Low Density Residential

**Code Reference:**

Section 23.8-65 "Yard setbacks" of Article 8, Chapter 23, Town/County Zoning Code.

**Description of Proposed Use:**

Applicant is requesting a reduced street yard setback of 15ft for the construction of a single family dwelling.

**Surrounding Zoning:**

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

### THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

**Describe your project, include the proposed dimensions and setbacks:**

The project consists of the construction of a single-family residence. The proposed house meets all other setbacks except for the street yard setback of 30 feet. The proposed house is 15 feet from the private road right-of-way and 27.9 feet from the edge of pavement. (See house layout map)

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

The proposed house (103.5 feet deep by 30 feet wide) is considerably smaller than other homes in the neighborhood, compliance with the streetyards setbacks would reduce the depth of the proposed house by 15 feet or 14.5%.

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

The property is limited by the mapped and amended floodplain limits and a 10 foot drainage easement. If the proposed house was constructed within the Floodplain limits, we would have to follow the Counties floodplain requirements, fill would need to be placed around the foundation 15 feet in all directions at an elevation of 1 foot above the 100 year flood elevation. The proposed house is 11 feet from the West line and 8.9 feet from the East line. The existing ground grade adjacent to the property would need to be filled to match the filled area resulting in tree and vegetation removal which would have an adverse impact to the neighbor.

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

The subject property is the last parcel on Plummers Harbor Road which is a private road. Maintenance & snow removal is provided by a homeowner association and will not be effected by the proposed house location. The existing house on the parcel to the East is 18 feet more or less from the private road right-of-way per GIS info. Keeping that in mind and that the area along the streetyards is wooded, the proposed location will not impact the aesthetics of the neighborhood.

**SECTION REFERENCE AND BASIS OF DECISION**

**Town/County Zoning Code**

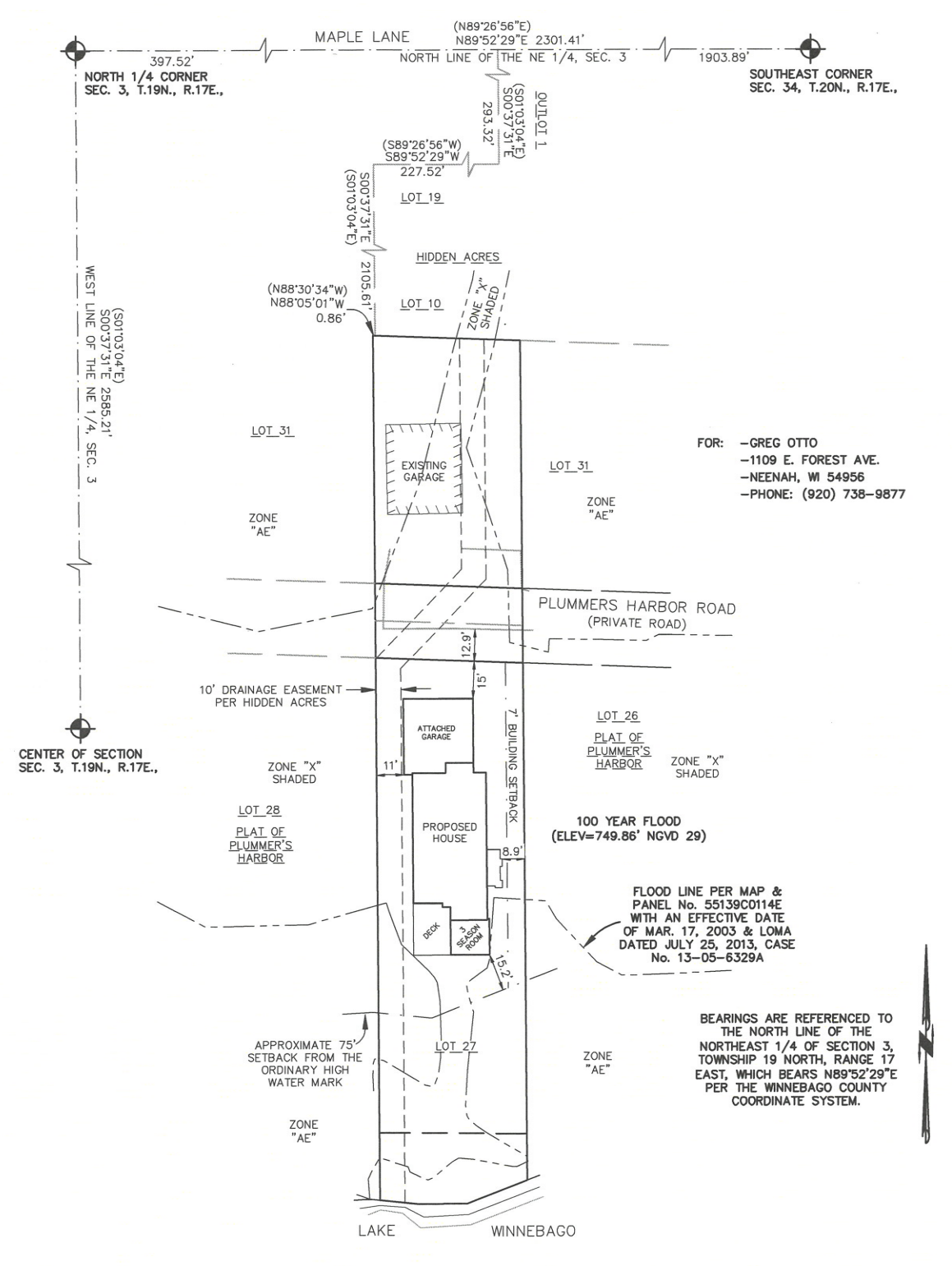
**23.7-234 Basis of decision**

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.

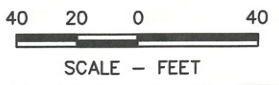
c:\kalkofen, w. \PROJECTS\00916\91300357\00 HOUSE LAYOUT.dwg, model, Plot Date: 12/7/2016 1:09 PM, xrefs: (wings data, gm\_par, gm\_sst, gm\_fid)



FOR: -GREG OTTO  
 -1109 E. FOREST AVE.  
 -NEENAH, WI 54956  
 -PHONE: (920) 738-9877

FLOOD LINE PER MAP &  
 PANEL No. 55139C0114E  
 WITH AN EFFECTIVE DATE  
 OF MAR. 17, 2003 & LOMA  
 DATED JULY 25, 2013, CASE  
 No. 13-05-6329A

BEARINGS ARE REFERENCED TO  
 THE NORTH LINE OF THE  
 NORTHEAST 1/4 OF SECTION 3,  
 TOWNSHIP 19 NORTH, RANGE 17  
 EAST, WHICH BEARS N89°52'29"E  
 PER THE WINNEBAGO COUNTY  
 COORDINATE SYSTEM.



DESIGNED	DRAMA
DMS	CMK
PROJECT NO.	00916 930357.00
DATE	MAY, 2013
SHEET NO.	1

**HOUSE LAYOUT**  
**607 PLUMMERS HARBOR ROAD**  
**TOWN OF NEENAH, WINNEBAGO COUNTY, WI**

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 Tel: (920) 751-4200 Fax: (920) 751-4284  
 www.mcgrp.com

**Application #17-VA-3970**

Date of Hearing:

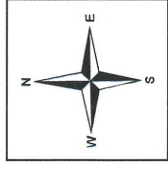
February 28, 2017

Owner(s):

Otto, Gregory & Petra

Subject Parcel(s):

0100499



Winnemago County  
WINGS Project

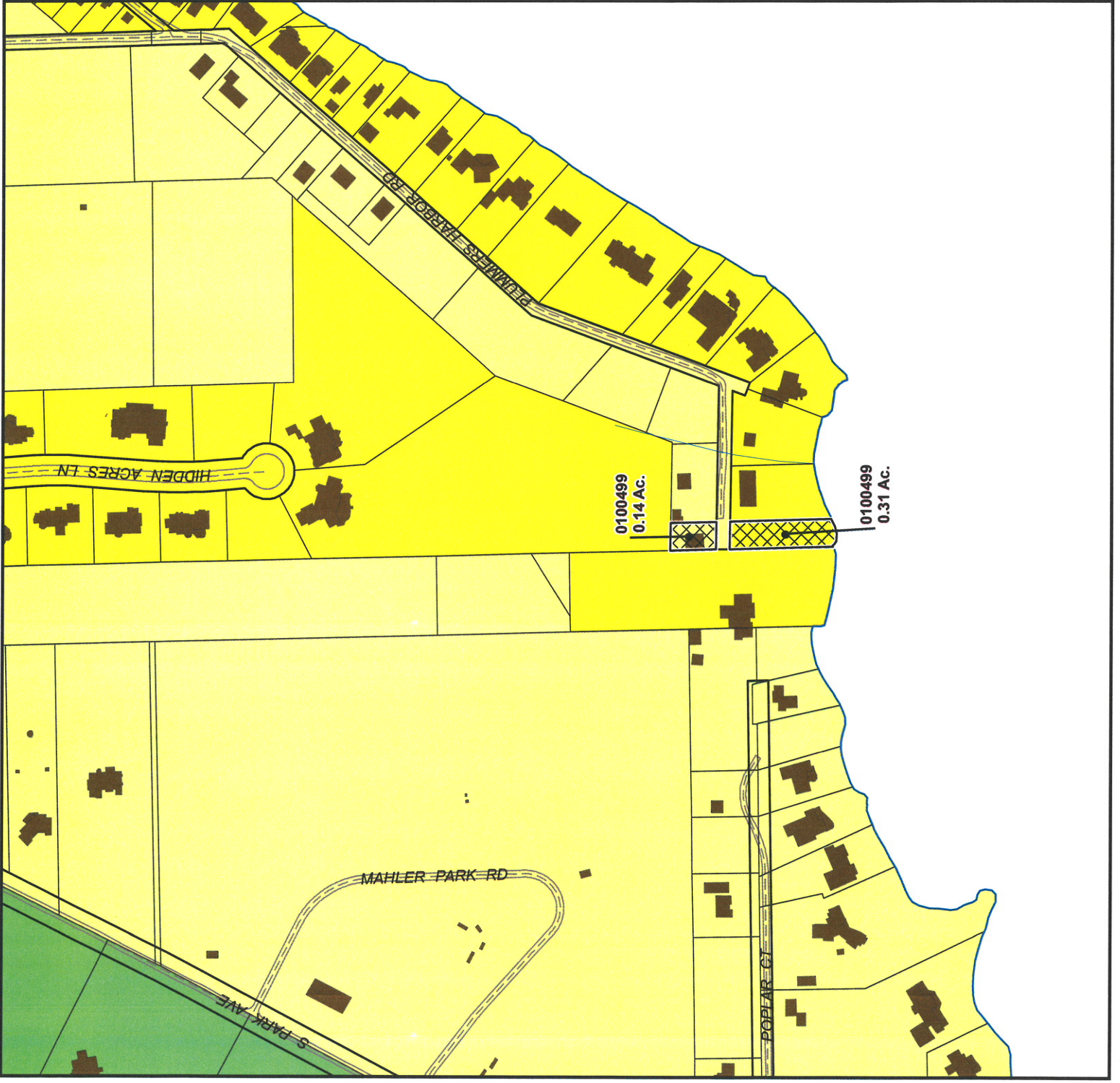
**Scale**  
1 inch : 300 feet

**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



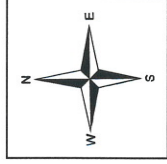
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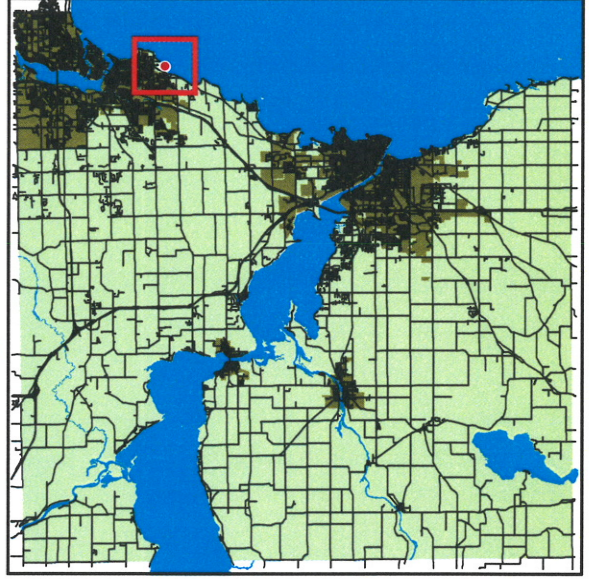
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*Winnebago County  
WINGS Project*

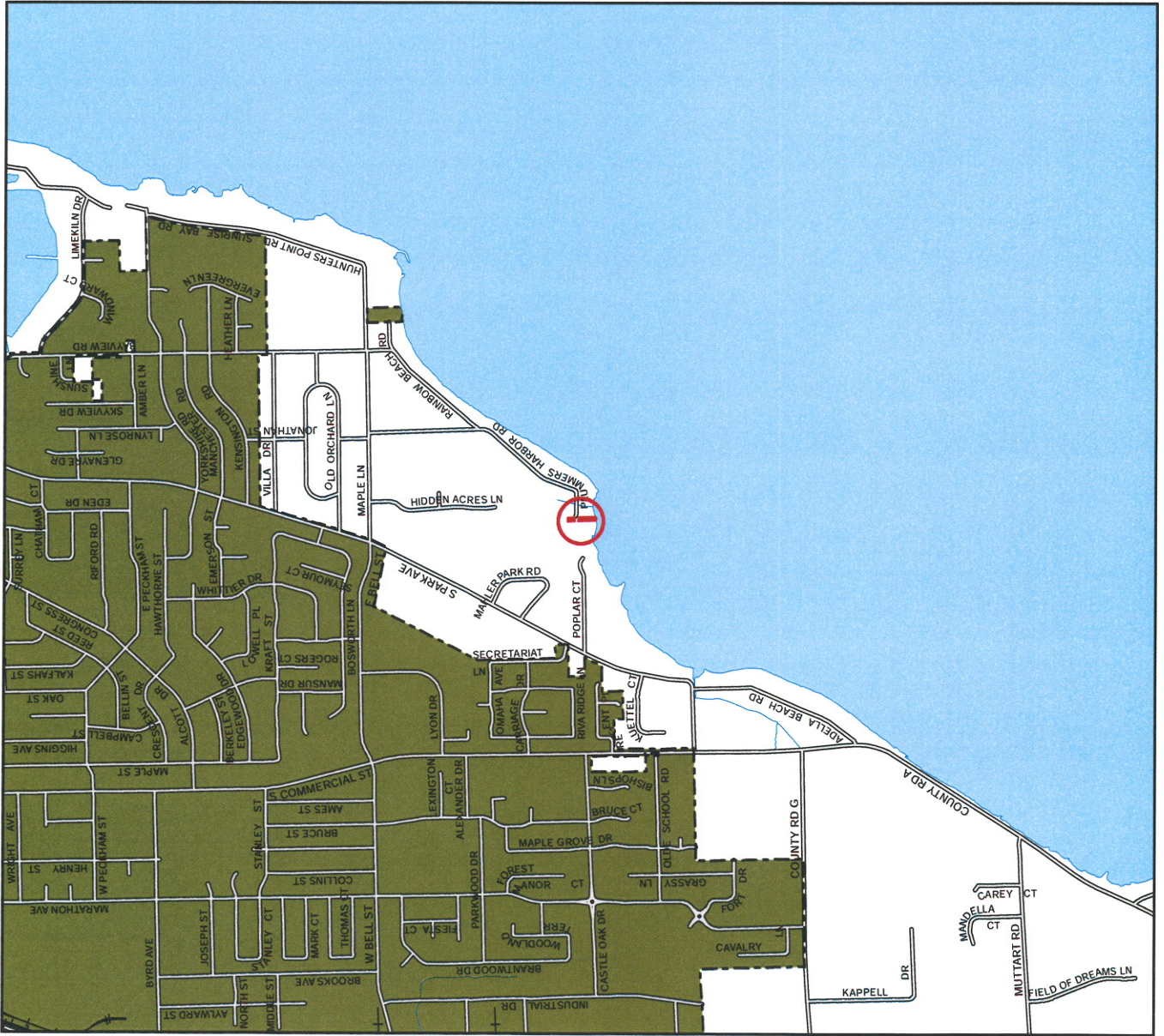


**● = SITE**



WINNEBAGO COUNTY

**○ = SITE**



1 inch : 2,000 feet