

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 6/28/2016

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 6/28/2016 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:

JUEDES TST, WALTER
LAST TST, SUSANNA

Agent:

None

File Number:

2016-VA-3630

Location of Premises:

Parcel south of 4606 Island View Dr.
OSHKOSH, WI 54901

Tax Parcel No.:

018-2227

Legal Description:

Being a part of the Fairview Beach subdivision, Lot 24, located in Government Lot 2, Section 30, Township 19 North, Range 17 East, Town of Oshkosh, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting variances to the shore yard setback to construct a residence and retaining walls. Applicant is also requesting variances for reduced floodplain fill.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
<p>Variations are needed for reduced shore yard setbacks and reduced floodplain fill to establish a buildable area for a residence on the property.</p>	<p>Residence: Ch. 27, Section 27.5-2(a) Retaining Wall North: Ch. 27, Section 27.5-2(a) Retaining Wall South: Ch. 27, Section 27.5-2(a) Floodplain Fill North: Ch. 26, Section 26.5-23(b)(1) Floodplain Fill South: Ch. 26, Section 26.5-23(b)(1)</p>	<p>Residence: 75' Retaining Wall North: 75' Retaining Wall South: 75' Floodplain Fill North: 15' Floodplain Fill South: 15'</p>	<p>Residence: 15' Retaining Wall North: 60' Retaining Wall South: 10' Floodplain Fill North: 7' Floodplain Fill South: 4'</p>

INITIAL STAFF REPORT

Sanitation:

Existing System
Municipal System

Overlays:

Floodplain
Shoreland

Current or Proposed Zoning:

R-1 Rural Residential

Code Reference:

Residence: Ch. 27, Section 27.5-2(a)
Retaining Wall North: Ch. 27, Section 27.5-2(a)
Retaining Wall South: Ch. 27, Section 27.5-2(a)
Floodplain Fill North: Ch. 26, Section 26.5-23(b)(1)
Floodplain Fill South: Ch. 26, Section 26.5-23(b)(1)

Description of Proposed Use:

Applicant is requesting variances to the shore yard setback to construct a residence and retaining walls. Applicant is also requesting variances for reduced floodplain fill.

Surrounding Zoning:

North: R-2
South: R-2
East: Lake
West: Town Zoning

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

To sell lot for residential single family house. Setback of 75' from lake, 30' setback from ROW and 5' side setback from southern lot line and 8' from northern lot line for building site. Will remove small shed. Retaining walls of 10' for the south and 60' for the north from the ditch. Request four feet of flood plain fill to the south and seven feet of fill to the north. The house will be 15' from the ditch to the south.

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

Small man made swale to south is now navigable stream & was location of a house and was tore down by Town for drainage.

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

DNR is now determining Lot 23 with ditch on it is now navigable stream.

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

This is the only lot that is build able left on the beach. This is a private lot for over 75 years and in my family for 79 years. It is not close to any neighbors and the Town owns the lot to the south with the ditch on it. In 1934 was platted and we owned it since 1967.

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:

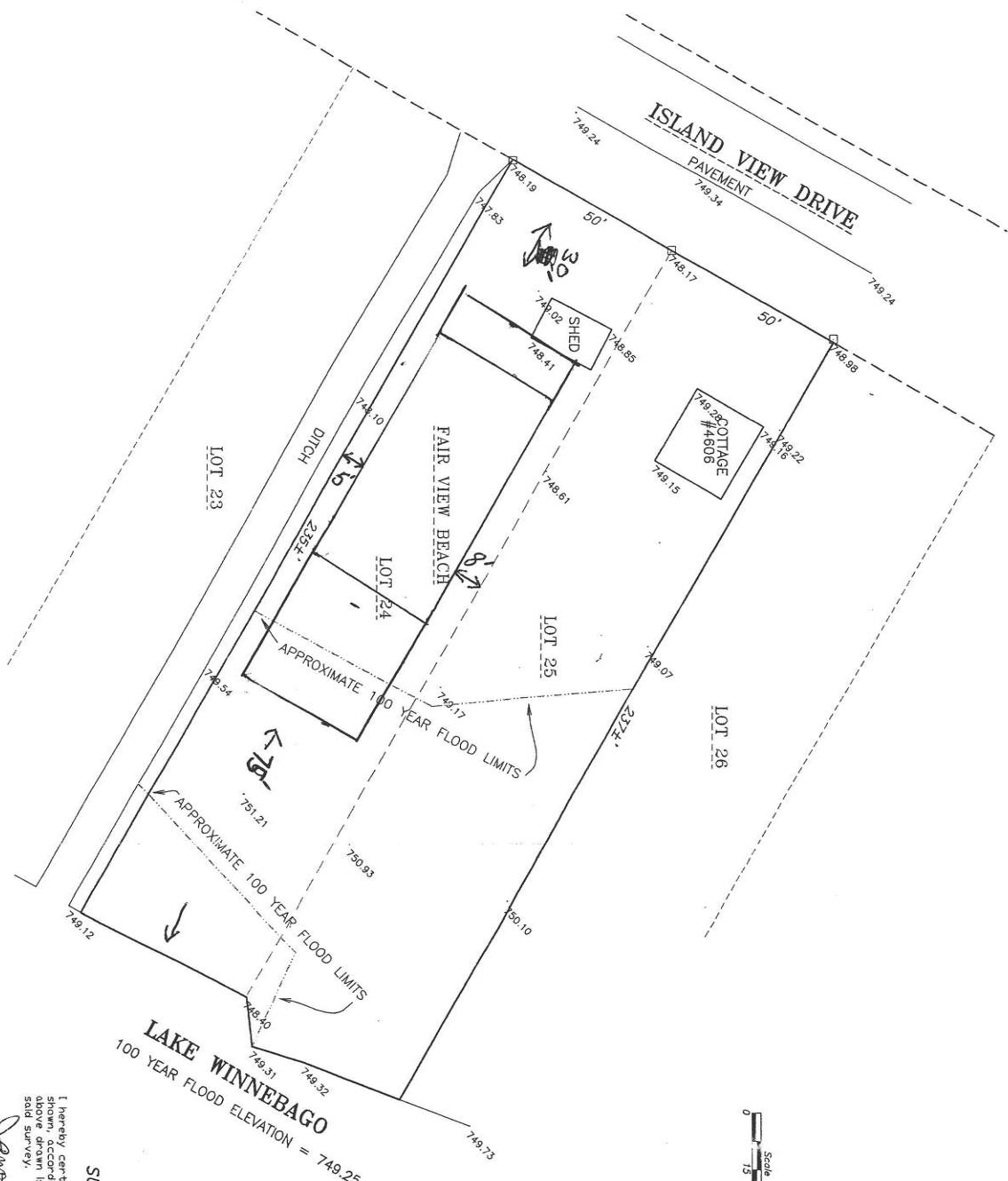
- (1) The variance shall not cause any increase in the regional flood elevation;
- (2) Variances can only be granted for lots that are less than 0.5 acres and are contiguous to existing structures constructed below the regional flood elevation;
- (3) Variances shall only be granted upon a showing of 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

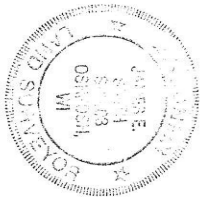
(a) **Generally.** The Board of Adjustment may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that (1) literal enforcement of this chapter will cause unnecessary hardship; (2) the hardship is due to unique property conditions, not common to 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.



SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed the property as shown, according to official records and that the plat above drawn is an accurate and correct representation of said survey.

Jones & Smith 4.11.16
 Wisconsin Professional Land Surveyor Date



PREPARED FOR:
 WALLY JUDES
 1041 MT. VERNON STREET
 OSHKOSH, WI 54901

TOPOGRAPHIC SURVEY
 4606 ISLAND VIEW DRIVE

NO.	DATE	DRAWN BY	CHECKED		APPROVED	
			BY	DATE	BY	DATE
1						
2						
3						
4						
5						
6						
7						
8						

Martenson & Eisele, Inc.
 Planning - Surveying - Engineering - Architecture

109 W. Main St., Omro, WI 54963
 Phone (920) 685-6240 Fax (920) 685-6340
 www.martenson-cisele.com
 info@martenson-cisele.com

SCALE	DATE
1"=30'	4-7-16
COMPILED BY	
MARKED BY	
DRAWING NO.	
0-24(17)2001	

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 _____ OR Sloped to property line _____

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

Surveyor _____ Date (BM Established) _____

BM Elevation _____ BM Description _____

A. Regional Floodplain elevation _____

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

Side (Circle one) N S E W

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

D. Depth of Fill required (B – C) _____

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

F. Width of Swale (if proposed) _____

G. Side yard setback proposed for structure _____

H. Total horizontal fill proposed (G – E – F) _____

Retaining Wall

Side (Circle one) N (S) E W

Total fill proposed (from foundation to outer edge of retaining wall) 4' ft

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? 10' ft

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

_____ Swale X Drain Tile X Downspouts to lake/ditch

_____ Other:

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 _____ OR Sloped to property line _____

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

Surveyor _____ Date (BM Established) _____

BM Elevation _____ BM Description _____

A. Regional Floodplain elevation _____

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

Side (Circle one) N S E W

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

D. Depth of Fill required (B – C) _____

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

F. Width of Swale (if proposed) _____

G. Side yard setback proposed for structure _____

H. Total horizontal fill proposed (G – E – F) _____

~~*~~ **Retaining Wall**

Side (Circle one) (N) S E W

Total fill proposed (from foundation to outer edge of retaining wall) 7' ft

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? 60 ft

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

_____ Swale ~~X~~ Drain Tile X Downspouts to lake/ditch

_____ Other:

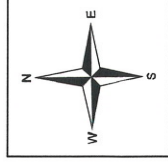
Application #16-VA-3630

Date of Hearing:
June 28, 2016

Owner(s):

Walter J Juedes Trust /
Susanna K Last Trust

Subject Parcel(s):
0182227



Winnemago County
WINGS Project

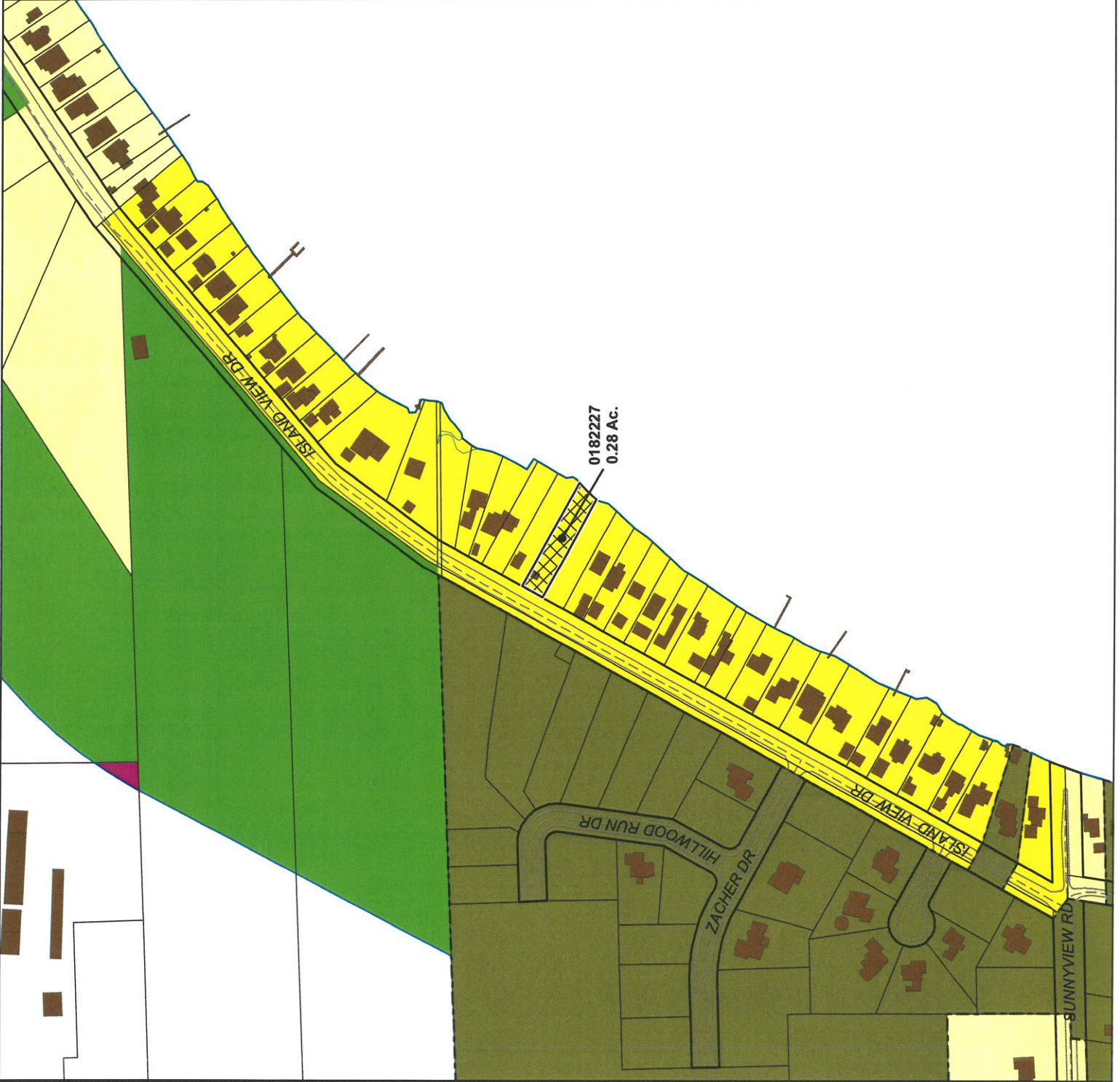
Scale
1 inch : 300 feet

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



Application #16-VA-3630

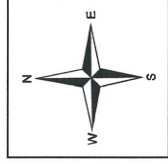
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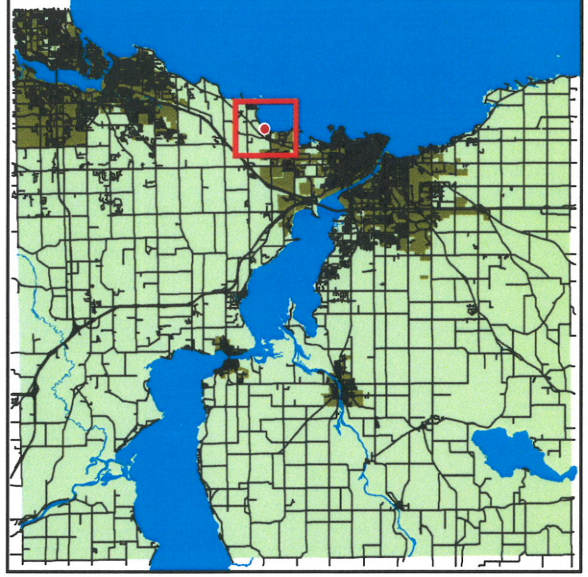
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Winnebago County
WINGS Project

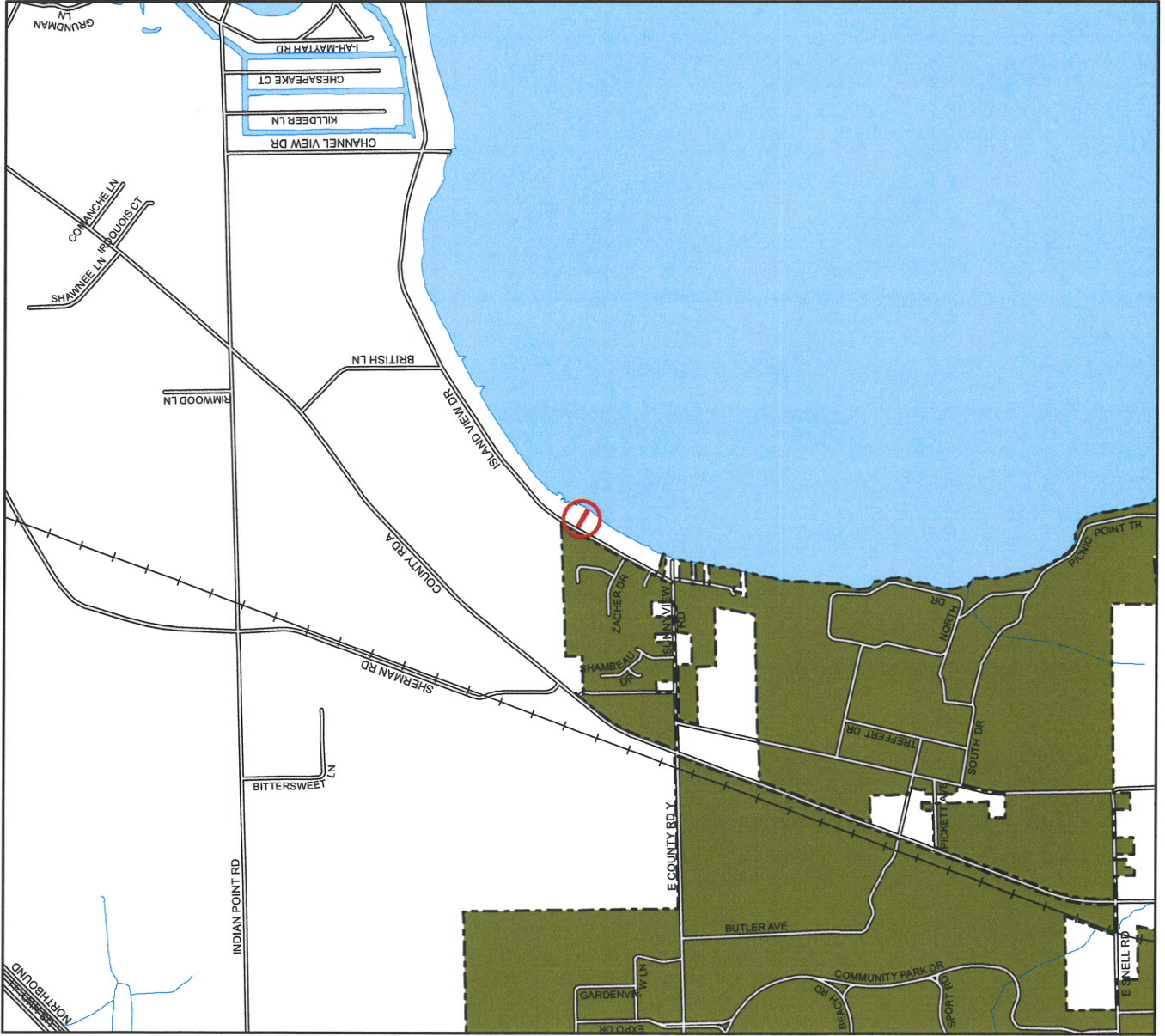


● = SITE



WINNEBAGO COUNTY

○ = SITE



1 inch : 2,000 feet