



**Winnebago County**  
*The Wave of the Future*

**BOARD OF ADJUSTMENT**

**TUESDAY, OCTOBER 29, 2024 @ 5:30 PM**

**SUSAN T ERTMER CONFERENCE ROOM 120**

**DAVID W. ALBRECHT ADMINISTRATION BUILDING**

**112 OTTER AVENUE, OSHKOSH, WISCONSIN**

---

**To view this meeting via Microsoft Teams, please click this link.**

**[Join the meeting now](#)**

Meeting ID: 232 458 261 406

Passcode: GRMSBp (case sensitive)

---

A Meeting of the Winnebago County Board of Adjustment will be held on Tuesday, October 29, 2024, at 5:30 PM in the David W. Albrecht Administration Building, Susan T Ertmer Conference Room 120, 112 Otter Avenue, Oshkosh, Wisconsin.

**PUBLIC HEARING AGENDA**

At this meeting, the following will be presented to the Board for its consideration:

**A. Call to Order**

**B. Public Comments on Agenda Items**

**C. Business Items**

Action may be taken on any business items.

1. Hietpas, Jeffrey/Amy - 2637 Black Wolf Ave, Oshkosh - 004-0168-01 - Town of Black Wolf - Variance
2. Bohlen, Susan - 7671 Bluebill Ln, Larsen - 032-0724-22 - Town of Wolf River - Variance

**D. Adjourn**

**\*\*A quorum of the Aviation Committee, and the Winnebago County Board of Supervisors may be present at this meeting.**

Upon request, provisions will be made for people with disabilities upon 24 hours prior notice to the Office of the County Clerk. Phone Number: 920-232-3430

# Winnebago County Planning and Zoning Department

## NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT October 29, 2024

### 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 October 29, 2024 at 5:30 PM in Conference Room 120 of the David Albrecht Administration Building located at 112 Otter Ave, Oshkosh, WI.

All interested persons wishing to be heard at the public hearing may appear in person or via Microsoft Teams using the meeting information below. A direct link to the Microsoft Teams Meeting is available on the Winnebago County Meetings and Agenda calendar on the above indicated date.

**MICROSOFT TEAMS MEETING INFORMATION LINK:** <https://www.co.winnebago.wi.us/planning-and-zoning/boa-meeting-links>

Additional Instructions can be found at: <https://www.co.winnebago.wi.us/planning-and-zoning>.

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

**Application No.:** 2024-VA-6800

**Applicant:** HIETPAS, JEFFREY/AMY

**Agent:** DEMPSEY LAW FIRM LLP JONATHAN M ESP

**Location of Premises:** 2837 BLACK WOLF AVE

**Tax Parcel No.:** 004-016801

**Legal Description:** Being part of the NW ¼ of the NW ¼, Section 25, Township 17 North, Range 16 East, Town of Black Wolf, Winnebago County, Wisconsin.

**Explanation:** Applicant is requesting a variance for a sub standard shore yard setback requirement for a screen room.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
The shore yard setback from the nearest point of any structure shall be at least 75 ft from the OHWM unless exempt under section 6.1(1) or reduced under section 6.2.	27-6.1	Shore yard setback: 75ft	Shore yard setback: 44ft

## INITIAL STAFF REPORT

**Sanitation:** Existing; ; Private System

**Overlays:** Shoreland

**Current Zoning:** R-1 Rural Residential

**Surrounding Zoning:** North: A-2; South: A-2; East: A-2; West: R-1;

**Code Reference:** 27-6.1

**Description of Proposed Use:** Applicant is requesting a variance for a sub standard shore yard setback requirement for a screen room.

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

**Describe your project, include the proposed dimensions and setbacks:** Applicants would like to add a 14'-3" by 13'-7" screen room to their existing deck.  
Please see attached.

**Describe how compliance with the requirement in question unreasonably prevents or restricts development of a permitted use on the property:** The requirement in question is the 75-foot shore-yard setback requirement that seemingly prevents vertical expansion on the existing deck. The existing deck was legally placed. Applicants are unaware of any justification for precluding an improvement that would not expand the footprint of the existing deck.

**Describe the unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question:** The planned improvement would be constructed on the existing deck.

**Describe how the granting of the requested variance will not harm the public interest or have adverse affects on surrounding properties:** The purpose of the setback requirement is to protect the nearby stream's natural shoreline habitat. The requested variance will have no effect on the shoreline habitat whatsoever because it does not call for any disturbance to the ground or shore area. The proposed sunroom would be constructed on top of an existing deck and utilize the existing piers.

### SECTION REFERENCE AND BASIS OF DECISION

**Basis of Decision:** Town/County Zoning Code: 23.7-234

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.

## **Shoreland Zoning Code**

### **27.14.8 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.

APPLICABLE BUILDING CODES

2018 UNIFORM DWELLING CODE /  
PER WISCONSIN SPS 320-325 / ASCE 7-05

WINNEBAGO COUNTY CODE OF ORDINANCES

# GREAT DAY IMPROVEMENTS LLC SUNROOM ADDITION ON EXISTING DECK w/EXISTING PIERS FOR HIETPAS RESIDENCE



DRAWING #	DESCRIPTION
1	COVER
2	ELEVATION "B" WALL
3	ELEVATION "A & C" WALLS
4	DECK PLAN & DETAIL
5	FLOOR & ELECTRICAL PLAN
6	ROOF PLAN
7	DECK DETAILS
8	DECK DETAILS
9	SYSTEM DETAILS
10	SYSTEM DETAILS

MINIMUM DESIGN LOADS: PER WISCONSIN SPS 320-325 / 2018 UDC /  
ASCE 7-05

SUNROOM CATEGORY II (PER 2015 IRC R301.2.1.1.1 & AAMA / NPEA /  
NSA 2100)

SNOW LOADS: GROUND SNOW LOAD 30 PSF

ULTIMATE DESIGN WIND SPEED: 20 PSF

LIVE LOADS:

1. ROOF: 30 PSF
2. FLOOR: 40 PSF

THIS SUNROOM IS NOT TO BE CONDITIONED OR USED  
AS A PERMANENT LIVING AREA.

NOTES:

1. ALL VIEW (AVS) SUNROOM, WHITE IN COLOR
2. CONSTRUCT SUNROOM OVER EXISTING DECK & PIERS
3. NO HEAT BY GDI, ELECTRICAL BY GDI
4. ALL CONCRETE TO BE 3000 PSI MINIMUM
5. ALL DECK LUMBER IS PRESSURE TREATED SYP #2 OR BETTER
6. THIS SUNROOM IS CONSIDERED AS NON-CONDITIONED SPACE EXEMPT  
FROM ENERGY REQUIREMENTS (PER 2018 IRC SECTION N1102.1, NOTE 1.2)

THIS SUNROOM AND FOUNDATION HAVE BEEN EVALUATED FOR DESIGN LOADS  
REQUIRED BY THE IRC CODE. THIS INCLUDES ALL MATERIALS, COMPONENTS,  
CONNECTION, AND ATTACHMENTS WHEN CALCULATING THE LOAD REQUIREMENTS.

SAFETY NOTE:

ALL CONTRACTORS AND THEIR REPRESENTATIVES WORKING ON THIS PROJECT SHALL AT ALL TIMES DURING  
THE COURSE OF THEIR ACTIVITY BE RESPONSIBLE FOR THE SAFETY OF THEIR EMPLOYEES, AS WELL AS  
OTHERS. EACH REPRESENTATIVE AND THEIR EMPLOYEES SHALL ASCERTAIN THAT THE CONDITIONS UNDER  
WHICH THEY WILL BE REQUIRED TO ACCOMPLISH THEIR WORK ARE SAFE AND WITHIN THE GOOD SAFETY  
PRACTICES AND ALL REGULATIONS OF THE OCCUPATIONAL SAFETY AND HAZARD ACT AND OTHER GOVERNING  
REGULATION. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR AND ALL SUB CONTRACTORS TO FIELD  
VERIFY EXISTING JOBSITE CONDITIONS AND TO KEEP THE JOBSITE SAFE DURING THE ENTIRE CONSTRUCTION  
PERIOD.

THE ARCHITECTS RESPONSIBILITY EXTEND ONLY AND SOLELY TO THE PREPARATION OF THESE DRAWINGS. THE  
ARCHITECT ASSUMES NO RESPONSIBILITY FOR SUPERVISION OF ANY WORK NOR FOR ANY LIABILITY IN  
ERECTION, INSTALLATION AND/OR CONSTRUCTION DURING THE PERFORMANCE OF ANY WORK AS MAY BE  
REQUIRED BY THESE DRAWINGS. THE ARCHITECTS SCOPE OF WORK ON THIS PROJECT DOES NOT INCLUDE  
JOBSITE INSPECTIONS, FIELD VISITS DURING CONSTRUCTION AND/OR APPROVAL OF PAYOUT REQUESTS.

I HEREBY CERTIFY THAT THESE DRAWINGS HAVE BEEN  
PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY  
KNOWLEDGE CONFORM TO THE REQUIREMENTS OF THE  
ZONING AND BUILDING ORDINANCES OF:

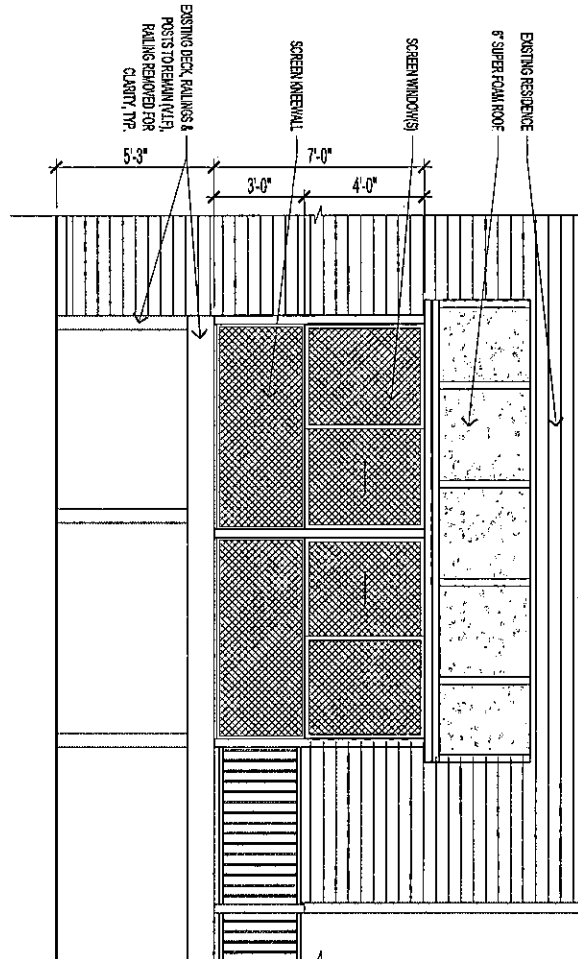
WINNEBAGO COUNTY

LOCATION  
GDI - GREEN BAY  
W141N9256 FOUNTAIN BLVD  
MENOMONEE FALLS, WI 53051  
262-786-0500

JEFFREY HIETPAS  
2837 BLACK WOLF AVE  
OSHKOSH, WI 54902  
JOB #22062

DATE  
11/14/23  
DRAWN  
JPO  
SCALE  
1/4" = 1'-0"  
SHEET  
1 OF 10

# ELEVATION - "B" WALL



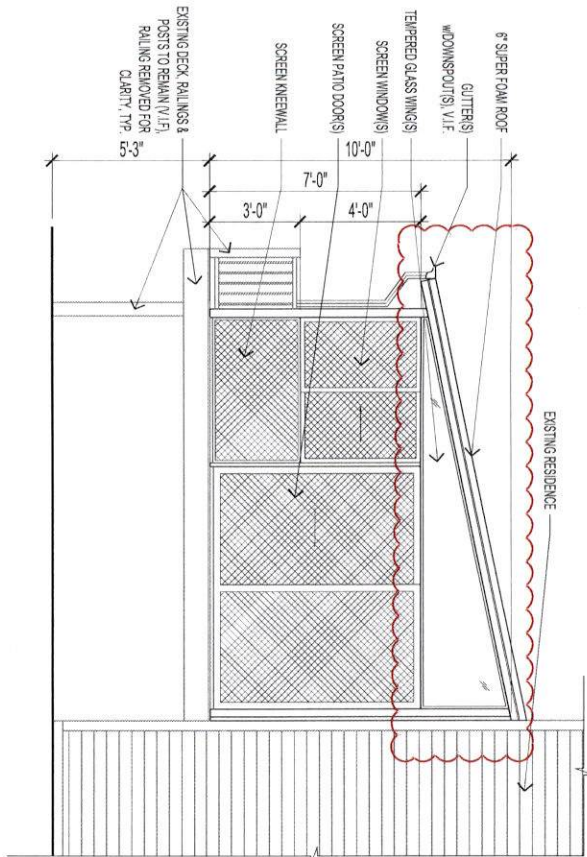
DATE	11/14/23
DRAWN	JPO
SCALE	1/4" = 1'-0"
SHEET	2 OF 10

JEFFREY HIETPAS  
2837 BLACK WOLF AVE  
OSHKOSH, WI 54902  
JOB #22062

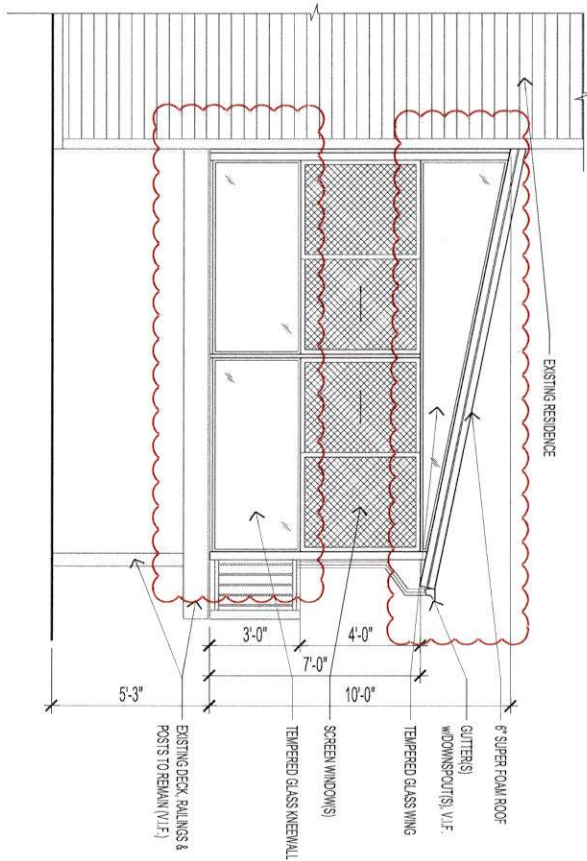
## LOCATION

GDI - GREEN BAY  
W141N6296 FOUNTAIN BLVD  
MENOMONEE FALLS, WI 53051  
262-798-0500






ELEVATION - "C" WALL



ELEVATION - "A" WALL

				LOCATION				 <small>BY GREAT DAY IMPROVEMENTS, LLC</small>
				GDI - GREEN BAY W141N9296 FOUNTAIN BLVD MENOMONEE FALLS, WI 53051 262-798-0500				
JEFFREY HIETPAS 2837 BLACK WOLF AVE OSHKOSH, WI 54902 JOB #22062								







**GDI - GREEN BAY.**  
W141N9296 FOUNTAIN BLVD  
MENOMONEE FALLS, WI 53051  
262-798-0500

JEFFREY HIETPAS  
2837 BLACK WOLF AVE  
OSHKOSH, WI 54902  
JOB #22062













DATE	11/14/23
DRAWN	JPO
SCALE	1/4" = 1'-0"
SHEET	4 OF 10

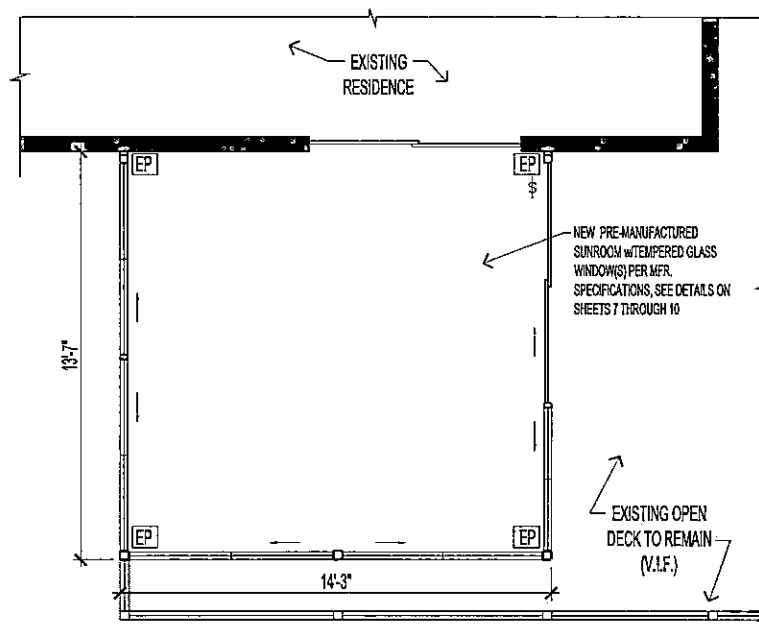


# WALL LEGEND

-  - EXISTING MASONRY WALL TO REMAIN
-  - EXISTING TO REMAIN WALL
-  - EXISTING WALL TO BE REMOVED
-  - NEW WALL

# GDI ELECTRICAL SYMBOL LEGEND

-  ELECTRICAL RACEWAY POST
-  DUPLEX RECEPTACLE
-  FLOOR DUPLEX RECEPTACLE
-  GFI DUPLEX RECEPTACLE
-  WEATHERPROOF DUPLEX RECEPTACLE
-  EXIT LIGHT
-  SWITCH
-  CEILING FAN w/LIGHT
-  CEILING FAN
-  SURFACE MOUNTED LIGHT
-  EXTERIOR COACH LIGHT
-  SPEAKER



# FLOOR PLAN

SUNROOM 187 SQ. FT.

# ELECTRICAL NOTES:

ELECTRICAL CONTRACTOR TO VISIT JOBSITE & BECOME FAMILIAR w/EXISTING CONDITIONS BEFORE SUBMITTING BIDS.  
ALL ELECTRICAL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE LOCAL ELECTRICAL CODE AND ANY OTHER ELECTRICAL CODES HAVING JURISDICTION.



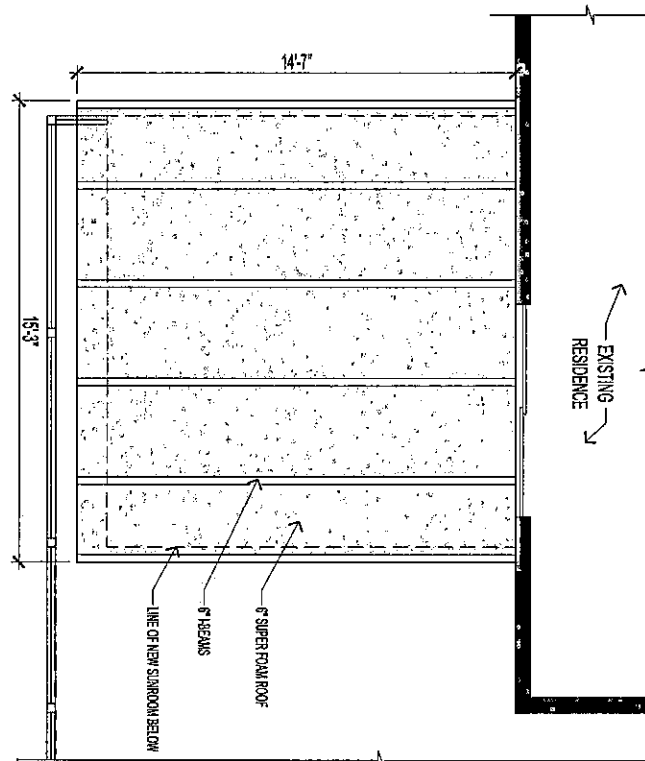
# LOCATION

GDI - GREEN BAY  
W141N9296 FOUNTAIN BLVD  
MENOMONEE FALLS, WI 53051  
262-788-0500

JEFFREY HIETPAS  
2837 BLACK WOLF AVE  
OSHKOSH, WI 54902  
JOB #22062

DATE  
11/14/23  
DRAWN  
JPD  
SCALE  
1/4" = 1'-0"  
SHEET  
5 OF 10

# ROOF PLAN



DATE	11/14/23
DRAWN	JPO
SCALE	1/4" = 1'-0"
SHEET	6 OF 10

JEFFREY HIETPAS  
2837 BLACK WOLF AVE  
OSHKOSH, WI 54902  
JOB #22082

## LOCATION

GDI - GREEN BAY  
W141N6296 FOUNTAIN BLVD  
MENOMONEE FALLS, WI 53051  
262-798-0500

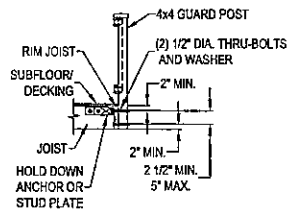




LOCATION  
GDI - GREEN BAY  
W141N236 FOUNTAIN BLVD  
MENOMONEE FALLS, WI 53051  
262-798-0500

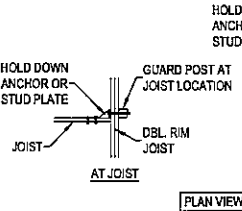
JEFFREY HIETPAS  
2837 BLACK WOLF AVE  
OSHKOSH, WI 54602  
JOB #22062

DATE	11/14/23
DRAWN	JPO
SCALE	1 1/2" = 1'-0"
SHEET	7 OF 10

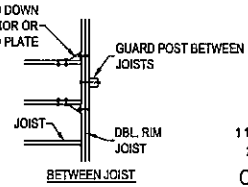


SECTION

GUARD POST TO RIM JOIST DETAIL



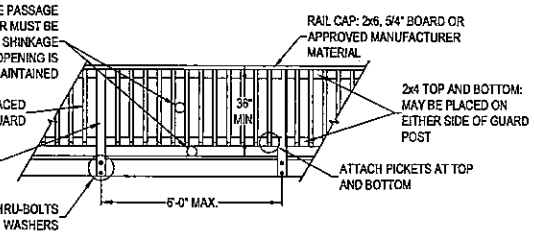
PLAN VIEW



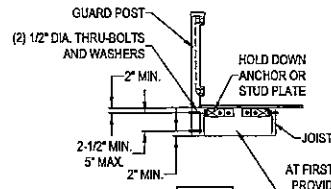
BETWEEN JOIST

CAP RAIL DETAIL

OPENINGS SHALL NOT ALLOW THE PASSAGE OF A 4" DIA. SPHERE. WET LUMBER MUST BE SPACED SUCH THAT WHEN SHINKAGE OCCURS, THE MAXIMUM OPENING IS MAINTAINED.

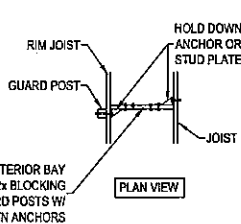


GUARD DETAIL

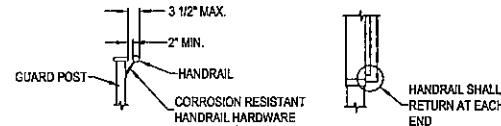


SECTION

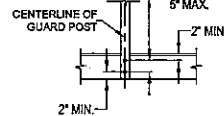
GUARD POST TO OUTSIDE JOIST DETAIL



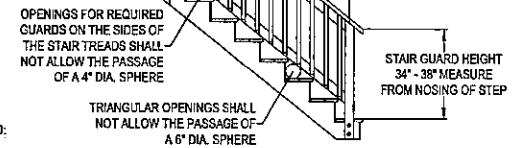
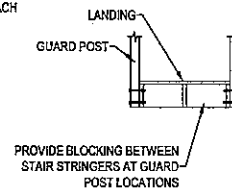
PLAN VIEW



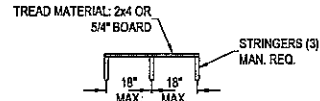
HANDRAIL DETAIL



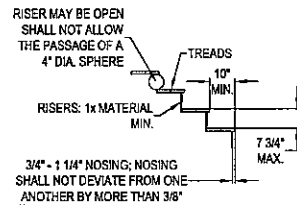
GUARD POST ATTACHMENT DETAIL



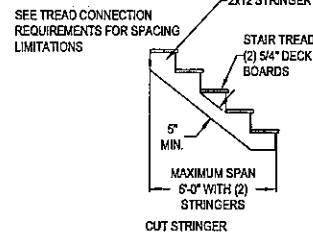
STAIR GUARD REQUIREMENTS



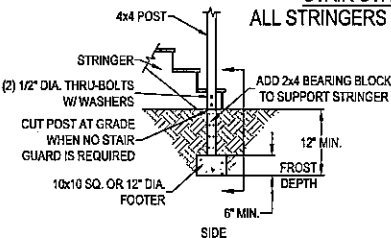
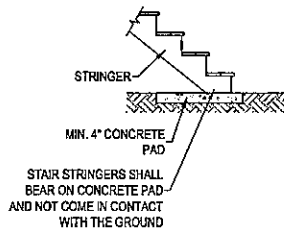
TREAD CONNECTION REQUIREMENTS



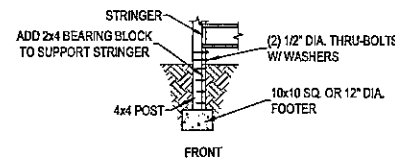
TREAD AND RISER DETAIL



STAIR STRINGER REQUIREMENTS  
ALL STRINGERS SHALL BE A MINIMUM OF 2x12



STAIR STRINGER BEARING AT GRADE DETAIL

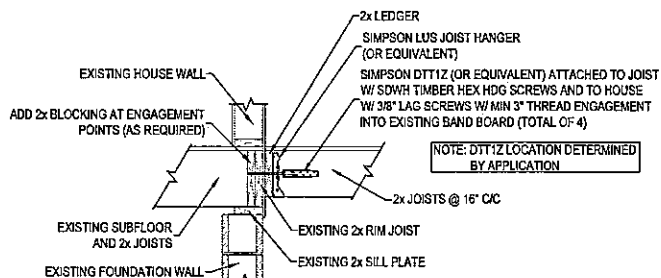


FRONT

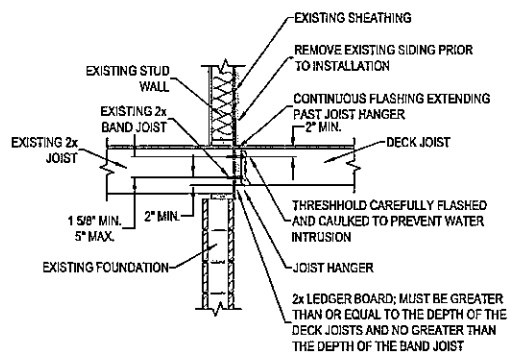
THESE DETAILS WERE TAKEN FROM THE PRESCRIPTIVE RESIDENTIAL WOOD DECK GUIDE BY THE AMERICAN WOOD COUNCIL

ALL SCREWS, BOLTS AND NAILS FOR USE WITH PRESSURE TREATED WOOD SHALL BE HOT DIPPED ZINC COATED GALVANIZED STEEL OR STAINLESS STEEL

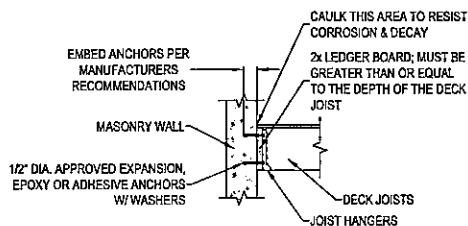
NOTE:  
THIS PLANS WERE DESIGNED WITH AND REQUIRED THAT ALL LUMBER MUST BE MINIMUM RATED SPF #2 OR BETTER PRESSURE TREATED PER AWP (AMERICAN WOOD PROTECTION ASSOCIATION) STANDARDS



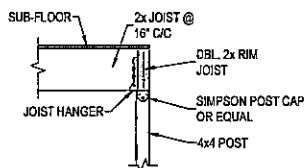
**SECTION B-B**  
SCALE: 1/2" = 1'-0"



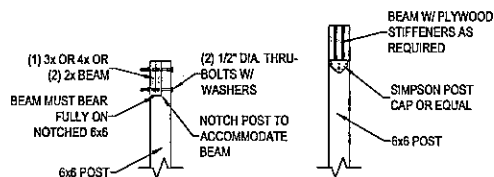
**LEDGER BOARD ATTACHMENT DETAIL - BAND JOIST**



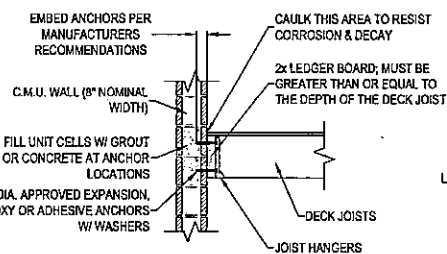
**LEDGER BOARD ATTACHMENT DETAIL -  
CONCRETE OR SOLID MASONRY WALL**



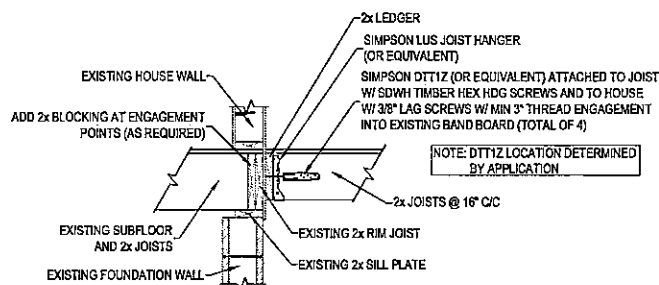
**RIM JOIST DETAIL**



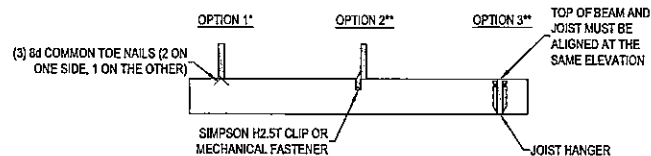
**POST TO BEAM DETAIL**



**LEDGER BOARD ATTACHMENT DETAIL -  
HOLLOW MASONRY WALL**

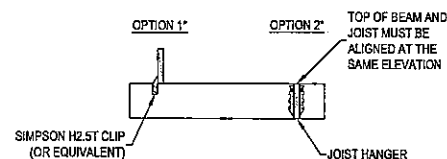


**SECTION C-C**



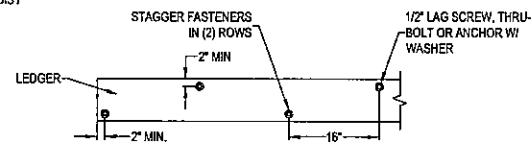
**JOIST TO BEAM CONNECTION DETAIL**

\* OPTION 1 SHALL ONLY BE USED IF THE DECK IS ATTACHED TO THE HOUSE  
\*\* SEE MANUFACTURERS RECOMMENDATIONS FOR ADDITIONAL REQUIREMENTS

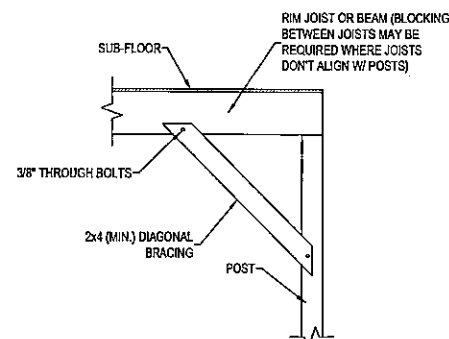


**JOIST TO BEAM CONNECTION DETAIL**

\* SEE MANUFACTURERS RECOMMENDATIONS FOR ADDITIONAL REQUIREMENTS



**LEDGER BOARD FASTENER SPACING AND CLEARANCE**



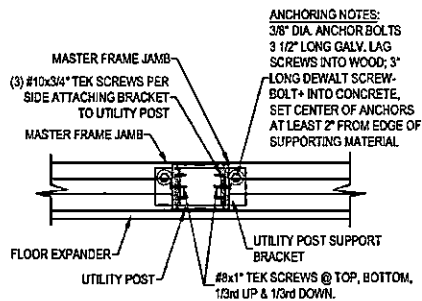
**DIAGONAL BRACE DETAIL**



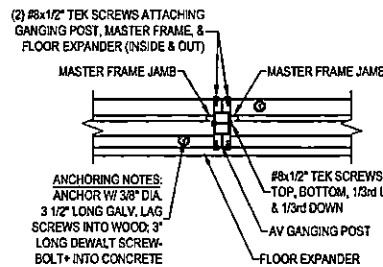
LOCATION  
GDI - GREEN BAY  
W141N296 FOUNTAIN BLVD  
MENOMONEE FALLS, WI 53051  
262-798-0500

JEFFREY HIETPAS  
2837 BLACK WOLF AVE  
OSHKOSH, WI 54902  
JOB #22062

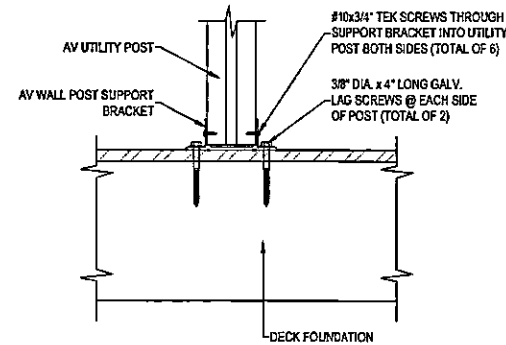
DATE  
11/14/23  
DRAWN  
JPO  
SCALE  
1 1/2" = 1'-0"  
SHEET  
8 OF 10



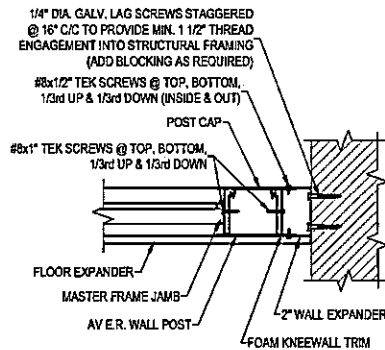
PLAN VIEW OF MASTER FRAME JAMBS  
CONNECTION @ UTILITY POST



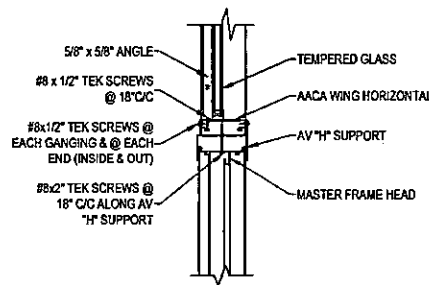
PLAN VIEW OF MASTER FRAME JAMBS  
CONNECTION @ GANGING POST



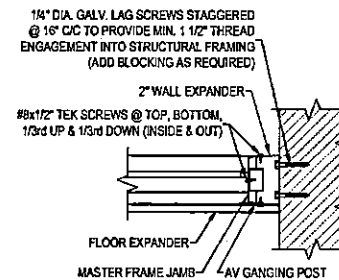
FRONT VIEW THROUGH UTILITY POST  
CONNECTION @ DECK FOUNDATION



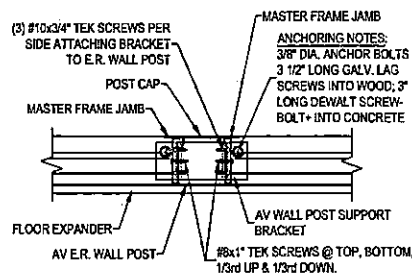
PLAN VIEW OF MASTER FRAME JAMB & AV E.R.  
WALL POST CONNECTION @ EXISTING WALL



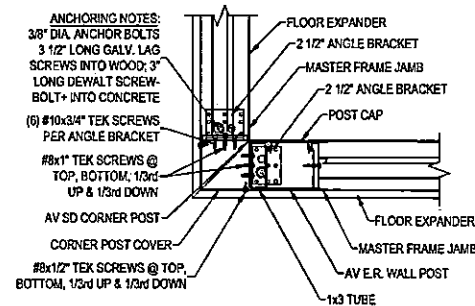
SECTION THROUGH "H" & MASTER FRAME  
HEAD CONNECTION @ GLASS WING



PLAN VIEW OF MASTER FRAME JAMB  
CONNECTION @ EXISTING WALL



PLAN VIEW OF MASTER FRAME JAMBS  
CONNECTION @ AV E.R. WALL POST



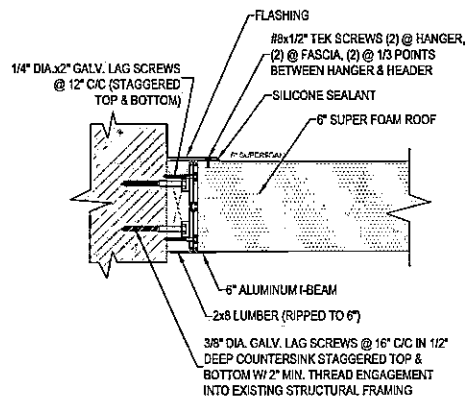
PLAN VIEW OF MASTER FRAME JAMBS & AV E.R.  
WALL POST CONNECTION @ CORNER POST



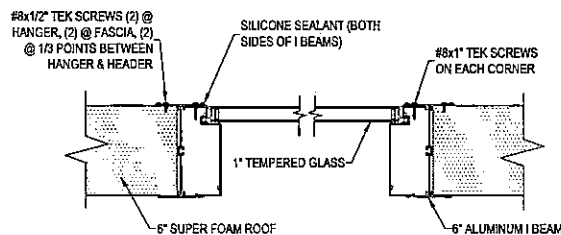
LOCATION  
GDI - GREEN BAY  
W141N236 FOUNTAIN BLVD  
MENOMONEE FALLS, WI 53051  
262-798-0500

JEFFREY HIETPAS  
2837 BLACK WOLF AVE  
OSHKOSH, WI 54002  
JOB #22062

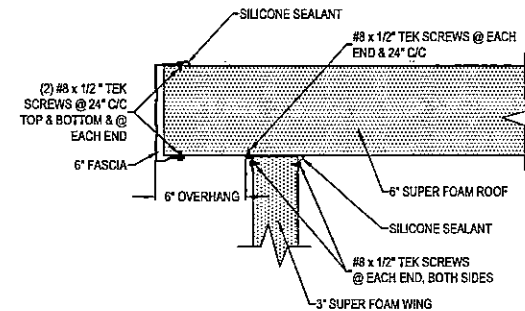
DATE	11/14/23
DRAWN	JPO
SCALE	1 1/2" = 1'-0"
SHEET	9 OF 10



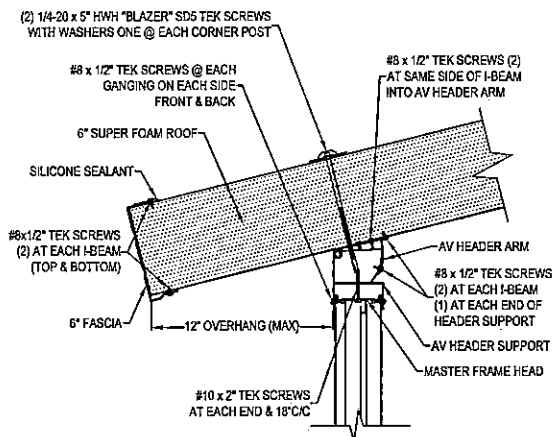
6" ROOF PANEL & I BEAM  
CONNECTION @ EXISTING WALL



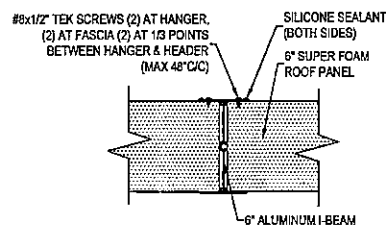
SECTION THROUGH 6" GLASS ROOF PANEL (GRP) &  
I BEAM CONNECTION @ 6" ROOF SUPER FOAM ROOF



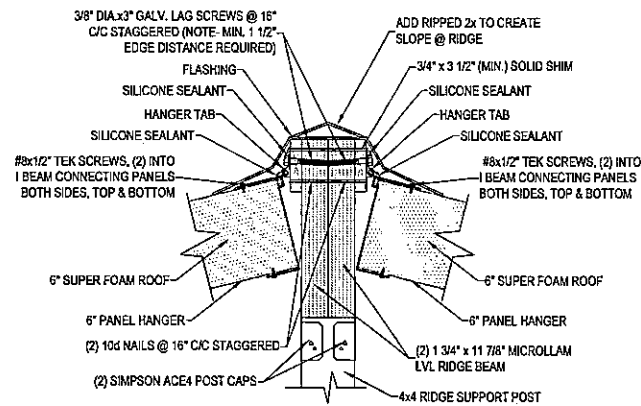
SECTION THROUGH 6" SUPER FOAM ROOF PANEL  
CONNECTION @ 3" SUPER FOAM WING PANEL



SECTION THROUGH MASTER FRAME & HEADER  
CONNECTION @ 6" SUPER FOAM ROOF



SECTION THROUGH 6" ROOF  
CONNECTION @ I-BEAM



SECTION THROUGH 6" SUPER FOAM ROOF & PANEL  
HANGER ASSEMBLY CONNECTION @ RIDGE BEAM



LOCATION

GDI - GREEN BAY  
W141N2956 FOUNTAIN BLVD  
MENOMONEE FALLS, WI 53051  
262-798-0503

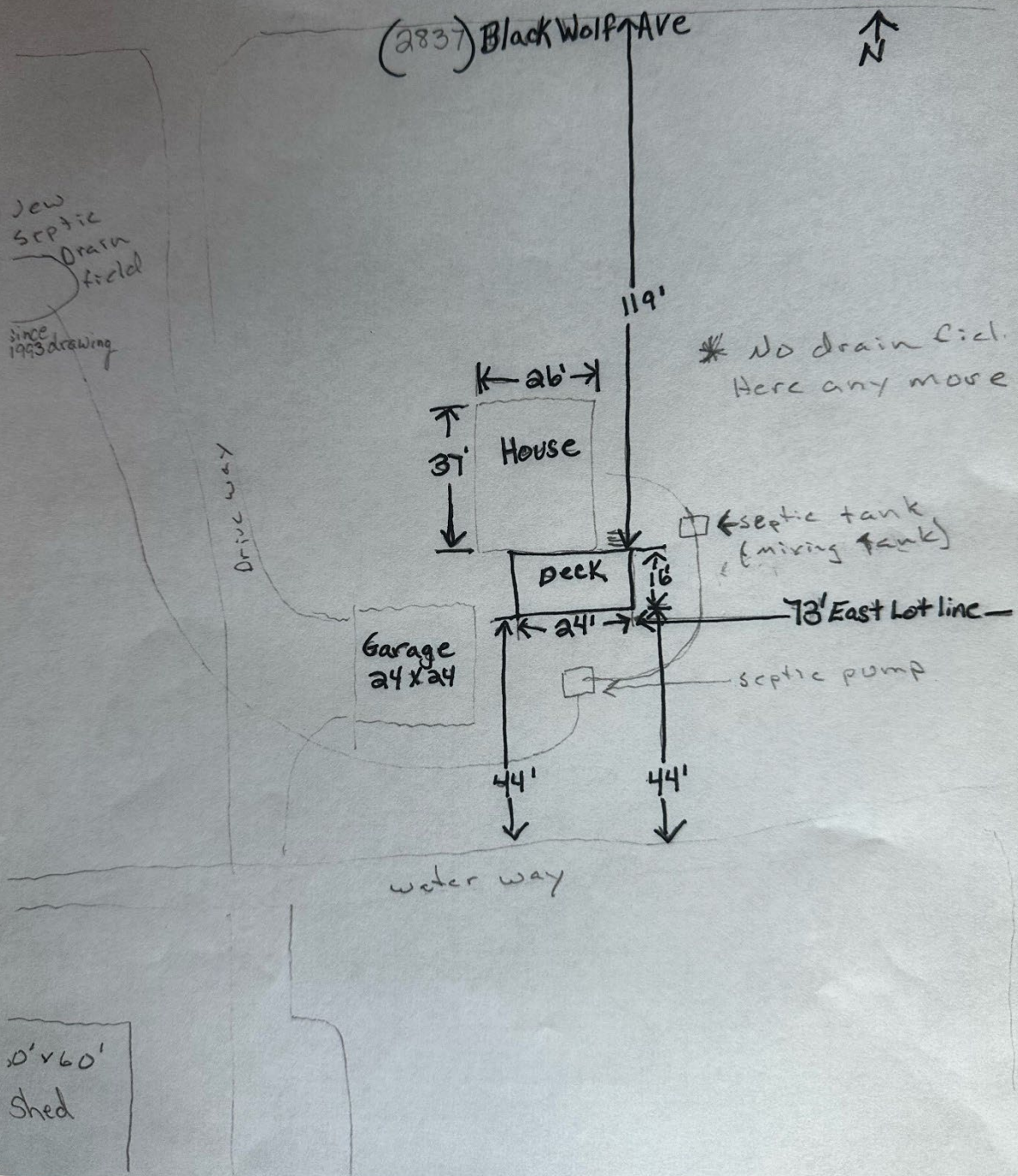
JEFFREY HIETPAS

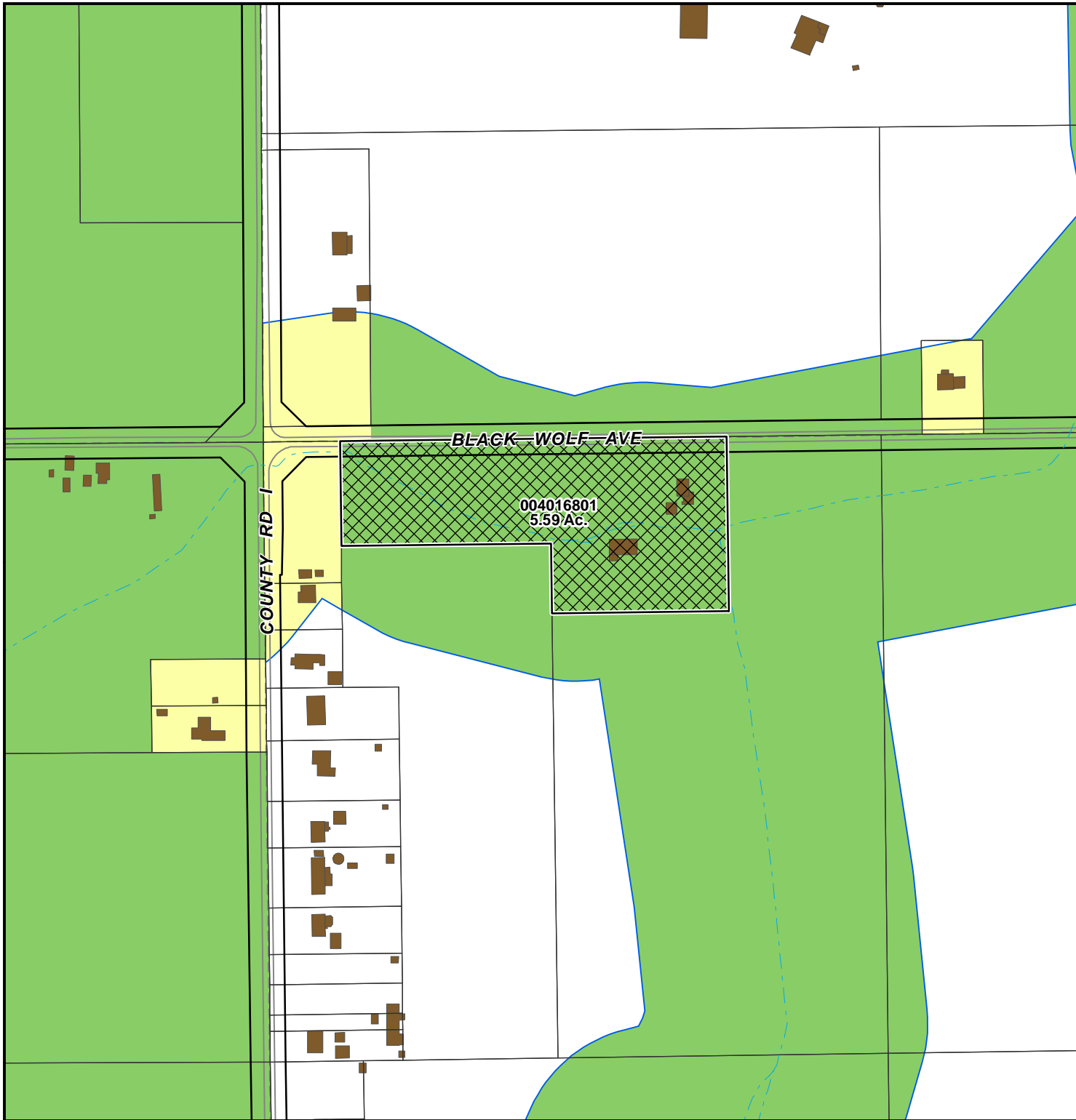
2837 BLACK WOLF AVE  
OSHKOSH, WI 54902  
JOB #22062

DATE  
11/14/23  
DRAWN  
JPD  
SCALE  
1 1/2" = 1'-0"  
SHEET  
10 OF 10

Replaces 199.

2011





**Application #24-VA-6800**

Date of Hearing:

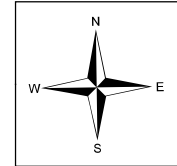
October 22, 2024

Owner(s):

HIETPAS, JEFFREY GILBERT /  
HIETPAS, AMY MARIE

Subject Parcel(s):

004016801



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 #24-VA-6800**

Date of Hearing:

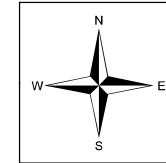
**October 22, 2024**

Owner(s):

**HIETPAS, JEFFREY GILBERT /  
HIETPAS, AMY MARIE**

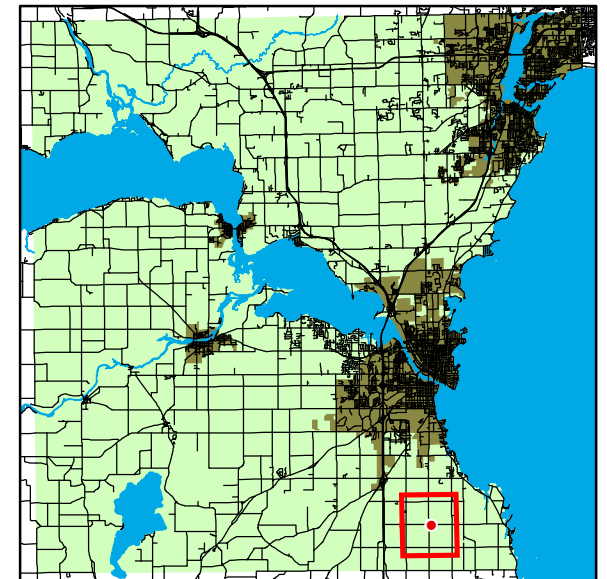
Subject Parcel(s):

**004016801**

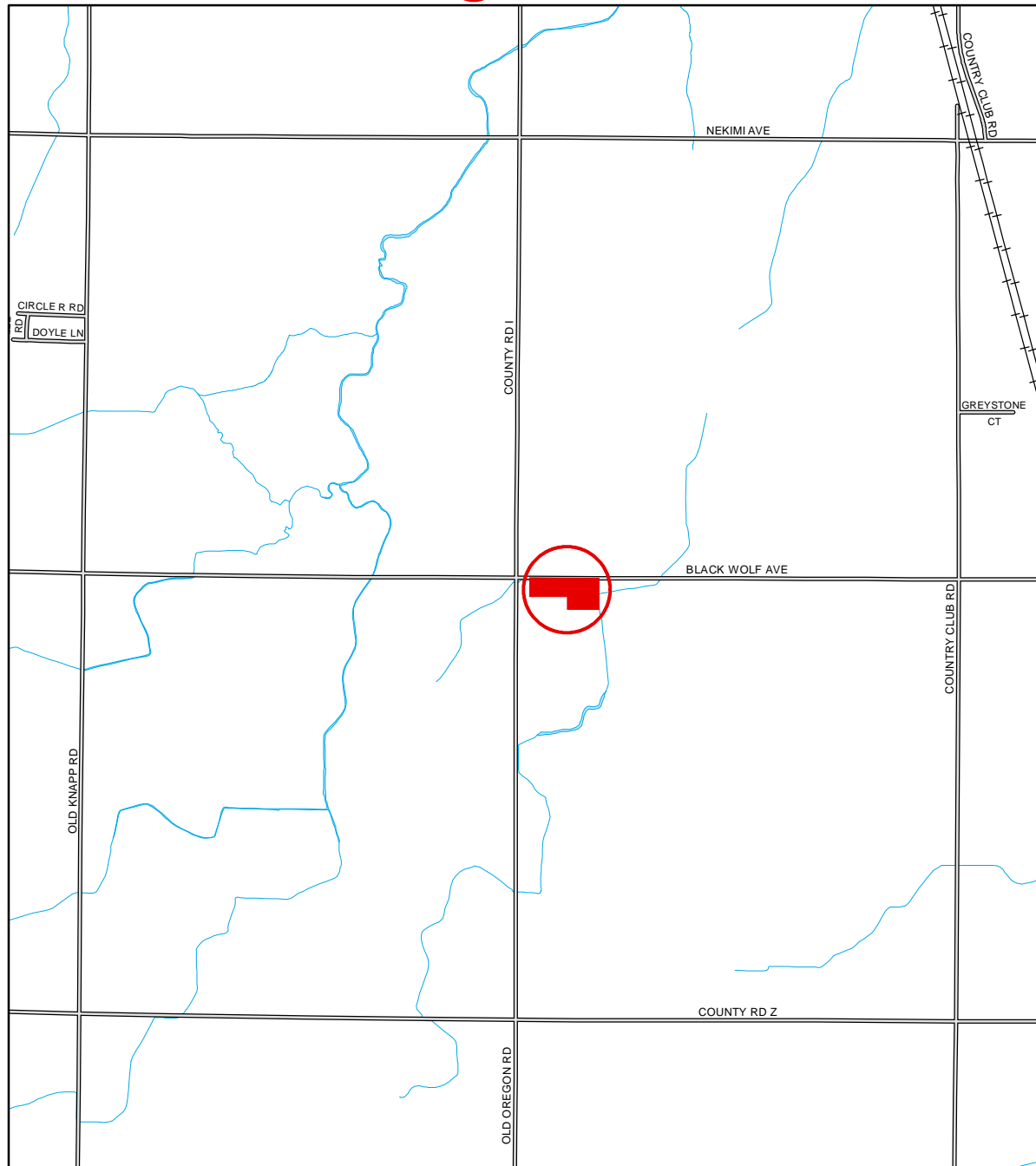


*Winnebago County  
WINGS Project*

● = SITE



**WINNEBAGO COUNTY**



1 inch : 2,000 feet

# Winnebago County Planning and Zoning Department

## NOTICE OF PUBLIC HEARING

### BOARD OF ADJUSTMENT

October 22, 2024

#### 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 October 22, 2024 at 5:30 PM in Conference Room 120 of the David Albrecht Administration Building located at 112 Otter Ave, Oshkosh, WI.

All interested persons wishing to be heard at the public hearing may appear in person or via Microsoft Teams using the meeting information below. A direct link to the Microsoft Teams Meeting is available on the Winnebago County Meetings and Agenda Calendar on the above indicated date.

**MICROSOFT TEAMS MEETING INFORMATION LINK:** <https://www.co.winnebago.wi.us/planning-and-zoning/boa-meeting-links>

Additional Instructions can be found at: <https://www.co.winnebago.wi.us/planning-and-zoning>.

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

**Application No.:** 2024-VA-6790

**Applicant:** BOHLEN, SUSAN

**Agent:** NONE

**Location of Premises:** 7671 BLUEBILL LN

**Tax Parcel No.:** 032-072422

**Legal Description:** Being part of Government Lot 1, Section 36, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin.

**Explanation:** Applicant is requesting a variance for a sub standard shore yard, street yard, side yard, and floodplain fill setback requirement for a house and driveway.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
The shore yard setback from the nearest point of any structure shall be at least 75 ft from the OHWM unless exempt under section 6.1(1) or reduced under section 6.2.  The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirement in subsection (b)(2) can be met. The fill shall be one foot or more above the	27-6.1 26.5-23(b)(1) Chapter 23 Exhibit 8-2	Shore yard setback: 75ft Floodplain fill: 15ft Street yard setback: 30ft Side yard setback: 5ft	Shore yard setback: 30ft & 31.7ft Floodplain fill: 0ft, 0ft, 5ft Street yard setback: 13.7 Side yard setback: 4.5ft

<p>regional flood elevation extending at least 15 ft beyond the limits of the structure.</p> <p>The road right of way setback from the nearest point of any structure shall be at least 30'.</p> <p>The side yard setback from the nearest point of a principle structure shall be at least 7 ft on one side &amp; 10 ft on the other. For lots that are less than 65 feet wide at the building setback line, the total side yard is 26 percent of the lot width, with no one side yard less than 5 feet.</p>			
---	--	--	--

## INITIAL STAFF REPORT

**Sanitation:** Required

**Overlays:** Shoreland, floodplain

**Current Zoning:** R-1 Rural Residential

**Surrounding Zoning:** North: Lake Poygan; South: Lake Poygan; East: R-1; West: R-1;

27-6.1  
26.5-23(b)(1)  
Chapter 23 Exhibit 8-2

### Code Reference:

**Description of Proposed Use:** Applicant is requesting a variance for a sub standard shore yard, street yard, side yard, and floodplain fill setback requirement for a house and driveway.

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

**Describe your project, include the proposed dimensions and setbacks:** The project includes a new 2-story structure that will total 1,380 sq. ft. Based on the current setbacks that were averaged from the OHWM the proposed structure exceeds that buildable area. We are also proposing that the side yard setbacks be extended back towards the Property Lines. There will need to be a variance for reduced fill at the SE and MW sides of the structure as well.

**Describe how compliance with the requirement in question unreasonably prevents or restricts development of a permitted use on the property:** Following the current requirements for setbacks the client is limited to just 452 sq. ft. of buildable area. Based on the requirements for fill we will not be able to achieve the 15:1 out from the proposed house because the house falls in the 100yr flood plain. This is also not achievable on the back side because of how close the gravel road (Bluebill Lane) will be to the North side of the proposed structure.

**Describe the unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question:** Offsetting the setback average from the channel limits the type of design we have in mind. If we take the average from the edge of the gravel road then we calculate even less buildable area. Also, to be in compliance with the County minimum on width of a structure the setbacks will have to change. The lot is also in the 100yr flood plain and as described above we will not be able to meet the standards for building in the flood plain based on the size of the lot. We have proposed retaining walls on either side of the structure to meet the requirements for drainage.

**Describe how the granting of the requested variance will not harm the public interest or have adverse affects on surrounding properties:** Removing the existing structure and building new will help by having the new structure centered on the lot. The new structure will be more uniform with the surrounding structures on the neighboring lots.

### SECTION REFERENCE AND BASIS OF DECISION

**Basis of Decision:** Town/County Zoning Code: 23.7-234

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**

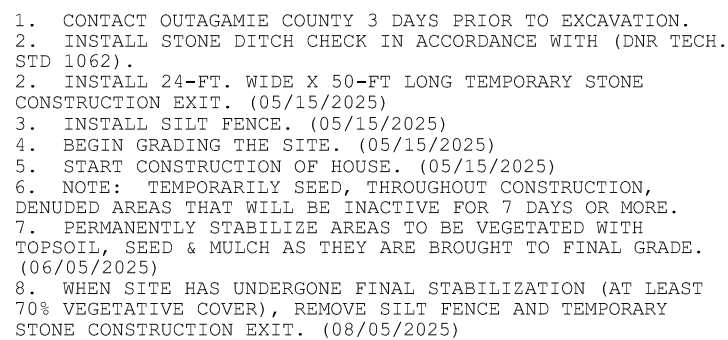
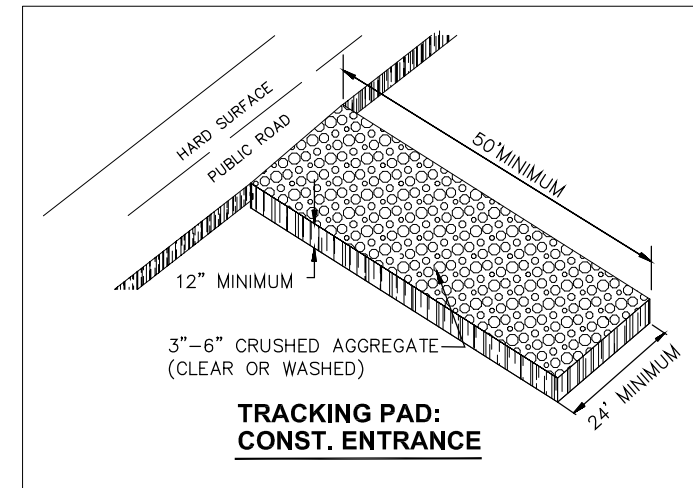
##### **27.14.8 Variances**

(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.



1. EROSION AND SEDIMENT CONTROL BMP'S SHALL BE INSPECTED:
  - A. AT LEAST WEEKLY.
  - B. WITHIN 24 HOURS AFTER A RAINFALL OF 0.5 INCHES OR GREATER.
2. A MONITORING RECORD SHALL BE MAINTAINED:
  - A. THE CONDITION OF EROSION AND SEDIMENT CONTROL BMP'S.
  - B. A DESCRIPTION OF MAINTENANCE CONDUCTED TO REPAIR OR REPLACE BMP'S.








2. DOWNSPOUTS ARE TO BE DISCHARGED TO A MINIMUM OF 20' OF VEGETATION AT 8% GRADE AND SHEET FLOW.



**PROPERTY OWNERS:**  
SUE BOHLEN  
1105 E. LINDBERGH ST.  
APPLETON, WI 54911  
EMAIL: [smbohlen@gmail.com](mailto:smbohlen@gmail.com)  
PHONE: (920)841-5457

PROPERTY ADDRESS: PART OF FRACTIONAL  
GOVERNMENT LOT 1

**SETBACKS:**  
FRONT: 30 FT. PER WINNEBAGO COUNTY  
SIDE: 10.4 FT. PER WINNEBAGO COUNTY  
REAR: 25 FT. PER WINNEBAGO COUNTY

-  PROPOSED GROUND ELEVATION AT FOUNDATION
-  APPROXIMATE SILT FENCE LOCATION
-  PROPOSED ELEVATION CONTOURS
-  DIRECTION OF PROPOSED DRAINAGE
-  EXISTING CONTOURS
-  TEMPORARY STONE (3"–6" BREAKER) CONSTRUCTION ENTRANCE
-  UTILITY POLE

[illegible]

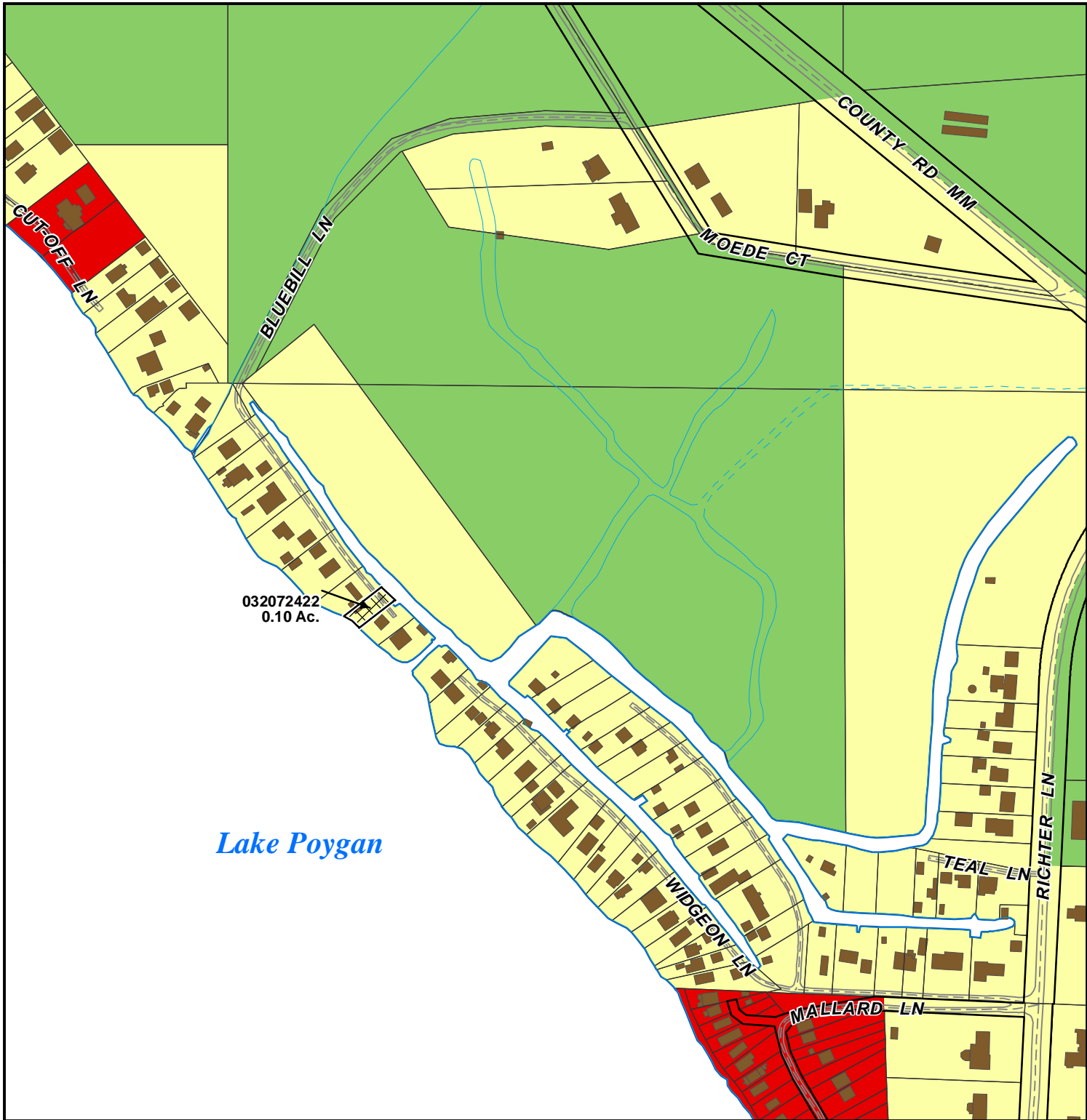
SCALE	DATE
1" = 20'	10-1-2024
COMPUTER FILE	
1-1945-001TOPO.dwg	

DRAWING NO.  
1-1945-001







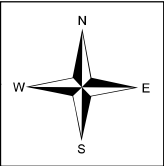


**Application #24-VA-6790**

Date of Hearing:  
**October 22, 2024**

Owner(s):  
**BOHLEN, SUSAN M**

Subject Parcel(s):  
**032072422**



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 #24-VA-6790**

Date of Hearing:

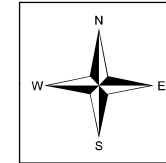
**October 22, 2024**

Owner(s):

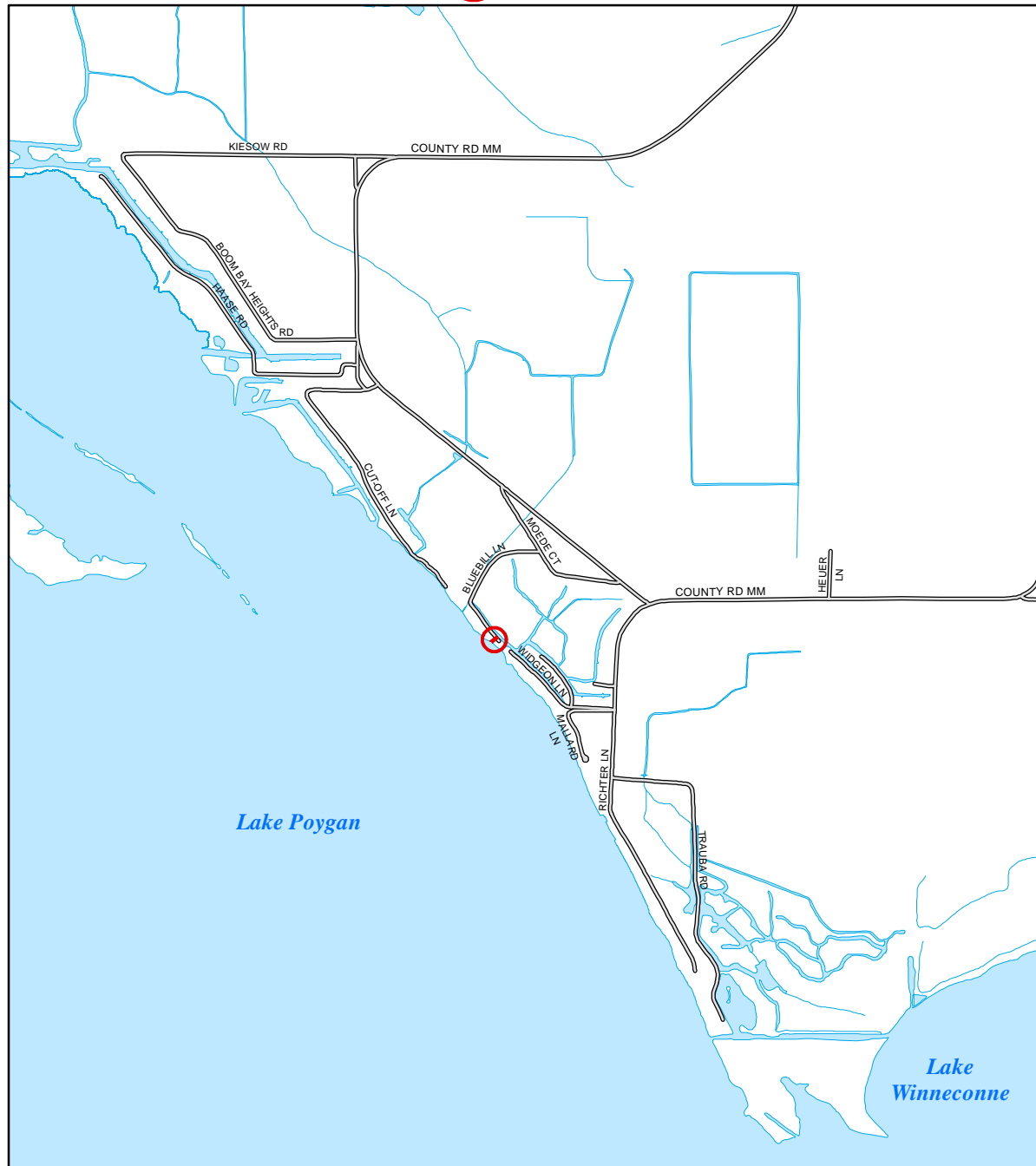
**BOHLEN, SUSAN M**

Subject Parcel(s):

**032072422**

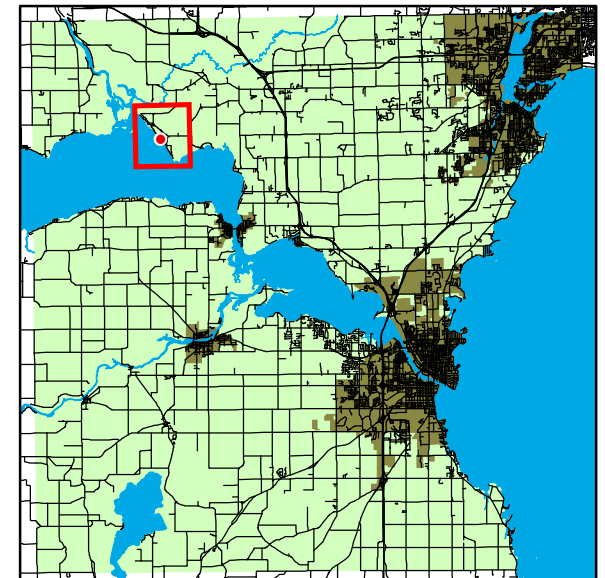


*Winnebago County  
WINGS Project*



1 inch : 2,000 feet

● = SITE



**WINNEBAGO COUNTY**