

# Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING  
BOARD OF ADJUSTMENT  
May 28, 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 May 28, 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 Link to the Microsoft Teams Meeting as 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-6610

**Applicant:** WINNEBAGO COUNTY PARKS DEPT

**Agent:** PICHLER, CHRISTINE

**Location of Premises:** 2820 STATE RD 116

**Tax Parcel No.:** 022-0801, 022-0817

**Legal Description:** Being all of Outlot 14 in the Map of Waukau located in the S 1/2 of the NE 1/4 and also part of the unplatted N 1/2 of the NE 1/4 all in Section 36, Township 18 North, Range 14 East, Town of Rushford, Winnebago County, Wisconsin.

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

| 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:75 ft | Shore Yard: 0ft (closest point) |

## INITIAL STAFF REPORT

**Sanitation:** Required; Private System

**Overlays:** Shoreland, floodplain, wetlands

**Current Zoning:** A-2 General Agriculture

**Surrounding Zoning:** North: R-1; South: A-2; East: A-2; West: R-2;R-1;B-3;

**Code Reference:** 27-6.1

**Description of Proposed Use:** Applicant is requesting a variance for a substandard shore yard setback requirement for multiple structures.

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

**Describe your project, include the proposed dimensions and setbacks:** The project includes improvements to the parking lot, walking trails, catwalks, side slopes, and fishing dock at the Waukau Dam Nature Preserve. Improvements to the parking lot and gravel walking trails will primarily match the existing alignment within 6" horizontally. Catwalks over two dams will be widened to 5' clear. The existing fishing dock will be replaced in the same location with a ramp and railing to meet ADA requirements. Two additional fishing docks will be constructed. A boardwalk will replace a portion of the existing gravel trail at the location of the dam impoundment overflow. Paved trails will replace the existing gravel trails from the parking lot to the first dam and fishing dock. An open air shelter will be added along with concrete picnic table pad

**Describe how compliance with the requirement in question unreasonably prevents or restricts development of a permitted use on the property:** All proposed improvements are permitted uses in a floodway district. Due to the configuration of the creek and dam impoundment, almost all of the proposed development on the site exists within the 75" shoreland zoning setback.

**Describe the unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question:** Due to the configuration of the creek and dam impoundment, almost all of the proposed development on the site exists within the 75" shoreland zoning setback.

**Describe how the granting of the requested variance will not harm the public interest or have adverse effects on surrounding properties:** Proposed improvements to the site including paved and gravel walkways, boardwalk, fishing piers, and shoreland stabilization will not increase flood levels of the creek and will work at preventing future erosion from the site.

### 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.

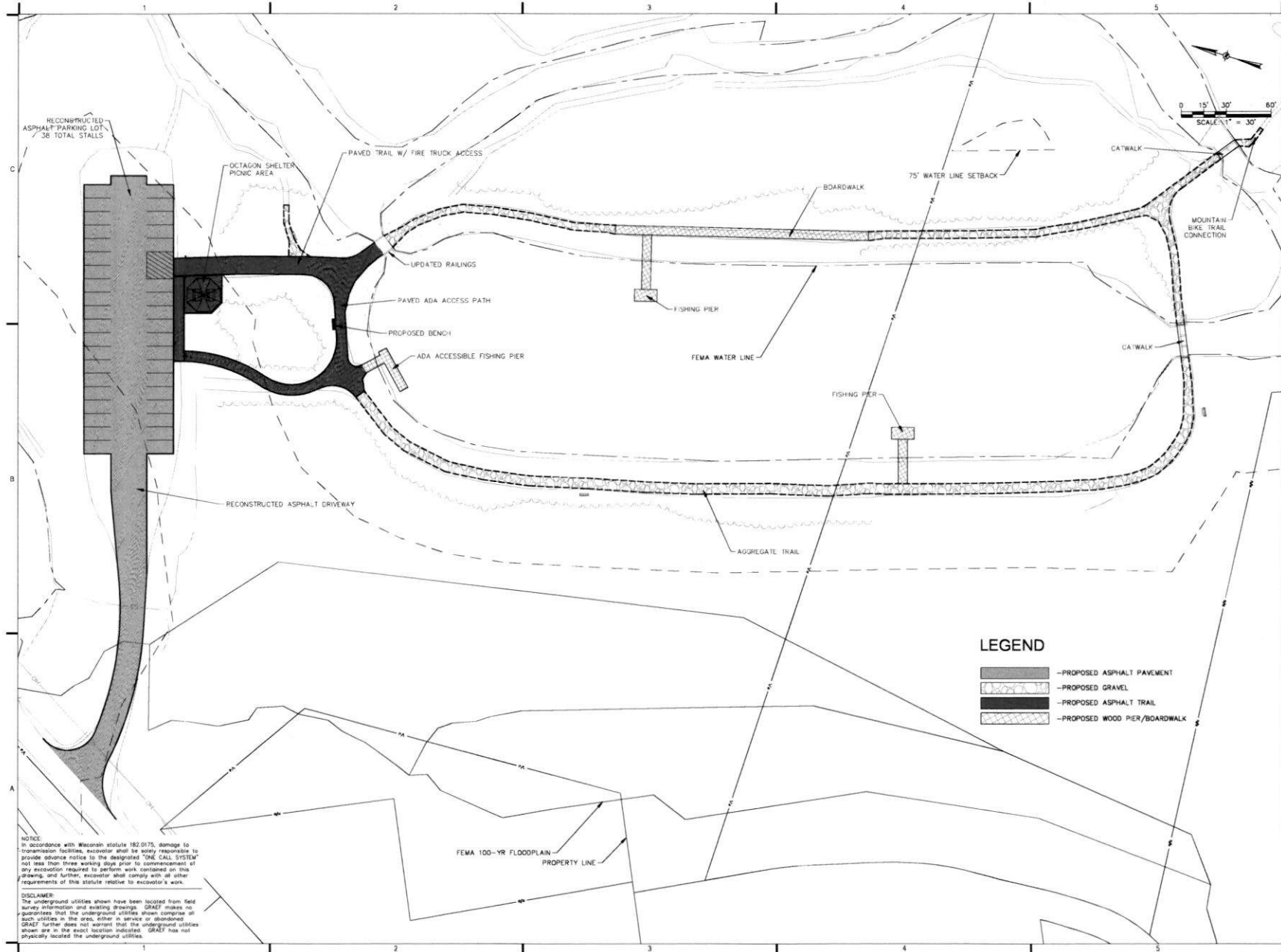
(b) **Additional criteria.** In addition to the criteria in subsection (a), to qualify for a variance under FEMA regulations, the following criteria must be met: (1) The variance shall not cause any increase in the regional flood elevation; (2) Variances can only be granted for lots that are less than 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.



### LEGEND

- PROPOSED ASPHALT PAVEMENT
- PROPOSED GRAVEL
- PROPOSED ASPHALT TRAIL
- PROPOSED WOOD PIER/BOARDWALK

**NOTICE:**  
In accordance with Wisconsin statute 182.0175, damage to transmission facilities, excavator shall be solely responsible to provide advance notice to the designated "ONE CALL SYSTEM" not less than three working days prior to commencement of any excavation required to perform work contained on this drawing, and further, excavator shall comply with all other requirements of this statute relative to excavator's work.

**DISCLAIMER:**  
The underground utilities shown have been located from field survey information and existing drawings. GRAEF makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. GRAEF further does not warrant that the underground utilities shown are in the exact location indicated. GRAEF has not physically located the underground utilities.

PRELIMINARY - NOT FOR CONSTRUCTION

PROJECT TITLE  
**WAUKAU DAM**

| NO. | DATE | REVISIONS | BY |
|-----|------|-----------|----|
|     |      |           |    |

PROJECT INFORMATION:  
PROJECT NUMBER: 2023-0267  
DATE: 03-08-2024  
DRAWN BY: CEP  
CHECKED BY:  
APPROVED BY:  
SCALE: AS NOTED

SHEET TITLE  
OVERALL SITE LAYOUT PLAN

SHEET NUMBER

# C200



**Application #24-VA-6610**

Date of Hearing:

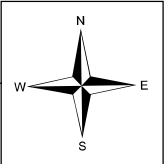
May 28, 2024

Owner(s):

WINNEBAGO COUNTY

Subject Parcel(s):

0220801 & 0220817



Winnebago County  
WINGS Project

**Scale**

1 inch : 400 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

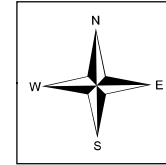
○ = SITE

**Application #24-VA-6610**

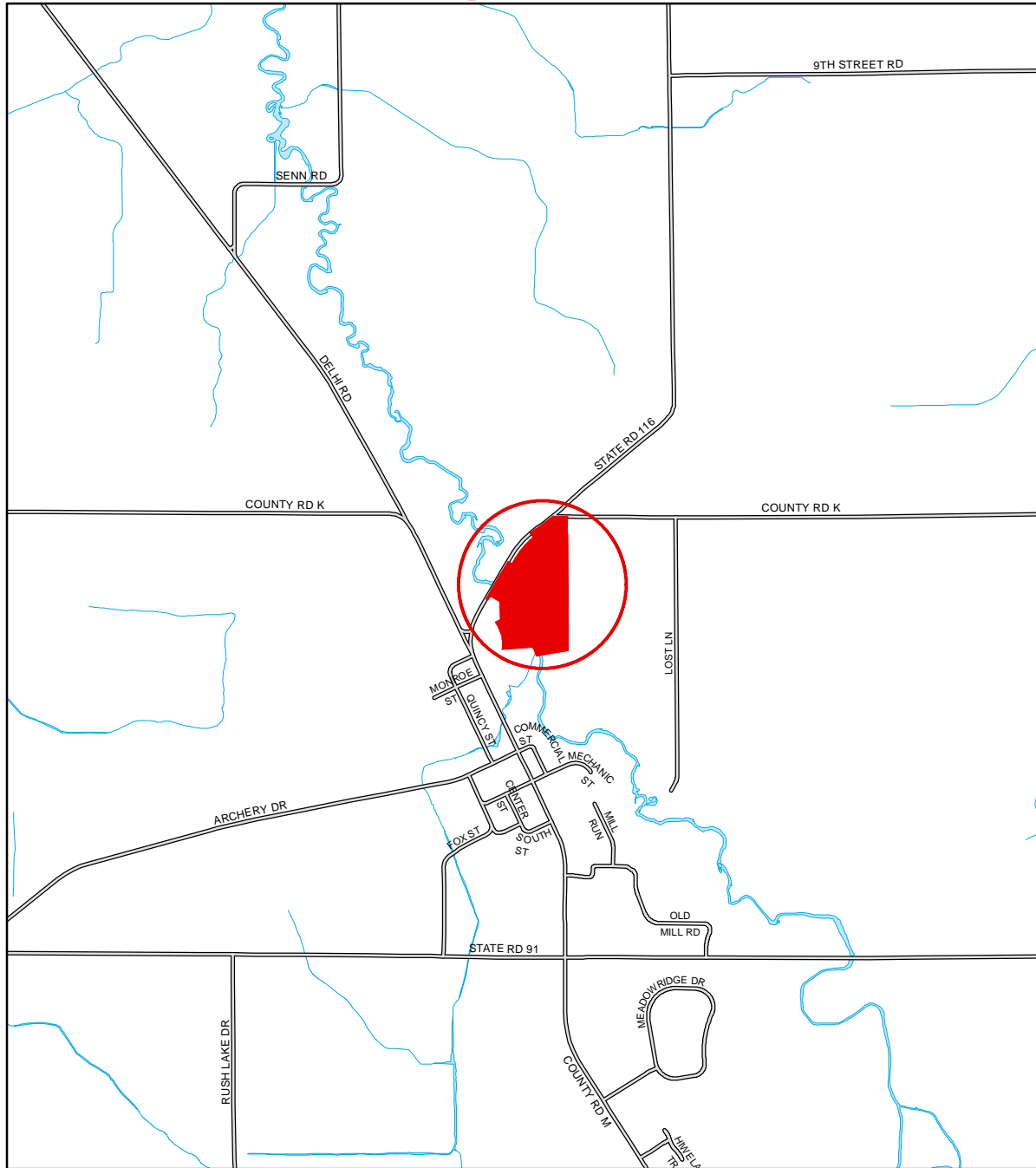
Date of Hearing:  
May 28, 2024

Owner(s):  
WINNEBAGO COUNTY

Subject Parcel(s):  
0220801 & 0220817

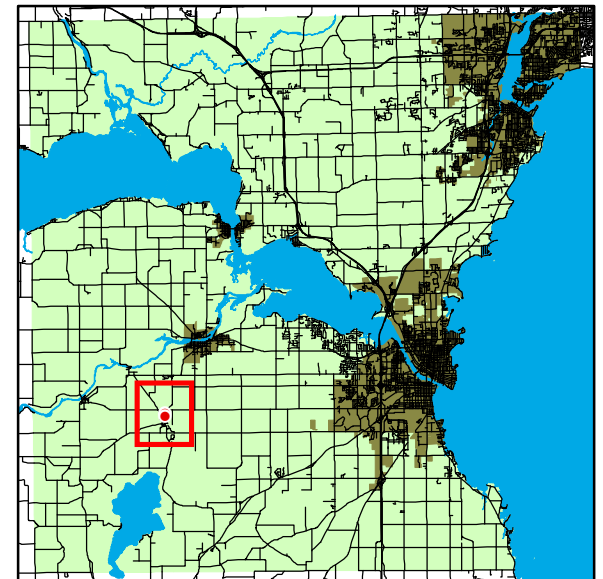


*Winnebago County  
WINGS Project*



1 inch : 2,000 feet

● = SITE



**WINNEBAGO COUNTY**