

# Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING  
BOARD OF ADJUSTMENT  
March 26, 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 7, the Traffic Code Ordinance, 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 March 26, 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/p-z-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-6590

**Applicant:** DAHLINGER, NICHOLAS

**Agent:** SEHLOFF, JAMES DAVEL ENGINEERING & ENVIRONMENTAL

**Location of Premises:** 7474 COUNTY RD II

**Tax Parcel No.:** 032-0264

**Legal Description:** Being all of Lot 2 of CSM-4881 located in the NE 1/4 of the SW 1/4 of Section 12, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin.

**Explanation:** Applicant is requesting a variance for a sub standard road access point setback

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
The horizontal distance between access points shall not be less than 600 ft.	Chapter 7.14 (10)(a)	Road Access Point: 600'	Road Access Point: 395'

## INITIAL STAFF REPORT

**Sanitation:** Existing; ; Private System

**Overlays:** Shoreland, wetlands

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

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

**Code Reference:** Chapter 7.14 (10)(a)

**Description of Proposed Use:** Applicant is requesting a variance for a substandard road access point setback

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

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

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

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

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

### 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.

**Traffic Code Ordinance**

**7.14 (13) Variances**

Any person or any office or department aggrieved by an order, requirement or interpretation made by the Commission may request a review of that order, requirement, or interpretation before the Winnebago County Board of Adjustment. Requests for variances shall be filed with the Winnebago County Zoning Department within 30 days of notification. A fee shall be paid at the time of filing pursuant to Section 17.02(12) of General Code of Winnebago County.

(a) If the Board of Adjustment finds that practical difficulty and unnecessary hardship may result from strict compliance with the Ordinance, it may vary the regulation so that substantial justice may be done provided that the public interest is secured and that such variance will not have the effect of nullifying the intent and purpose of this Ordinance.

(b) In granting variances, the Board of Adjustment shall request evidence of practical difficulty and hardship and record the reasons in the minutes of which the variance was granted or denied.