

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 1/26/2021

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 1/26/2021 at 5:30 p.m. in Conference Room 120 of the County Administration Building located at 112 Otter Ave, Oshkosh, WI.

Meetings will be held via Zoom for the welfare of everyone involved. All interested persons wishing to be heard at the public hearing may appear in person, however, we are encouraging the public to stay home and stay safe.

- **Join Zoom Meeting:** <https://us02web.zoom.us/j/87156751307?pwd=ZnNMZXplSWREZUZydE4wSG9vbXBsUT09>
- Dial by your location: +1 312 626 6799 US (Chicago)
- Meeting ID: 871 5675 1307
- Passcode: 136328

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

INFORMATION ON VARIANCE REQUEST

Applicant: BIESE, JENNIFER; BIESE, MICHAEL

Agent: KALKOFEN, COREY - MCMAHON ASSOCIATES

File Number: 2021-VA-5540

Location of Premises: 8456 OCONNELLS RESORT RD

Tax Parcel No.: 020-007303

Legal Description:

Being all of Lot 1 of CSM-2351 located in part of the NW 1/4 of the NW 1/4, Section 15, Township 19 North, Range 14 East, Town of Poygan, Winnebago County, Wisconsin.

Description of Proposed Project: Applicant is requesting a variance for a sub-standard shore yard setback.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
Unless exempt under section 6.1(1), or reduced under 6.2, a setback of 75 feet from the ordinary high-water mark of any navigable water to the nearest part of a building or structure shall be required for all buildings and structures.	27-6.1	75 ft. (69 ft. via setback averaging)	38.5 ft.

INITIAL STAFF REPORT

Sanitation: Existing System; Municipal System

Overlays: Floodplain Shoreland

Current or Proposed Zoning: R-1 Rural Residential

Code Reference: 27-6.1

Description of Proposed Use: Applicant is requesting a variance for a sub-standard shore yard setback.

Surrounding Zoning:

North: Lake Poygan

South: R-8

East: R-1

West: R-1

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

The proposed project consist of a 68 feet wide by 34 feet deep residence with an attached 2 car garage. Due to the property being entirely within the 100 year floodplain, the site will need to be elevated by approximately 2.5 feet. The proposed setbacks for the proposed house are: Front = 20.47 feet, sides = 15.5 feet and shore = 47.5 feet. The setbacks per R-1 zoning are: Front = 30 feet, sides = 7 feet one side, 10 feet on the other and shore = 75 feet. Using setback averaging, the front setback = 16.33 feet and the shore setback = 64 feet. A variance for the shore and front setback is requested.

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

Compliance with the required front and shore setback would make this lot unbuildable. The lot is 107 .6 feet more or less deep at the deepest point. The required front and shore setback combined = 105 feet.

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

The lot is 107.6 feet more or less deep at the deepest point. The required front and shore setback combined = 105 feet. The proposed house location was determined by calculating the driveway slope at 8% and applying the requirement of the floodplain zoning code, "fill must be placed around the foundation 15 feet in all directions at an elevation of 1 foot above the 100 year flood elevation". Retaining walls are proposed along the side lot lines to comply with this requirement.

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

Granting of the request variance will not have an adverse impact on the public health, safety and welfare. Existing drainage along the common lot lines will be maintained.

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.

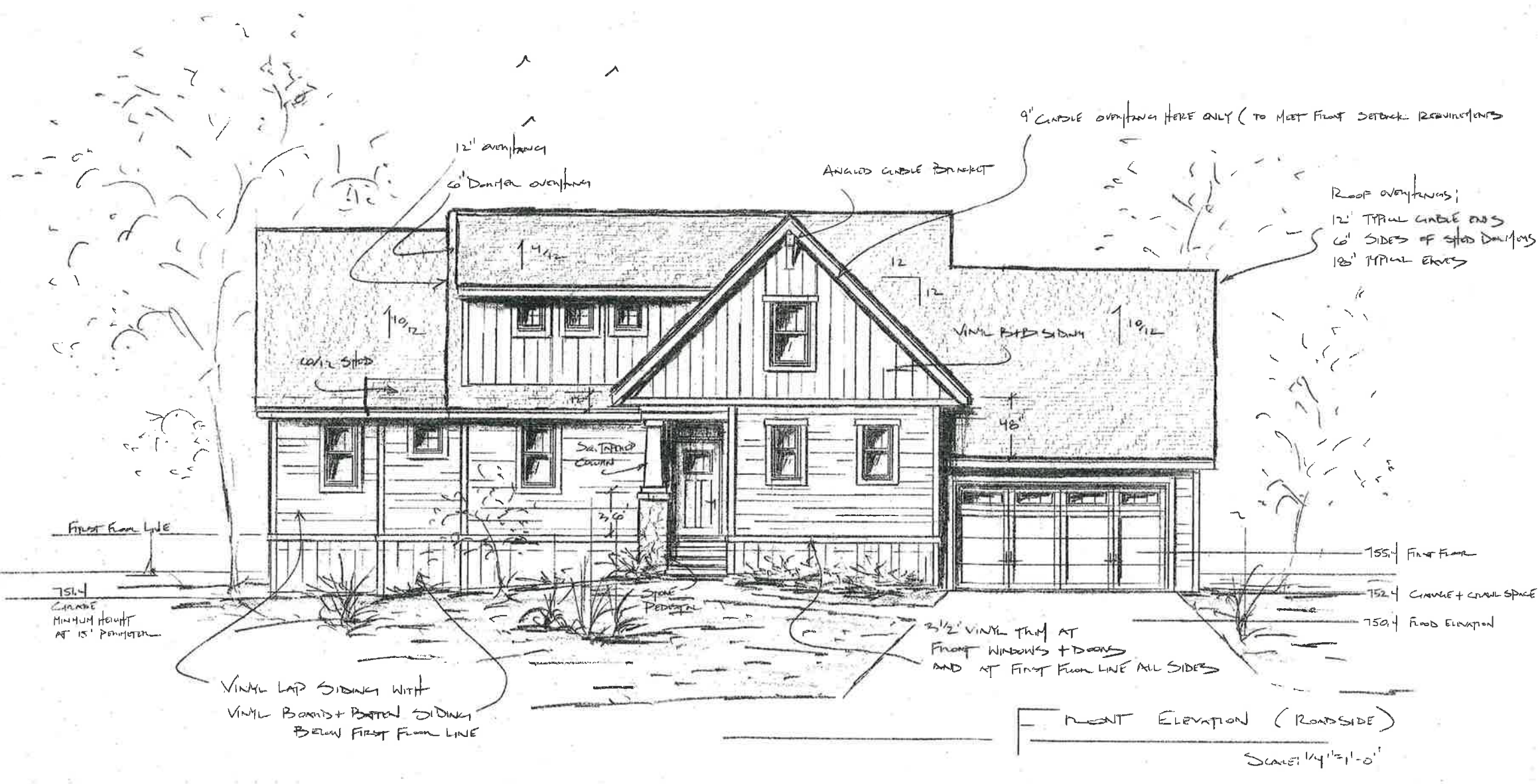
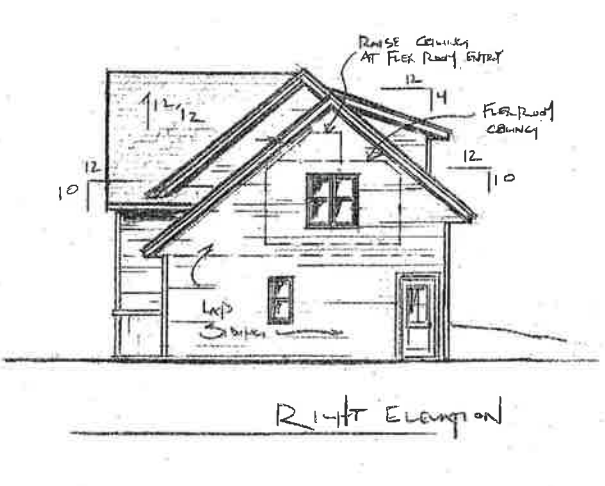
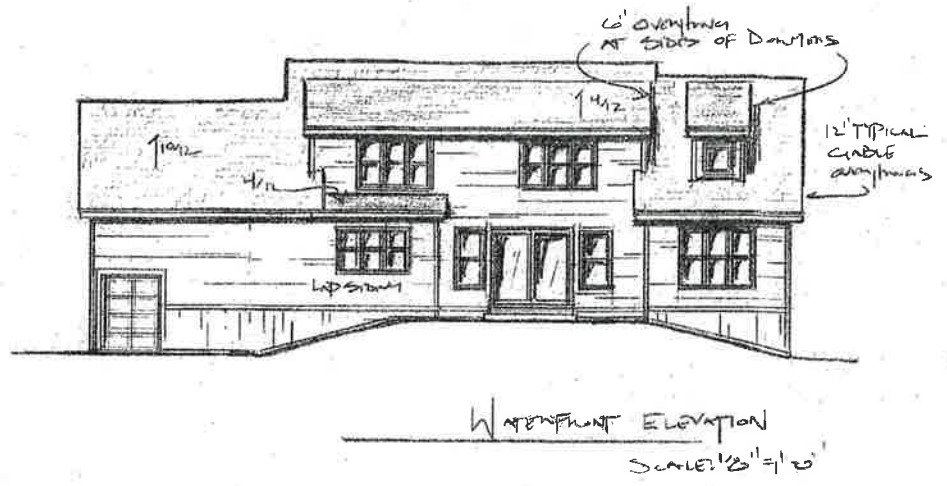
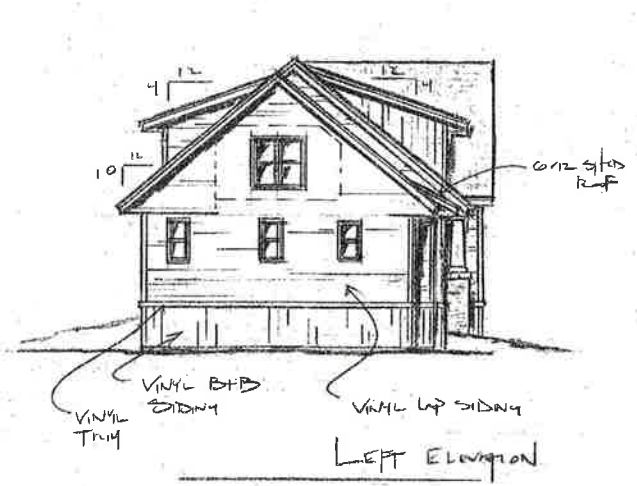
(c) **Limitations.** A variance shall not (1) grant, extend, or increase any use prohibited in the zoning district; (2) be granted for a hardship based solely on an economic gain or loss; (3) be granted for a hardship which is self-created; (4) damage the rights or property values of other persons in 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.

REVISED



PRELIMINARY
DESIGN CONCEPT ONLY

PRICING
THIS PLAN IS NOT FOR CONSTRUCTION. IT HAS BEEN DEVELOPED TO THE BIDDING STAGE ONLY.

FINAL
THE COPYRIGHT IS NOT RELEASED FOR THIS PLAN UNLESS THIS BOX HAS BEEN CHECKED.

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DAYTON HOME DESIGNS INC.
1004 S. OLDE ONEIDA ST APPLETON, WI 54915
(920)-380-0900 web: daytonhomedesigns.com

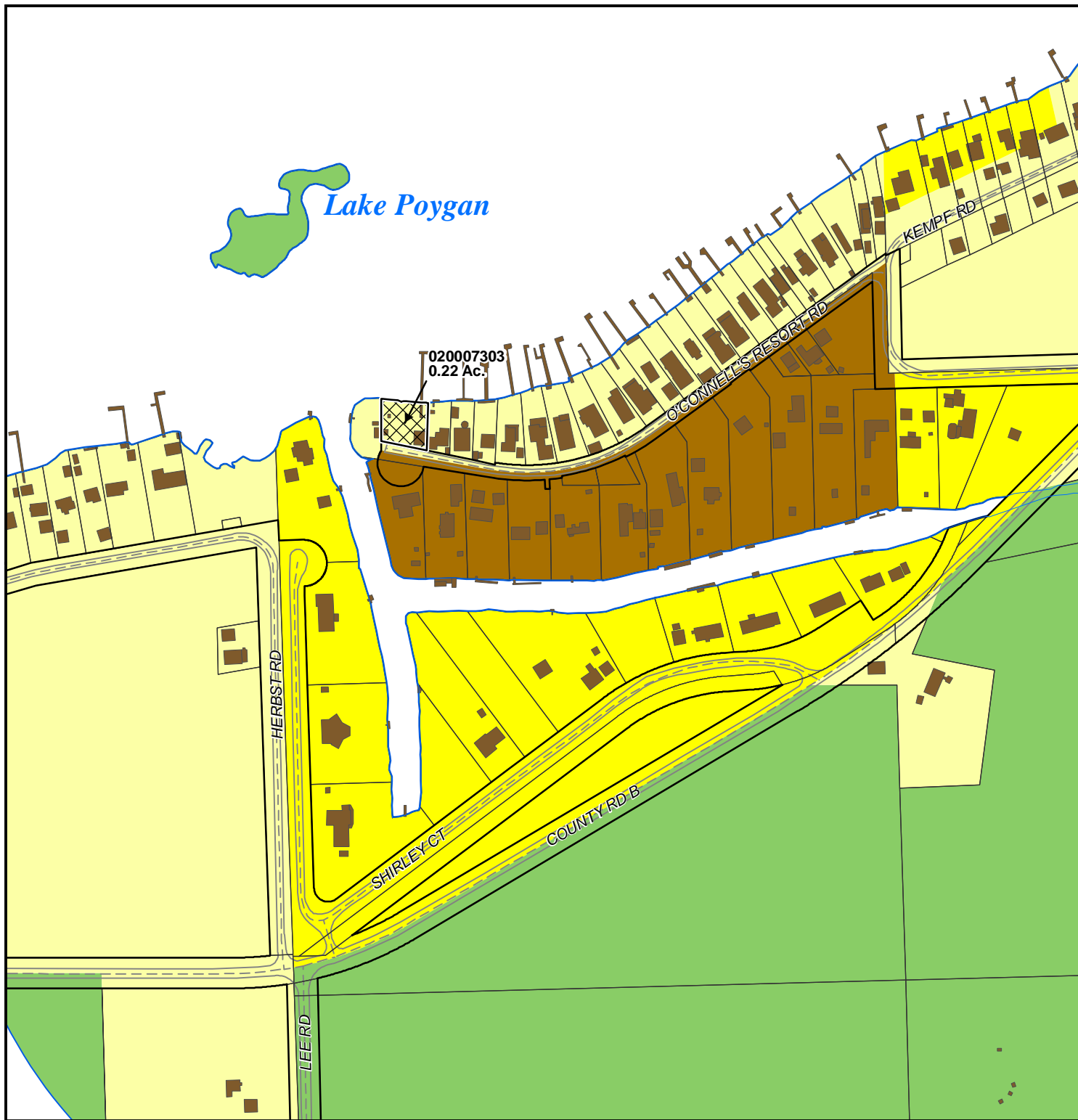
BIESE RESIDENCE
BY: SCHMIDT BROS.
CUSTOM HOMES, INC.

Revisions
4-29-20
10-27-20
12-17-20

Drawn by
DLA, JDV

Date
MARCH 27
2020

Sheet No.
1 OF 4

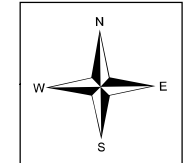


Application #21-VA-5540

Date of Hearing:
January 26, 2021

Owner(s):
BIESE, JENNIFER /
BIESE, MICHAEL

Subject Parcel(s):
020007303



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

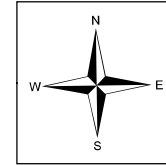
○ = SITE

Application #21-VA-5540

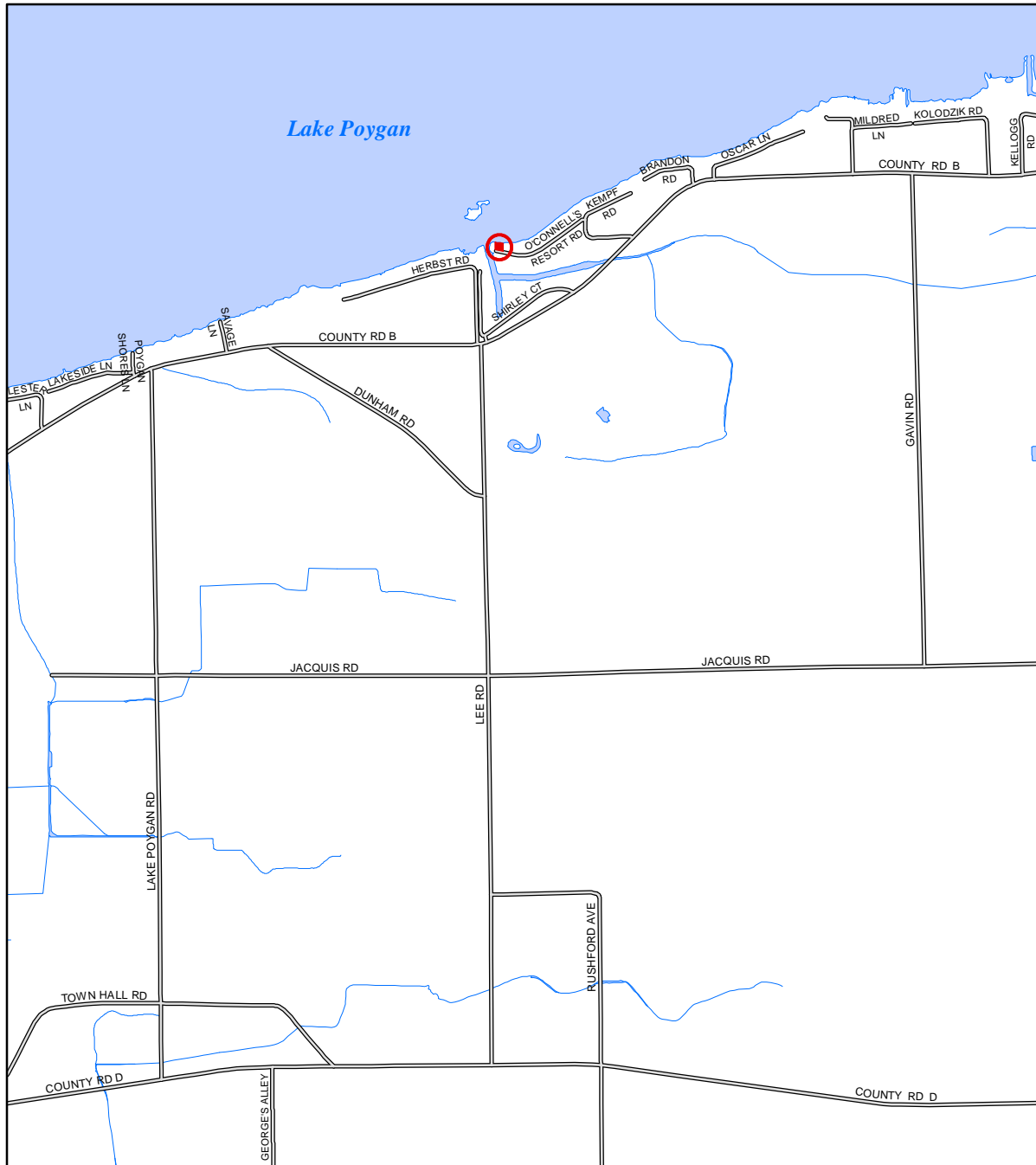
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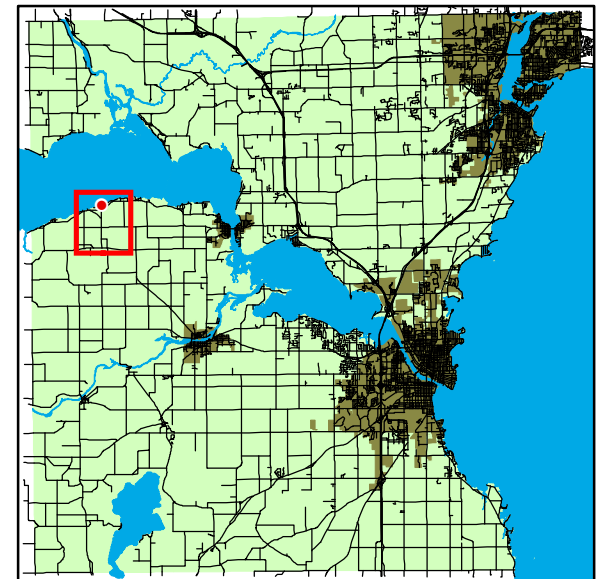


*Winnebago County
WINGS Project*



1 inch : 2,000 feet

● = SITE



WINNEBAGO COUNTY