

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 8/28/2018

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 8/28/2018 at 5:30 p.m. in Conference Room 120 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:
SMITS, THOMAS

Agent:
None

File Number:
2018-VA-4570

Location of Premises:
8160 MILDRED LN
WINNECONNE, WI 54986

Tax Parcel No.:
020-000903

Legal Description:
Being a part Government Lot 4 and the SE 1/4 of the SE 1/4, Section 10, Township 19 North, Range 14 East, Town of Poygan, Winnebago County, Wisconsin.

Description of Proposed Project:
Applicant is requesting a variance for substandard floodplain fill requirements around the perimeter of a residential structure.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
Flood proofing standards require 15-ft of fill around the perimeter of a residential structure.	Chapter 26, Article 5, Division 3, Section 26.5-23(b)(1) Development Standards for Residential Structures	15-ft	6-ft and 6-ft

INITIAL STAFF REPORT

Sanitation:

Existing System
Municipal System

Overlays:

Floodplain
Shoreland

Current or Proposed Zoning:

R-1 Rural Residential

Code Reference:

Chapter 26, Article 5, Division 3, Section 26.5-23(b)(1) Development Standards for Residential Structures

Description of Proposed Use:

Applicant is requesting a variance for substandard floodplain fill requirements around the perimeter of a residential structure.

Surrounding Zoning:

North: Lake
South: R-1
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:

Build new single family home per attached map.

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

The existing 50 foot lot width does not allow for 15 feet of fill on each side of home.

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

The lot width of 50 feet limits the proposed home width. The variance request is for 6 feet of fill on each side yard of home.

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

The six feet of fill provides adequate flood protection. Existing drainage pattern will not be effected.

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.

SITE PLAN

PART OF FRACTIONAL GOVERNMENT LOT 4, SECTION 10, TOWNSHIP 19 NORTH, RANGE 14 EAST, TOWN OF POYGAN, WINNEBAGO COUNTY, WISCONSIN.

SURVEY FOR:
TOM SMITS
N9578 DIAMOND CT.
APPLETON, WI 54915



BEARINGS ARE REFERENCED TO THE WINNEBAGO COUNTY COORDINATE SYSTEM OF 1983(1997)
Scale 1 inch = 20 feet
0 10 20 40

SITE ADDRESS:
8160 MILDRED LANE

TAX PARCEL NUMBER:
020000903

TOTAL AREA:
12,227 SQ.FT. ± / 0.280 AC. ±

30% OF TOTAL AREA = 3,668 SQ.FT.

EXISTING IMPERVIOUS AREA PER WINNEBAGO COUNTY
11/8/2017 SITE VISIT = 2442.5 SQ.FT.

EXISTING IMPERVIOUS % = 19.98%

PROPOSED IMPERVIOUS AREA

PROPOSED RESIDENCE = 1901 SQ.FT.
WITH 18" OVERHANG

EXISTING & PROPOSED GRAVEL = 1185 SQ.FT.

EXISTING BOAT HOUSE = 414 SQ.FT.

EXISTING DECK = 58 SQ.FT.

EXISTING LIVE WELL = 19 SQ.FT.

TOTAL PROPOSED = 3,577 SQ.FT.
IMPERVIOUS AREA 29.25%

LEGEND

- (770.0) EXISTING GROUND ELEVATION
- 752.4 PROPOSED TOP OF FOUNDATION WALL
- DIRECTION OF PROPOSED DRAINAGE

MAINTAIN 10' VEGETATED BUFFER ON LOT LINES OR INSTALL SILT FENCE.

ALL DISTURBED AREAS SHALL BE TOPSOILED, SEEDED AND MULCHED AT THE COMPLETION OF CONSTRUCTION.

NOTE: SIDE YARDS DETERMINED AS 26% OF THE LOT FRONTAGE (26% X 50.09' = 13.02')

PROJECT NO. 0-2226-001
FILE 2226001SITEPLAN.DWG
THIS INSTRUMENT WAS DRAFTED BY: DSL

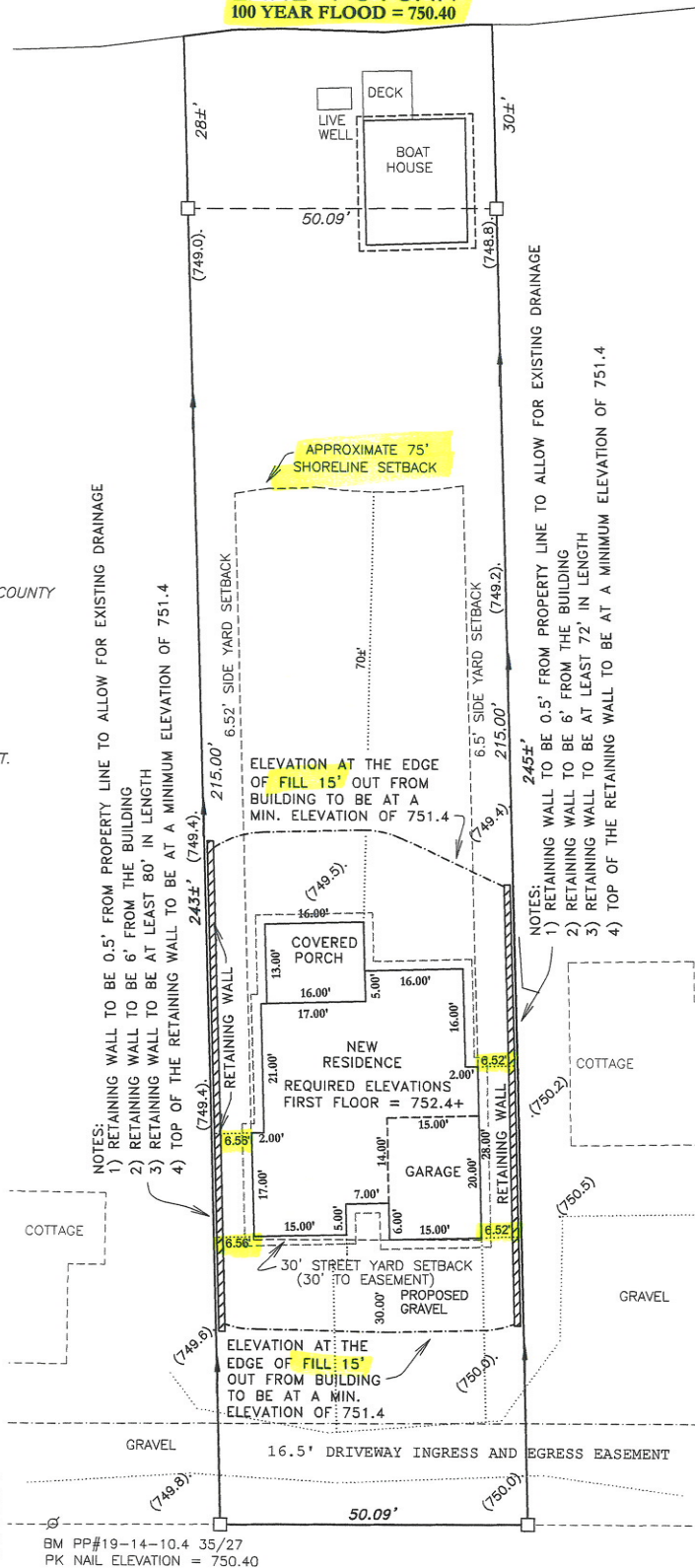
Martenson & Eisele, Inc.



101 West Main Street
Omro, WI 54963
www.martenson-eisele.com
P 920.685.6240 F 920.685.6340

Planning
Environmental
Surveying
Engineering
Architecture

LAKE POYGAN
100 YEAR FLOOD = 750.40



NOTES:
1) RETAINING WALL TO BE 0.5' FROM PROPERTY LINE TO ALLOW FOR EXISTING DRAINAGE
2) RETAINING WALL TO BE 6' FROM THE BUILDING
3) RETAINING WALL TO BE AT LEAST 80' IN LENGTH
4) TOP OF THE RETAINING WALL TO BE AT A MINIMUM ELEVATION OF 751.4

NOTES:
1) RETAINING WALL TO BE 0.5' FROM PROPERTY LINE TO ALLOW FOR EXISTING DRAINAGE
2) RETAINING WALL TO BE 6' FROM THE BUILDING
3) RETAINING WALL TO BE AT LEAST 72' IN LENGTH
4) TOP OF THE RETAINING WALL TO BE AT A MINIMUM ELEVATION OF 751.4

ELEVATION AT THE EDGE OF FILL 15' OUT FROM BUILDING TO BE AT A MIN. ELEVATION OF 751.4

ELEVATION AT THE EDGE OF FILL 15' OUT FROM BUILDING TO BE AT A MIN. ELEVATION OF 751.4

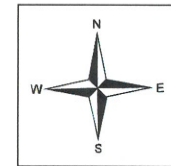
BM PP#19-14-10.4 35/27
PK NAIL ELEVATION = 750.40

Application #18-VA-4570

Date of Hearing:
August 28, 2018

Owner(s):
Smits, Thomas

Subject Parcel(s):
020000903



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

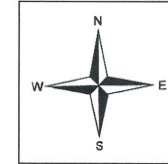
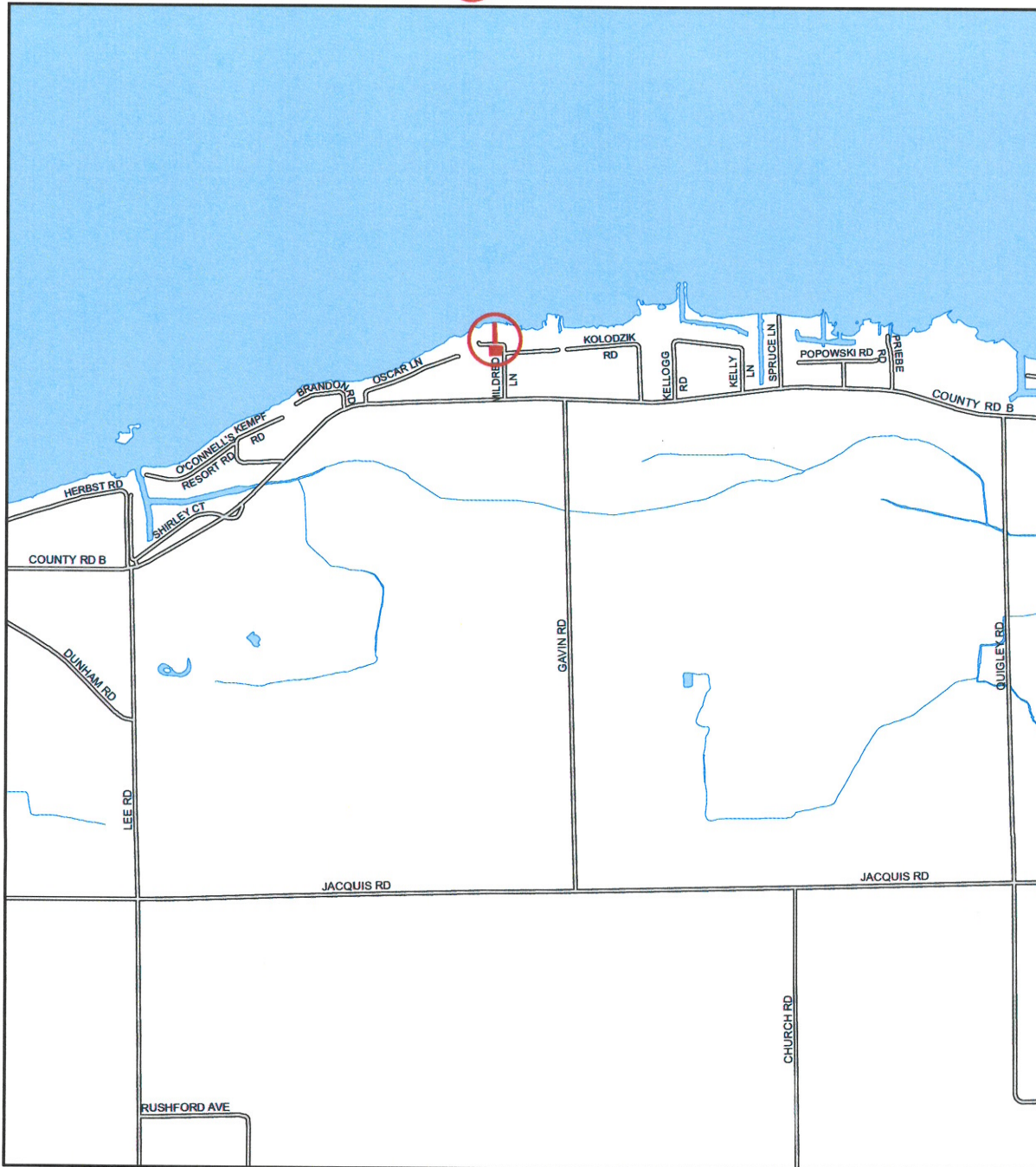
○ = SITE

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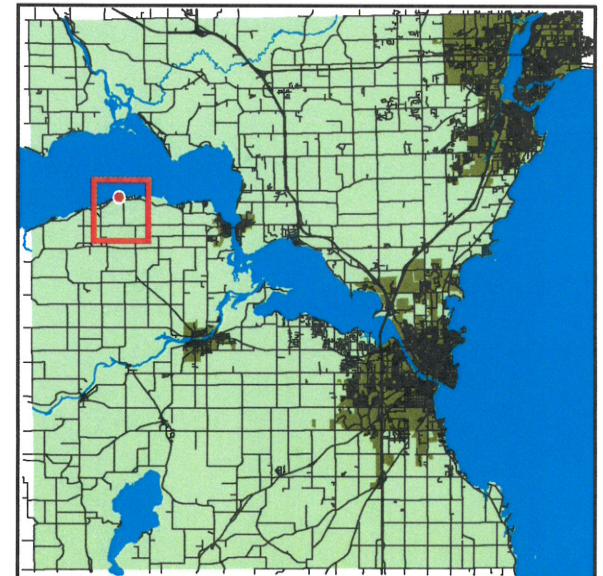
Owner(s):
Smits, Thomas

Subject Parcel(s):
020000903



Winnebago County
WINGS Project

● = SITE



WINNEBAGO COUNTY

1 inch : 2,000 feet