

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 11/20/2019

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 11/20/2019 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: STRATTON, LINDA
STRATTON, STEVEN

Agent: None

File Number: 2019-VA-5150

Location of Premises: 7875 HAASE RD, LARSEN, WI 54947

Tax Parcel No.: 032-056604

Legal Description:

Being a part of Government Lot 2, Section 26, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting to construct a 12x24' boathouse 11' from a private road where 30' is required as the minimum setback distance.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
Applicant is requesting to build a 12 x 24 boathouse with a reduced setback to a private road.	Chapter 27, Section 2.7 of the Winnebago County Shoreland Zoning Code and Chapter 23, Exhibit 8-2, R-1 Rural Residential District (non-subdivided) of the Winnebago County Zoning Code	30'	11'

INITIAL STAFF REPORT

Sanitation: Existing System
Private System

Overlays: Floodplain
Shoreland

Current or Proposed Zoning: R-1 Rural Residential

Code Reference:

Chapter 27, Section 2.7 of the Winnebago County Shoreland Zoning Code and Chapter 23, Exhibit 8-2, R-1 Rural Residential District (non-subdivided) of the Winnebago County Zoning Code

Description of Proposed Use:

Applicant is requesting to construct a 12x24' boathouse 11' from a private road where 30' is required as the minimum setback distance.

Surrounding Zoning:

North: R-1

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:

We would like to build a 12' x 24' boat house. The structure would be located 11' off the edge of the private road on the channel side.

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

With marsh on one side of the cottage and road on the other side we only have approximately 40' between the road and channel to build. There currently is no garage on the property and we would like to construct a boat house to store our water crafts and other equipment. There is not enough room between the road and the channel to meet the 30' setback requirement.

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

The property has marsh on one side and channel on the other with a private road in the center. The cottage on the marsh side has no room to build a boat house within the setback requirements.

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

The structure is located on the private road near the end. Other properties in the area have been granted variance and have buildings 5' off the road. Neither property owner past the boat house object to the building.

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

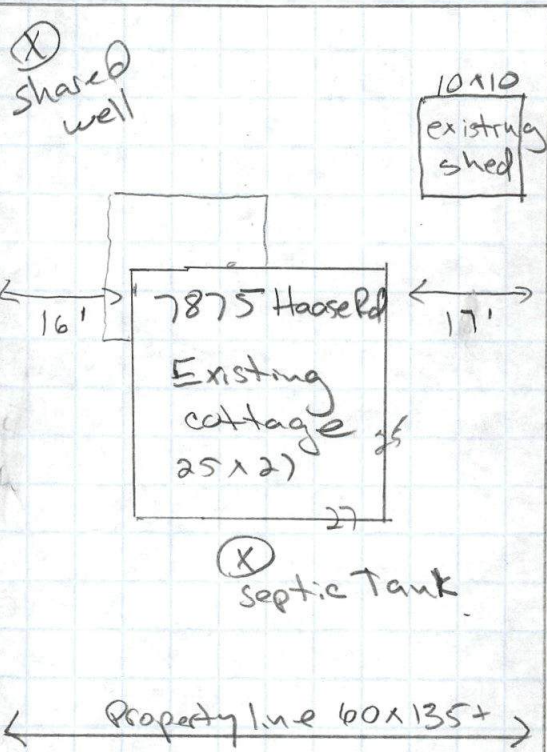
(a) **Generally.** The Board of Adjustment may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that (1) literal enforcement of this chapter will cause unnecessary hardship; (2) the hardship is due to unique property conditions, not common to 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.

7875 Haase Rd
Larsen, WI

(S)

□ = 5ft

60ft Marsh

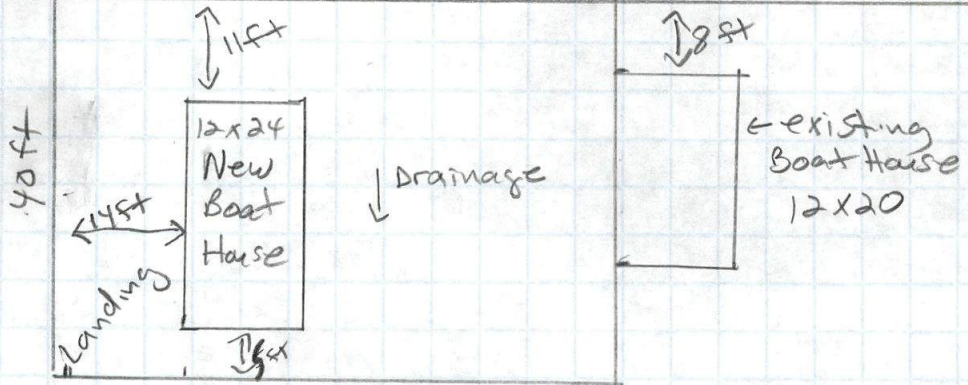


(E)

(W)

Haase Rd Private Road (centerline)

10ft



Channel

(N)

ROBERT E. BRAUN
Zoning Administrator

KATHRYN M. LARSON
Code Enforcement Officer

CARY A. ROWE
Code Enforcement Officer

RICK HOEFT
Drainage Inspector

BRIAN P. O'ROURKE
Assistant Code Enforcement Officer

448 ALGOMA BLVD., P. O. BOX 2808
OSHKOSH, WISCONSIN 54903-2808

OSHKOSH (920) 236-4844
FOX CITIES (920) 727-2880
FAX (920) 303-3035



Winnebago County

Zoning Department

The Wave of the Future

TO: Board of Adjustment
FROM: Kathryn M. Larson
DATE: January 18, 2006
RE: Ray Meyer Variance Decision

This letter is to request a reconsideration of the above referenced decision that was rendered on January 5, 2006. Finding No. 1 in the decision letter was stated as follows:

Exceptional Circumstances: None. There is an alternative location for the boathouse."

There are two problems with the above statement. One is that there is no alternative location on the lot. It cannot be placed on the marsh side of the lot because the variance granted in 2001 allowed the new house to be located 5 ft. from the Ordinary High Water Mark.

Secondly, I am told that there was discussion that a smaller boathouse could be built on the channel side by using setback averaging of the two adjacent boathouses. That is not correct because the condition you put on the original variance specifically prohibited any new structure on the channel.

While each variance must be decided on its own merit, the Board has consistently granted variances for boathouses along the channel on this road, including one right next door for Gene Plank in September, 1994, on a much larger lot.

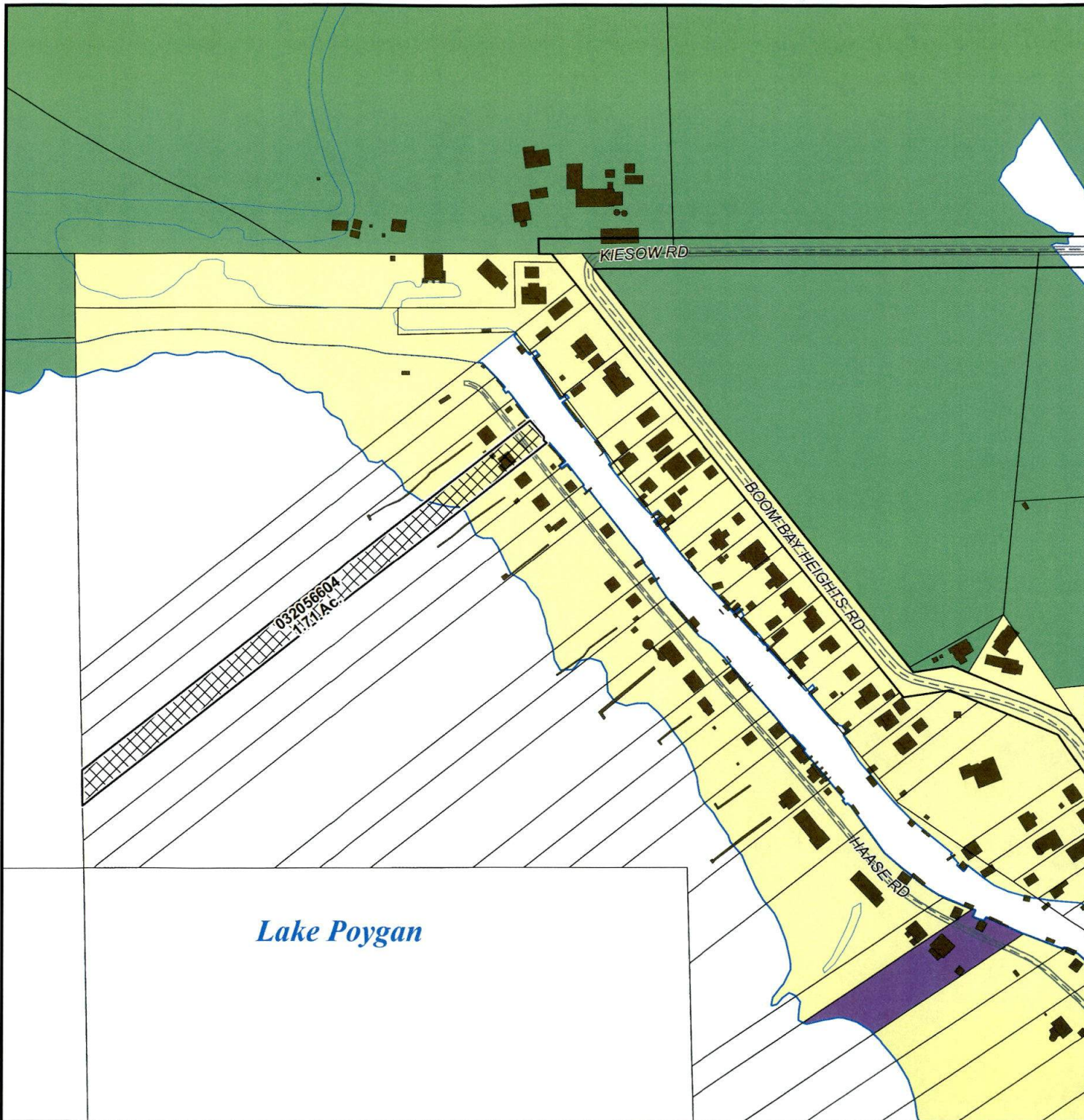
Other recent variances for boathouses along this channel on this road include:

1. August, 2005 John Bourgeois, a 13' x 30' boathouse, 12.7' from road. (with a variance for a 28' x 40' detached garage on the wetland side.)
2. March, 2003 Tom Wilson 20 x 25 (and included a 20' x 34' attached garage)
3. October, 1994 Leo O'Connor 20 x 25 boathouse and 30 x 40 detached garage

Findings used in granting the above variances were legitimate arguments (see attached.)

At the request of Chairman Schroeder, this request has been placed on the agenda for Friday, September 27, 2006, for a reconsideration of the decision. We will meet in the Planning & Zoning conference room at 7:30 a.m., and the viewing for this month's public hearing items will follow the closing of the Meyer reconsideration.

NOTE: The 4' x 8' shed that was part of the original variance for Mr. Meyer's property was not built.



Application #19-VA-5150

Date of Hearing:

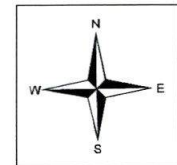
November 20, 2019

Owner(s):

Stratton, Steven & Linda

Subject Parcel(s):

032056604



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

Lake Poygan

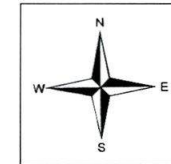
○ = SITE

Application #19-VA-5150

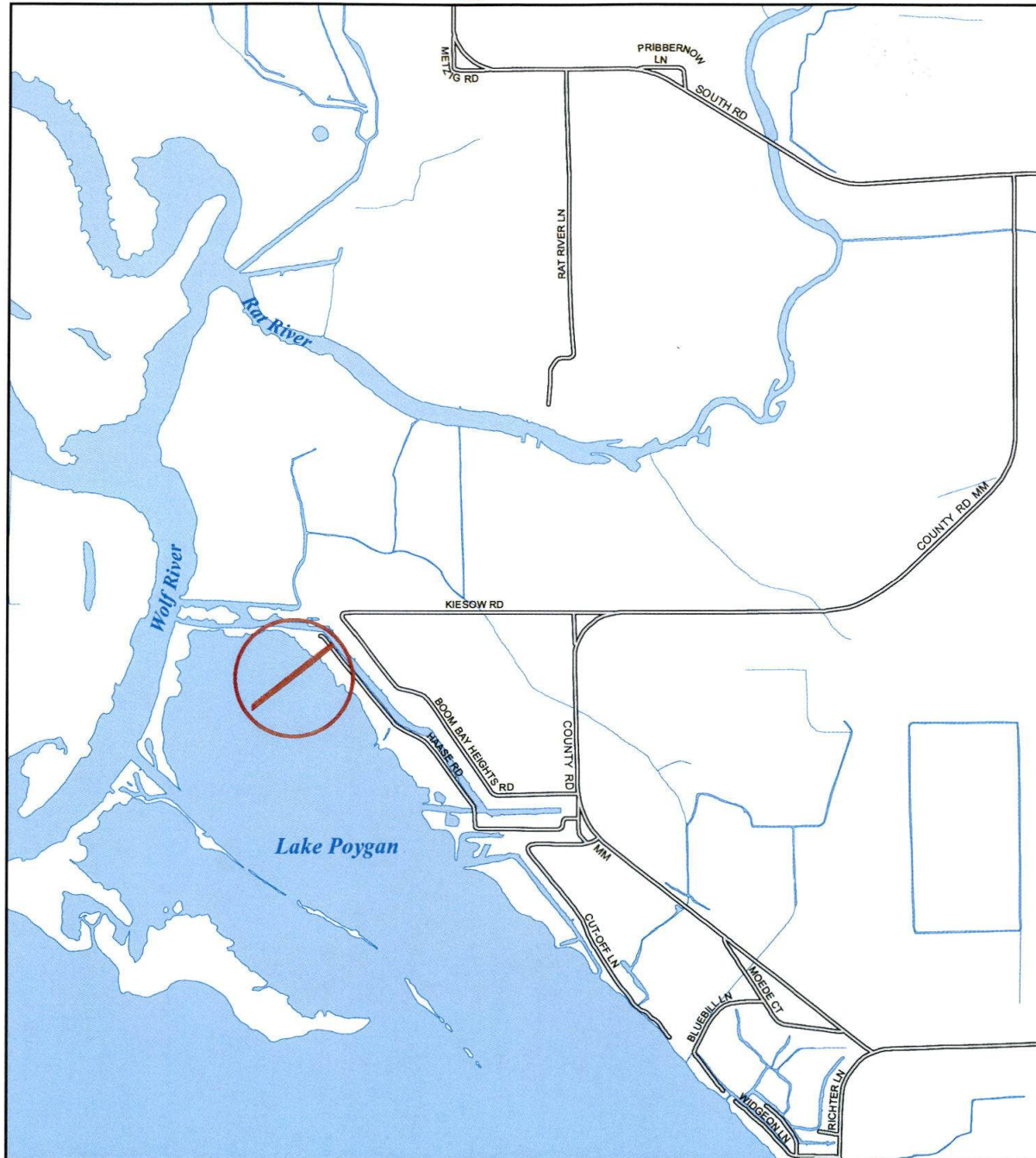
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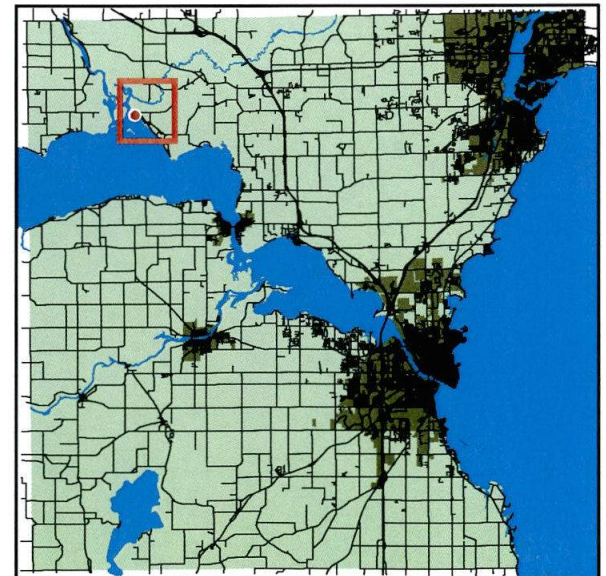


*Winnebago County
WINGS Project*



1 inch : 2,000 feet

● = SITE



WINNEBAGO COUNTY