

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 5/28/2019

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 5/28/2019 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: TROW REV TST, JANICE M

Agent: YOUNG, GENE

File Number: 2019-VA-4790

Location of Premises: 8332 KEMPF RD, WINNECONNE, WI 54986

Tax Parcel No.: 020-0739

Legal Description:

Being a part of Assessor's Plat No. 4 Town of Poygan, Lot 8, located in Government Lot 2, Section 10, Township 19 North, Range 14 East, Town of Poygan, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting a variance for a reduced front street yard setback to construct a single family dwelling addition and attached garage.

<u>DESCRIPTION:</u>	<u>CODE REFERENCE:</u>	<u>REQUIRED:</u>	<u>PROPOSED:</u>
A variance approval is required to construct a single family dwelling with attached garage 20.4' from the front street yard property line.	Chapter 23, Article 8, Exhibit 8-2, R-1 (Rural Residential District) of the Winnebago Town/County Zoning Code	30'	20.4'

INITIAL STAFF REPORT

Sanitation:

Existing System
Municipal System

Overlays:

Shoreland

Current or Proposed Zoning:

R-1 Rural Residential

Code Reference:

Chapter 23, Article 8, Exhibit 8-2, R-1 (Rural Residential District) of the Winnebago Town/ County Zoning Code

Description of Proposed Use:

Applicant is requesting a variance for a reduced front street yard setback to construct a single family dwelling addition and attached garage.

Surrounding Zoning:

North: Lake Poygan

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:

Add a garage to existing house at 8332 Kempf Rd. The garage will setback from the road easement 20.3'. The resident is a permanent occupant of the property with plans to stay at this address.

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

Because the garage is being added to the existing structure, it's not possible to comply with the setback requirements.

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

The lot is narrow, only 50', and the positioning of the garage as shown is the only available option for having an attached garage, thereby allowing the owners to get in and out while avoiding the weather issues that plague this area.

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

Adding the garage as shown on the plan will not interfere with neighboring properties nor road traffic or parking.

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.

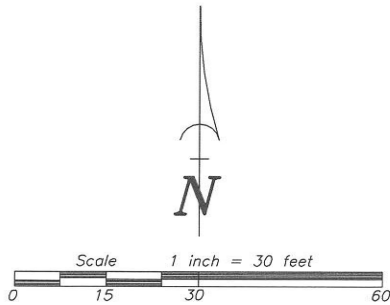
Shoreland Zoning Code

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

LOT 8, ASSESSORS PLAT NO. 4 TOWN OF POYGAN, BEING PART OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 14 EAST, TOWN OF POYGAN, WINNEBAGO COUNTY, WISCONSIN.



SITE ADDRESS:
8332 KEMPF ROAD

TAX PARCEL NUMBER:
0200739

TOTAL AREA:
9,225 SQ.FT.±

AREA EXCLUDING ROAD EASEMENT
7,725 SQ.FT.±

30% OF AREA EXCLUDING ROAD EASEMENT
= 2,318 SQ.FT.

EXISTING IMPERVIOUS AREA:
BUILDING & DECKS = 941 SQ.FT.
GRAVEL = 458 SQ.FT.
= 1,399 SQ.FT. = 18.1%

PROPOSED IMPERVIOUS AREA:

NEW COTTAGE WITH 12" OVERHANG
= 1,870 SQ.FT.

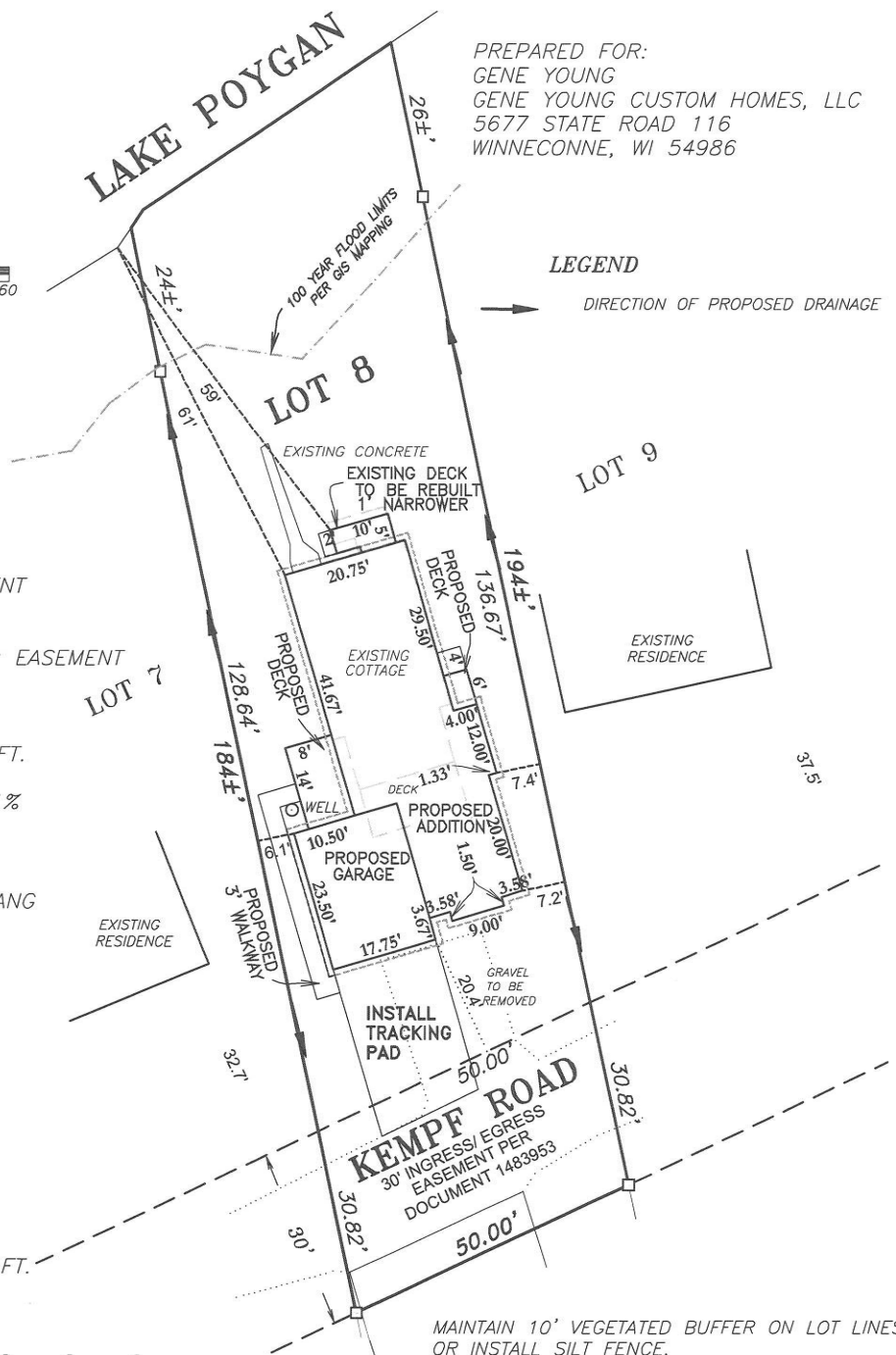
NEW 3' SIDEWALK
= 120 SQ.FT.

NEW DECKS
= 166 SQ.FT.

EXISTING CONCRETE
= 44 SQ.FT.

NEW DRIVEWAY PAVEMENT
= 373 SQ.FT.

TOTAL IMPERVIOUS = 2,573 SQ.FT.
= 33.3%



Martenson & Eisele, Inc.



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Omro, WI 54963
www.martenson-eisele.com
P 920.685.6240 F 920.685.6340

Planning
Environmental
Surveying
Engineering
Architecture

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.

PROJECT NO. 0-1460-013
FILE 1460013SITEPLAN.DWG

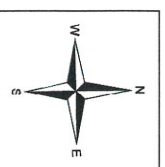
THIS INSTRUMENT WAS DRAFTED BY: DSL

Application #19-VA-4790

Date of Hearing:
May 28, 2019

Owner(s):
Janice M Trow Rev. Trust

Subject Parcel(s):
0200739



Winnebago County
WINGS Project

Scale

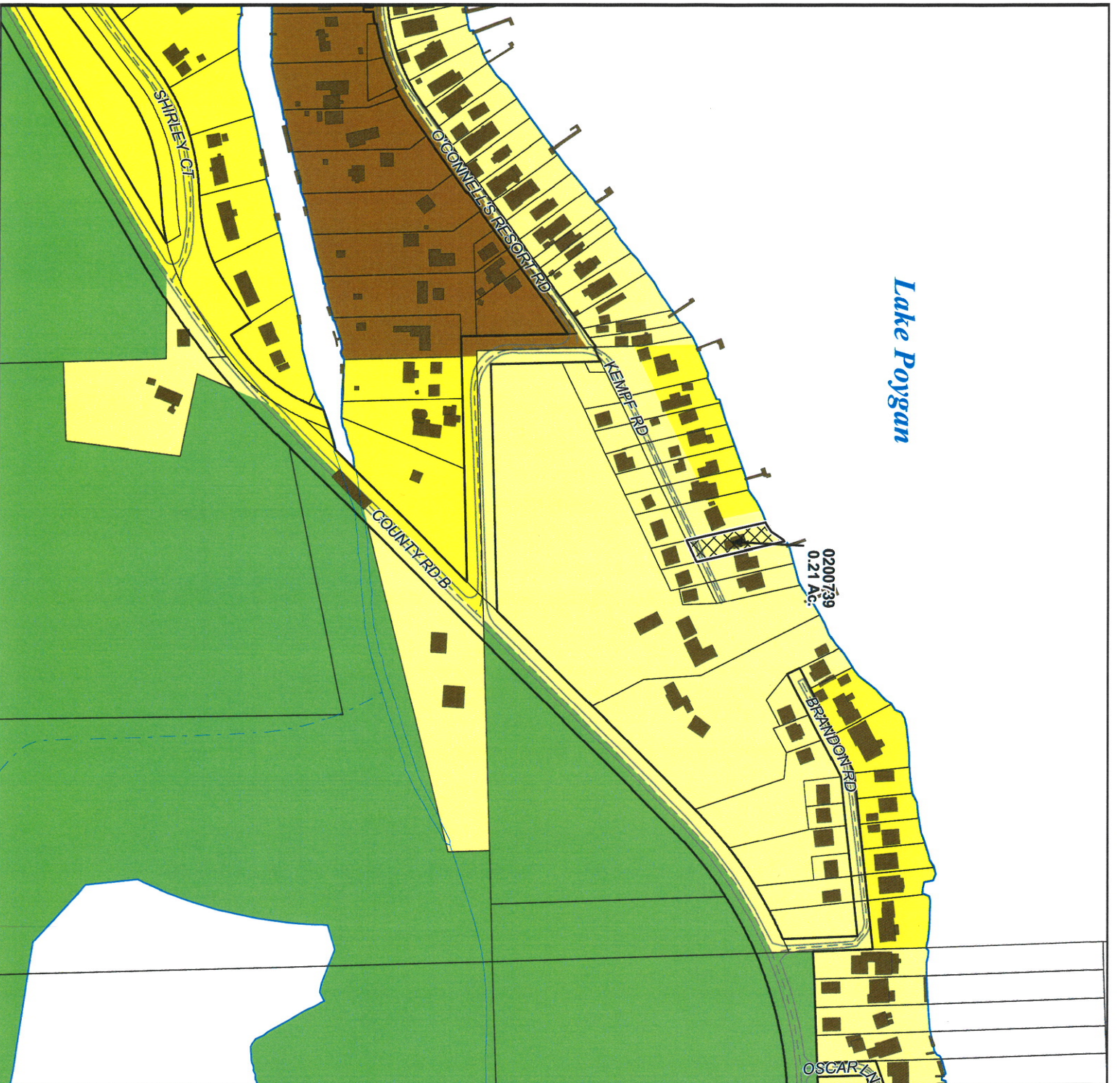
1 inch : 300 feet

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



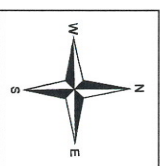
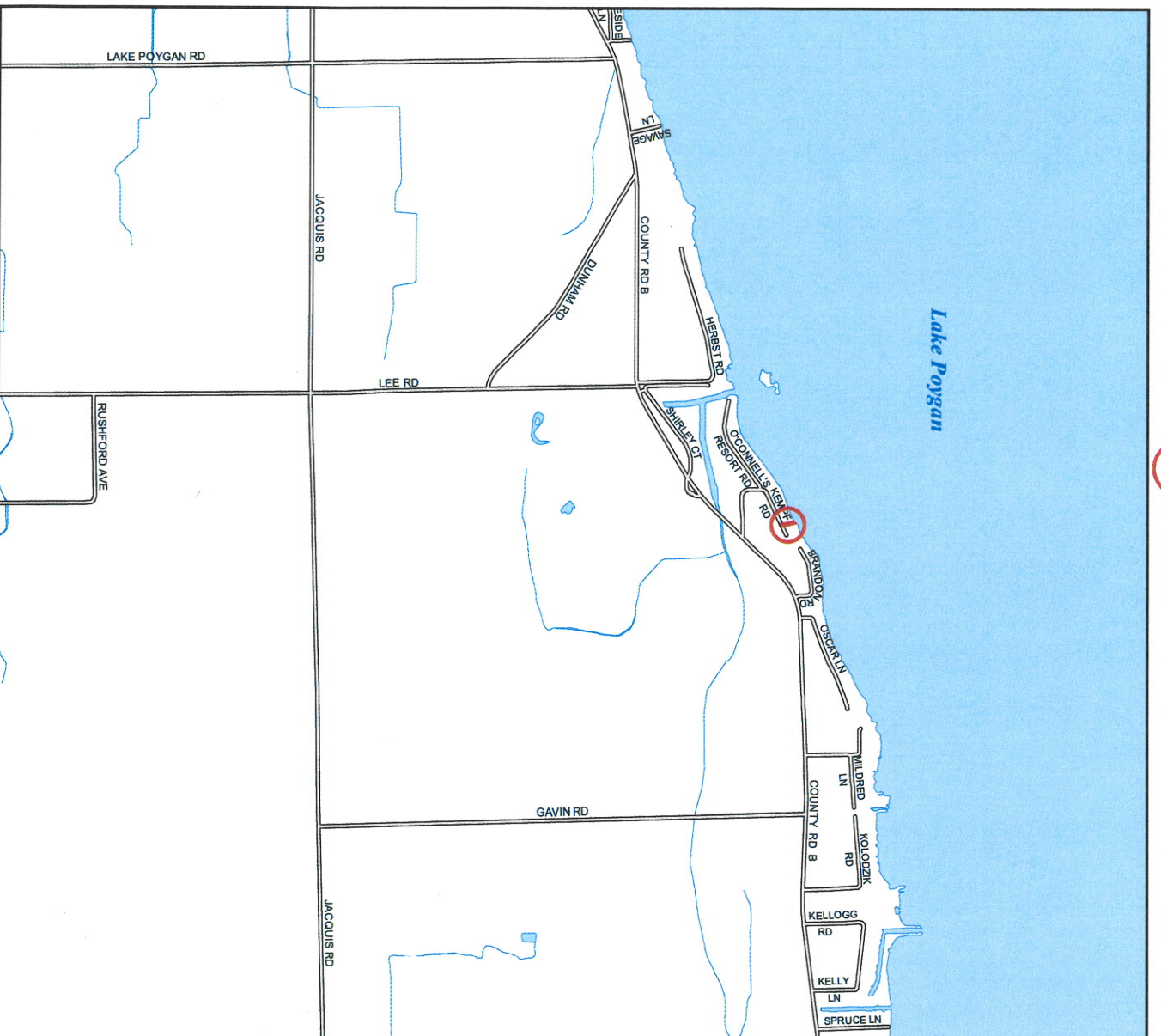
○ = SITE

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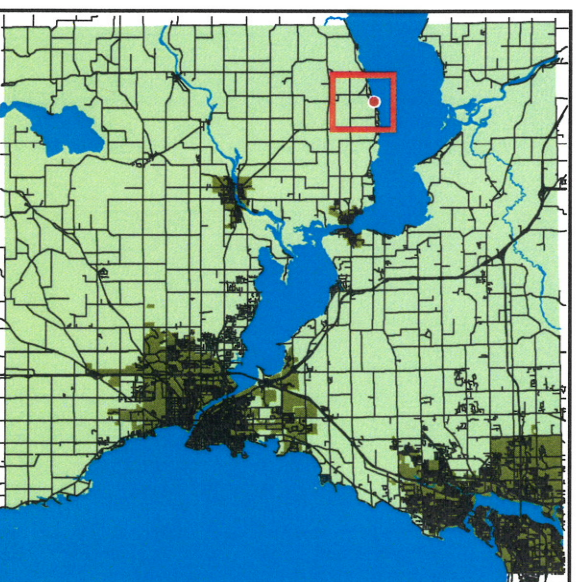
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Winnebago County
WINGS Project

● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY