

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT

7/25/2017

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 7/25/2017 at 5:30 p.m. in the 3rd floor conference room 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: JUEDES TST, WALTER
LAST TST, SUSANNA
SUSANNA K LAST TST,
WALTER J JUEDES TST,

Agent: HERTEL, CHARLES - DEMPSEY LAW FIRM LLP

File Number: 2017-VA-4190

Location of Premises: 4606 ISLAND VIEW DR, OSHKOSH, WI 54901

Tax Parcel No.: 018-2228, 018-2227

Legal Description:

Being a part of the Fairview Beach plat, Lots 24 and 25, located in Government Lot 2, Section 30, Township 19 North, Range 17 East, Town of Oshkosh, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting a variance to construct a new home with a substandard setback from a navigable ditch.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
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.	Chapter 27, Section 6.1 of the Winnebago County Shoreland Zoning Code.	75-ft	25-ft

INITIAL STAFF REPORT

Sanitation: System Required; Private System

Overlays: Floodplain; Shoreland

Current or Proposed Zoning: R-2 Suburban Low Density Residential

Code Reference: Chapter 27, Section 6.1 of the Winnebago County Shoreland Zoning Code.

Description of Proposed Use: Applicant is requesting a variance to construct a new home with a substandard setback from a navigable ditch.

Surrounding Zoning:

North: R-2

South: R-2

East: Lake

West: City of Oshkosh

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

SEE ATTACHED TYPED ANSWERS

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

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

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

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.

ANSWERS

Variance Application

Walter J. Juedes and Susanna K. Last, Trustees of the Walter J. Juedes Trust

C-1. **Describe your project, including the dimensions and proposed setbacks.** The petitioner is the Walter J. Juedes Trust and the Susanna K. Last Trust. The trusts own two parcels of real property having as their address 4606 Island View Drive, Oshkosh, WI 54901. The legal description of the property is as follows:

Being a party of the Fairview Beach Plat, Lots 24 and 25, located in Government Lot 2, Section 30, Township 19 North, Range 17 East, Town of Oshkosh, Winnebago County, Wisconsin.

An aerial photo of lots 24 and 25, along with the area around those lots is attached as Exhibit "A".

There is currently a shed located on lot 24. A small cottage is located on lot 25. Petitioner proposes to combine lots 24 and 25 into one lot based upon a certified survey map. The combined lot would be 100 feet wide and would have a depth of approximately 235 feet from Island View Drive to the shore of Lake Winnebago, to the east. It is also proposed that the combined lot be utilized for the construction of a single-family residence. In that regard, Petitioner proposes to build within an area 75 feet from Lake Winnebago, 7 feet from the lot line for lot 26 (which lies north of lot 25), 30 feet off of Island View Drive and 15 feet from the southerly property line for lot 24. The precise location of the construction of the single-family home has not yet been determined. A copy of the map that was prepared by James Smith of Martenson & Eisele, Inc. with respect to the proposed location within which the structure shall be built is attached hereto as Exhibit "B". The area within which construction shall occur is represented on Exhibit A as the shaded area.

All of lot 24 and a portion of lot 25 lies within 75 feet of a ditch that is located on lot 23. Lot 23 is owned by the Town of Oshkosh. The ditch has been deemed to be a navigable waterway by the Wisconsin Department of Natural Resources. As a result, the property in question is subject to the 75 foot setback required for navigable waterways. Petitioners seek a variance. The basis for Petitioners' request is set forth below.

C-2. **Describe how compliance with the requirement in question unreasonably prevents or restricts development of a permitted use on the property.** The Petitioners' property was acquired by Petitioners' family in the years 1967 and 1968. At the time that the properties were acquired by the Juedes family, a cottage was located upon lot 23. Remnants of the well and the cottage structure remain on lot 23 and are visible upon inspection.

After the Juedes family has acquired lots 24 and 25, the Town of Oshkosh acquired lot 23. Thereafter, the Town razed the cottage located on that lot. It also dug a ditch from Island View Drive to Lake Winnebago. The Town dug the ditch in order to alleviate water accumulation problems experienced by property owners to the west of Island View Drive. It should be noted that while water runs through the ditch periodically, especially in spring and after heavy rains, it is often entirely dry. The location of the ditch is portrayed on the survey map as "Ditch".

Despite the fact that the ditch is entirely dry for most of the year, under applicable regulations, the ditch has been deemed to be a navigable waterway by the Wisconsin Department of Natural Resources. Such action was taken within the past few years. Representatives of the Department of Natural Resources acknowledge that the ditch in question is dry for most of the year, but under the applicable regulations, the fact that the ditch flows to Lake Winnebago and that at times during the year a canoe can float on the water within the ditch causes it to be technically a navigable waterway. Petitioners have explored whether there is a reasonable procedure to cause the ditch to be deemed not a navigable waterway. There is no reasonable means for the petitioners to have the navigable waterway designation rescinded.

On April 27, 2016, Petitioners requested a variance from the 75 foot setback requirement with respect to navigable waterways with respect to lot 24 only. That variance request was granted. The variance request permitted the construction of a home on lot 24 within 10 feet of the southerly lot line (or approximately 20 feet from the ditch). Attached hereto as Exhibit "C" is a copy of variance No. 2016-VA-3630. Later in the year 2016, Petitioners entered into an agreement to sell both lots 24 and 25 to Jerry Tribbey and Denise Tribbey. The sale was contingent upon combining lots 24 and 25 as one and procuring a variance with respect to the combine lot such that building would be permitted in an area 10 feet from the southerly property line for lot 24 (or approximately 15 feet from the so-called "ditch"). Again, the Winnebago County Zoning Department granted Petitioners a variance, variance No. 2016-VA-3860. A copy of that variance is attached hereto as Exhibit "D". Although the variance was granted, it appears from discussions with representatives of the Winnebago County Zoning Department that there was a misunderstanding as to the nature of the variance request and that the Petitioners had not presented appropriate information to justify the zoning variance request. In any event, although the variance was granted, it was limited to 50 feet from the northerly edge of the ditch.

Upon the advice from then counsel for Petitioners, Petitioners petitioned the Circuit Court for Winnebago County, Wisconsin for a writ of certiorari. That ill-advised action was intended to result in the ditch being declared not a navigable waterway. Following the expenditure of significant legal expenses, Petitioners decided to change legal counsel. New counsel conferred with representatives of the Winnebago County Zoning Department as well as the Wisconsin Department of Natural Resources. Based upon those discussions, it was determined that the appropriate course of action was to file a new petition for a variance, which explains the properly the unique facts and circumstances presented by this situation. As a result, the pending lawsuit was dismissed.

Petitioners sincerely believe that all of the conditions requisite to the granting of a variance are present in this circumstance. Because of the navigable waterway on lot 23, a reasonably sized home cannot be built on the property while meeting floodplain fill and shore land set back requirements. The man-made ditch adjacent to lots 24 and 25 was recently deemed navigable, which imposed upon the lots the 75 foot shore land set back with respect to all applicable structures. The ditch runs the entire length of lot 23 and makes it impossible to build a reasonably sized home on the lot without a variance. The ditch was man-made with no intention on the part of the Town of Oshkosh to create a navigable body of water. Indeed, the Town of Oshkosh is interested in filling the ditch in such that it is no longer a navigable waterway. If the variance is granted, there will be an adequate buffer between the new structure and the navigable ditch. Finally, the combination of lots 24 and 25 and the construction of a single-family residence will have less of an environmental impact than if single-family residences are constructed separately on lot 24 and lot 25.

C-3. **Describe the unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question:** See narratives for C-1 and C-2 above.

C-4 **Describe how granting of the requested variance will not harm public interest or have adverse effects on surrounding properties:** See narratives for C-1 and C-2 above.



Juedes Property



Scale: 1 in. = 30 ft.



Aerial Flown: April 9 & 11, 2009

W.I.N.G.S. PROJECT DISCLAIMER

This data was created for use by the Winnebago County Geographic Information System project. Any other use/application of this information is the responsibility of the user and such use/application is at their own risk. Winnebago County disclaims all liability regarding fitness of the information for any use other than Winnebago County business.
"Data for this map copyrighted December 31, 2006"

[illegible]

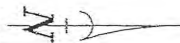
LAKE WINNEBAGO
100 YEAR FLOOD ELEVATION = 749.25

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed the property as shown, according to official records and that the plat above drawn is an accurate and correct representation said survey.

Wisconsin Professional Land Surveyor

PREPARED FOR:
WALLY JUEDES
1041 MT. VERNON STREET
OSHKOSH, WI 54901

**EXHIBIT**

B

...abla

CARY A ROWE
Zoning Administrator



112 OTTER AVE, PO BOX 2808
OSHKOSH, WI 54903-2808

OSHKOSH (920) 232-3344
FOX CITIES (920) 727-2880
FAX (920) 232-3347

Winnebago County
Zoning Department

Zoningdepartment@co.winnebago.wi.us

The Wave of the Future

VARIANCE # 2016-VA-3630

Owner: WALTER JUEDES
SUSANNA LAST
1041 MT VERNON ST
OSHKOSH, WI 54901

Agent:

Location: Parcel south of 4606 Island View Dr.

Tax Parcel No: 018-2227

Legal: Being a part of the Fairview Beach subdivision, Lot 24, located in Government Lot 2, Section 30, Township 19 North, Range 17 East, Town of Oshkosh, Winnebago County, Wisconsin.

On July 7, 2016, a variance was GRANTED WITH CONDITIONS, to establish a buildable area on the property with reduced shore yard setbacks and reduced floodplain fill.

Conditions:

County:

1. Downspouts shall be directed to the lake.
2. Driveway shall not extend closer to the navigable stream than the setback allowed for the home.
3. Retaining wall shall be engineered to withstand stormwater and flooding forces.
4. Variance approval is limited to this lot only.

Town: None

WALTER JUEDES, SUSANNA LAST must sign and return this letter to the Winnebago County Zoning Dept, 112 Otter Ave, Oshkosh WI 54901, within 45 days of July 7, 2016. Their signature states that they are in agreement with the conditions that have been placed on the Variance. Failure to sign and return the decision notice within 45 days of the committee's decision shall void the approval. The decision notice shall become effective upon the property's owner signature.

WALTER JUEDES, SUSANNA LAST



The findings used to grant the variance have been made in accordance with Section 23.7-234 and are as follows:

- 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.**

Approval: The shoreyard setback required from the navigable stream does not allow for any buildable location on the lot. The requirements for floodplain fill leave a very narrow buildable width due to the lots 50' width.

- 2) **The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question.**

Approval: The property has a navigable stream along the south property line. The 75' shore yard setback does not leave any compliant building location on the lot. The floodplain construction requirements leave a very narrow buildable width due to the lots 50' width.

- 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.**

Approval: The proposed structure will be in compliance with the required street yard setback and the shoreyard setback from the lake as well as the side yard setbacks from the zoning code. Direction of downspouts to the lake will prevent surface water from impacting neighboring properties.

26.6-7(a) "Review criteria" (required for all Ch. 26 Floodplain Zoning Code variances)

1. **The variance is consistent with the purpose of the Floodplain Zoning Code in s. 26.1-5.**

a. Finding(s): This is a 50' wide lot. There is very little buildable area on the property while complying with floodplain fill standards.

27.6-8(a) "Generally" (required for all Ch. 27 Shoreland Zoning Code variances)

1. **Criteria: The variance is consistent with the purpose of the Shoreland Zoning Code.**

a. Finding(s): The required setback from the navigable stream covers the entire property. There is no compliant location on the property based on this shoreyard setback. The shoreyard setback from the lake will be met.

27.6-8

(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.

APPLICANTS RIGHTS:

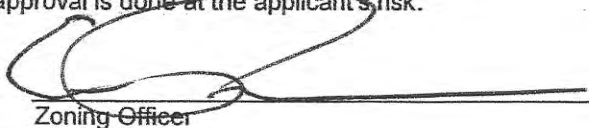
23.7-239(a)

(7) The applicant may appeal the decision to a court of competent jurisdiction.

(8) An aggrieved person, other than the applicant, may appeal the decision to a court of competent jurisdiction and that any work done by the applicant as authorized by the approval is done at the applicant's risk.

7/7/2016

Date


Zoning Officer

NOTES:

1. Variance granted by the Board of Adjustment shall expire within twelve (12) months unless substantial work has commenced pursuant to such grant. Board of Adjustment may with cause grant a one-time extension not to exceed 6 months.
2. Approval of your variance application does not exclude the need to obtain the required building or zoning permits. Please make application for these permits through your town building inspector and zoning department.

CARY A ROWE
Zoning Administrator



112 OTTER AVE, PO BOX 2808
OSHKOSH, WI 54903-2808

OSHKOSH (920) 232-3344
FOX CITIES (920) 727-2880
FAX (920) 232-3347

Winnebago County Zoning Department

Zoningdepartment@co.winnebago.wi.us

The Wave of the Future

VARIANCE # 2016-VA-3860

Owner: WALTER J JUEDES TST;
SUSANNA K LAST TST
1041 MT VERNON ST
OSHKOSH, WI 54901

Agent: TRIBBEY, DENISE;
TRIBBEY, JERRY
804 RICE ST
HORICON, WI 53032

Location: 4606 ISLAND VIEW DR
OSHKOSH, WI 54901

Tax Parcel No: 018-2228, 018-2227

Legal: Being a part of the Fairview Beach Plat, Lots 24 and 25, located in Government Lot 2, Section 30, Township 19 North, Range 17 East, Town of Oshkosh, Winnebago County, Wisconsin.

On 12/1/2016, a variance was APPROVED NOT AS REQUESTED WITH CONDITIONS for a shore line setback of 50ft.

Conditions:

1. If acted upon, this variance, #2016-VA-3860, supersedes variance #16-VA-3630 granted 7/7/16 for a home on one 50ft wide lot.
2. Lot 24 and Lot 25 must be combined on a certified survey map (CSM).

JUEDES TST, WALTER ; LAST TST, SUSANNA ; SUSANNA K LAST TST, ; WALTER J JUEDES TST, ***must sign and return this letter to the Winnebago County Zoning Dept, 112 Otter Ave, Oshkosh WI 54901, within 45 days of 12/1/2016. Their signature states that they are in agreement with the conditions that have been placed on the Variance. Failure to sign and return the decision notice within 45 days of the committee's decision shall void the approval. The decision notice shall become effective upon the property's owner signature.***

JUEDES TST, WALTER ; LAST TST, SUSANNA ; SUSANNA K LAST TST, ; WALTER J JUEDES TST,



The findings used to grant the variance have been made in accordance with Section 23.7-234, Town County Zoning code and Section 27.6-8 of the Shoreland Zoning Code and are as follows:

- 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.**
A reasonably sized home could not be built on the property while meeting floodplain fill and shore yard setback requirements.
- 2) **The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question.**
The man-made ditch adjacent to the subject properties was recently deemed navigable, requiring a 75ft shore yard setback from it for all applicable structures. The ditch runs the entire length of the properties and would make it impossible to build a reasonably sized home on the lot without a variance.
- 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 ditch was man-made, likely with no intentions on making it a navigable body of water. The residential development will not be contrary to or harm the public interest.
- 4) **The variance is consistent with the purpose of the Shoreland Zoning Code.**
A sizable buffer between the new structure(s) and the navigable ditch is being required. A nonconforming shed will be removed as part of the approval of this variance.

APPLICANTS RIGHTS:

23.7-239(a)

- (7) The applicant may appeal the decision to a court of competent jurisdiction.
- (8) An aggrieved person, other than the applicant, may appeal the decision to a court of competent jurisdiction and that any work done by the applicant as authorized by the approval is done at the applicant's risk.

12/1/2016
Date

Candace Ba
Zoning Officer

NOTES:

1. Variance granted by the Board of Adjustment **shall expire within twelve (12) months** unless substantial work has commenced pursuant to such grant. Board of Adjustment may with cause grant a one-time extension not to exceed 6 months.
2. Approval of your variance application does not exclude the need to obtain the required building or zoning permits. **Please make application for these permits through your town building inspector and zoning department.**



Application #17-VA-4190

Date of Hearing:

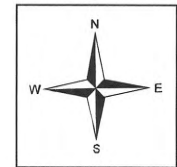
July 25, 2017

Owner(s):

Walter J. Juedes Trust
Susanna K. Last Trust

Subject Parcel(s):

0182227 & 0182228



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



1 inch : 2,000 feet

Application #17-VA-4190

Date of Hearing:

July 25, 2017

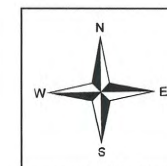
Owner(s):

Walter J. Juedes Trust

Susanna K. Last Trust

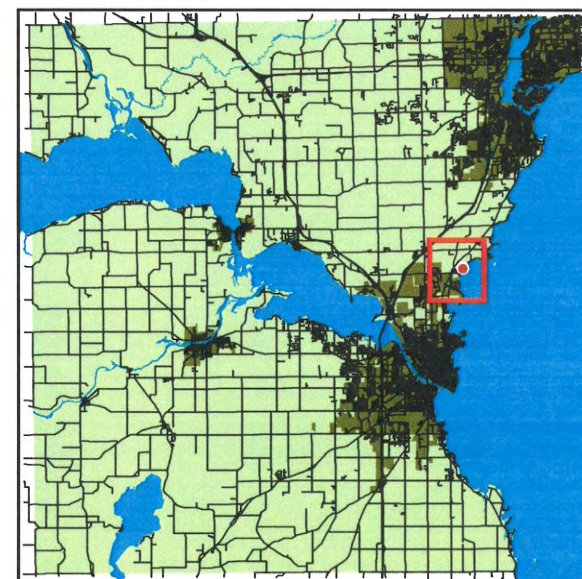
Subject Parcel(s):

0182227 & 0182228



*Winnebago County
WINGS Project*

● = SITE



WINNEBAGO COUNTY

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 7/25/2017

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 7/25/2017 at 5:30 p.m. in the 3rd floor conference room 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: UNITED COOPERATIVE,

Agent:
None

File Number: 2017-VA-4180

Location of Premises: 2550 CLAIRVILLE RD
OSHKOSH, WI 54904

Tax Parcel No.: 002-0413

Legal Description:

Being a part of the SW 1/4 of the SW 1/4, Section 32, Township 18 North, Range 16 East, Town of Algoma, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting a variance to erect three structures that will exceed the maximum height allowed in the AIR-6 overlay district.

<u>DESCRIPTION:</u>	<u>CODE REFERENCE:</u>	<u>REQUIRED:</u>	<u>PROPOSED:</u>
New structures shall not exceed the elevation indicated on the height limitation map referred to in s. 24.4-3.	Chapter 24, Section 24.5-7 (a) of the Winnebago County Wittman Regional Airport Zoning Code.	80.1- ft	195 - ft, 135 - ft & 135 -ft

INITIAL STAFF REPORT

Sanitation: Existing System; Private System

Overlays: Wittman Airport

Current or Proposed Zoning: A-1 Agribusiness

Code Reference: Chapter 24, Section 24.5-7 (a) of the Winnebago County Wittman Regional Airport Zoning Code.

Description of Proposed Use: Applicant is requesting a variance to erect three structures that will exceed the maximum height allowed in the AIR-6 overlay district.

Surrounding Zoning:

North: City of Oshkosh

South: Extraterritorial - City of Oshkosh

East: City of Oshkosh

West: City of Oshkosh

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

Please find the attached site diagram and profiles to better describe the current and proposed upgrades to the location. The project consists of adding receiving pits, grain legs, grain dryer, outbound grain scale, conveyance and storage. The upgrades are needed to accommodate the current needs of the agricultural customer base.

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

The current use of the property is and has been a grain elevator for decades. It also stores and handles agronomy product, feed ingredients, and trans-loads other products as well. Grain is received by truck, elevated, conditioned, stored, and later loaded out by truck or rail. Usually in 25-50 car unit trains. Grain must be elevated to condition, store and ship. Over time the market has evolved, and now requires elevators to supply origin weights and grades as well as the ability to load a train in a timely manner. The modifications allow for a cleaner and safer work environment, timely unloads, and the addition of a rail bulk weigh scale to legally load cars at all times.

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

The property is well suited for intended use with the needed infrastructure in place to serve it, but is within an area that was zoned in March of 2012 for height restrictions.

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

Property is currently being used as a grain elevator and currently already had equipment 127 feet above ground level. We do not expect any negative impact to surrounding properties, and are willing to install lighting on towers if required.

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.

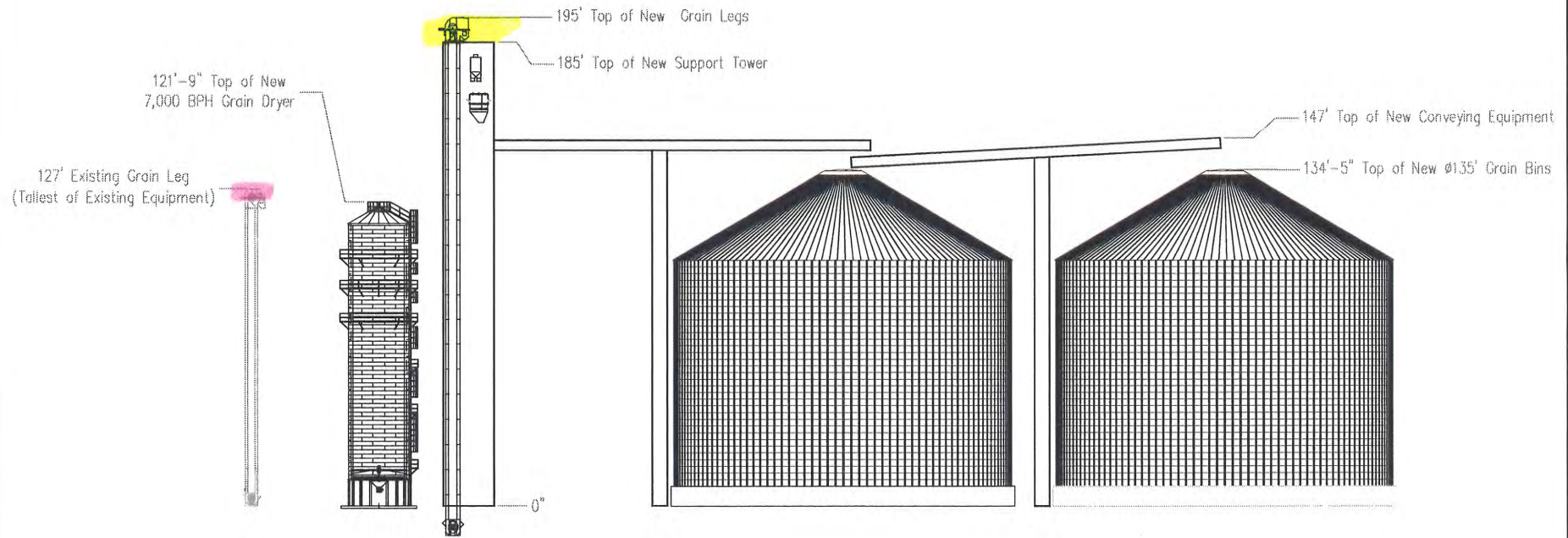
Shoreland Zoning Code

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.

United Coop - Oshkosh:

- New Equipment Original Design
- Side View (5-26-17)



This drawing is the property of Marquette Systems Inc. This drawing is not to be copied or used in any manner without the written permission of Marquette Systems Inc. The user assumes all responsibility for unauthorized use of drawing.

MARQUETTE SYSTEMS INC.

1305 Frontage Road NW Byron, MN 55920
Phone 507-775-6234 Fax: 507-775-6235

United Coop - Oshkosh, WI

Date
5-26-17

Sheet #

- New Equipment Original Design
- Top View (5-26-17)

- New Equipment Original Design
- Top View (5-26-17)



This drawing is the property of Marquette Systems Inc. This drawing is not to be copied or used in any manner without permission. MGS accepts no responsibility for unauthorized use of drawing.

MARQUETTE SYSTEMS INC.

1305 Frontage Road NW Byron, MN 55920
Phone 507-775-6234 Fax: 507-775-6235

United Coop - Oshkosh, WI

Date
-26-17

Sheet #



This drawing is the property of Marquette Systems Inc. This drawing is not to be copied or reproduced without the written permission of Marquette Systems Inc. Marquette Systems Inc. accepts no responsibility for unauthorized use of drawing.

MARQUETTE SYSTEMS INC.
 1305 Frontage Road NW Byron, MN 55920
 Phone 507-775-6234 Fax: 507-775-6235

United Coop - Oshkosh, WI

Date
 5-26-17

Sheet #

United Coop - Oshkosh:
 - New Equipment Original Design
 - Top View Detail (5-26-17)



Receipt 15340

JULIE ZIMMERMAN
UNITED COOPERATIVE
2550 CLAIRVILLE RD.
OSHKOSH, WI 54904

Date 03/08/2017

Cashier jeffn

Payment Items

Zoning Permit - 201703578
2550 Clairville Rd.
ZONE-Zoning Review 03/08/2017 Adjusted Fro \$30.00
\$30.00

Form of Payment

Check	292364	30.00
		30.00

Thank you for your payment.



CITY OF OSHKOSH

EXTRATERRITORIAL ZONING PERMIT

Permit # 201703578

Issued Date 03/08/2017

Job Address 2550 Clairville Rd. **Owner** **Parcel ID**
Category Extraterritorial Zoning Permit **Contractor** UNITED COOPERATIVE
Use Commercial **Business** United Cooperative
Description Town of Algoma Zoning Permit. Installing grain bins, dryer, receiving pits & conveyance.

Permit Details

Fees

Issued By

_____	Fees	ZONE-Zoning Review	\$30.00
Jeff Nau			\$30.00
	Payment	Check 292364	

Conditions/Remarks

In the performance of this work to perform all work pursuant to rules governing the described construction. While the City of Oshkosh has no authority to enforce easement restrictions of which it is not a party, if you perform the work described in this permit application within an easement, the City strongly urges the permit applicant to contract the easement holder(s) and to secure any necessary approvals before starting such activity. I have read and understood the aforementioned information.

Signature _____ **Date** 03/08/2017

Agent/Owner/Contractor

Address 2550 CLAIRVILLE RD. OSHKOSH WI 54904 **Telephone Number** 920-233-2261

To schedule inspections please call the Inspection Request line at 920-236-5128 noting the Address, Permit Number, Type of Inspection (i.e. Footing, Service, Final, etc.), Access into Building if Secure (how do we gain entry), your Name and Phone Number. Unless specified otherwise, we will assume the project is ready at the time the request is received. Work may continue if the inspection is not performed within two business days from the time the project is ready.

Application No. _____ Parcel No. 002-_____

TOWN OF ALGOMA PERMIT APPLICATION

15 North Oakwood Road, Oshkosh, WI 54904

Telephone 920-235-3789

PERMIT REQUESTED ☐ CONST ☐ HVAC ☐ ELEC ☐ PLUMB ☐ EROSION ☐ OTHER:		
Owner's Name United Cooperative	Mailing Address N 7160 Raceway Road BEAVER DAM	Telephone No. 920-887-1756
Contractor's Name ☐ Const ☐ Elect ☐ HVAC ☐ Plumb. Ace Concrete	Lic/Cert # 3499 Robert Hamb Memorial	Telephone No. 608-214-4302
Contractor's Name ☐ Const ☐ Elect ☐ HVAC ☐ Plumb.	Lic/Cert #	Telephone No.
Contractor's Name ☐ Const ☐ Elect ☐ HVAC ☐ Plumb.	Lic/Cert #	Telephone No.
Contractor's Name ☐ Const ☐ Elect ☐ HVAC ☐ Plumb.	Lic/Cert #	Telephone No.

Project Site Address 2550 Clairville Road	ZONING PERMIT REQ. ☐ YES ☒ NO
---	--

Zoning District(s) City of Oshkosh	Zoning Permit No. approved	SET BACKS	FRONT	REAR	LEFT	RIGHT
--	--------------------------------------	------------------	-------	------	------	-------

AREA INVOLVED	Living Area _____ Sq. Ft.	Unfinished Basement _____ Sq. Ft.	Garage _____ Sq. Ft.
----------------------	---------------------------	-----------------------------------	----------------------

1. CONST.	ESTIMATED COST
PROJECT TYPE ☐ New ☒ Addition ☒ Alteration ☐ Repair ☐ Raze ☐ Move ☐ Other	\$ 1,040,000⁰⁰
DESCRIPTION OF WORK	

2. ELECTRICAL PROJECT TYPE ☐ New ☐ Addition ☐ Alteration ☐ Repair ☐ Temporary ☐ Other	ESTIMATED COST
DESCRIPTION OF ELECTRICAL WORK ☐ New ☐ Service Change ☐ Underground ☐ Overhead AMPS ☐ 100 ☐ 200 ☐ _____	\$

3. HVAC PROJECT TYPE ☐ New ☐ Addition ☐ Alteration ☐ Replacement ☐ Other	ESTIMATED COST
DESCRIPTION OF HVAC WORK	\$
TYPE OF EQUIPMENT ☐ Forced Air Furnace ☐ Boiler ☒ Air Conditioner ☐ Radiant Baseboard Heat or Panel	
FUEL ☐ Nat. Gas ☐ Oil ☐ Solid ☐ L.P. ☐ Elect ☐ Solar	

4. PLUMBING PROJECT TYPE ☐ New ☐ Addition ☐ Alteration ☐ Replacement ☐ Other	ESTIMATED COST
DESCRIPTION OF PLUMBING WORK	\$
TYPE OF EQUIPMENT ☐ Water Heater ☐ Water Softener ☐ Pressure Tank ☐ Water Treatment System	
FIXTURE INVOLVED ☐ Toilet ☐ Shower ☐ Bath tub ☐ Whirlpool ☐ Sink ☐ Laundry Sink ☐ Other	

INSPECTIONS REQUIRED Call for inspections as indicated 233-1999
☐ Footings (Before Pouring) ☐ Foundation (Before Backfill) ☐ Frame ☐ Mechanical Inspections ☐ Insulation ☐ Occupancy ☐ Final

The applicant agrees to comply with all applicable codes, state statutes, and ordinances and with the conditions of this permit; understands that the issuance of the permit creates no legal liability, expressed or implied, on the Department or municipality and its agents, and certifies that all the above information is accurate.

APPLICANT'S SIGNATURE <i>Alan A. Frank</i>	DATE SIGNED 4-13-2017
---	-------------------------------------

PERMIT ISSUED BY	NAME David Frank	CERT. NO. 231987	DATE	FEE \$ \$2260⁰⁰	CHECK NO. 295277
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Application #17-VA-4180

Date of Hearing:

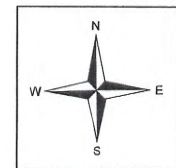
July 25, 2017

Owner(s):

United Cooperative

Subject Parcel(s):

0020413



Winnebago County
WINGS Project

Scale

1 inch : 300 feet

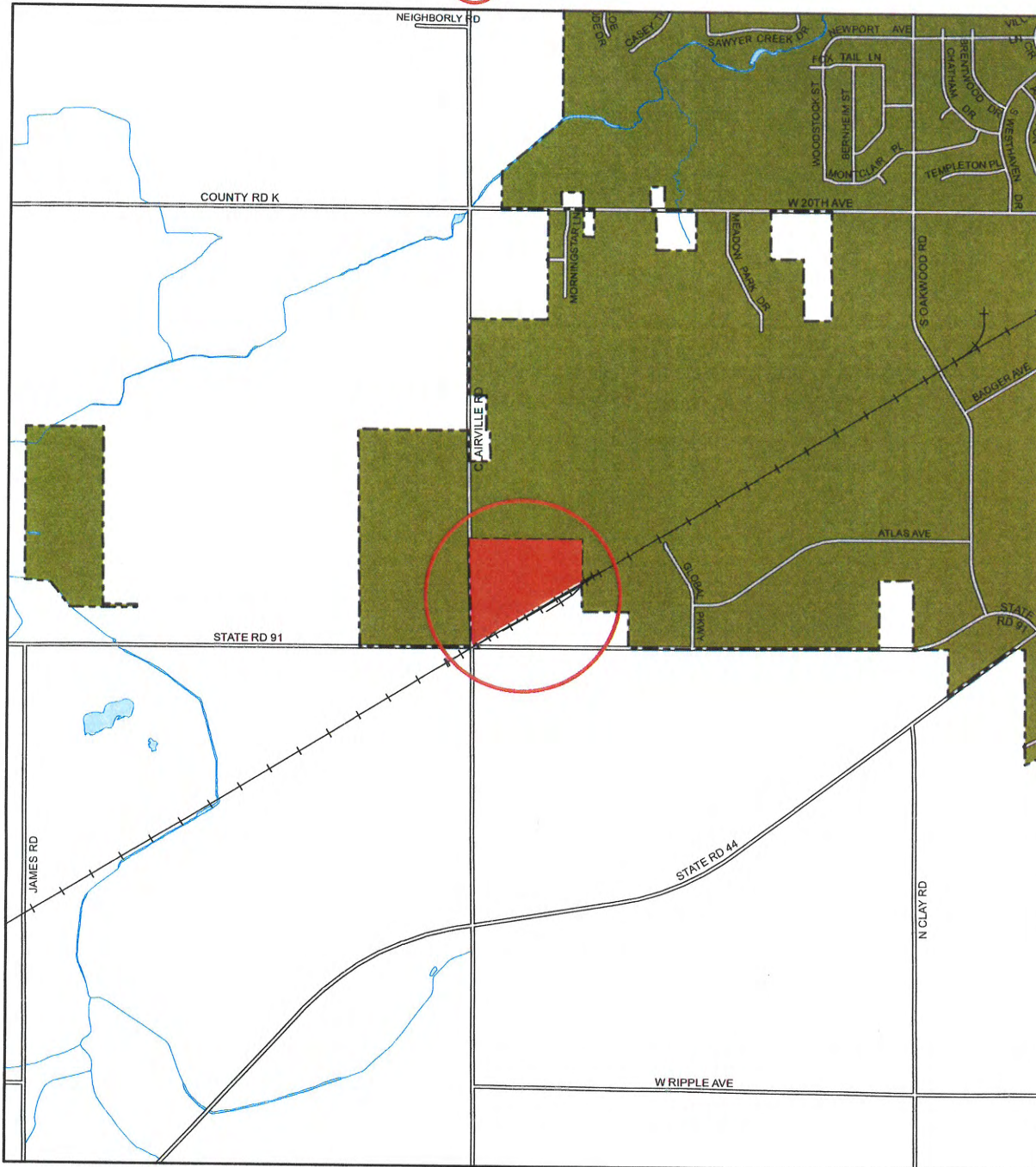
County Zoning Districts

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



1 inch : 2,000 feet

Application #17-VA-4180

Date of Hearing:

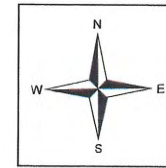
July 25, 2017

Owner(s):

United Cooperative

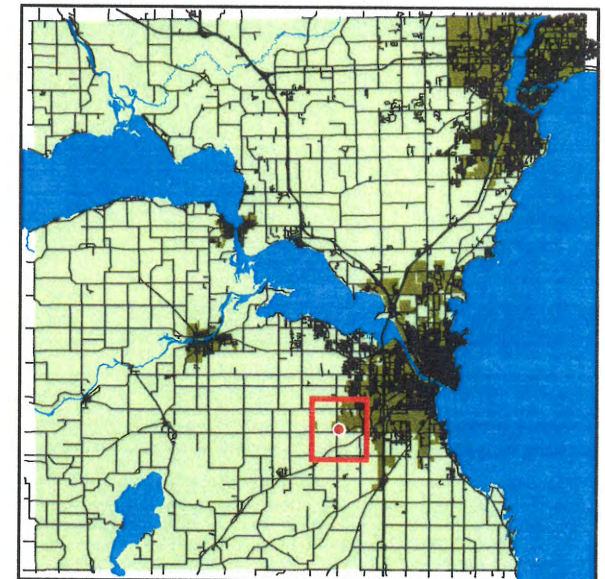
Subject Parcel(s):

0020413



*Winnebago County
WINGS Project*

● = SITE



WINNEBAGO COUNTY

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 7/25/2017

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 7/25/2017 at 5:30 p.m. in the 3rd floor conference room 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: LYNNE M FOLTZ COTTAGE TST

Agent: MATHWIG, GEORGE - GM CUSTOM HOMES LLC

File Number: 2017-VA-4210

Location of Premises: 7679 BLUEBILL LN, LARSEN, WI 54947

Tax Parcel No.: 032-0724-02

Legal Description: Being a part of Government Lot 1, Section 36, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin.

Description of Proposed Project: Applicant is requesting a variance to construct a detached garage with two substandard shoreyard setbacks, a substandard street yard setback and a substandard setback from another structure.

<u>DESCRIPTION:</u>	<u>CODE REFERENCE:</u>	<u>REQUIRED:</u>	<u>PROPOSED:</u>
An accessory structure must meet a 75-ft setback requirement from any navigable water, a 26-ft setback requirement from a road with setback averaging and a 10-ft setback requirement from another structure.	Chapter 27, Section 6.1 of the Winnebago County Shoreland Zoning Code.	75-ft	65.2-ft and 38.5-ft
	Chapter 23, Section 23.8-65 (a) Exhibit 8-2 (R-1) of the Winnebago County Town/County Zoning Code.	10-ft	9-ft
	Chapter 23, Section 23.8-65(d) of the Winnebago County Town/County Zoning Code.	26-ft	20-ft

INITIAL STAFF REPORT

Sanitation: System Required; Private System

Overlays: Floodplain; Shoreland

Current or Proposed Zoning: R-1 Rural Residential

Code Reference:

Chapter 27, Section 6.1 of the Winnebago County Shoreland Zoning Code.

Chapter 23, Section 23.8-65 (a) Exhibit 8-2 (R-1) of the Winnebago County Town/County Zoning Code.

Chapter 23, Section 23.8-65(d) of the Winnebago County Town/County Zoning Code.

Description of Proposed Use: Applicant is requesting a variance to construct a detached garage with two substandard shoreyard setbacks, a substandard street yard setback and a substandard setback from another structure.

Surrounding Zoning:

North: R-1

South: R-1

East: Channel

West: Lake

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

We will be adding an unattached garage with room over trusses 26' x 40'. For setbacks please see survey. We will also be adding holding tanks in place of the existing septic system.

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

With existing water and road setbacks we couldn't even build a garage.

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

Lake Poygan on one side and a channel on the other leaves no room for garage with current setbacks.

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

There are other building recently built, new home to the north and garage to the south. The structure we propose would be within the scope of surrounding properties.

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

PLAT OF SURVEY

FLOODPLAIN SURVEY

PART OF GOVERNMENT LOT 1, SECTION 36, TOWNSHIP 20 NORTH, RANGE 14 EAST, TOWN OF WOLF RIVER, WINNEBAGO COUNTY WISCONSIN, AS DESCRIBED IN DOCUMENT NO. 1489605.

NORTH 1/4 CORNER
SECTION 36, T20N, R14E
BERTSEN MONUMENT FOUND

S89°47'52"E
174.65'

2642.52'
2467.87'

NORTHEAST CORNER
SECTION 36, T20N, R14E
BERTSEN MONUMENT FOUND



SCALE 1"=30'

NOTES

BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, WINNEBAGO COUNTY, WHERE THE NORTH LINE OF GOVERNMENT LOT 1, SECTION 36, TOWNSHIP 20 NORTH, RANGE 14 EAST IS RECORDED TO BEAR SOUTH 89°47'52" EAST

DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

ENTIRE PROPERTY IS LOCATED WITHIN THE 100 YEAR FLOOD ELEVATION OF 750.4 FEET (NGVD 1929 DATUM)

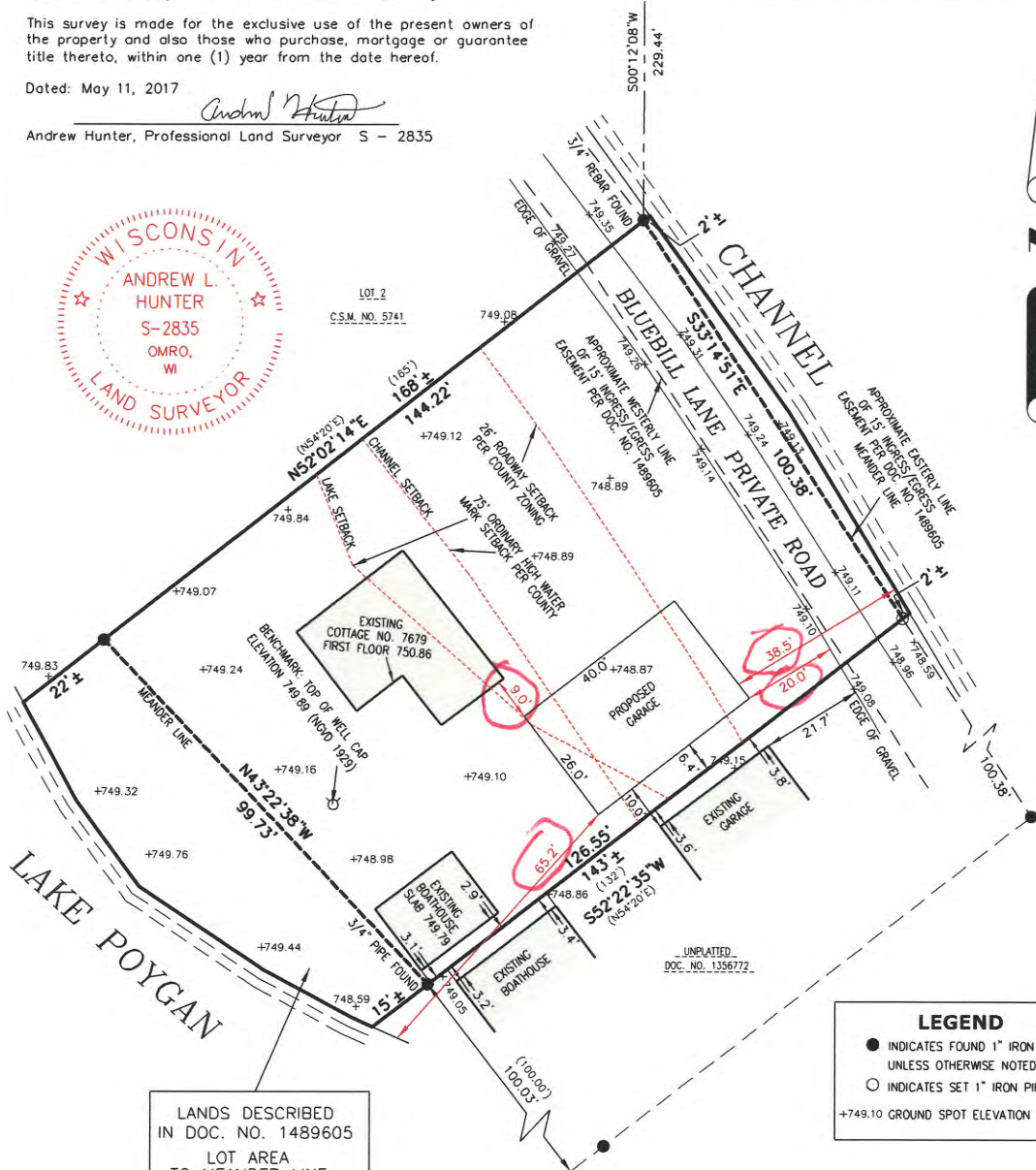
SURVEYOR'S CERTIFICATE

I Andrew Hunter, Wisconsin Professional Land Surveyor, certify that I have surveyed the above described property and that, to the best of my knowledge and belief, the above map is a correct representation thereof and shows the size and location of the property, its exterior boundaries, boundary fences, apparent easements, roadways and visible encroachments, if any.

This survey is made for the exclusive use of the present owners of the property and also those who purchase, mortgage or guarantee title thereto, within one (1) year from the date hereof.

Dated: May 11, 2017

Andrew Hunter, Professional Land Surveyor S - 2835



LANDS DESCRIBED
IN DOC. NO. 1489605
LOT AREA
TO MEANDER LINE
13470.2 SQ. FT.
0.31 ACRES
TO SHORELINE +
16245.8 SQ. FT.
0.37 ACRES

LEGEND

- INDICATES FOUND 1" IRON PIPE, UNLESS OTHERWISE NOTED
- INDICATES SET 1" IRON PIPE
- +749.10 GROUND SPOT ELEVATION

5/11/2017

PROJECT 5386

SHEET 1 OF 1



WISCONSIN
LAND SURVEYING INC.

Professional Service You Can Trust

5020 LEONARD POINT RD. OSHKOSH, WI 54904
www.wisconsinlandsurveying.com (920) 410-7744

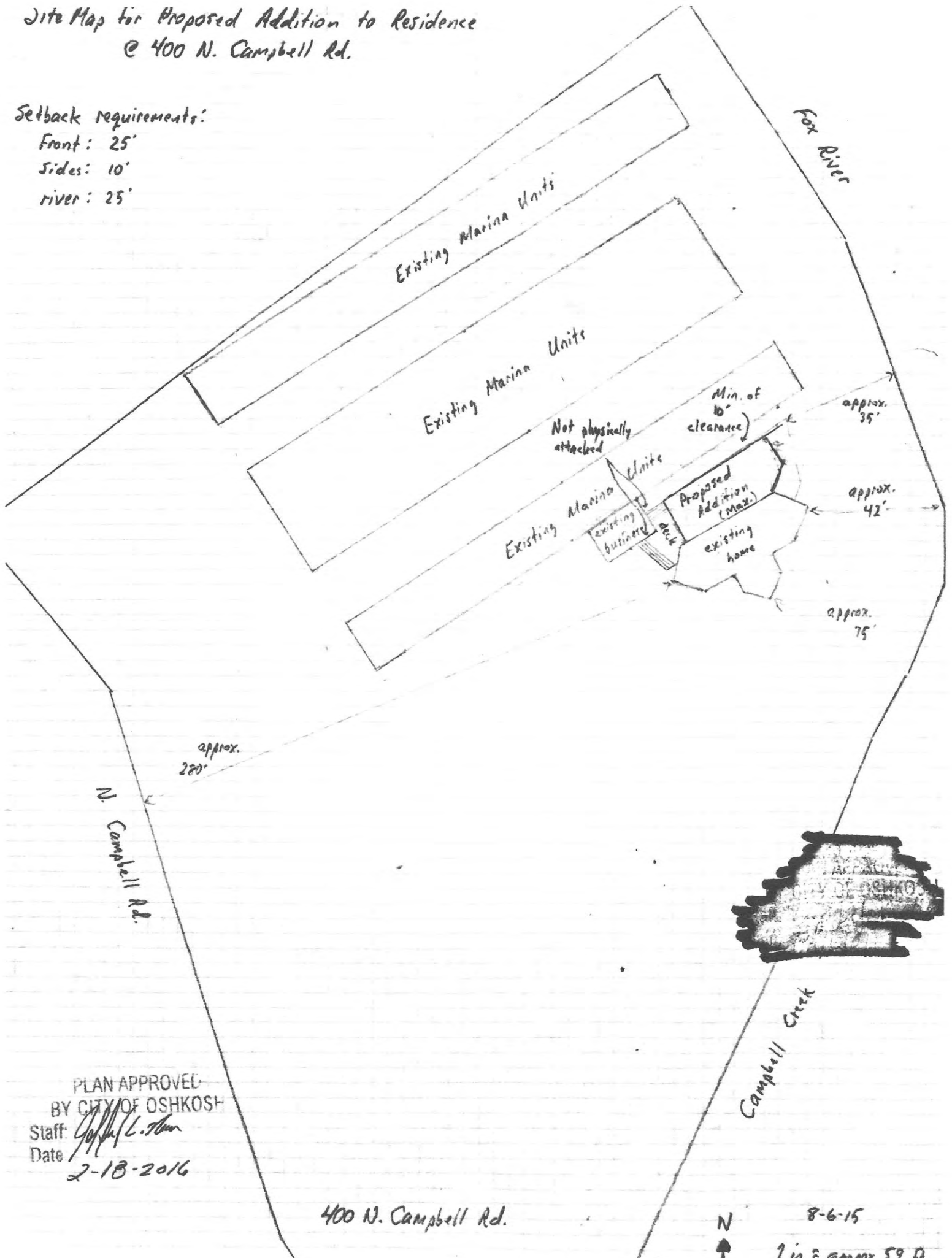
Site Map for Proposed Addition to Residence
@ 400 N. Campbell Rd.

Setback requirements:

Front: 25'

Sides: 10'

river: 25'



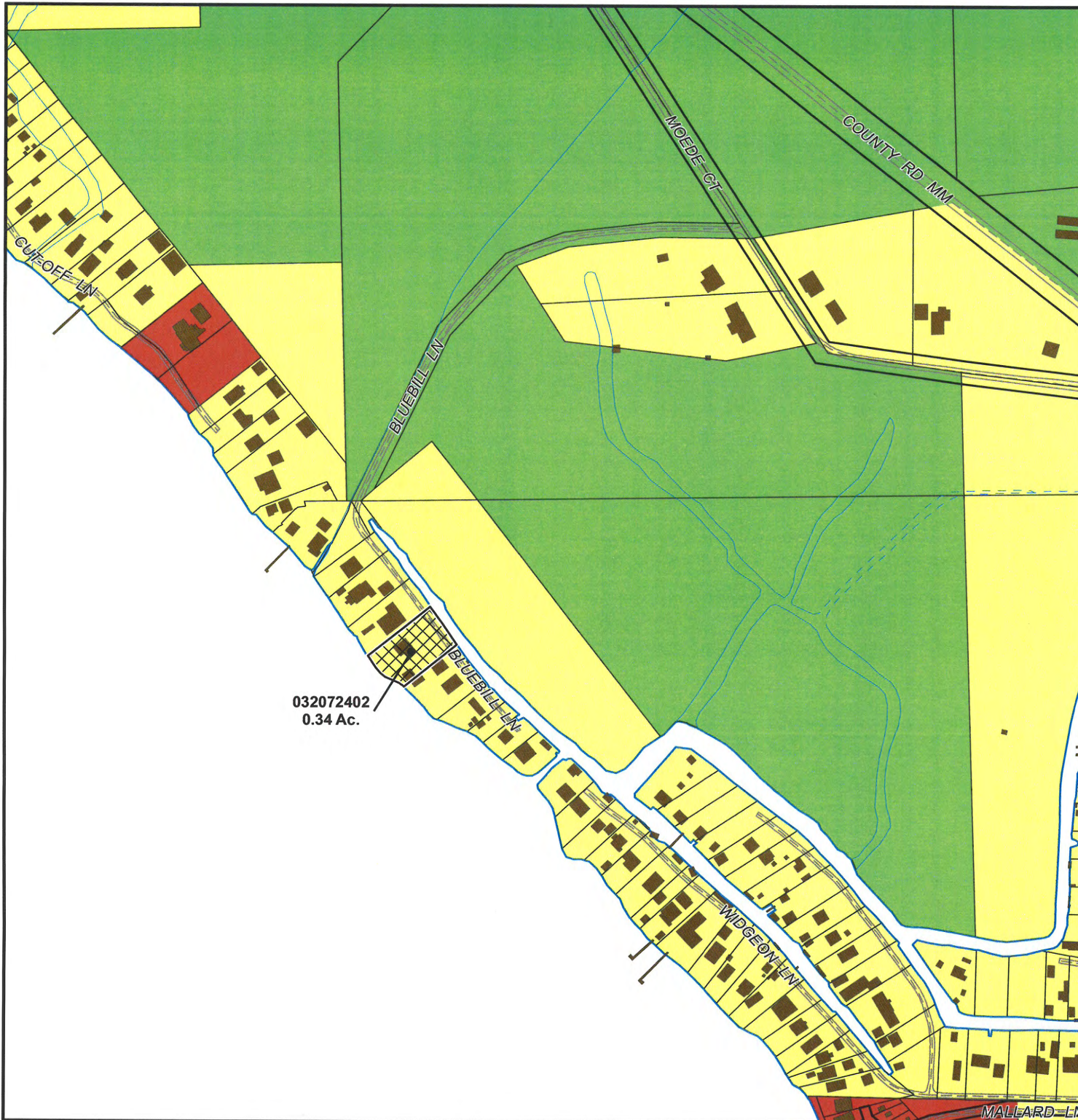
PLAN APPROVED
BY CITY OF OSHKOSH
Staff: *[Signature]*
Date: 2-18-2016

400 N. Campbell Rd.

N

8-6-15

1 in 200 ft



Application #17-VA-4210

Date of Hearing:

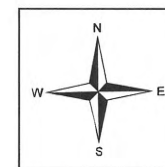
July 25, 2017

Owner(s):

Lynne M Foltz Cottage Trust

Subject Parcel(s):

032072402



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



1 inch : 2,000 feet

Application #17-VA-4210

Date of Hearing:

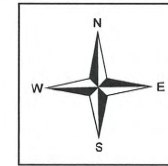
July 25, 2017

Owner(s):

Lynne M Foltz Cottage Trust

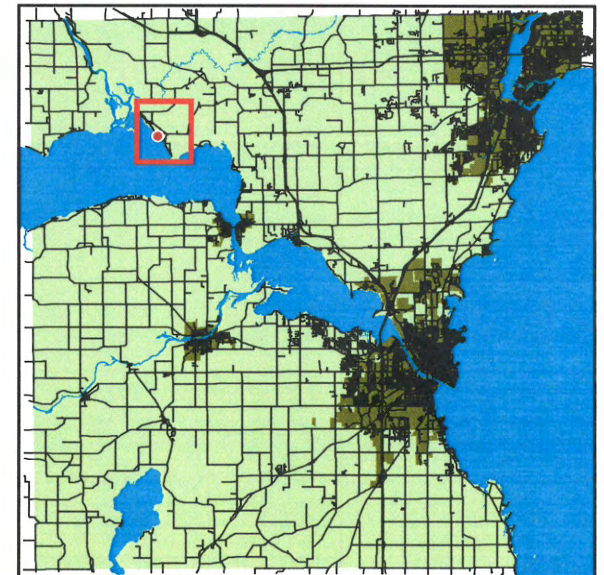
Subject Parcel(s):

032072402



Winnebago County
WINGS Project

● = SITE



WINNEBAGO COUNTY

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 7/25/2017

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 7/25/2017 at 5:30 p.m. in the 3rd floor conference room 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: DEGROOT, DIANNE

Agent: None

File Number: 2017-VA-4200

Location of Premises: 7883 HAASE RD; LARSEN, WI 54947

Tax Parcel No.: 032-056609

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 a variance to construct a residential structure with a substandard shoreyard setback and substandard floodplain fill requirements. Applicant is also requesting a variance to construct a boathouse with a substandard street yard setback.

<u>DESCRIPTION:</u>	<u>CODE REFERENCE:</u>	<u>REQUIRED:</u>	<u>PROPOSED:</u>
A 75-ft shoreyard setback is required for all structures from any navigable water.	Chapter 27, Section 6.1 of the Winnebago County Shoreland Zoning Code.	75-ft	12.8-ft
A 30-ft street yard setback is required for all structures. Flood proofing standards require 15-ft of fill around the perimeter of a residential structure.	Chapter 26, Section 26.5-23 (b) of the Winnebago County Floodplain Zoning Code.	15-ft	10-ft and 6-ft
	Chapter 23, Section 23.8-65 (a) (R-1) of the Winnebago County Town/County Zoning Code.	30-ft	12-ft

INITIAL STAFF REPORT

Sanitation: System Required; Private System

Overlays: Floodplain, Shoreland

Current or Proposed Zoning: R-1 Rural Residential

Code Reference: Chapter 27, Section 6.1 of the Winnebago County Shoreland Zoning Code.
Chapter 26, Section 26.5-23 (b) of the Winnebago County Floodplain Zoning Code.
Chapter 23, Section 23.8-65 (a) (R-1) of the Winnebago County Town/County Zoning Code.

Description of Proposed Use: Applicant is requesting a variance to construct a residential structure with a substandard shoreyard setback and substandard floodplain fill requirements. Applicant is also requesting a variance to construct a boathouse with a substandard street yard setback.

Surrounding Zoning:

North: Channel

South: Lake

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:

1. 20 X 24 boathouse with a 15 ft shoreline setback.
2. 24 x 36 single family dwelling with a 12.8 ft shore yard setback SW
3. 10 ft set back SE for floodplain fill requirements.
4. A variance is requested for a reduced amount of floodplain fill to 6 ft on the south side (as it can't fill in the wetlands) and 10 ft of the east side because the lot isn't wide enough.
5. A variance is requested for a 12 ft edge of road setback for the boathouse.

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

The lot is not large enough to accommodate setbacks from the channel, wetlands and road and still meet required square footage.

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

The size of the property vs. current zoning regulations are restricting what can do with the property.

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

Building a home and boathouse will improve the surrounding property values.

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.

PROPERTY DESCRIPTION
 LANDS AS DESCRIBED IN DOCUMENT No. 1708383,
 LOCATED IN GOVERNMENT LOT 2 OF SECTION 26,
 TOWNSHIP 20 NORTH, RANGE 14 EAST, TOWN OF WOLF
 RIVER, WINNEBAGO COUNTY, WISCONSIN.

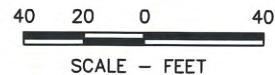
TAX PARCEL No. 03-2-0566-09



NOTE:
 THIS IS NOT A PROPERTY SURVEY. THE BOUNDARY AS SHOWN IS
 APPROXIMATE.

THE HOME BUILDER IS RESPONSIBLE FOR VERIFYING THAT THE LOCATION
 OF THE FOUNDATION AS SHOWN IS IN CONFORMANCE WITH ALL
 RECORDED EASEMENTS, PRIVATE COVENANTS AND BUILDING SETBACKS.

PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL VERIFY PROPOSED
 SITE GRADES BY FIELD CHECKING TWO (2) BENCHMARKS AND A
 MINIMUM OF ONE (1) SITE FEATURE AS SHOWN ON THIS PLAN. THE
 CONTRACTOR SHALL IMMEDIATELY NOTIFY McMAHON OF ANY VERTICAL
 DISCREPANCY.



FOR: -CUSTOM FAMILY HOMES LLC
 -3102 BUTTERCUP ROAD
 -NEENAH, WI 54956
 -PHONE: (920) 422-1009

DESIGNED		DRAWN	FLOODPLAIN FILL DIANNE DeGROOT PROPERTY T. OF WOLF RIVER, WINNEBAGO COUNTY, WI
CHKD			
CNC			
CNC			
PROJECT NO.		DATE	SHEET NO.
C1014 91600880.00			
APR. 2017			
1			

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 www.mcmgrp.com

C:\projects\1014\101400880\101400880.dwg, model: Plot Date: 4/17/2017 2:08 PM, units: (unintentionally set to winnebago county parcels county coords, item floodplain county wide)

Floodplain Fill Variance – Additional Information Required

An additional sheet must be filed for each side of the structure where the floodplain fill requirement will not be met.

Retaining wall X OR Sloped to property line X

Sloped to property line – Benchmark must be established by a Registered Land Surveyor

Surveyor McMahon

Date (BM Established) 3-31-2017

BM Elevation 751.40

BM Description nail in Power Pole on South Lot line

A. Regional Floodplain elevation 750.4

B. Required Elevation of fill (A + 1 ft) 751.4

Side (Circle one) N S E W

C. Lowest ground elevation along property line, in affected area 750.7

D. Depth of Fill required (B - C) 0.70

E. Length of horizontal slope using 3:1 slope (D x 3) 2.1

F. Width of Swale (if proposed) N/A = 0

G. Side yard setback proposed for structure 10.5 feet

H. Total horizontal fill proposed (G - E - F) 8.4

Retaining Wall

Side (Circle one) N S E W

Total fill proposed (from foundation to outer edge of retaining wall) 2.4 ft

Will the retaining wall(s) meet the 75' required setback from the Ordinary High Water Mark?

YES X NO _____

If no, variance requested for retaining wall? _____ ft

List any measures proposed to prevent run-off onto neighboring properties:

_____ Swale _____ Drain Tile X Downspouts to lake/ditch

_____ Other:

Application #17-VA-4200

Date of Hearing:

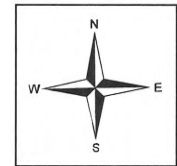
July 25, 2017

Owner(s):

DeGroot, Dianne

Subject Parcel(s):

032056609



Winnebago County
WINGS Project

Scale

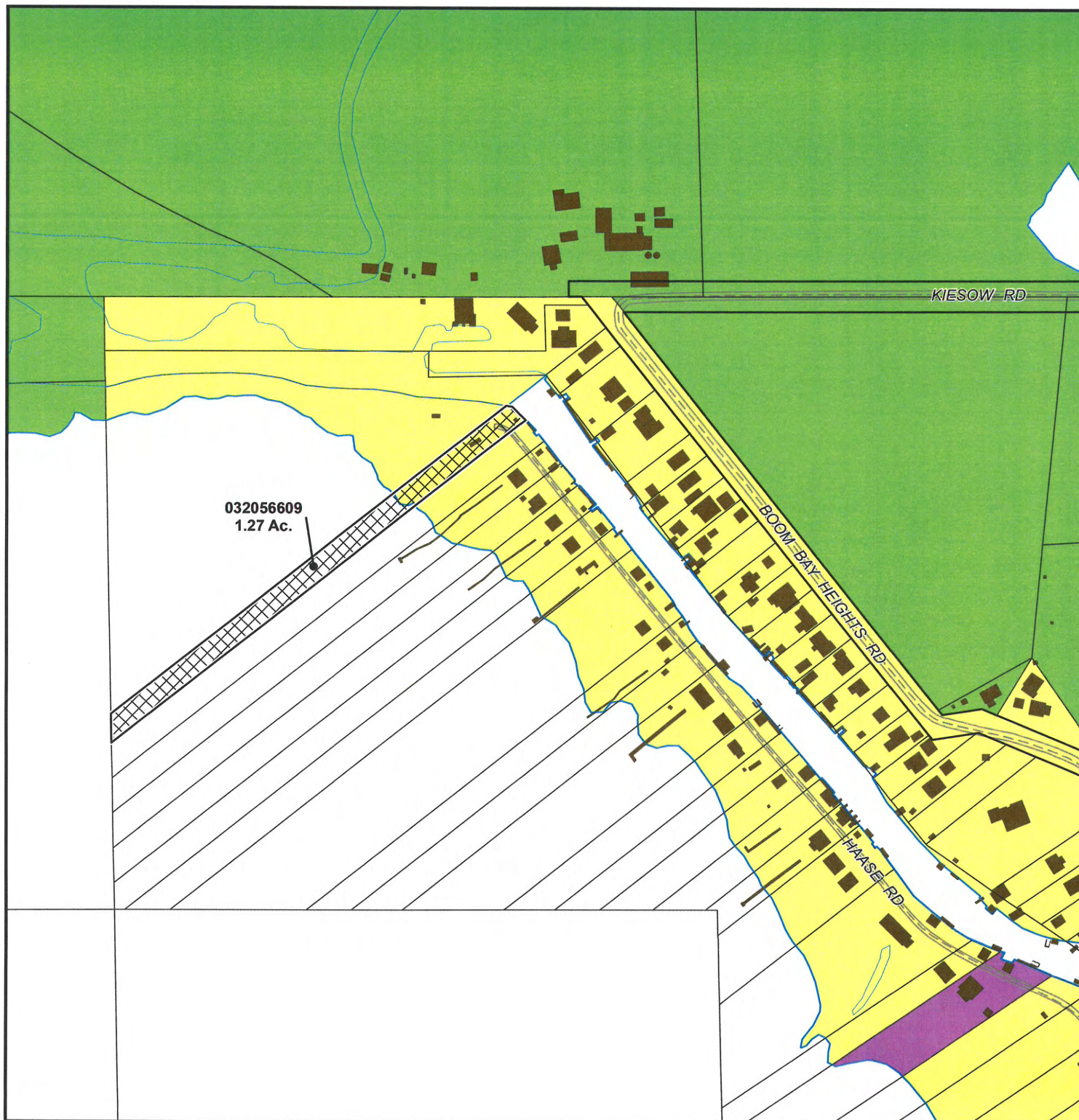
1 inch : 300 feet

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



1 inch : 2,000 feet

Application #17-VA-4200

Date of Hearing:

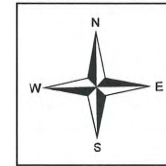
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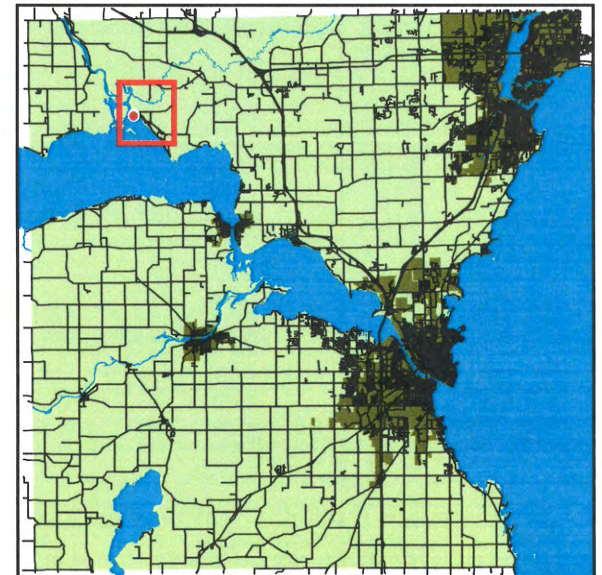
Subject Parcel(s):

032056609



*Winnebago County
WINGS Project*

● = SITE



WINNEBAGO COUNTY