

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 6/27/2017

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 6/27/2017 at 5:30 p.m. on 3rd floor 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:

WILDE FARMS INC

Agent:

None

File Number:

2017-VA-4140

Location of Premises:

SOUTH OF 4070 MAXWELL RD
OSHKOSH, WI 54904

Tax Parcel No.:

026-0350

Legal Description:

Being a part of the NW 1/4 of the SW 1/4, Section 16, Township 19 North, Range 16 East, Town of Vinland, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting a variance to be allowed to install a driveway with a substandard shoreyard setback.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
Applicant is requesting a variance to be allowed to install a driveway with a substandard shoreyard setback.	Chapter 27, Section 6.1 of the Winnebago County Shoreland Zoning Code.	75'	27'

INITIAL STAFF REPORT

Sanitation:

System Required
Private System

Overlays:

Shoreland

Current or Proposed Zoning:

A-2 General Agriculture

Code Reference:

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

Description of Proposed Use:

Applicant is requesting a variance to be allowed to install a driveway with a substandard shoreyard setback.

Surrounding Zoning:

North: A-2

South: A-2

East: A-2

West: A-1

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

Would like to put a driveway in along an existing creek to get to land locked land. The driveway would be 3 feet from property line and roughly 27 feet from creek which would make driveway 20 ft wide so it's wide enough to provide fire protection.

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

This property is land locked by the navigable stream that surrounds it, so access is limited.

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

We'll be between the existing creek and the lot line. There is only 50 feet and the setback is 75 feet from navigable water and the area where driveway would be. Needs to be brought up so the slope on driveway would not be too steep to drive on.

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

By granting the variance it would not effect the creek in any way and would not effect the water flow in any way. When it is finished it will be appealing to the eye. This proposal will have the least impact on environmental concerns.

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:

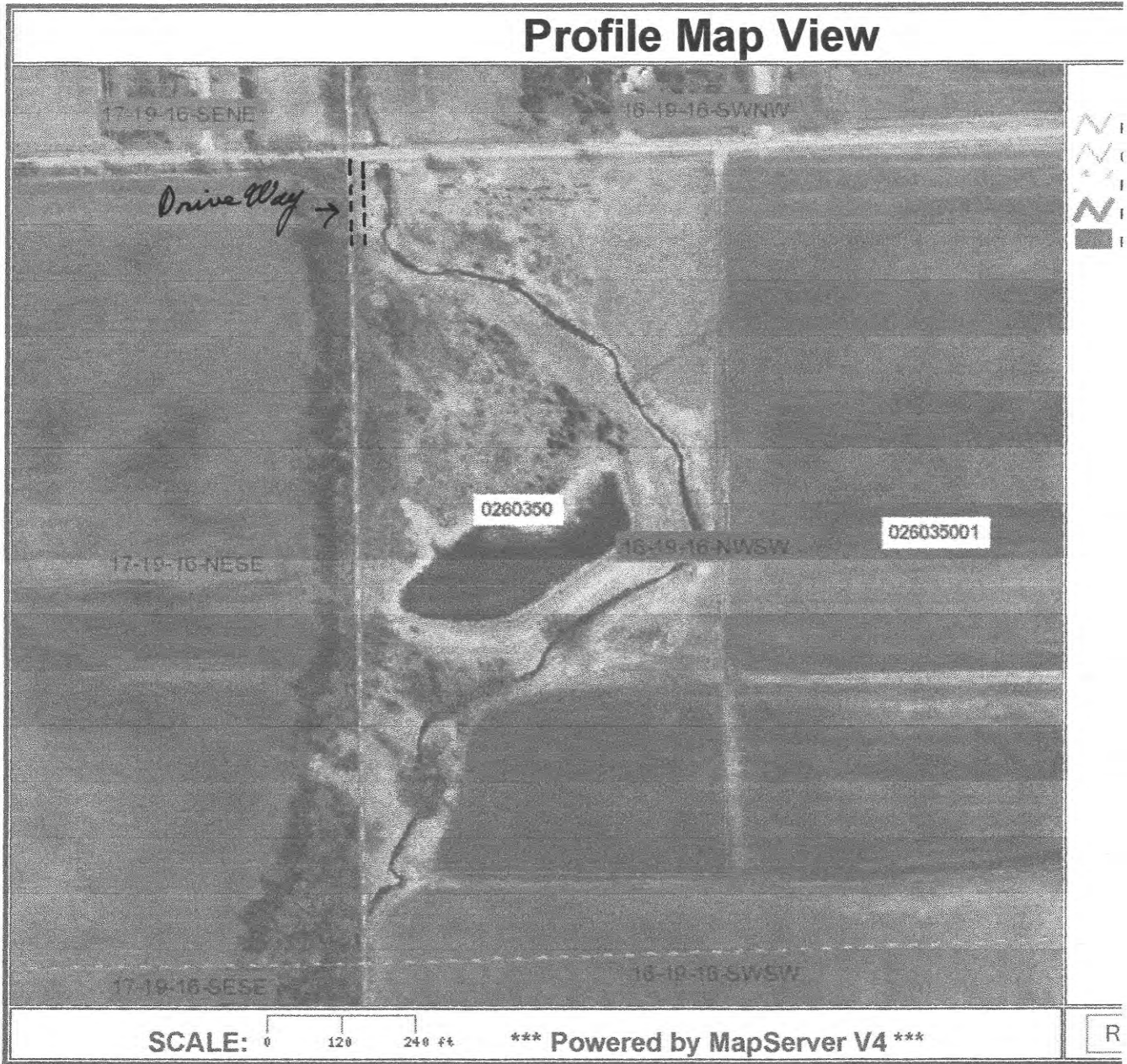
- (1) The variance shall not cause any increase in the regional flood elevation;
- (2) Variances can only be granted for lots that are less than 0.5 acres and are contiguous to existing structures constructed below the regional flood elevation;
- (3) Variances shall only be granted upon a showing of 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.



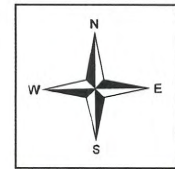


Application #17-VA-4140

Date of Hearing:
June 27, 2017

Owner(s):
Wilde Farms Inc.

Subject Parcel(s):
0260350



Winnebago County
WINGS Project

Scale
1 inch : 500 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

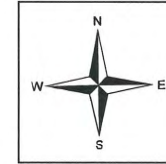
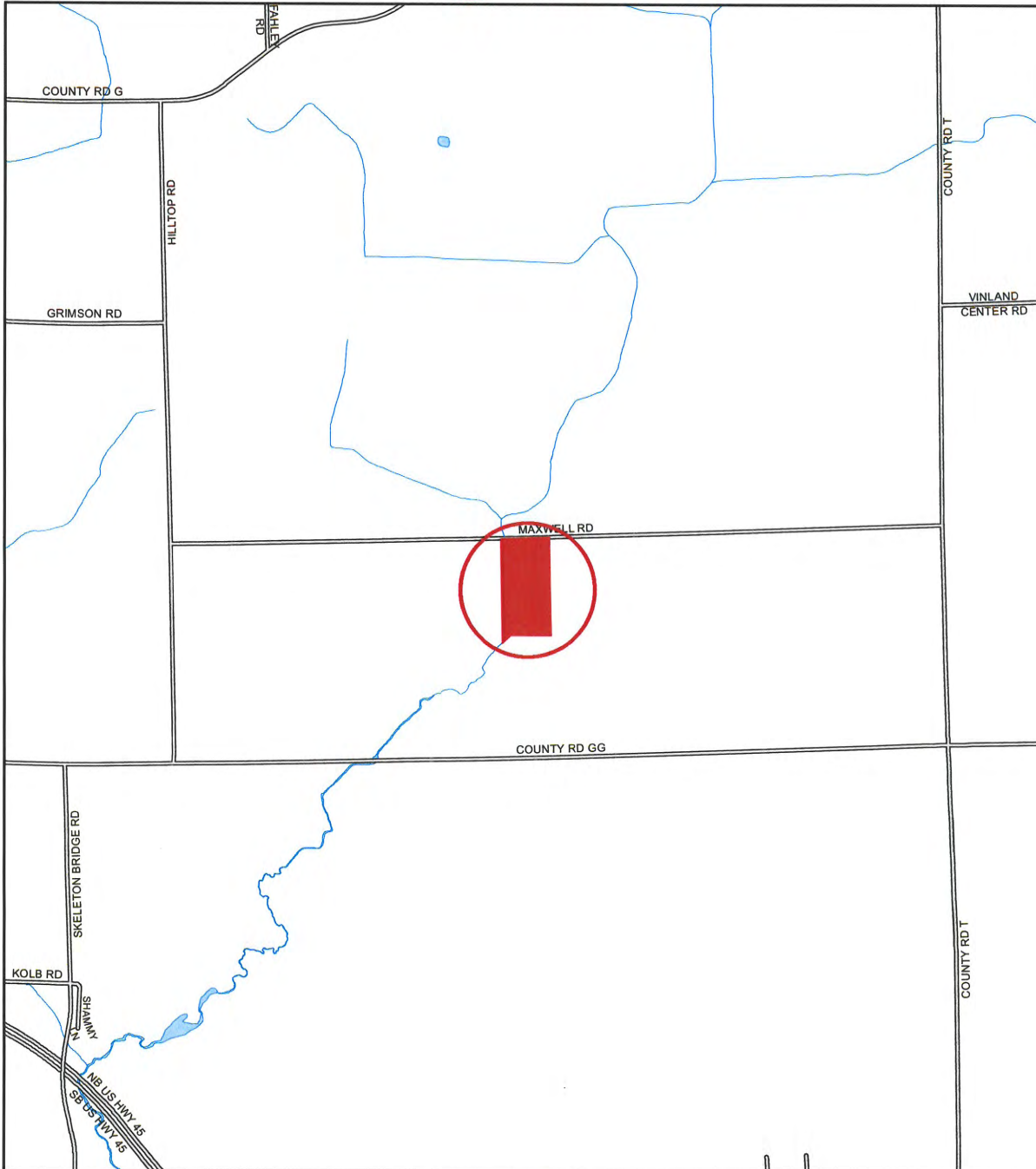
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Application #17-VA-4140

Date of Hearing:
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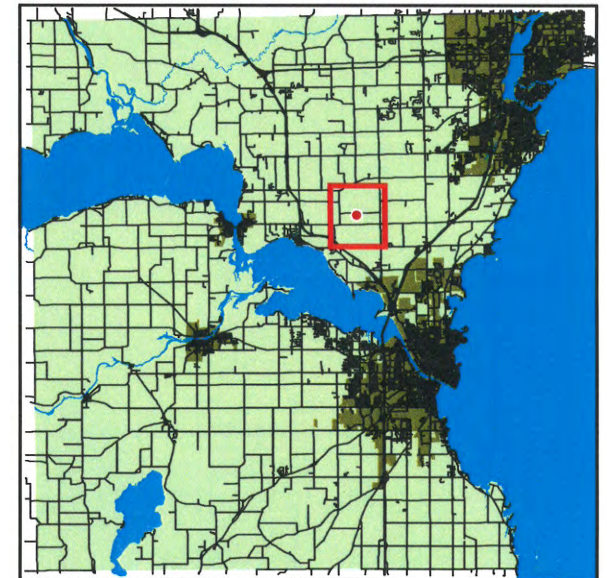
Owner(s):
Wilde Farms Inc.

Subject Parcel(s):
0260350



*Winnebago County
WINGS Project*

● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY

Winnebago County Planning and Zoning Department

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INFORMATION ON VARIANCE REQUEST

Applicant:

PRITZL, DAVID

PRITZL, DIANE

Agent: None**File Number:** 2017-VA-4130**Location of Premises:**

8410 OCONNELLS RESORT RD

WINNECONNE, WI 54986

Tax Parcel No.: 020-000205**Legal Description:**

Being a part of Government Lot 1, Section 10, and also part of the NW 1/4 of the NW 1/4, Section 15, all in Township 19 North, Range 14 East, Town of Poygan, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting a variance to be allowed to construct a new single family home with a substandard street yard setback. The request is also to reconfigure an existing impervious surface within the shoreyard setback

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
Applicant is requesting a variance to be allowed to construct a new single family home with a substandard street yard setback. The request is also to reconfigure an existing impervious surface within the shoreyard setback.	Chapter 23, Article 8, Exhibit 8.2 of the Winnebago County Town/County Zoning Code.	30'	20'
	Chapter 27, Section 9.7 of the Winnebago County Shoreland Zoning Code	75'	62.5'

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 of the Winnebago County Town/County Zoning Code.

Chapter 27, Section 9.7 of the Winnebago County Shoreland Zoning Code

Description of Proposed Use:

Applicant is requesting a variance to be allowed to construct a new single family home with a substandard street yard setback. The request is also to reconfigure an existing impervious surface within the shoreyard setback

Surrounding Zoning:

North: Lake
South: R-8;A-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:

1. Replace the existing 1-1/2 story residence and detached garage with a new 1-1/2 story residence with an attached garage having a 20' street yard setback.
2. Modify the existing deck layout to coordinate with the new residence.

Please note the layout shown on the attached drawing for the new residence/garage/deck is for a "maximum" building envelope as multiple building plans are being considered at this time. Both street yard and shore yard setbacks will be equal to or greater than those shown.

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

Due to the lot being only 50' wide and with a 30' street yard setback would restrict the amount of reasonable space for a residence and garage. In addition, due to the two directly adjacent lots having detached garages, the use of street yard setback averaging is not allowed. If averaging were allowed, the setback would be 8' (see attached street yard setback drawing).

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

The 50' property width and not allowing street yard setback averaging as stated in C-2 above.

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

1. The street yard setback will be increased from the existing 3'-3" to a minimum of 20'-0". The average street yard setback of four neighboring lots with newer construction (8398, 8402, 8414 and 8418) is 20.8'. As mentioned in C-2 above, the average street yard setback of the two directly adjacent lots is 8'. See the attached street yard setback drawing.
2. The deck/stairs modification will have an increased shore yard setback and will maintain (or reduce) the amount of existing impervious surface area of the shore yard area (75' depth). See the attached impervious surface spreadsheet.
3. The amount of impervious surface for the entire lot will be reduced from that which currently exists. See the attached impervious surface spreadsheet and the existing property layout.

SECTION REFERENCE AND BASIS OF DECISION

Town/County Zoning Code

23.7-234 Basis of decision

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- (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.
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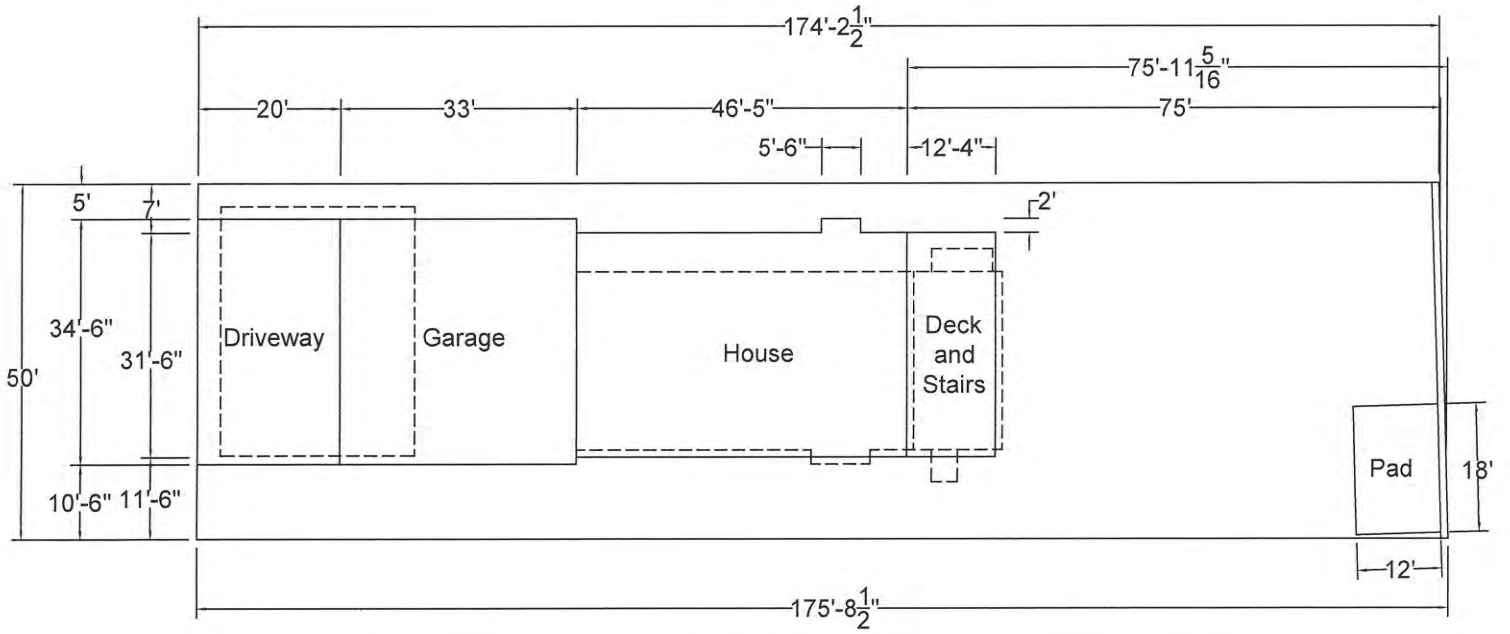
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Shoreland Zoning Code

27.6 -8 Variances

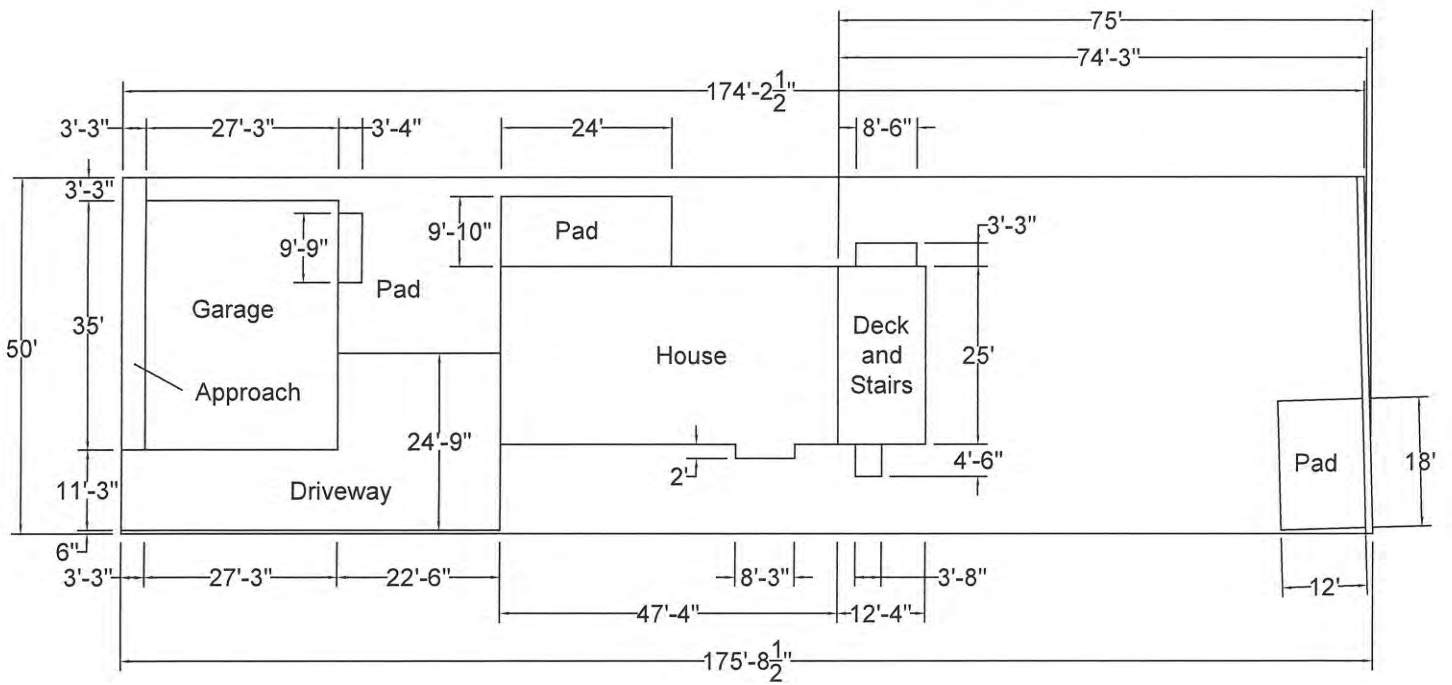
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Dave and Diane Pritzl
 8410 O'Connell Resort Road - Town of Poygan
 Proposed Property Layout - New Construction

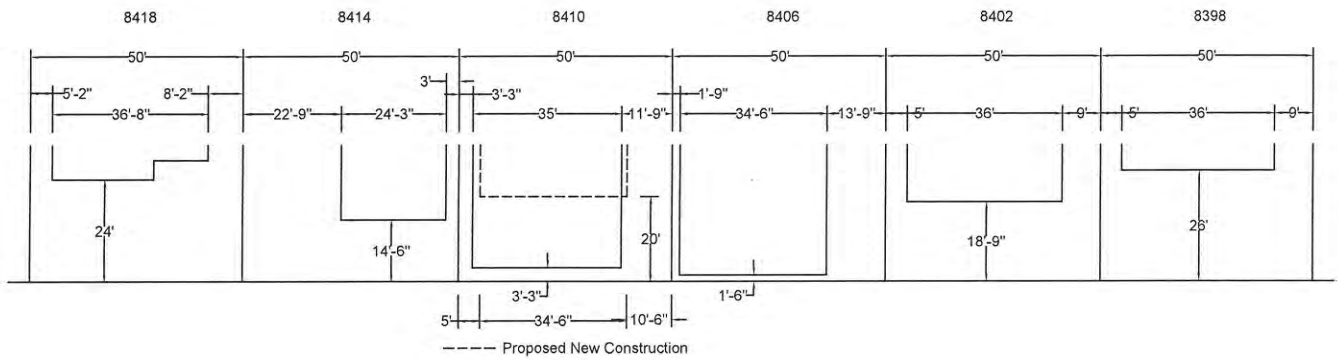


Dave and Diane Pritzl
8410 O'Connell Resort Road - Town of Poygan

Existing Property Layout

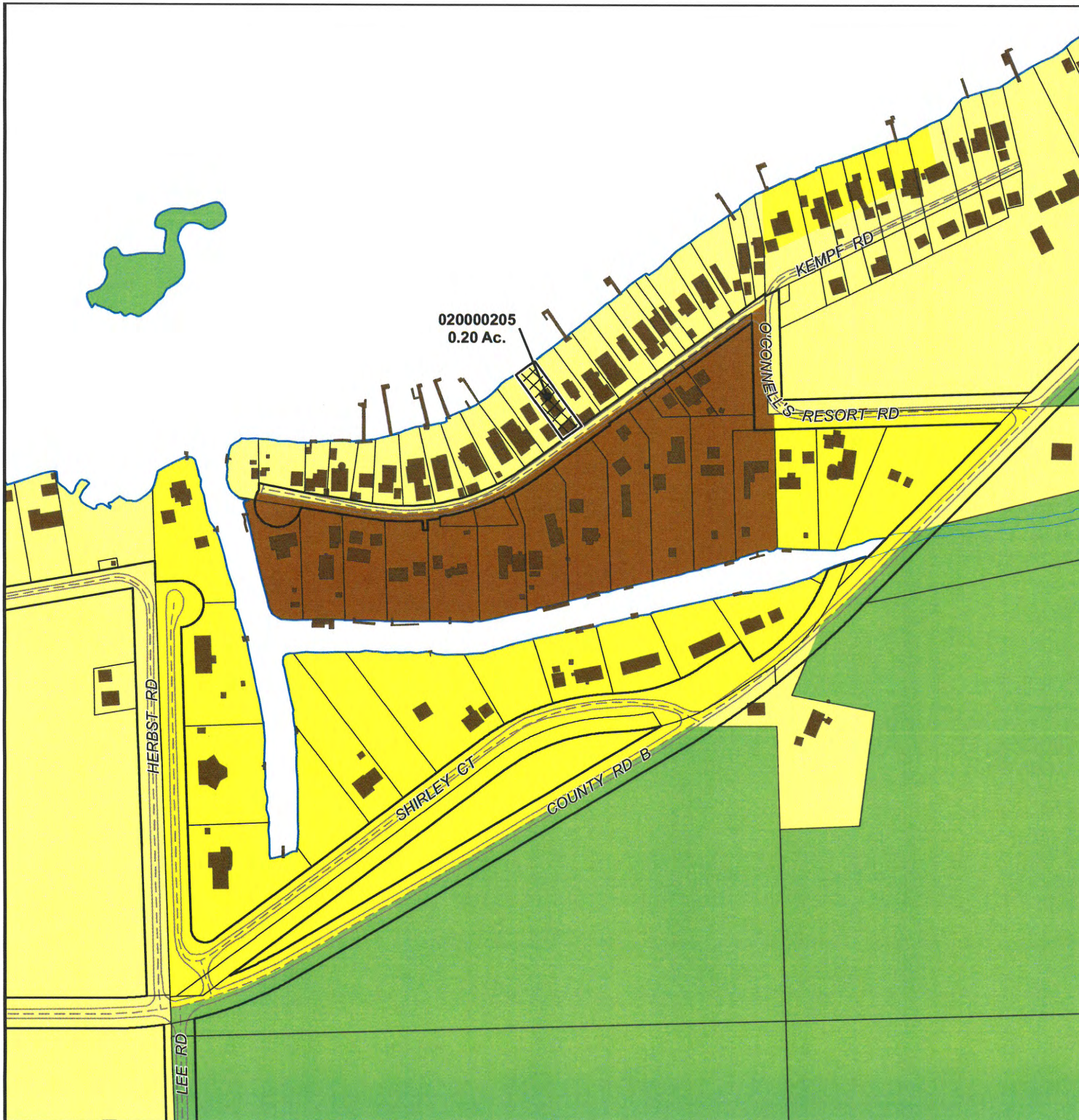


Dave and Diane Pritzl
 8410 O'Connell Resort Road - Town of Poygan
 Existing Street Side Setbacks



Dave & Diane Pritzl
8410 O'Connell Resort Road - Town of Poygan

Existing Property Layout				Proposed Property Layout			
	Dim 1 (Ft)	Dim 2 (Ft)	Area (SqFt)		Dim 1 (Ft)	Dim 2 (Ft)	Area (SqFt)
Complete Lot				Complete Lot			
Garage Approach	38.25	3.25	124	Driveway (1)	34.50	20.00	690
Garage	35.00	27.25	954	Garage	34.50	33.00	1139
Pad (Garage)	9.75	3.33	32	House (1)	46.42	31.50	1462
Driveway (1)	30.50	11.25	343	House (2)	5.50	2.00	11
Driveway (2)	22.50	24.75	557	Deck & Deck Stairs	31.50	12.33	388
House (1)	47.33	25.00	1183	Pad (Shoreline)	18.00	12.00	216
House (2)	8.25	2.00	17				
Pad (House)	24.00	9.83	236				
Deck	25.00	12.33	308				
Deck Stairs (1)	4.50	3.67	17				
Deck Stairs (2)	8.50	3.25	28				
Pad (Shoreline)	18.00	12.00	216				
Total			4015	Total			3906
Lot Size	174.96	50.00	8748	Lot Size	174.96	50.00	8748
Imperv Surface %			45.90	Imperv Surface %			44.65
Shoreland (75' Depth)				Shoreland (75' Depth)			
House	0.38	25.00	10	Deck & Deck Stairs (1)	31.50	12.33	388
Deck	25.00	12.33	308	Deck & Deck Stairs (2)	31.50	-0.47	-15
Deck Stairs (1)	4.50	3.67	17	Pad (Shoreline)	18.00	12.00	216
Deck Stairs (2)	8.50	3.25	28				
Pad (Shoreline)	18.00	12.00	216				
Total			579	Total			589
Shoreland Size	75	50	3750	Shoreland Size	75	50	3750
Imperv Surface %			15.44	Imperv Surface %			15.71



Application #17-VA-4130

Date of Hearing:

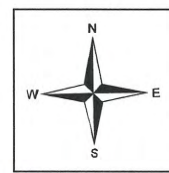
June 27, 2017

Owner(s):

Pritzl, David & Diane

Subject Parcel(s):

020000205



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

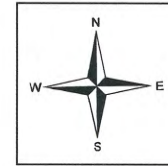
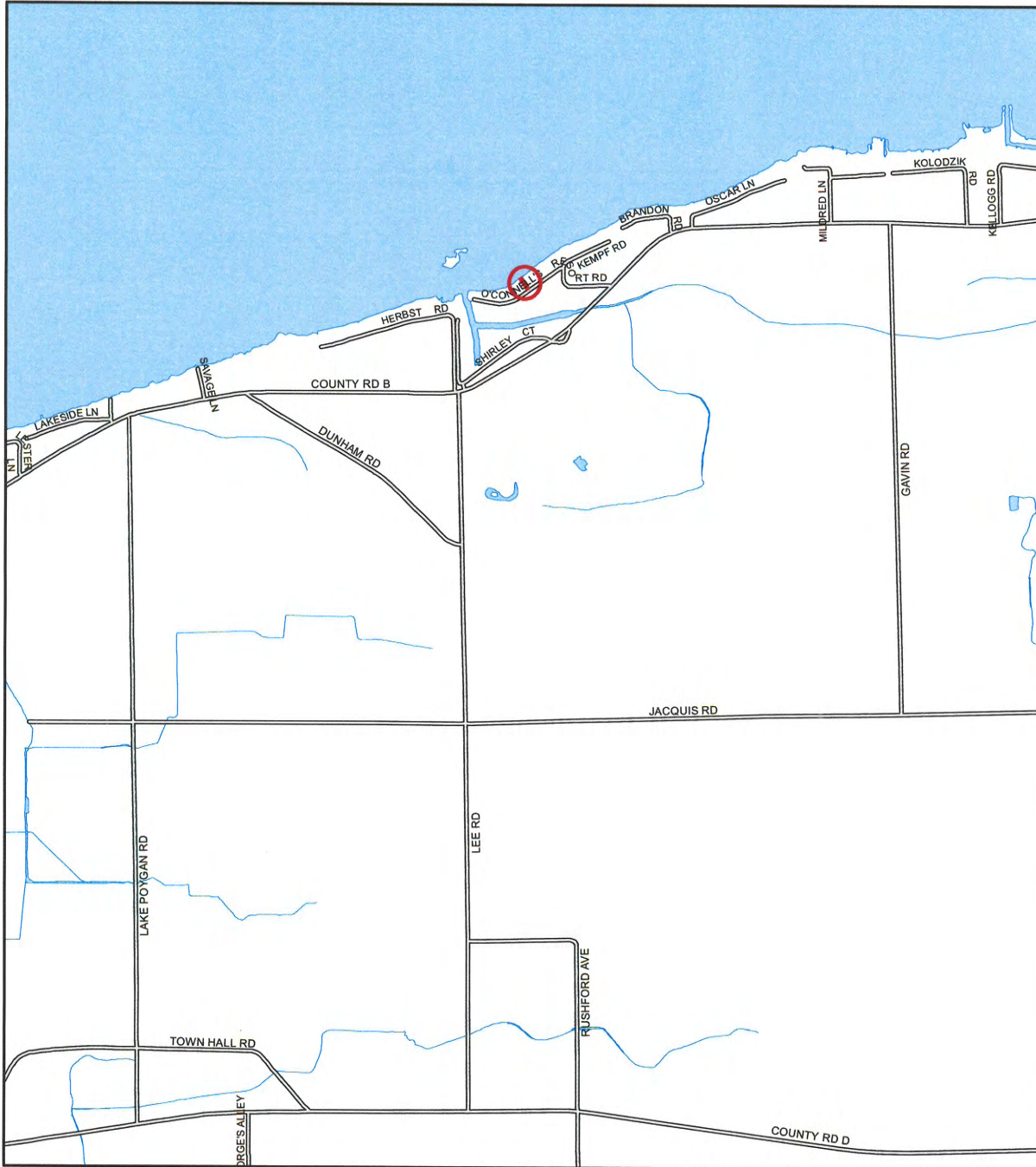
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Application #17-VA-4130

Date of Hearing:
June 27, 2017

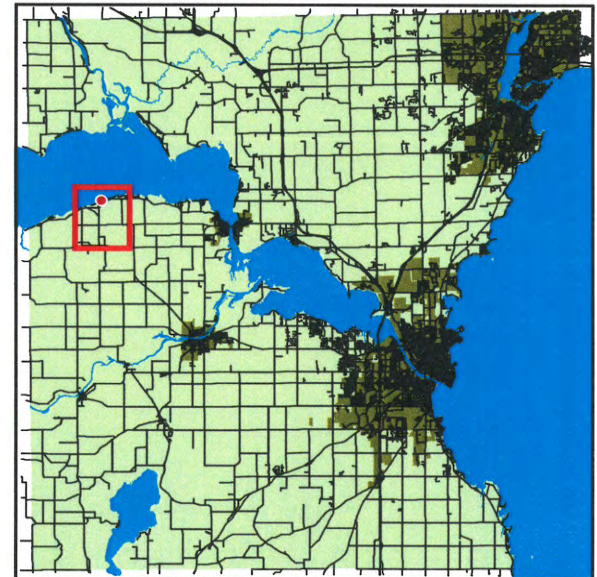
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Pritzl, David & Diane

Subject Parcel(s):
020000205



*Winnebago County
WINGS Project*

● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY