

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 7/31/2018

TO WHOM IT MAY CONCERN:

The applicant(s) listed below has requested a variance which is regulated by one or more of the following ordinances: Chapter 23, the Town/County Zoning Code, Chapter 26, the Floodplain Zoning Code, and Chapter 27, the Shoreland Zoning Code. You are receiving this notice because this application or petition for action: 1. affects area in the immediate vicinity of property which you own; 2. requires your agency to be notified; 3. requires your Town to be notified; or 4. requires you, as the applicant, to be notified.

The Winnebago County Board of Adjustment will be holding a public hearing on 7/31/2018 at 5:30 p.m. in Conference Room 120 of the County Administration Building located at 112 Otter Ave, Oshkosh, WI.

All interested persons wishing to be heard at the public hearing are invited to be present. For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning Office, where the application is available for viewing.

INFORMATION ON VARIANCE REQUEST

Applicant: KRIZEK, SHERRY A
KRIZEK, TIMOTHY D

Agent: None

File Number: 2018-VA-4550

Location of Premises: 7714 BAY LN
FREMONT, WI 54940

Tax Parcel No.: 032-0833

Legal Description:

Being a part of Wentzel's Plat, Lot 26, located in the SW 1/4 of the SW 1/4, Section 28, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin.

Description of Proposed Project:

A variance to attach an existing 16'x24' non-conforming garage to a single family dwelling and widen the existing garage by 9' within the minimum 22.5' average street yard setback area, approximately 4' from the road right of way.

<u>DESCRIPTION:</u>	<u>CODE REFERENCE:</u>	<u>REQUIRED:</u>	<u>PROPOSED:</u>
Principal and accessory structure street yard setback is 30' and the reduced average setback for the principal structure on this parcel is 22.5'	Article 8 Exhibit 8-2 R-1 Rural Residential District and 23.8-65(d) Setback averaging for street yard setbacks	22.5'	4'

INITIAL STAFF REPORT

Sanitation:

System Required
Private System

Overlays:

Shoreland

Current or Proposed Zoning:

R-1 Rural Residential

Code Reference:

Article 8 Exhibit 8-2 R-1 Rural Residential District and 23.8-65(d) Setback averaging for street yard setbacks

Description of Proposed Use:

A variance to attach an existing 16'x24' non-conforming garage to a single family dwelling and widen the existing garage by 9' within the minimum 22.5' average street yard setback area, approximately 4' from the road right of way.

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 construct a new attached 2 stall garage and entrance/laundry/bath to existing home. The entire addition including the 2 stall garage is 24 feet wide x 39 feet long. There would be 21 feet to lot line to the south, 9 feet to the north lot line and 4 feet to the right-of-way-. It would be in the same footprint as the current garage but wider by 9 feet.

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

We need a 2 stall garage in the Wisconsin climate. We are not building any closer to the road than we have currently. In attaching to the house, we are also adding a first floor laundry and second bathroom that is much needed as we live here permanently.

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

By complying with the current code, the garage would be against the existing home with no room for addition of laundry/bath and also would conflict with the underground sewer on the southeast side.

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

By granting this variance, we would still be able to park cars in the driveway, thus not blocking the road. We are on the end of a dead end road and garbage and snow removal are not an issued with our existing setback.

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:

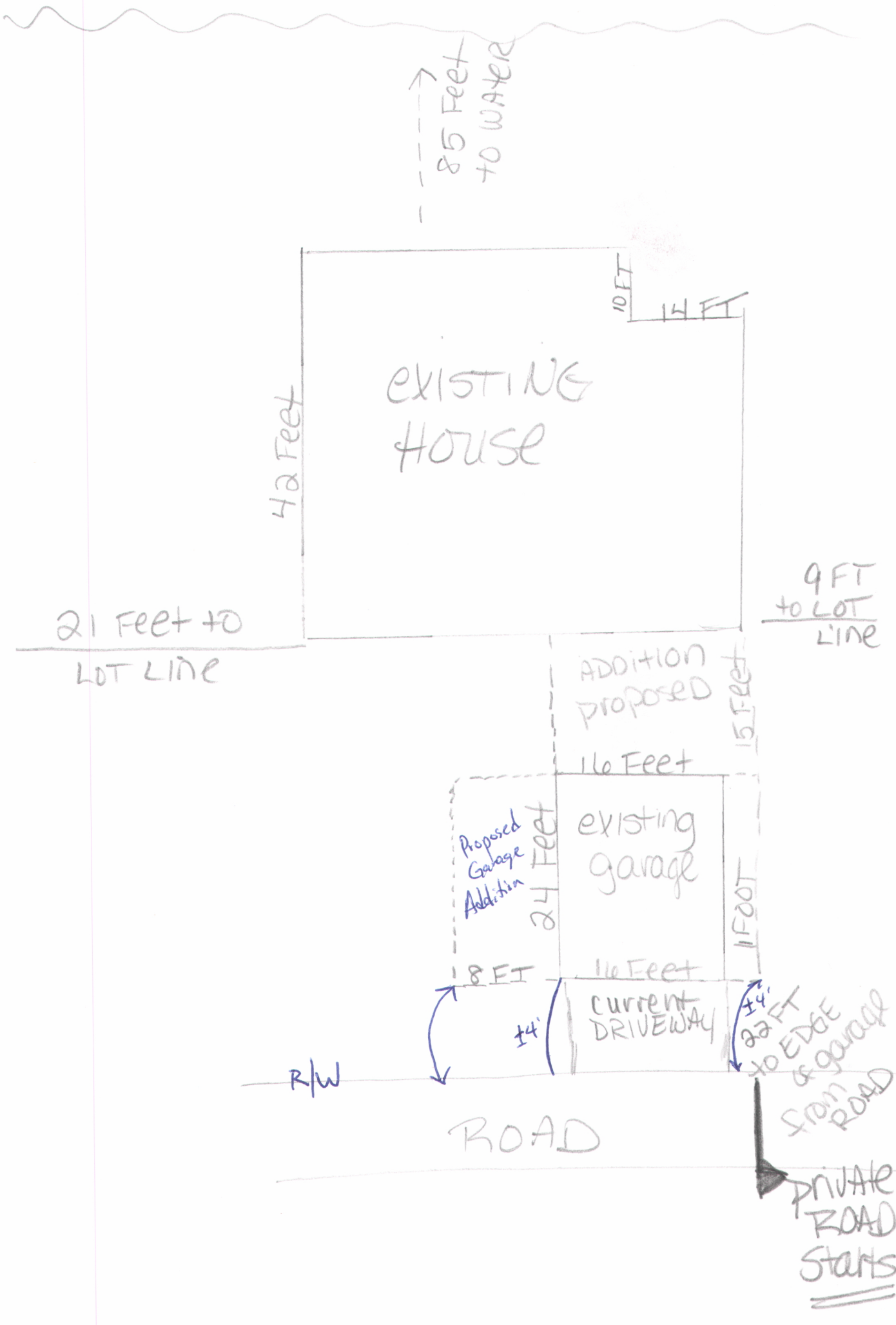
- (1) The variance shall not cause any increase in the regional flood elevation;
- (2) Variances can only be granted for lots that are less than 0.5 acres and are contiguous to existing structures constructed below the regional flood elevation;
- (3) Variances shall only be granted upon a showing of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

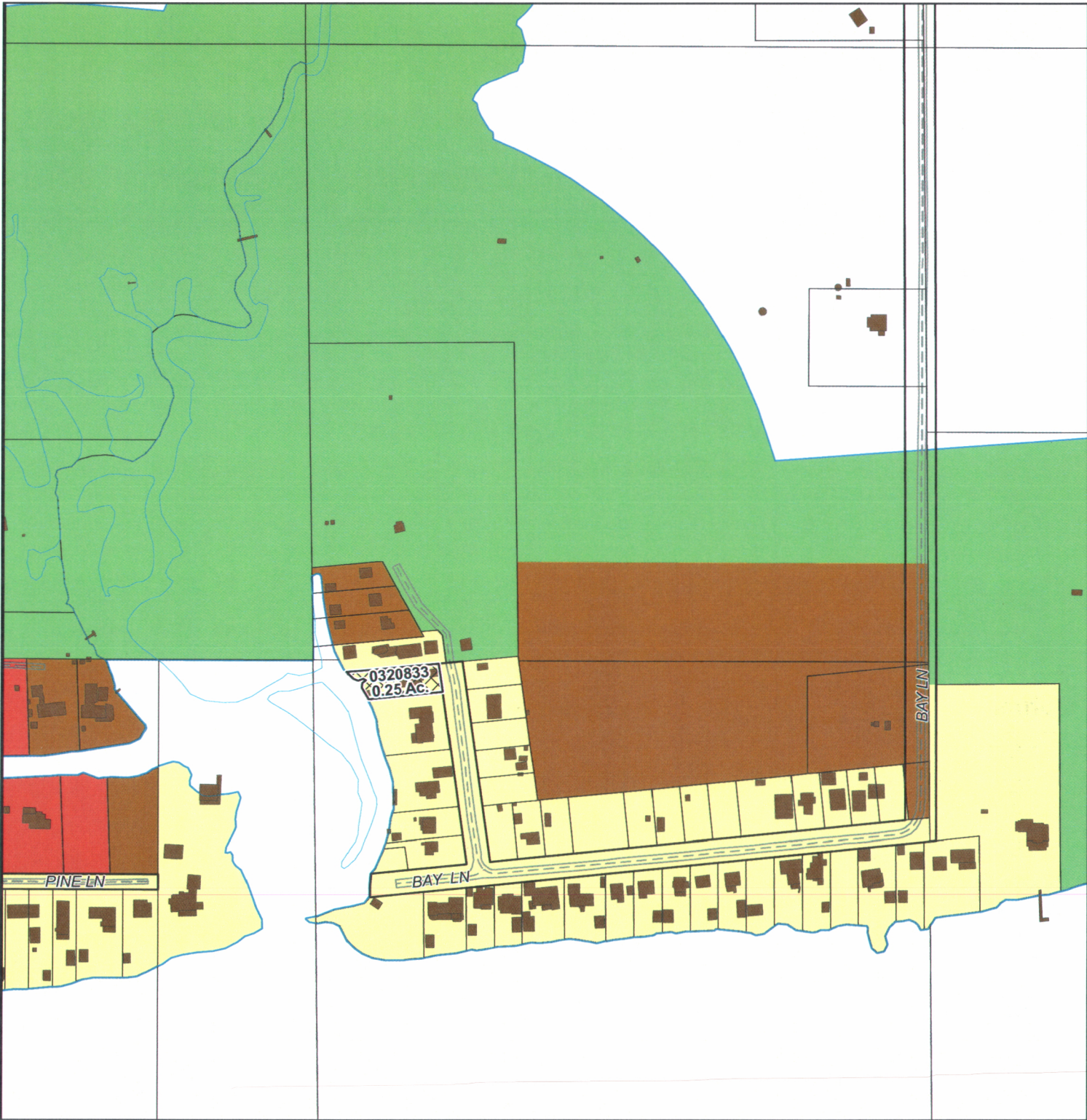
(c) **Limitations.** A variance shall not (1) grant, extend, or increase any use prohibited in the zoning district; (2) be granted for a hardship based solely on an economic gain or loss; (3) be granted for a hardship which is self-created; (4) damage the rights or property values of other persons in 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 #18-VA-4550

Date of Hearing:

July 31, 2018

Owner(s):

Krizek, Tim & Sherry

Subject Parcel(s):

0320833



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

Application #18-VA-4550

Date of Hearing:

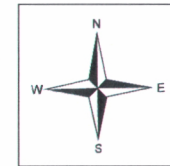
July 31, 2018

Owner(s):

Krizek, Tim & Sherry

Subject Parcel(s):

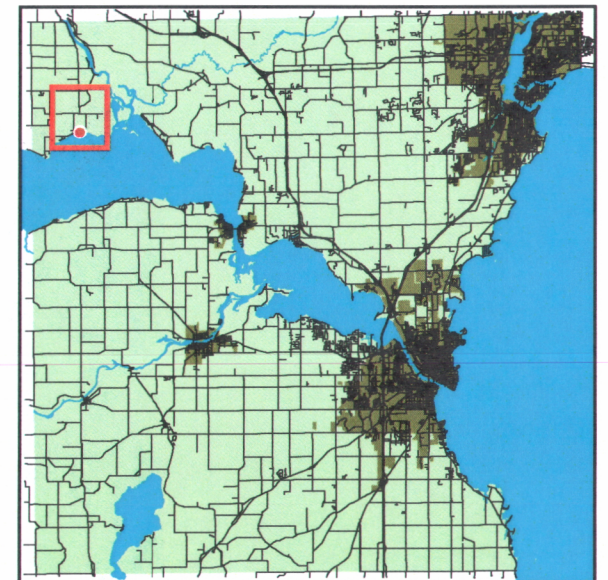
0320833



*Winnebago County
WINGS Project*



● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 7/31/2018

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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: WELNICKE, TONY M

Agent: None

File Number: 2018-VA-4540

Location of Premises: 6449 PAULSON RD
WINNECONNE, WI 54986

Tax Parcel No.: 030-020104

Legal Description: Being a part the NE 1/4 of the NE 1/4, Section 16, Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin.

Description of Proposed Project: Applicant is requesting a variance for substandard floodplain fill requirements around the perimeter of a residential structure and a substandard shoreyard setback for two retaining walls.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
A 75-ft shoreyard setback is required for all structures from any navigable water. Flood proofing standards require 15-ft of fill around the perimeter of a residential structure.	26.5-23(b)(1) Development Standards for Residential Structures Chapter 27, Article 6, Section 6.1 (Shoreyard Setbacks)	15' 75'	6.2' and 9.2' 48.9' & 61.3'

INITIAL STAFF REPORT

Sanitation:

Existing System
Municipal System

Overlays:

Floodplain

Current or Proposed Zoning: R-1 Rural Residential

Code Reference:

26.5-23(b)(1) Development Standards for Residential Structures
Chapter 27, Article 6, Section 6.1 (Shoreyard Setbacks)

Description of Proposed Use: Applicant is requesting a variance for substandard floodplain fill requirements around the perimeter of a residential structure and a substandard shoreyard setback for two retaining walls.

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:

Proposed new home construction. Property is within floodplain. The proposed home will be built to floodplain standards, including the fill around the home. See attached site plan for dimensions & setbacks.

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

The 15 foot fill requirement around the home per the floodplain standards is very restrictive on the sides of the home due to the narrow lot width.

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

The 60 foot lot width with the 15 foot of fill required on each side of home, limits the proposed home width to 30 feet, which is about 13 feet less than if floodplain requirements were not a factor.

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

Limiting the fill requirement on each side of the proposed home as denoted on the attached site plan adequately keeps the home safe from flooding and does not affect the surrounding properties drainage pattern.

SECTION REFERENCE AND BASIS OF DECISION

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.

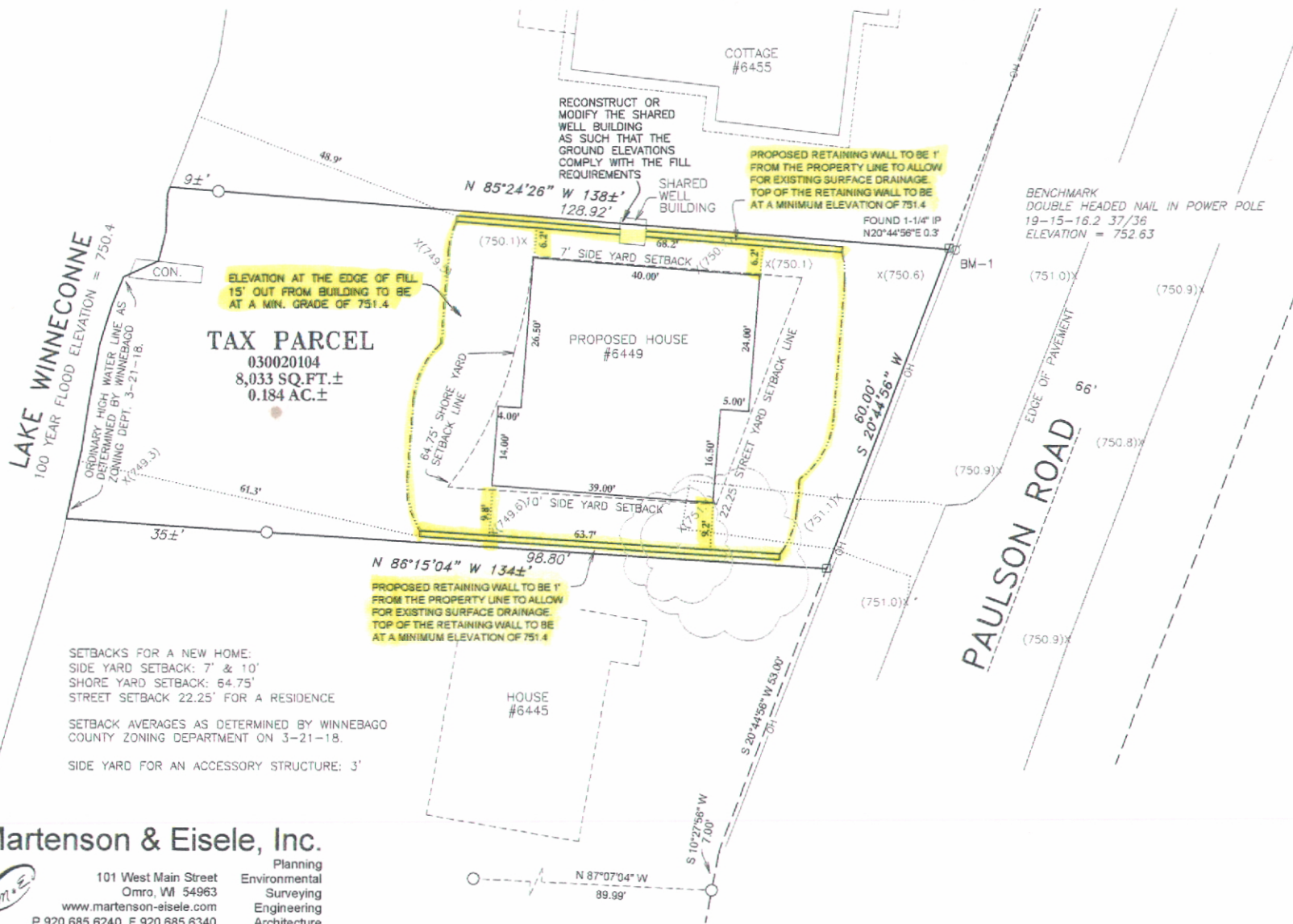
Shoreland Zoning Code

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SITE PLAN

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 15 EAST, TOWN OF WINNECONNE, WINNEBAGO COUNTY WISCONSIN.



Martenson & Eisele, Inc.



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

Planning
Environmental
Surveying
Engineering
Architecture

SITE ADDRESS:
6449 PAULSON ROAD

TAX PARCEL NUMBER:
030020104

TOTAL AREA:
8,033 SQ.FT.±/0.184 AC.±

30% OF TOTAL AREA = 2,410 SQ.FT.

PROJECT NO. 0-2250-001

FILE 2250001REF.DWG

THIS INSTRUMENT WAS DRAFTED BY: OSL

Application #18-VA-4540

Date of Hearing:

July 31, 2018

Owner(s):

Welnicke, Tony

Subject Parcel(s):

030020104



Winnebago County
WINGS Project

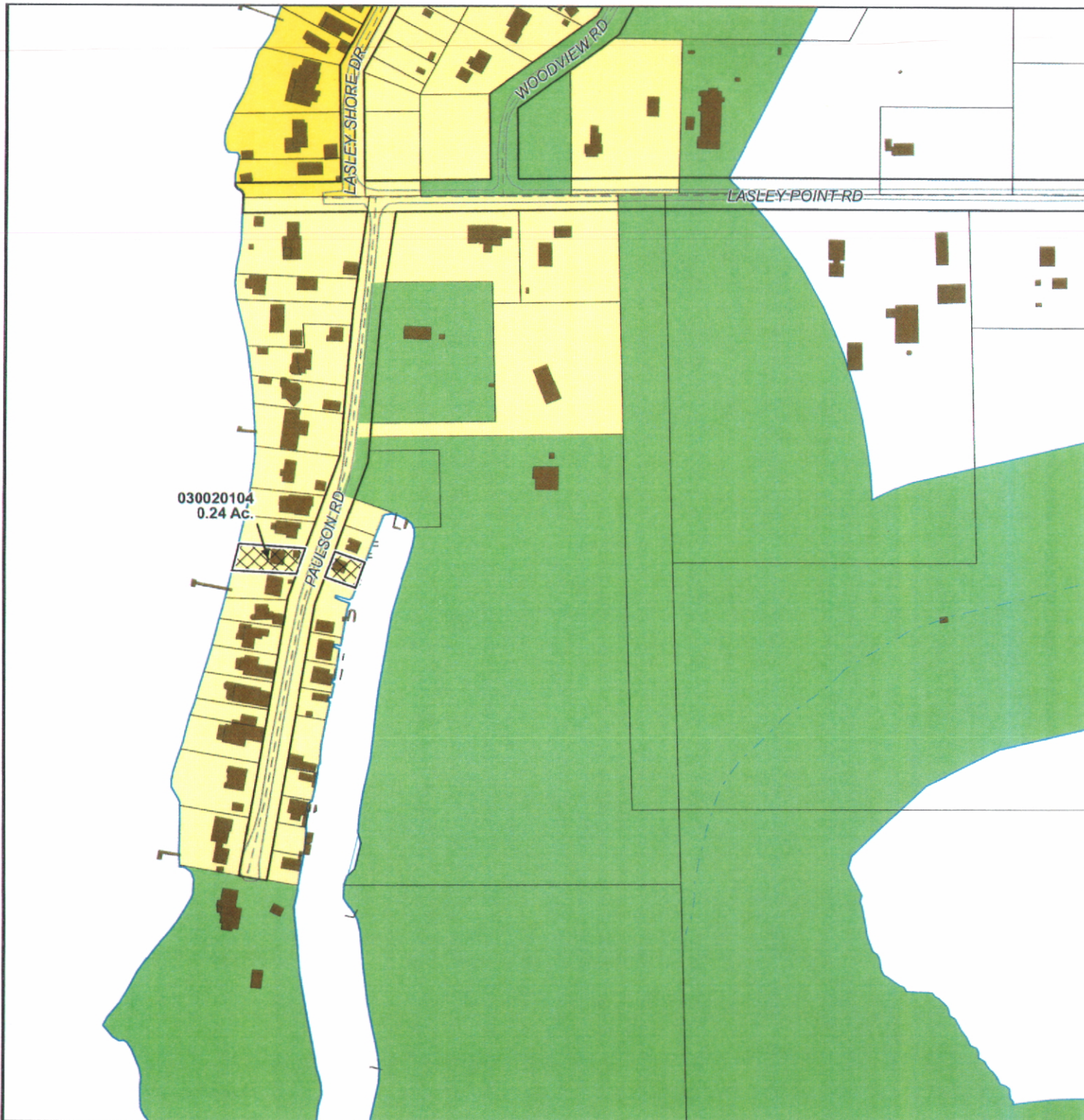
Scale
1 inch : 300 feet

County Zoning Districts

R-1	PDD	B-1
R-2	A-1	B-2
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City of Oshkosh Extraterritorial
Zoning Jurisdiction

Incorporated Area



○ = SITE

Application #18-VA-4540

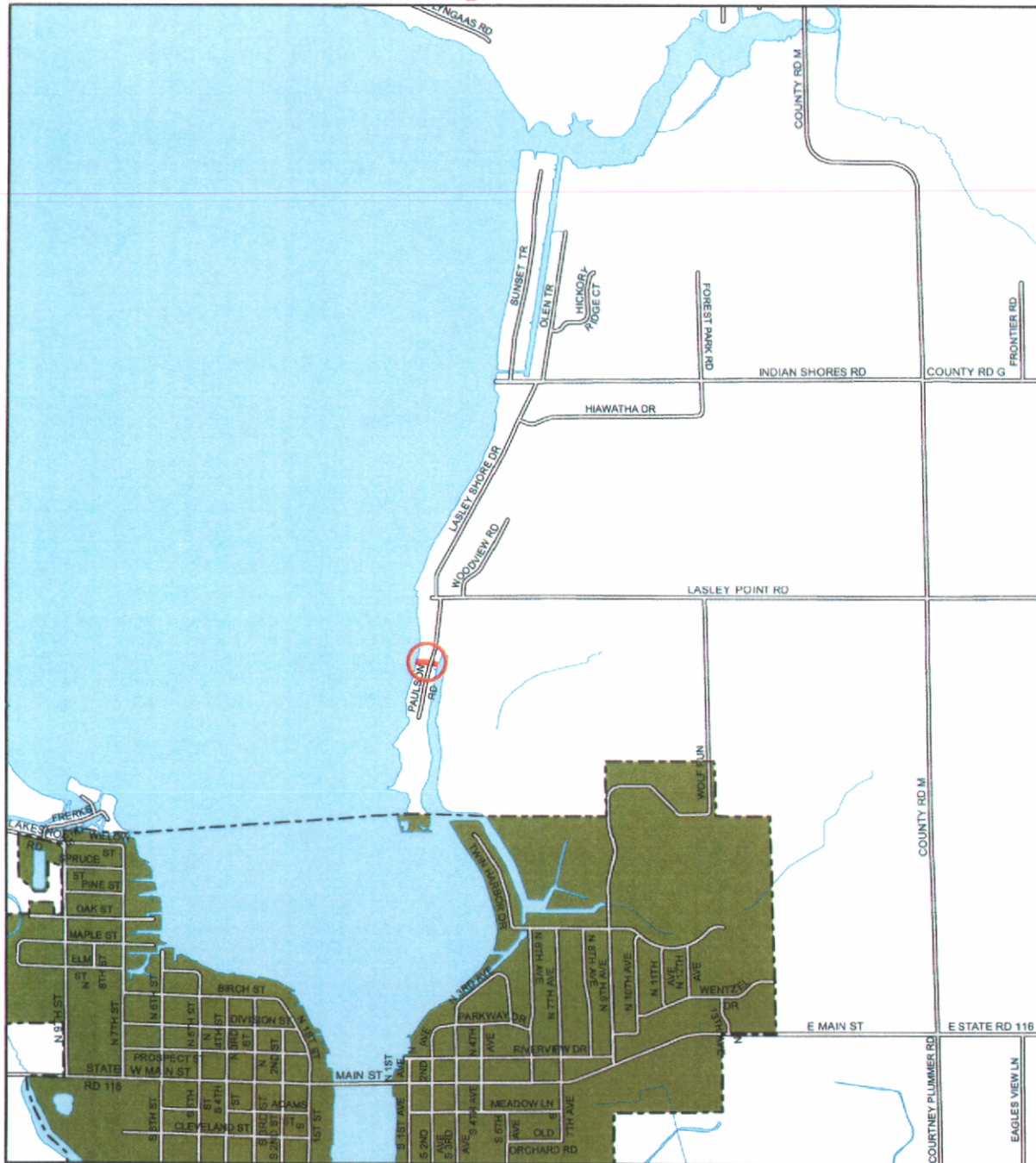
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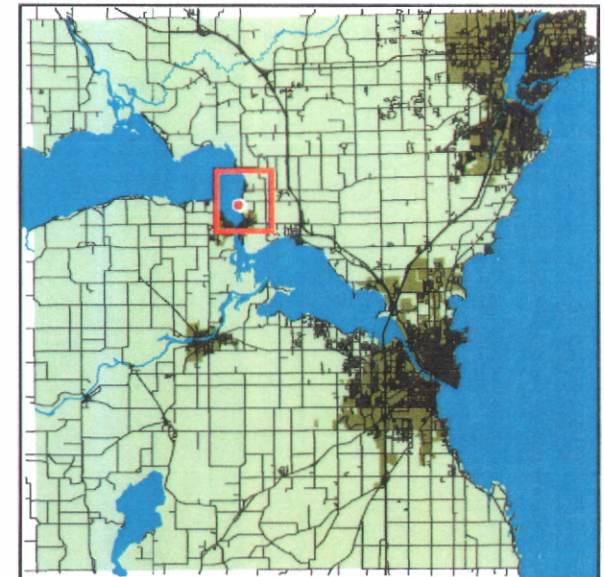


Winnebago County
WINGS Project



1 inch : 2,000 feet

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