

# Winnebago County Planning and Zoning Department

## NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 10/23/2018

### 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 10/23/2018 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:**

PAGEL REV TST, JEFFREY T  
PAGEL REV TST, UTE

**Agent:**

None

**File Number:**

2018-VA-4600

**Location of Premises:**

6617 LASLEY SHORE DR  
WINNECONNE, WI 54986

**Tax Parcel No.:** 030-0913

**Legal Description:**

Being a part of Lasley's Point Lake Winneconne Farm Plat, Lot 33, located in the Fractional E 1/2, Section 9, and the NW 1/4 of the SW 1/4, Section 10, all in Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin.

**Description of Proposed Project:**

A variance to construct a new single family dwelling 8.5 feet into the 21.5 street yard setback area resulting in a 13 foot street yard setback.

<b>DESCRIPTION:</b>	<b>CODE REFERENCE:</b>	<b>REQUIRED:</b>	<b>PROPOSED:</b>
Principal structure street yard setback is 30 feet and the reduced average setback for the principal structure on this parcel is 21.5 feet.	Article 8 Exhibit 8-2 R-2 Suburban Residential District and 23.8-65(d) Setback averaging for street yard setbacks.	21.5 feet	13 feet

## INITIAL STAFF REPORT

**Sanitation:**

Existing System  
Municipal System

**Overlays:**

Floodplain  
Shoreland

**Current or Proposed Zoning:**

R-2 Suburban Low Density Residential

**Code Reference:**

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

**Description of Proposed Use:**

A variance to construct a new single family dwelling 8.5 feet into the 21.5 street yard setback area resulting in a 13 foot street yard setback.

**Surrounding Zoning:**

**North:** R-2  
**South:** R-2  
**East:** R-1  
**West:** Lake

### THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

**Describe your project, include the proposed dimensions and setbacks:**

Raze existing single family dwelling, detached garage and deck. Construct new single family dwelling with attached 1 car garage, 23 ft x 5 ft deck, and 5 ft x 10 ft porch. Overall length for SFD, garage and deck of 63 ft and overall width of 23 ft.

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

Hardship - Unable to build a reasonable size attached garage (19ft x 13ft) within the current 21.5ft setback requested by Zoning Officer, while complying with offsets on shore and side yards. Not having a garage on the property is unreasonable in our climate. Due to width restrictions on this lot the garage has to be part of the house length.

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

Narrow lot divided long before we became owners. Lot divided 50 years ago. Zoning setbacks and requirements restrict the house to be a minimum width of 20 ft to a maximum width of 23.3 ft. Combination of shore land and street setbacks limit usable area, which were imposed well after land was divided.

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

Removes existing garage at 2.91 ft off the road right of way and places new garage 13.1 ft off the road right of way. Proposed plan places garage in line with garage on property to the North, and further back than garage on property to the South. Eliminates safety hazards of being right up against the road for all forms of traffic, snow removal from road, and road maintenance. Eliminates safety concerns for road visibility for neighbors on both sides. Provides better visibility for traffic to see hazards approaching the road from between houses and garages. Improves aesthetics by creating a more consistent street setback in line with neighbors.

## 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.

MAP NO. 55139C0065E  
 FLOODPLAIN LINE  
 EL. = 750.4

PARCEL NO. 030-0913  
 4,962 SF±  
 (TO N.H.W.M.)

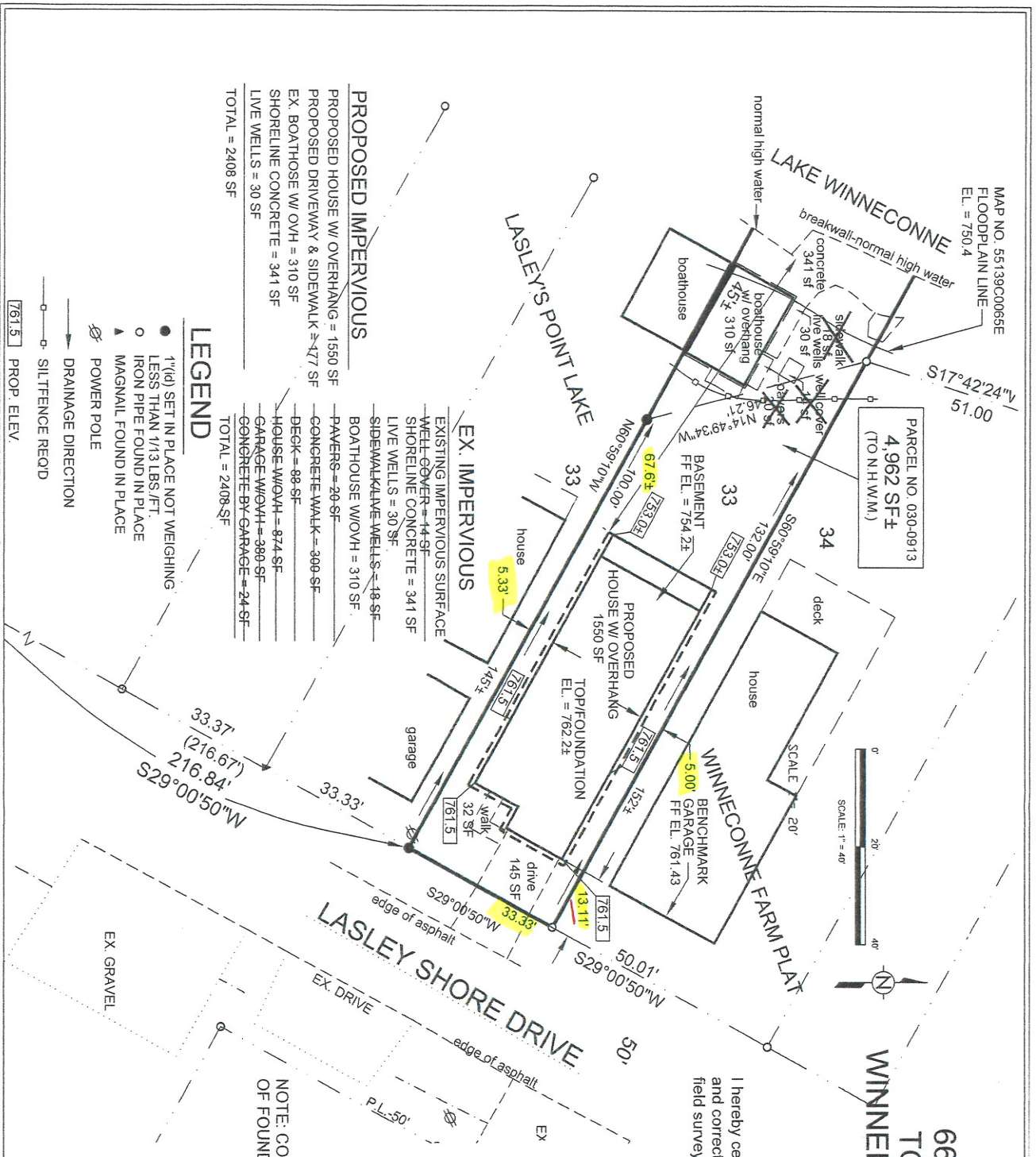
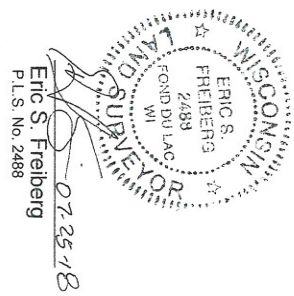
SCALE: 1" = 40'



**SITE PLAN FOR**  
**6617 LASLEY SHORE DR.**  
**TOWN OF WINNECONNE**  
**WINNEBAGO COUNTY, WISCONSIN**

**CERTIFICATION STATEMENT**

I hereby certify that the elevations shown on this drawing are a true and correct representation of the existing conditions as obtained by field survey on May 24, 2018.



- PROPOSED IMPERVIOUS**
- PROPOSED HOUSE W/ OVERHANG = 1550 SF
  - PROPOSED DRIVEWAY & SIDEWALK = 477 SF
  - EX. BOATHOUSE W/ OVH = 310 SF
  - SHORELINE CONCRETE = 341 SF
  - LIVE WELLS = 30 SF
  - TOTAL = 2408 SF
- EX. IMPERVIOUS**
- EXISTING IMPERVIOUS SURFACE
  - WELL COVER = 14 SF
  - SHORELINE CONCRETE = 341 SF
  - LIVE WELLS = 30 SF
  - SIDEWALK/LAKE WELLS = 18 SF
  - BOATHOUSE W/OVH = 310 SF
  - PAVEREG = 20 SF
  - CONCRETE WALK = 300 SF
  - DECK = 88 SF
  - HOUSE W/OVH = 874 SF
  - GARAGE W/OVH = 380 SF
  - CONCRETE BY GARAGE = 24 SF
  - TOTAL = 2408 SF

**LEGEND**

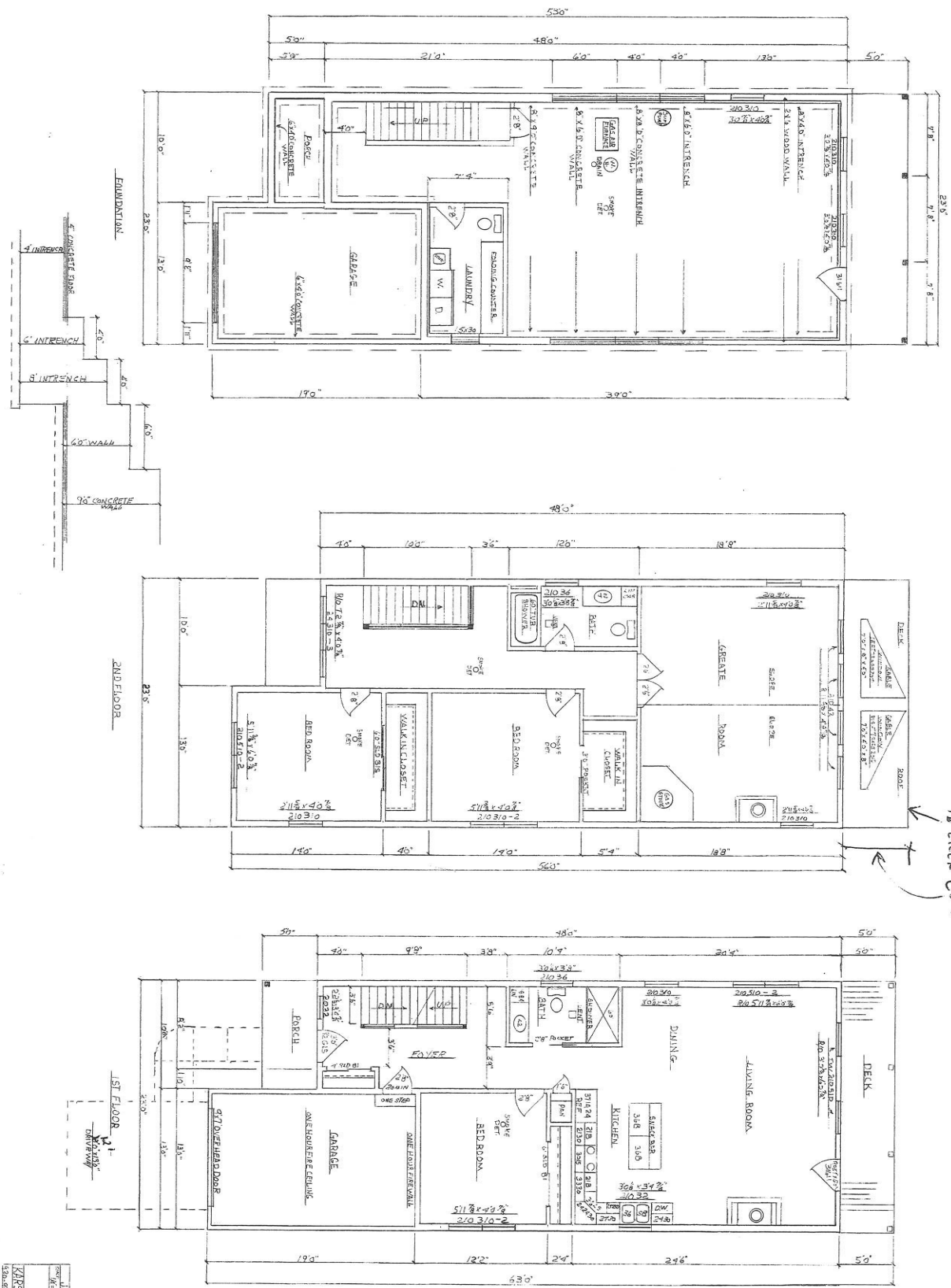
- 1/4" SET IN PLACE NOT WEIGHING
- LESS THAN 1/13 LBS./FT
- IRON PIPE FOUND IN PLACE
- ▲ MAGNAIL FOUND IN PLACE
- ⊕ POWER POLE
- DRAINAGE DIRECTION
- SILTFENCE RECD
- [761.5] PROP. ELEV.

NOTE: CONTRACTOR & OWNER TO DETERMINE ELEVATION OF FOUNDATION. LAKE WINNECONNE FLOODPLAIN EL. = 750.4

**ET SURVEYING, INC.**  
 632 Ledgewood Blvd.  
 Fond du Lac, WI 54935  
 Phone: (920) 923-4087

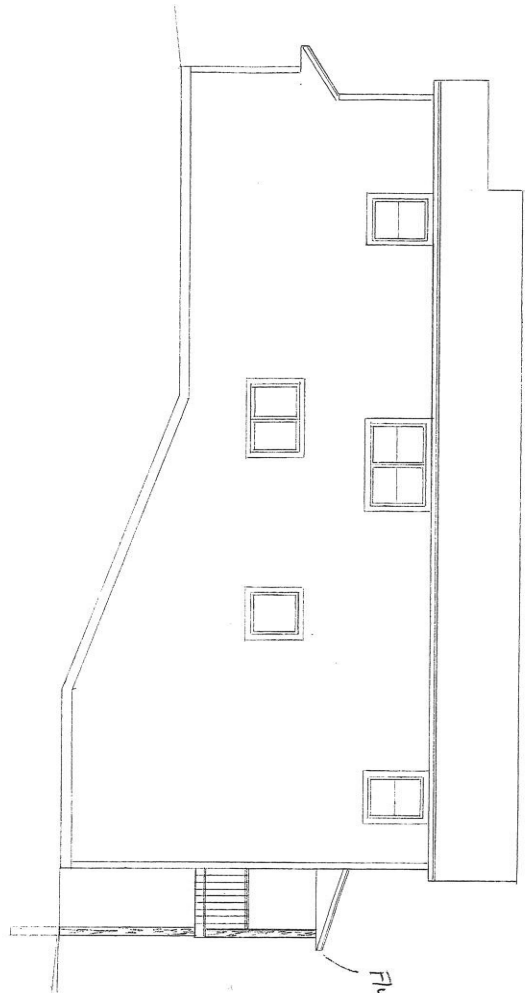
PROJECT: 6617 LASLEY SHORE DR. HOUSE SITE PLAN  
 DWNER: PAGEL  
 FIELD WORK: EF 05-24-2018 DRAWN BY: EF  
 DRAWN DATE: 07-25-18 REVISION DATE:  
 JOB NO: FILE: appagel



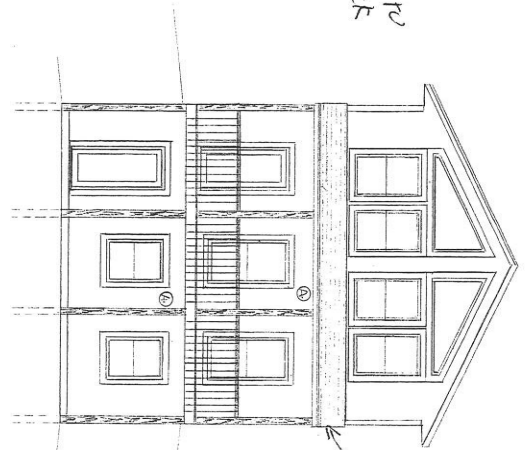


Overhang to be flush to deck (5')

DATE	1/1/21
PROJECT	1000 S. 10th St. Phoenix, AZ 85006
CLIENT	MR. & MRS. J. SMITH
ARCHITECT	JOHN DOE ARCHITECTS, INC.
SCALE	AS SHOWN

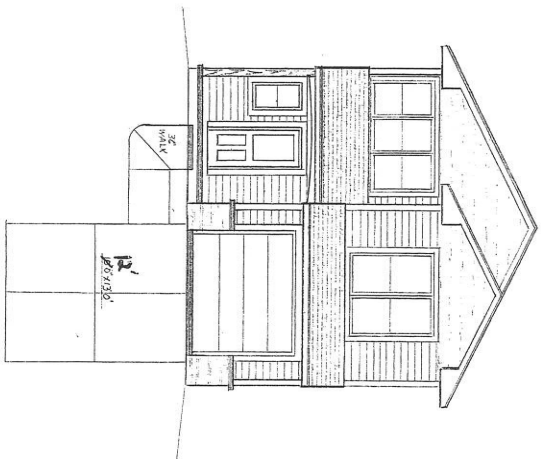
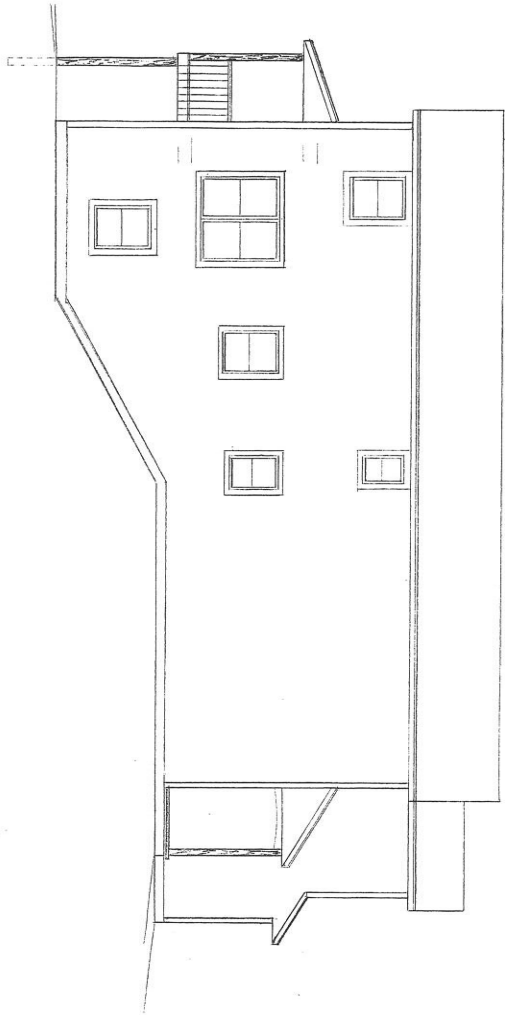


Flush to Deck

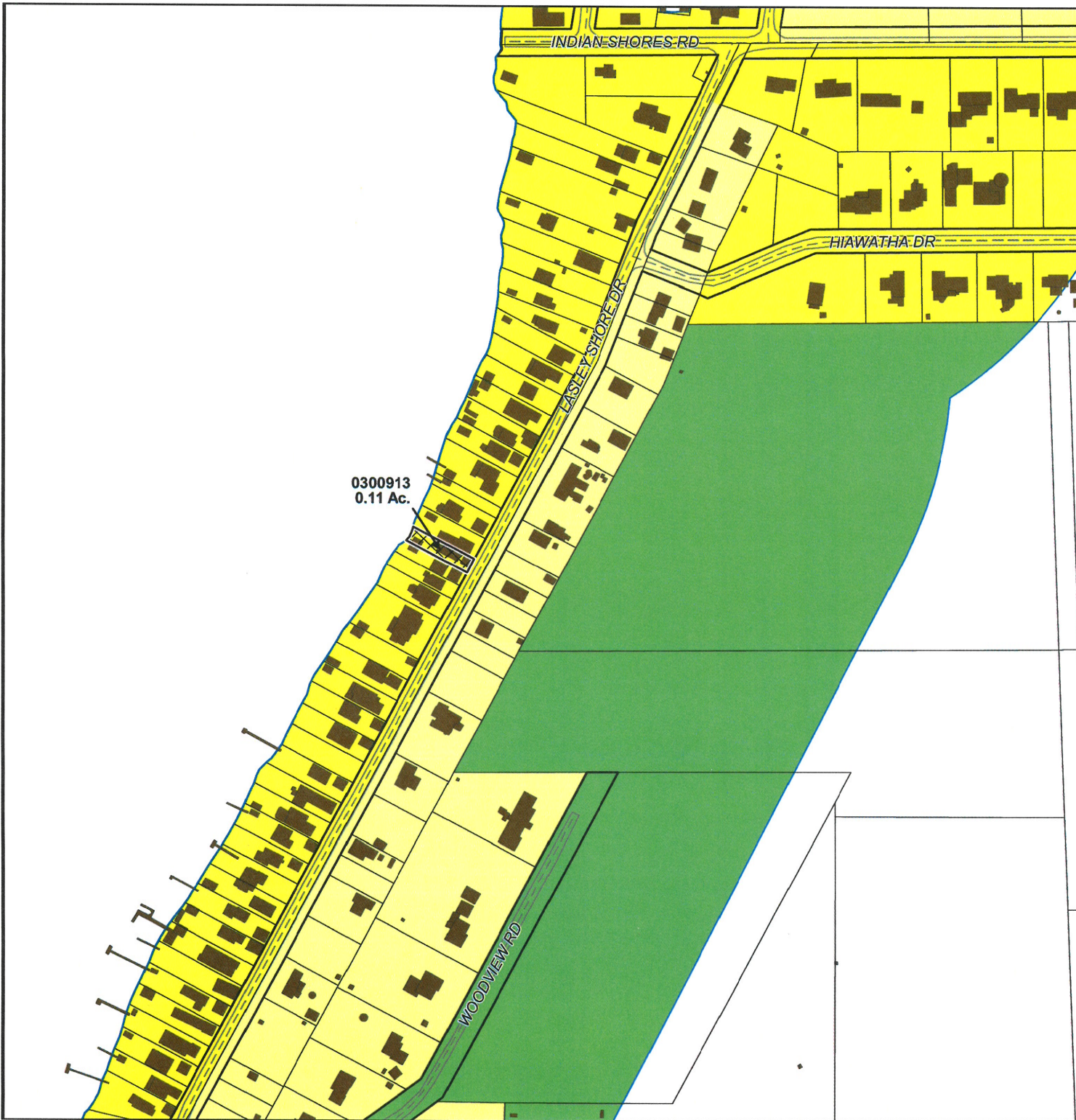


Deck next to flush to level 11.

① MAKE WINDOWS ON 1ST FLOOR AND BASEMENT DECK WITHIN CURSBELINE



JEFF PASEL



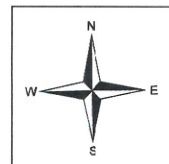
0300913  
0.11 Ac.

**Application #18-VA-4600**

Date of Hearing:  
October 23, 2018

Owner(s):  
Jeffrey T. Pagel and Ute Pagel  
Revocable Trust

Subject Parcel(s):  
0300913



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-4600

Date of Hearing:

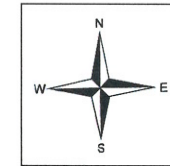
October 23, 2018

Owner(s):

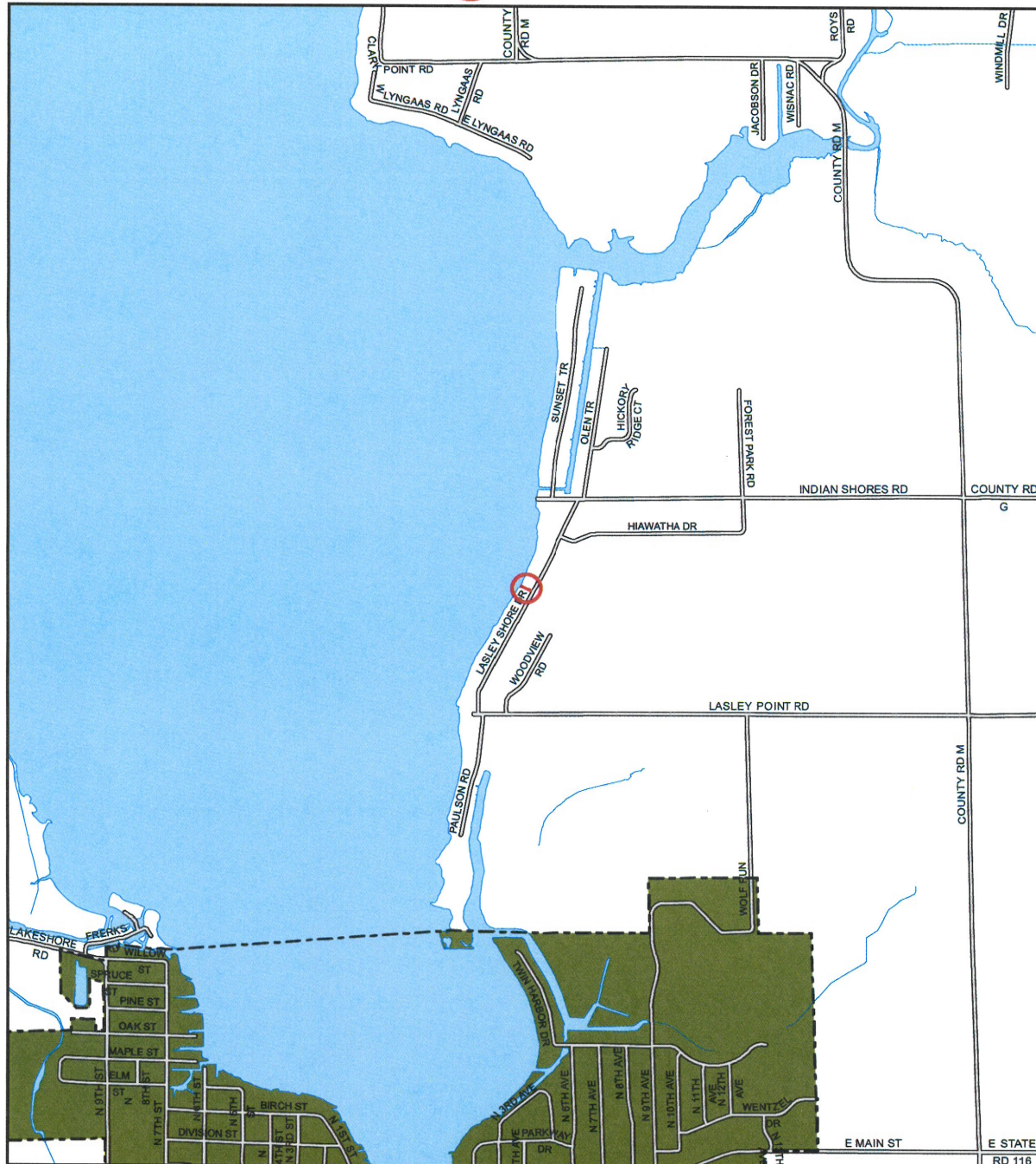
Jeffrey T. Pagel and Ute Pagel Revocable Trust

Subject Parcel(s):

0300913

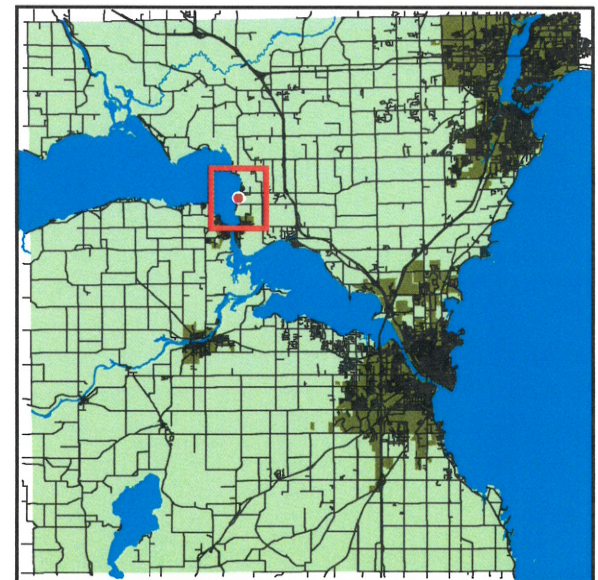


Winnebago County  
WINGS Project



1 inch : 2,000 feet

● = SITE



WINNEBAGO COUNTY



# Winnebago County Planning and Zoning Department

## NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 10/23/2018

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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:**

ORLIK, HELEN T  
ORLIK, KAROL S

**Agent:**

TORNOW, WHITNEY

**File Number:**

2018-VA-4610

**Location of Premises:**

5600 W REIGHMOOR RD  
OMRO, WI 54963

**Tax Parcel No.:**

016-0922

**Legal Description:**

Being a part of the Plat of Reighmoor, Lot 61, located in the SE 1/4 of the SW 1/4, Section 2, all in Township 18 North, Range 15 East, Town of Omro, Winnebago County, Wisconsin.

**Description of Proposed Project:**

Applicant is requesting a variance for substandard floodplain fill requirements around the perimeter of a residential structure.

<b>DESCRIPTION:</b>	<b>CODE REFERENCE:</b>	<b>REQUIRED:</b>	<b>PROPOSED:</b>
Flood proofing standards require 15 ft of fill around the perimeter of a residential structure.	Chapter 26. Article 5. Division 3. Section 26.5-23(b)(1) Development Standards for Residential Structures.	15 ft.	6.0 and 6.5

## INITIAL STAFF REPORT

**Sanitation:**

Existing System  
Municipal System

**Overlays:**

Floodplain  
Shoreland

**Current or Proposed Zoning:**

R-2 Suburban Low Density Residential

**Code Reference:**

Chapter 26. Article 5. Division 3. Section 26.5-23(b)(1) Development Standards for Residential Structures.

**Description of Proposed Use:**

Applicant is requesting a variance for substandard floodplain fill requirements around the perimeter of a residential structure.

**Surrounding Zoning:**

**North:** R-2  
**South:** R-2  
**East:** R-2  
**West:** Channel

### THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

**Describe your project, include the proposed dimensions and setbacks:**

Total tear down and rebuild. The house will be a 24' x 30' home sitting 68'6" off of the canal. The west side yard set back will be 6'6" and the east side yard set back will be 11'6". There will be a retaining wall built a foot off of the property on the west side and 11'6" off of the property on the east side. (see attached property plan)

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

The existing property is below the flood plain, therefore I will have to build the property up 2.5 feet above the flood plain in compliance with regulations. Due to the width of the property being so narrow (50ft wide), if I comply with the required 15ft of fill surrounding the property, that only allows for less than a 20ft wide home to be built. I also have to account for keeping the retaining walls 1ft off the property lines so the runoff from my property doesn't impede my neighbors dwellings. That only would allow for an 18ft wide home. The set backs from the water and the road also only allow for a 30ft long home as well.

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

The property is unique because of the narrowness of the lot and having to build the building above the flood plain.

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

The granting of this requested variance will not harm public interest or have any adverse affects on surrounding properties because the dimensions will still allow us to adhere to all other regulations outside of the 15ft of fill (above the flood plain) surrounding the east and west portions of the building. The project will be done in a manor that will in turn raise the property value of the area homes and look esthetically pleasing to the area.

## 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.
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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.

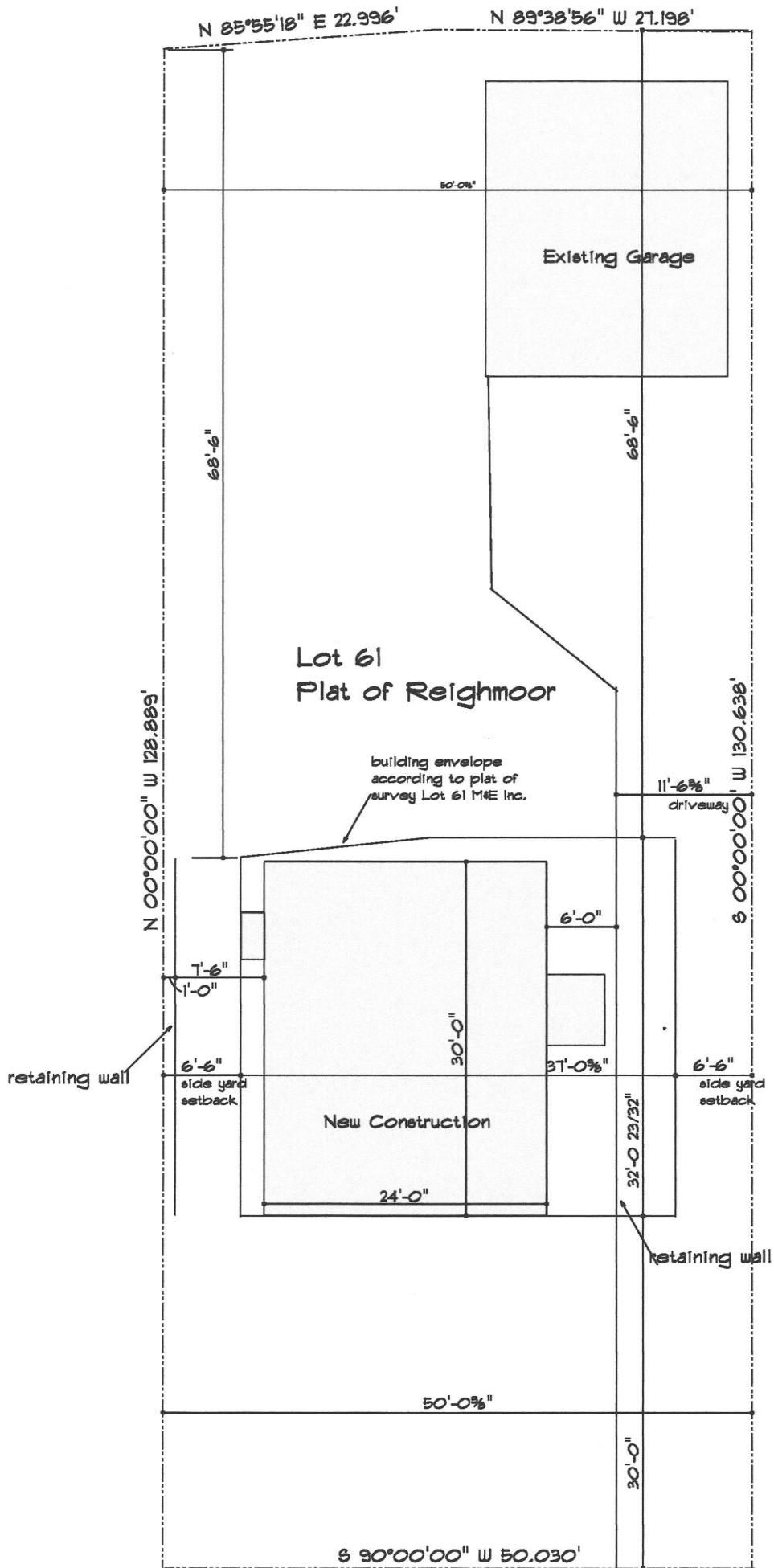
(c) **Limitations.** A variance shall not (1) grant, extend, or increase any use prohibited in the zoning district; (2) be granted for a hardship based solely on an economic gain or loss; (3) be granted for a hardship which is self-created; (4) damage the rights or property values of other persons in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

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(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.

# CHANNEL





# PLAT OF SURVEY

LOT 61 IN THE PLAT OF REIGHMOOR, BEING PART OF SECTION 02, TOWNSHIP 18 NORTH, RANGE 15 EAST, TOWN OF OMRO, WINNEBAGO COUNTY, WISCONSIN.

SURVEY FOR:  
WHITNEY TORNOW  
3184 BELLFIELD DRIVE  
OSHKOSH, WI 54904

SITE ADDRESS:  
5600 W. REIGHMOOR ROAD

TAX PARCEL NUMBER:  
0160922

TOTAL AREA:  
6,541 SQ.FT.±/0.150 AC.±

30% OF TOTAL AREA = 1,962 SQ.FT.

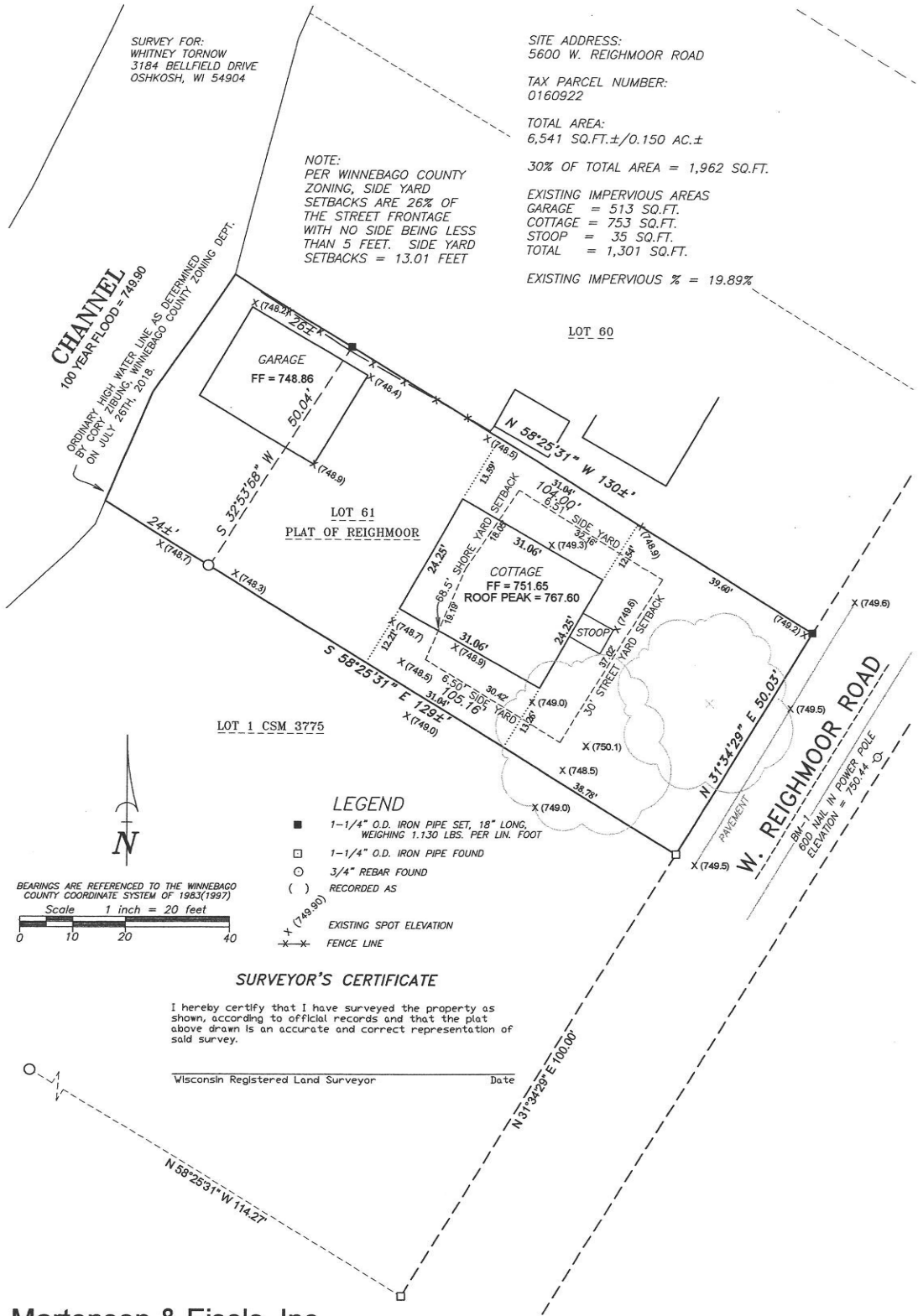
EXISTING IMPERVIOUS AREAS  
GARAGE = 513 SQ.FT.  
COTTAGE = 753 SQ.FT.  
STOOP = 35 SQ.FT.  
TOTAL = 1,301 SQ.FT.

EXISTING IMPERVIOUS % = 19.89%

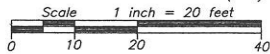
NOTE:  
PER WINNEBAGO COUNTY  
ZONING, SIDE YARD  
SETBACKS ARE 26% OF  
THE STREET FRONTAGE  
WITH NO SIDE BEING LESS  
THAN 5 FEET. SIDE YARD  
SETBACKS = 13.01 FEET

CHANNEL  
100 YEAR FLOOD = 749.80

ORDINARY HIGH WATER LINE AS DETERMINED  
BY COPY ZIPPING WINNEBAGO COUNTY ZONING DEPT.  
ON JULY 26TH, 2018



BEARINGS ARE REFERENCED TO THE WINNEBAGO  
COUNTY COORDINATE SYSTEM OF 1983(1997)



### LEGEND

- 1-1/4" O.D. IRON PIPE SET, 18" LONG,  
WEIGHING 1.130 LBS. PER LIN. FOOT
- 1-1/4" O.D. IRON PIPE FOUND
- 3/4" REBAR FOUND
- ( ) RECORDED AS
- x (749.80) EXISTING SPOT ELEVATION
- x-x- FENCE LINE

### 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 of said survey.

Wisconsin Registered Land Surveyor \_\_\_\_\_ Date \_\_\_\_\_

**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

PROJECT NO. 0-2226-001  
FILE 2226001BOUNDARY.DWG

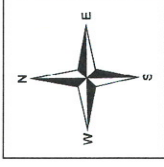
THIS INSTRUMENT WAS DRAFTED BY: DSL

# Application #18-VA-4610

Date of Hearing:  
October 23, 2018

Owner(s):  
Orlik, Karol S. & Helen T.  
(Tornow, Whitney M.)

Subject Parcel(s):  
0160922



Winnebago County  
WINGS Project

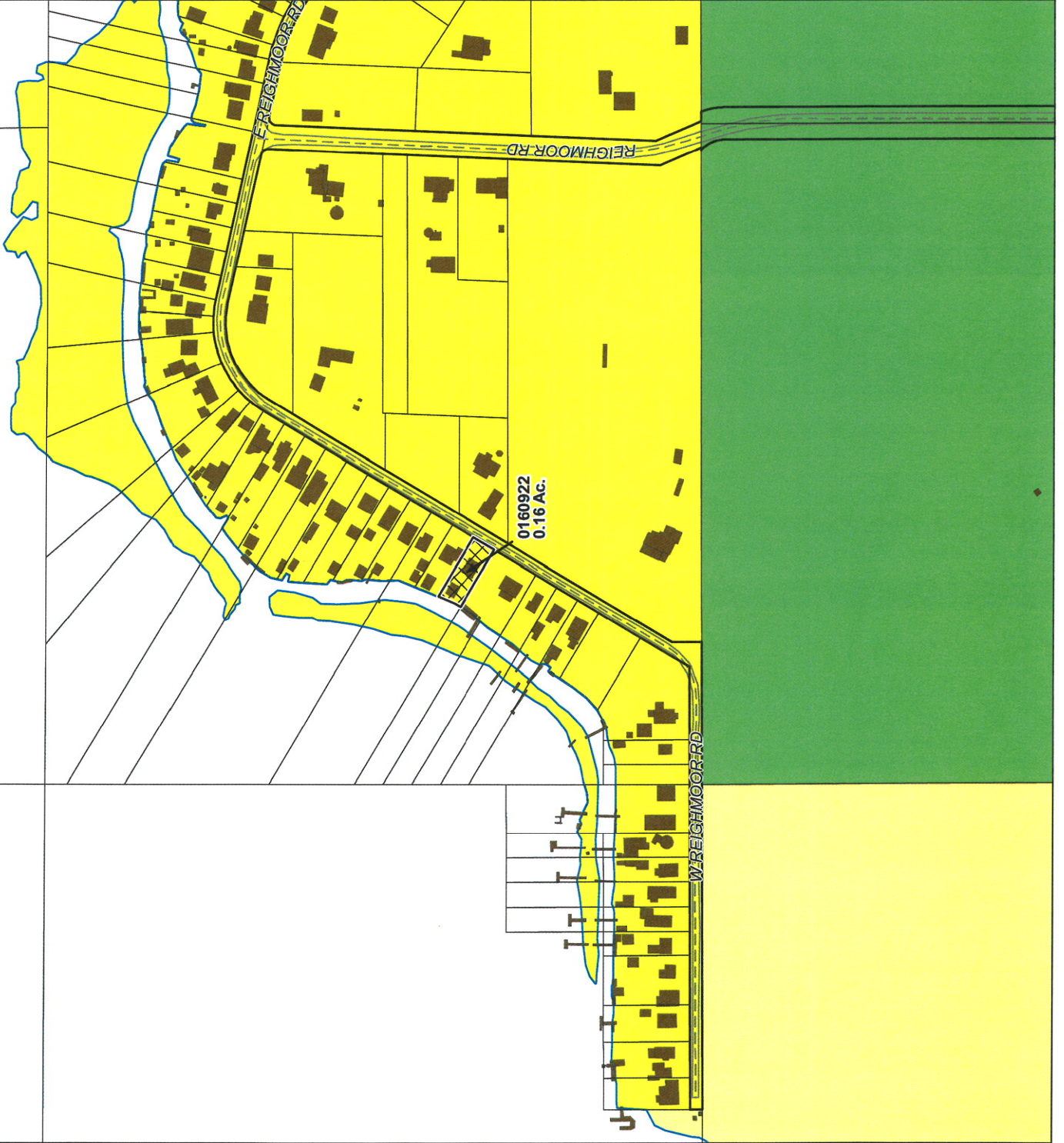
Scale  
1 inch : 300 feet

## 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





**Application #18-VA-4610**

Date of Hearing:

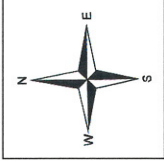
October 23, 2018

Owner(s):

Orlik, Karol S. & Helen T.  
(Tornow, Whitney M.)

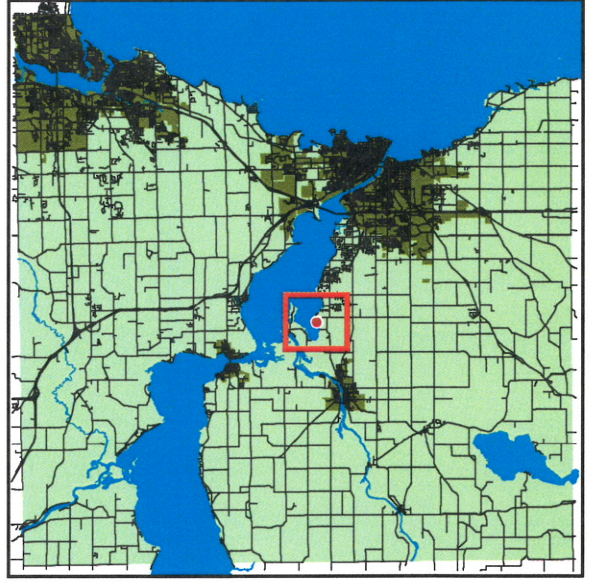
Subject Parcel(s):

0160922



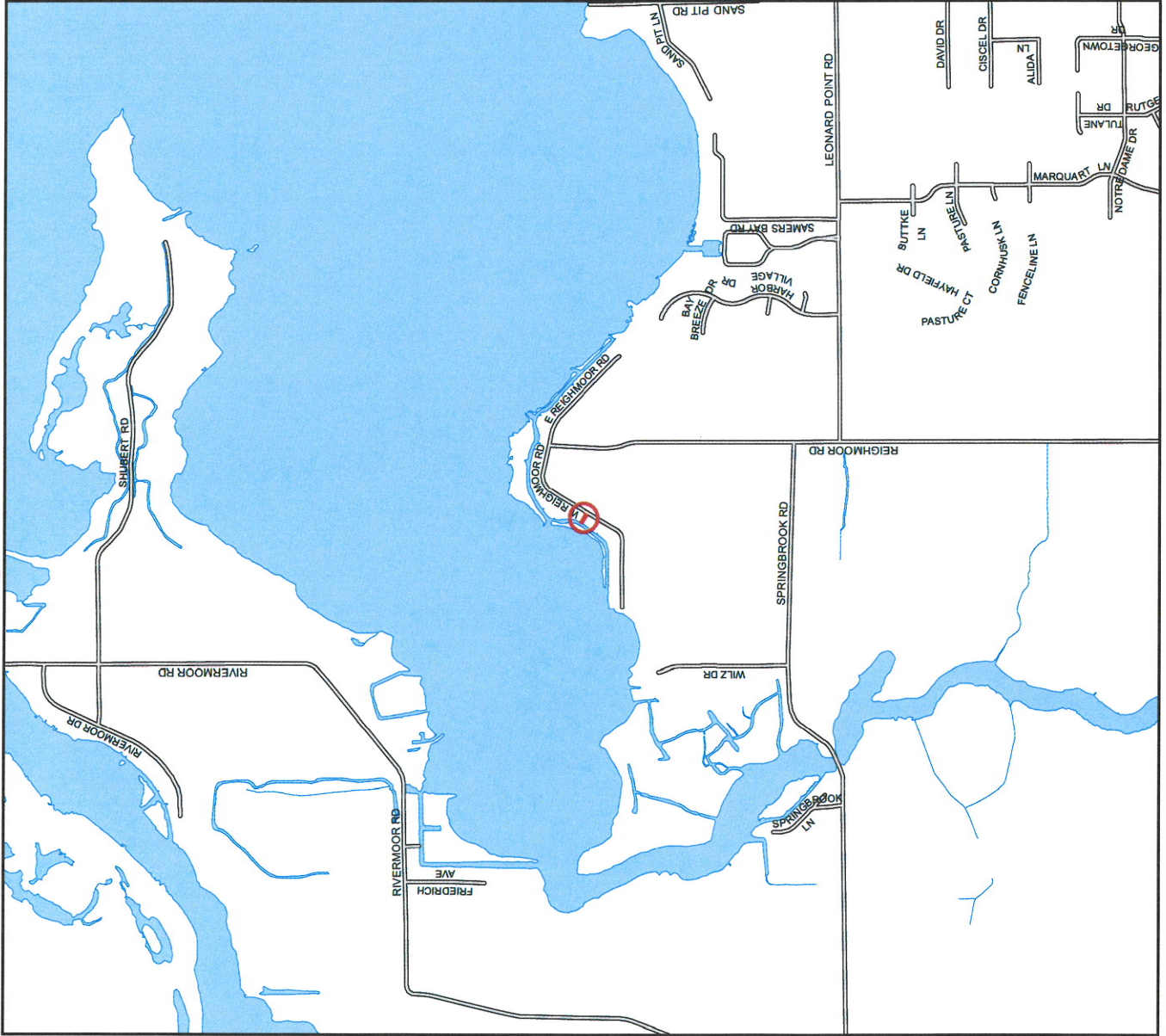
Winnebago County  
WINGS Project

● = SITE



WINNEBAGO COUNTY

○ = SITE



1 inch : 2,000 feet