

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT

12/16/2020

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.

Meetings will be held via Zoom for the welfare of everyone involved. All interested persons wishing to be heard at the public hearing may be in person however we are encouraging the public to stay home and stay safe.

Join Zoom Meeting: <https://us02web.zoom.us/j/88298871395?pwd=VTJnRG1FYytNWnQvQ0tINTE4bzF3UT09>

- **Dial by your location:** +1 312 626 6799 US (Chicago)
 - **Meeting ID:** 882 9887 1395
 - **Passcode:** 784077
- Additional Instructions for making a virtual appearance can be found at:
<https://www.co.winnebago.wi.us/planning-and-zoning>.

INFORMATION ON VARIANCE REQUEST

Applicant: COWLING, NICHOLAS D COWLING, STEPHANIE A

Agent: SEHLOFF, JAMES - DAVEL ENGINEERING & ENVIRONMENTAL

File Number: 2020-VA-5490

Location of Premises: IMMEDIATELY NORTH OF 5210 CHESAPEAKE CT, OSHKOSH, WI 54901

Tax Parcel No.: 018-3029

Legal Description: Being a part of the Chesapeake Channel subdivision, Lot 5, located in the NW 1/4 of the NE 1/4, Section 29, Township 19 North, Range 17 East, Town of Oshkosh, Winnebago County, Wisconsin.

Description of Proposed Project: Applicant is requesting a variance for a sub-standard shore yard setback.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
The project is a proposed house on an existing residential lot along a man-made channel. The lot is 134.50' wide, 162.50' deep to the center of the channel and 120' +/- deep from right-of-way to waters edge. There is a road setback of 30' and a shoreland setback of 50' from OHWM (Ordinary High Water Mark) is shown on the plat. The Winnebago County typical shoreland setback is 75' from OHWM. Since the house on lot 6 of this plat was built at 52' from OHWM and through a setback averaging provision, lot 5 is allowed a reduced setback of 63.5' to OHWM. We are requesting a variance from the current 63.5' OHWM setback to a 52.2' OHWM setback.	27-6.1	75 ft. (63.5 ft. via setback averaging)	52.2 ft.

INITIAL STAFF REPORT

Sanitation:

Existing System
Municipal System

Overlays:

Floodplain Shoreland Wetlands

Current or Proposed Zoning:

R-2 Suburban Low Density Residential

Code Reference:

27-6.1

Description of Proposed Use:

Applicant is requesting a variance for a sub-standard shore yard setback.

Surrounding Zoning:

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

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

SEE ATTACHED.

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

SEE ATTACHED.

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

SEE ATTACHED.

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

SEE ATTACHED.

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

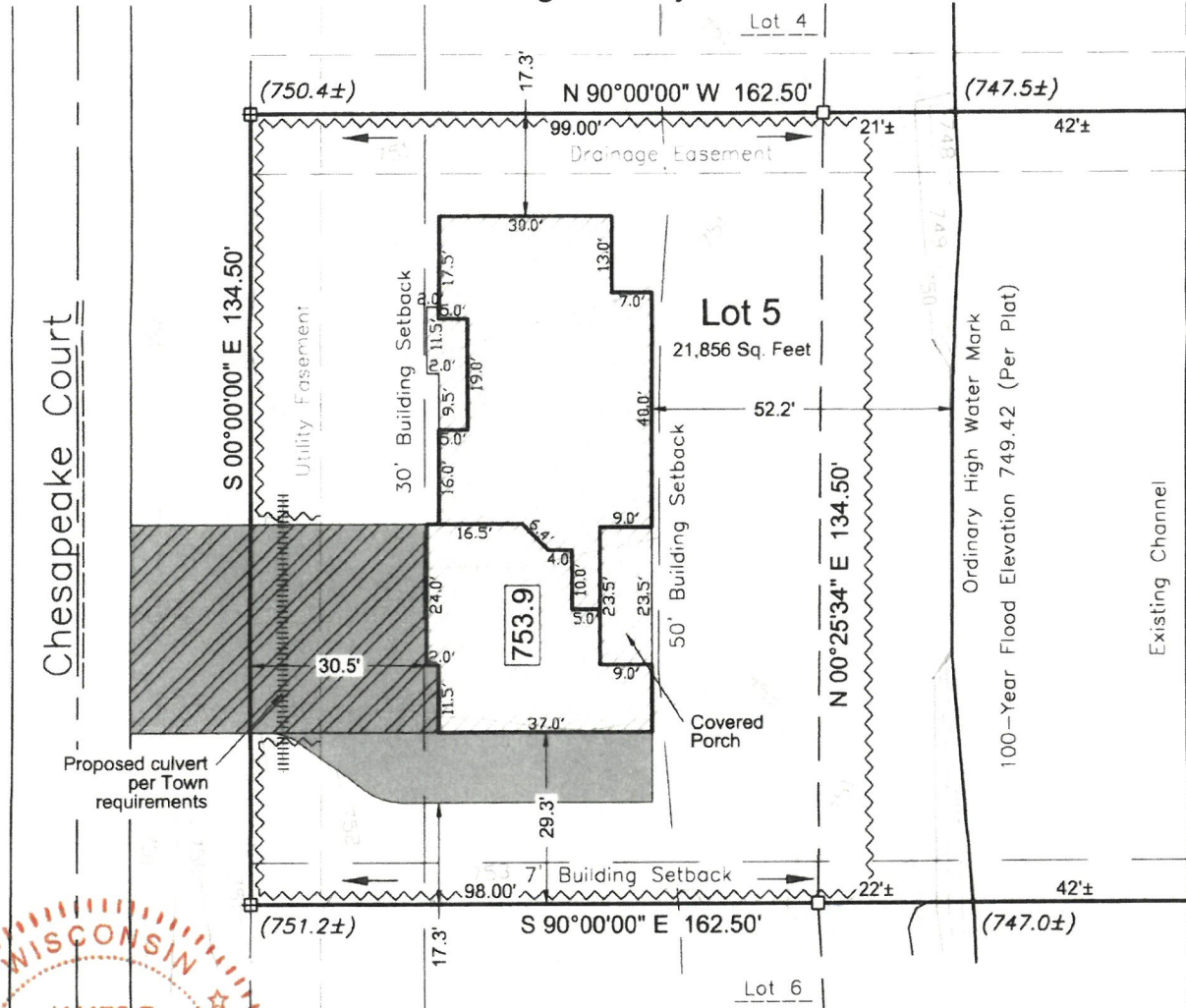
27.6 -8 Variances

(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.

Lot 5

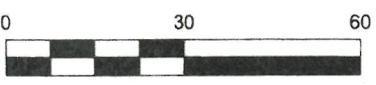
Chesapeake Channel

Town of Oshkosh
Winnebago County, WI



*Top Foundation Wall
Elevation = 754.4

WISCONSIN
JAMES R
SEHLOFF
S-2692
APPLETON
WI
LAND SURVEYOR
Date
Professional Land Surveyor No. S-2692



Bearings are referenced to the
Final Plat of Chesapeake Channel

LEGEND

- 000.0 Grade at Foundation
- + (000.0) Existing Grade
- ➔ Direction of Drainage
- ~~~~~ BMP's for Erosion Control
- Lot Corner
- ▨ Proposed Tracking Pad

Notes:

The shown location of Best Management Practice (BMP) for erosion control based upon final drainage pattern. Additional BMPs shall be placed where necessary during construction, dependent on existing site conditions.

Dimensions are to the exterior foundation wall, not including the brick ledge.

Setback Requirements

Front: 30'
Rear: 50'
Sides: 7' and 10'

Site Plan For:
Cypress Homes, Inc.
1230 W. College Ave. Ste. D
Appleton, WI 54914

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro

Application #20-VA-5490

Date of Hearing:

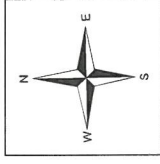
December 16, 2020

Owner(s):

**COWLING, NICHOLAS D /
COWLING, STEPHANIE A**

Subject Parcel(s):

0183029

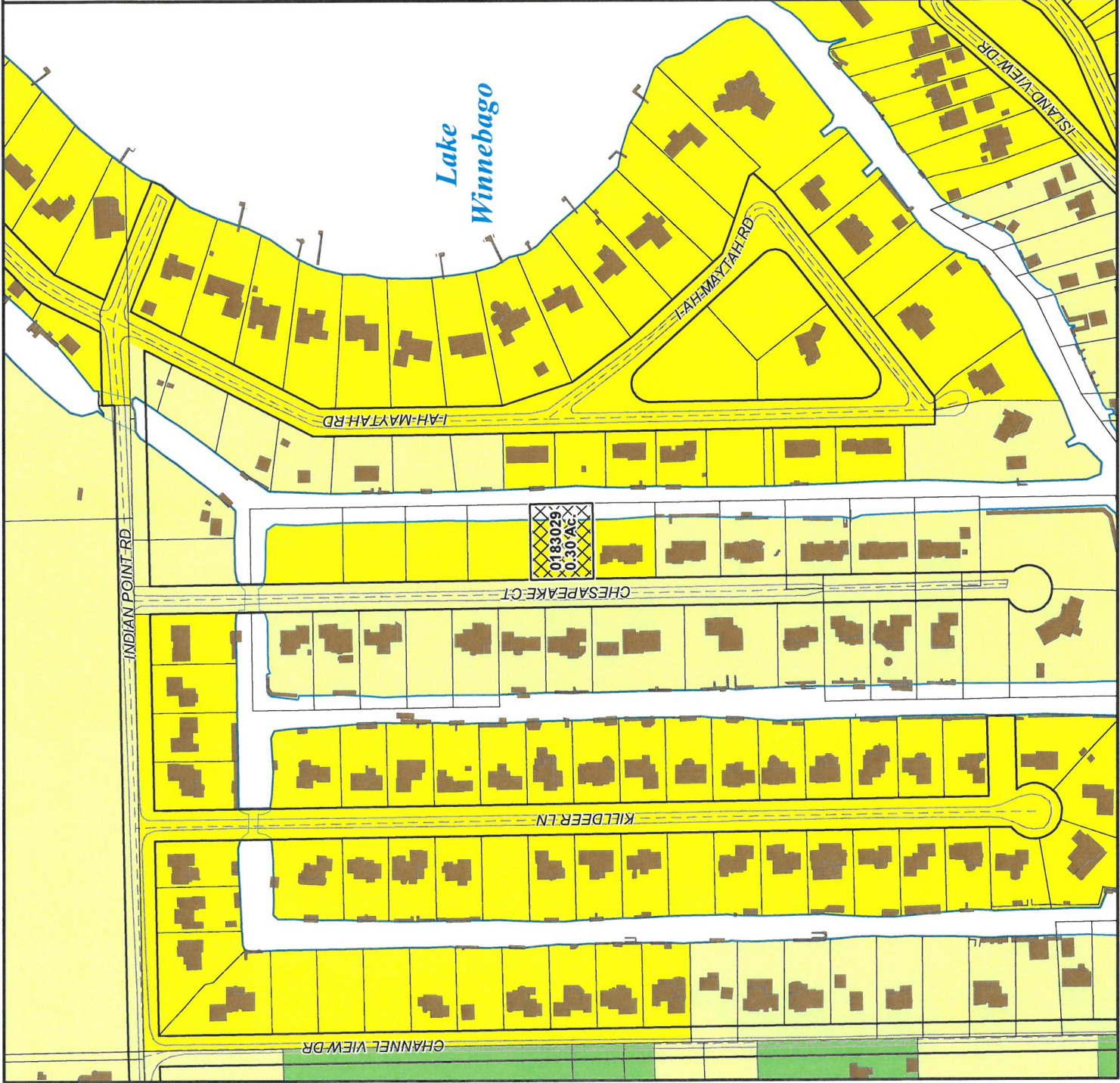


Winnebago County
WINGS Project

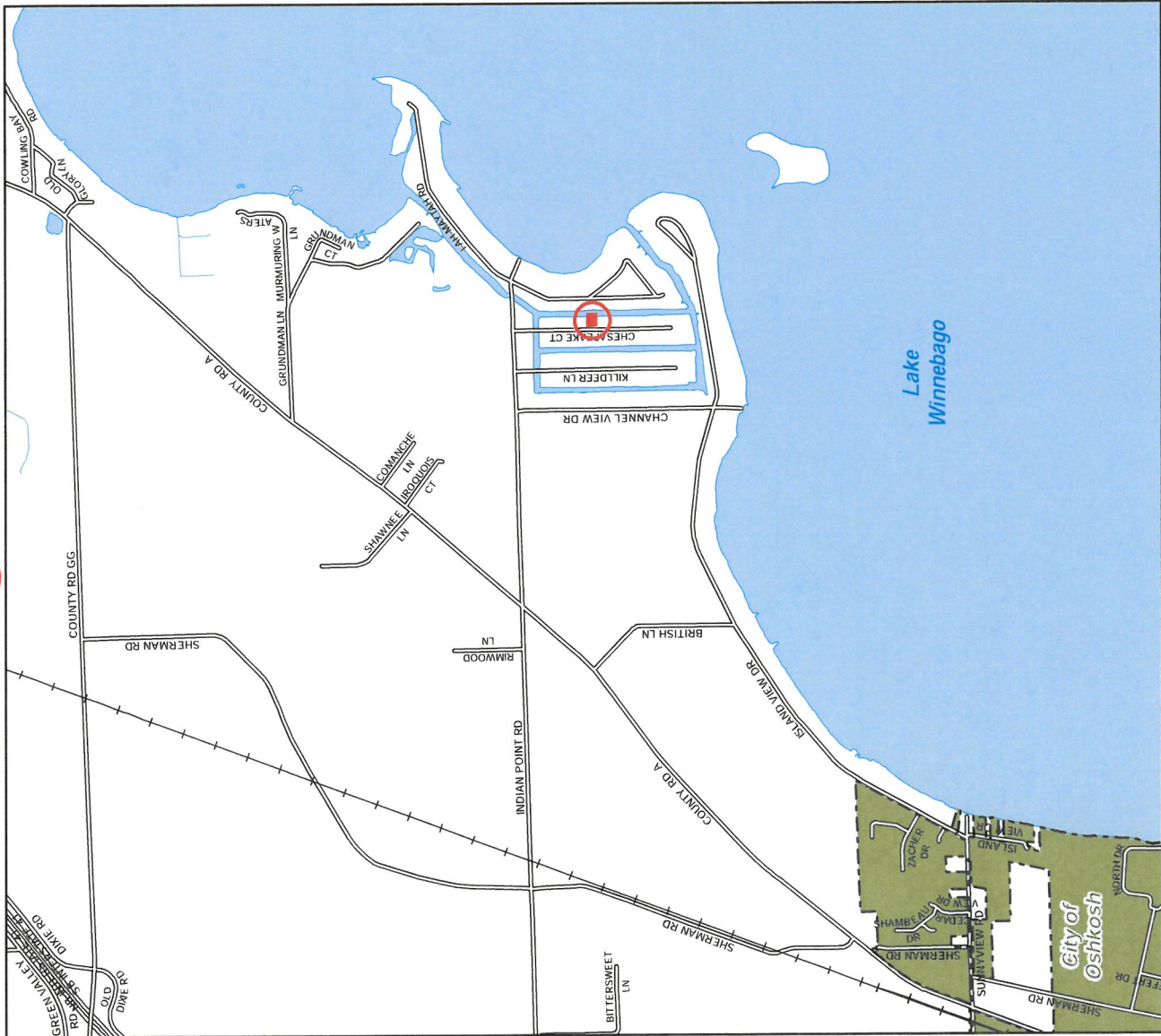
Scale
1 inch : 300 feet

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



○ = SITE

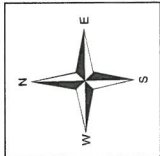


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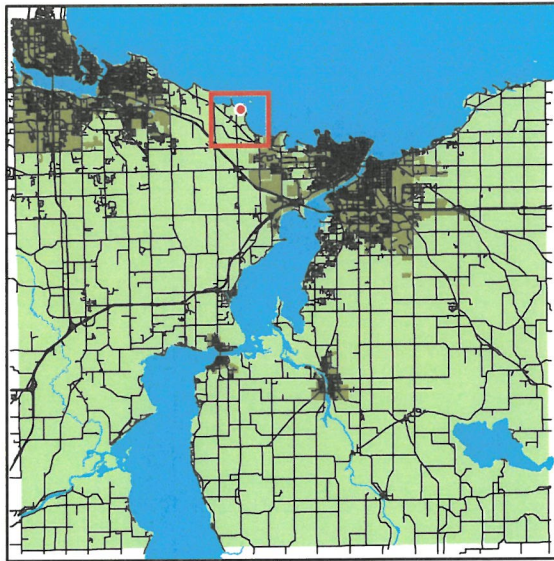
Owner(s):
COWLING, NICHOLAS D /
COWLING, STEPHANIE A

Subject Parcel(s):
0183029



Winnebago County
WINGS Project

● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY