

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING
BOARD OF ADJUSTMENT
October 31, 2023

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 October 31, 2023 at 5:30 PM 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 may appear in person or via Zoom using the meeting information below. A direct link to the Zoom Meeting is available on the Winnebago County Meetings and Agenda Calendar on the above indicated date.

ZOOM MEETING INFORMATION LINK: <https://www.co.winnebago.wi.us/planning-and-zoning/boa-meeting-links>

Additional Instructions can be found at: <https://www.co.winnebago.wi.us/planning-and-zoning>.

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

Application No.: 2023-VA-6470

Applicant: AMES, RICHARD & PAMELA

Agent: WESENBERG, CHET WESENBERG ARCHITECTS, WESENBERG HOMES

Location of Premises: 3270 SHOREWOOD DR

Tax Parcel No.: 018-1908, 018-1907

Legal Description: Being all of Lots 87, 88 and 89 in the Replat of Oakwood Beach Plat, located in Government Lot 4 of Section 6, Township 18 North, Range 17 East, Town of Oshkosh, Winnebago County, Wisconsin.

Explanation: Applicant is requesting a variance for a sub standard road setback requirement.

| DESCRIPTION: | CODE REFERENCE: | REQUIRED: | PROPOSED: |
|---|------------------------|--------------------|--------------------|
| The road setback from the nearest point of any structure shall be at least 30 ft. | Chapter 23 Exhibit 8-2 | Street yard: 30 ft | Street yard: 20 ft |

INITIAL STAFF REPORT

Sanitation: Existing; Municipal

Overlays: Shoreland, floodplain

Current Zoning: R-2 Suburban Low Density Residential

Surrounding Zoning: North: Lake Winnebago; South: R-2; East: R-2; West: R-2;

Code Reference: Chapter 23 Exhibit 8-2

Description of Proposed Use: Applicant is requesting a variance for a sub standard road setback requirement.

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER/APPLICANT

Describe your project, include the proposed dimensions and setbacks: 14' wide addition to the side of the existing home creating a main floor master suite and new entry to home. Front and rear dimensions align with the existing home front and rear walls with a rear covered porch extending beyond and fitting in the shoreline setback and a green house on the street side aligning with the front of the house that does not conform with the setback.

Describe how compliance with the requirement in question unreasonably prevents or restricts development of a permitted use on the property: The existing home at 3266 Shorewood DR, which will be demolished for this addition, is currently setback 5'-0" from the roadway. The new addition on to 3270 Shorewood DR. will be setback 20'-0" (four times the existing structure's setback) from the street. This addition will be providing a new, more accessible entrance with provisions for a covered ramp allowing for future access allowing the homeowner to age in place and accommodating visiting family members with mobility issues.

Describe the unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question: The neighborhood this project is built in lies on a peninsula that already limits projects to meet the new requirements established after most existing structures were built. The homeowner has lived at this location for 64 years and has not found any issues with the neighboring non-compliant existing buildings and hopes to continue to live here with an improvement to the property accommodating their health limitations.

Describe how the granting of the requested variance will not harm the public interest or have adverse affects on surrounding properties: Not all of the neighboring existing buildings do not comply with the current setbacks. The addition to 3270 will result in the removal of the non-compliant structure at 3266 and will increase the setback at that location by 15'-0".

SECTION REFERENCE AND BASIS OF DECISION

Basis of Decision: Town/County Zoning Code: 23.7-234

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

27.14.8 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.

KEY

-  SILT FENCE
-  TRACKING PAD
-  DRAINAGE ARROW
-  TOW TOP OF WALL



SITE PLAN

SCALE: 1/16" = 1'-0"

NORTH



SHOREWOOD DR
LOTS 85-89

SITE PLAN

ISSUE DATE:

NOVEMBER 30, 2022

REVISION DATE:

JUL 7, 2023

AUGUST 1, 2023

PROJECT NUMBER:

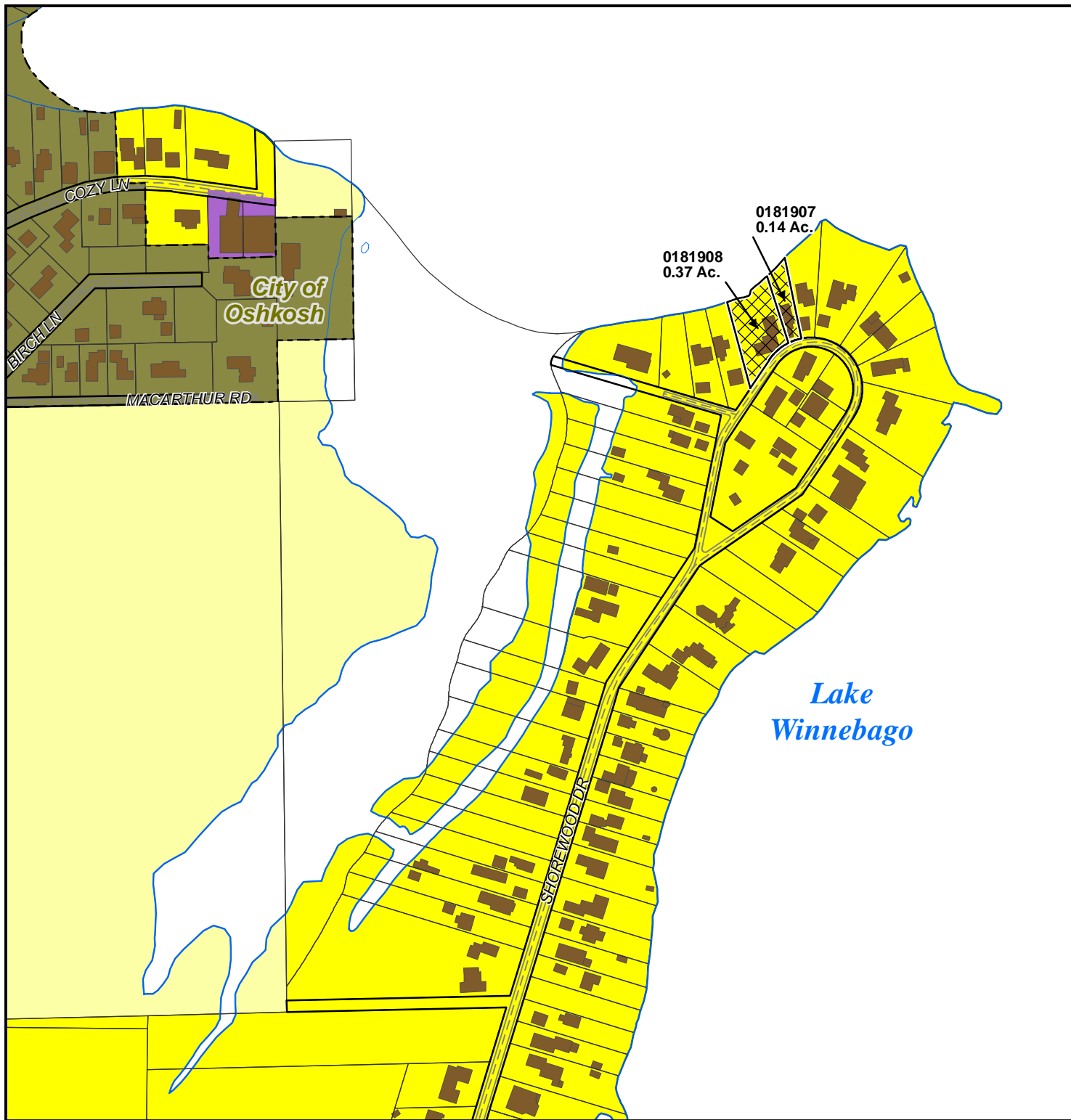
2239

SHEET NUMBER:

C1

..\\..\\Pictures\\WEsenberg Logo-Site Plans.png

FIELD VERIFY: ALL DIMENSIONS
DATA BEFORE PREPARATION
CONSTRUCTION.
@Esenberg Homes
The design shown on this plan is
subject to change without notice.
The design shown on this plan is
subject to change without notice.
The design shown on this plan is
subject to change without notice.



Application #23-VA-6470

Date of Hearing:

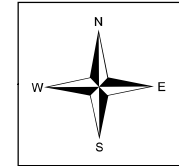
October 31, 2023

Owner(s):

**AMES, RICHARD E /
AMES, PAMELA M**

Subject Parcel(s):

0181907 & 0181908



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

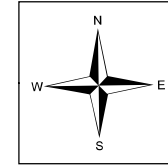
○ = SITE

Application #23-VA-6470

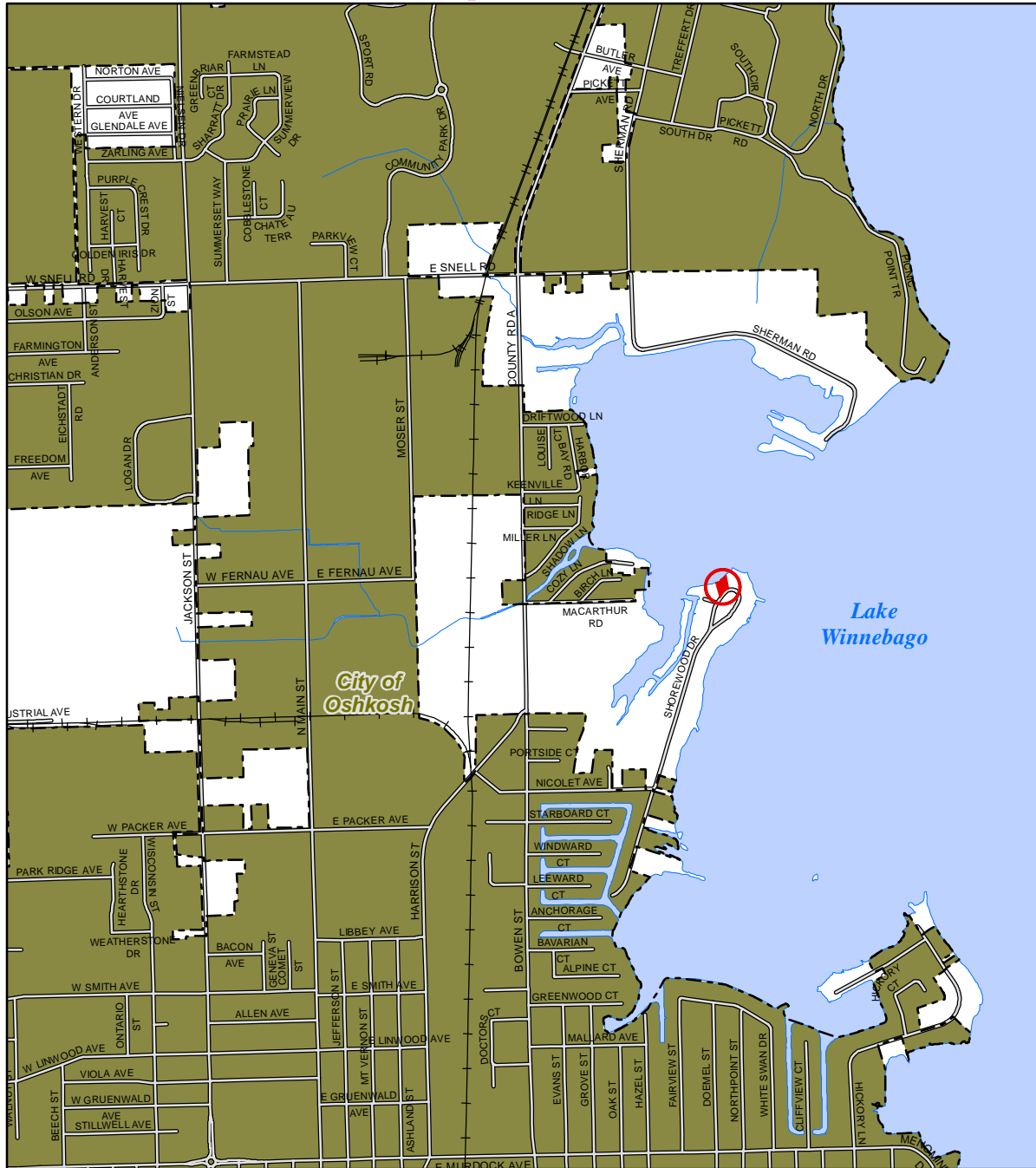
Date of Hearing:
October 31, 2023

Owner(s):
AMES, RICHARD E /
AMES, PAMELA M

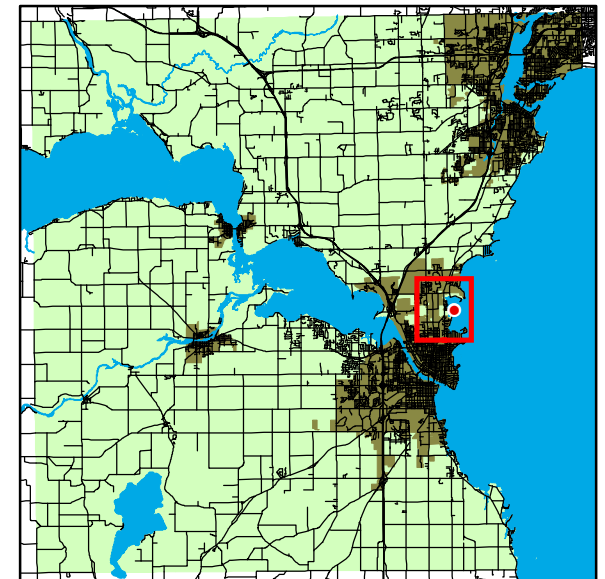
Subject Parcel(s):
0181907 & 0181908



Winnebago County
WINGS Project



● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY