

**Minutes**  
**Town of Oshkosh**  
**Board of Appeals (BOA) Meeting –1 November 2023**

**BOA Meeting at Town of Oshkosh Town Hall**

**Chair Tom Gabert called the Public Hearing to order at 6:00 pm at the Town of Oshkosh Town Hall. This meeting was duly posted as class 2 Public Notice by the Town of Oshkosh Clerk. The last notice was more than 7 days ago.**

**PRESENT** at the BOA Public Hearing, Town of Oshkosh Town Hall:  
BOA Chair Tom Gabert, Beth McCormick, Rebecca Wright, John Thiel, Jim Merten Jr, Fred Boss, and Recording Secretary, MaryAnn Monteith. There was an audience of five.

**Draft minutes** of 13 October 2022 were previously sent to members electronically.  
Motion to approve, Beth McCormick; Second, Jim Merten Jr. Voice vote- aye 6; nay 0. Carried unanimously.

**Single agenda item (ENCL 1): Variance request by applicants Richard and Pamela Ames, 3270 Shorewood Dr. Oshkosh, WI 54901 parcel 018-1908 &018-1907**

1. All BOA members previously received a copy of the variance request including coversheet, agenda and notification list (ENCL 2).
2. There was a procedural (process) issue in that Winnebago County did not allow enough time for the Town of Oshkosh to legally publish the BOA meeting notice ahead of the scheduled hearing. This resulted in the County holding their hearing on 31 October, 2023, prior to the Town BOA meeting (tonight) and upcoming Town Board meeting. As a result, the County hearing took place without the Town's recommendation following review of this variance. (See email and memo ENCL 3). **Jim Erdman, Town of Oshkosh Chairman**, noted that under normal (usual) process, the Town BOA would meet and provide recommendations to the Town Board. The Town Chairman then presents the Board's recommendations to the County, in person. The altered process in this case prevents the Town Chairman's in person recommendation.

**3. Chair Tom Gabert opened the meeting for questions, comments and discussion.**  
**Richard Ames, 3270 Shorewood Dr. Oshkosh, WI 54901**, reviewed the request and the reasons for the needed variance. (See ENCL 2).

Summary. He and his wife have long owned the properties at 3270 and 3266 Shorewood Dr. The buildings pre-date the current setback standards and predate the current road. They wish to age in place in this home. To do so, they need to accommodate current and anticipated future medical needs. This includes the architect's proposal for a first floor master suite (bedroom, bath and laundry) as well as a new accessible entrance. The proposed "green house" on this design allows for a future enclosed wheelchair ramp. The current building at 3266 Shorewood Dr. will be razed to accommodate this addition. The future plan is to split the 3266 lot between the 3270

lot and the property at 3262 Shorewood Dr. that is also owned by the Ames family. In preparation for these hearings, Richard Ames reviewed the plan and obtained signed concurrences from his neighbors. He states these are on record with the County.

**John Thiel** asked about the positioning of the addition to the East. Was there another option to the West?

**Chet Wesenberg**, Wesenberg Architects, noted that the proposed wheelchair accessible entrance and accessible addition was best accomplished by building to the east as the building at 3266 Shorewood Dr. will be razed. This also allows for an accessible future covered wheelchair ramp into the house. To build to the west would be an unnecessary hardship. Further, the setback for the house at 3266 Shorewood Dr. is currently only 5 feet from the roadway. The additions will be 20 feet from the roadway, thus improving both the road and side yard setbacks. (See **Architect's design, ENCL 4**).

**John Thiel** noted that most of the homes in this neighborhood appeared noncompliant with current setback standards. He asked when the garage at 3270 was built. **Richard Ames** answered around 1920.

**John Thiel, Richard Ames and Chet Wesenberg** discussed the neighborhood setbacks, most of which are not compliant with current setback standards, due to the age of the neighborhood and the expanding of the road over time. The proposed addition improves the current nonconforming road and side yard setbacks and is consistent with the neighborhood.

**Beth McCormick** asked about the final size of the lot. **Chet Wesenberg** noted that Carow was doing the survey of the lots. They were not asking for a flood plain variance.

**Tom Gabert** asked if there was a second floor or basement included with the addition. It was confirmed there is not a second floor in the proposed addition and a basement will be located beneath the house portion of the addition, but not under the "green house" (future covered wheelchair ramp into the house). It was confirmed that the entrance addition would have poured footings for the structure.

There being no further discussion, Chair Tom Gabert asked for a motion. Jim Merten Jr. made a motion to recommend approval. Second by Beth McCormick.

#### **4. Findings.**

The proposed setback variance maintains the permitted purpose of zone conformity and actually improves both road and side yard setbacks.

Conformity with the current setback standards would be unnecessary hardship based on the neighboring buildings generally nonconformance with current setback standards.

Variance is consistent with the building and neighborhood usage and needs.

The property and neighborhood has unique characteristics based on the general nonconformity of the neighborhood setbacks due to the age of the neighborhood and the expanding of the road over time.

Due to legal nonconforming use of the existing home, this variance does not exacerbate further nonconformance.

All neighbors concurred with the proposed building plan. Winnebago County has been provided a copy of these signed concurrences.

**Roll Call vote: Gabert, aye; Merten Jr, aye; McCormick, aye; Wright, aye; Boss, aye; Thiel aye. Motion to recommend approval carried unanimously.**

5. There was no further business-- Motion to adjourn, Beth McCormick; Second, John Thiel. Chair Gabert adjourned the meeting at 6:30 pm.

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MaryAnn Monteith  
Secretary for Board of Appeals