

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING
BOARD OF ADJUSTMENT
August 29, 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 August 29, 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-6440

Applicant: LIEBHAUSER, DEREK

Agent: WOELZ, DOUG MCMAHON GROUP

Location of Premises: 2689 COUNTY RD II

Tax Parcel No.: 006-0617, 006-0618, 006-0632

Legal Description: Being all of the NW 1/4 of the NE 1/4, all of the SW 1/4 of the NE 1/4, and part of the NW 1/4 of the SE 1/4 all in Section 24, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

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

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
The shore yard setback from the nearest point of any structure shall be at least 75 ft from the OHWM unless exempt under section 6.1(1) or reduced under section 6.2.	27-6.1	Shore Yard: 75ft	Shore Yard: 0ft

INITIAL STAFF REPORT

Sanitation: Required; ; Municipal

Overlays: Shoreland, wetlands

Current Zoning: A-2 General Agriculture

Surrounding Zoning: **North:** I-1; **South:** No County Zoning; **East:** A-2; **West:** No County Zoning;

Code Reference: 27-6.1

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

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

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.

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.