

**NOTICE OF PUBLIC HEARING
TOWN OF NEENAH PLAN COMMISSION
October 17, 2022**

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, the Town/County Zoning Code Chapter 23, Flood Plain Zoning Code Chapter 26, and Shoreland Zoning Code Chapter 27. You are receiving this notice because the application or petition for action: 1. affects the area in the immediate vicinity of the property which you own; 2. requires your agency to be notified; or 3. Requires you, as the applicant, to be notified.

Notice is hereby given that the Town of Neenah Plan Commission will hold a Public Hearing on **Monday, October 17, 2022 at 7:00 PM** at the Town of Neenah Municipal Building, 1600 Breezewood Lane.

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 Town of Neenah website on the Public Hearing agenda and the Calendar of Events on the above indicated date.

Committee members and the public can access the meeting virtually:

Meeting ID: 882 8061 7055 / Passcode: 508967 Phone (312)626-6799

<https://us02web.zoom.us/j/88280617055?pwd=Sno0QUJoM1ZhbUlnNTJ0aVRVZnJCZz09>

For additional information you may contact the Clerk's office or Winnebago County Zoning Office where the application is available for viewing.

INFORMATION ON VARIANCE REQUEST

Applicant:	Rathsack, Gary
Agent:	None
Location of Premises Affected:	164 Rickers Bay Rd, Neenah, WI 54956
Tax Parcel No:	010-0716
Legal Description:	Being part of the Plat of Ricker's Bay, Lot 16, located in Government Lot 4 of Section 9, Township 19 North, Range 17 East, Town of Neenah, Winnebago County, Wisconsin.
Explanation:	Applicant is requesting a variance for a sub-standard floodplain fill requirement

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Town Clerk at 920-725-0916
A quorum of Town of Neenah Board, Committees, and Sanitary Commissions may attend, but no official action will be taken by them.

September 29, 2022 mailed to 19 addresses, posted to website and at the Town Hall Posting Board

RESOLUTION 2022-14

TOWN ACTION FOR VARIANCE
TOWN OF NEENAH
WINNEBAGO COUNTY, WISCONSIN

Owner(s): RATHSACK, GARY

Agent: NONE

Parcel No.: 010-0716

Location of Premises Affected: 164 RICKERS BAY RD

Legal Description: Being part of the Plat of Ricker's Bay, Lot 16, located in Government Lot 4 of Section 9, Township 19 North, Range 17 East, Town of Neenah, Winnebago County, Wisconsin.

Current Zoning: R-2 Suburban Low Density Residential

Description of proposed use: Applicant is requesting a variance for a sub-standard floodplain fill requirement.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirement in subsection (b)(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 ft beyond the limits of the structure.	26.5-23(b)(1)	Floodplain Fill: 15ft	Floodplain Fill: 7 ft

The town may recommend approval, denial, approval with conditions, or approval not as requested. Please indicate the Town's recommendation for each request.

TOWN FINDINGS:

TOWN CONDITIONS:

DATED THIS _____ DAY OF _____, 20__

SIGNED: _____

INITIAL STAFF REPORT

Sanitation: Existing; Municipal

Overlays: Shoreland, floodplain

Current Zoning: R-2 Suburban Low Density Residential

Surrounding Zoning: North: R-2; South: R-2; East: Lake Winnebago; West: R-1;

Code Reference: 26.5-23(b)(1)

Description of Proposed Use: Applicant is requesting a variance for a sub-standard floodplain fill requirement.

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER/APPLICANT

Describe your project, include the proposed dimensions and setbacks: Replacing existing residence on property with new structure. New structure to maintain the current footprint and placement of existing. In order to place structure above the FEMA base flood elevation, grading up to the lot line will be necessary.

Describe how compliance with the requirement in question unreasonably prevents or restricts development of a permitted use on the property: New structure to be built approximately 1.5 higher than existing to remove from flood plain. Grading necessary to shed water away from foundation and protect structure from flood waters.

Describe the unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question: Existing structure already sits within the grading limitations. Any improvements could not be possibly be made without a variance.

Describe how the granting of the requested variance will not harm the public interest or have adverse affects on surrounding properties: Surrounding properties are already graded to lot line and are situated at the same elevation as proposed.

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.

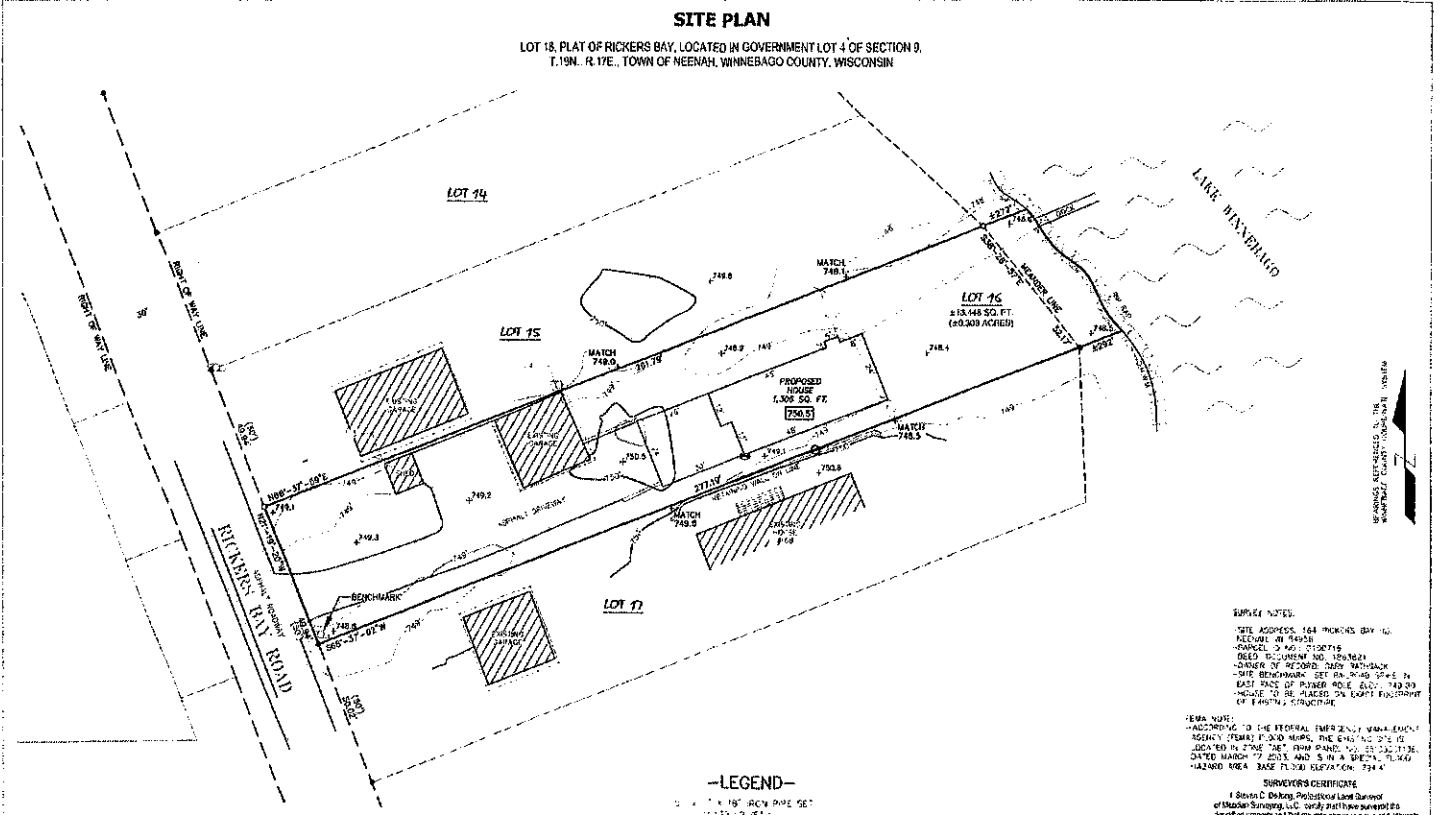
Shoreland Zoning Code

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.

SITE PLAN

LOT 13, PLAT OF RICKERS BAY, LOCATED IN GOVERNMENT LOT 4 OF SECTION 9,
T. 19N. R. 17E., TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN



REFERENCE NOTES:
 - SITE ADDRESS: 164 RICKERS BAY RD.
 - RECORD IN 84231
 - PARCEL ID: 00000000000000000000
 - DEED DOCUMENT NO. 1506024
 - OWNER OF RECORD: DAVID WATHROU
 - SITE BENCHMARK SET ON 2004 SURVEY IN EAST FACE OF PRAYER HOME ALSO 749.29
 - HOUSE TO BE PLACED ON EAST FOOTING OF 14874.1 STRUCTURE

FEMA NOTE:
 - ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD MAPS, THE ENTIRE SITE IS LOCATED IN ZONE "AE" FLOOD HAZARD. SEE 1506024.333, 1506024.334, 1506024.335 AND 1506024.336.
 - HAZARD AREA BASE FLOOD ELEVATION: 734.4'

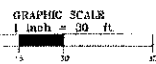
SURVEYOR'S CERTIFICATE
 I, Steven C. Doherty, Professional Land Surveyor of Wisconsin, do hereby certify that the foregoing is a true and correct representation based on the facts of my knowledge and belief.

Date: _____ day of _____, 2021

STEVEN C. DOHERTY
 WISCONSIN PROFESSIONAL LAND SURVEYOR
 Steven C. Doherty, S.D.S.

-LEGEND-

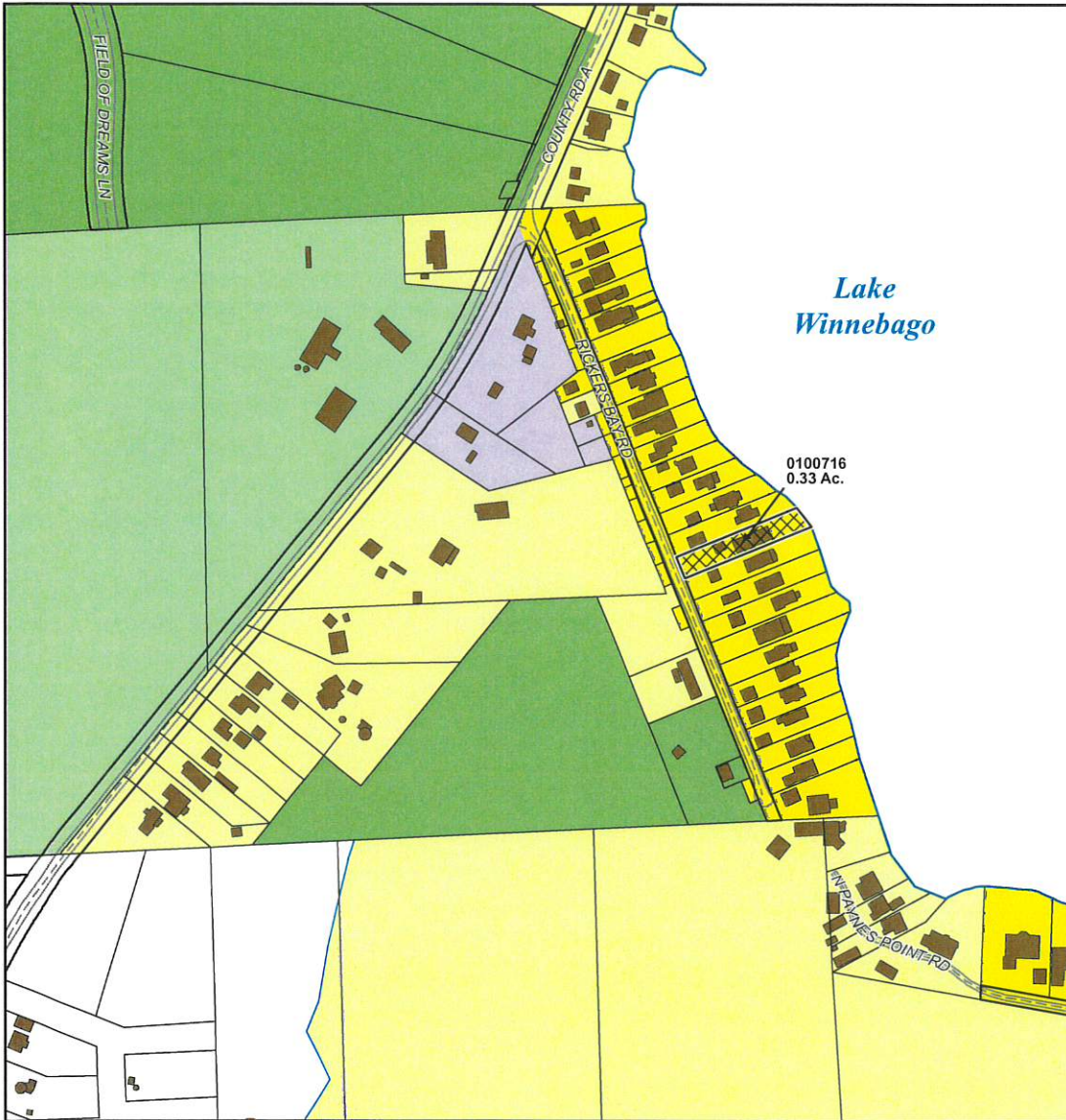
- 1" x 1/8" IRON PIPE SET (1000.0 FT.)
- 4" POLY PIPE FOUND (1000.0 FT.)
- 1" RED IRON PIPE (1000.0 FT.)
- 4" STING POWER POLE
- 3/4" GAS METER
- WELL HEAD
- 3" DIA. GRASSHOPPER HATCH MARK
- 750.5' - FOUND AT VERTICAL CURVE SETBACK



MERIDIAN SURVEYING, LLC
 10037 Friendship Drive
 Kaukauna, WI 54130
 Office: 920-593-0881
 Fax: 920-224-8037

DATE: 10/21/21	FIELD BOOK: 25-22
CHECKED BY: S.D.S.	FIELD BOOK: 25-22
JOB NO.: 1506024	SHEET: 1 OF 1

SURVEYED FOR:
 SUE WATHROU
 164 RICKERS BAY RD.
 NEENAH, WI 54956

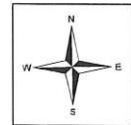


Application #22-VA-6160

Date of Hearing:
October 25, 2022

Owner(s):
RATHSACK, GARY L

Subject Parcel(s):
0100716



Winnebago County
 WINGS Project

Scale
 1 inch : 300 feet

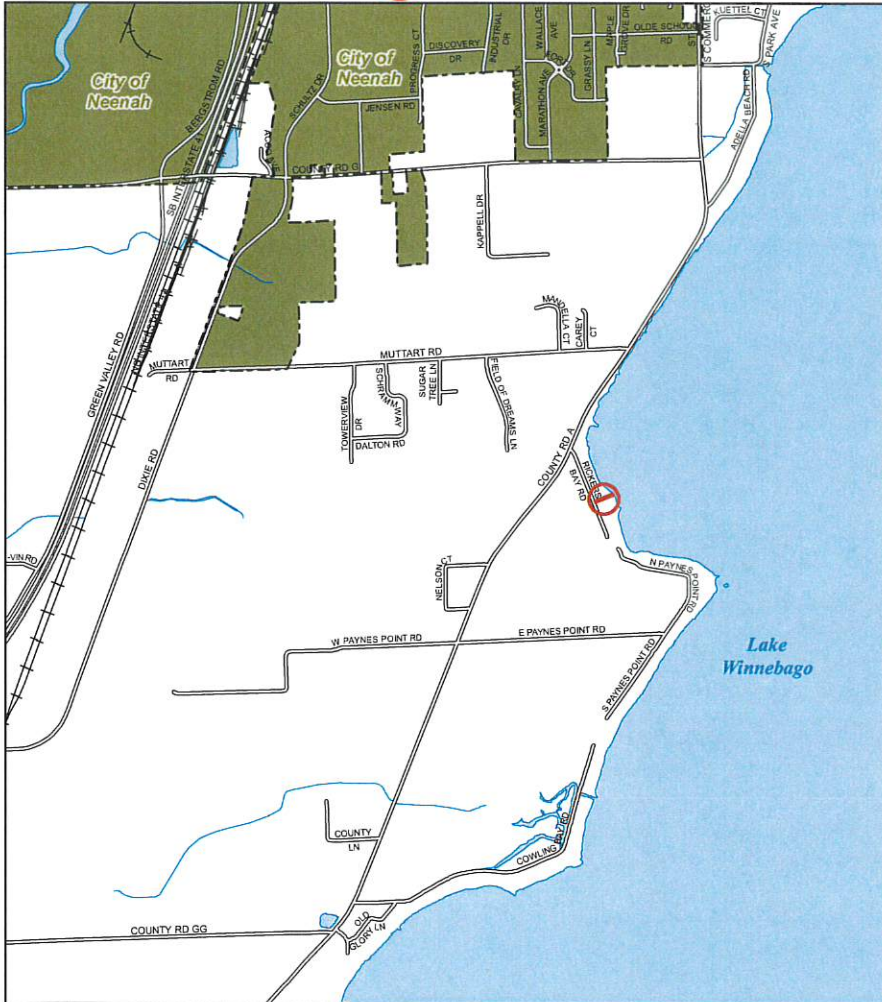
County Zoning Districts

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



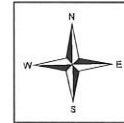
1 inch : 2,000 feet

Application #22-VA-6160

Date of Hearing:
October 25, 2022

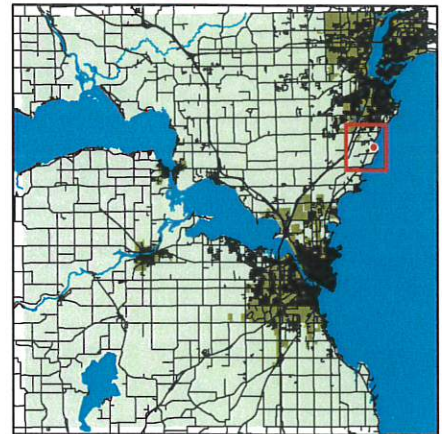
Owner(s):
RATHSACK, GARY L

Subject Parcel(s):
0100716



Winnebago County
WINGS Project

● = SITE



WINNEBAGO COUNTY