

## **FEBRUARY 15 PRIMARY ELECTION RESULTS**

In wards 2 and 3 of the Town of Omro 84 votes were cast. Ed Jeziorny received 33, Jeff Beem 30 and John Hoeft II 21. Through all of district 34 the tallies were Ed 78, Jeff 123 and John 67. So, the candidates on the April 5 ballot in district 34 will be Ed Jeziorny and Jeffrey Beem. In District 31 the candidates are Joseph Connelly and Ralph Harrison. In District 33 Thomas Egan is unopposed.

These candidates will be invited to provide statements for this publication.

## **PLAN COMMISSION OPERATIONS**

This issue will focus on variances.

Occasionally a land owner will plan to do something that is not ordinarily allowed by ordinance but for which relief may be sought by way of a variance. Most of the cases involve a conflict with the County zoning ordinance but occasionally the Town's rules are more restrictive and, even though it may be allowed outright by the County, it is still prohibited by the Town until a variance is granted.

When it is the County' restriction, application begins in the County Zoning office and that office will transmit the particulars to the Town. When it is the Town's restriction application begins with the Town Clerk. In both cases a review fee is required. As in the zoning changes, the County puts out a notice to property owners within three hundred feet of the property in question. The Town does not have such a policy but as a matter of practice and courtesy has been sending out its notice indicating when Town officials will review the application. Because of the complexity of the process the Town's notice may be very short term even though the process from application to decision might be as much as three months.

For Town action, the issue appears first on the Planning Commission agenda. The process is quasi-judicial. The Commission takes testimony from persons wishing to speak on the issue. When testimony is complete the Commissioners debate the facts and then create a recommendation to the Town Board either for approval or denial. The decision should be accompanied by a set of findings that come out of the application and the testimony. The Commission's action is not final.

The Town Board will then take up the recommendation. They will likely listen to further input, if offered, and then will make their decision based on the findings. If this is a Town matter, that is the final decision which may be appealed in court. If it is a variance through the County, the Town Board moves its decision forward to the County Zoning office as a recommendation. At the County level the Board of Adjustment takes up the matter, again in a quasi-judicial fashion during a public hearing and then makes a decision based on the findings at a separate deliberative session. Such a decision is final unless appealed in an appropriate court of jurisdiction.

There are three criteria that must be met before a variance request can be approved:

Compliance with regulations unreasonably prevents or restricts development of a permitted use of the property.

There are unique physical characteristics or limitations of the property which prevent compliance with the requirement in question.

Granting the request will not harm public interest or have adverse effects on surrounding properties.

All three criteria must be met, not just one or two. None of the difficulties in meeting the requirement may be self-created.

Sometime a variance request will cover multiple regulations.

Not all restrictions can be set aside by variance. Typically, variances cover building setbacks from roads or navigable waters, required floodplain fill or height limitations near airports. The reader may want to use the following link to see the official County language for the use of variances: [17 \(winnebago.wi.us\)](http://winnebago.wi.us) It might help to click on the “magnifying glass” to set up a search and then enter the word “variance”. Using the “enter” key should take the reader from one appearance of the term to the next.

While regulations are laid out in the County Zoning Ordinance and in State Statutes, case law decisions have brought numerous re-interpretations of the rules.

## **FEBRUARY 28 TOWN BOARD MEETING**

One resident used public comment to inform the board of construction equipment being left on half the road making it difficult for the school bus to maneuver through. The same group was using the wrong driveway to access the property.

In action items the Board listened to a presentation from the Town’s Engineering firm, Strand Associates, concerning choices on draining the proposed storage facility property at the corner of Sand Pit Road and LaCrosse Drive. At the end they gave the developer the option to choose between the two choices presented as there was no clear favorite in the eyes of the Board members.

The Board members agreed that they would develop a grant application for funds to repair roads at Scott and Rivermoor.

They discussed signing an agreement with UW-O to do a study of potential promotion of commercial developments along the highway 21 corridor. The Town has received permission to use Industrial Development Funds to partially fund the project and might use ARPA funds for the rest.

The Board approved internal budget transfers to account for expenses and carryover.

They laid over a discussion of amendments to Organization and By-Laws for East Central Regional Planning Commission until they could receive information during the County-wide Town’s Association meeting (Unit Meeting).

The Board approved full repayment of a loan from the Board of Commissioners of Public Lands that had been used to pay costs of a detention pond. This was motivated by the fact that interest would no longer be covered and stood at 5 1/2 %.

Winnebago County is again considering approval of a floodplain map proposed by the City of Oshkosh. This map regulates some property in the Southeast corner of the Town of Omro and would prevent full use of that property without permits. This had been considered a few years back and then laid aside. The following link takes the user to the City’s proposal as it existed in 2019: [2019 Sawyer Creek Floodplain Update Comparison Map \(arcgis.com\)](http://arcgis.com)

The Clerk was authorized to apply for a grant for the Election Security .gov Email Domain for Municipalities available under the Federal Help America Vote Act.

Road inspections were scheduled for April 7 with April 14 being an alternate.

The Board members did a quick brainstorm of ideas for which ARPA funds might be used in the future. No decisions were made.

One operator’s license was approved.

Nothing significant came out of reports.

The Board went into closed session to work with counsel on Open Records charges and on Open Meetings violations. When they came out of closed session, they adopted a motion to approve the draft stipulation presented by the attorney regarding open records.

## **DELIVERY TROUBLES**

This editor has experienced difficulties with delivery of the first issues for 2022. It appears that some recipients have the email turn up in their junk email folder and very few of us think about checking that regularly. If you find a friend who mentions not receiving an issue in January or February, please suggest that they check their junk mail folder and/or contact the editor. The Town clerk has posted a set of suggestions on the Town's website within the tab for this newsletter.

## **SUBMISSIONS FOR THE NEWSLETTER**

This is issue 2 of volume 3 of the free on-line newsletter devoted to things in the Town of Omro. Previous issues can be found on the Town of Omro website: [Town Newsletter \(townofomro.gov\)](http://TownNewsletter(townofomro.gov))

If this editor does not know of an event it won't be included in the enewsletter. Please share your thoughts for additional articles or questions.

Reader contributions (ideas, not money) will be appreciated and can be sent to [NewsLetter@townofomro.gov](mailto:NewsLetter@townofomro.gov) as can requests to be included in the mailing list.

Please share this with friends and encourage them to add their e-mail address to the distribution list.

The editor is Tom Tuschl.