

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
POST STAFF REPORT

Town and/or agency's comments:

Town of Winneconne:

Findings:

1. The Town took no action because this does not violate any part of the Town Code.

CRITERIA AND ADVISORY FINDINGS

23.7-234 "Basis of decision" (required for all Ch. 23 Town/County Zoning Code, Ch. 26 Floodplain Zoning Code, and Ch. 27 Shoreland Zoning Code variances)

- 1. Criteria: 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.**

Findings for approval: There is no compliant location to build a reasonable single family dwelling that will meet the shore-yard and street setback requirements.

Findings for denial: A single family dwelling can be designed to be built within the existing garage footprint.

- 2. Criteria: The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in questions.**

Findings for approval: The applicants property has shore-yard and street yard setbacks which cover the entire property.

Findings for denial: The proposed expansion beyond the existing building footprint is not necessary as the existing structure can be rebuilt within the existing garage footprint.

- 3. Criteria: 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.**

Findings for approval: The proposed single family dwelling is similar to the existing pattern of development in the surrounding area so public interest will not be harmed.

Findings for denial; The shoreland zoning code provides relief to property owners who own properties in existing development patterns without causing harm to public interest.

27.6-8(a) "Generally" (required for all Ch. 27 Shoreland Zoning Code variances)

- 1. Criteria: The variance is consistent with the purpose of the Shoreland Zoning Code.**

Findings for approval: The request allows reasonable use of the property, and is similar to neighboring development.

Findings for denial: The proposed single family dwelling could be designed to be built within the existing garage footprint which would meet the purpose of the shoreland zoning code.

Based upon the above findings, it is the opinion of the Board that all criteria of Article 7, Division 12, Section 23.7-234, Town/County Zoning Code have have not been met.

Staff Recommendation: Approval With Conditions

Advisory Conditions:

Town Conditions:

None

County Conditions:

All applicable sanitary, zoning, and erosion control permits shall be submitted to the county before construction begins.

VOTE: _____ to _____ _____

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Town and/or agency's comments:

The WDNR recommended the Board consider all variance criteria when making a decision. The WDNR stated, for a variance to be approved the proposal must meet all three statutory variance criteria.

The Town of Wolf River has recommended approval of the variance with the following findings:

1. Does not in any way do harm to land or neighboring properties.
2. Allows for a reasonable and practical use of the property and increases setback from original deck.
3. No objections from neighboring property owners.
4. Improves and enhances existing structure while increasing the value of the property.

CRITERIA AND ADVISORY FINDINGS

23.7-234 "Basis of decision" (required for all Ch. 23 Town/County Zoning Code, Ch. 26 Floodplain Zoning Code, and Ch. 27 Shoreland Zoning Code variances)

- 1. Criteria: 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.**

Findings for approval: The applicants do not have reasonable use of the property as livable area in the existing dwelling was not built to allow for general sanitary facilities (bathrooms).

Findings for denial: The applicants have reasonable use of the property without a house addition.

- 2. Criteria: The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in questions.**

Findings for approval: The applicants property has shore-yard, street yard, side yard, and floodplain fill setback requirements which cover most of the buildable area of property.

Findings for denial: The applicants property already has an existing nonconforming structure used for habitation located within the existing setbacks.

- 3. Criteria: 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.**

Findings for approval: The proposed addition is similar to the existing pattern of development in the surrounding area so public interest will not be harmed.

Findings for denial: Approval of this variance will establish a precedent to allow variances without a hardship.

26.6-7(a) "Review criteria" (required for all Ch. 26 Floodplain Zoning Code variances)

- 1. Criteria: The variance is consistent with the purpose of the Floodplain Zoning Code**

Findings for approval: The request still allows for practical floodplain fill around the perimeter of the structure which does not increase drainage issues for neighboring properties.

Findings for denial: The applicants request will not allow for adequate floodplain fill, and may subject neighboring

properties to an increase in drainage issues.

Based upon the above findings, it is the opinion of the Board that all criteria of Article 7, Division 12, Section 23.7-234, Town/County Zoning Code have have not been met.

Staff Recommendation: Approval With Conditions

Advisory Conditions:

Town Conditions:

None

County Conditions:

All applicable sanitary, zoning, and erosion control permits shall be submitted to the county before construction begins.

All construction shall meet the floodplain requirements stated in Chapter 26: Floodplain Zoning Code.

The existing outhouse/privy shall be removed prior to construction of the addition.

VOTE: _____ to _____ _____