

**WINNEBAGO COUNTY
BOARD OF ADJUSTMENT**

Thursday, January 5, 2017 – 7:30 a.m.

Planning & Zoning Conference Room, County Administration Building,
Oshkosh, Wisconsin

DELIBERATIVE SESSION

Members Present: Arden Schroeder, Tom Verstegen, Greg Kargus, Sue Drexler, and Tom Tuschl.

Excused: None

Also Present: Eric Rasmussen, Zoning Office and Karen Fredrick, court reporter.

Meeting was called to order at 7:30 a.m.

The following items were acted on:

I. Approval of Minutes

G. Kargus made a motion to approve the minutes of November 3, 2016 and December 1, 2016. T. Verstegen seconded. Motion carried by unanimous voice vote.

II. Ted McNulty – Town of Omro

A variance was requested for reduced floodplain fill for a proposed residential addition as well as reduced floodplain fill to bring the existing residence into compliance with floodplain regulations. The committee discussed garage location and access, proposed conditions for approval, and drainage concerns from the neighbors.

A motion was made by T. Verstegen to APPROVE the request WITH CONDITIONS.

Motion seconded by S. Drexler.

The findings used to approve the variance have been made in accordance with section 23.7-234 and 26.6-7(a).

CRITERIA AND FINDINGS

23.7-234

- 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.**

Approval: Strict compliance with the floodplain fill requirements will make access to the existing garage very difficult. There is not enough room to comply with the fill requirements between the proposed addition and the existing detached garage.

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

Approval: This is a small shoreland lot in the floodplain with an existing home and detached garage. The location of the existing home and detached garage make accessing the garage very difficult with strict compliance with the floodplain fill regulations. All other setback requirements will be met.

- 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.**

Approval: A variance to be allowed a reduction in floodplain fill will not harm the public interest.

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

1. The variance is consistent with the purpose of the Floodplain Zoning Code in s. 26.1-5.

Finding(s):

- a. Approval: An existing non-conforming structure is being brought into compliance with floodplain regulations. Granting of the variance will still allow flood protection for the structure. The fill requirement will be met on the other 3 sides of the home.

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 been met.

Conditions:

Town:

1. Approved with a condition that a drainage plan be accepted by Winnebago County Zoning.

County:

1. An erosion control permit shall be issued by the Town of Omro, Winnebago County Zoning shall review the plans and provide written approval prior to permit issuance.
2. Existing structure shall be brought into compliance with floodplain regulations.
3. Eaves troughs to be installed on the existing home and the proposed addition and shall be directed to the lake.

Vote on the Motion: S. Drexler, aye; T. Tuschl, aye; A. Schroeder, nay; G. Kargus, aye; T. Verstegen, aye.

Motion carried by a 4-1 vote. **Variance granted with conditions as requested.**

There being no other business, the meeting was adjourned at 7:59 a.m.

Respectfully submitted,

Eric Rasmussen

Eric Rasmussen, Recording Secretary