

**WINNEBAGO COUNTY
BOARD OF ADJUSTMENT**

Thursday, April 6, 2017 – 7:35 a.m.

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

DELIBERATIVE SESSION

Members Present: Tom Verstegen, Greg Kargus, and Tom Tuschl.

Excused: Arden Schroeder and Sue Drexler

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

Meeting was called to order at 7:35 a.m.

The following items were acted on:

I. Approval of Minutes

T. Verstegen made a motion to approve the minutes of February 28, 2017, March 24, 2017, and March 28, 2017. T. Tuschl seconded. Motion carried by unanimous voice vote.

II. Craig Kuepper– Town of Wolf River

A variance was requested for reduced street and shore yard setbacks for an off-site residential garage, the variance request also includes a reduced shore yard setback for a concrete pad. The committee discussed moving the garage to eliminate one of the requests, consistency with the neighbors, and the necessity for a variance for the concrete slab.

A motion was made by T. Verstegen to APPROVE the request for the 30' x 30' off-site residential garage as requested.

Motion seconded by T. Tuschl.

The findings used to approve the variance have been made in accordance with section 23.7-234 and 27.6-8(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: The lot is a legal lot of record. If the property owner is required to meet setbacks, then only a 14.7 ft. deep garage could be built on the property. This is much smaller than a standard size 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: The small lot has a 75 ft shore yard setback requirement from the Ordinary High Water Mark of the marsh area behind the property. Shore yard setback averaging is no longer available due to changes in State Shoreland regulations.

- 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: The garage will be no closer to the road than the neighboring garage. There is a substantial distance between the right-of-way and the pavement edge so a reduced street yard setback should not inhibit vision while driving. There is already neighboring development within the shore yard setback.

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

1. The variance is consistent with the purpose of the Shoreland Zoning Code.

Finding(s):

- a. Approval: There is already neighboring development within the shore yard setback but because the proposed structure is not a primary structure, setback averaging does not apply. The wetland area at the rear of the property will act as a buffer between the development and the water body.

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.

Vote on the Motion: G. Kargus, aye; T. Tuschl, aye; T. Versteegen, aye.

Motion carried by a 3-0-2 (Excused Schroeder. Drexler) vote. **Variance granted as requested.**

A motion was made by T. Versteegen to APPROVE the request for the 6'x 30' concrete pad as requested.

Motion seconded by T. Tuschl.

The findings used to approve the variance have been made in accordance with section 23.7-234 and 27.6-8(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: A concrete pad would allow better utility of the garage and property.

- 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: The lot is very small with a restrictive shore yard setback. Though there are adjacent structures within the shore yard setback area, setback averaging is not applicable.

- 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 concrete pad would not be contrary to or harm the public interest.

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

2. The variance is consistent with the purpose of the Shoreland Zoning Code.

Finding(s):

- a. Approval: The concrete pad is small and would have little impact on the shoreland area.

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.

Vote on the Motion: G. Kargus, aye; T. Tuschl, aye; T. Versteegen, aye.

Motion carried by a 3-0-2 (Excused Schroeder. Drexler) vote. **Variance granted as requested.**

There being no other business, the meeting was adjourned at 7:46 a.m.

Respectfully submitted,

Eric Rasmussen

Eric Rasmussen, Recording Secretary