

**WINNEBAGO COUNTY
BOARD OF ADJUSTMENT**

Thursday, June 9, 2016 – 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 May 5, 2016. S. Drexler seconded. Motion carried by unanimous voice vote.

II. Shawn Zagrodnik – Town of Winneconne

A variance was requested to be allowed to construct a detached garage with substandard street yards to Rivermoor Dr to the East and a firelane to the North.

The committee discussed the safety issues the property owner brought up in hearing, the placement of the garage being a convenience instead of a hardship, and the difference between the firelane and the road. They also discussed the neighbor's home to the south and that the existing house is closer to the firelane than the proposed detached garage.

A motion was made by G. Kargus to **DENY** the request for a reduced street yard setback to the right of way to the East which is Rivermoor Dr.

Motion seconded by S. Drexler.

The findings used to approve the variance have been made in accordance with section 23.7-234,

CRITERIA AND FINDINGS

- 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.**

Property has sufficient land area for a detached garage without the granting of a street yard variance to Rivermoor Dr.

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

The property already has a residence with attached garage and boathouse that are not in compliance with setback regulations. Additional development of the property should be planned in accordance to the lot size and the required setbacks.

- 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.**

Continued development into required setbacks is contrary to the intent of the 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 not been met.

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

Motion carried by a 5-0 vote. **Variance denied.**

A motion was made by G. Kargus to **APPROVE** the request for a 10'6" reduced street yard setback to the right of way to the North which is a right-of-way.

Motion seconded by T. Verstegen.

The findings used to approve the variance have been made in accordance with section 23.7-234,
CRITERIA AND FINDINGS

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.**

This is a very small and narrow lot. The required setbacks and location of the existing structures on the property severely limit the buildable area on the 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.**

This lot is only 50' wide, the fire lane requires a 30' street yard setback. The existing home location and the required street yard setback limit the buildable area on the lot.

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.**

There is very limited use of the fire lane in question, the existing home is located in the fire lane's street yard setback. Many residences and garages in the area extend into the street yard setback.

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: S. Drexler, aye; T. Tuschl, aye; A. Schroeder, aye; G. Kargus, aye; T. Verstegen, aye.

Motion carried by a 5-0 vote. **Variance granted.**

There being no other business, the meeting was adjourned at 7:52 a.m.

Respectfully submitted,

Eric Rasmussen

Eric Rasmussen, Recording Secretary