

**WINNEBAGO COUNTY
BOARD OF ADJUSTMENT**

Thursday, June 6, 2013 - 7:30 a.m.

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

DELIBERATIVE SESSION

Members Present: Arden Schroeder, Dan Mingus, Tom Verstegen, David Weiss, and Greg Kargus.

Absent: James Forbes

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

Meeting was called to order at 7:30 a.m. G. Kargus made a motion to approve the minutes of January 25, 2013; January 29, 2013; February 22, 2013; February 27, 2013; March 7, 2013; and May 24, 2013; Motion seconded by T. Vestegen and carried by unanimous voice vote.

The following variances were acted on:

I. Mark Blank – Town of Poygan

A variance was requested to construct an attached garage with a substandard street yard setback. The Town of Poygan did not respond.

There was discussion regarding abandonment of part of Popowski Rd and setback requirements.

A motion was made by T. Verstegen to approve the variance with an 8' setback to the right-of-way of Popowski Rd. Motion seconded by G. Kargus.

The findings used to deny the variance have been made in accordance with section 23.7-234 and are as follows:

CRITERIA AND FINDINGS

23.7-234 "Basis of decision" (required for all Ch. 23 Town/County Zoning Code,

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.
 - a. **Finding(s): The Winnebago County Town/County Zoning Ordinance allows 1,500 sq ft of total accessory area for this property. This property has dual road frontages on the east and west with required 30' setbacks; as well as a required 25' rear yard setback to the south. Without the granting of a variance the property would not be allowed a garage of consistent size with the standards of the zoning district.**
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.
 - a. **Finding(s): This is a narrow lot with 30' street yard setback required from both Popowski Rd and Priebe Rd. The road surface of Priebe Rd is located on this lot and increases the lot area covered by the setback requirement. The rear yard on**

the south side of the home limits the placement of any garage to the north side of the home between the street yard 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.
 - a. **Finding(s): The variance is to the right-of-way of Popowski Rd. Popowski is a private road that dead ends at the subject property. There is no through access and no vision concerns that would be increased by the granting of the variance. All other setbacks will be met.**

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 and Article 6, Section 27.6-8 of the Shoreland Zoning Code have been met.

Vote on the Motion: A. Schroeder, aye; D. Weiss, aye; D. Mingus, aye; G. Kargus, aye; T. Versteegen, aye

Motion carried by a 5-0-1 (absent Forbes) vote. **Variance granted.**

There being no other business, the meeting was adjourned at 7:40 a.m.

Respectfully submitted,

Eric Rasmussen

Eric Rasmussen, Recording Secretary