

Winnebago County  
Board of Adjustment  
**DELIBERATIVE**  
August 4, 2011  
7:30 A.M.  
County Administrative Building  
3rd Floor Conference Room  
Oshkosh, WI

Present: Arden Schroeder, Dan Mingus, Greg Kargus, Mary Mathwig, Tom Verstegen, Karen Fredrick – court reporter, and Cary Rowe – Zoning Administrator.

Decisions were made on the following:

1. Bernard Menting - Town of Wolf River variance.

The meeting was called to order by Arden Schroeder, Chairman at 7:30 A.M.

Motion by G. Kargus to approve the minutes of June 9, 2011 and July 27, 2011.  
Second, T. Verstagen. Motion carried 5-0.

FIRST to be decided was the variance request of Bernard Menting to be allowed to construct a new single family dwelling having a substandard shore yard setback and a substandard street yard setback.

Motion by T. Verstagen to approve the construction of a new single family dwelling with a 50-ft shore yard setback and a 23-ft street yard setback. Second G. Kargus.

Findings for approval:

1. **Exceptional Circumstances:** Because of the setback requirement from the road right-of-way and the ordinary high water mark there is not a suitable location for a home on this property without a variance.
2. **Preservation of Property Rights:** The existing home was damaged by a tornado and needs to be replaced. Without a variance the property owners would not be allowed a home of reasonable size.
3. **Absence of Detriment:** A cottage with a lesser shore yard setback has been removed and another buildable lot has been combined in preparation for this project. A variance was previously granted for the home with the same street and shore yard setbacks that are being requested. All other setback requirements will be met.

**Conditions:**

- 1) **Lots shall be combined by a certified survey map.**

Based on the above findings, it is the opinion of the Board that all criteria of Section 17.32(7)(a), (b), and (c) have been met.

## VOTE ON THE MOTION

A.Schroeder aye; G. Kargus aye; D. Mingus aye; M. Mathwig aye; T. Verstegen aye.  
Motion carried 5-0 to approve a variance for the construction of a new single family dwelling with a 50-ft shore yard setback and a 23-ft street yard setback.

2. Brian Hacker - Town of Winneconne variance.

SECOND to be decided was the variance request of Brian Hacker to be allowed to construct a new single family dwelling having a substandard shore yard setback and a substandard street yard setback.

Motion by G. Kargus to approve the construction of a new single family dwelling with a 40-ft shore yard setback and a 9-ft street yard setback. Second A. Schroeder.

Findings for approval:

4. **Exceptional Circumstances:** Because of the very small lot size and depth of the lot there is not a suitable location for a home on this property without a variance.
5. **Preservation of Property Rights:** The cottage is in poor condition and needs to be replaced. Without a variance the property owners would not be allowed a home of reasonable size.
6. **Absence of Detriment:** The setback from the ordinary high water mark will be improved from what currently exists. The setback from the road right-of-way will increase and the setback from the northeast side property line will be brought entirely into compliance with zoning regulations.

Based on the above findings, it is the opinion of the Board that all criteria of Section 17.32(7)(a), (b), and (c) have been met.

## VOTE ON THE MOTION

A.Schroeder aye; G. Kargus aye; D. Mingus aye; M. Mathwig aye; T. Verstegen aye.  
Motion carried 5-0 to approve a variance for the construction of a new single family dwelling with a 40-ft shore yard setback and a 9-ft street yard setback.

Deliberation adjourned at 7:50 A.M.

Respectfully submitted,

Cary A. Rowe  
Recording Secretary  
CAR