

**WINNEBAGO COUNTY  
BOARD OF ADJUSTMENT**

Thursday, August 7, 2014 – 7:30 a.m.

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

**DELIBERATIVE SESSION**

**Members Present:** Arden Schroeder, Greg Kargus, Dave Weiss, and Sue Drexler.

**Absent:** James Forbes

**Excused:** Tom Verstegen

**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 February 21, 2014, March 17, 2014, and July 29, 2014. Motion seconded by D. Weiss and carried by unanimous voice vote.

The following variance was acted on:

**I. Thomas Kuznacki, et al – Town of Poygan**

A variance was requested to construct a new single family dwelling with substandard street and shore yard setbacks. The Town of Poygan has approved the variance as requested.

The committee discussed the moving the home towards the road to eliminate the need for the shoreyard variance request. They also discussed the ability to alter the home to allow similar square footage of the attached garage without approving a street or shore yard setback for the attached garage.

A motion was made by G. Kargus to approve the variance requests with conditions as follows:

1. Reduced street yard setback for a residential structure 17.8'

**Conditions:**

County:

1. Attached garage must meet the street yard setback allowed by setback averaging.
2. Existing boathouse shall be removed. No future boathouses shall be allowed.
3. Two existing lots shall be combined by Certified Survey Map.

The motion also included the denial of a variance request for a substandard shore yard setback.

Motion seconded by D. Weiss.

The findings used to approve the variance have been made in accordance with section 23.7-234, and 27.6-8 and are as follows:

**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.** Without the granting of a variance the buildable area on this lot for a residence is very narrow and would not allow a reasonably sized home.

- 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 very narrow between the road right-of-way and the Ordinary High Water Mark. Even utilizing setback averaging the buildable depth is very narrow.
- 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.** Two buildable lots are being combined to create this lot. The proposed home will have an increased shoreyard setback from what currently exists.

27.6-8

- 1) **The variance is consistent with the purpose of the Shoreland Zoning Code in s. 27.1-5.** NA

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; A. Schroeder, aye; D. Weiss, aye. S. Drexler, abstain

Motion carried by a 3-0-1-1 (absent Forbes, abstain Drexler) vote. **Variance granted with conditions not as requested. A variance for a substandard shoreyard setback was denied.**

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

Respectfully submitted,

***Eric Rasmussen***

Eric Rasmussen, Recording Secretary