

**WINNEBAGO COUNTY
BOARD OF ADJUSTMENT**

Thursday, August 9, 2012 - 7:31 a.m.

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

DELIBERATIVE SESSION

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

Absent: James Forbes

Also Present: Eric Rasmussen and Cary Rowe, zoning department; John Bodnar, Corporation Counsel; and Karen Fredrick, court reporter.

Meeting was called to order at 7:35 a.m. G. Kargus made a motion to approve the minutes of July 12, 2012. Motion seconded by D. Mingus and carried by unanimous voice vote.

The following variance was acted on:

I. Frederick Oates – Town of Black Wolf

A variance was requested to construct an attached garage with a substandard street yard setback.

There was discussion regarding the approval from the Town of Black Wolf, off-street parking, and appropriate garage size.

A motion was made by G. Kargus to approve the variance with an 18.2' street yard setback not as requested. Motion seconded by D. Mingus.

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 applicant has no compliant location for a garage on this 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 is a very small shoreland property. The placement of the existing home leaves no compliant location for a garage on this property.
- 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.** The proposed setback will provide adequate off-street parking. Several other homes along this road have garages with a lesser setback than proposed.

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 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;

Motion carried by a 4-0-1 (absent Forbes) vote. **Variance granted not as requested.**

The following item was for discussion only. No action was taken.

II. Lynn MacDonald – Town of Neenah

John Bodnar, Cary Rowe, and Eric Rasmussen explained the progress with the appeal of the variance denial for the MacDonald's patio as well as Act 170 which now effects the enforcement of the violation on the property.

There being no other business, the meeting was adjourned at 7:50 a.m.

Respectfully submitted,

Eric Rasmussen

Eric Rasmussen, Recording Secretary