

**WINNEBAGO COUNTY
BOARD OF ADJUSTMENT**

Thursday, October 4, 2012 - 7:30 a.m.

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

DELIBERATIVE SESSION

Members Present: Arden Schroeder, Dan Mingus, Tom Verstegen, 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 August 24, 2012, August 28, 2012, September 6, 2012, September 21, 2012, and September 25, 2012. Motion seconded by T. Verstegen and carried by unanimous voice vote.

The following variance was acted on:

I. Tom Ebel – Town of Wolf River

A variance was requested to construct a detached garage with a substandard street yard setback, two substandard shore yards setbacks, and a substandard setback between structures.

Staff confirmed that if the variance was granted as requested the proposed garage would meet the 10' separation requirement to the neighbor's cottage. There was discussion regarding the existing LP tank and fire protection measures for the cottage.

A motion was made by D. Mingus to approve the variance with as requested, with conditions. Motion seconded by G. Kargus.

Conditions:

1. LP tank shall meet current setback codes.
2. A one hour firewall shall be constructed on the north side of the garage towards the cottage with 4' of firewall extending into the roof structure.

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

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 property does not have a compliant location for a reasonably sized garage
- 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 lot with navigable water on two sides and an existing cottage. The required shore yard setbacks allow no compliant location for construction of a detached garage on this property. There is no setback averaging available to provide relief from 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. The proposal is very similar to what currently exists on the property. The new garage will provide a greater setback from the private road and the closer Ordinary High Water Mark (channel) than currently exists.

The board shall grant a variance only if the board can make an affirmative finding for all of the criteria listed in the section above.

27.6-8

(a) **Generally.** The Board of Adjustment may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that (1) literal enforcement of this chapter will cause unnecessary hardship; (2) the hardship is due to unique property conditions, not common to adjacent lots or premises; (3) the variance is not contrary to the public interest; and (4) the variance is consistent with the purpose of this chapter.

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: T. Versteegen, aye; A. Schroeder, aye; G. Kargus, aye; D. Mingus, aye;

Motion carried by a 4-0-1 (absent Forbes) vote. **Variance granted with conditions.**

There being no other business, the meeting was adjourned at 7:42 a.m.

Respectfully submitted,

Eric Rasmussen

Eric Rasmussen, Recording Secretary