

WINNEBAGO COUNTY BOARD OF ADJUSTMENT -- DELIBERATIVE SESSION

Thursday, January 8th, 2015 – 7:30 a.m.
3rd Floor Conference Room, County Administration Building
112 Otter Ave, Oshkosh, Wisconsin

Members Present: Arden Schroeder, Tom Verstegen, Greg Kargus, Susan Drexler, and David Weiss

Absent: James Forbes

Also Present: Candace Zeinert, zoning, Karen Fredrick, court reporter

The meeting was called to order at approximately 7:35 a.m.

Approval of Minutes

G. Kargus made a motion, seconded by S. Drexler, to approve the meeting minutes from December 4th, 2014. Motion to approve carried by unanimous voice vote.

A decision was made on the following request:

Susan Rubick – Town of Oshkosh – Variance

Applicant is requesting a variance to construct a 20ft by 20ft detached garage with a substandard 12.6ft street yard setback and an 8.5ft substandard setback between structures.

D. Weiss inquired if the Board would have to make the firewall a condition of approval? C. Zeinert explained that the requirement of the firewall would likely be up to the Town Building Inspector, but to make sure that it is installed, the Board has placed it as a condition in the past.

S. Drexler offered up for discussion the DNR's recommendation for mitigation. C. Zeinert mentioned that the DNR's main perspective is on the request's impact on the shoreland areas and it would be up to the Board to determine if there were enough negative impacts from granting the request to warrant requiring mitigation. C. Zeinert pointed out that the shore yard setback would be met. S. Drexler also inquired about the option to require a fog line along the road right-of-way. Board members recalled that the applicant offered to pay for the road striping. A. Schroeder added that the fog line should pertain to the whole road or none at all.

S. Drexler mentioned that another possible condition of approval could be to restrict the type of vehicle allowed between the garage and the road right-of-way. There was discussion regarding the practicality of the condition and the difference between having something to enforce and not.

G. Kargus stated that he thought a garage was necessary; fellow members agreed. A. Schroeder added that the proposal is not oversized and actually might be undersized.

G. Kargus mentioned that the applicant seems to have put the Board in a hard place because the slab already exists. Board members discussed that they could approve something closer to the home, regardless of the slab's location; applicant took that risk when they poured the slab. There was discussion regarding the proposed setbacks.

G. Kargus asked for confirmation that the 3ft side yard setback was ok. C. Zeinert confirmed.

Motion by D. Weiss, seconded by S. Drexler to grant the variance with a street yard setback of 12.6ft and as requested the distance between the structures will be 8.5ft with the conditions that a one-hour firewall be installed on the north side toward the house and that large vehicles must be parked on the east side of the garage.

Vote on the motion: A. Schroeder, aye; S. Drexler, aye; D. Weiss, aye; G. Kargus, aye; and T. Verstegen, aye. Motion passed by a 5-0-1 (Forbes) vote. **Motion approved; variance granted with conditions.**

Findings for approval:

1. Without the granting of a variance, the property does not have a compliant location for a reasonably sized garage.
2. The waterfront lot is very small with shore yard and curved street yard setbacks to take into consideration. There is no street yard setback averaging available to provide relief.
3. The proposed garage will not have a negative impact on the visibility of a roadway due to the curvature of the road.

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.

Upon conclusion of the agenda items, the meeting was adjourned at 7:50 a.m.

Respectfully submitted,
Candace M. Zeinert
Recording Secretary