

WINNEBAGO COUNTY BOARD OF ADJUSTMENT -- DELIBERATIVE SESSION

Thursday, March 6, 2014 – 7:30 a.m.

3rd Floor Conference Room, County Administration Building
112 Otter Ave, Oshkosh, Wisconsin

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

Absent: James Forbes and Dan Mingus

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

The meeting was called to order at approximately 7:30 a.m.

A decision was made on the following request:

Michael Voss – Town of Wolf River – Variance

Applicant is requesting a variance to construct a retaining wall with a substandard 32ft shore yard setback.

G. Kargus inquired about drainage off to the sides of the filled area. C. Zeinert explained that this amount of water would be negligible. The majority of the water would be directed directly towards the lake.

A. Schroeder inquired about the walkway and stairs to the water. C. Zeinert said staff would reinvestigate the setbacks and limitations of walkways, stairs, and patios on the property when the snow's removal makes it possible.

Board members discussed what the hardship would be, but it was determined that there wasn't one. Members also discussed with staff the floodplain fill requirements. D. Weiss specified that the retaining walls and fill standards were granted to help the neighbors. C. Zeinert added that the retaining walls, previously granted VS currently requested, serve a different purpose.

A. Schroeder inquired about the possibility of straightening the retaining wall out and connecting the two previously granted walls. C. Zeinert said that the previous variance granted only granted the specific site plan design. This new retaining wall would have to be considered separately, regardless of if it met previously granted setbacks.

Motion by T. Verstegen, seconded by G. Kargus to deny the variance request.

Vote on the motion: A. Schroeder, aye; T. Verstegen, aye; D. Mingus, aye; G. Kargus, aye. Motion passed by a 4-0-2 (Forbes, Mingus) vote. **Motion approved; variance denied.**

Findings for denial:

1. The retaining wall is not necessary for the property to be used for a permitted purpose and conforming to the required shore yard setback is not unnecessarily burdensome.
2. A retaining wall is not necessary to hold back fill required for floodplain compliance on this portion of the property as there is sufficient room to grade the fill down to natural elevations.
3. The request is not contrary to and would not harm the public interest.
4. The variance would not be consistent with the purposes of the Shoreland Zoning Code because it does not preserve or restore the shoreland areas and it would encourage the encroachment of structures to the shoreline.

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 Article 6, Section 27.6-8 of the Shoreland Zoning Code have not been met.

Upon conclusion of the agenda items, the meeting was adjourned at 8:10 a.m.

Respectfully submitted,

Candace M. Zeinert

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Recording Secretary