

**WINNEBAGO COUNTY
BOARD OF ADJUSTMENT**

Thursday, October 8, 2015 – 7:30 a.m.

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

DELIBERATIVE SESSION

Members Present: Arden Schroeder, Tom Verstegen, Greg Kargus, Sue Drexler, and Tom Tuschl.

Excused: None.

Also Present: Eric Rasmussen, Zoning Office and Lynn Egan, court reporter.

Meeting was called to order at 7:30 a.m.

The following items were acted on:

I. Approval of Minutes

G. Kargus made a motion to approve the minutes of August 21, 2015, August 25, 2015, and September 2, 2015. T. Verstegen seconded. Motion carried by unanimous voice vote.

II. Susan Verhagen – Town of Winneconne

A variance was requested to be allowed to construct an attached garage with substandard street and shore yard setbacks.

The committee discussed parking, side yard setbacks, and the relevance of a previous variance approval.

A motion was made by G. Kargus to approve the variance not as requested and with a condition. The motion was to allow the garage with a 12' street yard setback and a 40' shore yard setback. The proposed condition was "No future boathouse or other structures shall be allowed on this property."

Motion seconded by S. Drexler.

The findings used to approve the variance have been made in accordance with section 23.7-234,

CRITERIA AND FINDINGS

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

- 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 there is no compliant location for a garage on this property. This is an existing, substandard lot.
- 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 an existing lot with very shallow depth between the road and the Ordinary High Water Mark. With the shallow depth, there is no compliant location for any type of garage.
- 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 in line with the current home. The proposal is consistent with other development in the area.

27.8-8(a) "Generally" (required for all Ch. 27 Shoreland Zoning Code variances)

1) **The variance is consistent with the purpose of the Shoreland Zoning Code.**

The shoreyard setback is not being increased from what currently exists. The proposal is consistent with other development in the area.

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: T. Tuschl, aye; S. Drexler, aye; A. Schroeder, aye; G. Kargus, aye; T. Verstegen, aye.

Motion carried by a 5-0 vote. **Variance granted with conditions not as requested.**

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

Respectfully submitted,

Eric Rasmussen

Eric Rasmussen, Recording Secretary