

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING

June 28, 2022

5:30 P.M.

First Floor Conference Room (120) – County Administration Building

PUBLIC HEARING HELD VIA ZOOM

PRESENT

Greg Kargus, Tom Tuschl, Larry Kriescher, Sue Drexler, Arden Schroeder (excused)

Daniel Lefebvre -Code Enforcement Officer, Cary Rowe -Zoning Administrator, Mary Anne Mueller -Corporation Council, & Karen Fredrick -Court Reporter

The meeting was called to order by Greg Kargus, Chairman at 5:30 P.M. Board members introduced themselves and Daniel Lefebvre, Code Enforcement Officer explained review by court of record procedure. He stated that petitions shall be presented to the court within 30 days after the filing of the decision in the County Planning and Zoning Office.

JOHN KISH, ET AL – 7704 CUTOFF LANE, TOWN OF WOLF RIVER – VARIANCE

Applicant is requesting a variance for a substandard floodplain fill requirement. John Kish - Property Owner was sworn in. Mr. Kish explained the variance and property limitations.

The Board had many questions on the floodplain fill requirements and the potential use of retaining walls to contain the fill. Staff went over the floodplain fill requirements to clarify the variance for both the Board and Applicant.

LAMAR CENTRAL OUTDOOR – APPEAL

Applicant is appealing an administrative interpretation by the Zoning Administrator (Cary Rowe) in relation to off-premise directional electronic signs due to a denied zoning permit.

Travis Schreurs, Menn Law Firm – Applicant's legal counsel was sworn in. Mr. Schreurs explained the reason for appeal and stated the Zoning Administrator's interpretation was in error of Winnebago County's Chapter 23 – Town/County Zoning

Ordinance (Ordinance). Mr. Schreurs testimony included the off-premise directional sign definition, structures subject to the "Nonconformities" section of the Ordinance, and "unfair" treatment of sign owners based on the type of sign.

Upon completion of the applicant's testimony, Winnebago County Planning/Zoning Department responded with testimony and exhibits. Cary Rowe – Zoning Administrator was sworn in. Mr. Rowe gave testimony when questioned by Mary Anne Mueller -Corporation Council in regards to Ordinance definitions, structure nonconformity, the Applicant's denied sign permit, and supplied exhibits submitted by Corporation Council.

Upon completion of Winnebago County's testimony, Mr. Schreurs asked Mr. Rowe for further clarification about the design/face of the proposed electronic sign permit which was denied. Corporation Council and Mr. Rowe responded with further testimony. G. Kargus asked if there was any Ordinance section on "Billboards."

Mr. Lefebvre read correspondence from the Town of Algoma into record, which in summary recommended denial for the appeal due to lack of motion.

ADJOURNMENT

MOTION made by T. Tuschl to adjourn the meeting. Seconded by S. Drexler. Motion carried 4-0. Meeting adjourned at 6:17 P.M.

Respectfully submitted,

Daniel R. Lefebvre
Recording Secretary

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE MEETING

July 7, 2022

7:30 A.M.

Third Floor Conference Room – County Administration Building

DELIBERATIVE MEETING HELD VIA ZOOM

PRESENT

Greg Kargus, Tom Tuschl, Sue Drexler and Larry Kriescher.
Daniel Lefebvre -Code Enforcement Officer

The meeting was called to order by Greg Kargus at 7:30 A.M.

GENERAL

MOTION to approve the March 29th, April 14th, and June 23th meeting minutes with amendments to the March public hearing meeting minutes by T. Tuschl, seconded by L. Kriescher. MOTION carried 4-0.

The Board reviewed findings and criteria in order to act on the variance & appeal.

**JOHN KISH, ET AL – 7704 CUTOFF LANE, TOWN OF WOLF RIVER –
VARIANCE**

The Board discussed floodplain fill requirements, fill placement, driveway placement, and the use/need for retaining walls.

MOTION by L. Kriescher, seconded by T. Tuschl, to approve the variance with conditions. The Board noted the importance of meeting all criteria for a variance request to be approved. L. Kriescher read the findings for approval. The Board determined the variance has met the variance criteria based off the findings. MOTION carried 4-0.

LAMAR CENTRAL OUTDOOR – APPEAL

Mr. Lefebvre read further Town Correspondence into the record. The Board discussed the definition of an off-premise directional sign and the sign's nonconformity.

MOTION by S. Drexler, seconded by L. Kriescher, to affirm the Zoning Administrator's Decision. MOTION carried 4-0.

ADJOURNMENT

MOTION made by S. Drexler to adjourn the meeting. Seconded by T. Tuschl. Motion carried 4-0. Meeting adjourned at 7:58 A.M.

Respectfully submitted,

Daniel R. Lefebvre
Code Enforcement Officer

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
VIEWING

July 21st, 2022

8:00 A.M.

County Administration Building

PRESENT

Greg Kargus, Tom Tuschl, Sue Drexler, Larry Kriescher, Tom Verstegen (alternate).
Daniel Lefebvre -Code Enforcement Officer

ITEMS

The Board met at 8:00 A.M. at the County Administration Building, then departed to view the following properties:

1. Miller, David – 7156 Labelle Shore Rd, Town of Winneconne – Variance

ADJOURNMENT

Meeting adjourned at 9:05 A.M.

Respectfully submitted,

Daniel R. Lefebvre
Code Enforcement Officer

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
POST STAFF REPORT

Town and/or agency's comments:

The Town of Winneconne recommends approval as requested.

Town Findings:

1. Surrounded by non-conforming structures.
2. Lot is at the end of a private road.
3. Removing the delapidated boathouse which is close to shoreline.
4. County code setbacks create a non-buildable lot on the water.

CRITERIA AND ADVISORY FINDINGS

23.7-234 "Basis of decision" (required for all Ch. 23 Town/County Zoning Code, Ch. 26 Floodplain Zoning Code, and Ch. 27 Shoreland Zoning Code variances)

1. **Criteria: 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.**

Findings for approval: There is no compliant location to locate a single family dwelling that will meet the shore-yard and street setback requirements.

Findings for denial: The proposed parking area is a self created hardship within the shore-yard setback and does not create reasonable use of the property.

2. **Criteria: The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in questions.**

Findings for approval: The applicants property has shore-yard and street setbacks which cover the entire property.

Findings for denial: The proposed parking area within the shore-yard setback is unnecessary for development of the property.

3. **Criteria: 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.**

Findings for approval: The proposed single family dwelling is similar to the existing pattern of development in the surrounding area so public interest will not be harmed.

Findings for denial; The shoreland zoning code provides relief to property owners who own properties in existing development patterns without causing harm to public interest.

27.6-8(a) "Generally" (required for all Ch. 27 Shoreland Zoning Code variances)

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

Findings for approval: The request allows reasonable use of the property, and is similar to neighboring development.

Findings for denial: The proposed parking area located within the shore-yard setback is unnecessary for development of the property.

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 have not been met.

Staff Recommendation: Approval With Conditions

Advisory Conditions:

Town Conditions:

None

County Conditions:

All applicable sanitary, zoning, and erosion control permits shall be submitted to the county before constuction begins.

All construction shall meet the floodplain requirements stated in Chapter 26: Floodplain Zoning Code.

VOTE: _____ to _____