

WINNEBAGO COUNTY BOARD OF ADJUSTMENT  
DELIBERATIVE SESSION  
 DATE 06/29/2021

Town Findings: The property characteristics and lot size prevent normal outdoor usage of their yard. Granting a variance will not harm the purposes of the zoning law.

**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.**
  - a. Finding(s): Findings for approval: Staff is not aware of any findings for approval.
  - b. Findings for denial: The applicants have reasonable use of the property without a patio.
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.**
  - a. Finding(s): Findings for approval: Staff is not aware of any findings for approval.
  - b. Findings for denial: The applicants property has alternative locations to place a patio beyond the shore yard setback.
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.**
  - a. Finding(s): Findings for approval: Staff is not aware of any findings for approval.
  - b. Findings for denial: Approval of this variance will set a precedent that conditions on an existing approved zoning permit do not need to be followed.

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. a. Finding(s): Findings for approval: Staff is not aware of any findings for approval. Findings for denial: The reduced shore yard setback may impact water drainage, wildlife, and the natural scenic beauty of the surrounding 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, Article 6, Section 27.6-8 of the Shoreland Zoning Code have (have not) been met.

**STAFF RECOMMENDATION**

- Approval
- Approval with conditions
- Approval not as requested
- Approval not as requested with conditions
- X Denial

**ADVISORY CONDITIONS:**

1. none