

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
DATE 04/08/21

Town and/or agency's comments: Approval with no addition conditions.

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: Floodplain fill requirements of 15 - ft on all sides reduces the developmental space of the lot. Basements are not allowed in floodplain areas there for reducing the allowable square footage of a single- family dwelling. Findings for denial: A single- family dwelling could be designed to accommodate the floodplain fill requirements of 15 - ft of fill around the perimeter of the structure.
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: The property has a unique shape that is not accommodating to floodplain fill requirements. Findings for denial: The lot is large in area providing room to accommodate an alternative narrow design.
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: Drainage concerns are addressed through the required erosion control permit. Having less fill will still keep the structure protected from floodwater and will not have an adverse effect on adjacent properties or hard to the public interest. Removal of non-conforming structures on the lot is desirable. Findings for denial: Meeting the 15- ft floodplain fill requirement will not harm the public interest. 26.6-7(a) "Review criteria" (required for all Ch. 26 Floodplain Zoning Code variances).

26.6-7(a) "Review criteria" (required for all Ch. 26 Floodplain Zoning Code variances) 1. Criteria: The variance is consistent with the purpose of the Floodplain Zoning Code s. 26.1-5. a. Finding(s): Findings for approval: The request still allows for 5 feet and 7 feet of floodplain fill on the sides of the structure. The full 15 feet of fill will be met on the street and shore sides of the structure. Findings for denial: The reductions in floodplain fill will not offer as much protection as the full 15 feet would and the risk of potential uplift of the foundation may be greater.

Based upon the above findings, it is the opinion of the Board that all criteria of , Article 6, Section 26.6-7 of the Floodplain Zoning Code have (have not) been met. **STAFF RECOMMENDATION**

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

ADVISORY CONDITIONS:

1. The proposed project shall meet all zoning requirements with the issuance of a zoning permit.
2. All drainage and erosion control requirements shall be met with the issuance of an erosion control permit.