

**WINNEBAGO COUNTY
BOARD OF ADJUSTMENT**

Friday, October 30, 2009 - 7:30 a.m.

Planning & Zoning Conference Room, Orrin King Administration Building,
Oshkosh, Wisconsin

DELIBERATIVE SESSION

Members Present: Arden Schroeder, Mary Mathwig, Tom Verstegen, Greg Kargus, and Dan Mingus.

Also Present: Eric Rasmussen, zoning department; and Karen Fredrick, court reporter.

Meeting was called to order at 7:30 a.m. G. Kargus made a motion to approve the minutes of September 25 and 29 with an amendment to the September 29 minutes to read "D. Mingus read the legal description" instead of "G. Kargus". Motion seconded by M. Mathwig and carried by unanimous voice vote.

The following subjects were acted on:

I. John Rath – Town of Oshkosh

The variance requested was to construct a new detached garage with a substandard setback to the Ordinary High Water Mark.

The board discussed the alternate locations for the garage south of the well for garage placement. The garage would have to be turned but would allow for a greater setback from the Ordinary High Water Mark. The committee also discussed setback requirements for the garage from the lot lines and the existing well.

D. Mingus made a motion to grant a variance for the detached garage with a 30' setback to the Ordinary High Water Mark. Seconded by T. Verstegen.

There was discussion on if the 30' lot being combined was a buildable lot.

D. Mingus made a motion to amend his motion to include the condition: "Variance granted subject to the recording of a CSM combining both lots." Seconded by T. Verstegen.

Findings:

- 1. Exceptional Circumstances:** The property has a wet boathouse and an existing well. Setback requirements from the Ordinary High Water Mark (50' by setback averaging) and the well allow virtually no compliant location for a detached garage.
- 2. Preservation of Property Rights:** In order to allow for a reasonably sized garage on the property a reduced setback from the ordinary high water mark will be required.
- 3. Absence of Detriment:** The granting of a variance will allow the applicants to use their property in a similar manner as their neighbors. The applicant is combining two buildable lots to reduce the amount of relief needed by variance. Because these lots are being combined the required 10' setback between the proposed garage and both the home and boathouse will be met.

Based upon the above findings, it is the opinion of the Board that all criteria of Section 17.32(7) (a), (b), and (c) have been met.

Vote on the Motion: Motion carried by a 5-0 vote. **Variance granted not as requested.**

II. Approval of 2010 Committee Dates

The committee reviewed the revision to the 2010 meeting dates.

Motion by T. Versteegen to approve the meeting dates as amended. Second by G. Kargus.

Motion carried 5-0.

There being no other business, the meeting was adjourned at 8:00 a.m.

Respectfully submitted,

Eric Rasmussen

Eric Rasmussen, Recording Secretary