

WINNEBAGO COUNTY BOARD OF ADJUSTMENT

Tuesday, August 25, 2015 – 5:30 p.m.

County Administrative Building Room 408, Oshkosh, Wisconsin

PUBLIC HEARING

Present: Board Members: Arden Schroeder, Greg Kargus, Tom Verstegen, Susan Drexler, and Thomas Tuschl

Excused: None

Also present: Candace Bauer, Zoning Department; Karen Fredrick, court reporter; and guests.

Meeting was called to order at 5:30 p.m. Board members and staff introduced themselves and C. Bauer read the appeals process.

Dan Domrzalski – Town of Wolf River

Applicant is requesting a variance for reduced shore yard setbacks for a “tiki” bar area, elevated stage, and refrigerator/cooler.

Dan Domrzalski approached the Board and was sworn in. Mr. Domrzalski explained that he purchased the property last December and they opened in January. He added that he has cleaned up the property and removed a drain tile that was a part of the old bait shop. The new patio for the “tiki” bar was to replace the old drain tile area. There is also a raised stage on blocks.

Mr. Domrzalski explained that the existing building is only 700 sq ft and that he would like to utilize the outdoor space as that is a main contributor to the bar/restaurant. He added that he had spoken to Zoning staff regarding enlarging the existing building but that there were too many restrictions. A camping trailer has been removed to extend parking to the south. Mr. Domrzalski showed the Board and guests areas of improvement on the screen/map of the property. The trailer container currently there will be removed.

A. Schroeder pointed out the size correction on the cooler – that it is actually 6’ x 6’ instead of 8’ x 8’. Mr. Domrzalski noted that it was a mistake of the seller and that it was to be larger.

G. Kargus inquired if the awning was able to be removed. Mr. Domrzalski answered that it was – Appleton Awning would come out and take it down at put it back up once weather permits. It was noted that the framework of the awning would stay (would not be taken down/removed).

Board members inquired about the use of the stage, to which Mr. Domrzalski answered that he tried to use it every Saturday and Sunday for local bands, a DJ, or for karaoke.

T. Tuschl inquired about how the construction occurred if he had been working with Zoning staff. Mr. Domrzalski said that he thought putting in the patio was correcting the issue with the drain tile and also thought that the items were not a problem because they were movable. Mr.

Domrzalski noted that there was an awning over the existing patio where the movable “tiki” bar used to be.

S. Drexler inquired about the electricity of the stage. Mr. Domrzalski explained that it was connected about 5 months ago and that the electricity already existed and they just tapped into it. A. Schroeder inquired about the mobility of the stage. Mr. Domrzalski said that it was in 4’ x 10’ sections that were removable.

Various guests spoke in favor of the requests with the following comments:

- new ownership has been good for the bar
- variances/improvements are needed to keep the business alive
- the property and atmosphere have improved
- blanket shoreland rules do not always fit every property; need to take into consideration what is good for the community
- rip rap was installed to avoid erosion; construction is far from “real” lake shore, which is beyond rip rap/marsh
- the only room for expansion on the property is towards the water as the road is on the opposite side
- roadway and parking areas now being up kept and improved safety
- “tiki” bar allows speedier service to patrons
- permanent boat houses are allowed within the shore yard setback – double standard

After various comments, Mr. Domrzalski approached the Board again and explained that this is his livelihood; he is trying to make a difference, and that he wants to be able to compete with bars in Fremont and Winneconne. A. Schroeder noted that the decision would be based upon the statutory requirements and inquired what the hardship is. Mr. Domrzalski mentioned that he had his whole life savings into the bar/restaurant and that it’s growth encourages employment, attracts customers and improves the community.

A guest also noted that a hardship would be that setbacks cannot be met anywhere on the property and that a variance was needed in order to maintain the business.

Board members and Mr. Domrzalski discussed alternative locations for the items being requested in order to get a larger shore yard setback. Mr. Domrzalski inquired why the 75ft shore yard setback was applicable in this case and noted that Winnebago County has greater restrictions than Fremont. C. Bauer explained that different municipalities have different regulations. Villages such as Fremont follow the same rules as cities.

There was discussion regarding making the stage mobile on wheels. C. Bauer explained that mobility was not a factor. If it was on the property, it needs to comply with the shore yard setback requirement. There were also comparisons of the stage to campers and a discussion regarding what standards apply to campgrounds versus the bar.

Mr. Domrzalski inquired about when the 75ft setback was put in place. C. Bauer noted that the County has had a shoreland zoning ordinance since the 1960s. C. Bauer also explained that most structures that are too close to the water are either legal nonconforming structures or should not be there (illegal).

Christopher Bergstrom – Town of Wolf River

C. Bauer explained that the variance request had been withdrawn but because the item had been published, it was kept on the agenda in order to explain the circumstances.

There being no other business, Chairman Schroeder adjourned the meeting at 6:27 p.m.

Respectfully submitted,

Candace M. Bauer

Recording Secretary