

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
DATE: December 3, 2015

Town and/or agency's comments: None

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.**

Finding(s):

- a. Approval: With the location of the existing home and drainfield, strict compliance with the 75' shore yard setback would prohibit the construction of a garage of the size requested.
- b. Denial: A garage could be constructed on the property in an alternate location or in a location that would require less of a variance.

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.**

Finding(s):

- a. Approval: This is a narrow lot with 2 street frontages, a navigable stream, and existing home and drainfield. Strict compliance with all setback requirements would prohibit the construction of a garage of the size being requested. The existing home is on a slab and very small, storage space is limited.
- b. Denial: A garage could be located in a more compliant location elsewhere on the lot.

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.**

Finding(s):

- a. Approval: There are many neighboring properties with structures within the shore yard setback. Strict compliance with the shore yard setback does not allow the construction of a garage of the size requested.
- b. Denial: Continued development along a navigable stream will impact the waters of the State. There are alternate locations on the property for the construction of a garage.

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.**

Finding(s):

- a. Approval: There are many neighboring properties with structures within the shore yard setback. Strict compliance with the shore yard setback does not allow the construction of a garage of the size requested.
- b. Denial: Continued development along a navigable stream will impact the waters of the State. There are more compliant locations on the property for the construction of a garage.

Based upon the above findings, it is the opinion of the Board that all criteria of , Article 6, Section 27.6-8 of the Shoreland Zoning Code have (have not) been met.

ADVISORY CONDITIONS:

1. A shore yard buffer shall be established along the navigable waterway.