

**WINNEBAGO COUNTY
BOARD OF ADJUSTMENT**

Thursday, July 8, 2010 - 7:30 a.m.

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

DELIBERATIVE SESSION

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

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

Meeting was called to order at 7:32 a.m. G. Kargus made a motion to approve the minutes of May 6, June 25, and June 29, 2010. Motion seconded by T. Verstegen and carried by unanimous voice vote.

The following variances were acted on:

I. Randy & Karen Domer – Town of Oshkosh

The variance requested was for placement of a residential addition within the street yard setback area from the road right-of-way of a fire lane.

A motion was made by G. Kargus to approve a variance as requested.

Findings:

- 1. Exceptional Circumstances:** With floodplain construction, a 7' side yard setback from the west property line is required and a 44' house width is reasonable on a 65' wide lot. The fire land does not allow boat launching or vehicle access to the lake so the only purpose of the right-of-way is for a fire lane.
- 2. Preservation of Property Rights:** Two previous variances were granted with a 14' setback from the fire lane. This variance will place the residential addition the same distance from the fire lane as the existing single-family dwelling and detached garage.
- 3. Absence of Detriment:** The purpose of street yard setbacks is aesthetics and vehicular safety. Neither applies in this case as this is only a fire lane. The single-family dwelling to the east of the property is closer to the fire lane. All other setbacks 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: G. Kargus, aye; M. Mathwig, aye; T. Verstegen, aye; A. Schroeder, aye; D. Mingus, aye.

Motion carried by a 5-0 vote.

There being no other business, the meeting was adjourned at 7:38 a.m.

Respectfully submitted,

Eric Rasmussen

Eric Rasmussen, Recording Secretary