

WINNEBAGO COUNTY
BOARD OF ADJUSTMENT
DELIBERATIVE HEARING

February 7, 2019
7:30 A.M.

Third Floor Conference Room – County Administration Building

PRESENT: Members: Greg Kargus, Sue Drexler and Tom Tuschl
Cory Zibung (Code Enforcement Officer) Karen Frederick (court reporter)
EXCUSED: Arden Schroeder, Larry Kriescher

The meeting was called to order by Greg Kargus at 7:34 A.M.

1. Approval of minutes for November 1, 2018 (Deliberative), January 24, 2019 (Viewing) and January 29, 2019 (Public Hearing).

Committee reviewed minutes.

MOTION by Tom Tuschl, seconded by Sue Drexler, to approve 11/1/18, 1/24/19 and 1/29/19 minutes as submitted. Motion carried 3-0.

2. Steven and Karen Koehn – 9682 Welsch Rd, Town of Poygan – Variance Request

Committee reviewed and discussed proposed project which included an addition to an existing house foundation within the minimum 75' water setback. It was clarified that the proposed addition located at the SE corner of the existing house foundation was within the 75' setback area and the remainder of the proposed addition was meeting the 75' setback. The members read the staff report and findings in order to take action the proposed house addition to a non-conforming single family dwelling within the minimum 75' setback.

MOTION by Tom Tuschl, seconded by Sue Drexler, to deny the request as proposed. Tom Tuschl then read the following findings for denial. Motion carried 3-0.

1. The existing house will be razed and the existing foundation will be reused for rebuilding the proposed house and adding an addition to the road side of the foundation, half of which is within 75' of the OHWM. The existing non-conforming house could be rebuilt and additions could be proposed that would meet the minimum 75' requirement without the need for a variance. Also, the proposed addition 73.5' from the OHWM could be permitted by following the requirements of Chapter 27-11.2 which allows a lateral expansion of a non-conforming principal structure within the 75' setback of up to 200 sq. ft. over the life of the structure without the need of a variance approval provided that 5 specified requirements are met.
2. The property does not have any unique limitations that would prevent the existing residential use of the property to continue or prevent further development of the property to occur.
3. Granting of the variance request as proposed would not have a negative impact on the public interest or neighboring properties other than possibly setting a precedent of granting a variance for a reduction in the 75' setback requirement when alternative options are available within the shoreland zoning ordinance.
4. The proposed variance request is in relation to but is not consistent with the purpose of the shoreland zoning code.

ADJOURNMENT

MOTION made by Tom Tuschl to adjourn the meeting. Seconded by Sue Drexler.
Motion carried 3-0. Greg Kargus adjourned the meeting at 7:53 A.M.

Respectfully submitted,

Cory Zibung
Recording Secretary