

**WINNEBAGO COUNTY
BOARD OF ADJUSTMENT**

Thursday, February 11, 2016 – 7:30 a.m.
Planning & Zoning Conference Room, County Administration Building,
Oshkosh, Wisconsin

DELIBERATIVE SESSION

Members Present: Arden Schroeder, Greg Kargus, Tom Verstegen, Sue Drexler, and Tom Tuschl.

Also Present: Eric Rasmussen, Zoning Office and Karen Fredrick, court reporter.

Meeting was called to order at 7:30 a.m.

The following items were acted on:

I. Daniel Domrzalski – Town of Wolf River

A variance was requested to be allowed to construct a commercial addition with a 16' street yard and a 59' shore yard setback. Applicant is also requesting a variance to relocate a cooler onsite with a 45' shore yard setback and a 1' separation between detached structures.

The committee discussed the condition regarding stormwater permitting.

A motion was made by T. Tuschl to approve the variance as requested and with the advisory conditions.

Motion seconded by G. Kargus

The findings used to approve the variance have been made in accordance with section 23.7-234,

CRITERIA AND FINDINGS

The findings used to grant the variance have been made in accordance with Section 23.7-234 and are as follows:

- 1) **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.**

Approval: The footprint of the existing structure could not be expanded without the granting of a variance. The cooler will need to be relocated from its currently approved location to accommodate the expanded footprint of the bar/restaurant.

- 2) **The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question.**

Approval: This is a very narrow lot with a 75' shore yard setback and a 30' street yard setback required. Compliance with these setback requirements leaves no compliant location for an addition to the bar/restaurant.

- 3) **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.**

Approval: The addition will allow for ADA compliant bathrooms. The addition will be located on 3 existing parking stalls which allow the least amount of space between the structure and the road.

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.**

Approval: The addition to the bar will be a greater distance from the Ordinary High Water Mark than the existing structure. The cooler will be relocated behind the existing approved tiki bar.

County Conditions:

1. A zoning permit shall be obtained for the work approved by both variance requests.
2. Cooler must be flood proofed.
3. Stage, shed, and storage container shall be removed from the site.
4. Approval does not include any additional concrete or patio area.
5. A landscaping plan is required for the addition and must be approved by Zoning Staff prior to permit issuance.
6. A stormwater permit will be required to address all run-off from the site.
7. Off-site parking agreement shall be recorded for parking spaces across Cut-off Ln.
8. Property shall be reviewed in two (2) years to address any concerns regarding traffic or parking. If this board deems necessary, off-site parking shall be established which will accommodate any existing parking that does not meet the current service drive standards.

Based upon the above findings, it is the opinion of the Board that all criteria of Article 7, Division 12, Section 23.7-234, Town/County Zoning Code, have been met.

Vote on the Motion: S. Drexler, aye; T. Tuschl, aye; G. Kargus, aye; A. Schroeder, aye; T. Verstegen, aye.

Motion carried by a 5-0 vote and the variance was GRANTED WITH CONDITIONS.

There being no other business, the meeting was adjourned at 7:40 a.m.

Respectfully submitted,

Eric Rasmussen

Eric Rasmussen, Recording Secretary