

**WINNEBAGO COUNTY
BOARD OF ADJUSTMENT**

Thursday, May 4, 2017 – 7:30 a.m.

Planning & Zoning Conference Room, County Administration Building,
Oshkosh, Wisconsin

DELIBERATIVE SESSION

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

Excused: None

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. Approval of Minutes

G. Kargus made a motion to approve two sets of minutes from April 6, 2017. T. Verstegen seconded. Motion carried by unanimous voice vote.

II. Corey Gay – Town of Omro

A variance was requested for a reduced shore yard setback for a tiki bar. The committee discussed the lack of hardship for the property.

A motion was made by G. Kargus to DENY the request.

Motion seconded by S. Drexler.

The findings used to approve the variance have been made in accordance with section 23.7-234 and 27.6-8(a)

CRITERIA AND FINDINGS

23.7-234

- 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.**

Denial: The applicant already has established reasonable use of the property.

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

Denial: There is adequate area on the property to convert existing developed area into a tiki bar.

- 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.**

Denial: The property is already heavily developed. There are alternate locations for the proposed structure.

27.6-8(a) "Generally" (required for all Ch. 27 Shoreland Zoning Code variances)

1. **The variance is consistent with the purpose of the Shoreland Zoning Code.**

Finding(s):

- a. Denial: Continued development within the shoreyard setback is contrary to the intent of the Shoreland Zoning Code. There are locations compliant with the shoreyard setback where this structure could be located.

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 not been met.

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

Motion carried by a 5-0 vote. **Variance denied.**

There being no other business, the meeting was adjourned at 7:35a.m.

Respectfully submitted,

Eric Rasmussen

Eric Rasmussen, Recording Secretary