

## **WINNEBAGO COUNTY BOARD OF ADJUSTMENT -- DELIBERATIVE SESSION**

Thursday, October 6, 2016 – 7:30 a.m.  
3rd Floor Conference Room, County Administration Building  
112 Otter Ave, Oshkosh, Wisconsin

**Members Present:** Arden Schroeder, Greg Kargus, Susan Drexler, Tom Verstegen, and Tom Tuschl  
**Also Present:** Candace Bauer, Zoning; Lynn Egan, Court Reporter  
**Excused:** None

The meeting was called to order at approximately 7:35 a.m.

### **Approval of Minutes**

**Motion by G. Kargus, seconded by S. Drexler, to approve the meeting minutes of September 8, 2016. All ayes; motion carried.**

### **Daniel Domrzalski – Town of Wolf River – Variance**

Applicant is requesting a variance of a reduced shore yard setback for a bar/restaurant addition.

A. Schroeder began by stating that he felt this variance request was better than the previously granted request because it was to be located on an existing structure. There was discussion regarding the existing patio and work that would need to be done to accommodate the addition. T. Tuschl inquired if the applicant would be able to remove the whole patio in order to do the addition. C. Bauer answered that they would be able to.

Board members inquired about the condition to plant 2 trees for every tree removed. Staff explained that removal of trees near the shoreline were highly regulated. They are to plant in the same general area. 2 trees was a staff recommendation because the tree to be removed was very mature and it did not seem equal to simply allow one small tree to be planted. It was pointed out that the plants installed in order to meet this condition must be considered a tree by the general definition.

There was discussion regarding parking requirements and the parking-related advisory conditions. It was explained how the approval of a variance will require additional parking and therefore parking could be addressed as a condition.

At this time and later in the meeting, handicap access was discussed. It was noted that the State Building Inspector would ensure that it was handicap compliant but the Board members questioned why it was a condition that the bathrooms be handicap accessible. C. Bauer answered that the handicap accessibility seemed to be a concern at the public hearing and that the Town had noted handicap accessibility as a finding for recommending approval. As such, staff will often recommend that those concerns are addressed in the conditions of approval.

Board members discussed outdoor seating versus indoor seating and how by allowing the addition, it would push those patrons seeking and outdoors venue further on the property. The Board noted that under this variance, no other patios would be allowed. It was determined that this item was not a concern that required any added conditions.

Drainage concerns were addressed. Some Board members felt that the added roof would have an effect on how the area drained and it was discussed whether or not a condition should be added to address drainage. There were suggestions to direct the water through a pipe directly to the water. It

was noted that this may not be the appropriate time to address drainage on the whole property – that it should have been addressed some time ago. Staff could not answer the drainage concerns and so it was discussed that adding a generic condition regarding the new drainage inspector's recommendations for drainage could be added.

The Board discussed the conditions. It was determined that the conditions regarding parking and handicap access were not necessary.

The placement of the cooler, and whether or not it should be moved, was discussed. It was pointed out that the shed next to the cooler was supposed to be removed under the previous variance. The removal of the shed was added as a potential condition for this request.

The Board inquired about the use of the dock for seating areas. Staff explained that the dock was largely the jurisdiction of the DNR and the County could not place conditions or requirements with relation to the dock.

**Motion by S. Drexler, seconded by T. Tuschl to grant the variance as requested with the following conditions:**

- 1. A zoning permit shall be obtained for the work approved.**
- 2. Cooler must be moved per variance 2016-VA-3440 granted on 2/11/16.**
- 3. Bar addition granted per variance 2016-VA-3440 granted on 2/11/16 shall not be utilized.**
- 4. Approval does not include any additional concrete or patio area.**
- 5. For every tree removed from the property, two trees must be planted within 35ft of the shoreline.**
- 6. Removal of shed is required.**
- 7. Follow recommendation of Winnebago County Drainage Inspector for the property.**

**Vote on motion: T. Tuschl, Aye; A. Schroeder, Aye; G. Kargus, Aye; T. Verstegen, Aye; S. Drexler, Aye. Motion carried 5-0; variance granted with conditions.**

**Findings for approval:**

- 1. The footprint of the existing structure could not be expanded without the granting of a variance.**
- 2. 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 addition will encourage improvements for ADA compliance with regard to bathrooms.**
- 4. The addition will not encroach any closer to the ordinary high water mark than the existing patio.**

**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 and Article 6, Section 27.6-8 of the Shoreland Zoning Code have been met.

Upon conclusion of the agenda items, the meeting was adjourned at 8:17 a.m.

Respectfully submitted,  
Candace M. Bauer  
Recording Secretary