

## **WINNEBAGO COUNTY BOARD OF ADJUSTMENT**

Tuesday, September 27, 2016 – 5:30 p.m.

County Administrative Building Room 408, Oshkosh, Wisconsin

### **PUBLIC HEARING**

**Present:** Board Members: Arden Schroeder, Greg Kargus, Tom Verstegen, Susan Drexler, and Thomas Tuschl

**Excused:** None

**Also present:** Candace Bauer, Zoning Department; Lynn Egan, court reporter; and guests.

Meeting was called to order at 5:30 p.m. Board members and staff introduced themselves and C. Bauer read the appeals process.

#### **Dan Domrzalski – Town of Wolf River**

Applicant is requesting a variance for a reduced shore yard setback of 27'7" for a restaurant/bar addition.

Dan Domrzalski approached the Board and was sworn in. His currently proposal is a change from what was originally approved because initially the patio was located within the floodplain based upon County maps, but it was now field verified to be located out of the floodplain. The addition makes more financial sense than the previous option. The patio would be converted to a 20' x 30' addition on a reinforced slab.

G. Kargus inquired about the finish of the addition. Mr. Domrzalski explained that the current exterior wall would predominately remain with doorways and the windows being opened between the existing and addition. The exterior would be brick and a tree near the slab would be removed as it is already causing damage to the concrete. An exit door would be located on the tiki bar side of the addition. It may have a cathedral style roofline. A new furnace will be installed to heat the entire structure but HVAC still to be determined.

T. Tuschl asked if the previously approved variance (addition on south east side of building) will not be utilized. Mr. Domrzalski agreed.

There was further discussion regarding the foundation of the addition and it's configuration.

Mr. Domrzalski added that he may be required to put in a dual-sex bathroom or do "deviation", which would require changes to be made to improve handicap accessibility.

T. Verstegen inquired about the size difference between this request and the previously granted variance. Mr. Domrzalski noted that this proposal was about 600 sq. ft. whereas the previously approved addition was about 900 sq. ft. There was discussion regarding still moving the cooler, which was approved with the previous variance.

T. Tuschl inquired if the drainage plan that was a condition of the previous variance was ever installed. Mr. Domrzalski explained that because the addition was never built, they were not

required to follow a drainage plan. He added further than stormwater was a major prohibitive with the previous proposal.

There was discussion regarding enclosing the existing covered patio area on the south east side of the building.

T. Tuschl asked what would happen with the previously granted variance. C. Bauer answered that a condition would most likely have to be placed upon this variance that the other previously approved variance, not be acted upon. Simply approving this variance does not remove the approval of the previous variance.

Ed Kerr, property owner on both sides of the property, was sworn in. He added that he was in favor of the request and that the business was great for the area. Mr. Kerr noted that he has given Mr. Domrzalski permission to use as much land as he needed.

C. Bauer read the Town's recommendation for approval of the variance with the following findings:

1. Allows for reasonable and practical use of property
2. Allows for handicapped access
3. Improves and enhances existing structure
4. No adverse impacts to neighboring properties
5. No objection from neighbors - they support this project

S. Drexler inquired about the Town's finding regarding handicap access. Mr. Domrzalski explained that he may be required to install an "exterior" sized door near the bathrooms for handicap accessibility. S. Drexler added that they could place this as a condition on the variance being granted.

No response was received from the DNR but it was noted that the Board of Adjustments had requested that the DNR comment on all shoreland variance requests. C. Bauer noted that she would follow up with the DNR.

T. Tuschl inquired if this variance was denied, if Mr. Domrzalski would utilize the previously granted variance. Mr. Domrzalski specified that he likely would not due to cost. S. Drexler inquired if he had financing for this proposal. Mr. Domrzalski noted that most of the work would be done by himself and friends, so costs would be minimal.

There being no other business, Chairman Schroeder adjourned the meeting at 5:50 p.m.

Respectfully submitted,

***Candace M. Bauer***

Recording Secretary