

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
POST STAFF REPORT
01/05/23

Town and/or agency's comments:

The Town of Vinland Findings:

1. Kiosk is a small structure and ramps will be within the shoreyard.
2. Ramps are necessary for the landing to be functional.

CRITERIA AND ADVISORY FINDINGS

23.7-234 "Basis of decision" (required for all Ch. 23 Town/County Zoning Code, Ch. 26 Floodplain Zoning Code, and Ch. 27 Shoreland Zoning Code variances)

1. **Criteria: 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.**

Findings for approval: There is no compliant location to expand the boat landing for the improvement of the property's public safety/use due to State/Local requirements.

Findings for denial: None that staff is aware of.

2. **Criteria: The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in questions.**

Findings for approval: The existing boat landing cannot be expanded upon for public benefit as it is located within the shore-yard set back.

Findings for denial: None that staff is aware of.

3. **Criteria: 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.**

Findings for approval: The proposed boat landing is an expansion of an existing use created for the public's benefit, so public interest will not be harmed.

Findings for denial: None that staff is aware of.

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.**

Findings for approval: The request allows reasonable use of the property while protecting the waters of the state, environment, and natural scenic beauty of the area.

Findings for denial: None that staff is aware of.

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 have not been met.

Staff Recommendation: Approval With Conditions

Advisory Conditions:

Town Conditions:

None

County Conditions:

All applicable sanitary, zoning, and erosion control permits shall be submitted to the county before construction begins.

VOTE: _____ to _____