

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
DATE: February 4, 2016

EXPLANATION OF REQUEST

Applicant is requesting a variance 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.

TOWN AND/OR AGENCY COMMENTS

The Town of Wolf River recommends approval with the following findings:

1. Does not in any way do harm to neighboring properties
2. Allows for reasonable and practical use of property and has adequate sightlines for parking.
3. No objections from neighboring owners.
4. Improves and enhances existing structure and land and improves environmental impacts to runoff from road.

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.**

Finding(s):

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.

Denial: The property owner has reasonable use of the property as a bar and restaurant without the granting of a variance.

- 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.**

Finding(s):

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.

Denial: The property contains a bar, patio, tiki bar, cooler, and stage that can continue to be used on the property without the granting of this variance.

- 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.**

Finding(s):

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.

Denial: The addition will increase the intensity of the use, including traffic and parking. This is an extremely small commercial lot that is already heavily developed.

Application #: 16-VA-3440
Owner: Domrzalski

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

Criteria: The variance is consistent with the purpose of the Shoreland Zoning Code.

Finding(s):

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.

Denial: Continued development within the shoreyard setback through the approval on variances is contrary to the intent of the shoreland zoning code. This property is already very heavily developed for its size and proximity to the water.

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, Article 6, Section 27.6-8 of the Shoreland Zoning Code have (have not) been met.

ADVISORY 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.