

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
DATE 08/27/2019

Town and/or agency's comments: None

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.**
 - a. Finding(s): Findings for approval:
 - b. No findings for approval.
 - c. Findings for denial:
 - d. The requirement in question does not unreasonably prevent the property owner from using the property for a permitted purpose. The existing deck documented with the zoning department is permitted but not at the size the applicant is requesting.

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.**
 - a. Finding(s): Findings for approval:
 - b. The subject property has unique characteristics that any new additions will require a variance due to the proximity of the structure within the shoreland setback.
 - c. Findings for Denial:
 - d. The unique characteristics of the parcel does not limit the replacement of an existing deck.

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.**
 - a. Finding(s): Findings for Approval:
 - b. The granting of the variance will not be contrary to or harm the public interest given the general purpose of shoreland setbacks being established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.
 - c. Findings for Denial:
 - d. No findings for denial

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.
 - a. Finding(s): The variance is not consistent with the purpose of the Shoreland Zoning Code.

Based upon the above findings, it is the opinion of the Board that all criteria of , Article 6, Section 27.6-8 of the Shoreland Zoning Code have (have not) been met.

STAFF RECOMMENDATION

- Approval
- Approval with conditions
- Approval not as requested
- Approval not as requested with conditions
- Denial

X

ADVISORY CONDITIONS:

- 1.