

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
DATE 11/20/2019

Town and/or agency's comments:

1. Fits into the landscape
2. Improvement to property
3. No objections from neighbors
4. Neighbors afforded same variances

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: Boathouses are a permitted use for this property and the parcel currently does not have one.
 - b. Findings for denial: Boathouse is not able to meet the general zoning setback requirements for an accessory structure and the property has had residential use without a boathouse for as long as the property has been developed or at least since 1985 when the current owners purchased it.
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: The parcel has two of the four sides as water frontage. The west side is wetland and the east side is a channel with limited space for any structure, but a boathouse one of few structures that is permitted to be placed at this location within the minimum 75' water setback.
 - b. Findings for denial: The boathouse is able to meet the minimum 5' water setback but is unable to meet the minimum 30' setback to the private road that runs through the parcel much closer to the east channel side of this parcel.
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: A 15' setback to the boathouse will be within the minimum required setback but will be placed at a distance to allow traffic to flow on the limited access private road.
 - b. Findings for denial: A reduction in the minimum setback could possibly congest traffic and reduce space for maneuvering vehicles on the private road especially if vehicles are parked between the road and boathouse.

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

X Approval not as requested with conditions Denial

ADVISORY CONDITIONS:

1. Boathouse needs to be located within a designated viewing corridor (21' wide on this lot) and meet related shoreland zoning ordinance requirements
2. Boathouse to be no closer than 15' from edge of private road easement.