

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
April 6, 2017

TOWN AND/OR AGENCY'S COMMENTS

Town of Wolf River has _____.

CRITERIA AND ADVISORY FINDINGS

GARAGE

23.7-234 "Basis of decision"

- 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) for Approval - Garage:** The lot is a legal lot of record. If the property owner is required to meet setbacks, then only a 14.7 ft deep garage could be built on the property. This is much smaller than a standard size garage.
 - b. **Finding(s) for Denial - Garage:** A small 1-car garage could be constructed on the property while meeting all setback requirements. The garage would need to side-load in order to be useful.

- 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) for Approval - Garage:** The small lot has a 75 ft shore yard setback requirement from the ordinary high water mark of the marsh area behind the property. Shore yard setback averaging is no longer available due to changes in State Shoreland regulations.
 - b. **Finding(s) for Denial - Garage:** A small 1-car garage could still be built on the lot without needing a 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.**
 - a. **Finding(s) for Approval - Garage:** The garage will be no closer to the road than the neighboring garage. There is a substantial distance between the right-of-way and the pavement edge so a reduced street yard setback should not inhibit vision while driving. There is already neighboring development within the shore yard setback.
 - b. **Finding(s) for Denial - Garage:** The variance request is not contrary to or will not harm the public interest; however, all criteria must be met.

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

- 4. Criteria: The variance is consistent with the purpose of the Shoreland Zoning Code.**
 - a. **Finding(s) for Approval - Garage:** There is already neighboring development within the shore yard setback but because the proposed structure is not a primary structure, setback averaging does not apply. The wetland area at the rear of the property will act as a good buffer between the development and the water body.
 - b. **Finding(s) for Denial - Garage:** Approving the variance will encourage further development into a shore yard setback. Allowing development this close to the wetland and water body could be damaging.

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

CONCRETE PAD

23.7-234 "Basis of decision"

- 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) for Approval - Concrete Pad:** A concrete pad would allow better utility of the garage and property.
 - b. Finding(s) for Denial - Concrete Pad:** The concrete pad is not necessary. The proposed garage is a front-loading garage. Service or garage doors with concrete aprons or approaches could still be placed on the sides of the garage while meeting the shore yard setback.

- 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) for Approval - Concrete Pad:** The lot is very small with a restrictive shore yard setback. Though there are adjacent structures within the shore yard setback area, setback averaging is not applicable.
 - b. Finding(s) for Denial - Concrete Pad:** The concrete pad is not necessary. The proposed garage is a front-loading garage. Service or garage doors with concrete aprons or approaches could still be placed on the sides of the garage while meeting the shore yard setback.

- 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) for Approval - Concrete Pad:** A concrete pad would not be contrary to or harm the public interest.
 - b. Finding(s) for Denial - Concrete Pad:** The concrete pad would add unnecessary impervious surfaces and structures within the shore yard setback.

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

- 4. Criteria: The variance is consistent with the purpose of the Shoreland Zoning Code.**
 - a. Finding(s) for Approval - Concrete Pad:** The concrete pad is small and would have little impact on the shoreland area.
 - b. Finding(s) for Denial - Concrete Pad:** Added impervious surfaces and structures within the shore yard setback could degrade the wetland and shoreland area.

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