

Date Mailed _____

Office of

SUSAN T. ERTMER, COUNTY CLERK

Winnebago County
Oshkosh, Wisconsin

*** Special Meeting**

NOTICE OF COMMISSION, BOARD OR COMMITTEE MEETING

*** notice for the March 6, 2014 deliberative meeting was not properly posted**

**NAME OF COMMISSION,
BOARD OR COMMITTEE:**

BOARD OF ADJUSTMENT

TIME OF MEETING:

7:30 A.M.

DATE OF MEETING:

Monday, March 17, 2014

PLACE OF MEETING:

**3rd FLOOR CONFERENCE ROOM
COUNTY ADMINISTRATION BLDG
112 OTTER AVE OSHKOSH, WI**

SUBJECT MATTER OF MEETING

DELIBERATIVE

1. Approval of minutes
2. Michael Voss, 7345 Richter Ln, Town of Wolf River - Variance

Committee reserves the right to take up any item on the agenda at any time after the meeting commences.

Upon request, provisions will be made for people with disabilities upon 24 hours prior notice to the Office of the County Clerk.

Phone Number: 236-4888

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
Thursday, March 6, 2014

Owner: Michael Voss

Tax Parcel No.: 032-0806-01

SUMMARY AND ANALYSIS

Applicant is requesting a variance to construct a retaining wall with a substandard 32ft shore yard setback.

Town and/or agency's comments: The Town of Wolf River recommended denial with the following findings: 1) Work was completed without obtaining correct variance. 2) Retaining wall does not conform to what is allowable. Earlier variance calls for retaining walls to be tapered and yet these are full walls with landscaping and terracing. 3) Applicants have reasonable use of their property with original variance granted. No hardship exists.

The DNR recommended denial of the variance.

CRITERIA AND ADVISORY FINDINGS

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): The retaining wall is not necessary for the property to be used for a permitted purpose and conforming to the required shore yard setback is not unnecessarily burdensome.**
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): A retaining wall is not necessary to hold back fill required for floodplain compliance on this portion of the property as there is sufficient room to grade the fill down to natural elevations.**
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): The request is not contrary to and would not harm the public interest.**

27.6-8(a) "Generally"

4. Criteria: The variance is consistent with the purpose of the Shoreland Zoning Code.
 - a. **Finding(s): The variance would not be consistent with the purposes of the Shoreland Zoning Code because it does not preserve or restore the shoreland areas and it would encourage the encroachment of structures to the shoreline.**

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.

STAFF RECOMMENDATION

Denial

X