

**WINNEBAGO COUNTY  
BOARD OF ADJUSTMENT**

Thursday, December 10, 2015 – 7:30 a.m.  
Planning & Zoning Conference Room, County Administration Building,  
Oshkosh, Wisconsin

**DELIBERATIVE SESSION**

**Members Present:** Arden Schroeder, Greg Kargus, Tom Verstegen, Sue Drexler, and Tom Tuschl.

**Also Present:** Eric Rasmussen, Zoning Office and Lynn Egan, court reporter.

Meeting was called to order at 7:40 a.m.

The following items were acted on:

**I. Motion for Reconsideration of Variance Request for Austin Doehling – 6095 Lake Poygan Rd, Town of Poygan – Variance**

The committee discussed the ability to call the garage a boathouse, the errors that were made in the past that brought the variance to their board, and the possible alternate locations for a garage on the property. There was also discussion regarding street yard setback regulations and potential street yard variances that would be required for the alternate garage locations.

A motion was made by T. Tuschl to reconsider the variance request. T. Verstegen seconded. Motion carried by unanimous voice vote.

**II. Austin Doehling – Town of Poygan**

A variance was requested to be allowed to keep a detached garage with a substandard shore yard setback.

The committee discussed calling the good faith effort of the applicant to construct the garage in compliance.

A motion was made by S. Drexler to approve the variance as requested and with an advisory condition. The condition would require the property owner to install a vegetative buffer between the garage and the navigable stream. The property owner would also need to have a deed restriction recorded requiring that the buffer be maintained in perpetuity.

Motion seconded by T. Verstegen.

The findings used to approve the variance have been made in accordance with section 23.7-234,  
**CRITERIA AND FINDINGS**

The findings used to grant the variance have been made in accordance with Section 23.7-234 and are as follows:

- 1) 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.**

Approval: With the location of the existing home and drainfield, strict compliance with the 75' shore yard setback would prohibit the construction of a garage of the size requested.

- 2) The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question.**

Approval: This is a narrow lot with 2 street frontages, a navigable stream, and existing home and drainfield. Strict compliance with all setback requirements would prohibit the construction of a garage of the size being requested. The existing home is on a slab and very small, storage space is limited.

3) **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.**

Approval: There are many neighboring properties with structures within the shore yard setback. Strict compliance with the shore yard setback does not allow the construction of a garage of the size requested.

27.8-8(a) "Generally" (required for all Ch. 27 Shoreland Zoning Code variances)

1) **The variance is consistent with the purpose of the Shoreland Zoning Code.**

Approval: There are many neighboring properties with structures within the shore yard setback. Strict compliance with the shore yard setback does not allow the construction of a garage of the size requested.

**County Condition:** A shore yard buffer shall be established along the navigable waterway and shall be recorded as part of the deed.

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 been met.

There was discussion on the findings and condition and they were amended to read as follows.

The findings used to approve the variance have been made in accordance with section 23.7-234,

**CRITERIA AND FINDINGS**

The findings used to grant the variance have been made in accordance with Section 23.7-234 and are as follows:

1) **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.**

Approval: With the location of the existing home and drainfield, strict compliance with the 75' shore yard setback would prohibit the construction of a garage of the size requested.

2) **The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question.**

Approval: This is a narrow lot with 2 street frontages, a navigable stream, and existing home and drainfield. Strict compliance with all setback requirements would prohibit the construction of a garage of the size being requested. The existing home is on a slab and very small, storage space is limited.

3) **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.**

Approval: There is a neighboring properties with structures within the shore yard setback. Strict compliance with the shore yard setback does not allow the construction of a garage of the size requested.

27.8-8(a) "Generally" (required for all Ch. 27 Shoreland Zoning Code variances)

1) **The variance is consistent with the purpose of the Shoreland Zoning Code.**

Approval: There is a neighboring properties with structures within the shore yard setback. Strict compliance with the shore yard setback does not allow the construction of a garage of the size requested.

**County Condition:** A 25' no mow shore yard buffer shall be established along the navigable waterway and shall be recorded as part of the deed.

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 been met.

The Board further discussed regarding the existence of the garage in the approval and the allowance of the size of the garage in this location. They also discussed self-created hardships.

**Vote on the Motion:** A. Schroeder, nay; S. Drexler, aye; T. Tuschl, nay; T. Verstegen, aye' G. Kargus, nay.

Motion failed by a 3-2 vote and the variance was DENIED.

There being no other business, the meeting was adjourned at 8:25 a.m.

Respectfully submitted,

***Eric Rasmussen***

Eric Rasmussen, Recording Secretary