

Applicant: Susan Verhagen  
Variance Number: 15-VA-3280  
Parcel: 030-1330

WINNEBAGO COUNTY BOARD OF ADJUSTMENT  
DELIBERATIVE SESSION  
DATE: October 8, 2015

**Town and/or agency's comments:**

The Town of Winneconne has approved. The DNR has recommended denial.

**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.**

*Finding(s):*

**Approval:** Without the granting of a variance there is no compliant location for a garage on this property. This is an existing, substandard lot.

**Denial:** The property owner has reasonable use of the property without a variance. The home is already substandard to both street and shore yard setbacks.

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.**

*Finding(s):*

**Approval:** This is an existing lot with very shallow depth between the road and the Ordinary High Water Mark. With the shallow depth there is no compliant location for any type of garage.

**Denial:** The lot already has a home. The lot is of consistent size as other properties in the area.

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.**

*Finding(s):*

**Approval:** The proposal is in line with the current home. The proposal is consistent with other development in the area.

**Denial:** Repeated approval of variances would be contrary to the public interest and would have a cumulative impact on Lake Winneconne.

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.**

*Finding(s):*

**Approval:** The shoreyard setback is not being increased from what currently exists. The proposal is consistent with other development in the area.

**Denial:** Continued development within the shoreyard setback is contrary to the intent of the shoreland zoning code.

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

**STAFF RECOMMENDATION**

Approval

**ADVISORY CONDITIONS:**

1. No future boathouse shall be allowed on this property.