

15-VA-3340
Seaman
030-0895
6549 Lasley Shore Dr

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
Thursday, October 29, 2015

Town and/or agency's comments: NONE

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): Approval: Denial of the variance would not allow the property owner to expand upon the existing foundation in the proposed location.**
 - b. **Denial: A reasonably size home currently exists on the property and additions could be made to the existing structure without requiring a variance. Preference on using and expanding upon the existing foundation is a self-created financial hardship.**
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): Approval: The water front property is only 50 ft wide, making compliance with the setback requirements difficult. If an 8 ft setback could be met on the south side of the home, then only a 5 ft setback would ordinarily apply to the north lot line.**
 - b. **Denial: A home the same size as that being proposed could be located on the property while meeting all setback requirements. Additionally, the current home could be reconstructed, in whole or in part if kept to the same size and location per Zoning Code allowances.**
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): Approval: The existing home currently has a 2 ft setback off the north lot line. The new construction will not be any closer to the lot line than the current structure.**
 - b. **Denial: The proposed construction would increase the amount of structure that encroaches into the side yard setback. The structure would be enlarged on both the first and second floors.**

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

Denial