

WINNEBAGO COUNTY BOARD OF ADJUSTMENT  
DELIBERATIVE SESSION  
DATE 9/6/2018

Town and/or agency's comments: The Town of Poygan approved with the following condition: 1) Lot un-buildable for a reasonable size dwelling without variance.

**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.**
  - a. Findings for approval: Floodplain fill requirements of 15-ft on all sides would leave a maximum buildable width of 30-ft, which unreasonably narrow for a stick built single family dwelling.
  - b. Findings for denial: A single family dwelling could be designed to accommodate the flood plain fill requirement of 15-ft of fill around the perimeter of the structure.
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. Findings for approval: The lot is part of an older plat and is subsequently substandard in width. The lot is also located in the flood plain, which has greater requirements than the side yard setback requirements.
  - b. Findings for denial: The lot is large in area providing plenty of room to accommodate an alternative narrower design.
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. Findings for approval: Drainage concerns are addressed through the required erosion control permit. Having less fill will still keep the structure protected from flood waters and will not have an adverse effect on adjacent properties or harm the public interest.
  - b. Findings for denial: Meeting the 15-ft floodplain fill requirement will not harm the public interest.

26.6-7(a) "Review criteria" (required for all Ch. 26 Floodplain Zoning Code variances)

1. Criteria: The variance is consistent with the purpose of the Floodplain Zoning Code s. 26.1-5.
  - a. Findings for approval: The request still allows for 6-ft and 6-ft of floodplain fill on the sides of the structure. The full 15-ft of fill be met on the street and shore sides of the structure.
  - b. Findings for denial: The reductions in floodplain fill will not offer as much protection as the full 15-ft would and the risk of potential uplift of the foundation may be greater.

**Based upon the above findings**, it is the opinion of the Board that all criteria of, Article 6, Section 26.6-7 of the Floodplain Zoning Code have (have not) been met.

**STAFF RECOMMENDATION**

Approval

Approval with conditions X

Approval not as requested

Approval not as requested with conditions

Denial

**ADVISORY CONDITIONS:**

1. 1) An erosion control permit shall be obtained to ensure drainage does not have an adverse impact on adjacent properties.
2. 2) Development of the lot shall comply with impervious surface standards in the Winnebago County Shoreland Zoning Ordinance.