

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
Thursday, June 8th, 2017

Town and/or agency's comments:

1. There are no objections from the surrounding property owners.
2. The amount of impervious surface is being reduced.
3. The project is an enhancement to the property.

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:** Overall impervious surfaces on the property would be significantly reduced.
 - b. **Findings for denial:** There is already reasonable use of the property. A patio with a substandard shoreyard setback is a personal preference.
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:** There is very limited compliant location on the property to relocate the impervious surface.
 - b. **Findings for denial:** There is already reasonable use of the property, and relocating and creating new impervious surfaces is a personal preference of the applicant.
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:** Allowing the proposed patio and relocating a portion of the existing impervious surfaces will not harm the public interest.
 - b. **Findings for denial:** There is already reasonable use of the property, and allowing a patio with a substandard setback would be contrary to the requirements of other properties of similar circumstances.

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.**
 - a. **Findings for approval:** Although the proposed patio will have a substandard shoreyard setback, there will be a significant reduction of the impervious surfaces on the lot which is consistent with the purpose and intent of the Shoreland Zoning Code.
 - b. **Findings for denial:** There is already reasonable use of the property, and allowing a patio with a substandard shoreyard setback would be inconsistent with the Shoreland Zoning Code being enforced on properties under similar circumstances.

Based upon the above findings, it is the opinion of the Board that all criteria of , Article 6, Section 27.6-8 of the Shoreland Zoning Code have (have not) been met.

PROPERTY OWNER: TIMOTHY SHORT
VARIANCE: 17-VA-4070
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STAFF RECOMMENDATION

Approval

X

Approval with conditions

Approval not as requested

Approval not as requested with conditions

Denial

ADVISORY CONDITIONS:

1.

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
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Town and/or agency's comments:

1. Recommend approval because it would be consistent with neighboring properties.

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:** Without the issuance of a variance the existing home could not be added to in-line with the existing structure. The proposed addition would be significantly off-set as well as be much smaller in order to meet floodplain fill requirements.
 - b. **Findings for denial:** There is already reasonable use of the property. Vertical expansion is a possibility or a smaller addition could be made if it were off-set from the north wall of the existing structure without the need for a variance.
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 only 60 ft. wide. This substandard width make it difficult to meet floodplain fill requirements while having a reasonably sized home in the floodplain.
 - b. **Findings for denial:** A vertical expansion could be made with no floodplain fill requirement. Smaller, off-set lateral expansions are also possible while meeting floodplain fill requirements.
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:** Having a reduction in the amount of floodplain fill will not be contrary to or harm the public interest.
 - b. **Findings for denial:** Lateral expansion is a personal preference of the applicant and would allow reduced floodplain standards not enjoyed by other property owners in a similar situation.

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:** 4-5 feet of fill will still be present on the north side of the structure. The full 15 feet of fill will be met on the other sides of the addition.
 - b. **Findings for denial:** Lateral expansion is a personal preference of the applicant and would be inconsistent with the enforcement of the floodplain code in other areas of the County.

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.

PROPERTY OWNER: DAN MAYER

VARIANCE: 17-VA-4060

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STAFF RECOMMENDATION

Approval

X

Approval with conditions

Approval not as requested

Approval not as requested with conditions

Denial

ADVISORY CONDITIONS:

1.

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
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Town and/or agency's comments:

1. Not exceeding IS.
2. Other locations in town with similar setback from water.
3. Reasonable to trade permeable surface for non-permeable.

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 granting:** Overall impervious surfaces on the property would be reduced.
 - b. **Findings for denial:** There is already reasonable use of the property. A patio with a substandard shoreyard setback is a personal preference.
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 granting:** The existing home was built on an existing foundation therefore limiting expansion toward the shoreyard.
 - b. **Findings for denial:** Building the existing home on a previous foundation was a personal preference of the owner. Existing lot is large enough to accommodate a single family home and patio and/or decks while meeting all minimum setbacks.
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 granting:** Allowing the proposed patio with a reduced shoreyard setback will have not harm public interest.
 - b. **Findings for denial:** Allowing the proposed patio with a reduced shoreyard setback, given the existing lot is large enough to accommodate a single family home with patios and/or decks that meet our minimum size and setback standards would be contrary to the public interest.

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.
 - a. **Findings for granting:** Reducing the overall total impervious surface area on the lot is consistent with, and meets the intent of the Shoreland Zoning Code.
 - b. **Findings for denial:** Requesting a patio with a substandard shoreyard setback is a personal preference not enjoyed by other property owners under similar circumstances.

Based upon the above findings, it is the opinion of the Board that all criteria of , Article 6, Section 27.6-8 of the Shoreland Zoning Code have (have not) been met.

PROPERTY OWNER: WM GROSKOPP

VARIANCE: 17-VA-4120

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STAFF RECOMMENDATION

Approval

X

Approval with conditions

Approval not as requested

Approval not as requested with conditions

Denial

ADVISORY CONDITIONS:

1. None.