

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
DATE 01/29/2019

Town and/or agency's comments:

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. Finding(s): The existing house will be razed and the existing foundation will be reused for rebuilding the proposed house and adding an addition to the road side of the foundation, half of which is within 75' of the OHWM. The existing non-conforming house could be rebuilt and additions could be proposed that would meet the minimum 75' requirement without the need for a variance. Also, the proposed addition 73.5' from the OHWM could be permitted by following the requirements of Chapter 27-11.2 which allows a lateral expansion of a non-conforming principal structure within the 75' setback of up to 200 sq. ft. over the life of the structure without the need of a variance approval provided that 5 specified requirements are met.
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): the property does not have any unique limitations that would prevent the existing residential use of the property to continue or prevent further development of the property to occur.
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): Granting of the variance request as proposed would not have a negative impact on the public interest or neighboring properties other than possibly setting a precedent of granting a variance for a reduction in the 75' setback requirement when alternative options are available within the shoreland zoning ordinance.

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. Finding(s): The proposed variance request is in relation to but is not consistent with the purpose of the shoreland zoning code.

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.

STAFF RECOMMENDATION

Approval

Approval with conditions

Approval not as requested

Approval not as requested with conditions

Denial

X

ADVISORY CONDITIONS:

1.