

Office of
SUSAN T. ERTMER, COUNTY CLERK
Winnebago County
Oshkosh, Wisconsin

NOTICE OF COMMISSION, BOARD OR COMMITTEE MEETING

**NAME OF COMMISSION,
BOARD OR COMMITTEE:** BOARD OF ADJUSTMENT

TIME OF MEETING: 7:30 A.M.

DATE OF MEETING: THURSDAY, JUNE 9, 2016

PLACE OF MEETING: 3rd FLOOR CONFERENCE ROOM
COUNTY ADMINISTRATION BLDG
112 OTTER AVE OSHKOSH, WI

SUBJECT MATTER OF MEETING

DELIBERATIVE

1. Approval of minutes
2. **Shawn Zagrodnik – 5003 Rivermoor Rd - Town of Winneconne – Variance**

The Committee reserves the right to take up any item on the agenda at any time after the meeting commences. Upon request, provisions will be made for people with disabilities upon 24 hours prior notice to the Office of the County Clerk. Phone Number: 236-4888

It is possible that a quorum of the members of the following Winnebago County committees or boards may be in attendance at the above-noticed meeting:

Standing Committees

- Aviation
- Highway
- Legislative
- Land Conservation
- Parks & Recreation
- Personnel & Finance
- UW-Education, Extensions & Agriculture
- Emergency Management
- Information Systems
- Park View Health
- Judiciary & Public Safety
- Planning & Zoning
- Facilities & Property Management

Boards

- Advocap
- Board of Adjustment
- Board of Health
- Grievance Review
- Human Services
- Industrial Development
- Solid Waste Management
- UW- Fox Board of Trustees
- Winnefox Library System Board of Trustees

Commissions

- Affirmative Action
- Veterans Services
- East Central WI Regional Planning
- Winnebago CO. Housing Authority
- East WI Counties Railroad Consortium

Should a quorum of any of the listed committees or boards occur at the above-noticed meeting, this notice of meeting and the agenda shall also serve as a notice of meeting and agenda for any committee or board for which a quorum is present.

Owner: Zagrodnik
Parcel: 030-0986
Application: 2016-VA-3580

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
DATE: June 9, 2016

Town and/or agency's comments: The Town of Winneconne recommends approval.

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. Approval: This is a very small and narrow lot. The required setbacks and location of the existing structures on the property severely limit the buildable area on the property.
 - b. Denial: The property already has a residence with attached garage and boathouse. The addition of a second garage is personal desire not a necessity.
- 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. Approval: This lot is only 50' wide, the fire lane requires a 30' street yard setback. The existing home location and the required street yard setback limit the buildable area on the lot.
 - b. Denial: The property already has a residence with attached garage and boathouse that are not in compliance with setback regulations. Additional development of the property should be planned in accordance to the lot size and the required 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. Approval: There is very limited use of the fire lane in question, the existing home is located in the fire lane's street yard setback. Many residences and garages in the area extend into the street yard setback.
 - b. Denial: Continued development into required setbacks is contrary to the intent of the 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 have (have not) been met.

STAFF RECOMMENDATION

Denial

ADVISORY CONDITIONS:

1. None