

Property Owner: Corey Gay
Parcel: 016-0950
File No: 17-VA-3990

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
DATE May 4, 2016

Town and/or agency's comments: The Town of Omro has recommended denial

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):**
Approval: Compliance with the required shore yard setback leaves very little area that is not currently occupied by a building or established parking area.
Denial: The applicant already has established reasonable use of the property.

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 existing structures and established parking area leave very little compliant area for a tiki bar.
Denial: There is adequate are on the property to convert existing developed area into a tiki bar.

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: Many neighboring properties have structures located within the shore yard setback. The proposed is consistent with existing development.
Denial: This property is already heavily developed. There are alternate possible locations for the proposed structure.

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):**
Approval: Many neighboring properties have structures located within the shore yard setback. The proposed is consistent with existing development.
Denial: Continued development within the shore yard setback is contrary to the intent of the Shoreland Zoning Code. There are locations compliant with the shore yard setback where this structure could be located.

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, Article 6, Section 27.6-8 of the Shoreland Zoning Code have (have not) been met.