

WINNEBAGO COUNTY BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
DATE 05/28/2019

Town and/or agency's comments: The town recommended approval of the request with the following findings:
Other properties with similar setbacks, private road, and safety of owner to park in attached garage.

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): Findings for approval: Existing cottage has a detached garage across the street on a garage lot and the dwelling addition would bring the minimum 1000 sq. ft requirement into compliance.
 - b. Findings for denial: The lot and existing structure do not prevent the owners from reasonable use of the property. The approval of this request as proposed would exceed the amount of impervious surface area allowed (30% allowed, 33.3% proposed) within the shoreland zoning area.

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): Findings for approval: The lot is non-conforming since it is less than the minimum lot width and size as required limiting the allowable building area.
 - b. Findings for denial: Other options could be proposed to meet or increase the proposed setback of 20.4' and the property owner also owns an adjoining parcel on the same deed as the cottage that is commonly used as a permitted off-site garage lot and currently has an existing garage.

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): Findings for approval: The proposed house and garage addition will conform to the residential use of the parcel.
 - b. Findings for denial: The house and garage addition would allow a structure and parking closer to the private road which may have a negative impact on drainage as well as pedestrian and vehicular traffic on the private road.

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

- Approval
- Approval with conditions
- Approval not as requested
- Approval not as requested with conditions

Denial

X

ADVISORY CONDITIONS:

- 1.