

January 27, 2022 BOA STAFF REPORT

Appeal 3710. Appeal by Mike and Jacki Moss (Chris Landerud, agent) for variances from minimum required setback to a public road and minimum required setback to the ordinary high water mark of Lake Kegonsa as provided by Sections 10.102(9) and 11.03(2)(a)1., Dane County Code of Ordinances, to permit proposed rebuild and expansion of a single family residence at 3433 Stoney Crest Rd being a zoning lot in the SW ¼ of the SW ¼, Section 13, Town of Dunn.

OWNER: Mike and Jacki Moss

AGENT: Chris Landerud, Landerud Plan & Design, LLC

LOCATION: 3433 Stoney Crest Rd

ZONING DISTRICT: SFR-08 Single Family Residential

In May of 2021 the BOA held a public hearing for appeal 3710, after abeyance for one month to allow the Town of Dunn to provide input, the BOA approved the variance as requested in June of 2021.

Subsequent to approval the property east of the Moss's was placed on the market. This property was then acquired and split between the adjacent property owners. As a result of the property acquisition the Moss's wish to revisit the relief they are seeking to include extending the relief granted from the setback to the ordinary high water mark of Lake Kegonsa easterly to include a portion of the newly acquired land which is now part of their property.

Staff recommends approval of the revised request based on the following conclusions, and with the conditions below:

- 1) Unnecessary Hardship: It would be an unreasonable burden to not allow the property owner the ability to rebuild within the existing footprint for failure to meet the setback from a right-of-way that is not intended to be developed. This right-of-way also prevents the owner from having the same rights to a reduced setback to the OHWM as other property owners in the area.
- 2) Unique Limitations of the Property: The property is bound by a County Highway, a Town right-of-way, private property, and Lake Kegonsa. The Town right-of-way, not intended to be developed as a street requires additional setback not typical for properties in the area and also eliminates the ability to qualify for a reduced setback to the ordinary high water mark of Lake Kegonsa.
- 3) No Harm to Public Interests: The existing structure is non-conforming and the proposed development will be no more non-conforming than what currently exists. The Town has recommended approval, and with Lake Street unlikely to develop the health and safety concerns are addressed through the conditions placed on this variance.
- 4) Alternatives: Stick compliance with the ordinance would reduce the building envelope significantly compared to the existing development and would not afford the property owner the same ability to have continued use of the property as would typically be afforded to a similar property.

Conditions:

1. The new construction follows the same western footprint as the existing home.

2. All landscaping being removed from the Lake Street right-of-way.
3. The rear driveway and parking pad being removed from the Lake Street right-of-way.
4. Property owner shall abandon as much of the existing driveway that sits in front of the home and encroaches in to the Lake Street right-of-way as possible. Any remaining driveway in the Lake Street right-of-way shall be subject to an access easement between the property owner and the Town of Dunn.