

SEPTEMBER 22, 2022 BOA PUBLIC HEARING STAFF REPORT

Appeal 3720. Appeal by Adam & Andrea Barnes (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 Waubesa as provided by Sections 10.102(9) and 11.03(2)(a)1., Dane County Code of Ordinances, to permit the consolidation of lots and development a single family residence at 2801 & 2801A Willow Court, being Lot 18 Crescent Park, Section 9, Town of Dunn.

OWNER: Adam & Andrea Barnes

AGENT: Chris Landerud, Landerud Plan & Design, LLC

LOCATION: 2801 & 2801A Willow Ct

ZONING DISTRICT: SFR-08 Single Family Residential

COMMUNICATIONS:

Town of Dunn, August 9, 2022 acknowledgement of application, action PENDING.

Wisconsin Department of Natural Resources, PENDING

Facts of the Case:

Existing:

- Lot 18 Crescent Park was previous split into two parcels, the western parcel contains a single family residence, while the eastern parcel contains two cabins, each being used as a single family residence. The cabins appear to be legal non-conforming uses under Chapter 10 Zoning.
- The west side of Lot 18 abuts the right-of-way of an unnamed platted road.
- The existing residence on the western parcel and the lakeside cabin on the eastern parcel are non-conforming with Chapter 11, shoreland zoning, due to failure to meet 75 foot setback to ordinary high water mark of Lake Kegonsa.
- The existing residence on the western parcel is non-conforming with Chapter 10, general zoning, due to failure to meet 20 foot setback to the unnamed road right-of-way line.

Proposed

- Owner proposes to remove all 3 residential structures, combine the parcels into a single legal lot of record and construct a single single family residence.

Zoning Notes:

- Property is within 300 feet of Lake Waubesa and subject to shoreland zoning regulations.
- Chapter 10 allows non-conforming structures to be maintained and repaired within their building envelope, but not rebuilt unless the rebuilding conforms to the requirements of the ordinance.
- Chapter 11 allows non-conforming structures to be maintained, repaired, and expanded vertically within their existing building footprint. Expansions, other than vertical expansions, are limited to lateral expansion, no greater than 200 square feet, or that meet the required setback to the ordinary high water mark. If a lateral expansion is approved it requires a full shoreland mitigation plan and permit.
- The required setback to the ordinary high water mark for a residential structure on the proposed combined lot is 75 feet. The property does not qualify for a reduced setback based on averaging because it is not adjacent to a lot containing a nonconforming structure on each side due to the platted road right-of-way.

History

- Zoning permit for residence on western parcel 36473, 8/24/84.
- Special exception/variance for filling within 300 feet of Lake Waubesa 1252 5/24/84
- Violation History: No violation history found.

VARIANCES REQUESTED: Purpose: Residential redevelopment

Minimum setback from road right-of-way:

Required: 20.0 ft

Proposed: 10 ft
VARIANCE NEEDED: 10 ft

Minimum setback to ordinary high water mark of Lake Waubesa:
Required: 75 ft
Proposed: 67.2 ft
VARIANCE NEEDED: 7.8 ft