



Dane County Planning & Development
Division of Zoning

Appeal No. 3672
Date Received 10/2/15
Date of Public Hearing 11/19/15

VARIANCE APPLICATION:

Owner: Timothy C + Karen Klongland
Mailing Address: 1042 Taylor Ln
Stoughton WI 53589
Phone Number(s): 608-873-3342 (Landline); 608-279-6833 (Cell phone)
Email Address: None

Assigned Agent: _____
Mailing Address: _____
Phone Number(s): _____
Email Address: _____

To the Dane County Board of Adjustment:

Please take notice that the undersigned was refused a permit by the Dane County Zoning Division, Department of Planning and Development, for lands described below for the reason that the application failed to comply with provisions of the Dane County Code of Ordinances: Chapters 10 – Zoning, 11 – Shoreland, Shoreland-Wetland & Inland-Wetland, 17 – Floodplain Zoning, and/or 76 – Airport Height Regulations. The owner or assigned agent herewith appeals said refusal and seeks a variance.

Parcel Number: 0511-171-2066-9 Zoning District: R2 Acreage: 0.667
Town: DUNKIRK Section: 17 1/4 N 1/4 W 1/4 NE
Property Address: 1042 TAYLOR LN
CSM: 3373 Lot: 1 / Subdivision: RIVERWOOD ESTATES Block/Lot(s): 5
Shoreland: Y / ☒ / Floodplain: Y / ☒ / Wetland: Y / ☒ / Water Body NO
Sanitary Service: Public ☒ Private (Septic System)

Current Use: SINGLE FAMILY RESIDENCE

Proposal: NEW COLD STORAGE BUILDING ON PRE-EXISTING FOUNDATION

NOTE: You are encouraged to provide a complete and detailed description of the existing use and your proposed project on an attached sheet.

REQUIRED BY ORDINANCE

Section	Description	Required	Proposed or Actual	Variance Needed
<u>10.17(5)(b)</u>	<u>Setback From Class E Highway</u>	<u>30</u>	<u>16</u>	<u>14</u>

- (3) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain. The required Site Plan and/or Survey submitted with your application must show these features.

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance.

See attached sheet

- (4) What would be the effect on this property, the community or neighborhood, and the general public interest if the variance were granted? Describe how negative impacts would be mitigated. The required Site Plan and/or Survey submitted with your application must show any proposed mitigation features.

These interests may be listed as objectives in the purpose statement of an ordinance and may include: Promoting and maintaining public health, safety and welfare; protecting fish and wildlife habitat; maintaining scenic beauty; minimizing property damages; ensuring provision of efficient public facilities and utilities; requiring eventual compliance for nonconforming uses, structures and lots; drainage; visual impact; fire safety and building code requirements; and any other public interest issues.

See attached sheet

REQUIRED PLANS AND SPECIFICATIONS:

In addition to providing the information required above, you must submit:

1. **Site Plan:** Complete and detailed plans of your lot or lots, drawn to a standard and easily readable scale. In most cases, a survey by a Registered Land Surveyor is needed. The Site Plan/Survey should include the following, as applicable, as well as any unique existing features of the lot and any proposed mitigation features, as described above:
 - ☐ Scale and North arrow
 - ☐ Road names and right-of-way widths
 - ☐ All lot dimensions
 - ☐ Existing buildings, wells, septic systems and physical features such as driveways, utility easements, sewer mains and the like, including neighboring properties and structures.
 - ☐ Proposed new construction, additions or structural alterations.
 - ☐ For property near lakes, rivers or streams:
 - ☐ Location of Ordinary High Water Mark (OHWM) Elevation
 - ☐ Location of Floodplain Elevation
 - ☐ For property near Wetlands, a Wetland Boundary determination by a qualified professional consultant may be required.
 - ☐ Topographic survey information may be desirable or necessary.
 - ☐ Setbacks from any existing or proposed structures (building) to lot lines, right-of-way lines, Ordinary High Water Mark, and/or Wetland Boundary, as applicable.
 - ☐ For setback from Ordinary High Water Mark Variance Appeals, the setbacks of the two neighboring structures from the OHWM may be required.

To: Dane County Planning + Development
Zoning Division

City-County Bldg, Room 116
210 Martin Luther King, Jr. Bldg
Madison, Wisconsin 53703-3342

Re: Variance

From: Timothy C. + Karen Klomland
1042 Taylor Ln
Stoughton WI 53589

RECEIVED

OCT 2 2015

DANE COUNTY PLANNING & DEVELOPMENT

Agent:

Location: 1042 Taylor Lane, Stoughton, Wisconsin

Tax parcel number: 0511-171-2066-9

Legal description of parcel: Lot 1 of certified survey map #3373. Recorded in Vol 1424
page 48, Located in the NW 1/4 of the NE 1/4, section 17, T5N,
R11E, Town of Dunkirk, Dane County, Wisconsin.

Proposed project: Erect a new cold storage building (26' w x 60' L x 12' H) on
pre-existing foundation which is over 50 years old.
Proposed new building will be less than half the age
of the former structure and its still existing foundation.

The new building would not encroach upon the setback requirements from Girard Ave & will reduce the encroachment upon Westchester Circle by more than 50%

Request for this variance is being made because the still existing foundation is within the 30' setback & the well, well easement & septic system prevent erecting a building of needed size or shape anywhere else on this lot.

Presentation of Case
Answers to 4 questions

① A) None

13) A space without a valance is not enough to construct a building of a conventional shape & reasonable size on the still existing foundation of the former structure.

(2) Placement of a new building is limited to the pre-existing foundation of the old structure. Our residence, well, well easement & septic system occupy remaining possible building sites.

③ Westchester Circle was placed near an already existing building & was considered, at that time, to be an appropriate distance from the building. As a result, additional regulations & for setbacks established at a later date caused boundaries to run diagonally through a pre-existing footprint & ~~restrict~~ restricts the capability to build a safe & secure building of a reasonable size or shape on the foundation that remains.

④ A new building on the pre-existing foundation of the former structure would be less of a fire, health & safety hazard than the old structure. Its size will encroach less on Wintchester Circle & not at all on Elm Street. Road visibility in all directions will be better & safer for traffic.



**BIRRENKOTT
SURVEYING, INC.**

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI. 53590
Phone (608) 837-7463
Fax (608) 837-1081

PLAT OF SURVEY

SURVEYOR'S CERTIFICATE:

I, Daniel V. Birrenkott, hereby certify that this survey is in compliance with the Wisconsin Administrative Code. I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information provided and is correct to the best of my knowledge and belief.

Daniel V. Birrenkott
Daniel V. Birrenkott

Wisconsin Professional Land Surveyor No. S-1531.

Description:

LOT 1 AND LOT 2, CERTIFIED SURVEY
MAP No. 3373, RECORDED IN VOL.
1421, Pg. 40, LOCATED IN THE
NORTHWEST 1/4 OF THE NORTHEAST
1/4, SECTION 17, T5N, R11E, TOWN OF
DUNKIRK, DANE COUNTY, WISCONSIN.

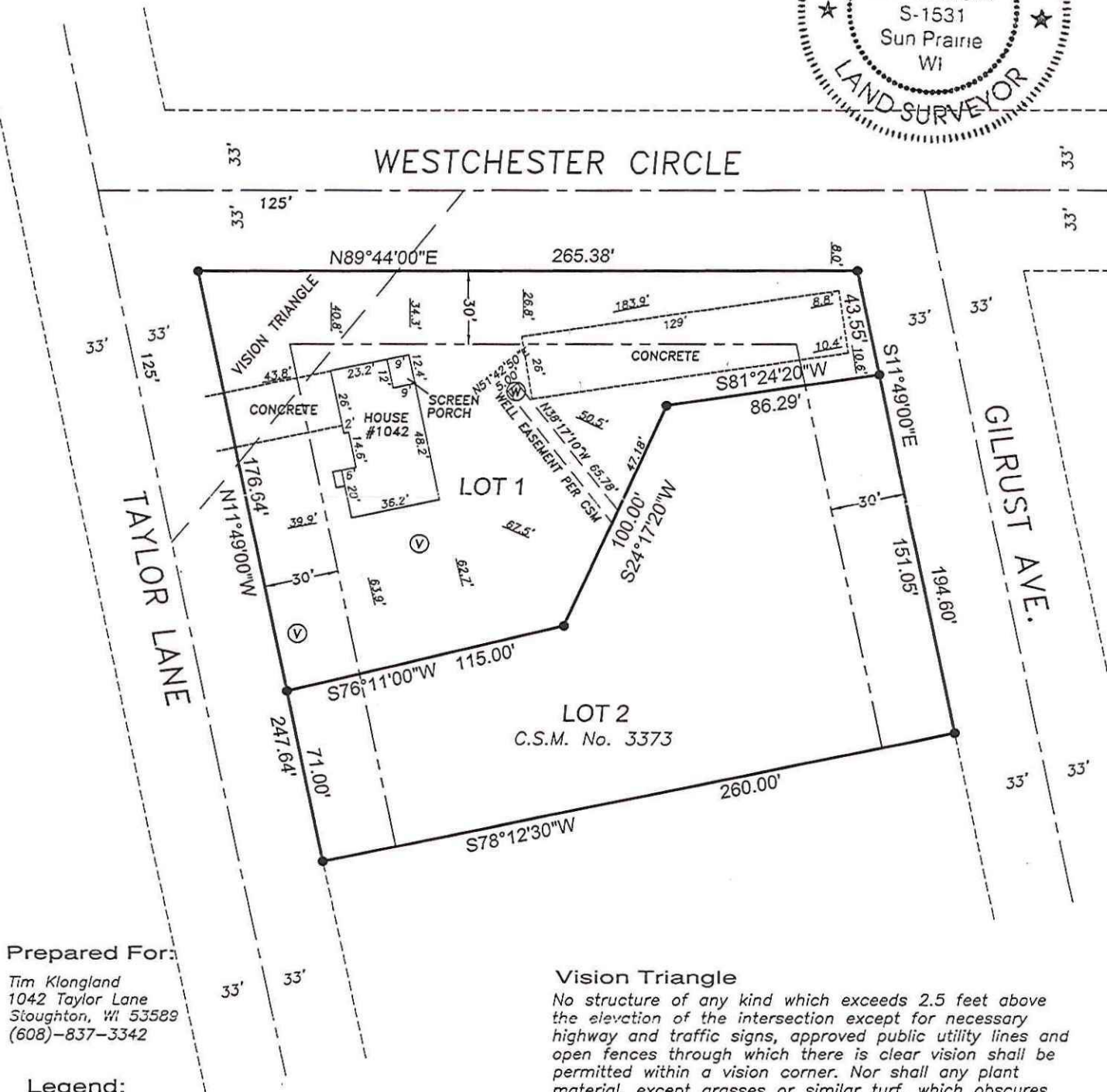
SCALE 1" = 60'
0 60 120



WESTCHESTER CIRCLE

TAYLOR LANE

GILRUST AVE.



Prepared For:

Tim Klongland
1042 Taylor Lane
Stoughton, WI 53589
(608)-837-3342

Legend:

- = Found 3/4" Iron Bar
- ⓧ = Septic Vent
- Ⓜ = Well
- = Building Setback Line

Vision Triangle

No structure of any kind which exceeds 2.5 feet above the elevation of the intersection except for necessary highway and traffic signs, approved public utility lines and open fences through which there is clear vision shall be permitted within a vision corner. Nor shall any plant material, except grasses or similar turf, which obscures safe vision of the approaches to the intersection be permitted.

Notes:

This survey is subject to any and all easements and agreements both recorded and unrecorded.

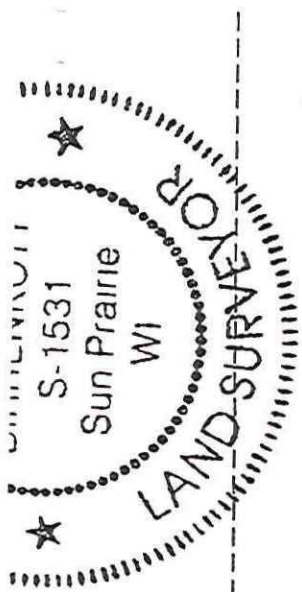
The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.

Wetlands, if present have not been delineated.

This survey shows visible, above-ground improvements only. No guarantee is made for below-ground structures.

Dated: August 21, 2015
Surveyed: T.A.S.
Drawn: T.K.
Checked: DVB
Approved: D.V.B.
Field book: 355/2-3
Comp. File: J:\2015\CARLSON
Office Map No. 150609

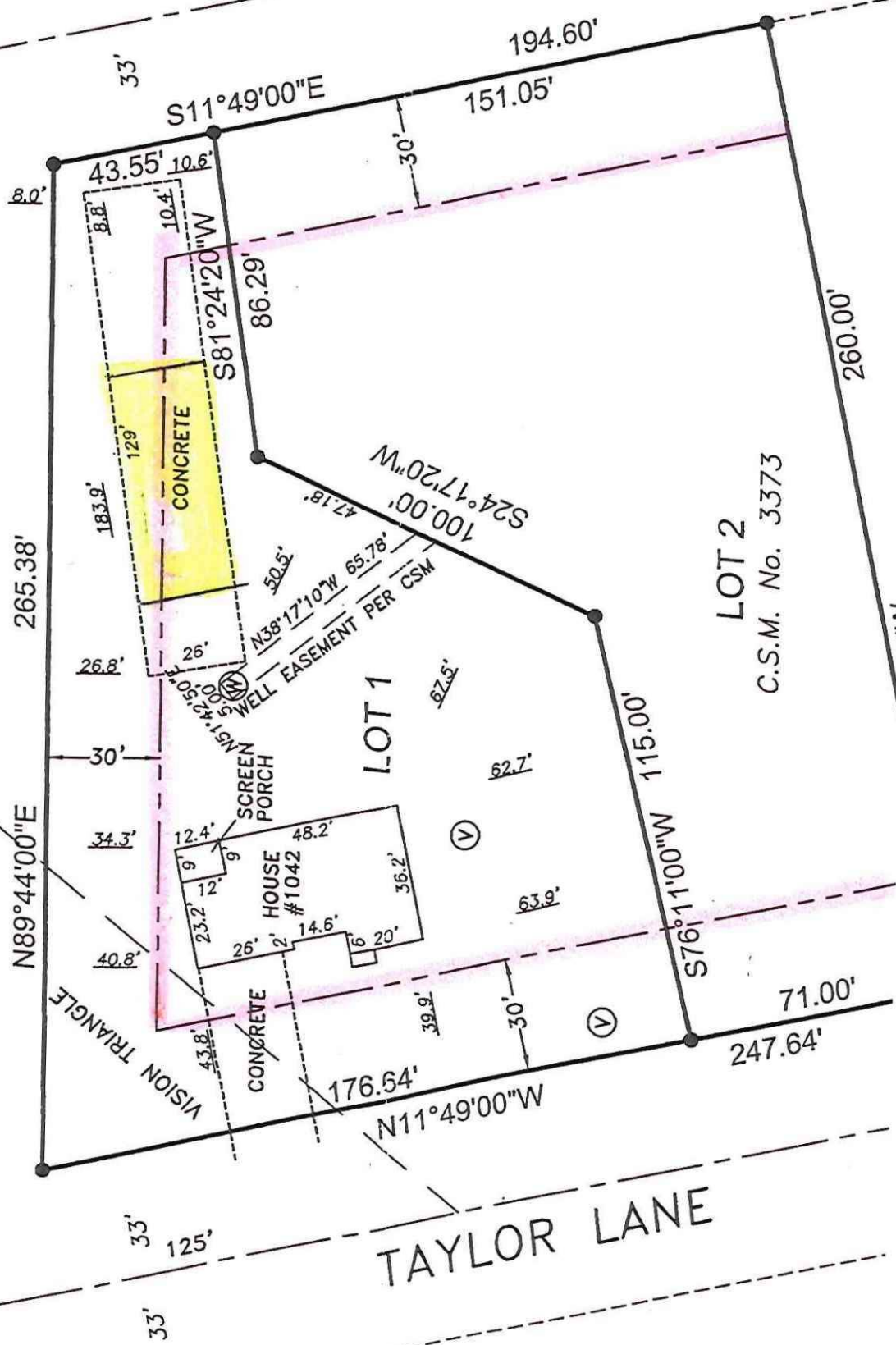
Bearings referenced to the
South right of way line of
Westchester Circle, bearing
N89°44'00"E

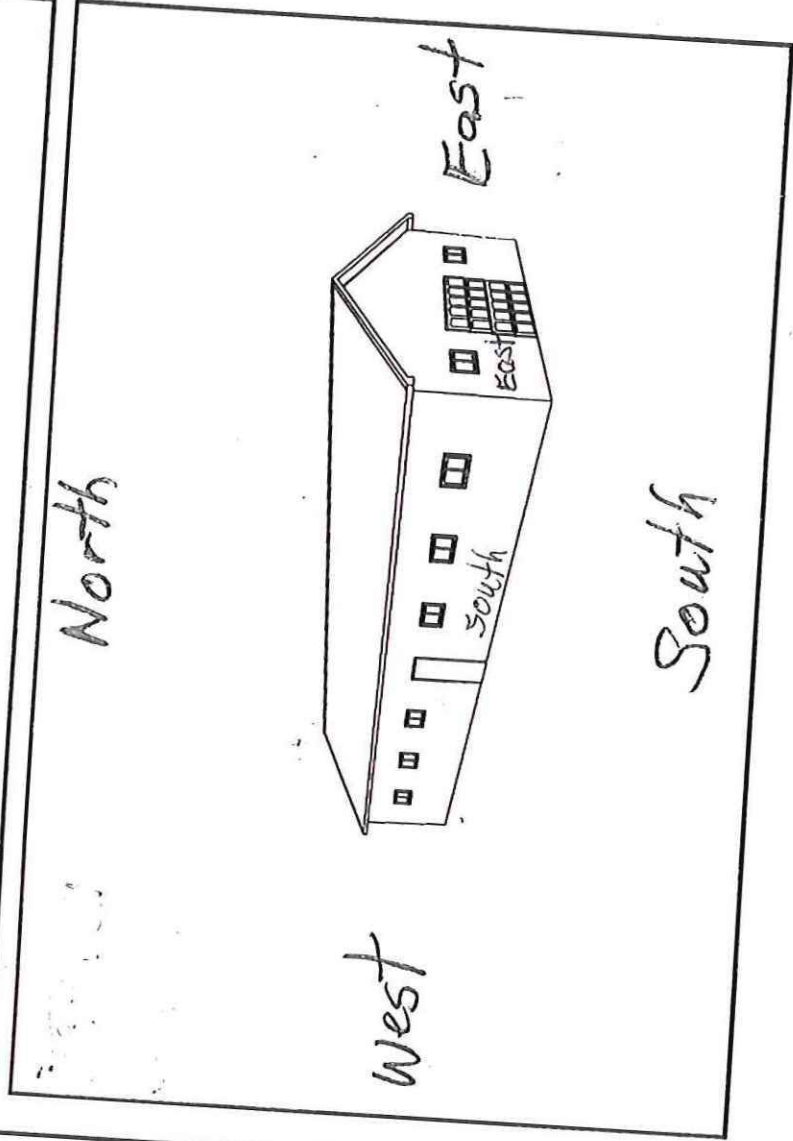
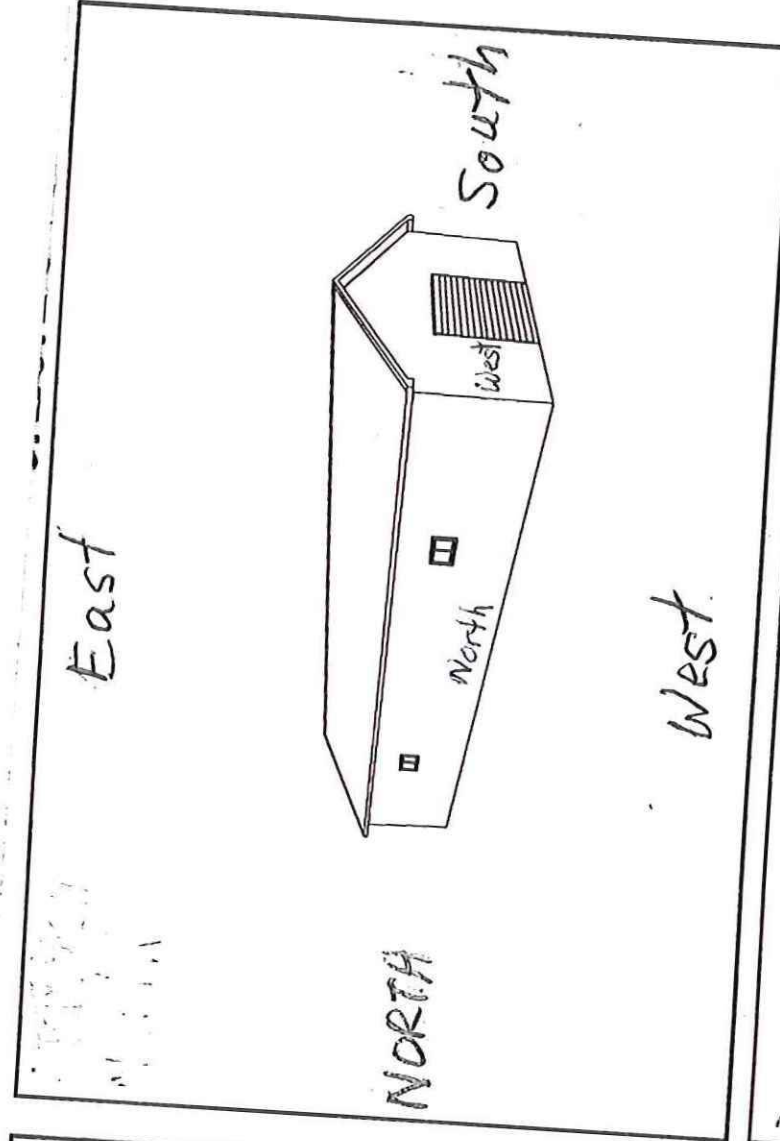


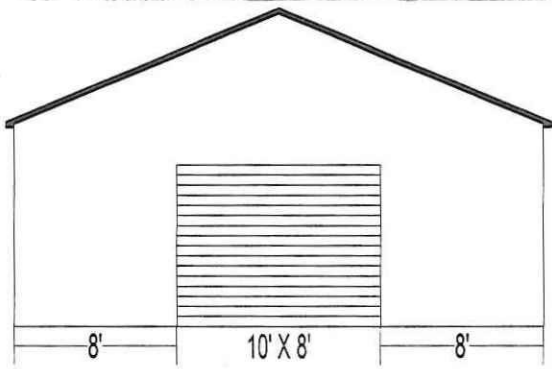
WESTCHESTER CIRCLE

GILRUST AVE.

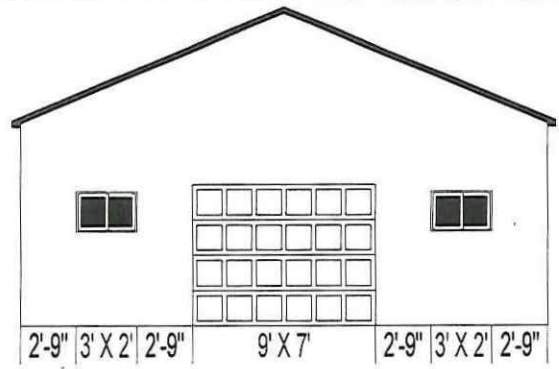
TAYLOR LANE



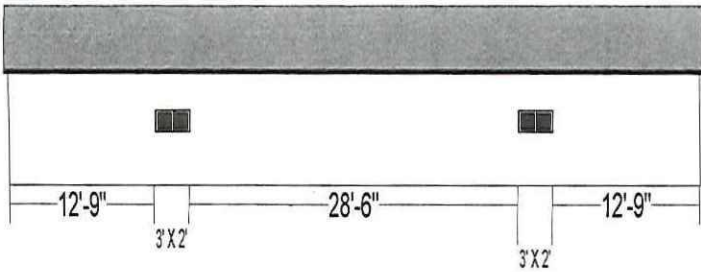




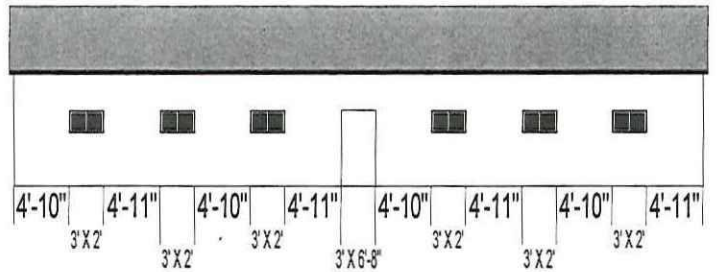
Gable Front View (*East View*)
 (1) - M5ESV 10X8 EZ-SET WHITE M5ESV INSUL



Gable Back View (*West View*)
 (1) - 36X24 WHITE VINYL UTILITY WINDOW
 (1) - 9X7 WHITE INSUL RAISED PNLEZSETTORSN M4SV
 (1) - 36X24 WHITE VINYL UTILITY WINDOW



Eave Front View (*North View*)
 (2) - 36X24 WHITE VINYL UTILITY WINDOW



Eave Back View (*South View*)
 (3) - 36X24 WHITE VINYL UTILITY WINDOW
 (1) - CP1 FLUSH STEEL DOOR PH 36X80 LH SB
 (3) - 36X24 WHITE VINYL UTILITY WINDOW

**TOWN OF DUNKIRK
DANE COUNTY
654 County Road N
Stoughton, WI 53589-4354

Telephone: (608) 873-9177
Fax: (608) 877-5815**

September 14, 2015

Dane County Planning and Development
City-County Building, Room 116
210 Martin Luther King, Jr. Blvd.
Madison, WI 53703-3342

RE: Variance Request

To Whom It May Concern,

The Planning Commission and Town Board for the Town of Dunkirk have heard the variance request of Mr. Timothy Klongland, 1042 Taylor Lane. The Plan Commission made a motion to recommend to the Town Board approval of the request for a variance for relief from the 30' side lot requirement on Westchester Circle for the purpose of constructing a new accessory building (within the pre-existing building footprint) with the overall size reduced from that of the former building. The new accessory building will be substantially smaller than the current foundation, thereby relieving setback requirements from Gilrust and reducing encroachment upon Winchester. Consideration for this variance is given due to the existing foundation is currently within that 30' setback and constraints upon the lot (well, well easement, septic system) that prevent locating the accessory building anywhere else on that lot. The Board also heard the variance request and agreed with the Plan Commission's opinions, as stated in their motion.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Melanie Huchthausen, Clerk

**CHAIRMAN – NORMAN E. MONSEN
SUPERVISOR I – ERIC J. QUAM
SUPERVISOR II – TED OLSON
CLERK - MELANIE L. HUCHTHAUSEN**

**TREASURER – BONNIE K. SMITHBACK
ASSESSOR – ASSOCIATED APPRAISAL,LLC
CONSTABLE – GREGORY HOLTE**