



Dane County

Minutes - Final Unless Amended by Committee

Board of Adjustment

Thursday, November 19, 2015

6:30 PM

Room 354 City-County Building Madison WI

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A. Call To Order

Chair Schulz called the meeting to order at 6:30 PM and made a statement about the rules and procedures of the Board.

Also Present: Staff: Assistant Zoning Administrator, Hans Hilbert. Zoning Inspector: Sarah Sauer.

Present 5 - Chair STEVEN SCHULZ, Vice Chair SUE STUDZ, BILL OLSON, ROBERT PULVERMACHER, and AL LONG

B. Public Comment for any Item not listed on the Agenda

No Public Comments.

C. Consideration of Minutes

1. [2015 MIN-455](#) Minutes of the October 22, 2015 meeting

Sponsors: Board of Adjustment

Attachments: [10-22-2015 Minutes](#)

STUDZ / LONG to approve the minutes. The motion carried.

Ayes: 5 - SCHULZ, STUDZ, OLSON, PULVERMACHER and LONG

2. [2015 MIN-456](#) Minutes of the November 12, 2015 Site Inspection meeting

Sponsors: Board of Adjustment

Attachments: [11-12-2015 S.I. Minutes](#)

STUDZ / LONG to approve the minutes. The motion carried.

Ayes: 5 - SCHULZ, STUDZ, OLSON, PULVERMACHER and LONG

D. Public Hearing for Appeals

1. [2015 BOA-008](#) Appeal 3672. Appeal by Timothy & Karen Klongland for a variance from minimum required setback from a Class E Highway as provided by Section 10.17(5)(b), Dane County Code of Ordinances, to permit proposed storage building on an existing foundation at 1042 Taylor Ln being Lot 1 CSM 3373, in the NW ¼ of the NE ¼, Section 17, Town of Dunkirk.

Sponsors: Board of Adjustment

Attachments: [Appeal 3672 application](#)
[BOA Staff Report 11-19-2015](#)
[Appeal 3672 Aerial](#)

Assistant Zoning Administrator (AZA) Hilbert presented a Staff Report reporting facts of the case.

IN FAVOR: Tim & Karen Klongland, owners, spoke in favor of the variance request.

Damon Diehl, 1062 Taylor Ln, neighbor, spoke in favor of the appeal.

Robert Kluge, 1012 Gilrust Ave, neighbor, asked questions about the appeal and stated no objection to the appeal.

ZONING ADMINISTRATOR'S COMMENTS: The Zoning Administrator had no comment on this appeal.

OPPOSED: [None. The Chair stated no rebuttal was needed.]

Motion: Long/Studz to grant variance of 14 feet from the required setback from the right-of-way line of Westchester Circle to allow for the construction of a residential accessory building on an existing concrete slab.

Finding of Fact:

Existing:

- *Property is used as the primary residence for the owners and contains a concrete slab in the location of a former tobacco shed.*
- *Septic drain field located south of house.*
- *Well located between house and concrete slab, and has a well easement to property to the south.*

Proposed

- *Owners are proposing to construct a new cold storage building within the footprint of the existing concrete slab, but smaller than the previous building so as to be more conforming with zoning requirements.*

Zoning Notes:

- *Required front setbacks from both Westchester Cir and Gilrust Ave is 30 feet.*
- *Proposed building conforms to all zoning requirements except setback to Westchester Cir.*

History

- *Permit 33577 issued in 1981 for residence, tobacco shed existed at that time.*
- *Violation History: No violation history found.*

COMMUNICATIONS:

Town of Dunkirk: Acknowledgement recommendation of approval 09/14/2015.

Conclusions:

- 1) *Unnecessary Hardship: The owners have previously had use of this space on their property for a storage building that predated the subdivision. By removing the unsafe tobacco shed, and with a variance, the new structure will bring the property further toward compliance with required setback and still allow a reasonable use of the property.*
- 2) *Unique Limitations of the Property: The existing concrete slab predates the surrounding development, and occupies a majority of the developable land on the parcel. Other areas of the property are occupied by the septic system, well, and well easement.*
- 3) *No Harm to Public Interests: Removal of the tobacco shed creates a more suitable vision clearance triangle at the intersection of Gilrust and Westchester Circle. The proposed building requires less of a variance than the previous building encroached into the setback. The Town had no objection and didn't find any harm to the public.*

VARIANCES REQUESTED: Purpose: Allow construction of a residential accessory building

Minimum setback from right-of-way required: 30 feet.

Actual Setback: From front lot line: 16 feet.

VARIANCE NEEDED: 14 feet.

A motion was made by LONG, seconded by STUDZ, that this BOA Appeal be approved. The motion carried by the following vote:

Ayes: 5 - SCHULZ, STUDZ, OLSON, PULVERMACHER and LONG

F. Reports to Committee

1. [2015 ACT-330](#) Board of Adjustment 2016 Meeting Schedule

Sponsors: Board of Adjustment

Attachments: [2016 BOA Meeting Schedule - Draft](#)

STUDZ / OLSON to approve the 2016 meeting schedule. The motion carried.

Ayes: 5 - SCHULZ, STUDZ, OLSON, PULVERMACHER and LONG

H. Adjournment

STUDZ / OLSON to adjourn. The Board adjourned at 7:00 PM.