

VARIANCE APPEAL

DANE COUNTY BOARD OF ADJUSTMENT

(I) (WE) Bruce Rosen hereby appeal to the Dane County Board of Adjustment for a variance on the following described land:

Part of Lot #7, Assessor's Plat of Fox Bluff - 4525 Fox Bluff Lane

in the Town of Westport which is located in the R-1

Zoning District.

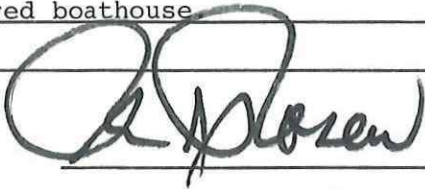
The variance is required because Section 10.05(3)(b) of the Dane County Zoning Ordinance requires that Accessory building be no more than 12' in height.

Proposed use of property, building, addition or alteration if variance is granted To store large boat that will not fit in regulation boathouse height.

Reason/s why applicant cannot comply with ordinance requirements _____

Size of boat and location of desired boathouse

DATE: 7/15/91



Signature - Applicant or Agent

BRUCE ROSEN

Mailing Address

1202 POCAHONTAS
WADISON, WISC. 53716

ACTION BY BOARD OF ADJUSTMENT

FINDING OF FACT IS INCLUDED IN THE MINUTES OF THE PUBLIC HEARING OF _____

DIVISION: _____

P.H. 8/22/91: Grant with condition variance of 4 feet from maximum height of boathouse above normal high watermark to permit construction

Appeal No. 2159 Zoning Permit No. _____ Issued _____

2159

CONT.:

of new boathouse as proposed.

CONDITION:

1). That atop boathouse there shall be no railing, no decking or no deck usage.

PELLINO, ROSEN, MOWRIS & KIRKHUFF, S.C.

ATTORNEYS AT LAW
JAMES WILSON PLAZA
SUITE 1201
131 WEST WILSON STREET
MADISON, WISCONSIN 53703

JOHN C. FRITZSCHER, JR.
1930-1976

608/255-4501
FAX 608/255-4345

July 11, 1991

TO: Board Members
Dane County Board of Adjustment

RE: BOATHOUSE HEIGHT VARIANCE
PART OF LOT 7, ASSESSORS PLAT
OF FOX BLUFF, TOWN OF WESTPORT


Board Members,

I would like to request a height variance for a boathouse I am proposing to build on my above-referenced property. The present code allows a boathouse to have a total height of 12'-0" above the high water mark of Lake Mendota. I would like my boathouse to have a total height of 16'-0" above Lake Mendota for the following reasons:

- A. The boats that I own are large and require a minimum ten foot door height. In addition to this, the required structure to span the door opening and provide a suitable parapet for the roofing is two feet. This makes for a boathouse height of twelve feet.
- B. I would like to keep the floor of the boathouse two feet above the existing grade to keep any Lake Water from entering the boathouse and also to allow the natural brush to grow undisturbed and to minimize any damage that might occur to it while moving the boats.
- C. The boathouse as shown is set back from the Lake ten feet. This is more than the four feet required by Code. This was done because this is the location that requires the least amount of excavation and disturbance to the site and it also allows a greater opportunity to shield the boathouse from view from the Lake.

Thank you for your consideration and, prospectively, for your cooperation in this matter. I anxiously look forward to your reply.

Sincerely,



Bruce J. Rosen

TOWN BOARD
DEAN A. GROSSKOPF
LEON J. RIPP
JOHN A. VAN DINTER

TOWN OF WESTPORT

5387 S. Mary Lake Road
WAUNAKEE, WI 53597-9128
Office 608-849-4372

SHARON L. ANDERSON
Clerk-Treasurer

August 22, 1991

TO: Dane County Board of Adjustment

RE: Appeal 2159

The Town Board and the Plan Commission of the Town of Westport have no objections to the above appeal.


Sharon L. Anderson
Clerk

AUG 26 1991

ZONING DIV.

LAKE MENDOTA

145'

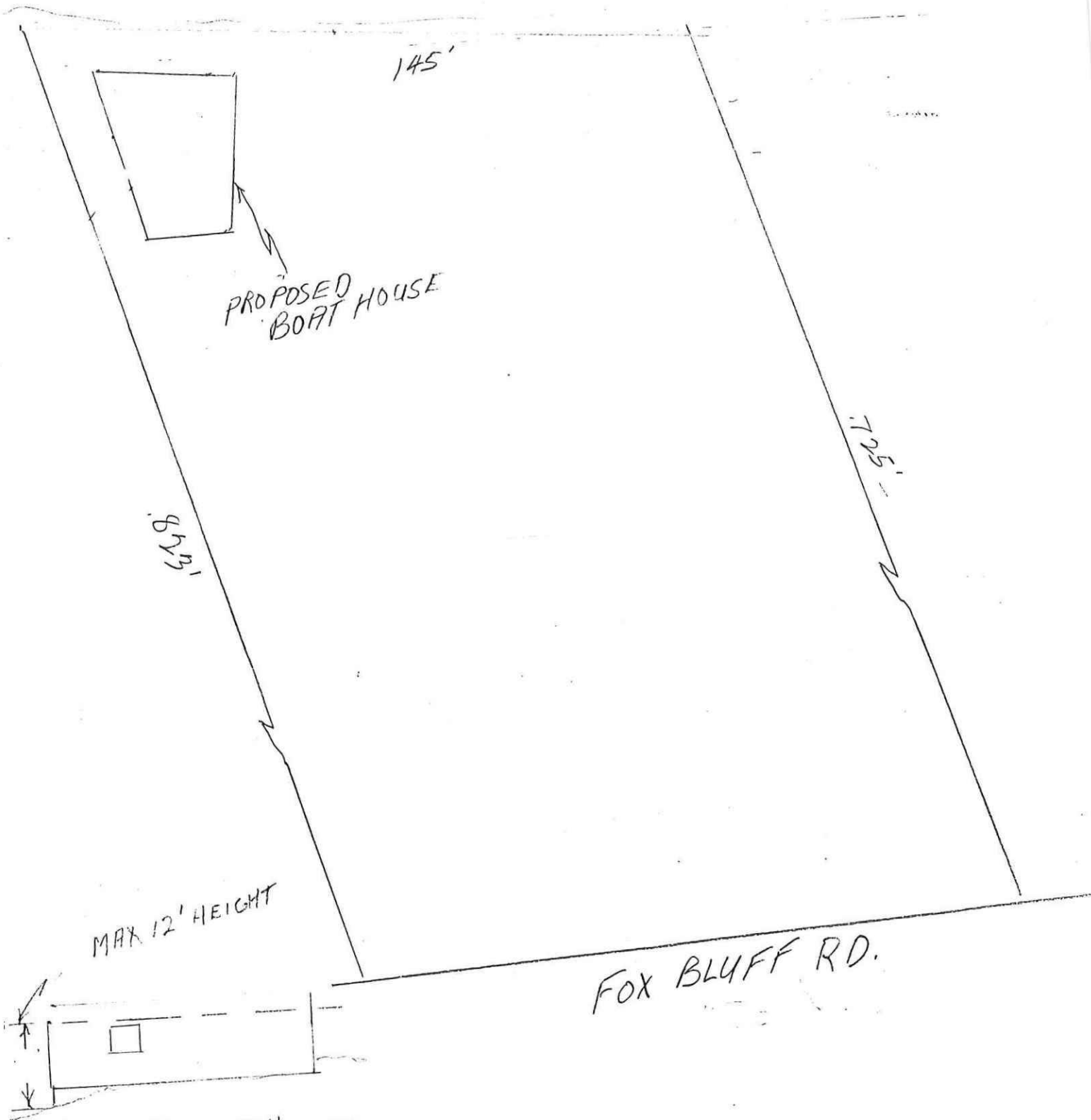
PROPOSED
BOAT HOUSE

653'

725'

MAX 12' HEIGHT

FOX BLUFF RD.





State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

DATE: 8-20-91 FILE REF: 3500

TO: Wm Frick, Zoning Administrator DANE COUNTY

Room 116, City County Building
Madison, WI 53709

FROM: Clark Amundsen
Wisconsin Dept. Natural Resources

3070 Fish Hatchery Rd
Fitchburg, WI 53713

SUBJECT: Project Review/Response to Notice of Hearing

BRUCE ROSEN (applicant) #2159 (File No.)
VARIANCE FROM MAXIMUM HEIGHT OF DOATHOUSE (project)
4525 FOX BLUFF LANE, NEA, NW4, SEC. 5, Twn of Westport (location)

VARIANCES

- No objection
Not proper subject matter for a variance, i.e. not a dimensional standard but a change in "use" or other regulations which require an ordinance amendment/rezoning by the municipal governing body.
Hardship not demonstrated
Applicant currently has or can make reasonable use of the property without the variance.
Difficulty is self-imposed because
Lack of profit or financial gain is not a basis for establishing hardship.
No unique physical characteristics of the property justify the variance.
Project is contrary to the public interest as expressed in the purpose statement of the ordinance because it will adversely affect:
natural shoreline aesthetics
fish habitat
wild life habitat
surface water quality because of erosion and nutrient transport
flood and stormwater storage
separation of conflicting land uses
rare or endangered species.
protection of life, health and property from flood hazards (may not authorize development below flood protection elevation unless floodproofed or protected by fill).
expenditure of public funds for flood control, rescue and relief, and repair or replacement of public facilities.
extent and/or duration of flooding.

AUG 21 1991

ZONING DIV.

CONDITIONAL USES (Special Exceptions)

- No objection.
The proposal is not authorized as a conditional use in this zoning district, an amendment/rezoning is required.

PROCEDURAL DEFECTS

- Public hearing not held.
Class II Public Notice incorrectly published (two publications, the last seven days prior to hearing).
DNR not provided with 10-day prior notice of hearing.
No record of decision or fact finding.
DNR not provided with decision in 10 days.
Affected parties not notified of decision.

LOCATION AND DESIGN ALTERNATIVES/OTHER CONSIDERATIONS

- Place structure AT PROPER HEIGHT BY EXCAVATION OF BANK MATERIAL (location)
- Reduce size of structure to PROPER HEIGHT (dimensions)
- Screen structure with _____ vegetation at least _____ ft. high. (type)
- These design features are not consistent with use of the structure as a boat house and _____
- Implement erosion controls by constructing filter fabric fencing, haybales, diversion berms or ditches, seeding and mulching, riprap or phased development as I have noted on the project plans.
- Place structure on fill contiguous to lands outside floodplain. Fill must be above elev. _____ ft. and extend at least _____ ft. from structure.
- Floodproof structure as specified by a registered architect or engineer and provide certification of construction.
- This structure not permitted in the shoreline setback area.
- Project requires a DNR permit.
- Project may require a sec. 404/10 Corps of Engineers permit.

REZONING - I have determined that the proposed shoreland-wetland rezoning petition (may) (will not) result in a significant adverse impact on the wetland values noted below and that the Department (may) (will not) object to its final approval:

- a. Storm and flood water storage capacity;
- b. Maintenance of dry season stream flow, or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- d. Shoreline protection against soil erosion;
- e. Fish spawning, breeding, nursery or feeding grounds;
- f. Wildlife habitat; or
- g. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

COMMENTS

EXCAVATION TO REQUIRED HEIGHT DOES NOT APPEAR TO BE A PROBLEM AT THIS SITE. OTHER BOATHOUSES, OF GREATER HEIGHT, DO NOT CONSTITUTE HARSHSHIP ON THE PART OF THE APPLICANT.

cc: R. HANSEN - District Water Management Coordinator
M. DRESEN - WZ/6

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The variance is required because 10.05 (3)(b) of the Dane County Zoning Ordinance requires that ~~the~~ Accessory building be No More the 12' IN Height ^{above NHWL}

Proposed use of property, building, addition or alteration if variance is granted To store Large boat that will not fit IN Regulation Boat House Height

Reason/s why applicant cannot comply with ordinance requirements Size of Boat and Location of Desired boat house

DATE: _____

Signature - Applicant or Agent

Mailing Address

ACTION BY BOARD OF ADJUSTMENT

FINDING OF FACT IS INCLUDED IN THE MINUTES OF THE PUBLIC HEARING OF _____ DIVISION: _____

Appeal No. 2159 Zoning Permit No. _____ Issued _____

1 3/4" HOLLOW CORE DOORS W/3 PAIR BUTT HINGES, 1 PAIR WIRE PULLS, 1 PAIR MAGNETIC CATCHES

6" CONC. PAD ON GRAVEL BASE

500 GALLON GAS TANK BY G.C.



10'-0" TO PROPERTY LINE

BH1	
REVISION NO.	DATE
1	7-3-91

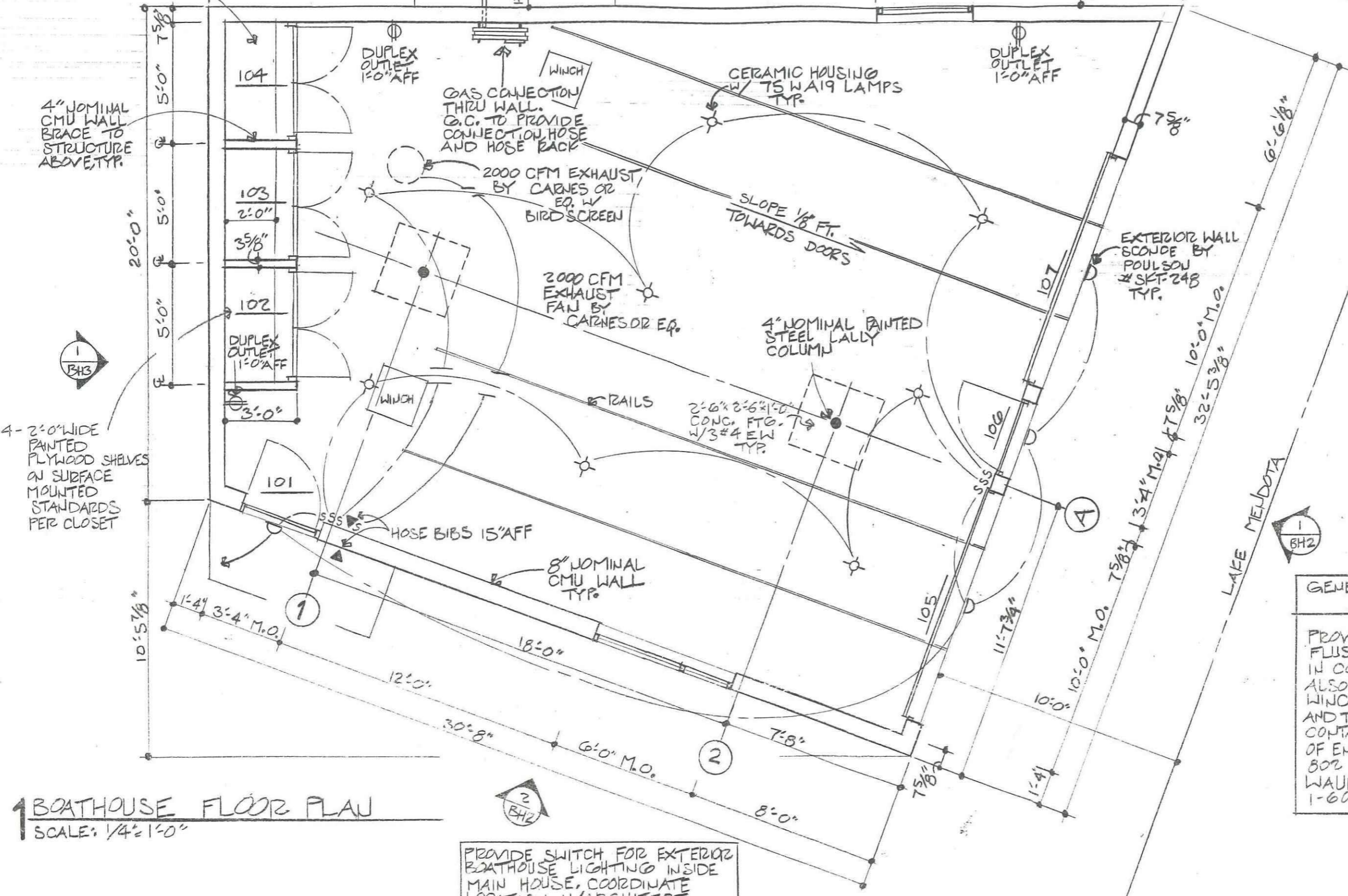
BOATHOUSE FLOOR PLAN

HIMMEL/BONNER ARCHITECTS
 205 West Wacker Drive Suite 305
 Chicago Illinois 60606

DATE	0-18-91
DRAWN	JDS
CHECKED	JDS
JOB NO.	8960

ROSEN RESIDENCE

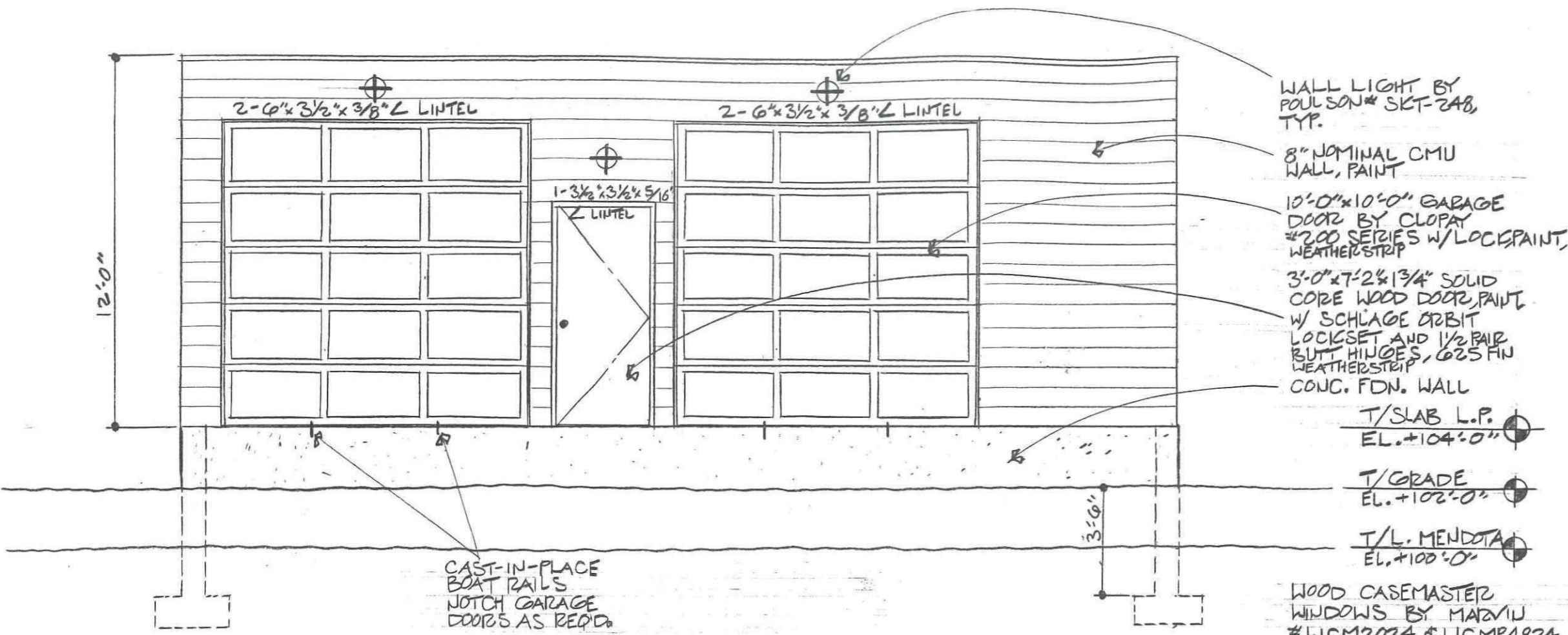
ALFRED MOSSNER COMPANY 543519



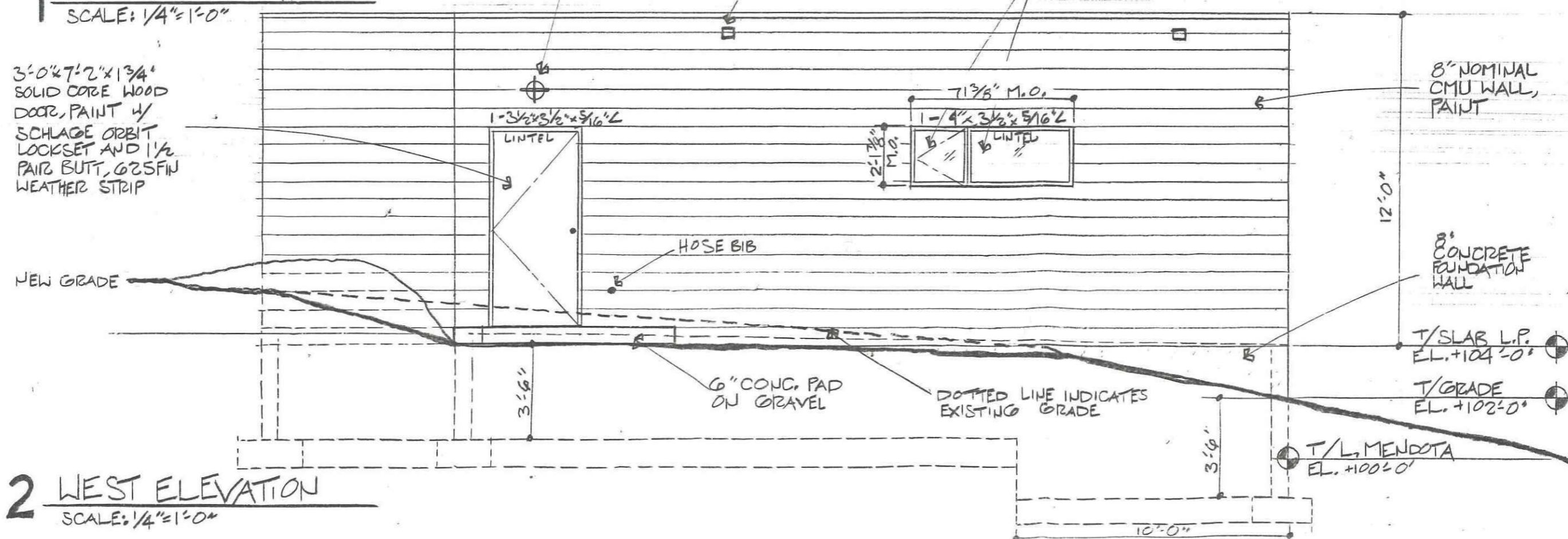
BOATHOUSE FLOOR PLAN
 SCALE: 1/4" = 1'-0"

PROVIDE SWITCH FOR EXTERIOR BOATHOUSE LIGHTING INSIDE MAIN HOUSE, COORDINATE LOCATION W/ARCHITECT

GENERAL CONTRACTOR NOTE
 PROVIDE CAST-IN-PLACE FLUSH MOUNTED RAILS IN CONCRETE SLAB. ALSO PROVIDE 2-5000LB WINCHES W/BLOCK AND TACKLES AS REQ'D. CONTACT LARRY ENDRES OF ENDRES MFG. CO. 802 CENTURY AVE. WAUNAKEE, WI, 53597 1-603-849-4143



1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

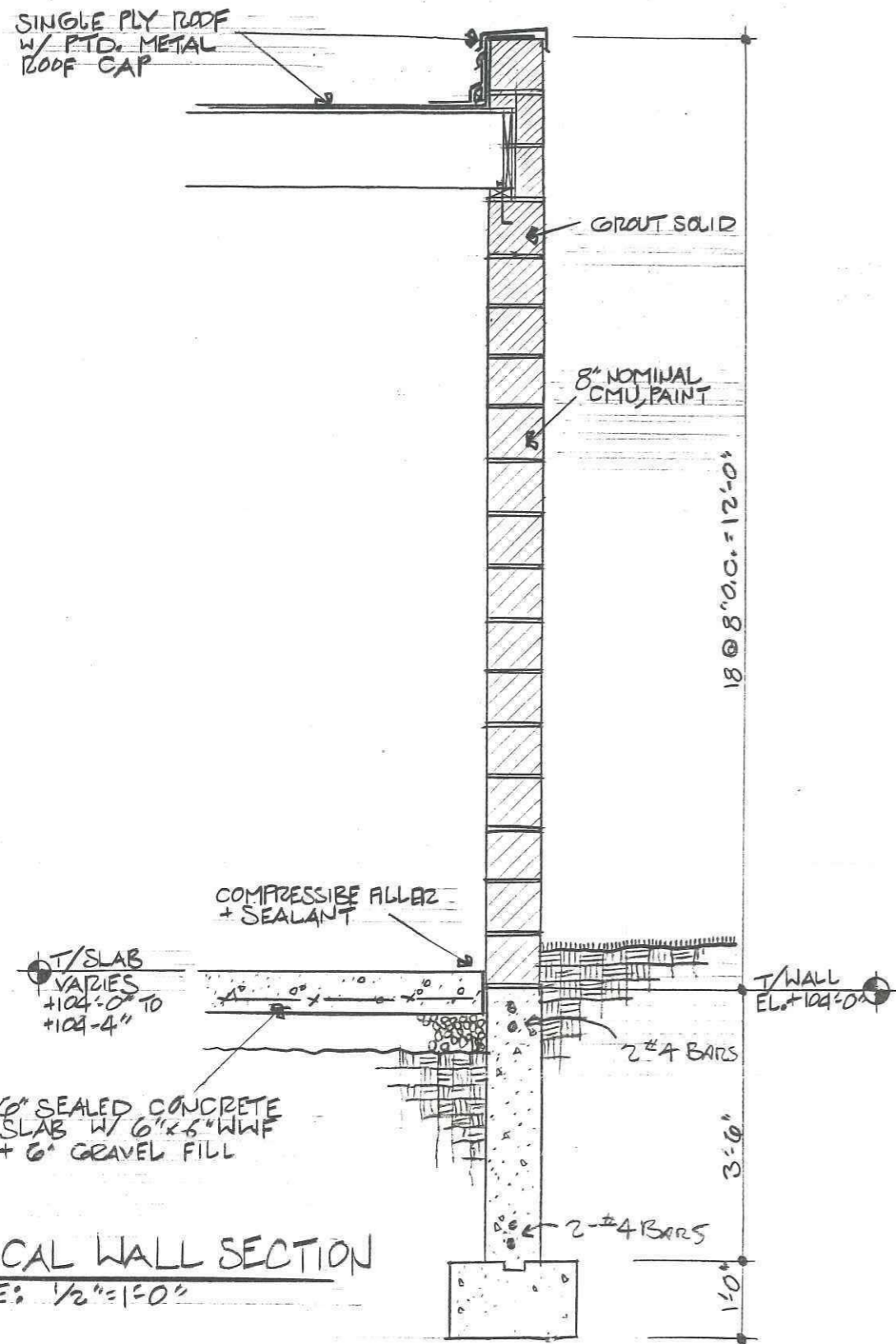


2 WEST ELEVATION
SCALE: 1/4" = 1'-0"

- WALL LIGHT BY POULSON # SKT-248, TYP.
- 8" NOMINAL CMU WALL, PAINT
- 10'-0" x 10'-0" GARAGE DOOR BY CLOPAY #200 SERIES W/ LOCK PAINT, WEATHER STRIP
- 3'-0" x 7'-2" x 1 3/4" SOLID CORE WOOD DOOR, PAINT W/ SCHLAGE ORBIT LOCKSET AND 1 1/2 PAIR BUTT HINGES, 625 FIN WEATHER STRIP
- CONC. FDN. WALL
- T/SLAB L.P. EL. +104'-0"
- T/GRADE EL. +102'-0"
- T/L MENDOTA EL. +100'-0"
- WOOD CASEMASTER WINDOWS BY MARVIN # WCM2024 & WCM4824 PAINT
- SCUPPER, TYP.

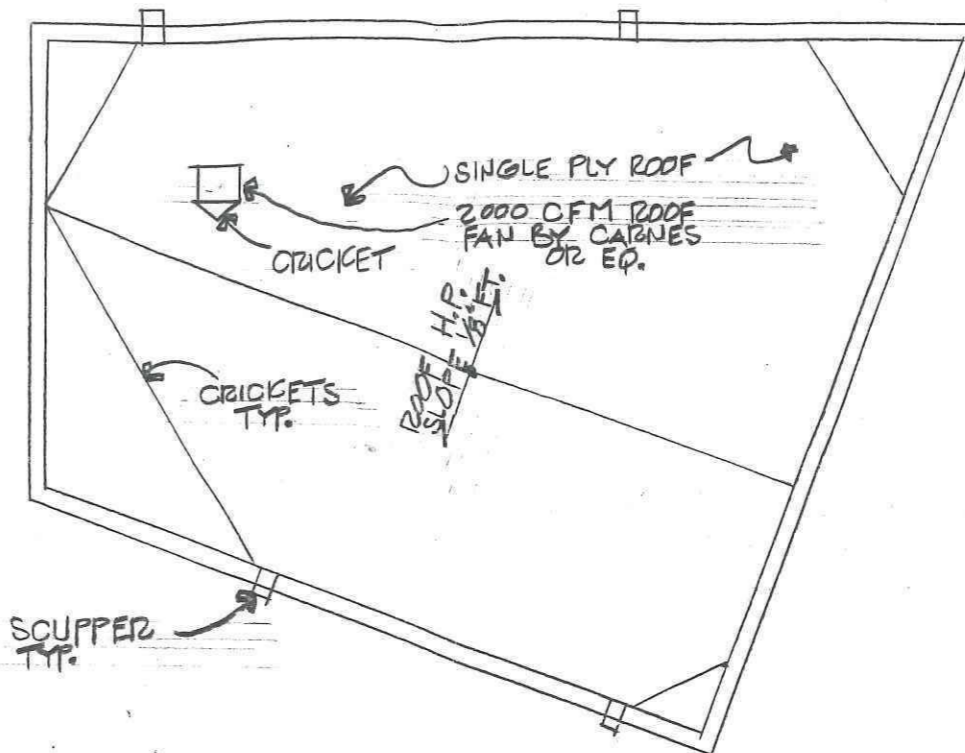
BH2	
REVISION NO.	DATE
1	7.3.91
BOATHOUSE ELEVATIONS	
HIMMEL/BONNER ARCHITECTS	
205 West Wacker Drive Suite 305 Chicago Illinois 60606	
DATE	DRAWN JDS
6.18.91	CHECKED JDS
JOB NO. 8960	

ROSEN RESIDENCE	
ALFRED MOSSNER COMPANY 543559	

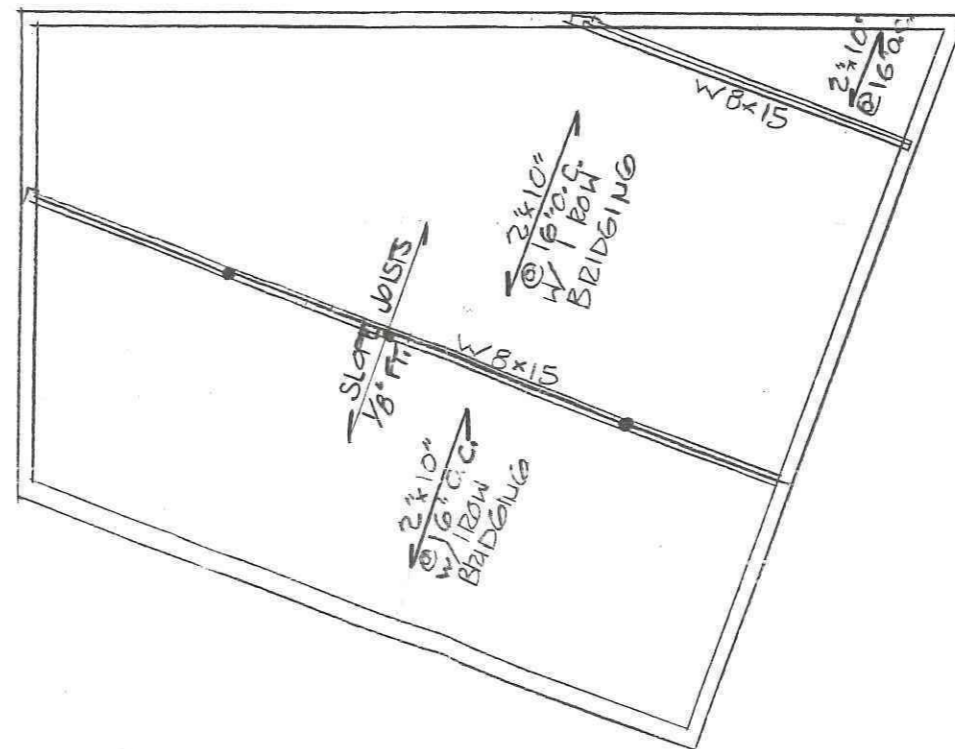


3 TYPICAL WALL SECTION
SCALE: 1/2" = 1'-0"

1 ROOF PLAN
SCALE: 1/8" = 1'-0"



2 FRAMING PLAN
SCALE: 1/8" = 1'-0"



PROVIDE MIN. 6" BEARING FOR BEAMS ON CMU. GROUT CMU SOLID BELOW BEAMS

ROSEN RESIDENCE

DATE 6/18/96
DRAWN JDS
CHECKED JPS
JOB NO. 8960

HIMMEL/BONNER
ARCHITECTS
205 West Wacker Drive Suite 305
Chicago Illinois 60606

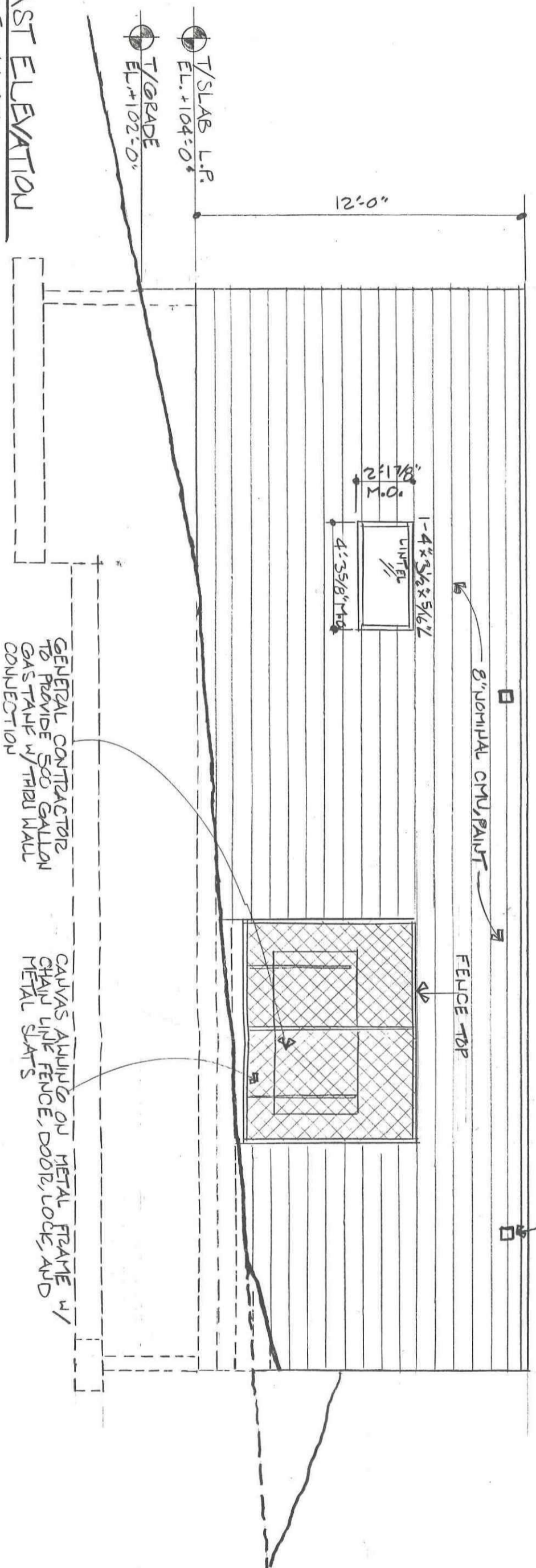
DETAILS

REVISION NO.	DATE
1	7-3-91

BH4

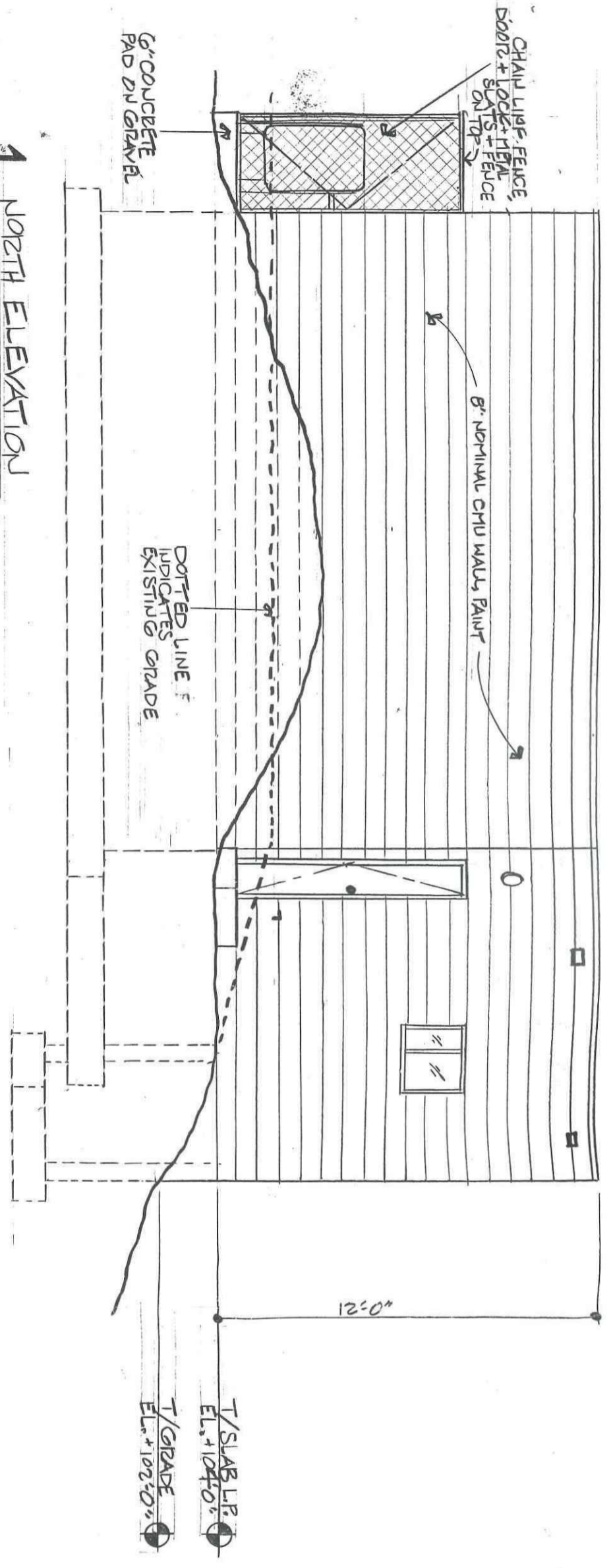
2 EAST ELEVATION

SCALE: 1/4" = 1'-0"



1 NORTH ELEVATION

SCALE 1/4" = 1'-0"



ROSEN RESIDENCE

DATE 6.18.91
 DRAWN JDS
 CHECKED JDS
 JOB NO 8960

HIMMEL/BONNER
 ARCHITECTS
 205 West Wacker Drive Suite 305
 Chicago Illinois 60606

BOATHOUSE
 ELEVATIONS

REVISION NO.	DATE
1	7.3.91

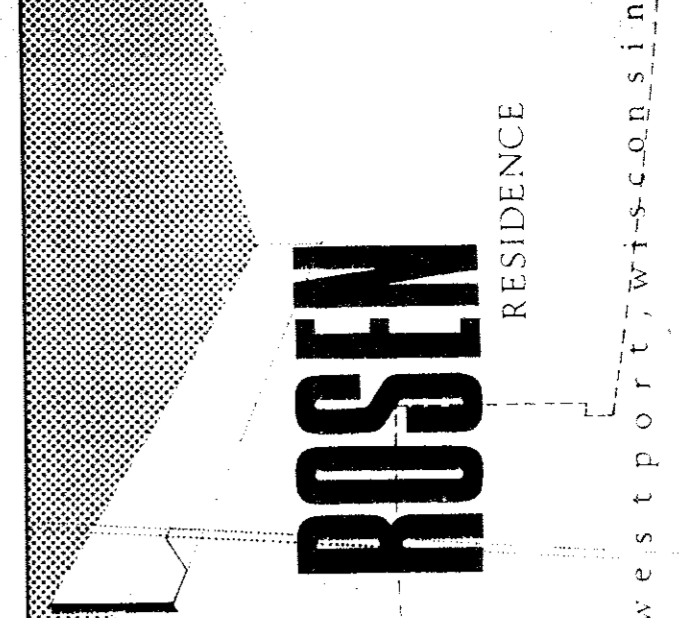
BH3

NO	DESCRIPTION	DATE
1	ISSUED FOR BID	11.1.91
2	ISSUED FOR BID	11.1.91
3	ISSUED FOR BID	11.1.91
4	ISSUED FOR BID	11.1.91
5	ISSUED FOR BID	11.1.91
6	ISSUED FOR BID	11.1.91
7	ISSUED FOR BID	11.1.91
8	ISSUED FOR BID	11.1.91
9	ISSUED FOR BID	11.1.91
10	ISSUED FOR BID	11.1.91

REVISIONS

HIMMEL + BONNER
ARCHITECTS

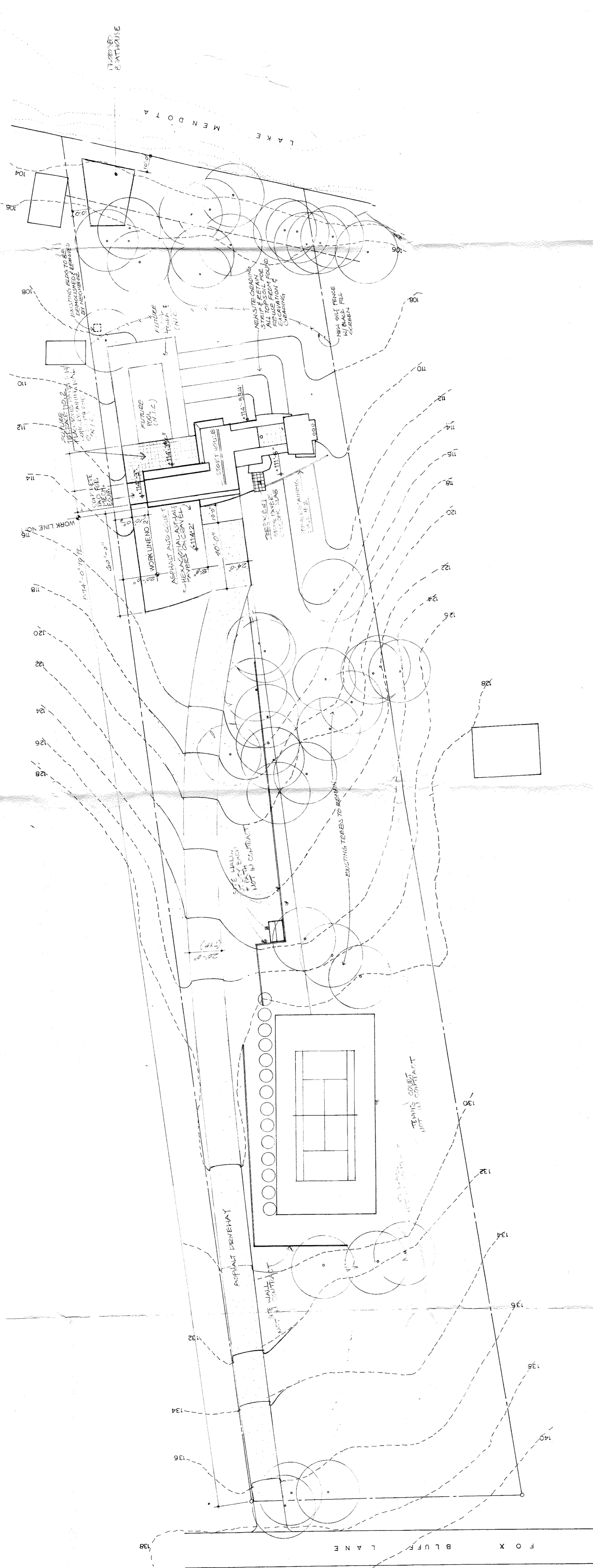
205 W. WICKER DRIVE
CHICAGO, ILLINOIS 60606



WESTPORT, WISCONSIN

DATE 05.15.90
ISSUED FOR BIDDING
JOB NUMBER 8560
SHEET DB
A1-2

SITE PLAN

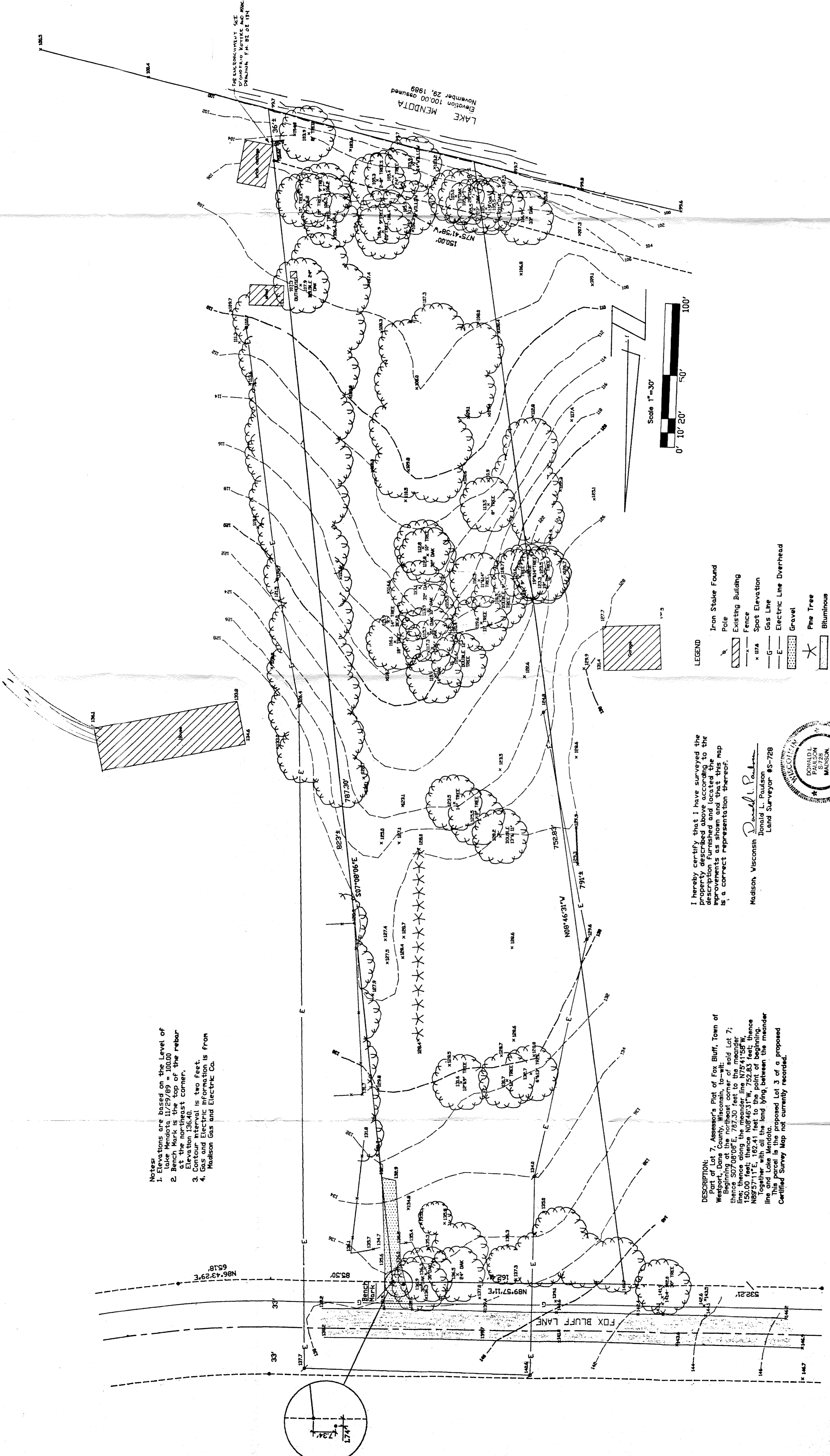


- HOUSE**
THE HOUSE, BIG HALL (CONTINUED)
THE FOUNDATION ELEMENTS:
1. ROOF
2. REINFORCED CONCRETE WALLS
3. REINFORCED CONCRETE FLOOR
4. CONCRETE PA. FOR MECHANICAL EQUIP.
5. AUTO GARAGE
6. LIFE SAFETY, AS INSULATED
- LANDSCAPE (CHUG.)**
LANDSCAPE PACKAGES TO BE
ISSUED IN FUTURE
- POOL (CHUG.)**
THE POOL IS AT THIS
LOCATION AND IS TO BE
DESIGNED AND CONSTRUCTED
BY THE POOL CONTRACTOR
AS PART OF THE LANDSCAPE
THIS PACKAGE.
1. POOL
2. SPA
3. PLANTING
4. LANDSCAPE TERRACE
- BOATHOUSE**
THE BOATHOUSE IS TO BE
DESIGNED AND CONSTRUCTED
BY THE BOATHOUSE CONTRACTOR
AS PART OF THE LANDSCAPE
THIS PACKAGE.
1. BOATHOUSE
2. PLANTING
3. LANDSCAPE TERRACE
- SOIL SURVEY**
THE SOIL SURVEY IS TO BE
CONDUCTED BY THE SOIL SURVEY
CONTRACTOR AS PART OF THE
LANDSCAPE THIS PACKAGE.

1 SITE PLAN
1" = 30'-0"

GENERAL NOTES

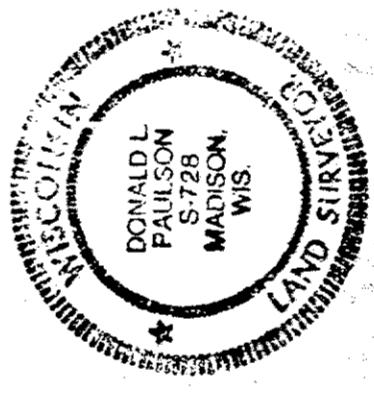
This drawing is issued by
HIMMEL & BONNER ARCHITECTS
DATE: 5-18-90
THIS DRAWING IS NOT TO BE USED
FOR ANY OTHER PROJECT WITHOUT THE WRITTEN
CONSENT OF HIMMEL & BONNER ARCHITECTS



- Notes:
1. Elevations are based on the Level of Lake Mendota 17/29/89 = 100.00
 2. All elevations are taken from the top of the rebar at the corner.
 3. Contour interval is two feet.
 4. Gas and electric information is from Madison Gas and Electric Co.

I hereby certify that I have surveyed the property described above according to the methods and practices used by a professional land surveyor and that the improvements as shown on this map is a correct representation thereof.

Madison Wisconsin
Donald L. Paulson
 Donald L. Paulson
 Land Surveyor 85-728



DESCRIPTION:
 Part of Lot 7, Assessor's Plat of Fox Bluff, Town of Westfield, County of Washington, State of Wisconsin, Beginning at the southeast corner of Lot 7; thence S07°08'08"E, 787.30 feet to the meander line; thence along the meander line N75°41'25"W, 150.00 feet to the corner of the proposed subdivision; thence together with all the land lying between the meander line and the corner of the proposed subdivision; together with all the land lying between the meander line and the corner of the proposed subdivision. This parcel is the proposed Lot 3 of a proposed Certified Survey Map not currently recorded.

ARNOLD AND SHERIDAN, INC.
 CONSULTING ENGINEERS
 1010 Wisconsin Avenue
 Fox Bluff, Town of Westport,
 Dane County, Wisconsin.
 DR. FRT. JOB NO. 89451-C-1
 DATE PRINTED 11.5.89



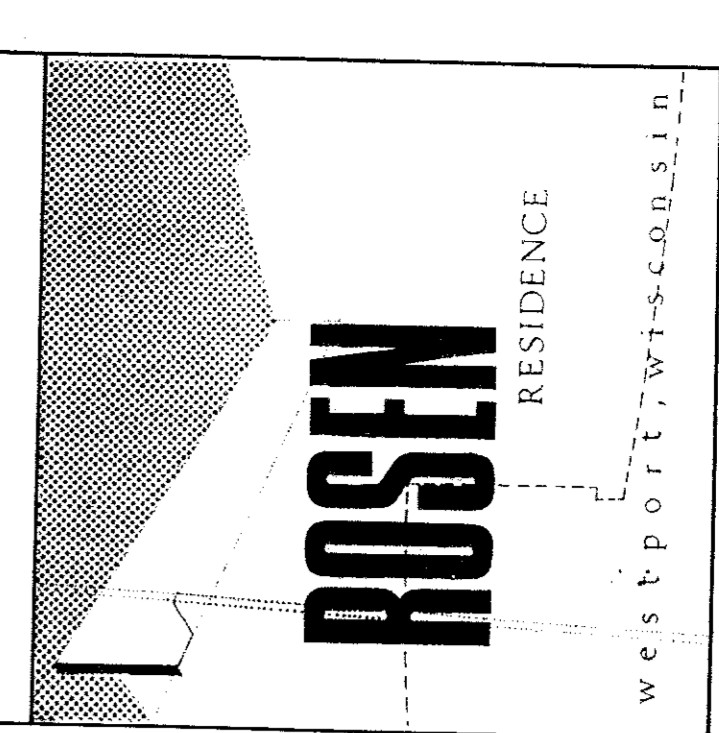
LEGEND
 Iron Stake Found
 Pole
 Existing Building
 Fence
 Spot Elevation
 Gas Line
 Electric Line Overhead
 Gravel
 Pine Tree
 Blumious
 Tree w/size
 Area of small trees and brush

Scale 1" = 30'
 0' 10' 20' 50' 100'

NO.	DESCRIPTION	DATE
1	ISSUED FOR EXHIBIT USE ONLY	7/15/91
2	FOR REVIEW	8-18-91
3	FOR REVIEW	2-17-91
4	FOR REVIEW	3-1-91
5	FOR REVIEW	3-1-91
6	FOR REVIEW	3-1-91
7	FOR REVIEW	3-1-91
8	FOR REVIEW	3-1-91
9	FOR REVIEW	3-1-91
10	FOR REVIEW	3-1-91
11	FOR REVIEW	3-1-91
12	FOR REVIEW	3-1-91
13	FOR REVIEW	3-1-91
14	FOR REVIEW	3-1-91
15	FOR REVIEW	3-1-91
16	FOR REVIEW	3-1-91
17	FOR REVIEW	3-1-91
18	FOR REVIEW	3-1-91
19	FOR REVIEW	3-1-91
20	FOR REVIEW	3-1-91

REVISIONS
 HIMMEL & BONNER
 ARCHITECTS

205 W. WACKER DRIVE
 CHICAGO, ILLINOIS 60606



SITE SURVEY

DATE 5-18-90
 JOB NUMBER 8960
 ISSUED FOR PRICING
 A1-1