

Dane County Planning & Development

Division of Zoning <u>GUIDELINES FOR VARIANCE APPLICATIONS</u> <u>DANE COUNTY BOARD OF ADJUSTMENT</u>

Introduction

The County Zoning Ordinance is adopted and enacted by the Dane County Board of Supervisors. The Dane County Board of Adjustment is the body that reviews and makes decisions on requests for variances from the County Zoning Code. The Board of Adjustment is comprised of five citizen members. The Board of Adjustment's general grant of authority is found in Section 59.694, Wis. Statutes, as follows:

"The Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained."

A zoning ordinance cannot anticipate every land use question that will arise in a community. The Board of Adjustment's authority to grant a variance gives the ordinance limited flexibility. The Board of Adjustment acts as a quasi-judicial administrative arm of the County Board. It is the Board of Adjustment's duty to preserve the zoning ordinance without modification as far as possible while ensuring substantial justice for the individual. The variance procedure allows the general rules to be varied in response to unusual circumstances, which constitute a legal hardship.

The Board of Adjustment uses a "three-step" test to determine if an appeal warrants the granting of a variance. A description of the three-step test for variance appeal hardships can be found below.

Additional Information Regarding Standards Followed by the Dane County Board of Adjustment in Considering Variance Applications

- 1. It is the responsibility of the applicant who is seeking the variance to provide "proof" that strict enforcement of zoning regulations will result in a legal hardship. A variance cannot be granted as a convenience to the property owner.
- 2. The legal hardship must come from the zoning regulations. A self-imposed hardship cannot serve as justification for a variance; i.e., the problem was self-created by the action or negligence of the applicant; the applicant commenced work on a project without first obtaining required permits or had failed to inform him/herself on permit requirements, etc.
- 3. The legal hardship or difficulty stated as the reason why a variance is necessary must be particular to the zoning parcel in question and different from that of other area parcels. The applicant for a variance must clearly show the Board that the request is due to the very unusual qualities of the property.
- 4. The expenditure of money does not constitute a legal hardship. In other words, the courts do not recognize financial hardship as a basis upon which a Board of Adjustment can give a variance (i.e., the fact that a structure erected in violation of the Zoning Code would be expensive to move, that an alternative location which would be in compliance with zoning regulations might be somewhat more expensive on which to build, etc.). The courts have uniformly held that, when a hardship was created by the applicant's own acts, they are not entitled to relief.

Dane County Zoning -- Variance Application Guidelines, Page 2 of 2

- 5. Zoning violations by others in the area, nonconformity of structures on other properties or other variances given in the area do not automatically entitle an applicant to the approval of his or her variance request. What constitutes a legal hardship and substantial justice is a matter to be determined by the Board from the facts and circumstances of each individual appeal.
- 6. In granting variances, the Board of Adjustment may impose special conditions to ensure that the public welfare will not be damaged.
- 7. Under certain fact circumstances, a variance may be approved on the basis that it is necessary in order to secure the applicant the right of rights that are enjoyed by other property owners in the same area.
- 8. A variance will not be granted simply because there is no objection to it or because those who do not object outnumber those who do.

VARIANCE APPLICATION INSTRUCTIONS

THE FOLLOWING INFORMATION <u>MUST</u> BE SUBMITTED BEFORE ANY VARIANCE APPLICATION WILL BE ACCEPTED:

- A. A written statement which includes:
 - 1. Name and address of applicant (and agent, if any).
 - 2. Address, location, tax parcel number, and legal description of the property.
 - 3. Detailed description of the proposed project (new building, alteration or addition to existing building, etc.)
- B. Completed "Variance Application" form describing alternatives and listing hardships. Your appeal must meet all three of the "steps" to be approved. SEE 3-Step Test BELOW.
- C. Site plan: <u>A detailed site plan, prepared by a Registered Land Surveyor, is required</u> in most cases. It must be accurate, drawn to an easily measurable scale, and must show all lot lines and dimensions, locations and dimensions of all existing and proposed structures (including any additions and alterations) and their setbacks from lot lines. The site plan must include the location of any septic system, well, driveway, accessory building and other physical features of the property. Other information may be required, such as topographic data, calculation of percentages of lot coverage, etc.
- D. Floor plans and elevations of the existing and/or proposed structure(s) -- may be preliminary.
- E. A letter from the Town Clerk or Administrator, acknowledging that the applicant or agent has informed the Town of their intent to apply for a Variance. (Required by Dane County Board of Adjustment directive of 09/28/1997: Staff may not accept a Variance Appeal application without a letter from the Town. *Explanation:* Board action on an Appeal may be delayed if the Town has not had an opportunity for input.)
- A pre-application meeting with the Assistant Zoning Administrator is strongly encouraged prior to applying for a variance.
- Public hearings are scheduled once per month. An annual schedule of the Board of Adjustment, including deadline dates for applications, is available on the County website.
- VARIANCE APPLICATION FEE IS \$500.00, payable to Dane County Zoning.

NOTE: If Appeal is granted, a Zoning Permit must be obtained within one year, or variance(s) will expire. Dane County Ordinance 10.26(9)



Dane County Planning & Development Division of Zoning

Three-Step Test to Qualify for a Variance:

The Dane County Board of Adjustment uses the following "Three Step Test" as standards by which it judges the "legal hardship(s)" presented by the applicant when considering variance appeals. The Board includes Findings of Fact and Conclusions at Law when it takes action on an appeal, using specific language from **each** of the three requirements.

To qualify for a variance, your property must meet the following requirements:

1. Unnecessary Hardship

Strict application of an ordinance requirement (dimensional standard) must result in unnecessary hardship. Wisconsin case law describes hardship as being present where, in the absence of a variance, no reasonable use can be made of the property. In some more extreme cases, open space uses may be the only reasonable use of a property, while in others a scaled down home and some relaxation of a setback requirement may provide a reasonable use. The zoning board will balance public interests in preserving the objectives of the ordinance and private interests in a property in determining which uses are reasonable. If a parcel as a whole (but not necessarily each portion of the parcel) provides some reasonable use for its owner, then this test is not met and a variance cannot be granted. An applicant may not claim hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have determined that loss of profit or financial hardship do not, by themselves, justify a variance. Decks and similar minor accessory structures are not essential to the reasonable use of property and are not eligible for variances.

2. Hardship Due to Unique Physical Limitations of the Property

Hardship must be due to unique physical limitations of the property, i.e. compliance with ordinance requirements is prevented by limitations (steep slopes, wetlands, etc.) that are not generally shared by other properties. The circumstances of an applicant (growing family, need for 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. Minor property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amendment of the ordinance.

3. No Harm to Public Interests

A variance may not be granted which results in harm to public interests. In applying this test, the board must consider impacts of your proposal and the cumulative impacts of similar projects on the interests of the entire community. These interests are listed as objectives in the purpose statement of an ordinance and may include general public health, safety and welfare as well as more specific issues such as environmental protection, clean drinking water and other concerns.

In addition to passing the 3-step test, you must also demonstrate that no other alternatives that would not require relief from zoning regulations exist. An existing alternative demonstrates that relief is not warranted.

Source: Zoning Board Handbook for Zoning Boards of Adjustment/Appeals by Michael D. Dresen and Lynn Markham, published July 2001 by the Land Use Education Center, The College of Natural Resources and cooperative Education, University of Wisconsin – Stevens Point, pp.42-43



Dane County Planning & Development Division of Zoning

Appeal No	
Date Received	
Date of Public Hearing _	

VARIANCE APPLICATION:

<u>Owner</u> :	
Mailing Address:	
Phone Number(s):	
Email Address:	
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:	0610-133-8000-1	Zoning District:		Acreage:
Town:		Section:	1/4	1/4
Property Address:				
CSM: L	.ot: / Subdivisior	ו:	Block/Lot(s):	
Shoreland: (Y) N	/ Floodplain: (Y) N /	Wetland: Y/N/ Wa	ater Body	
Sanitary Service:	Public / Private Se	otic System)	-	

Current Use:

Proposal:

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

PRESENTING YOUR CASE TO THE BOARD OF ADJUSTMENT:

An Area Variance may be authorized by the Dane County Board of Adjustment to vary one or more of the dimensional or physical requirements of the applicable ordinance in connection with some proposed construction.

The burden will be on you, as property owner or authorized agent, to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the zoning board to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of the hearing, including the staff report. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and may then deny your application.

Please answer the four questions below. You are encouraged to attach a separate sheet, labeling the answers (1) through (4), to provide enough detail to support your appeal:

(1) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below:

(A) Alternatives you considered that comply with existing standards: If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

(B) Alternatives you considered that require a lesser variance: If you reject such alternatives, provide the reasons you rejected them.

Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome.

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home <u>or</u> claiming that they need more outbuilding space than that permitted to store personal belongings). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

⁽²⁾ Will there be an unnecessary hardship to the property owner to strictly comply with the ordinance?

(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.

(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.

REQUIRED PLANS AND SPECIFICATIONS:

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

- 1. <u>Site Plan</u>: 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
- <u>Existing</u> buildings, wells, septic systems and physical features such as driveways, utility easements, sewer mains and the like, including neighboring properties and structures.
- <u>Proposed</u> 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.

2. Floor Plans and Elevations: Professionally-prepared plans and elevations are not required, but the plans submitted must be drawn to a standard and easily readable scale, must show each story of the building or structure, and must include all parts of existing and proposed structures, including any balconies, porches, decks, stoops, fireplaces and chimneys. Exterior dimensions must be included. Show all exit door locations, including sliding doors, and any windows or other features that are pertinent to your appeal. The plans may be a preliminary version, but are expected to represent your actual proposal for the use of your lot.

Please consult with the Assistant Zoning Administrator regarding required plans for non-conventional structures such as signs, construction cranes, etc.

3. Town Acknowledgment: Obtain a signed, dated memo or letter from the Town Clerk or Administrator of the Town where the variance is needed, acknowledging that you have informed them of your intention to apply for the variance(s). You probably will need to appear before the Town Board and/or Plan Commission, which will provide advisory input requested by the Board of Adjustment.

APPLICANT SIGNATURE:

The undersigned hereby attests that all information provided is true and accurate, and further gives permission to Planning & Development staff and Board of Adjustment members to view the premises, in relation to the Appeal request made herein, during reasonable daylight hours.

Signature Required:	Date:	
Print Name:		
Specify Owner or Agent:	·····	
Agent must provide written permission from the prope	erty owner	
<u>STAFF INFORMATION</u> : Date Zoning Division Refused Permit (if different from	n filing date)	
Filing Date	Thing date)	
Filing Materials Required:		
Site Plan		
Floor Plans		
Elevations		
Fee Receipt No Town Acknowledgement Date		
Notices Mailed Date		
Class II Notices Published Dates		
Site Visit Date		
Town Action Received Date:		
Public Hearing Date		
Action by B.O.A.		
Approved by:	Date:	

Director, Division of Planning Operations, Department of Planning and Development

Fish Camp Variance Request Statement

Applicant:	Dane County Parks Alex DeSmidt, Park Facility Planner 5201 Fen Oak Drive, Room 208 Madison, WI 53718
Property: Address: Location: Tax Parcel: Legal Desc.:	Fish Camp County Park 3359 Fish Camp Rd, McFarland, WI 53558 Town of Dunn, County of Dane 061013380001 SEC 13-6-10 PRT GOV LOT 2 DESCR AS BEG AT NW COR OF GOVT LOT 2 TH S ALG W LN OF SD GOVT LOT 2 30 FT TH E ON LN 30 FT S OF & PARA TO N LN OF SD GOVT LOT 698.4 FT TH S AT R < 299.4 FT M/L TO SHORE LN OF YAHARA RVR TH ELY ALG SHORE LN OF YAHARA RVR & LAKE KEGONSA TO SE COR OF GOVT LOT 2 TH N ALG E LN OF GOVT LOT 2 263 FT TO NE COR OF SD GOVT LOT 2 (CTR OF SEC 13) TH W ALG N LN OF SD GOVT LOT 2 2559 FT TO POB TOG W/ESMT IN M384/52

Project Description:

Fish Camp County Park is located on the northwest shore of Lake Kegonsa at the inlet of the Yahara River between the Lower Mud Lake Natural Resource Area and the Door Creek Wildlife Area. The park has been a County operated public lake access site since 1976 per the lease agreement with the WDNR. Existing County managed lake access offer public water access to Door Creek, Lake Kegonsa, and the Yahara River and have been in place since 1995. The park is also hub for lake management operations and the Dane County Sheriff's marine enforcement which utilizes one of two historic buildings onsite. Prior to becoming a County park, the site was in operation as a rough fish camp for carp removal between 1940 and 1969.

Dane County Parks requests a shoreland zoning variance for the proposed Lower Yahara River Trail and accessible fishing and boating improvements at Fish Camp County Park. Dane County Parks has been partnering with FOLKS (Friends of Lake Kegonsa Society), the Foundation for Dane County Parks, Madison Fishing Expo, Wisconsin Fishing Expo, and Access Ability Wisconsin to develop system-wide improvements at the County's lake access and shore fishing sites. The proposed improvements to Fish Camp County are part of this County-wide initiative and will create and enhance the existing public access to hiking, biking, fishing and boating opportunities for all ages and abilities. The accessible canoe/kayak launch improvements at Fish Camp will complement upstream landings at McFarland's Jaeger Park and Babcock County Park that serve the regional Yahara River water trail. The Lower Yahara River Trail is the second phase of a regional bicycle/pedestrian trail from Stoughton to Madison.

Accessible Fishing & Boating Improvements include,

1) Replacement and relocation of a floating canoe/kayak launch pier. The proposed floating kayak launch pier is larger and includes features that accommodate ADA access for loading and water ingress/egress, like handrail grab bars and a transfer station.

- 2) New walk-in water access ramp. This ramp allows kayakers to launch their craft via a handwheeled cart or have a support person wheel them into the water while already loaded. Kayaks outfitted with adaptive use features such as outriggers for stability are unable to use a floating launch platform. A block stone retaining wall will accommodate side slope transitions along the ramp and serve as steps for access and seating areas for wildlife viewing picnicking, and fishing.
- 3) Replacement of an existing floating fishing pier. A small wooden fish pier will be replaced with a larger one able to accommodate more people and year-round use.
- 4) A new lake management ramp with a floating weed barrier boom will accommodate aquatic plant management operations. The current off-loading site requires trucks to back across the riverwalk pedestrian path to offload barges full of weeds which limits access for park users. Proposed redevelopment plans separate the lake management functions from public use facilities.
- 5) Parking expansion additional ADA parking and a dropoff zone will enhance the existing canoe/kayak launch parking lot.

Lower Yahara River Trail Improvements include,

- Construction of a 10-foot wide paved bike/ped trail along an existing hiking trail alignment. This phase of the Lower Yahara River Trail will connect Fish Camp County Park to Lake Kegonsa State Park expanding bike/pedestrian connections to this park.
- 2) An existing fenced-in storage area will be repaved to create a public parking trailhead at the former Net Warehouse building.

Questions:

(1) Describe alternatives to your proposal such as other locations, designs and construction techniques.

This property is one of seven improved county owned lake access sites. An on-going County-wide initiative is focused on accessible fishing and boating improvements to these existing facilities. Other county-owned lands are being considered for similar improvements in the future, and will require this same variance. Alternative locations for the proposed upgrades were not considered as the site is an established County park and public lake access site providing public access for the Yahara River, Door Creek, and Lake Kegonsa. Adjacent lands have not previously developed and have a higher concentractin of archaeological/cultural sites and are classified as Natural Resource Area not a Recreation Park like Fish Camp. The canoe/kayak launch at Fish Camp serves the paddlers of the Yahara River Water Trail. The stretch of river between Lake Waubesa (Babcock County Park) and Lake Kegonsa (Fish Camp County Park) is a destination for paddlers and publically accessible facilities are a necessity at both locations.

(A) Alternatives you considered that comply with existing standards: If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

Any improvements to the existing public park facilities would require a variance as the ordinance is primarily focused on single family residential lots and not public parks and lake access facilities. Existing public facilities within the vegetative buffer zone have been in place since 1995 and the site has been open to the public since 1976. The majority of the park serves acts as one contiguous viewing corridor with the riverwalk between the boat launch and canoe/kayak launch. There are currently 8 accesses on the property (2 boat launch piers, 1 winter lake access path, 1 canoe/kayak launch pier, 2 fishing piers, 1 sheriff's marine enforcement boathouse pier, and an aquatic harvesting elevator staging area). The single access viewing corridor scope of the ordinance conflicts with the need for public access sites to accommodate public use and larger scale occupancy than single family residences.

(B) Alternatives you considered that require a lesser variance: If you reject such alternatives, provide the reasons you rejected them.

Any alternative considered would have required a similar variance. Ordinance is primarily focused on residential lot development and not public facilities. Alternative designs were considered during design, but the proposed design is the preferred option that utilizes previously disturbed areas and limits wetland impacts to the greatest extent possible. Coordination with Dane County Land and Water Resources – Lake Management Division, Dane County Parks, WDNR, and Accessibility Stakeholders including Wisconsin AccessAbility, Take-a-Vet Fishing, WDNR Disability Advisory Council was on-going throughout the design development.

(2) Will there be an unnecessary hardship to the property owner to strictly comply with the ordinance?

Compliance with the ordinance presents an unnecessary hardship for redeveloping the park and public lake access facilities. Existing public facilities exceed the maximums allowed by ordinance for viewing corridors and accesses. This park serves as the only developed park in this part of the Town of Dunn for the existing residential neighborhoods. The development of the Lower Yahara River Trail combined the development of new residential neighborhoods approximately 1-mile north in McFarland will only increase this park's attendance and popularity as it is a destination for lake access, bird watching and fishing. Reducing the public viewing and accesses within the vegetated buffer is not a feasible option for the demand of public use at this small park.

(3) Do unique physical characteristics of your property prevent compliance with the ordinance?

The property is located on the Yahara River and Lake Kegonsa and provides the public with facilities for lake access, restrooms/fish cleaning station, shore-fishing, wildlife observation, scenic views, walking, picnicking and historical interpretive information. The Park is split into two areas, the Boat Launch and the Canoe/Kayak Launch and serves as a public access for the adjacent Door Creek and 700-acre Door Creek Wildlife Area. 900' of the 2100' of property's shoreline is developed and maintained for public use with the majority of the undeveloped property being wetlands.

The property previously operated as a rough fish camp for carp removal and has been developed for the last 85 years. Two historic buildings remain from this former operation, plan review with Wisconsin Historical Society has been completed and no impacts to the historical buildings will occur. The site has a

historical marker and several interpretive signs that explain the past operations. Currently, Dane County Lakes Management utilizes the site as an offload site for aquatic plant harvest operations. The proposed improvements create a designated space for this separate from pedestrian walkways and public use facilities. The Dane County Sheriff's Department Marine Enforcement Unit utilizes one of the buildings as their boat house. There is also a dry hydrant for Fire Emergency response. Proposed improvements do not impact these uses that could inhibit emergency response.

The entire property is located in the Town of Dunn's Environmental and Cultural Resource Protection Corridor which prohibits development of structures in this corridor, a Town Variance is required and being pursued concurrently for these improvements.

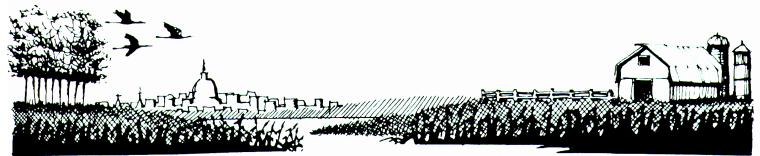
(4) What would be the effect on this property, the community or neighborhood, and the general public interest if the variance were granted?

If the variance is granted the property, the community and public will benefit from improvements to the existing public facilities that increase public health, safety, and welfare by providing greater accessibility for ADA and universal access, increase safety by separating operational and recreational uses, improve scenic views from the site while maintaining the scenic beauty of the site, and increase awareness of the historical and cultural use of the site. The intent and purpose of the shoreland zoning ordinance would still be met as the goals of Dane County Parks align with the stated purpose of the ordinance of promoting and protecting public health, safety, convenience and general welfare and protecting the public trust in navigable waters.

Threatened and Endangered species have been reviewed and will not be impacted, per ERR Log # 19-470. No critical habitat areas or areas of special natural resource interest (ASNRI) will be impacted. Historical and cultural features were reviewed using Wisconsin Historic Preservation Database GIS data. No known archeological sites exist. The site was previously a DNR fish removal camp 1934-1969 and two adjacent buildings remain that are on the Wisconsin Architecture and History Inventory (AHI) - *Lake Kegonsa Rough Fish Station - Storage #00083/00084, AHI #: 76351/76349.* SHPO review of the project is in complete, no impacts. WDNR has reviewed and permitted all improvements. Wetlands have been delineated and impacts are limited to previously disturbed areas.

The addition of the Lower Yahara River Trail will convert a previously paved storage area to a public parking trailhead for improved public access and use. This additional parking area is not visible from adjacent residences, and is setback more than 60-feet from the shoreline.

Negative impacts to the property, community/neighborhood, and general public are mitigated by using areas previously developed and disturbed to the greatest extent possible. Vegetative buffers to adjacent properties and between the water and parking areas and trails will remain to the greatest extent possible. Tree removals within the vegetative buffer zone have been limited to dead and diseased trees. All trees removed from this zone will be replaced. Native planting pollinator gardens by the FOLKS (Friends of Lake Kegonsa Society) have been added between the riverwalk and shoreline. Proposed improvements identify areas for native rain gardens and similar landscaping to naturalize the 35' zone along the shoreline where possible while also providing access for shore fishing, wildlife viewing and picnicking to the public.



TOWN OF DUNN - 4156 COUNTY ROAD B, McFARLAND, WI 53558 Website: www.town.dunn.wi.us E-mail: townhall@town.dunn.wi.us Phone: (608) 838-1081

FAX: (608) 838-1085

September 21, 2022

To: WI DNR, PO Box 7921 Madison, WI 53701 (Alex DeSmidt, Representative)

Re: Proposed variance for Parcel 0610-133-8000-1

This letter confirms that the Town of Dunn has been contacted by the landowner or their representative regarding a proposed variance for the lot referenced above.

After an application has been submitted to Dane County Zoning, the Town Board must make a recommendation to the Dane County Board of Adjustment regarding the proposed variance. The recommendation will be considered at a public meeting of the Town Board.

In order to have the variance placed on a future Town Board agenda you need to do the following:

- 1. Provide the Town with a copy of the <u>completed</u> Dane County Board of Adjustment variance application. Include any supporting documentation, diagrams, or information that explains the variance requested.
- 2. Submit the above materials to the Town immediately after you have filed your application with Dane County.

We recommend contacting your neighbors to let them know you are pursuing a variance. Your adjacent neighbors will receive a notice from the Town when the variance is placed on the Town Board agendas. Neighbors may be more supportive of a variance if they have spoken with the landowner and understand how the variance will affect them before they receive a notice from the Town.

Sincerely,

Ben Kollenbroich Planning and Land Conservation Director

Email copy: Hans Hilbert, Dane County Zoning, Hilbert.hans@countyofdane.com

AGREEMENT

d

41

THIS AGREEMENT, made this 12th day of April , 1976, between the State of Wisconsin, Department of Natural Resources, hereinafter referred to as "Department", and the County of Dane, by and through its agent, the Dane County Park Commission, hereinafter referred to as "County".

Whereas, the Department is the owner in fee simple title of certain real estate located in the Town of Dunn, Dane County, State of Wisconsin, to-wit:

> Beginning at the NW corner, Government Lot 2, Section 13, Township 6 North, Range 10 East, Town of Dunn, County of Dane, Wisconsin; thence south along the west line of said Government Lot 2 for 30 feet; thence running east on a line that is 30 feet south of and parallel to the north line of said Government Lot 2 for 698.4 feet; thence south at right angles for 299.4 feet (more or less) to the shore line of the Yahara River; thence easterly along the shore line of the Yahara River and Lake Kegonsa to the southeast corner of Government Lot 2 for 263 feet to the northeast corner of said Government Lot 2 (center of Section 13), thence west along the north line of said Government Lot 2 for 2,559 feet to place of beginning. This comprises a total of approximately 19.1 acres.

And whereas, it is mutually desirable to provide an improved access to public waters; open areas for recreational use, wetlands, marsh areas and lakeshore areas for natural fish and game propagation and for the harvest of fish and game and aesthetic and scenic areas for the general public;

Now therefore, the Department for and in consideration of the covenants and conditions hereinafter set forth, hereby authorizes and permits the County to develop, operate and maintain a multipleuse recreation area upon the above-described lands including a launching ramp, picnic grounds and parking area for the use and benefit of the general public.

All developmental plans for the subject multiple-use recreation area must be submitted and approved by the Department prior to the commencement of any phase of the proposed project. Any changes of use in or development of said area shall be performed in accordance with general plans submitted by the County and approved by the Department.

The County will provide the necessary maintenance, including but not limited to grading, landscaping and controlling obnoxious weeds at the multiple-use site, the access right-of-way, the parking area and the launching ramp to keep it in a good state of usability and sightliness. The County further agrees to provide the necessary policing of the area to keep it clean and neat; to achieve efficient, safe use, and to preserve and protect public health, safety and welfare, in accordance with the policies, rules and regulations established by the County.

The County agrees to operate the area without discriminating against any user of the facility or employe on the basis of race, religion, color, sex or national origin. The Department retains the right to reinstall fish loading ramps and fish pens if it becomes necessary to remove rough fish from the Madison lakes. Such installation shall be done in a manner mutually agreed upon by the parties hereto.

No filling or vegetative removal in wetland areas shall be permitted without prior written Departmental approval.

This agreement does not vest any hunting, fishing or trapping rights in the County; said rights remaining under the control of the Department.

The County agrees to save the Department harmless from any and all claims by third persons, for damage through personal injury or damage to property incurred on the subject premises caused by the fault or neglect of the County.

The Department may terminate this agreement after thirty (30) days notice to the County for a breach of any and all terms and conditions of this agreement. The Department's failure to insist upon the strict performance of the terms, covenants and conditions contained herein, shall not constitute or be construed as a waiver or relinquishment of the Department's right to thereafter enforce any such term, covenant, or condition, but the same shall remain in full force and effect.

The Department or the County may otherwise terminate this agreement by giving a one (1) year written notice to the other party.

In witness whereof, the parties hereto have set their hands this 6th day of ______, 1976.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

)Earl, Anthony S. Secretary

Antiony 5. Larr, Secreta

DANE COUNTY

By: Stange F.

Dane County Executive

Attested:

Dane County Clerk





CREATING ACCESSIBLE PIER & PUBLIC SHORELINE OPPORTUNITIES



5201 Fen Oak Drive Room 208 Madison, WI 53718

(608) 224-3730 danecountyparks.com



BACKGROUND

The Foundation for Dane County Parks and the Madison Fishing Expo are partnering with Dane County Parks and the Wisconsin Fishing Expo to help develop a system-wide upgrade of water access facilities to expand and enhance wildlife viewing, kayaking, boating, and shore fishing opportunities for park visitors. Other partners include Access Ability Wisconsin, Madison SCI, and Take a Vet Fishing.

ACCESS FOR ALL

Projects that will improve universal water access for all people have been identified at several County parks. This program will expand access for everyone who enjoys the outdoors.

Lake access sites are open to all of the public in County parks, and are an important accessible resource for the community. This program aims to dramatically improve access to these sites.



Additional information is available on the Dane County Parks Website at: https://www.danecountyparks.com/ Accessible-Fishing-Boating



A PUBLIC/PRIVATE PARTNERSHIP

Substantial donations provided privately will augment funds in the Dane County Parks budget. The Foundation for Dane County Parks will be collecting taxdeductible donations for these projects.

Please complete contact information below and return your donation to:

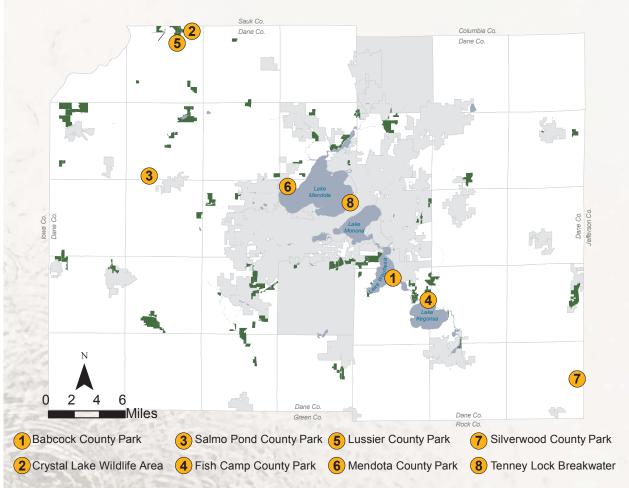
Foundation for Dane County Parks 5201 Fen Oak Drive Madison, WI 53718 foundationfordanecountyparks@gmail.com

Donor Name(s):

Address:	2549
	100
Phone: Email:	
Donation Amount: Check Number:	



PROPOSED ACCESSIBLE PROJECT LOCATIONS

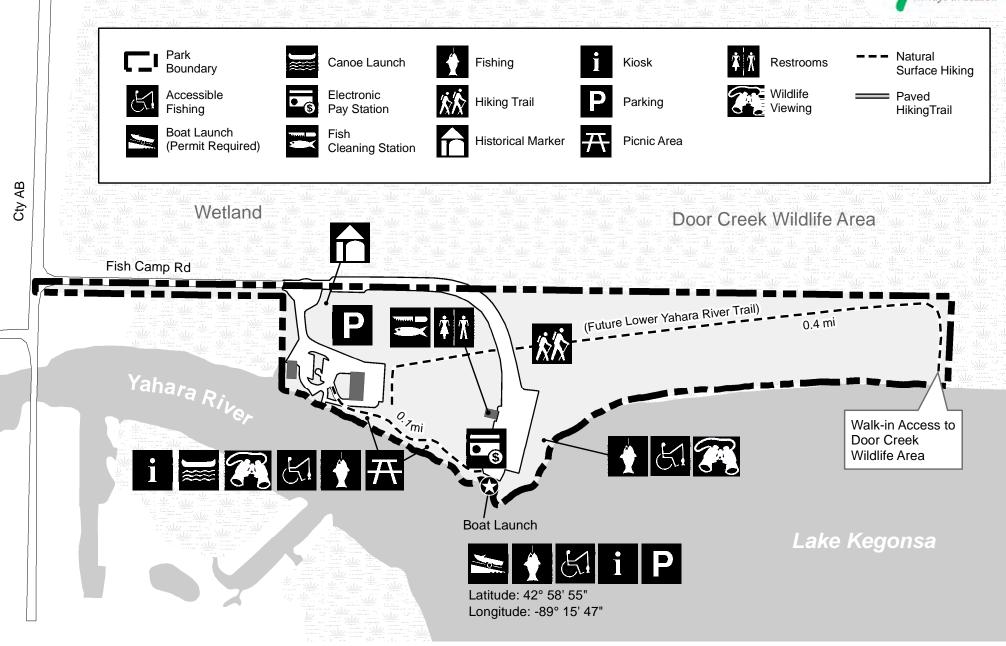


Eight projects have been identified at Babcock County Park, Lussier County Park, Fish Camp County Park, Salmo Pond County Park, Silverwood County Park, Tenney Lock Breakwater, Crystal Lake Wildlife Area, and Mendota County Park.

Some of the improvements proposed at each site would include additional accessible parking spaces and pathways that would provide barrier free access to new floating fishing piers, kayak launches, rest rooms, and boat loading assistance stations.

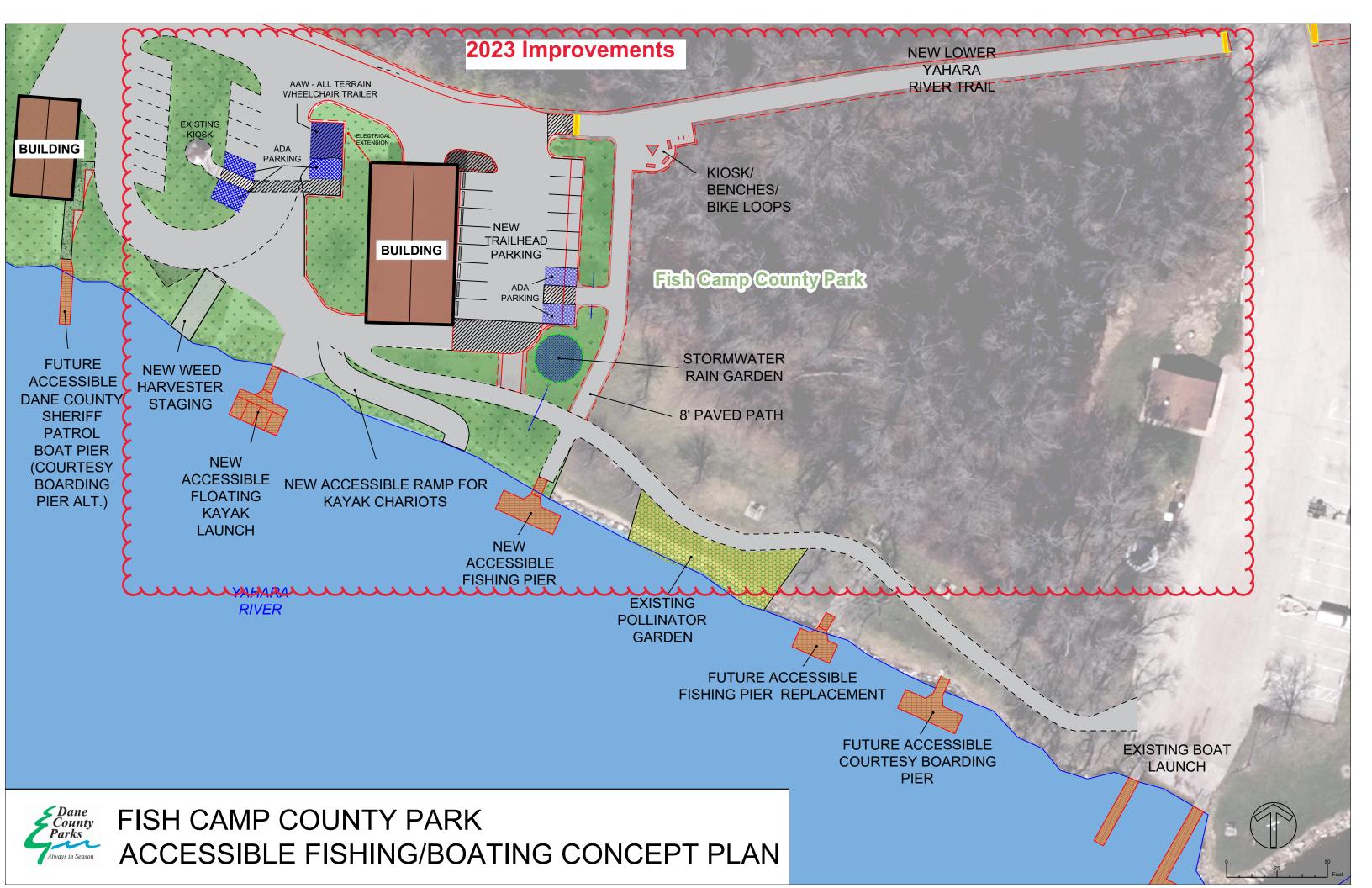
Fish Camp County Park

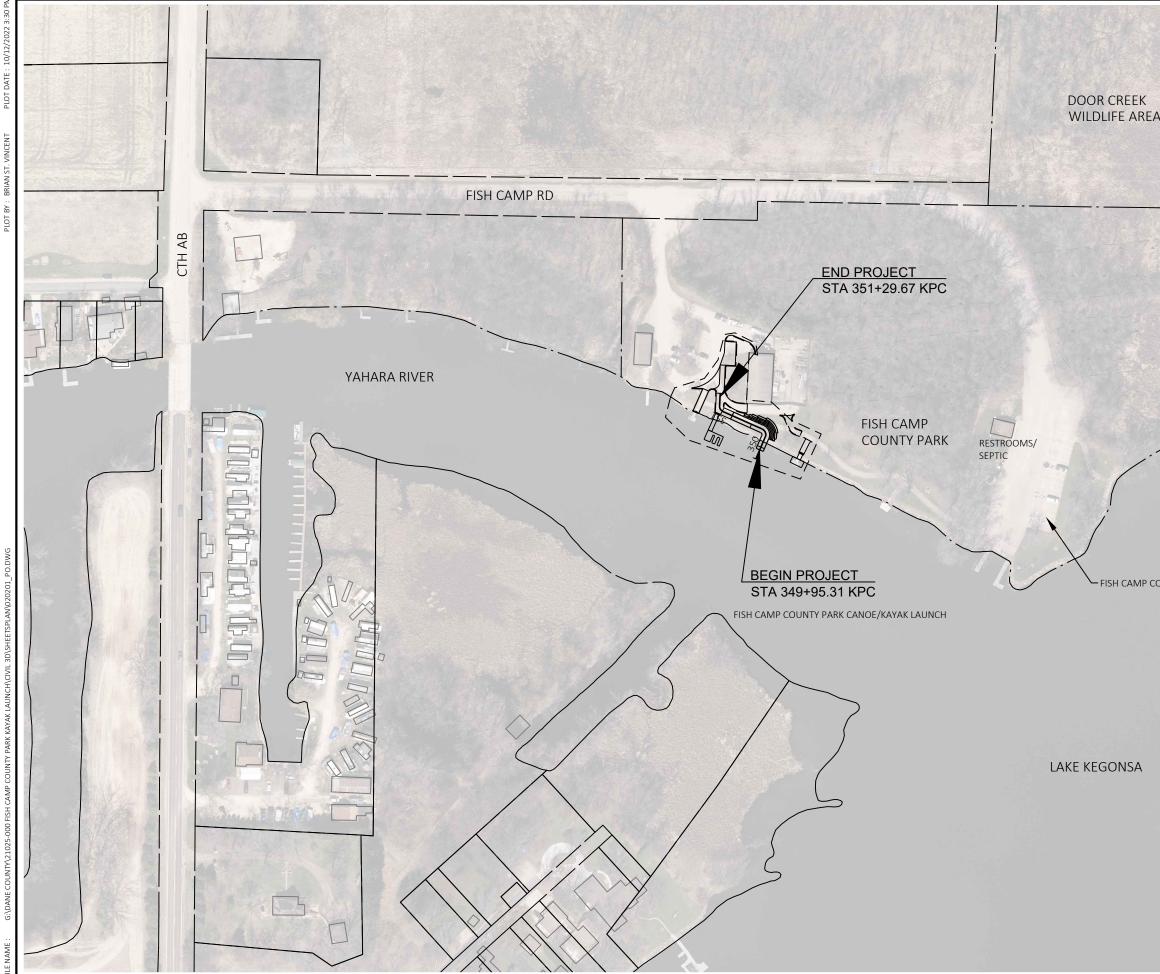
3359 Fish Camp Rd, McFarland, WI 53558





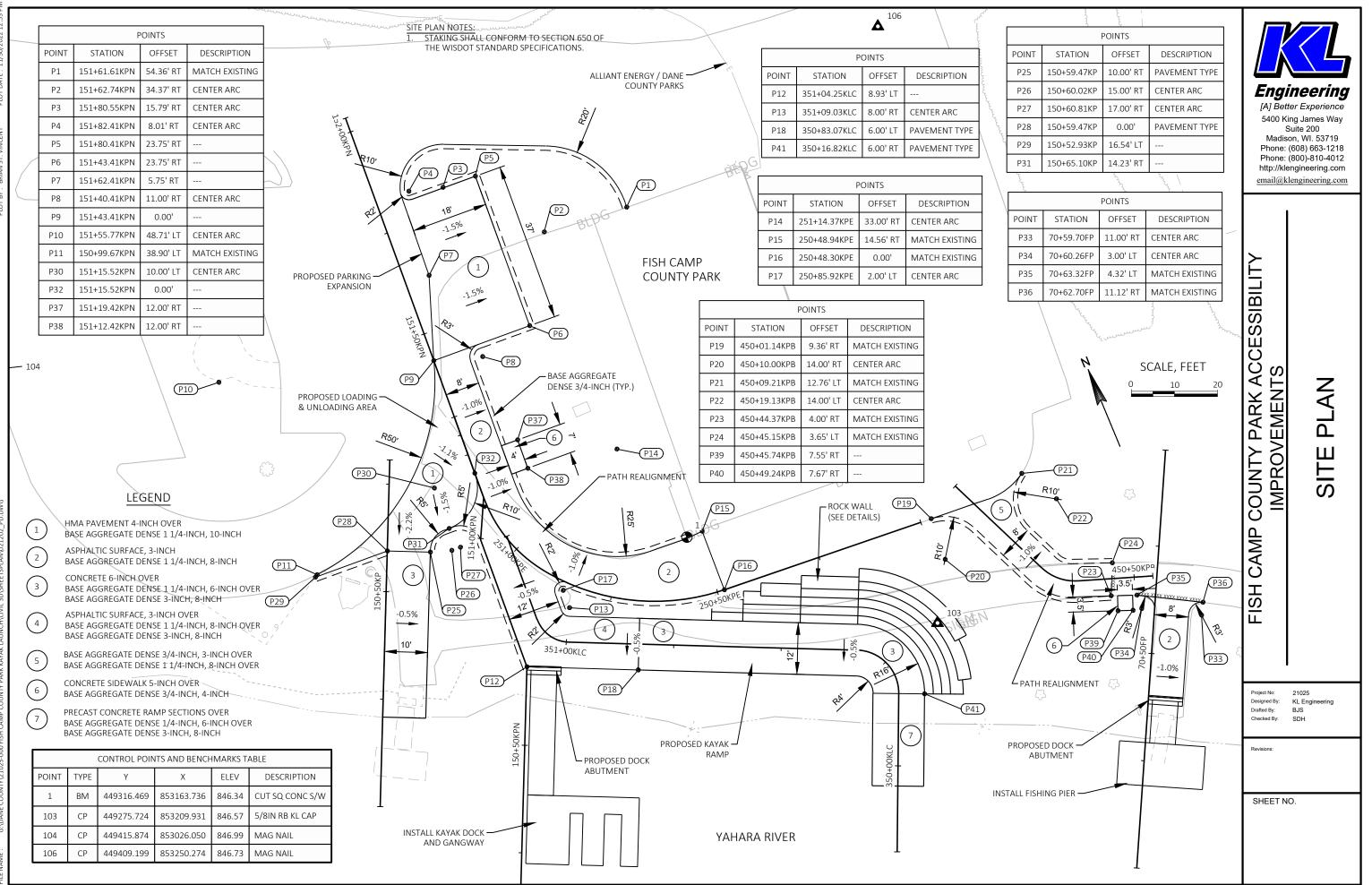






N	Image: Constraint of the systemImage: Constraint of		
DUNTY PARK BOAT LAUNCH	FISH CAMP COUNTY PARK ACCESSIBILITY IMPROVEMENTS	PROJECT OVERVIEW	
	Project No: Designed By: Drafted By: Checked By: Revisions:	21025 KL Engineering BJS SDH	
SCALE, FEET	SHEET N	0.	





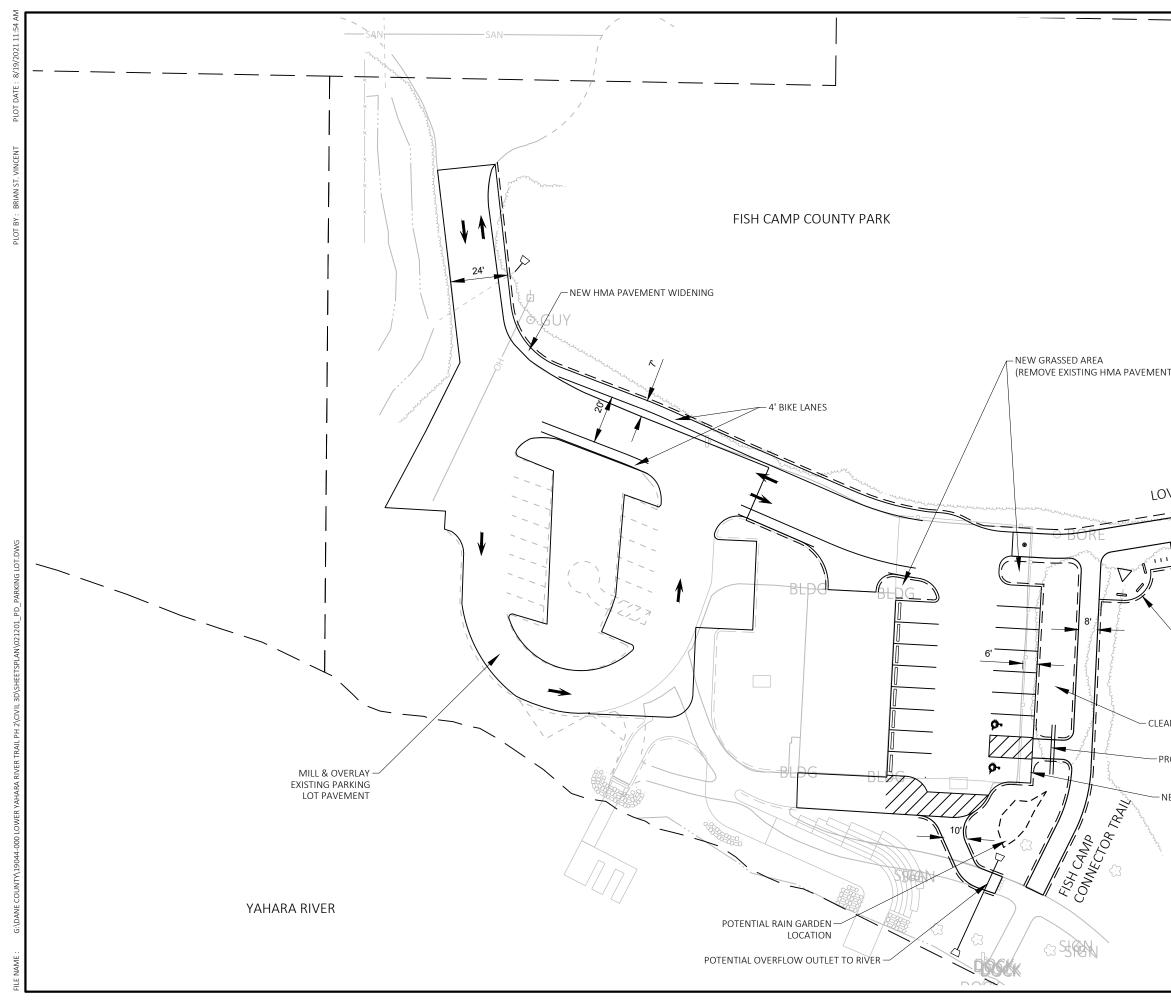
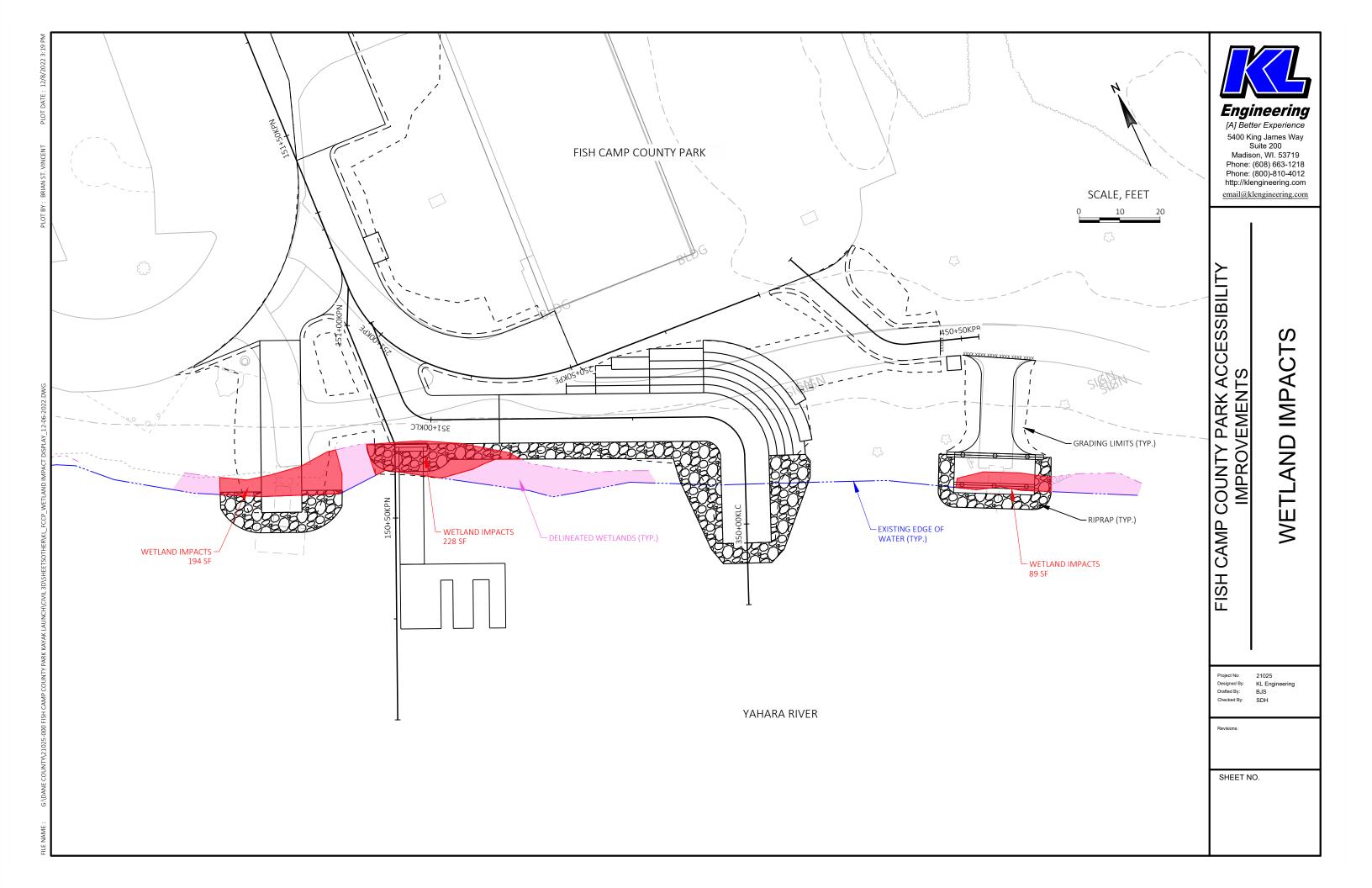
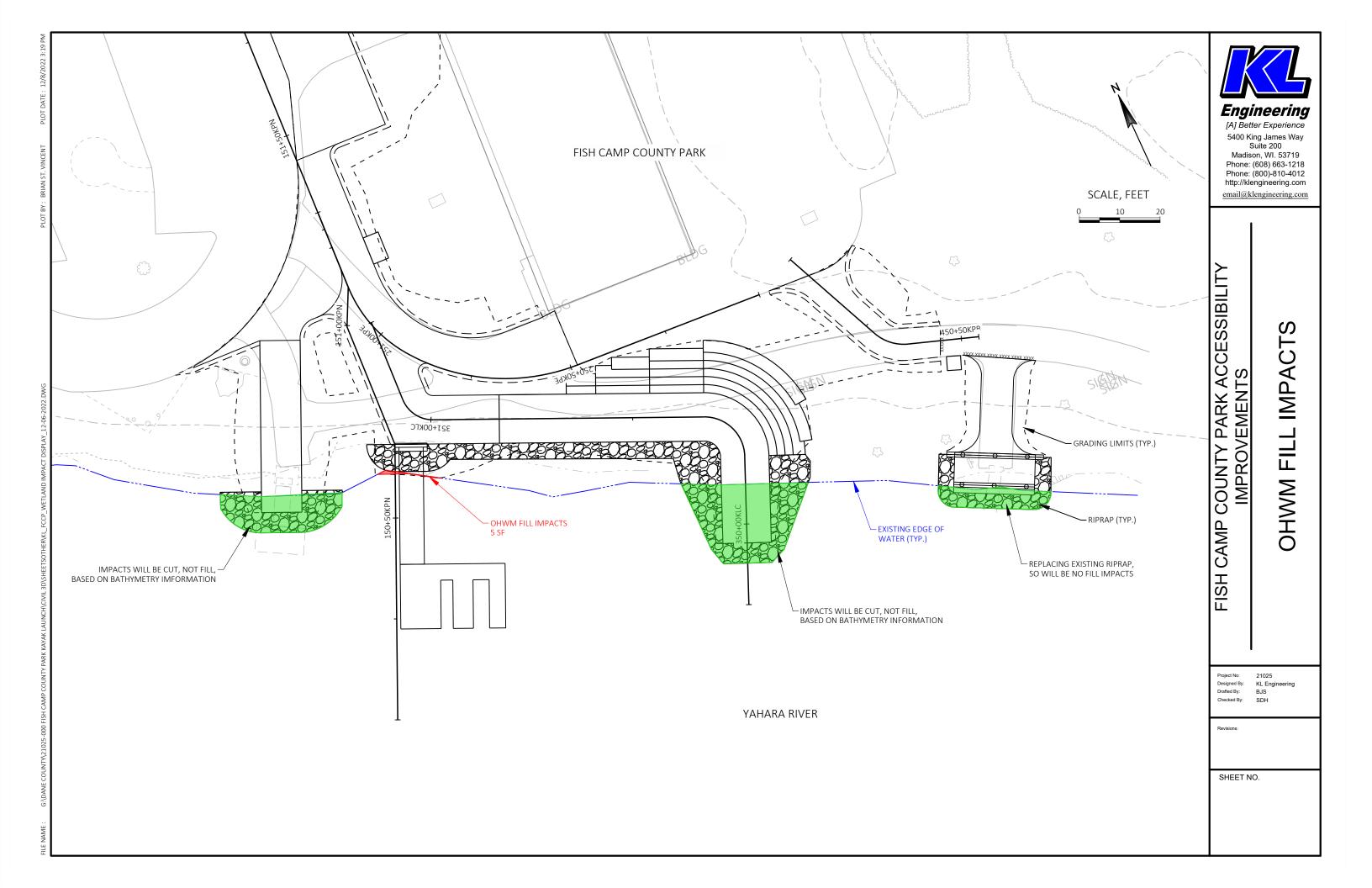
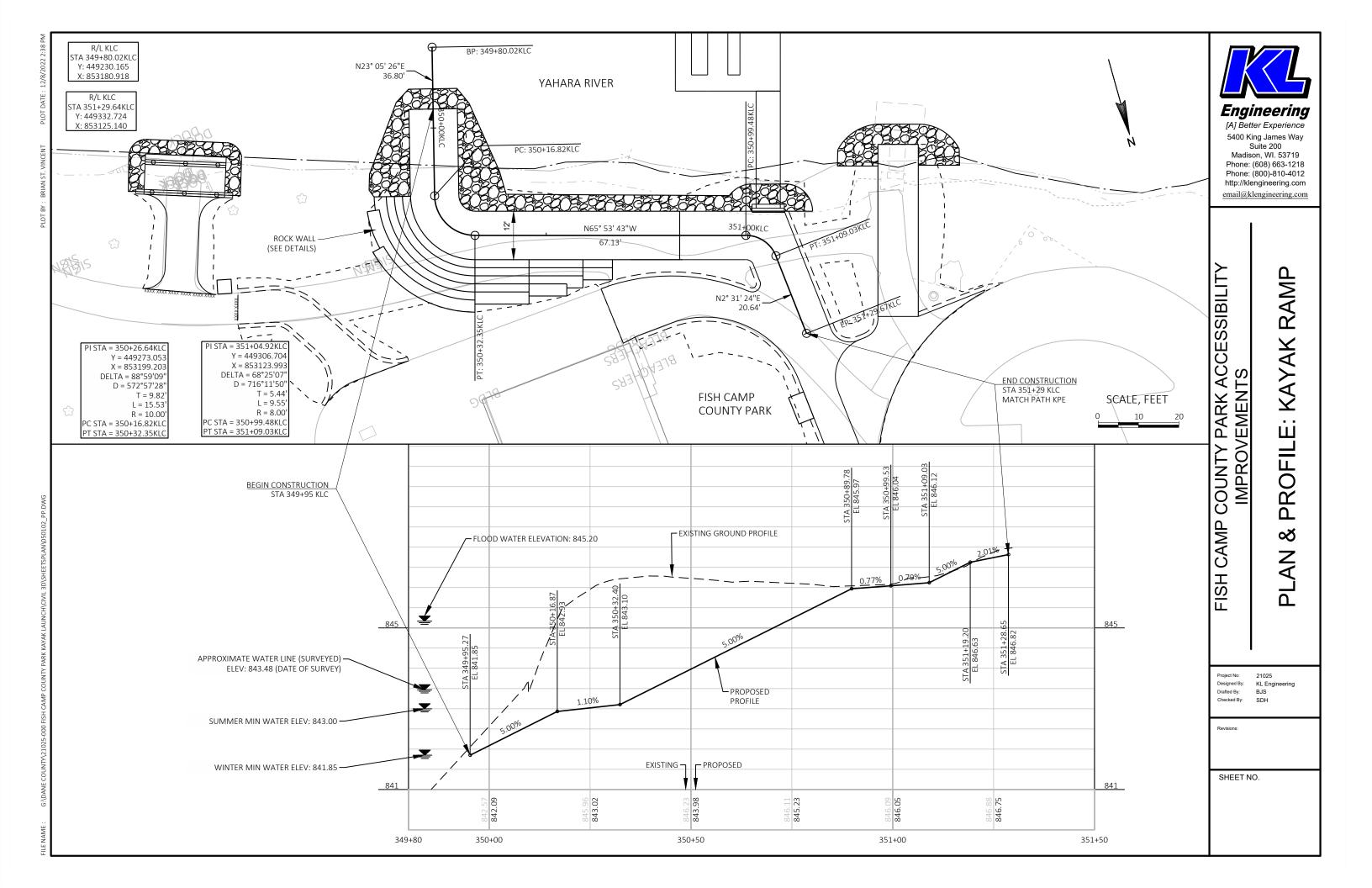
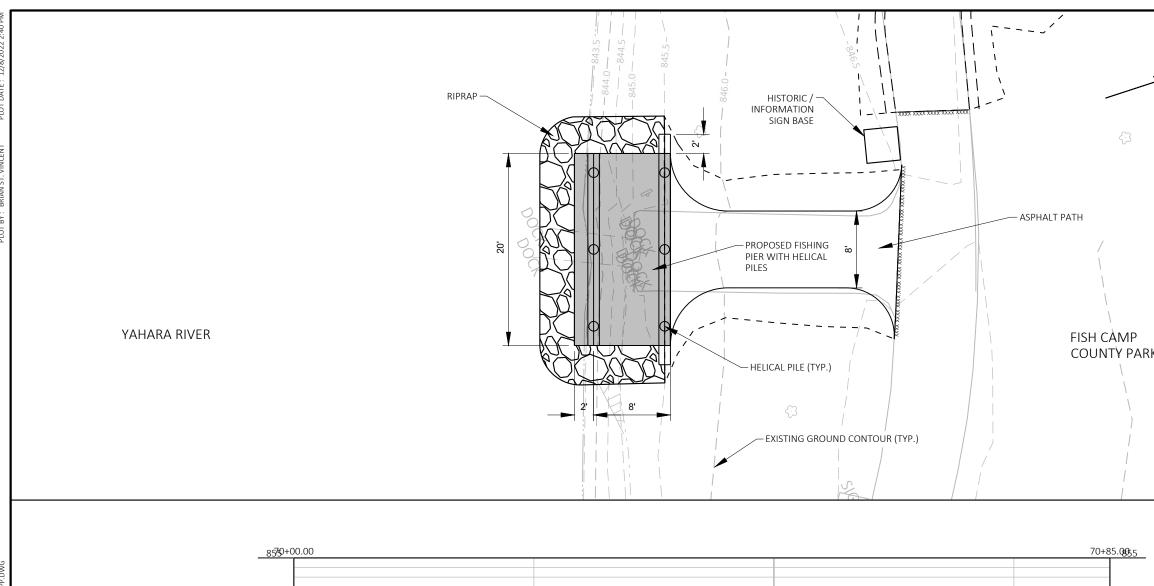


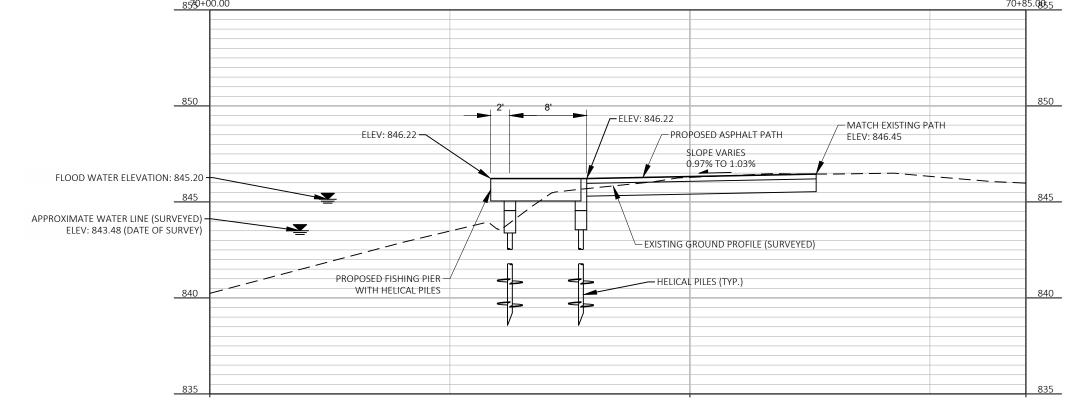
	Image: Constraint of the system All Better Experience 5400 King James Way Suite 200 Madison, WI. 53719 Phone: (608) 663-1218 Phone: (800)-810-4012 http://klengineering.com email@klengineering.com	
IT)	LOWER YAHARA RIVER TRAIL PHASE 2	FISH CAMP PARKING LOT DETAILS
ROPOSED OUTLET TO SOUTH	Project No: Designed By: Drafted By: Checked By:	19044-000 KL Engineering BJS SDH
	Revisions: XX-XX-XXXX SHEET NO.	



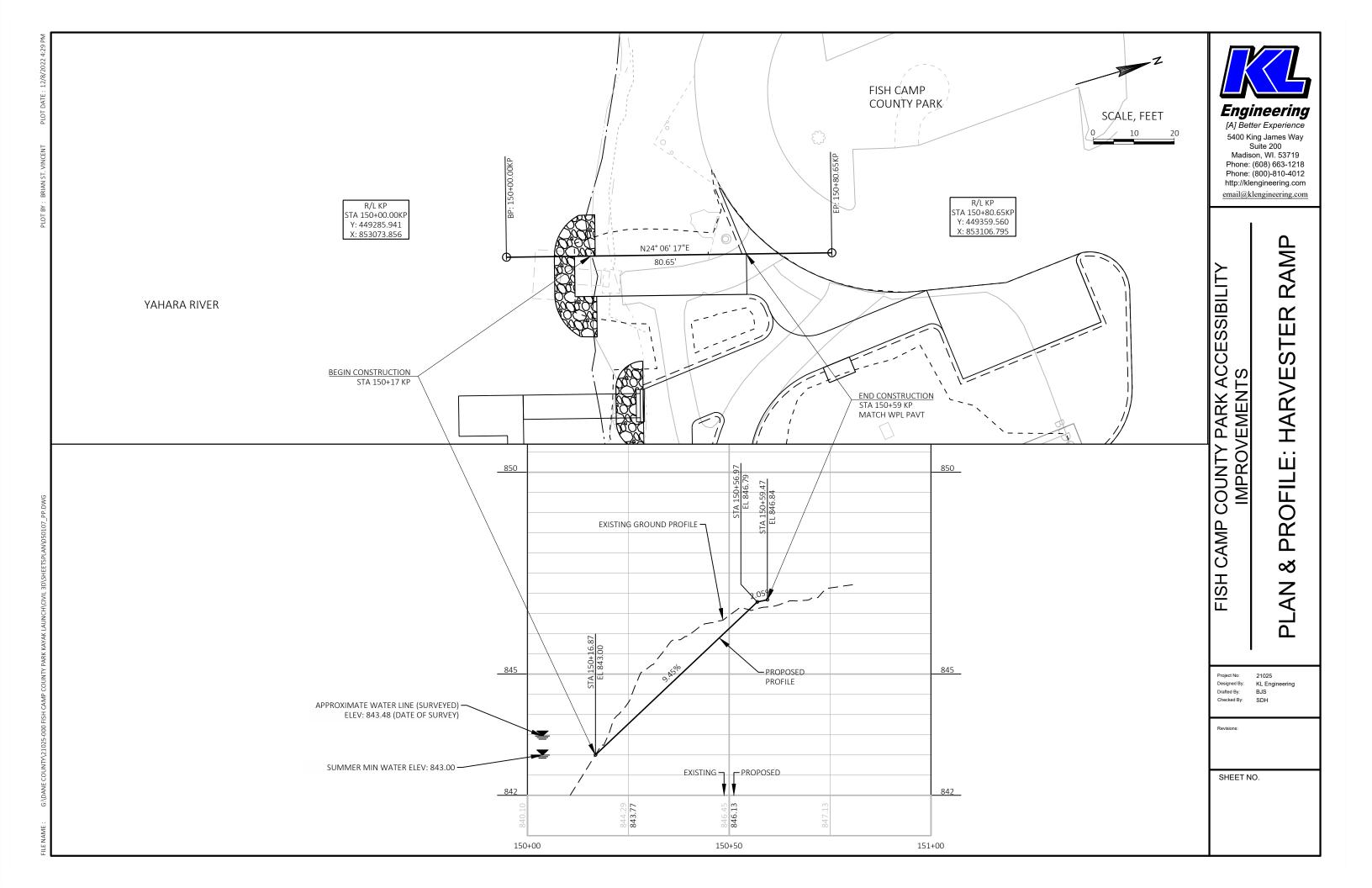


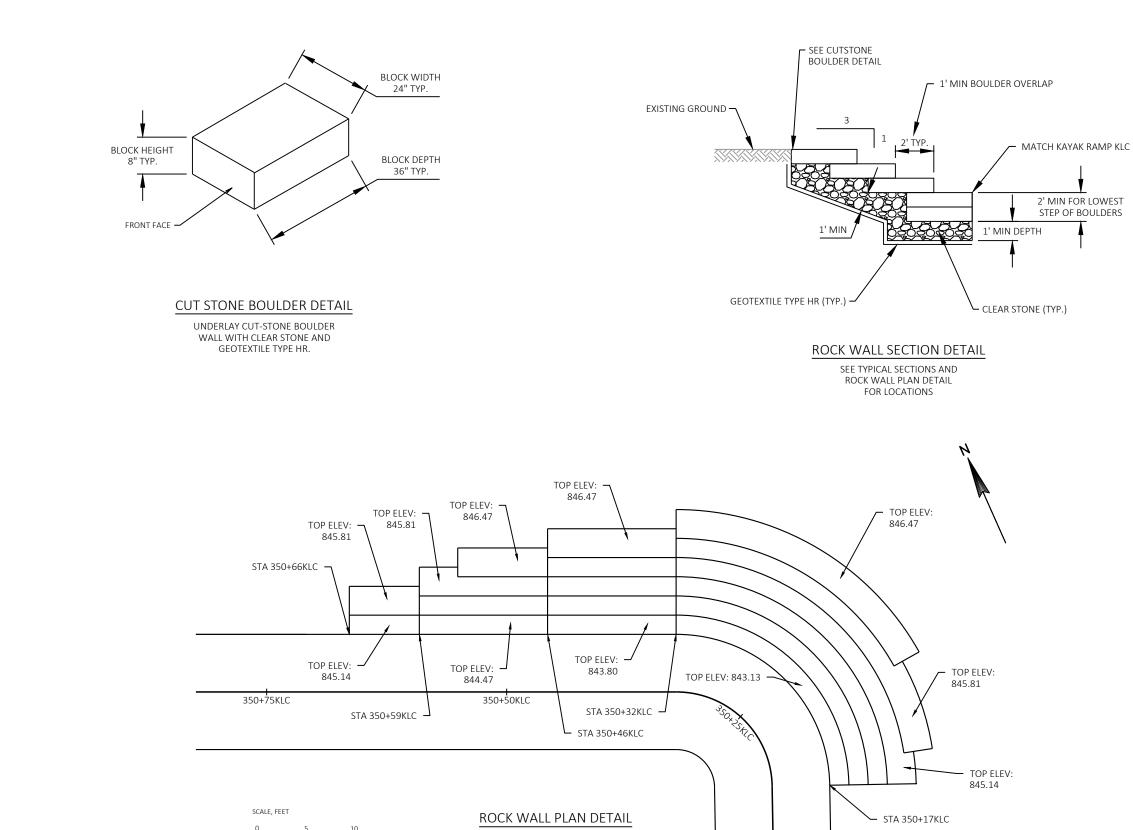




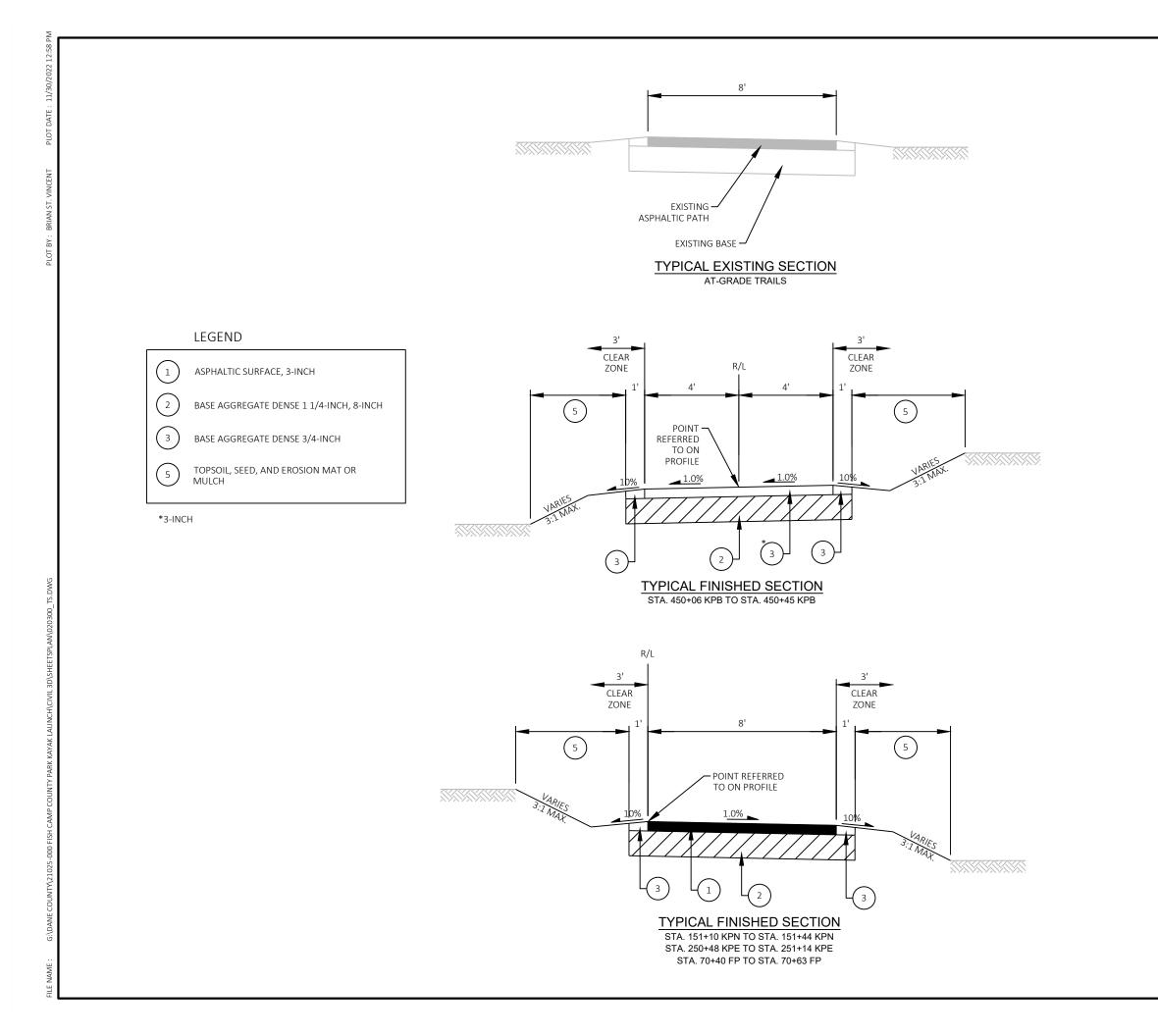


SCALE, FEET	Image: Constraint of the system All Better Experience 5400 King James Way Suite 200 Madison, WI. 53719 Phone: (608) 663-1218 Phone: (600)-810-4012 http://klengineering.com email@klengineering.com
Κ	FISH CAMP COUNTY PARK ACCESSIBILITY IMPROVEMENTS PLAN & PROFILE: FISHING PIER
	Project No: 21025 Designed By: KL Engineering Drated By: BJS Checked By: SDH Revisions:

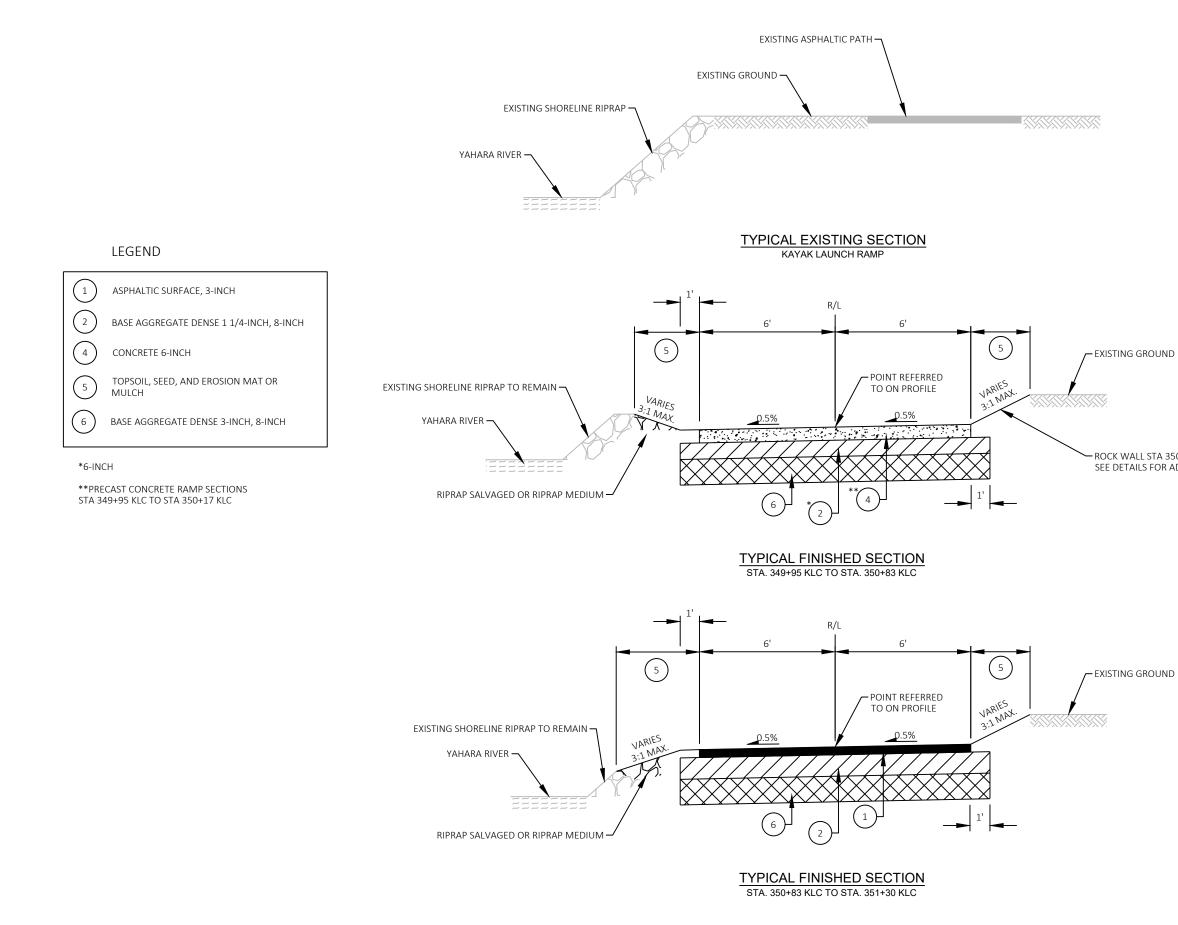




[A] Beti 5400 Ki S Madis Phone: Phone: http://kle	The ering and the ering of the ering
FISH CAMP COUNTY PARK ACCESSIBILITY IMPROVEMENTS	CONSTRUCTION DETAILS
Project No: Designed By: Drafted By: Checked By:	21025 KL Engineering BJS SDH
Revisions:	
SHEET N	0.

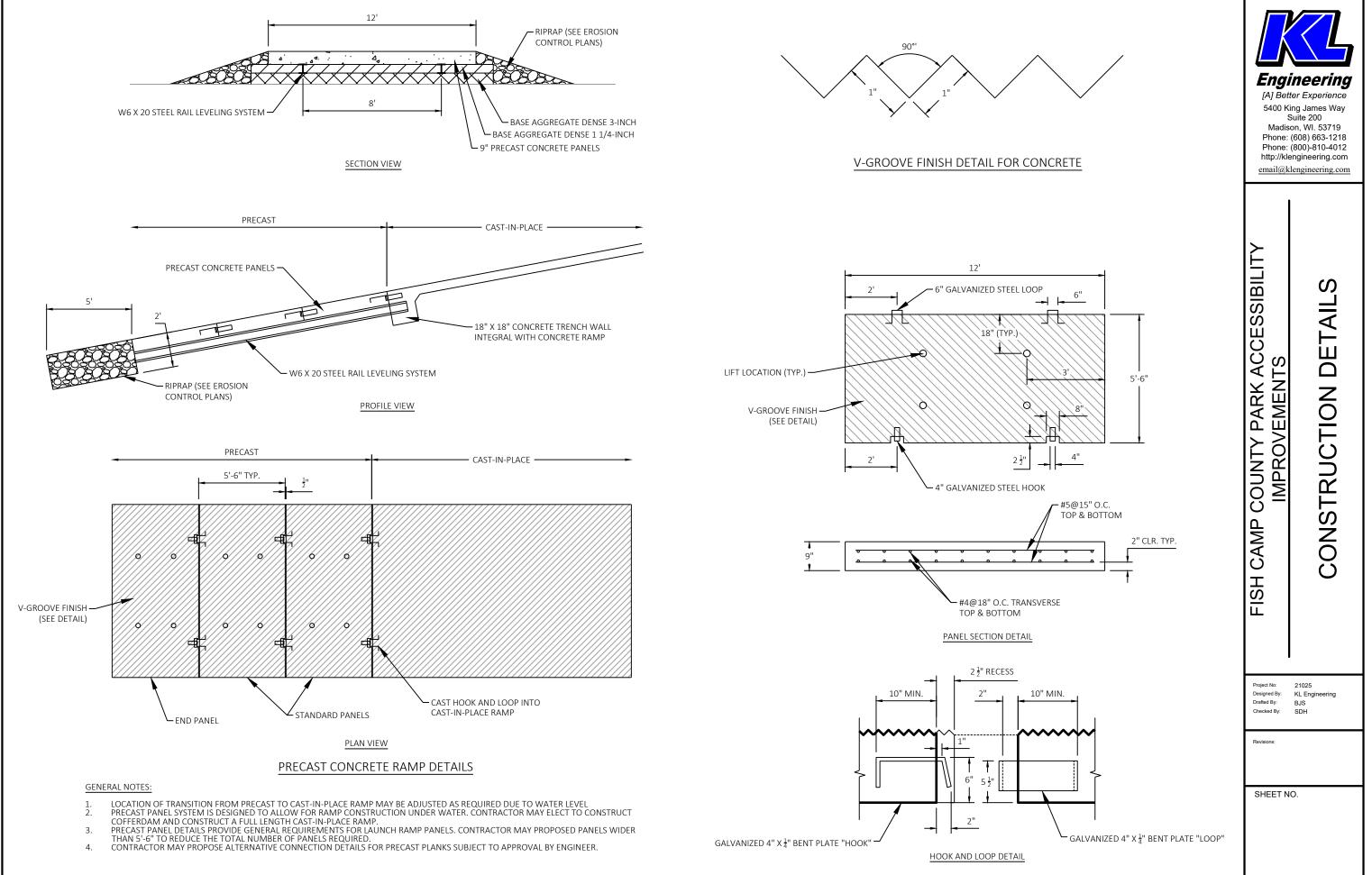


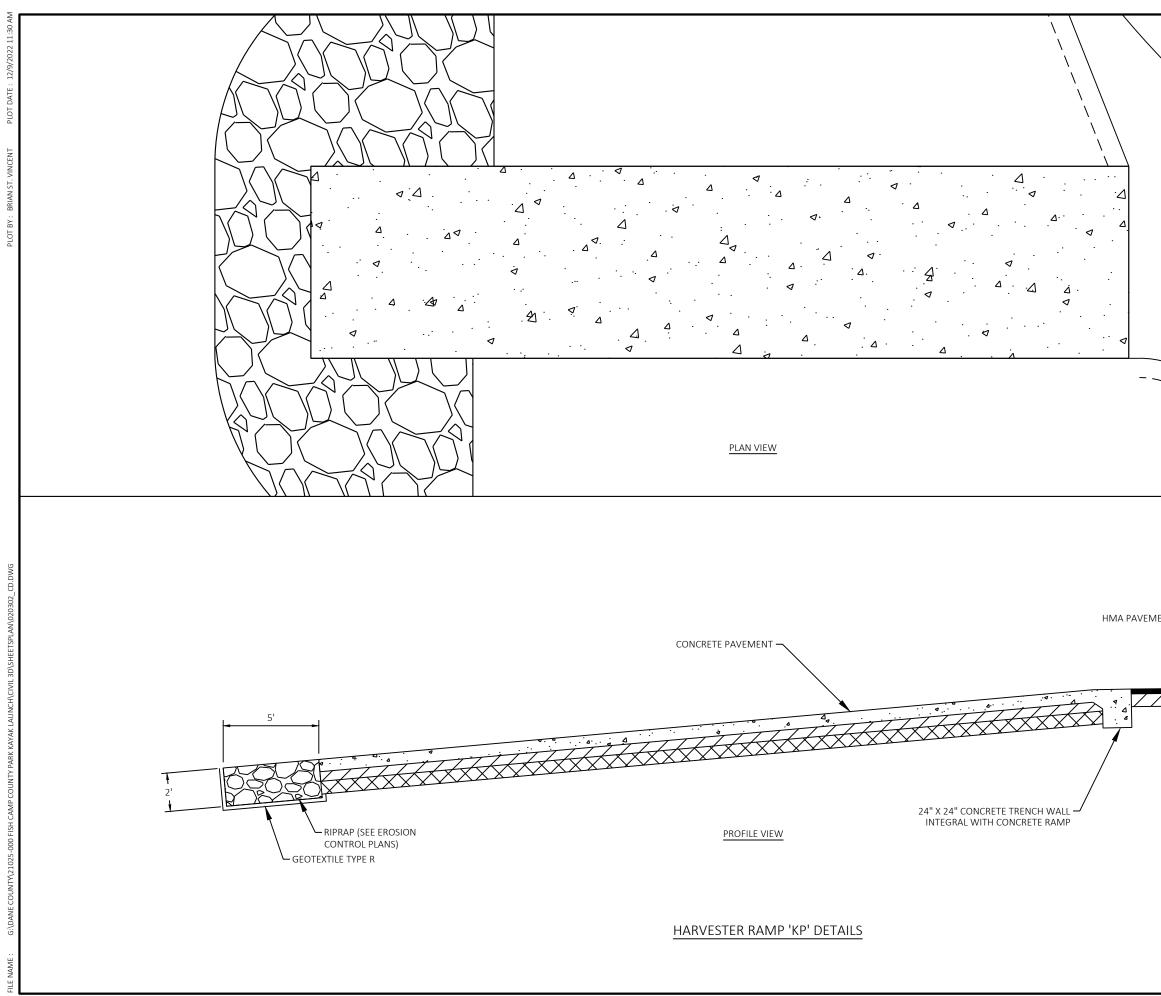




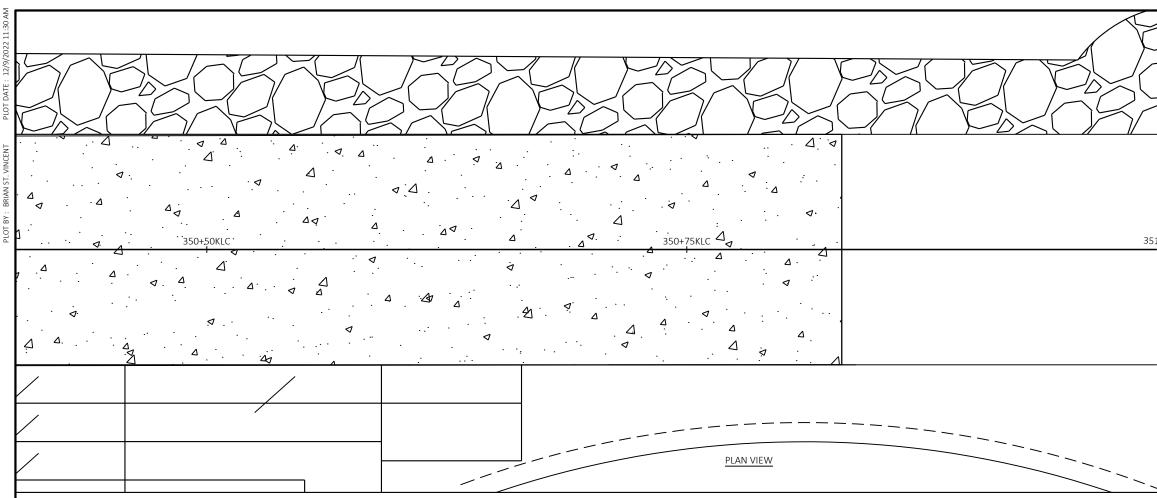
Engineering [A] Better Experience 5400 King James Way Suite 200 Madison, WI. 53719 Phone: (608) 663-1218 Phone: (800)-810-4012 http://klengineering.com email@klengineering.com COUNTY PARK ACCESSIBILITY IMPROVEMENTS SECTIONS TYPICAL FISH CAMP Project No: 21025 Designed By: Drafted By: KL Engineering BJS Checked By: SDH xx-xx-xxxx Revisions: SHEET NO.

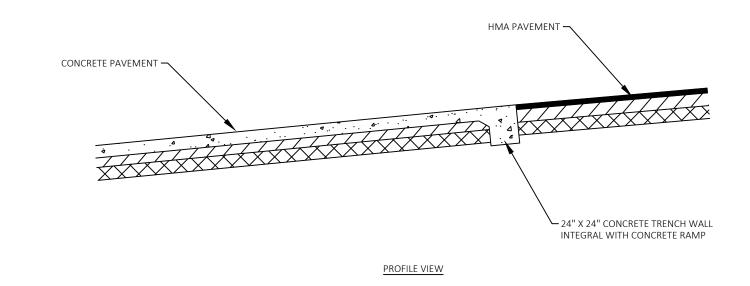
ROCK WALL STA 350+17 TO STA 350+66 SEE DETAILS FOR ADDITIONAL INFORMATION





Constant of the second	
FISH CAMP COUNTY PARK ACCESSIBILITY IMPROVEMENTS Located Bi: Dusted Bi: Duste	CDNSTRUCTION DETAILS





KAYAK RAMP 'KLC' DETAILS

E NAME : G:\DANE COUNTY\21025-000 FISH CAMP COUNTY PARK KAYAK LAUNCH\CIVIL 3D\SHEETSPLAN\020302_CD.DWG

AJ Better Experience S400 King James Way Suite 200 Madison, WI. 53719 Phone: (608) 663-1218 Phone: (600)-810-4012 http://klengineering.com email@klengineering.com	
FISH CAMP COUNTY PARK ACCESSIBILITY IMPROVEMENTS	CONSTRUCTION DETAILS
Project No: 21025 Designed By: KL Engineering Drafted By: BJS Checked By: SDH Revisions:	
SHEET N	10.

