

Application for Variance

Micah Zielke (owner)

2917 CTY Hwy BB

Cottage Grove, Wi 53527

608-669-5120

kjzielke@gmail.com

Chris Miller Const. LLC (agent)

3186 Kinney Rd.

Cottage Grove, Wi 53527

608-206-1106

Chris.miller.construction@gmail.com

Subject property

Parcel # 018/0711-071-9520-1

2917 Cty Hwy BB

Cottage Grove, Wi 53527

Township of Cottage Grove



Dane County Planning & Development

Division of Zoning

Appeal No. _____
Date Received _____
Date of Public Hearing _____

VARIANCE APPLICATION:

Owner: MICHAEL ZIELKE
Mailing Address: 2917 HWY BB COTTAGE GROVE, WI 53527
Phone Number(s): 608-669-5120
Email Address: KTZIELKE@GMAIL.COM

Assigned Agent: CHRIS MILLER CONST. LLC
Mailing Address: 3186 KINNEY RD.
COTTAGE GROVE, WI 53527
Phone Number(s): 608-206-1106
Email Address: Chris.miller.construction@gmail.com

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: 0711-071-9520-1 Zoning District: RM-16 Acreage: 18+
Town: COTTAGE GROVE Section: 7 1/4 E 1/4 E
Property Address: 2917 HWY BB COTTAGE GROVE
CSM: _____ Lot: _____ / Subdivision: _____ Block/Lot(s): _____
Shoreland: Y (N) Floodplain: Y (N) Wetland: Y (N) Water Body _____
Sanitary Service: Public (Private) (Septic System)

Current Use: SINGLE FAMILY RES.

Proposal: ADDN. TO HOME

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.

(ATTACHED)

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

(ATTACHED)

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

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 or 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.

(ATTACHED)

- (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.

(ATTACHED)

- (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.

(ATTACHED)

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.

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: Chris Miller (Agent) Date: 12-12-24

Print Name: CHRIS MILLER

Specify Owner or Agent: _____

Agent must provide written permission from the property owner

STAFF INFORMATION:

Date Zoning Division Refused Permit (if different from filing date)

Filing 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

Proposed Project

The proposed project is an addition to the existing primary residence. The addition is to include a bedroom and kitchen area for our Mother who is older and would like to live with us. We would like to build the addition to the south and change the rear setback from 50' to 30' in order to do so.

Answers to questions 1-4 Page 2 of variance application

1. There are no other feasible alternatives to the project due to the location of the existing sanitary system, backup sanitary system area, and private water system, and existing structure and access locations. In considering building onto the existing home on the North side, it would cross over the existing sanitary system and tank location. In considering building on to the East side it would go into the backup drain field area. Due to the driveway access and the utilities on the property we can only build to the South. Considering the location of the property and its location relative to the Village of Cottage Grove, there are adjacent buildings and properties with equal or lesser setback requirements than we are asking for with this variance.

(b) The variance requested for the rear setback would be 30'

2. Hardship would be encountered when would not be able to continue to use the existing home with their extended family. Currently we are very restricted on any addition at all to the home. If we cannot obtain this variance we would have to look at some type of rezone. Rezoning seems a bit involved to us considering where the property is located, its proximity to similar use and buildings, and the long range outlook of the area and this property.
3. The property was developed many years ago, prior to current zoning regulations. Now the adjacent area is developing and the current property is in a transitional location at the current time. The physical features of the property and the elevation require the sanitary system's drain field (s) to be to the North side of the residence where it currently sits, and to the East side. New soil tests and borings were done to look for options on 11-6-24 to look for options. As you go west and North the elevation gets lower and the soils get heavier. This leaves the South side of the building the only place by default to erect any addition.
4. There would be no negative effect on the property, community, or neighborhood. There would be no strain on the infrastructure both private and public. On 11-6-24 We had the Dane Col Sanitarian on site to review and inspect the system and test holes. At that time it was determined that the system could handle the proposed addition. There would be no change in use.



BIRRENKOTT SURVEYING

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, Chris K. Casson, hereby certify that this survey is in compliance with the Wisconsin Administrative Code, Chapter A-E7. 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.

Chris K. Casson 1-7-2025

Chris. K. Casson
Wisconsin Professional Land Surveyor No. S-3264.

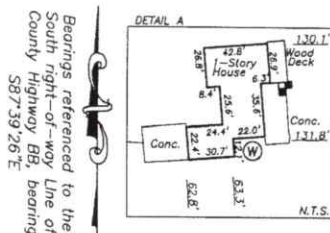
Description per Warranty Deed: Doc. No. 4953987

All that part of the East 1/2 of the Northeast 1/4 of Section 7, Township 7 North, Range 11 East, in the Town of Cottage Grove, Dane County, Wisconsin, described as follows: Beginning at the Southeast corner of the Northeast 1/4 of said Section 7; thence North along the East line of said Northeast 1/4, 1,296.2 feet to the center of a public highway running East and West, formerly known as State Trunk Highway 30; thence Westerly along the center of said highway, 629 feet; thence Southerly, 1,366.2 feet to a point on the South line of said Northeast 1/2 of Section 7, which is a distance 629 feet West from the point of beginning; thence East along said South line of said Northeast 1/4, 629 feet to the point of beginning; EXCEPTING that part of the Southeast 1/4 of the Northeast 1/4 of Section 7, Township 7 North, Range 11 East, in the Town of Cottage Grove, Dane County, Wisconsin, being more particularly described as follows: Commencing at the East 1/4 corner of said Section 7, thence along the East line of the said Northeast 1/4, North 00°31'38" West, 1,070.79 feet to the point of beginning; thence North 86°55'46" West, 166.58 feet; thence North 00°31'38" West, 189.83 feet to the North line of the Salem Church Cemetery; thence along said North line South 86°55'46" East, 166.58 feet to the Northeast corner of said Cemetery and the East line of the said Northeast 1/4; thence along the said East line, South 00°31'38" East, 189.83 feet to the point of beginning.

Prepared For:

Chris Miller Construction
3186 Kinney Road
Cottage Grove, WI 53527
(608)-206-1106

SCALE 1" = 200'
0 200 400



Legend:

- = Found 1" Iron Pipe
- = 3/4"x24" Iron Bar set wt.=1.50#/in.ft.
- = Section Corner
- (W) = Well
- (T) = Septic Tank
- x — = Chain Link Fence

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.

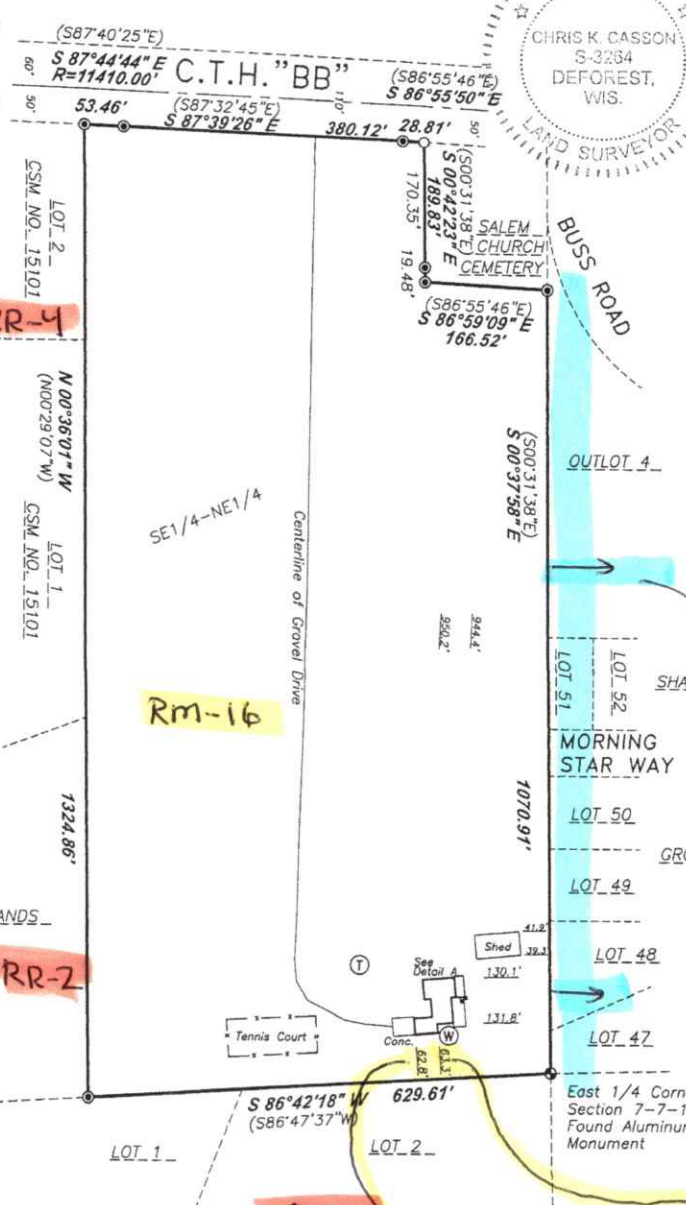
Wetlands, if present have not been delineated.

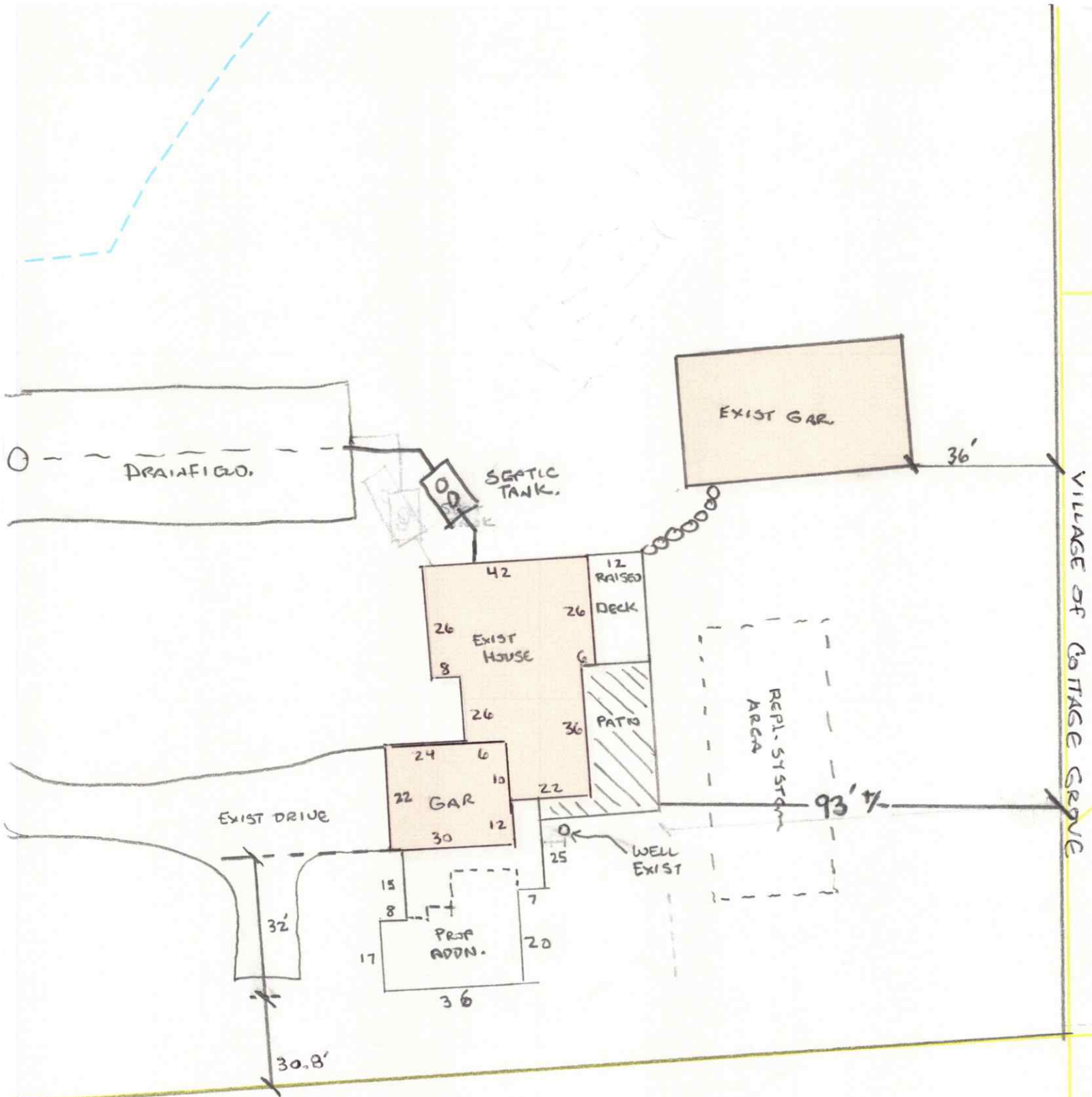
This survey shows some visible, above-ground improvements. No guarantee is made for below-ground structures.

No septic vents observed at time of survey. December 20, 2024.

No title commitment provided at time of survey: December 20, 2024.

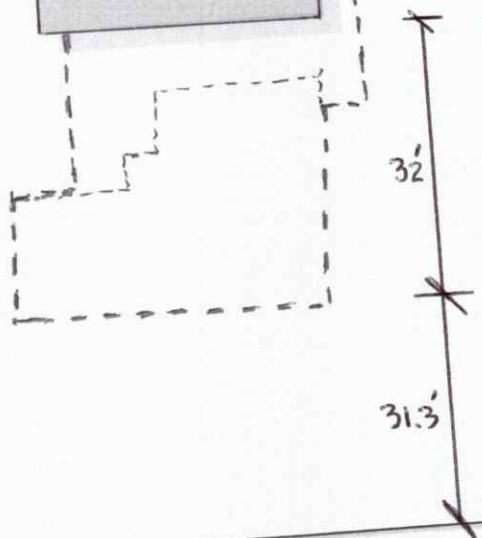
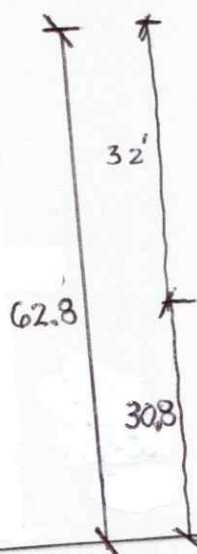
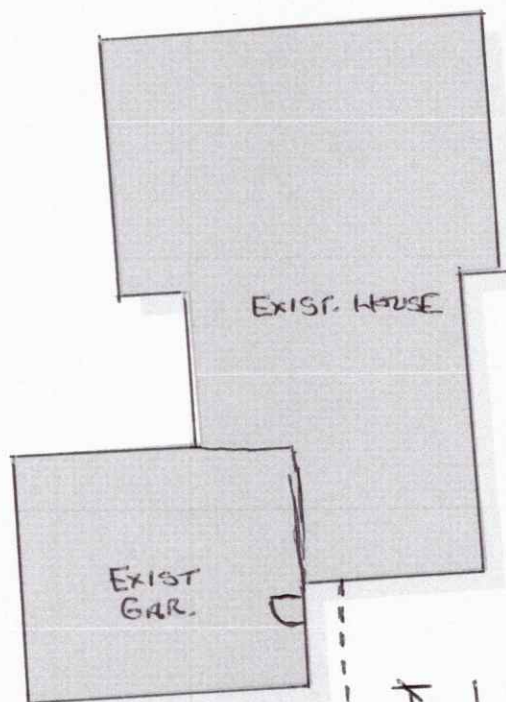
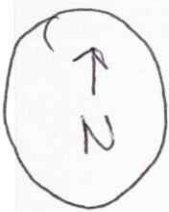
Dated: January 2, 2025
Surveyed: T.A.S.
Drawn: B.T.S.
Checked: C.K.C.
Approved: C.K.C.
Field book: 399/69-70
Comp. File: J:\2024\CARLSON
Office Map No. 241137





↑
 N
 SCALE
 1" = 30'

12-12-24



PROP. ADDN.
63.3'