

JUNE 23, 2016 BOA PUBLIC HEARING DRAFT STAFF REPORT

1. Appeal 3678. Appeal by Donald Muto (Doug Corning, Corning & Associates, LLC, agent) for a variance from minimum required setback to an ordinary high water mark as provided by Section 11.03(2)(a)1., Dane County Code of Ordinances, to permit proposed relocation of stairway and retaining wall at 2060 Barber Drive being Lot 3 of CSM 8298, Section 26, Town of Dunn.

OWNER: Donald Muto

AGENT: Doug Corning, Corning & Associates, LLC

LOCATION: 2060 Barber Drive, Dunn 26

ZONING DISTRICT: R-3 Residential

PREVIOUS LEGAL DESCRIPTION: Lot 6, Lincoln Park.

COMMUNICATIONS: Town of Dunn: 5/11/2016; Acknowledgement PENDING 6/20/2016 Action
WDNR – Request for Comment Sent June 8, 2016.

Facts of the Case:

Existing:

- Existing use of the property is a single family residence with rear deck abutting the vegetative buffer zone. Within the vegetative buffer zone exists a failing retaining walls and stairs to access the water and the existing boathouse on the property.

Proposed

- The owner proposes restoring and relocating the retaining wall and walkway/stairs that currently exists in the vegetative buffer zone. The proposed design will result in a reduction of impervious surfaces.

Zoning Notes:

- Under State law, existing non-conforming impervious surfaces and structures, which lawfully exist may be repaired and replaced in their existing size and location. They may also be relocated as long as the proposed location meets all required setbacks. The shoreland zoning code allows for a walkway, up to 60 inches in width, for the purpose of accessing the water, to be located within the access and viewing corridor, however, structures, including retaining walls, are not permitted within the vegetative buffer zone. The applicant is requesting to relocate a retaining wall currently within the vegetative buffer zone to another location within the vegetative buffer zone, but this location will not meet the required setback from the ordinary high water mark of the Lake Kegonsa.

History

- March 1985: New single family residence was constructed on Lot 6 of Lincoln Park. At the time two boathouses existed on the property.
- April 1985: Variance 1343 was granted to allow a reduced front setback to allow the owner to build an attached garage on the residence which was under construction.\
- July 1985: Variance 1414 was granted to allow a reduced setback from the ordinary high water mark to allow the owner to construct a wood deck on the rear of the residence.
- 2002: Permit issued to allow owner to restake sidewall of boathouse.
- 2003: Permit issued to allow owner to repair existing boathouse slab and entry way. Included with this permit was the removal of the second boathouse on the property that had been restaked the previous year. It appears the removal of the second boathouse was a condition of this permit, however the documentation is unclear, regardless, the second boathouse was removed at this time and the area was revegetated.
- 2014: Shoreland zoning permit issued to allow current owner to replace decking on rear deck and do minor alterations to the rails of the deck and boathouse and front entryway.
- Violation History: No violation history was found on the property.

VARIANCES REQUESTED: Purpose: Allow relocation of existing retaining wall and walkways/stairs

Setback from ordinary high water mark:

Minimum setback from OHWM required: 35 feet.

Actual Setback: From front lot line: 11.2 feet.

VARIANCE NEEDED: 23.8 feet.