



Dane County Planning & Development

Division of Zoning

Appeal No. 3704
 Date Received 3/2/2020
 Date of Public Hearing 4/23/2020

VARIANCE APPLICATION:

Owner: Kate & Ken Doty
Mailing Address: 2402 CTC Road AB
McFarland WI 53558
Phone Number(s): 608-218-591-7943
Email Address: kate@emtv.com

Assigned Agent: Eric Johnson, Authentic Builders
Mailing Address: 6105 Woods Xing
McFarland, WI 53558
Phone Number(s): 608-513-1528
Email Address: ejohnson5656@yahoo.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: 0010-144-5245-9 Zoning District: SFA-08 Acreage: .3
 Town: Dunn Section: 14 1/4 1/4
 Property Address: 2402
 CSM: --- Lot: 5 / Subdivision: Owolds Park Block/Lot(s): ---
 Shoreland: (Y) N / Floodplain: Y (N) / Wetland: Y (N) / Water Body: Lake Kegonsa Kegonsa
 Sanitary Service: Public / Private (Septic System)

Current Use: Residence

Proposal: Addition above garage

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
10.102(9)2.b.	Setback from County Highway	42	36.7	5.3
10.251(5)(b)1.	Side yard setback	10	5.8	4.2

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.

We could add a parts but it would make the garage unusable to put cars in.

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

We could add a parts but it would make the garage unusable to put cars in.

(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.

See 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.

See 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.

See 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: Eric W. Johnson Date: 3/2/20

Print Name: Eric Johnson

Specify Owner or Agent: Eric W. Johnson

~~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~~

~~H:\Zoning\Board of Adjustment\Checklists and Forms\VARIANCE APPLICATION FORM – CURRENT 04162008.doc~~

Kate and Ben Doty
2402 CTY Road AB
McFarland, WI

Dear Dane County Board of Adjustment:

We are asking for a variance to add a second story over our current garage footprint. A variance was granted in 1965 to originally build the garage which encroaches into the setbacks north, north east to the road and to the west lot line. Mr. Hilbert, Assistant Zoning Administrator for Dane County, wrote "It appears in May of 1965 a variance was granted to allow an addition to an existing record, but I am unable to locate any information on the specific circumstances of that request except that it was ultimately approved. I would assume that this is why the existing structure is located within the required setback."

1. Unnecessary Hardship

We do not have another part of our property to build extra living space. It is unreasonable to not be able to use the existing development.

2. Hardship due to the unique physical limitation of the property

With the size of our lot and the current setbacks, there is not an option for building.

3. No harm to public interests

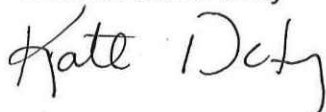
We are not adding to the outline of our current structures.

We appreciate your time with this matter.

Sincerely,



Kate and Ben Doty



TOWN OF DUNN - 4156 COUNTY ROAD B, McFARLAND, WI 53558 Phone: (608) 838-1081
Website: www.town.dunn.wi.us
E-mail: townhall@town.dunn.wi.us FAX: (608) 838-1085

February 28, 2020

To: Eric Johnson
General Contractor
Authentic Builders & Millwork
608-513-1528
www.authenticbuilders.com

Re: Proposed variance for property at 2402 CTY Road AB, McFarland.
Parcel No. 0610-144-5245-9

This letter confirms that the Town of Dunn has been contacted by Eric Johnson representing the landowner, regarding a proposed variance for the property at 2402 County Highway AB, referenced above.

After an application has been submitted to Dane County, the Town Board will make a recommendation to Dane County 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 please provide the Town with a copy of the completed Dane County Board of Adjustment variance application. Include any supporting documentation, diagrams, or information that explains what variance is needed. These documents can be emailed. Submit the above materials to the Town as soon as possible after you have filed your application with Dane County. Our next Town Board meeting is April 20, 2020.

Contacting your neighbors to let them know you are pursuing a variance is recommended. Your neighbors will receive a notice from the Town when the variance is placed on the Town Board agenda. 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,

Cathy Hasslinger
Clerk Treasurer/Business Manager

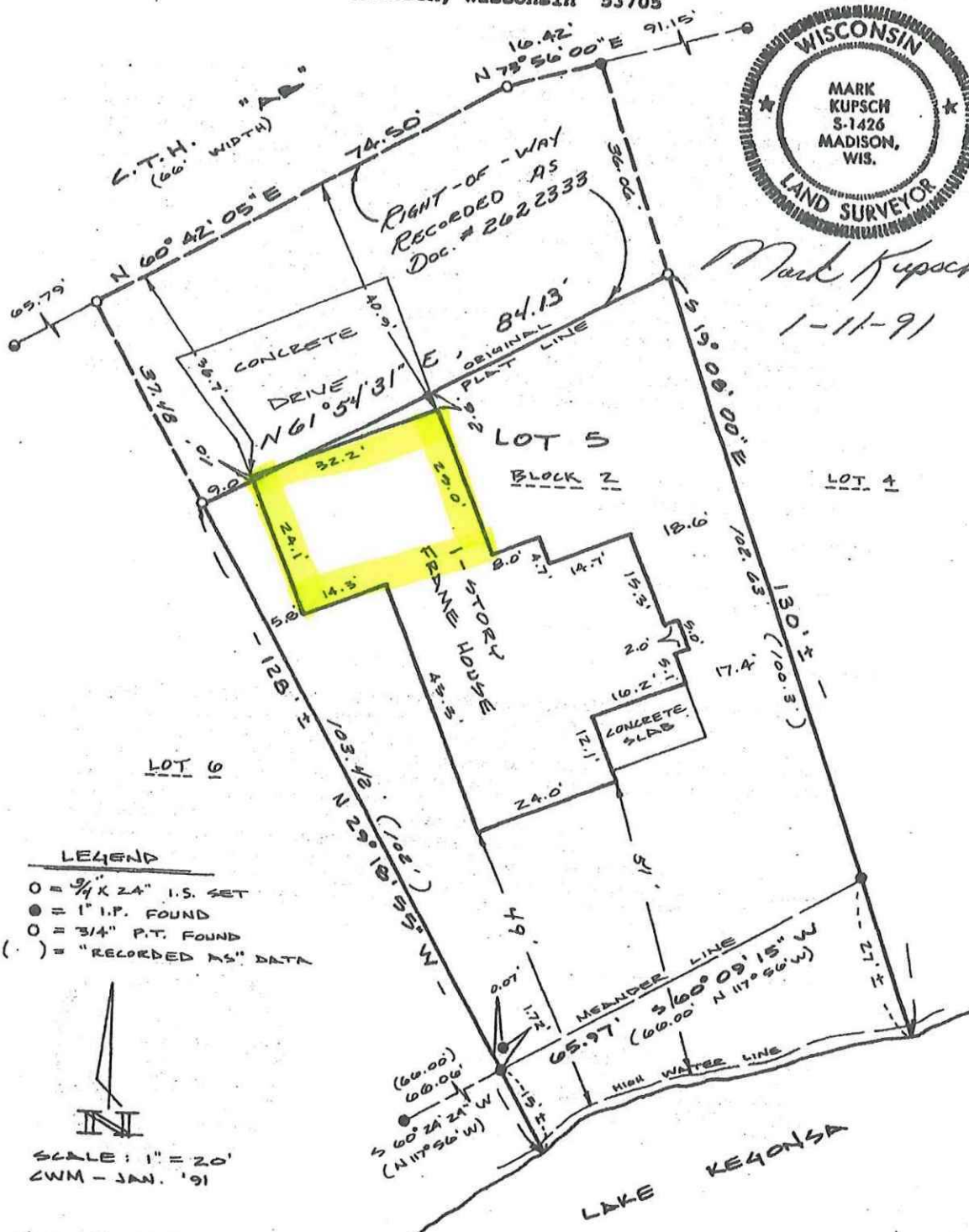
Email copy: Dane County Land Regulation

PLAT OF SURVEY

R.F. Sarko and Associates, Inc.
Land Surveyors
2919 University Avenue
Madison, Wisconsin 53705



Mark Kupsch
1-11-91



RECEIVED

NOV 07 1991

JANNE COUNTY
LAND REG. & RECORDS

Map Number: 4-24427
Job Number: 27488
Page One of Two

PLAT OF SURVEY

R.F. Sarko and Associates, Inc.
Land Surveyors
2919 University Avenue
Madison, Wisconsin 53705

LEGAL DESCRIPTION OF PROPERTY SURVEYED:

Lot 5, Block 2, Orvold's Park, Town of Dunn, Dane County, Wisconsin. Together with a right-of-way over a strip of land in sufficient width for the purpose of ingress and egress from premises above described to public highway on line between Sections 13 and 14. Part of Government Lot 1, being a fractional East 1/2 of the SE 1/4 and part of Government Lot 2, being fractional SW 1/4 of the SE 1/4, Section 14, T6N, R10E, Town of Dunn, Dane County, Wisconsin, being more particularly described as follows: All that land lying between the right-of-way of the town highway and Lot 5, Block 2, Orvold's Park, bounded on the South by the North line of said Lot 5; bounded on the West by a continuation of the West boundary of said Lot 5 in a Northerly direction to the point where said continuation meets the South boundary of the highway, bounded on the North by the South boundary of said highway, bounded on the East by a continuation of the East line of said Lot 5 to the South line of the public highway.

ADDRESS OF PROPERTY SURVEYED:

2402 C.T.H. AB
McFarland, Wisconsin

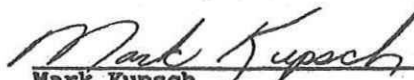
SURVEYED FOR:

Michael Rogowski
2402 C.T.H. AB
McFarland, Wisconsin 53558

CERTIFICATE:

I, Mark Kupsch, Wisconsin Registered Land Surveyor Number S-1426, hereby certify that I have surveyed the above described property and that the above map is a true and correct representation thereof and shows the location of the property, the exterior boundaries, the locations of all visible structures, the dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and visible improvements, if any. This survey is made for the exclusive use of the present owners of the property and also those who purchase, mortgage or guarantee the title thereto within one year from date hereof and to them we certify the accuracy of said survey and map.

Dated this 11th day of January, 1988.


Mark Kupsch
Wisconsin Registered Land Surveyor
Number S-1426



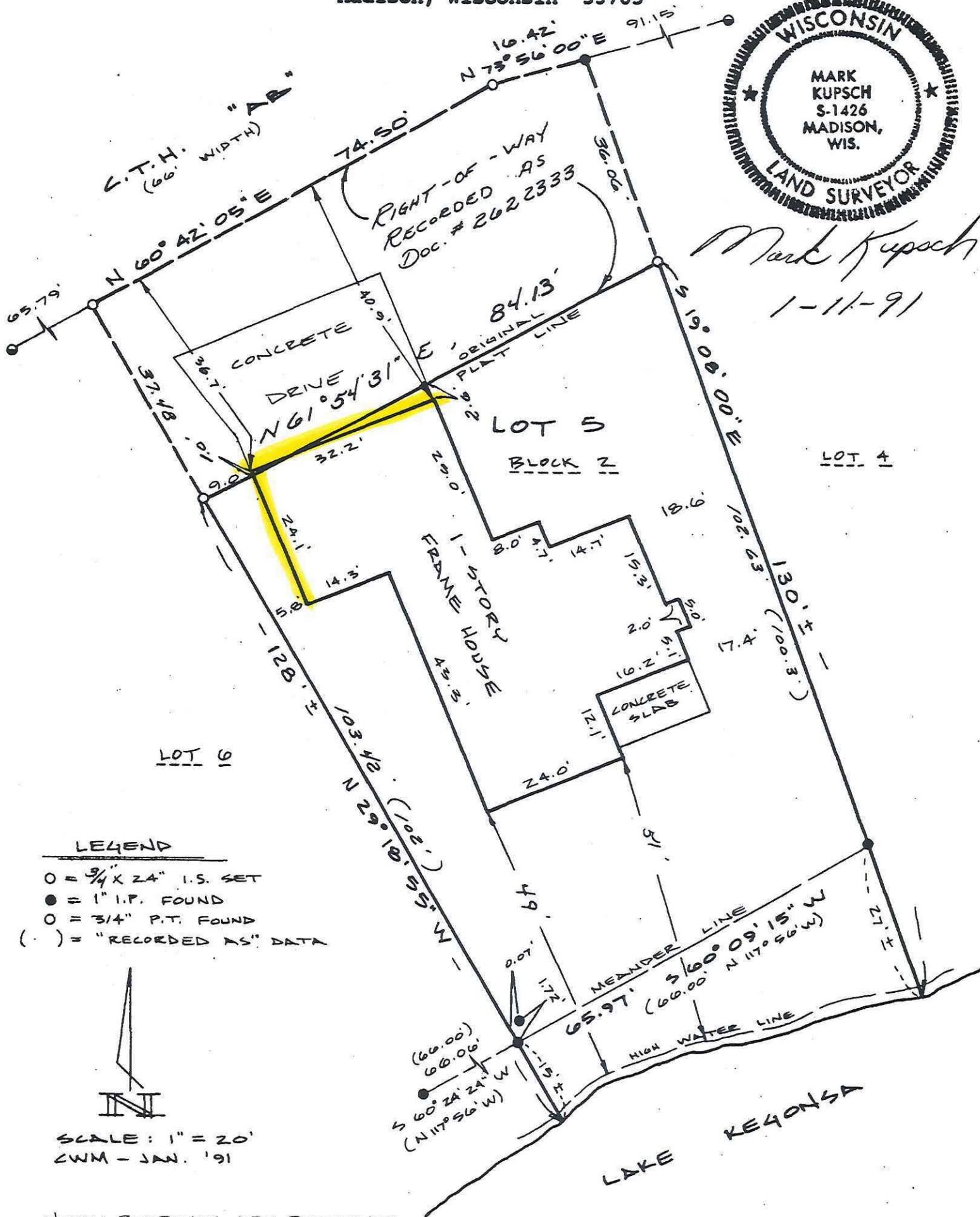
Proposed

PLAT OF SURVEY

R.F. Sarko and Associates, Inc.
Land Surveyors
2919 University Avenue
Madison, Wisconsin 53705

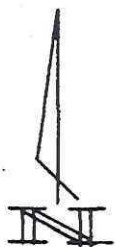


Mark Kupsch
1-11-91



LEGEND

- = 3/4" X 24" I.S. SET
- = 1" I.P. FOUND
- = 3/4" P.T. FOUND
- () = "RECORDED AS" DATA



SCALE: 1" = 20'
CWM - JAN. '91

NOTE: BEARINGS ARE REFERENCED
TO THE EASTERLY LINE OF
LOT 5, ASSUMED S 19° 08' 00" E.

RECEIVED

NOV 07 1991

JANE COUNTY
LAND REG. & RECORDS

Map Number: 4-24427
Job Number: 27488
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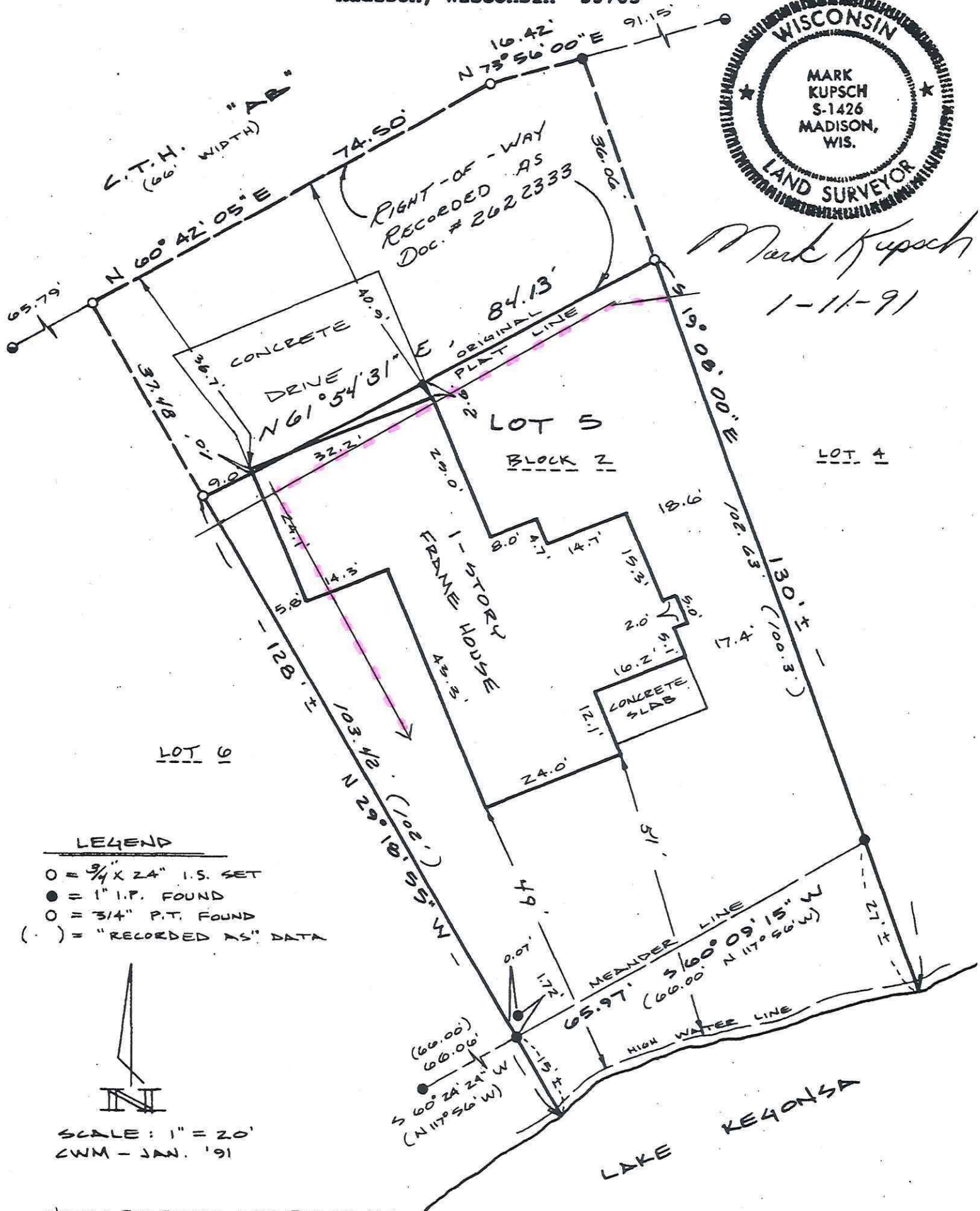
42' front setback
10' side setback

PLAT OF SURVEY

R.F. Sarko and Associates, Inc.
Land Surveyors
2919 University Avenue
Madison, Wisconsin 53705



Mark Kupsch
1-11-91



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