



# Dane County Planning & Development

## Division of Zoning

Appeal No. 3701  
 Date Received 5/31/19  
 Date of Public Hearing 7/25/19

### VARIANCE APPLICATION:

**Owner:** Peter Weeks  
**Mailing Address:** 2378 County Highway AB  
McFarland WI 53558  
**Phone Number(s):** 630-244-3443  
**Email Address:** Pweeks@sprynet.com

**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: 061023215331 Zoning District: R-3 Acreage: 0.286  
 Town: Dunn (T06N1310E) Section: 23 1/4 NE 1/4 NW  
 Property Address: N/A - Adjacent to 2378 CTH AB, McFarland  
 CSM: \_\_\_\_\_ Lot: 13 / Subdivision: Colladay Park Block/Lot(s): 2  
 Shoreland: (Y) N / Floodplain: Y/N / Wetland: Y/N / Water Body Lake Kegonsa  
 Sanitary Service: Public / Private (Septic System)

Current Use: Vacant Land

Proposal: consolidate 4 parcels for construction of 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
11.03.1.b	Non-riparian shoreland lot avg width	65	59.9	5.1
<i>State model</i> S. 8	Minimum lot size - sewer lots	65	59.9	5.1

**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.

see attached

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

see 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.*

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*

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(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*

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#### **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:  Date: 5/29/9

Print Name: Peter J. Weeks

Specify Owner or Agent: owner

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



Dane County Planning & Development  
Division of Zoning  
Variance Application

Page 2&3 Answers:

1.

(A) No alternatives have been identified. The 4-parcel lot in question is immediately adjacent on each side to properties of similar size, both of which are occupied by single-family homes. Please see attached site map (exhibit 1A).

(B) No lesser variance alternatives have been identified. The lot will accommodate a reasonably sized single family home if the variance is approved. (Exhibit 1B)

2. Unnecessary hardship to the owner will occur under the current ordinance as the current restrictions will prohibit ANY construction on the property. At time of purchase, a letter from Dane County was provided with documentation that this lot could be conveyed separately from its adjacent lot. This was interpreted to mean the lot was a separate legal entity and being grandfathered was not subject to current zoning ordinance and was, therefore, buildable. The property was purchased to allow eventual construction of a single family home. That interpretation has just recently found to be in error.

After consolidation of the 4 parcels into a one-lot survey, the property will be similar in size to other properties in the area on which single-family dwellings are constructed (please see attached documents). Unnecessary hardship to the owner will occur if the rights on this property are less than its neighbors. A variance is requested at this time to allow intent to build a single family dwelling that would meet current permitted codes, restrictions and easements. Strict compliance with the current ordinance *without* variance would result in a property with no reasonable use.

3. The physical characteristics of the land include a long but relatively narrow pie-shaped lot that is slightly under dimensions that would allow home construction under current restrictions. The front of the lot is shoreland on Lake Kegonsa.; the back abuts the road. It is the long

sides of the lot that will allow construction of a reasonably sized structure much like its immediate neighbors that would still comply with building permits and restrictions including impervious surface limits. The long but narrow shape prevents compliance with the ordinance, yet provides enough square footage for home construction if a variance is granted.

This lot is unusual and unique in that it comprises 4 separate parcels. In order to combine those parcels into a legal lot, a certified survey map is necessary. That survey, in turn, requires the variance being requested in this application. Creating that legal lot would mirror similar dimensions on neighboring lots and houses. (Exhibits 4, 5, 6) Absent a variance, current ordinance unreasonably prevents development of a lot that would conform to other area lake properties.

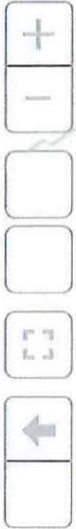
Please note there is no exact house plan available at this time. Exhibit 1B shows an example of a neighbor house footprint on the lot.

4. A single family home that would be allowed given current township and county easements and setbacks would improve the appearance of the lot, provide intended use of the land, add to the tax base and provide lake living to a new family. Minimal negative impact would occur as a grinder pump for sewer hookup already exists on the property. A new well would be necessary. No trees would need to be felled. The lot is flat, eliminating any need for significant grading. It is unlikely that property values would change, no appreciable increase in traffic is anticipated, and development of the lot would not restrict public access to the lake or any walkways.



DCiMap

Version 3.3

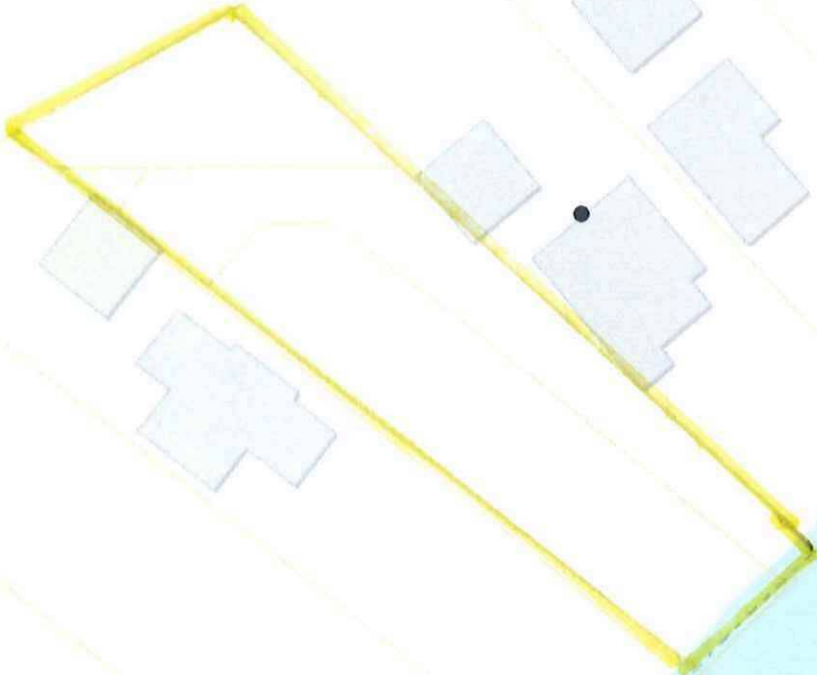


061023215560 X Q

Show search results for 06102...



AB



4-parcel lot outline

Exhibit 1A



-89.27549 42.97624 Degrees

© Dane, Esri Canada, Esri, HERE, Garmin, I...





Version 3.3

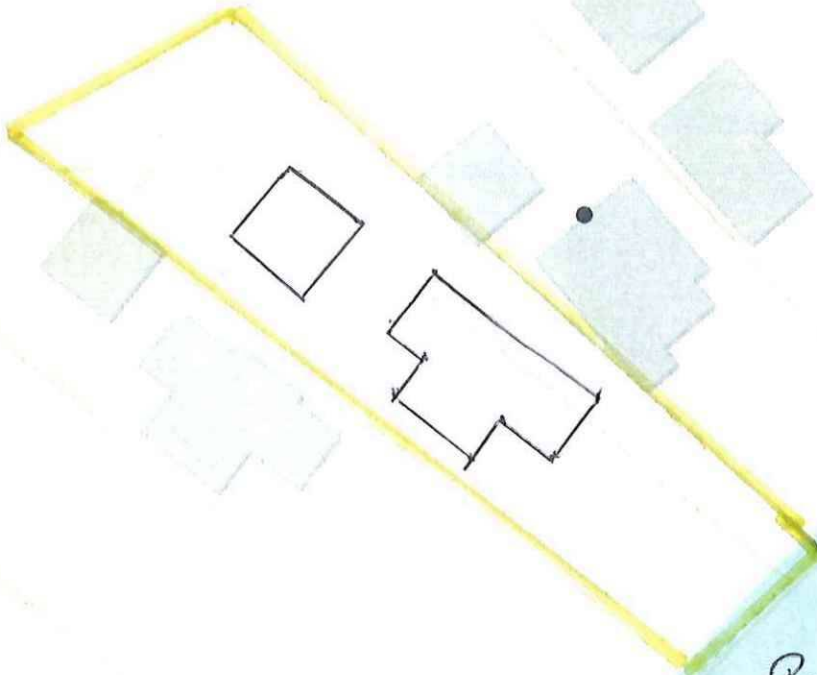


061023215560 X Q

Show search results for 06102...



AB



Possible house and garage

Exhibit 1B



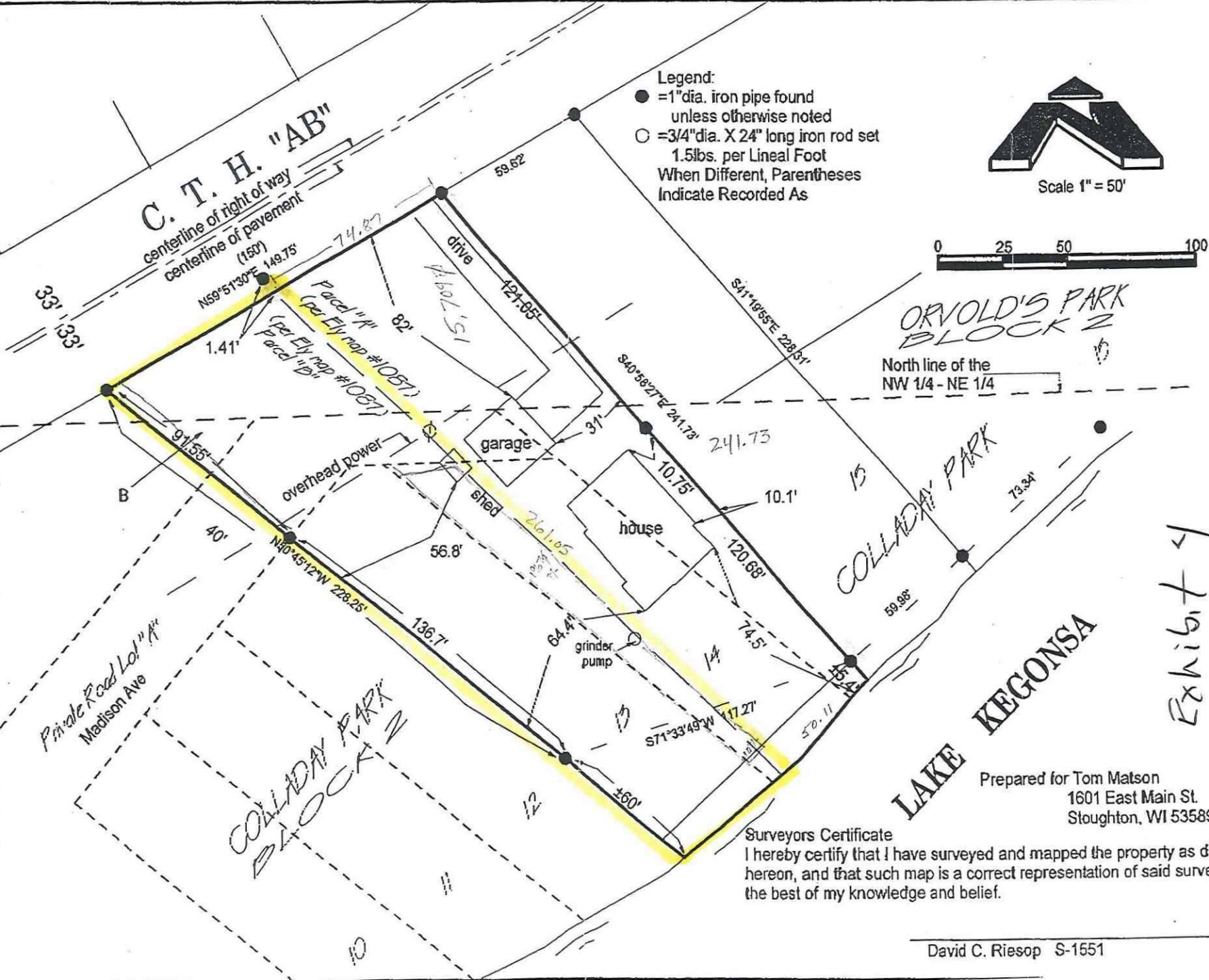
-89.27549 42.97624 Degrees

© Dane, Esri Canada, Esri, HERE, Garmin, I...

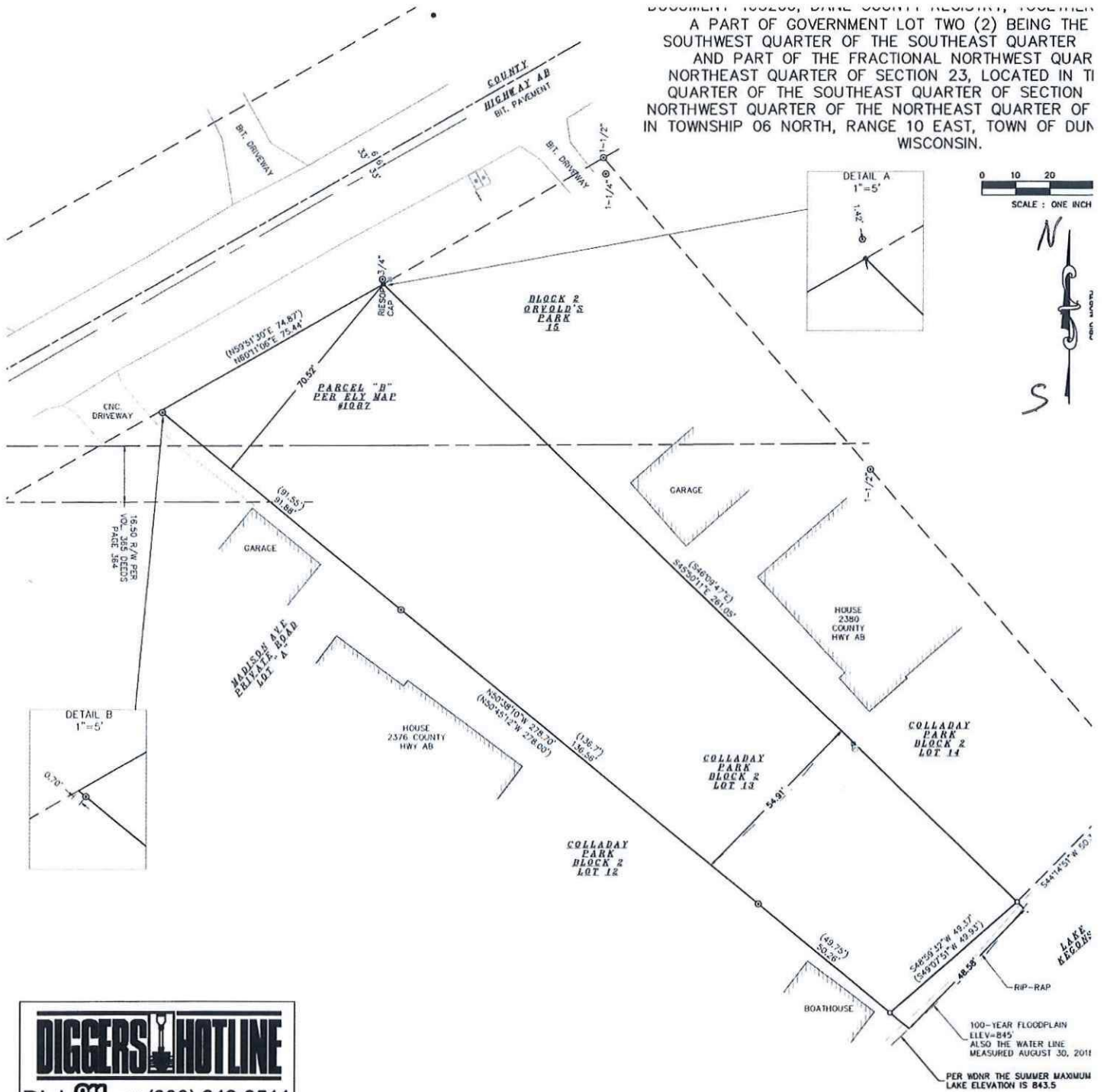


# Plat of Survey

Lots 13, 14 and part of lot 15, Block 2, and part of Private Road Lot "A", Colladay Park, and part of Government Lot 2 (being the fractional SW 1/4 of the SE 1/4) of Section 14, T.6N., R.10E., Town of Dunn, Dane County, Wisconsin.



DOCUMENT 105200, DADE COUNTY RESUBDIVISION, TOGETHER  
 A PART OF GOVERNMENT LOT TWO (2) BEING THE  
 SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER  
 AND PART OF THE FRACTIONAL NORTHWEST QUAR  
 NORTHEAST QUARTER OF SECTION 23, LOCATED IN TI  
 QUARTER OF THE SOUTHEAST QUARTER OF SECTION  
 NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF  
 IN TOWNSHIP 06 NORTH, RANGE 10 EAST, TOWN OF DUM  
 WISCONSIN.



**DIGGERS HOTLINE**  
 Dial 811 or (800) 242-8511  
 www.DiggersHotline.com

Exhibit 5



# PLAT OF SURVEY

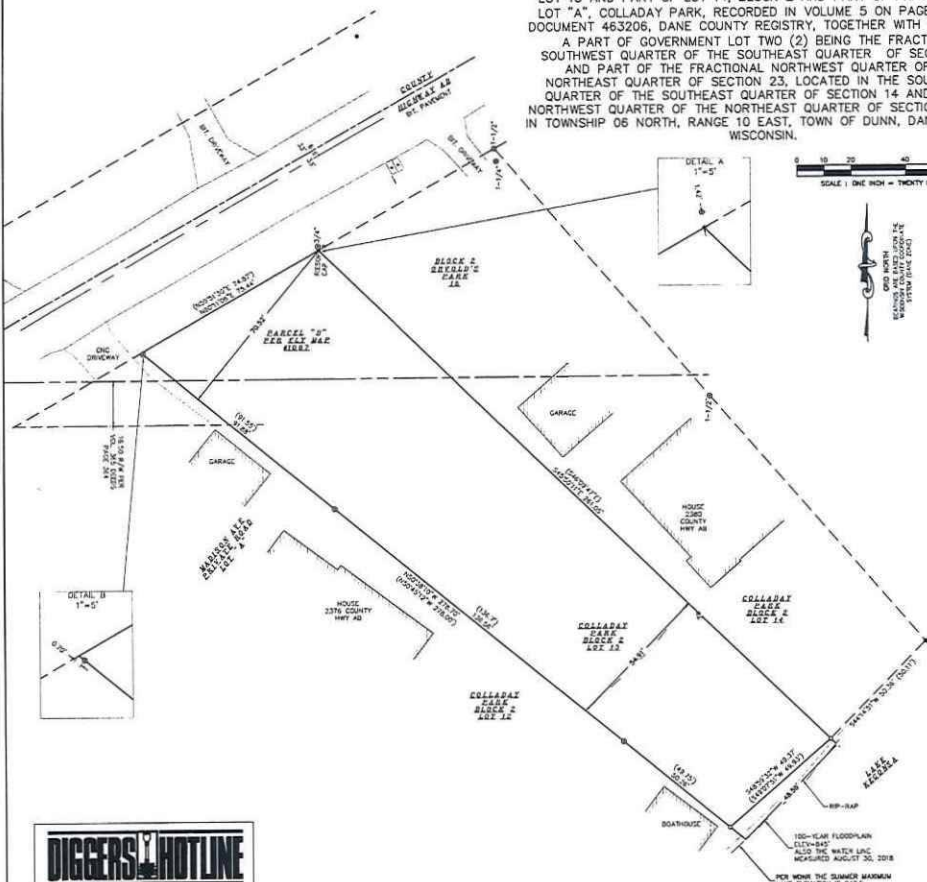
LOT 13 AND PART OF LOT 14, BLOCK 2 AND PART OF PRIVATE ROAD LOT "A", COLLADAY PARK, RECORDED IN VOLUME 5 ON PAGE 27A AS DOCUMENT 463206, DANE COUNTY REGISTRY, TOGETHER WITH AND BEING A PART OF GOVERNMENT LOT TWO (2) BEING THE FRACTIONAL SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, AND PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14 AND IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, ALL IN TOWNSHIP 06 NORTH, RANGE 10 EAST, TOWN OF DUNN, DANE COUNTY, WISCONSIN.

LEGEND			
●	3/4" IRON ROD FOUND UNLESS NOTED	□	TV PEDESTAL
●	1" IRON PIPE FOUND UNLESS NOTED	□	ELECTRIC PEDESTAL
○	3/4" x 1/2" SOLID IRON REBAR SET, WT. 1.50 LB./FT.	□	UTILITY POLE
○	SPOT ELEVATION	□	LIGHT POLE
—	OVERHEAD UTILITY WIRE	○	GROUND LIGHT
—	BURIED GAS LINE	○	TELEPHONE PEDESTAL
—	WATER MAIN	○	FILE MOUNT
—	SANITARY SEWER	—	SON
—	STORM SEWER	—	GUY WIRE
—	BURIED TELEPHONE	—	MALBOK
—	BURIED ELECTRIC	—	BOLLARD
—	BURIED CABLE ACCESS TELEVISION LINE	—	STORM SEWER INLET
—	BURIED FIBER OPTIC	—	ELECTRIC MANHOLE
●	WATER VALVE	—	TELEPHONE MANHOLE
●	GAS VALVE	—	STORM SEWER MANHOLE
●	GAS METER	—	ROUND CATCH BASIN
●	AIR CONDITIONER	—	SANITARY SEWER MANHOLE
○	RECOUNOUS TREE	—	BT
○	CONVENOUS TREE	—	LANDSCAPING
		—	INDICATES RECORDED AS

DISTANCES ARE MEASURED TO THE NEAREST HUNDRETHS OF A FOOT, BEING ONE MEASURED TO THE NEAREST TENTH OF A FOOT.



Exhibit C



**DIGGERS HOTLINE**  
 Dial 811 or (800) 242-8511  
 www.DiggersHotline.com

Date: May 29, 2018  
 Plot: New Survey  
 USG2115\dwg\Survey\8192115.dwg

- NOTES:**
- 1) Except as specifically stated or shown on this map, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, building setback lines, restrictions concerning subdivision restrictions, zoning or other land use regulations, and any other facts that in accurate and current title search may disclose. Survey was performed without the benefit of a title report.
  - 2) No attempt has been made as a part of this survey to obtain or show data concerning condition or capacity of any utility or municipal/public service facility. For information regarding these utilities or facilities, please contact the appropriate agencies.
  - 3) Date of field work: August 30, 2018
  - 4) All surface and subsurface improvements on and adjacent to the site are not necessarily shown herein. There were no observed buildings.
  - 5) All trees, hedges and ground cover on the site may not necessarily be shown herein.
  - 6) Total parcel area = 16,530 square feet to approximate water's edge.
  - 7) Elevations are based upon NAVD83 datum by using GPS RTK surveying while observing the MICROS network. The water level of Lake Kegonsa has an elevation of 843.00 on August 30, 2018 at the time of survey. The ordinary high water mark was under water at the time of survey.
  - 8) 100 year flood elevation is based upon the FEMA panel map number 55022D007H dated 09/17/2014 with the elevation of 845.0 feet.

**DESCRIPTION, EASEMENTS:**

LOT THIRTEEN (13) AND PART OF LOT FOURTEEN (14), BLOCK TWO (2) AND PART OF PRIVATE ROAD LOT "A", COLLADAY PARK, IN THE TOWN OF DUNN, DANE COUNTY, WISCONSIN.

TOGETHER WITH AND BEING A PART OF GOVERNMENT LOT TWO (2) BEING THE FRACTIONAL SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, AND PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, ALL IN TOWNSHIP 06 NORTH, RANGE 10 EAST, IN THE TOWN OF DUNN, DANE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 13, BLOCK 2 OF THE PLAT OF COLLADAY PARK, THENCE NORTH 30°42'12" WEST, 61.05 FEET TO THE SOUTH LINE OF COUNTY TRUNK HIGHWAY "A"; THENCE NORTH 09°31'30" EAST ALONG THE SOUTH LINE OF COUNTY TRUNK HIGHWAY "A"; THENCE NORTH 74°07' FEET; THENCE SOUTH 89°47' EAST, 20.00 FEET TO A POINT LYING NORTH 42°41' WEST, 12 FEET MORE OR LESS FROM THE WATER'S EDGE OF LAKE KEGONSA; THENCE SOUTH 89°37' WEST, 19 FEET ALONG A MEASURED LINE FOR SAID LAKE, 48.8 FEET TO A POINT LYING NORTH 30°42'12" WEST, 10 FEET MORE OR LESS FROM THE AFORESAID WATER'S EDGE; THENCE NORTH 89°37' WEST, 18.45 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED INTENDED TO CONTAIN ALL LANDS LYING BETWEEN THE ABOVE DESCRIBED MEASURED LINE AND THE WATER'S EDGE OF LAKE KEGONSA, WITHIN THE EXTENDED EASTERLY AND WESTERLY LINES TO SAID WATER'S EDGE.

**SURVEYOR'S CERTIFICATE:**

I, Michelle L. Burse, Professional Land Surveyor, No. 2020, hereby certify that the foregoing survey was executed under my direction and control, and that said survey meets the minimum standards for practice set forth in the Wisconsin Administrative Code (ATCS), and the map herein is correct to the best of my knowledge and belief.

Dated this 12 day of SEPTEMBER, 2018.  
 Signed: Michelle L. Burse  
 Michelle L. Burse, PLS No. 2020  
 Witness: Tom M. B.  
 Witness: Tom M. B.  
 Witness: Tom M. B.



SURVEYED FOR:  
 PETER KEDS  
 SURVEYED BY:  
**Burse**  
 surveying & engineering llc  
 2301 International Lane, Suite 101  
 Madison, WI 53704 608.250.9263  
 Fax: 608.250.9266  
 email: mcburse@bursellc.com  
 www.bursesurveying.com

May 29, 2019  
Application for Variance

Applicant information:  
Peter J Weeks  
2378 County Highway AB  
McFarland, Wi 53558

Additional address:  
1812 Rose Court  
Wheaton, Illinois 60189

Purpose of project:  
I am seeking an application to combine a 4-parcel vacant lot into a single lot. The intent is to declare the lot buildable for a single family home. A one lot CSM will be requested if and when a variance is granted for the lot which is undersized by current ordinances.

Parcel numbers:  
061023215331  
061023215450  
061023284703  
061014492810  
Lot has no address but is adjacent to 2378 County Hwy AB, McFarland, Wi

One lot dimension calculations (Exhibits 5 & 6):  
Shoreland lot width 49.37 feet  
Lot width at 75 foot setback from high water mark is 54.91 feet  
Rear lot line width 75.44 feet

**Arithmetic average 59.9 feet**

Ben Kollenbroich of Town of Dunn has been notified of intent to apply. He has sent a memo to Hans Hilbert.