



Dane County Land & Water Resources Department

Administration • Land Conservation • Office of Lakes & Watersheds • Parks • Water Resource Engineering

Kevin F. Connors, Director

June 17, 2015

Dan and Jill Sears
216 Thomson Lane
Oregon, WI 53575

RE: Request for Variance from Dane County Chapter 14 Stormwater Permitting

Mr. and Mrs. Sears:

I have reviewed your request for variance, including the revisions made via email June 10, 2015. Based upon the criteria set forth in § 14.72 of the Dane County Ordinances and the findings contained below, I hereby deny your request.

Criteria

To grant a variance the Director of the Land & Water Resource (LWRD) must find the following criteria are satisfied:

1. Enforcement of the standards set forth in this ordinance will result in unnecessary hardship to the landowner;
2. The hardship is due to exceptional physical conditions unique to the property;
3. Granting the variance will not adversely affect the public health, safety or welfare, nor be contrary to the spirit, purpose and intent of this ordinance.

Findings and Explanation

Upon review of your application and readily available information, I make the following findings with respect to the variance criteria. Each finding is accompanied by a brief explanation.

1. Enforcement of the standards will not result in unnecessary hardship as defined in 14.41(45).

The conditions which require a permit to be obtained are not uncommon, unique, or otherwise different from what are typically found when a driveway longer than 1,500 is constructed on a flag lot. Construction of long linear impervious features across a landscape (such as driveways or roads) present common challenges such as inclusion off-site runoff, runoff from large drainage areas, and runoff from multiple drainage areas.

The conditions on this site were self-created by the previous owner. The previous owner was informed of the stormwater permit implications of creating more than 20,000 square feet of impervious surface. The owner chose to defer management of stormwater from the driveway

at the time it was constructed by staying below the 20,000 square foot threshold. Such self-created conditions cannot be considered a hardship.

Conformance with the requirements of this ordinance is not unnecessarily burdensome or unreasonable. Compliance can be achieved by implementing commonly used stormwater management practices. On March 23, 2015 LWRD received conceptual plans from Wyser Engineering that outlined two different strategies to meet the requirement of Chapter 14 for the entire site. The plan materials were reviewed on April 6, 2015 and Wyser Engineering was informed that both approaches would be acceptable. On April 7, 2015 additional feedback was provided to the applicant (Ed Hefty) and Wyser Engineering to suggest ways the plan could be simplified to reduce costs, while still meeting the requirements of the ordinance for the site.

Management of stormwater from driveways within narrow parcel boundaries can be achieved as evidenced by permits that are regularly granted by LWRD.

2. The request for variance does not identify any exceptional physical conditions on this parcel.

The change in elevation noted in the application is not exceptional, but rather common. A desktop review of GIS information for this parcel was performed. Review included information about topography, soils, wetlands, water features, vegetation, and depth to bedrock. The review found that this parcel is very typical of land in this area with respect to these features.

3. Granting the variance would be contrary to the purpose and intent of the ordinance.

Allowing the cumulative addition of impervious surfaces without the required stormwater management controls would result in:

- a. An increase in the rate at which stormwater runoff leaves the site.
- b. An increase in the volume of runoff leaving the site.
- c. A failure to achieve an 80% reduction in total suspended solids from runoff leaving the site.

These outcomes are contrary to the purpose and intent of the ordinance.

Decision

Based upon the above findings, I hereby deny the request for variance.

Guidance

This decision may be appealed to the Dane County Land Conservation Committee (LCC) as described in DCCO s. 14.71.

Decisions of the Land Conservation Committee may be appealed to the Board of Adjustment as detailed in DCCO s. 10.26.

I encourage you to continue to work with your consultant and Josh Harder with our department to explore solutions that meet the requirements of DCCO Chapter 14, Subchapter II.

Sincerely,

A handwritten signature in black ink that reads "Kevin Connors". The signature is written in a cursive style with a long horizontal flourish at the end.

Kevin Connors