



Dane County

Minutes - Final Unless Amended by Committee

Board of Adjustment

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Thursday, October 25, 2018

6:30 PM Room 357, City-County Building, 210 Martin Luther King
Jr. Blvd, Madison, WI

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A. Call To Order

Chair Schulz called the meeting to order at 6:30 PM and made a statement about the rules and procedures of the Board.

Also Present: Staff, Assistant Zoning Administrator Hans Hilbert.

Present 5 - Chair STEVEN SCHULZ, SUE STUDZ, Secretary ROBERT PULVERMACHER, Vice Chair AL LONG, and EDMOND MINIHAN

B. Public Comment for any Item not listed on the Agenda

No public comments were made.

C. Consideration of Minutes

1. [2018](#) Minutes of the June 28, 2018 Public Hearing
[MIN-292](#)

Sponsors: Board of Adjustment

Attachments: [06-28-2018 PH Minutes](#)

LONG/PULVERMACHER to approve the minutes. Motion carried.

Ayes: 5 - SCHULZ, STUDZ, PULVERMACHER, LONG and MINIHAN

2. [2018](#) Minutes of the October 11, 2018 Site Inspection
[MIN-293](#)

Sponsors: Board of Adjustment

Attachments: [10-11-2018 S.I. Minutes](#)

LONG/PULVERMACHER to approve the minutes. Motion carried.

Ayes: 5 - SCHULZ, STUDZ, PULVERMACHER, LONG and MINIHAN

D. Public Hearing for Appeals

- 1. [2018 BOA-003](#) Appeal 3695. Appeal by Nicolas Morales for a variance from minimum required setback to a Class D Highway as provided by Section 10.17(4)(b) & 10.16(5)(b)2. , Dane County Code of Ordinances, to permit proposed detached residential garage at 329 Rethke Ave being Lot 1, Block 8, Elisha L Gallagher Plat 1st Addition, Section 5, Town of Blooming Grove.

Sponsors: Board of Adjustment

- Attachments:** [Appeal 3695 Application](#)
[Appeal 3695 Staff Report](#)
[Appeal 3695 Aerial](#)
[Appeal 3695 Aerial block](#)

VARIANCES REQUESTED: 11 foot setback from road right-of-way.

Assistant Zoning Administrator (AZA) Hilbert presented a Staff Report reporting facts of the case.

IN FAVOR: Paola Torales (wife of Nicolas Morales) spoke in favor of the variance request and answered questions of the board.

ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator supported the granting of the variance as it fit the existing development pattern in the area, which is a unique island of the Town of Blooming Grove surrounded by the City of Madison.

OPPOSED: None. The Chair stated no rebuttal was needed.

Finding of Fact:

Existing:

•Single family residence on a 5,400 square foot R-3 Residential zoned lot providing no off-street parking.

Proposed

•Applicant proposes a 24' x 24' detached residential accessory building to be used as a garage.

Zoning Notes:

•The required setback from a primary structure on a corner lot with a lot width less than 60 feet is 12 feet from the right-of-way line of the highway, however for buildings with garage access along the long side of the lot the required setback is 20 feet.

•The garage access provision (20 foot side yard) was adopted and became effective on October 29, 1976.

•In August of 1998 the zoning ordinance was amended to require off-street parking for a single family residence in the R-3 Residential zoning district, requiring 2 spaces per dwelling unit.

•The design standards of off-street parking spaces requires stalls to be 8 feet wide by at least 17 feet long for 90-degree spaces and 9 feet wide by 23 feet long for angle parking.

• Appeal 3644 (May, 2013) was approved for a similar variance request on an adjacent lot in the subdivision.

COMMUNICATIONS: Town of Blooming Grove did not object to the variance request.

Conclusions:

1) *Unnecessary Hardship: Not granting a variance would be unnecessarily burdensome given that off-street parking for 2 vehicles is a requirement of the zoning ordinance and cannot be met without a variance. The proposal is for a standard sized garage. Other properties in the subdivision have similar garages that are located closer to the road right-of-way than what is being proposed. The minimum amount of relief requested will bring property into compliance with the ordinance.*

2) *Uniqueness of Property: Small platted lot and existing residential use predates the requirements for off-street parking as well as the required setback for a garage on a side street. Garage access is provided on side street, as opposed to frontage which has heavier traffic.*

3) *No Harm to Public Interests: The proposed development follows the pattern of existing development in the neighborhood and will allow a safe area away from the roadway for children to play in the rear yard of the residence.*

LONG/STUDZ to approve a variance of 11 feet from the required setback to a Class D Highway to allow a detached garage to be constructed as proposed. Motion Carried.

Ayes: 5 - SCHULZ, STUDZ, PULVERMACHER, LONG and MINIHAN

E. Appeals from Previous Meetings

F. Reports to Committee

- 1. **2018** Update on revision to DCCO Chapter 10
DISC-013

Hilbert informed the Board that a Public Hearing on the proposed rewrite of Chapter 10 would be held on November 27 at 6:30 PM before the Zoning and Land Regulation Committee. Members requested printed copies of the ordinance, and would invite the Zoning Administrator to make a presentation on the rewrite at a future meeting.

G. Other Business Authorized by Law

- 1. **2018** Rescheduling of Appeal 3694
ACT-229

SCHULZ/MINIHAN to defer appeal 3694 until the February 2019 Public Hearing. Motion carried.

H. Adjournment

STUDZ/MINIHAN to adjourn. The Board adjourned at 7:07 PM.