



Dane County Planning & Development

Division of Zoning

Appeal No. 3679
Date Received 12/13/16
Date of Public Hearing 1/26/17

VARIANCE APPLICATION:

Owner: Denise Lehner
Mailing Address: 1475 Dill Drive
Brown town WI 53522
Phone Number(s): (608)558-2526
Email Address: valleyview@tds.net

Assigned Agent: Tony Anderson
Mailing Address: 1353 Rutledge Street
Madison WI 53703
Phone Number(s): (608)213-4735
Email Address: handyantony@gmail.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 16 – Airport Height Regulations. The owner or assigned agent herewith appeals said refusal and seeks a variance.

Parcel Number: 0610-172-0019-9 Zoning District: R-4 DC PREZ -0000-04809 Acreage: 0.03
Town: Dunn Section: 17 1/4 N E 1/4 N W
Property Address: 4378 Jordan Drive
CSM: _____ Lot: 10 / Subdivision: n/a Block/Lot(s): n/a
Shoreland: Y/N / Floodplain: Y/N / Wetland: Y/N / Water Body Lake Waubesa
Sanitary Service: Public / Private (Septic System)

Current Use: Residential

Proposal: See attached document titled proposal

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 |
|---------|-------------|----------|--------------------|-----------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

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.

Remodel current structure - current structure does not have a viable foundation and is dilapidated to such an extent that remodeling is not a viable option (see attached document from Ron Miller Inspections)

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

A narrower house design to allow for side lot setbacks would result in a house with square footage not satisfactory for a viable living space / A lake front setback in compliance with current zoning would not allow for satisfactory construction within the owner's condominium plot.

(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.

Yes - Current structure is uninhabitable due to substandard construction. Any new structure other than the proposed housing residence would not fit within the owners plot and would infringe on commonly held property of the condominium association.

(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.

Yes - existing residences adjacent to the existing house and commonly held property of the condominium association and driveway access to the other residents properties.

(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.

A new structure would benefit the condominium group as a whole by improving the aesthetics of the neighborhood and a viable residence for the property owner.

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: _____

Print Name: _____

Specify Owner or Agent:

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

Proposal:

To raze the current structure and rebuild a new residential house. The first floor of the new structure will be constructed within the existing footprint. Additional living space will be constructed on a second floor that will be outside of the first floor footprint but not needing additional structural foundation for support, instead using posts to support the additional second floor square footage. Variances requested are for side lot set backs in regard to existing neighboring properties and for lakefront set back to remain as is within the current structures location.

Ron Miller Inspections LLC

1647 Gammeter Rd. Verona, WI 53593 608-235-9836 Wisconsin License #360-106

September 29, 2016

Denise Lehner
1475 Dill Rd.
Brown Town, WI 53522

RE; 4378 Jordon Dr. #10 McFarland, WI

To whom it may concern,

On September 24, 2014 I conducted a visual inspection of 4378 Jordon Dr. #10 in McFarland, WI and found the house to be in very poor condition. The house has no basement and sits on old wood columns, beams and joists that are buried in and/or rest on the ground. The house is no longer structurally sound due to the rotting of those wood columns, beams and joist under the house.

There was active water intrusion in several areas including from the roof, through the siding & windows and moisture being wicked up through the floor. There were active plumbing leaks in the plumbing system at time of inspection. Due to the amount of water intrusion, plumbing leaks & moisture in the house, it appeared the house had mold in all of the rooms, in the attic space, on the exterior and underneath the house.

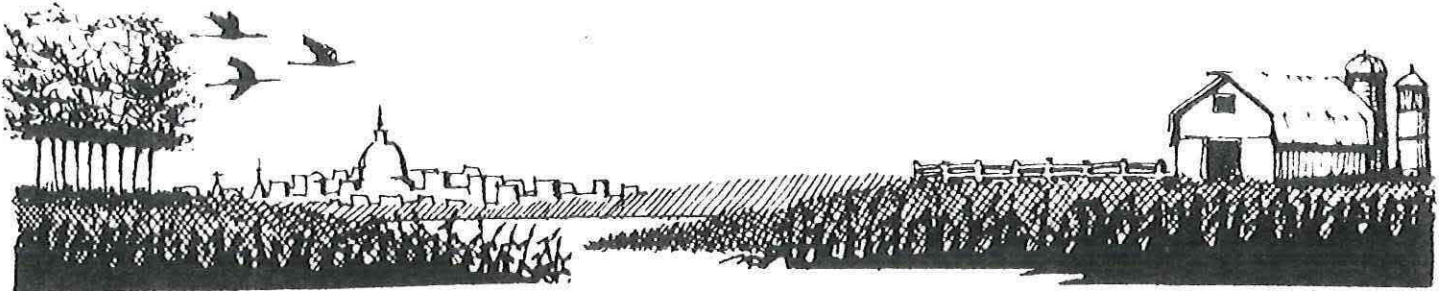
It is my opinion that the house is to far dilapidated to repair and should be torn down. It should be noted that due to structural & environmental issues the house may not be safe to occupy.

If you have any questions about this letter or the inspection that was done, please feel free to call me at 608-235-9836.

Sincerely,

Ron Miller

Ron Miller Inspections LLC



TOWN OF DUNN - 4156 COUNTY ROAD B, McFARLAND, WI 53558

Website: www.town.dunn.wi.us

E-mail: townhall@town.dunn.wi.us

Phone: (608) 835-5611

or 255-4219

FAX: (608) 835-5700

July 28, 2016

To: Ryan Quam <rquam@quamengineering.com>, agent for Denise Lehrner,

Re: Proposed variance for property at Watercress Park Condominium Unit 10

This letter confirms that the Town of Dunn has been contacted by the landowner or their representative regarding a proposed variance for the lot 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 you need to do the following:

1. 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.
2. Submit the above materials to the Town immediately after you have filed your application with Dane County.

Contacting your neighbors to let them know you are pursuing a variance is recommended. Your adjacent 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,

Erica Schmitz
Land Use Manager/Deputy Clerk Treasurer

Email copy: Hans Hilbert, Dane County Zoning, Hilbert.hans@countyofdane.com

Erica,

Sounds good and thanks a lot!

Ryan D. Quam
Quam Engineering, LLC
4604 Siggelkow Road, Suite A
McFarland, WI 53558
Phone: 608.838.7750
rquam@quamengineering.com
www.quamengineering.com

From: Erica Schmitz [mailto:eschmitz@town.dunn.wi.us]
Sent: Thursday, July 28, 2016 4:47 PM
To: Ryan Quam; Hilbert, Hans
Cc: 'Aaron Falkosky'; valleyview@tds.net; ebuske@quamengineering.com
Subject: RE: Watercress Park Condominium Unit 10 - Town Letter Indicating Town is aware of variance application

Hi Ryan,

I've attached the acknowledgement letter you requested. The Town will need to take action and make a recommendation on the variance.

Once you've filed a variance application with Dane county zoning, please submit a copy of the application in its entirety to me. Digital works great. Then, I'll place the item on the next Town Board agenda.

Thanks,
Erica

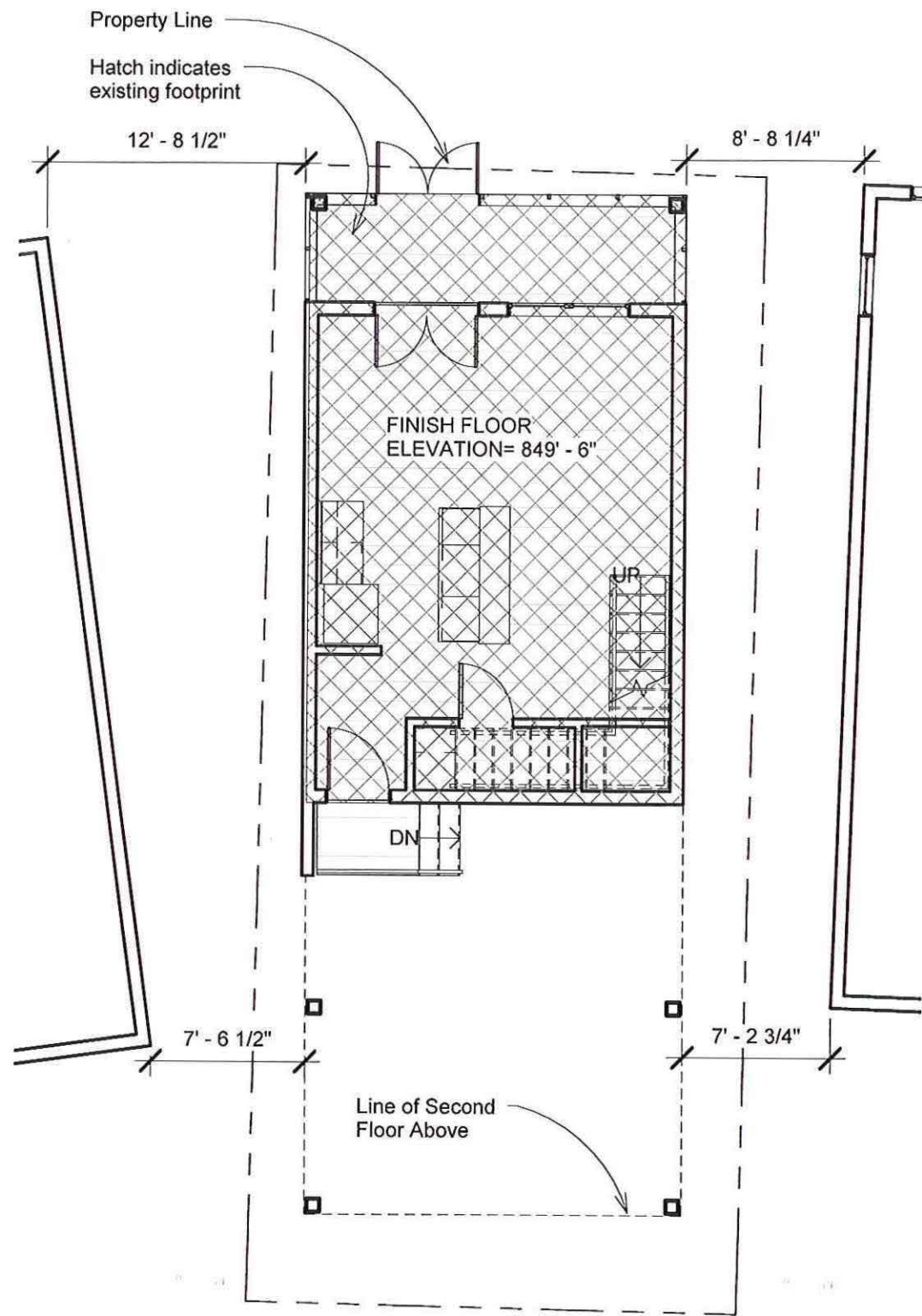
From: Ryan Quam [mailto:rquam@quamengineering.com]
Sent: Monday, July 25, 2016 5:18 PM
To: Erica Schmitz <eschmitz@town.dunn.wi.us>
Cc: 'Aaron Falkosky' <afalkosky@quamengineering.com>; valleyview@tds.net;
ebuske@quamengineering.com
Subject: Watercress Park Condominium Unit 10 - Town Letter Indicating Town is aware of variance application

Erica,

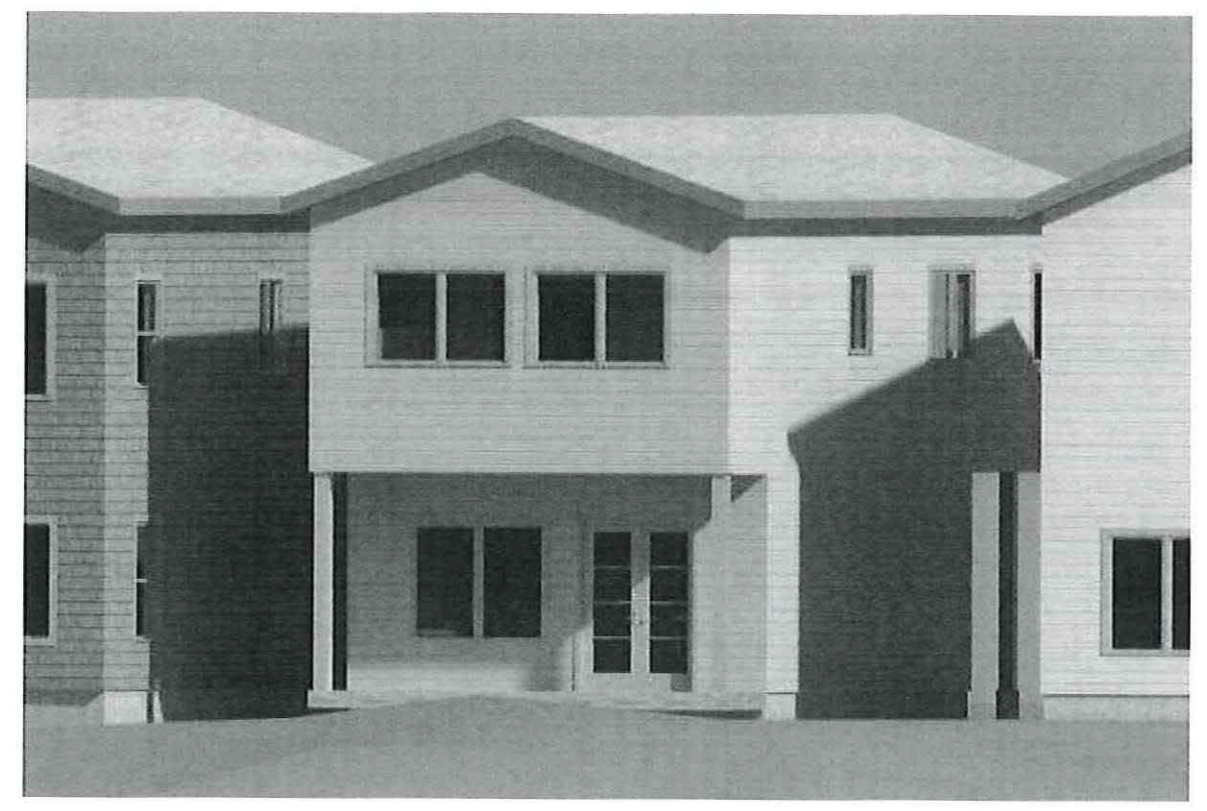
We are working with Denise Lehrner, the owner of Watercress Park Condominium Unit 10, to gather approvals to raise and expand the Condominium building. Attached is the preliminary Grading and Erosion Control Plan showing the proposed building.

Also attached is the "Redevelopment Options" letter from Hans Hilbert. The letter indicates that we will need to request "relief from the minimum required side yard setback" and "from the floodplain regulation" because filling is not feasible as outlined in green on page 5 of the attached. Note that the plan proposes to build on top of the existing foundation and maintain the existing yard grades while raising the floor elevation. The existing building is too low at elevation 848.31 and we would like to raise the floor above elevation 849.0.

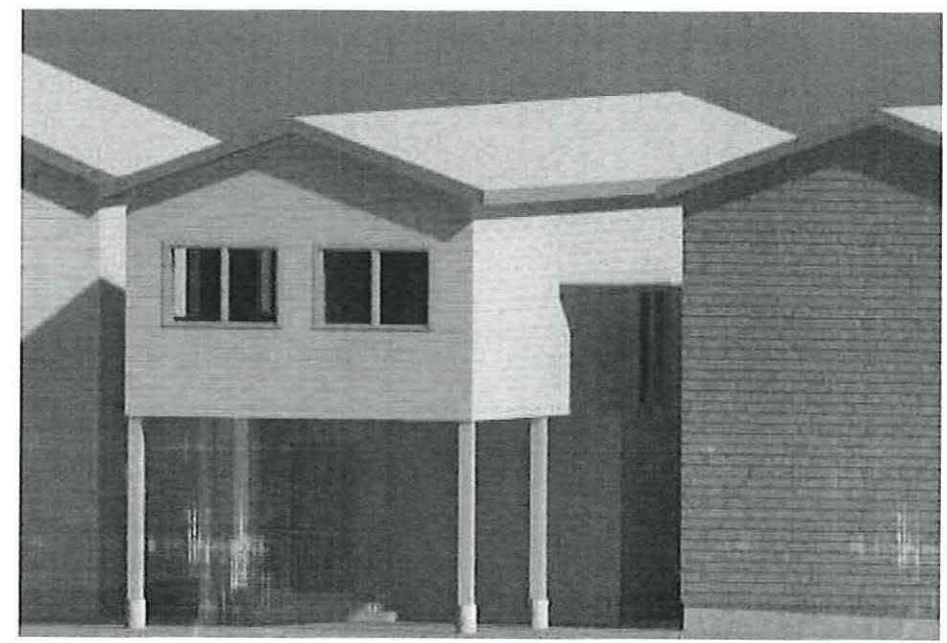
The letter also indicates on page 5 (outlined in blue) that we need to submit a complete variance application including "a letter from the Town of Dunn stating they are aware that you are applying for a variance". Please provide such a letter and feel free to contact me if you have any questions or comments,



① Site Plan
1/8" = 1'-0"



② FROM LAKE
12" = 1'-0"



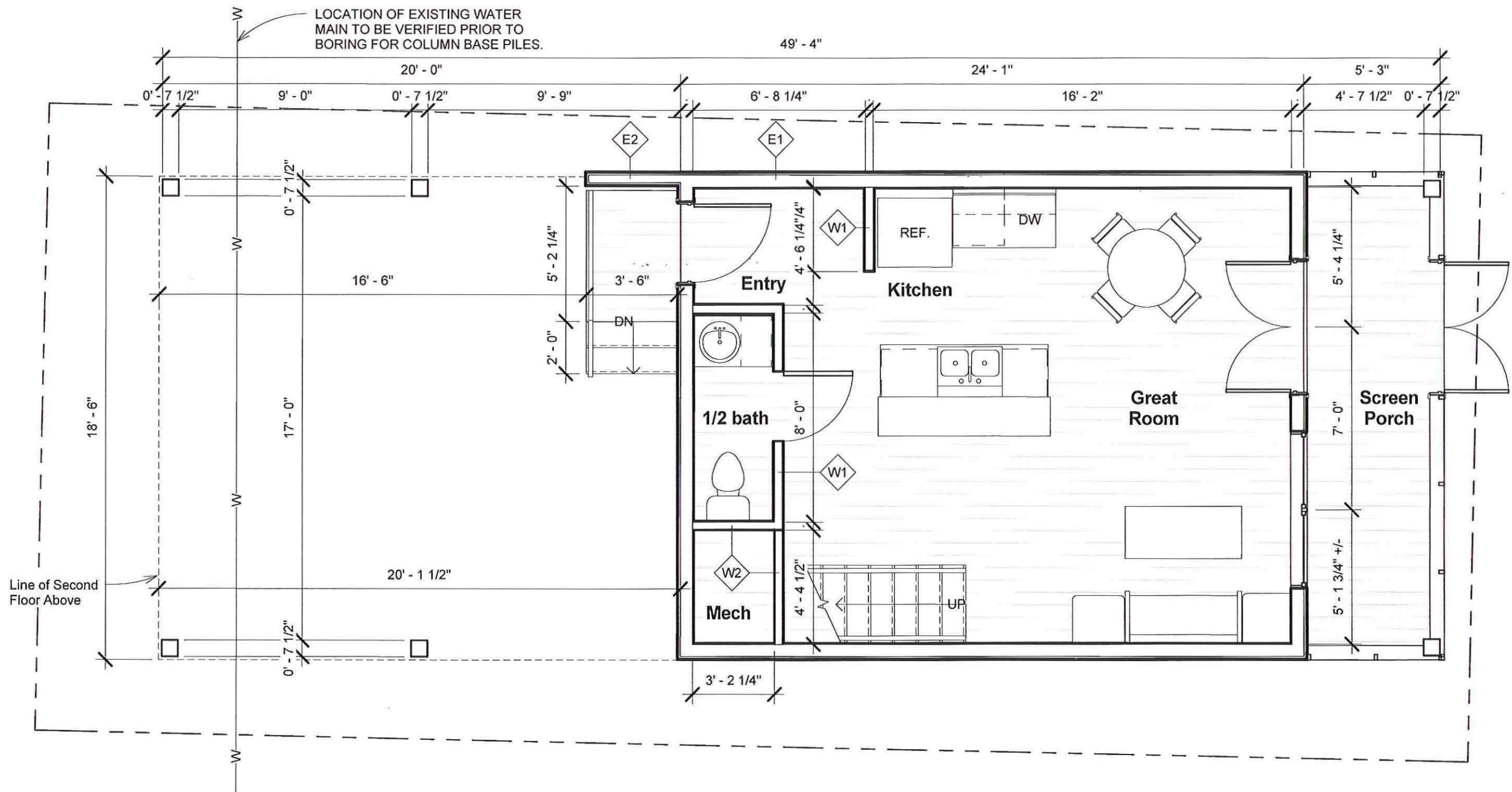
③ FROM DRIVE
12" = 1'-0"

raelyn
ARCHITECTURAL
LABORATORIES

Denise Lehner
4378 Jordan Dr #10

| No. | Description | Date |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |
| | | |

| Site Plan | | A101 |
|--------------------|------------|------|
| Project number | 1604 | |
| Date | 11/26/2016 | |
| Drawn by | cbb | |
| Checked by | cbb | |
| Scale As indicated | | |



① Ground Floor
1/4" = 1'-0"

raelyn
ARCHITECTURAL
LABORATORIES

Denise Lehner
4378 Jordan Dr #10

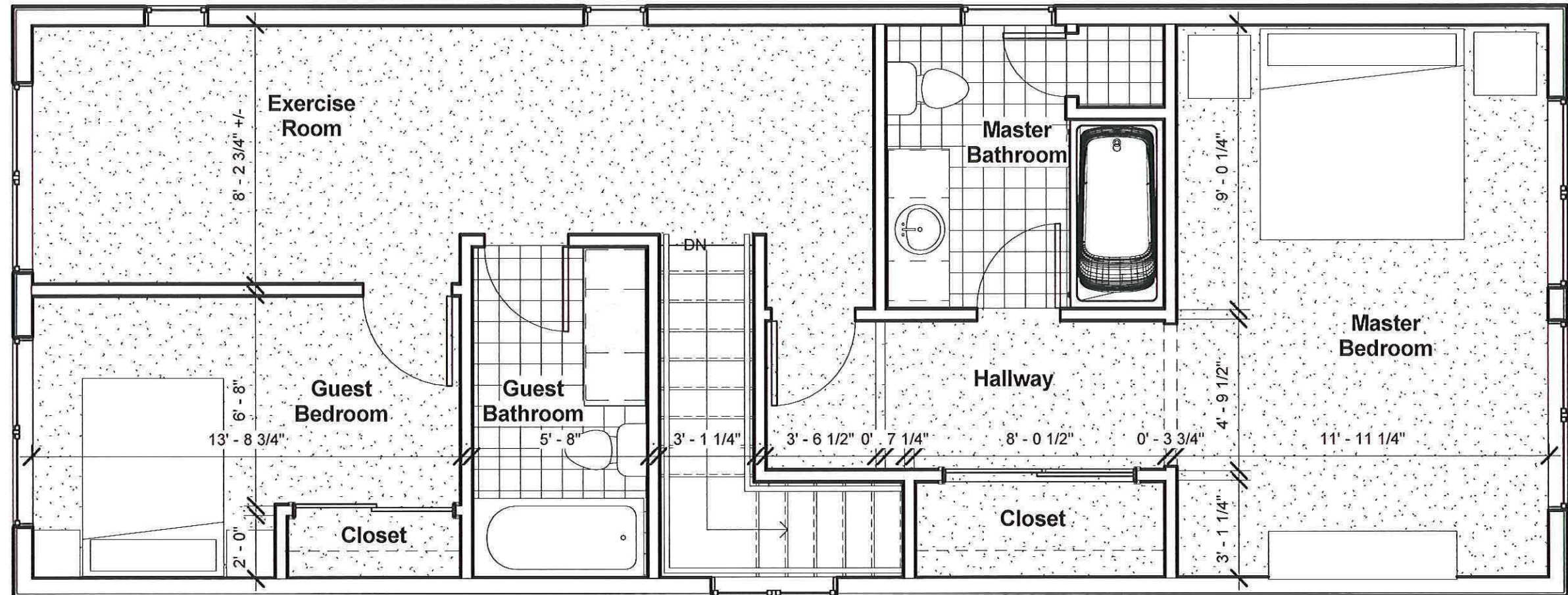
| No. | Description | Date |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |

Ground Floor Plan

Project number 1604
Date 11/26/2016
Drawn by CBB
Checked by CBB

A102

Scale 1/4" = 1'-0"



① Second Floor
1/4" = 1'-0"

raelyn
ARCHITECTURAL
LABORATORIES

Denise Lehner
4378 Jordan Dr #10

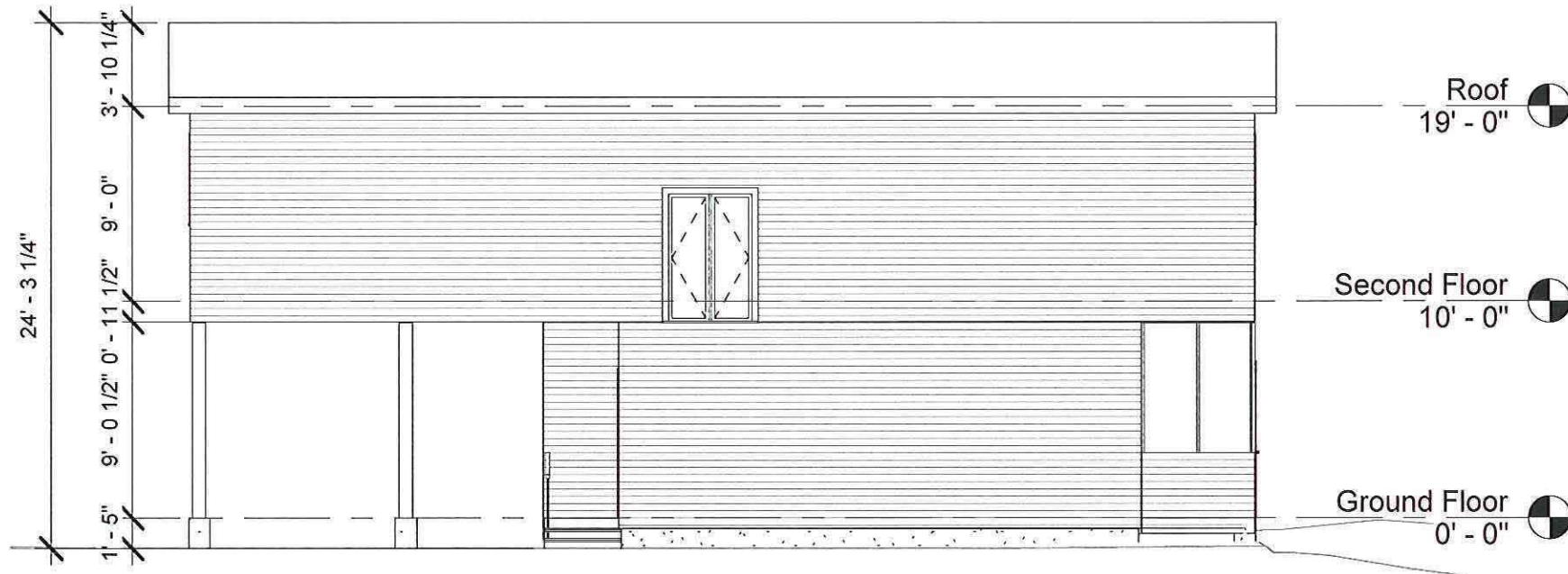
| No. | Description | Date |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |
| | | |

Second Floor Plan

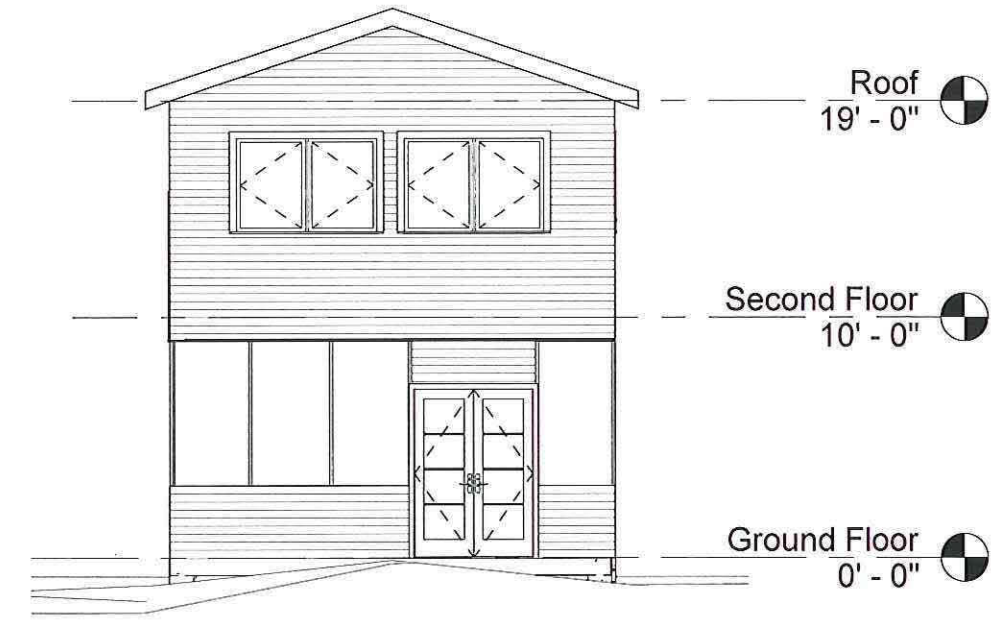
Project number 1604
Date 11/26/2016
Drawn by CBB
Checked by CBB

A103

Scale 1/4" = 1'-0"



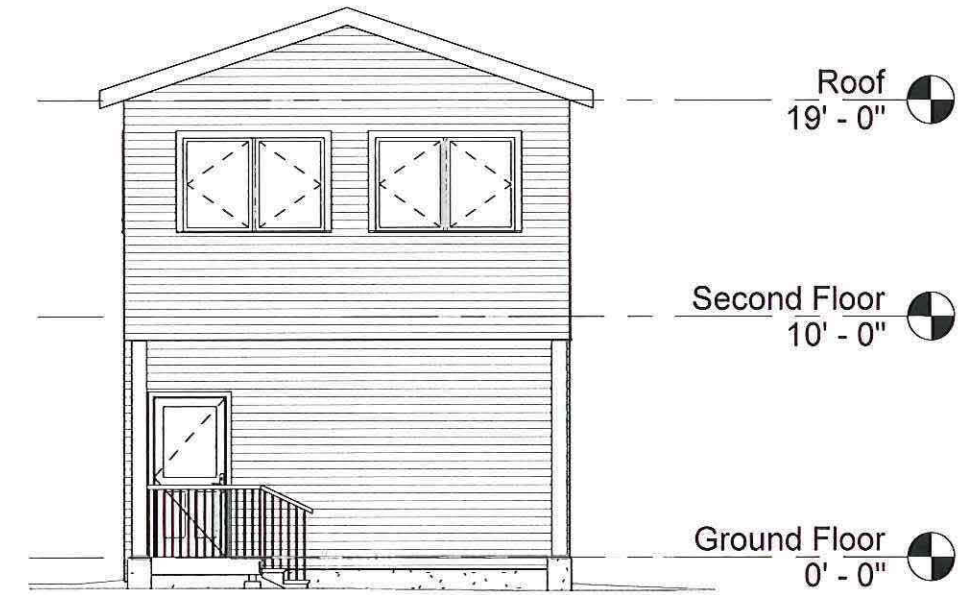
① East
1/8" = 1'-0"



② North
1/8" = 1'-0"



④ West
1/8" = 1'-0"



③ South
1/8" = 1'-0"

raelyn
ARCHITECTURAL
LABORATORIES

Denise Lehner
4378 Jordan Dr #10

| No. | Description | Date |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |

Elevations

Project number 1604
Date 11/26/2016
Drawn by CBB
Checked by CBB

A104

Scale 1/8" = 1'-0"



Roof
19' - 0"

Second Floor
10' - 0"

Ground Floor
0' - 0"

② Section 2
1/4" = 1'-0"

raelyn
ARCHITECTURAL
LABORATORIES

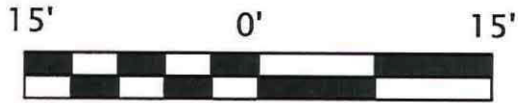
Denise Lehner
4378 Jordan Dr #10

| No. | Description | Date |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |

| Section | | A105 |
|----------------|------------|--------------------|
| Project number | 1604 | |
| Date | 11/26/2016 | |
| Drawn by | CBB | |
| Checked by | CBB | Scale 1/4" = 1'-0" |

Site Plan

Unit 10, Condominium Plat of Watercress Park Condominium Association Inc., in Lot 1, C.S.M. No. 1670, in the NE $\frac{1}{4}$ of the NW $\frac{1}{3}$ of Section 17, T6N, R10E, Town of Dunn, Dane County, Wisconsin

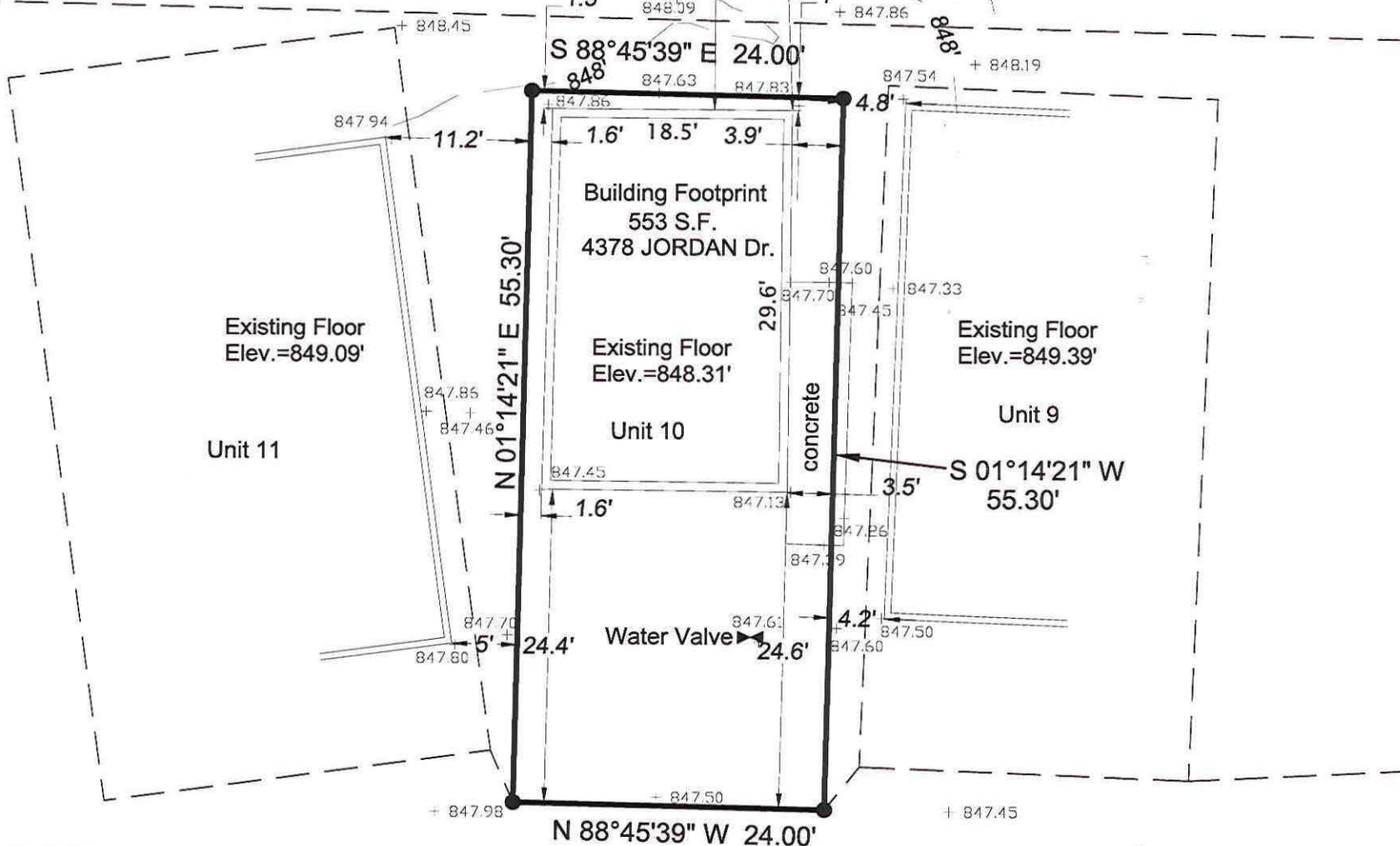
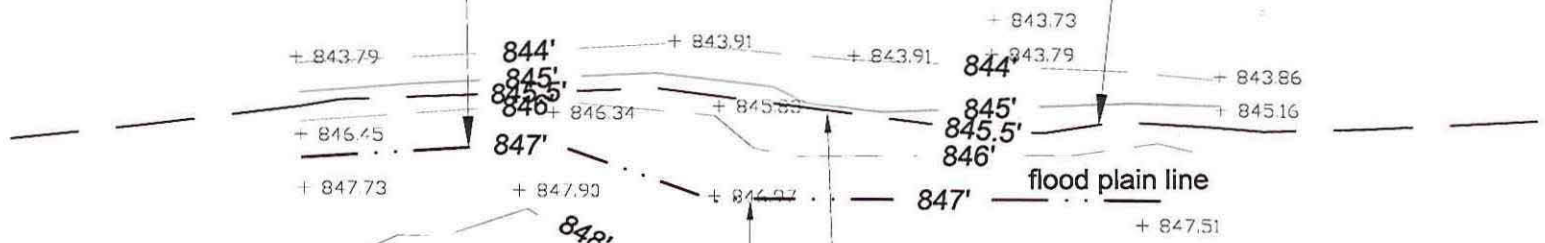


Lake Waubesa

(Measured Lake Level=843.73' NAVD 88(2012), April, 2015)

*Ordinary Highwater Mark (O.H.W.M.) line per Dane County-Elev.845.5' (NAVD 88 datum)

BASE FLOOD ELEVATION, LAKE WAUBESA
847' AS PER FEMA FLOOD PANEL



LEGEND

● 3/8" SOLID IRON ROD FOUND WITH ALUMINUM CAP

SURVEYED FOR:
DENISE LEHNER
1475 DILL DRIVE
BROWNTOWN, WI 53522
SURVEYED BY:
ISTHMUS SURVEYING, LLC
450 NORTH BALDWIN STREET
MADISON, WI 53703
(608) 244.1090
www.isthmussurveying.com

I, Paul A. Spetz, Wisconsin Registered Land Surveyor No. 2525, of Isthmus Surveying LLC, hereby certify that, to the best of my knowledge and belief, this site plan is a correct representation of the existing conditions on said site.

Paul A. Spetz S. 2525

Date: May 24, 2016

