



Dane County

Minutes

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, November 20, 2025

7:30 PM

Hybrid Meeting: Attend in person at the City
County Building, Room 357.

See below for additional instructions on how to attend the meeting.

A. Call To Order

Chair Long called the meeting to order at 6:30pm, introduced the members of the Board, and informed those present on the order of the hearing.

Also present: Staff: Assistant Zoning Administrator Hans Hilbert

Present 5 - ARLAN KAY, Secretary SUE STUDZ, Alternate ALEXANDER ELKINS, GEORGE CORRIGAN, and AL LONG

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

No public comments were made.

C. Consideration of Minutes

1. Minutes of the September 25, 2025 public hearing

CORRIGAN to approve the minutes. Motion carried.

Ayes: 4 - KAY, STUDZ, CORRIGAN and LONG

Abstain: 1 - ELKINS

E. Appeals from Previous Meetings

1. Appeal 3737. Appeal by Mike & Lynn Baldwin (Chris Landerud, agent) for a variance from the minimum required shoreland setback Section 11.03(2)1., Dane County Code of Ordinances, to permit removal and replacement of a single family residence at 3408 Quam Dr being Lot 15, Quam's Park, Ole J, Addition To, Section 35, Town of Dunn.

VARIANCE REQUESTED: Purpose: allow the removal and replacement of residence

Shoreland setback variance:

Minimum setback from ordinary high water mark required: 75 feet.

Proposed setback: 35.5 feet. VARIANCE NEEDED: 39.5 feet.

The public hearing for this appeal was held September 25, 2025.

Assistant Zoning Administrator (AZA) Hilbert presented the appeal facts.

IN FAVOR: Chris Landerud, agent for owner, spoke in favor of the variance request. He presented an updated plat of survey which defined the ordinary high water mark, moving it landward by 12-24 inches. He clarified that the front yard setback is constrained by overhead power lines carrying 7200 volts, which require a specific safety clearance, resulting in a proposed front setback of roughly 27-28 feet. He argued that strict application of the ordinance regarding averaging is impossible because the neighboring lot is vacant, creating a hardship which is not self-imposed.

Mike Baldwin, owner, spoke in favor of the appeal.

OPPOSED: None.

Chair Long asked the applicant to summarize how the request satisfied the standards required for granting relief.

The Board deliberated the facts of the case. The Board discussed that while the ordinance language regarding averaging with vacant lots is frustrating and arguably a legislative issue, the applicant demonstrated unique limitations due to the lot's small size, shape, and the presence of high-voltage overhead lines. The Board agreed the proposal increases setbacks compared to the current structure.

Conclusions of law:

1. Unnecessary Hardship: The Board determined that strict application of the ordinance would be unnecessarily burdensome because the lot is a small, non-conforming parcel of record. The hardship is not self-imposed but is created by the specific circumstance of the adjacent lot being vacant, which technically prevents the applicant from using the averaging provision intended by the ordinance. Denying the variance based solely on the neighbor's vacancy would effectively render the building envelope unusable.

2. Unique Physical Limitations: The Board found the property has unique

physical limitations that distinguish it from other properties. Lot Depth and Size: The lot is exceptionally shallow and small, representing a small percentage of the area required for modern conforming lots Overhead Utilities: The presence of high-voltage overhead power lines significantly restricts the front yard setback due to safety codes, further compressing the buildable area Lot Geometry: The Board noted the lot is "askew" with unique geometry resulting from early development patterns

3. No Harm to Public Interests: The Board concluded that granting the variance would not harm the public interest; rather, it would serve it. Improved Compliance: The proposal brings the property into greater compliance regarding side yard setbacks and safety separations compared to the existing structure. Neighborhood Pattern: The setback allows the home to fit the established development pattern of the neighborhood rather than strictly adhering to a setback that would place the home inconsistent with adjacent structures. Minimum Relief: The Board viewed the request as the minimum relief necessary to allow for a functional residence given the site's complications.

KAY to approve variance 3737 to grant 39.5 feet of relief from the shoreland setback to allow the residence at 3408 Quam Dr. Motion carried.

Ayes: 5 - KAY, STUDZ, ELKINS, CORRIGAN and LONG

F. Reports to Committee

2026 BOA meeting schedule

Hilbert provided the 2026 schedule to the Board. The Board noted potential scheduling conflicts for April and will address them if applications are received.

G. Other Business Authorized by Law

The Board opted to reschedule the election of officers and rules review to the December meeting when the full board membership is anticipated.

H. Adjournment

STUDZ to adjourn. The Board adjourned by voice vote at 8:27pm.