



# Dane County Planning & Development

## Division of Zoning

Appeal No. \_\_\_\_\_

Date Received \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

### VARIANCE APPLICATION:

**Owner:** Town of Dunn  
**Mailing Address:** 4156 County Road B  
McFarland, WI 53558  
**Phone Number(s):** 608-838-1081  
**Email Address:** \_\_\_\_\_

**Assigned Agent:** \_\_\_\_\_  
**Mailing Address:** 4156 County Road B  
McFarland, WI 53558  
**Phone Number(s):** 608-838-1081  
**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: 0610-212-9710-4 Zoning District: RH-1 Acreage: 1/2  
 Town: Dunn Section: 21 1/4 SE 1/4 NW  
 Property Address: 4156 County Road B; McFarland, WI 53558  
 CSM: \_\_\_\_\_ Lot: \_\_\_\_\_ / Subdivision: \_\_\_\_\_ Block/Lot(s): \_\_\_\_\_  
 Shoreland: Y/N / Floodplain: Y/N / Wetland: Y/N / Water Body \_\_\_\_\_  
 Sanitary Service: Public / Private (Septic System)

Current Use: Equipment and Material Storage Building

Proposal: New Equipment and Material Storage Building

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
<u>0.17(3)(b)</u>	<u>Setback from Class C highway</u>	<u>30 ft</u>	<u>8.2 ft</u>	<u>21.8 ft</u>

**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 document

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

See attached document

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(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 document

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(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 document

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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 document

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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: Cathy Hasslinger Date: 2/8/2016

Print Name: Cathy Hasslinger

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

## **Description of Existing Use and Proposed Project**

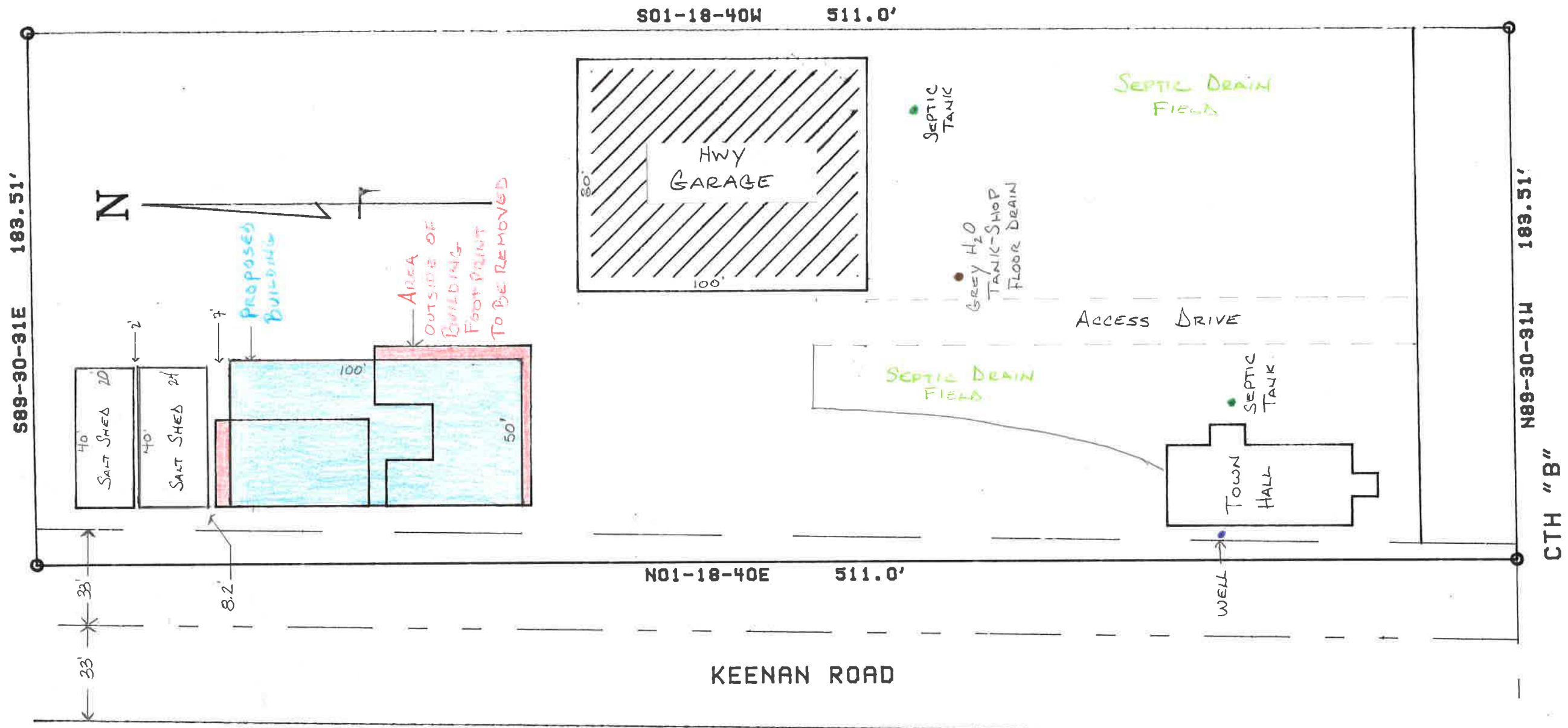
The two existing buildings act as cold storage for plows, trailers, large equipment, and miscellaneous maintenance materials. They also contain an office with Town highway records. The two existing buildings are in poor condition and need replacement. The proposed building will hold the same materials as the existing building (minus the office space), along with trucks and a grader.

## Variance Questions and Answers

- 1) (A) The existing equipment and material storage building is deteriorating and is in desperate need of replacement. The Town needs to store its trucks and equipment in this building and we hope to replace the building with a new building in the same location, using relatively the same footprint as the existing building. The Town learned that the setback for a new equipment and storage building on Keenan Road is 30 feet, however this is not feasible for the Town Highway Crew operations. If the new building is set back 30 feet, the building would impede access to the rear parking lot of the Town property, which is where the Town trucks access fuel tanks along with sand, gravel, and asphalt deposits. Furthermore, setting the new building back 30 feet from the lot line would cause interference between trucks accessing the proposed building and the existing garage on the east end of the property. The Town also considered building the new building in the northeast corner of the property, however this would eliminate the back parking area, which serves as a more secured and private area for both outside contractor work trailers and the storage of equipment that the Town shares with neighboring municipalities. In addition, if the equipment and material storage building were built in the northeast corner of the property, the resulting shorter distance between existing buildings and the new building would make it more difficult to maneuver large equipment in and out of the equipment and material storage building. Both of the aforementioned options would also lead to a larger area of disturbed land than simply replacing a building in the existing footprint.
- 1) (B) The Town considered asking for a lesser variance, however this alternative was rejected for similar reasons. By setting the equipment and material storage building back any further than 8.2 feet from the lot line, the gap between the two highway crew buildings would be narrowed, making truck access to the back parking lot more difficult, especially for plows and tandem trucks.
- 2) If the Town follows the required setback of 30 feet from Keenan Road, an unnecessary hardship will be created. In order to continue storing the Town's trucks, the equipment and material storage building must remain at the 50 foot by 100 foot footprint. If the Town attempted to meet the 30 foot setback, access to the rear parking lot; the gravel, asphalt, and sand deposits; and the fuel tanks will be blocked due to the narrowed gap between the two highway crew buildings. Without access to these items, the Town Highway Crew would no longer be able to adequately perform their duties of plowing, patching roads, and mowing roadsides. By replacing the existing equipment and material storage building with a new building on the same footprint, the Town would be able to continue performing their obligations to Town residents.
- 3) Unfortunately, the Town Hall and Highway Garage parcel is limited in size and other locations for the equipment and material storage building on this lot are not feasible. Ideally, the Town's buildings would be situated on a bigger lot to both meet the setback

requirements and accommodate the large amount of highway work, equipment storage, and Town Hall office operations that are conducted on a daily basis. However, such a scenario is not currently available. The Town feels that it is making a fair effort to balance the requirements of the Dane County Zoning Ordinance and the requirements of the Highway Crew by rebuilding the equipment and material storage building generally within its existing footprint, rather than constructing a larger building, or a building closer to the lot line, which would require a larger variance. The Town is also not creating additional impervious surface as the location of the new building is currently covered with cement, gravel, and the existing building. In addition, the new building will not be any closer to the lot line than the existing salt sheds (located directly north of the new building).

- 4) Since the existing highway equipment and material storage building is deteriorating, a new building will create a safer work environment for the highway crew and provide a safer storage location for the Town's equipment. The broader Town of Dunn community will greatly benefit from a new equipment and material storage building as the Town Highway Crew will be able to more efficiently access snow plows and other highway equipment in the new building, thereby leading to more efficient services to residents. In addition, traffic flow will be improved, as the overhead doors for truck access will be moved from the Keenan Road side of the building to the south and east side of the building. With this realignment of the doors, conflicts between trucks backing in and out of doors and residential traffic will be reduced.



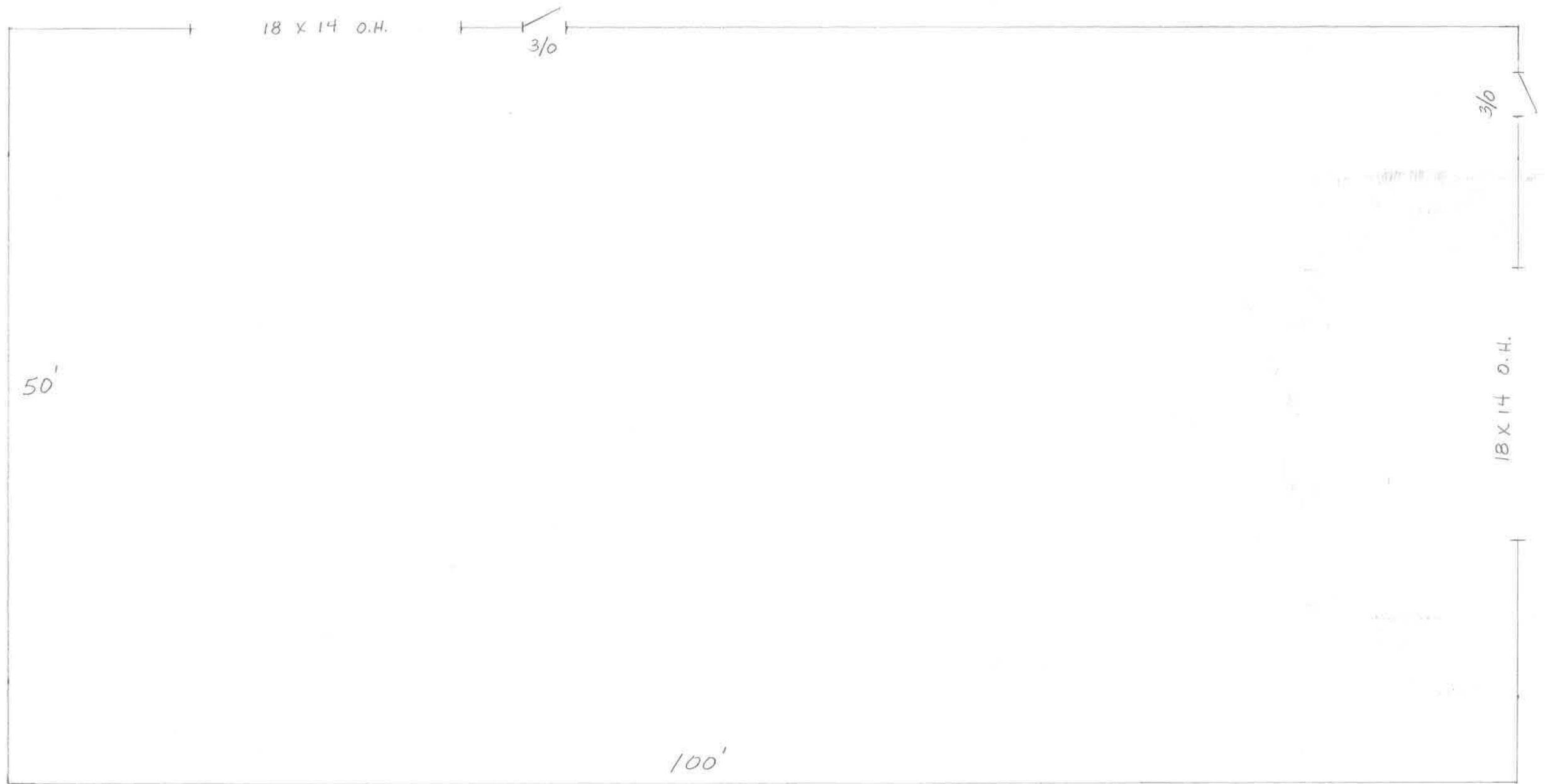
**S I T E P L A N**  
1" = 40'

(SEE SHEET #1 FOR GRADING INFORMATION)

<b>SITE PLAN AND ELEVATIONS</b>	DR. BY	DATE	SCALE	JOB NO.	HAL-KEN ENGINEERING, INC.
<b>NEW TOWN HIGHWAY GARAGE</b>	HJH	6/23/98	AS SHOWN		797 SKY RIDGE DRIVE
<b>TOWN OF DUNN, DANE COUNTY, WISCONSIN</b>					MADISON WI 53719

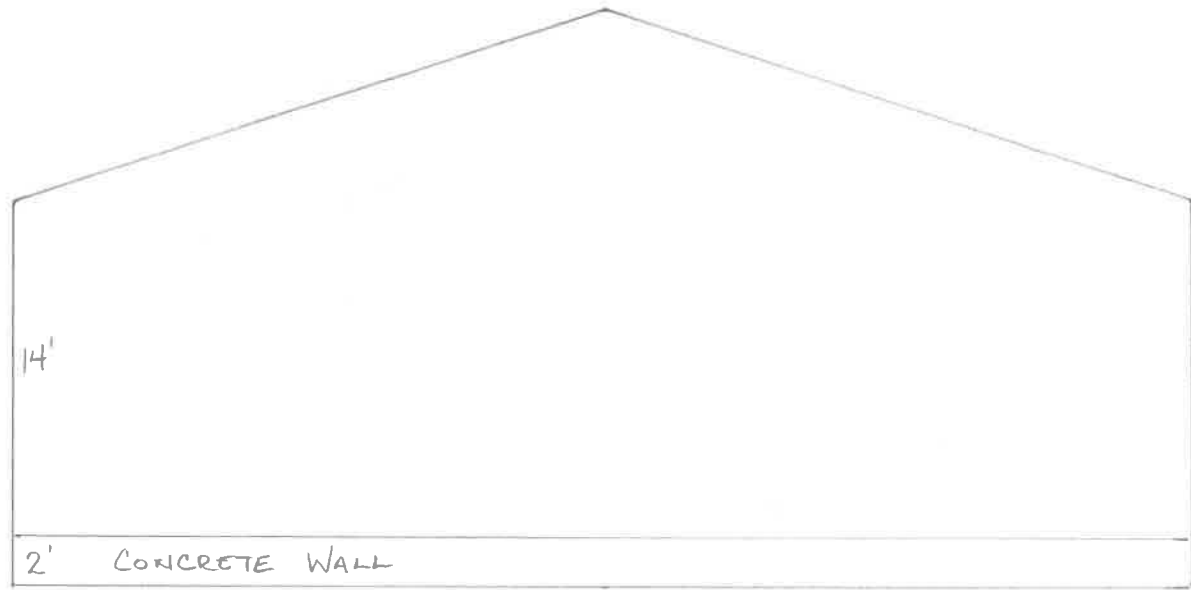


# TOWN OF DUNN STORAGE BUILDING

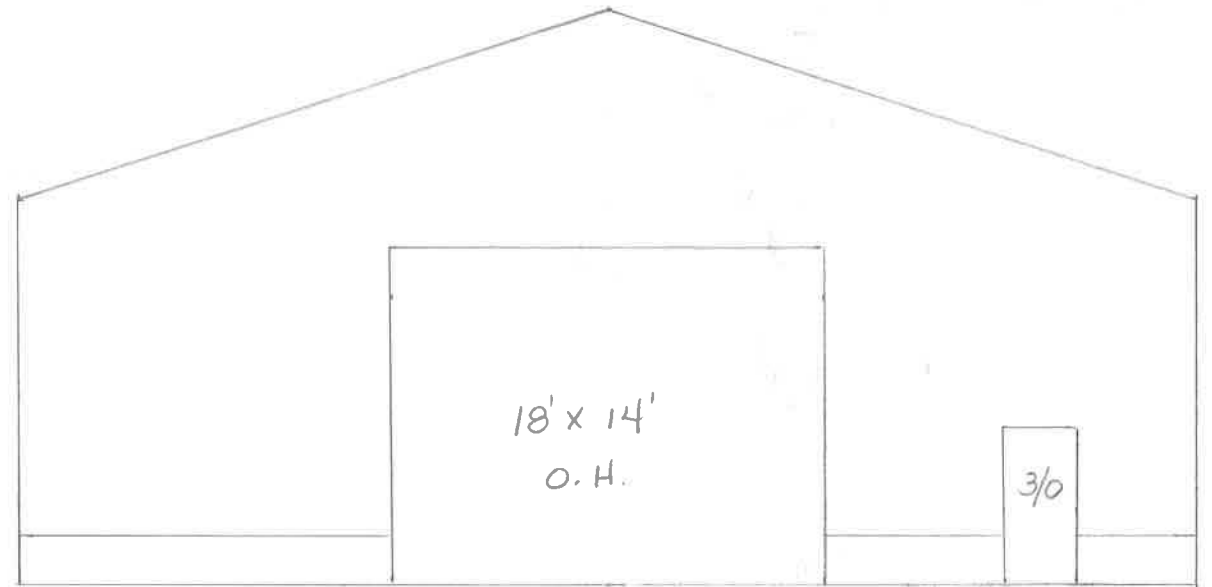


1" = 8'

TOWN OF DUNN  
STORAGE BUILDING  
 $\frac{1}{8}'' = 1'$

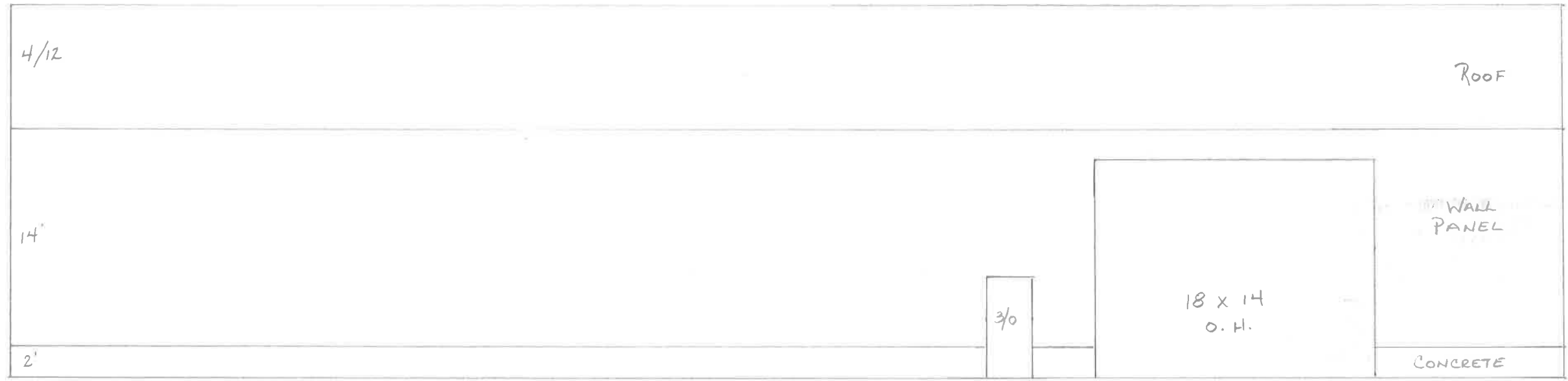


50'  
NORTH VIEW



SOUTH VIEW

100'



4/12

ROOF

14'

WALL  
PANEL

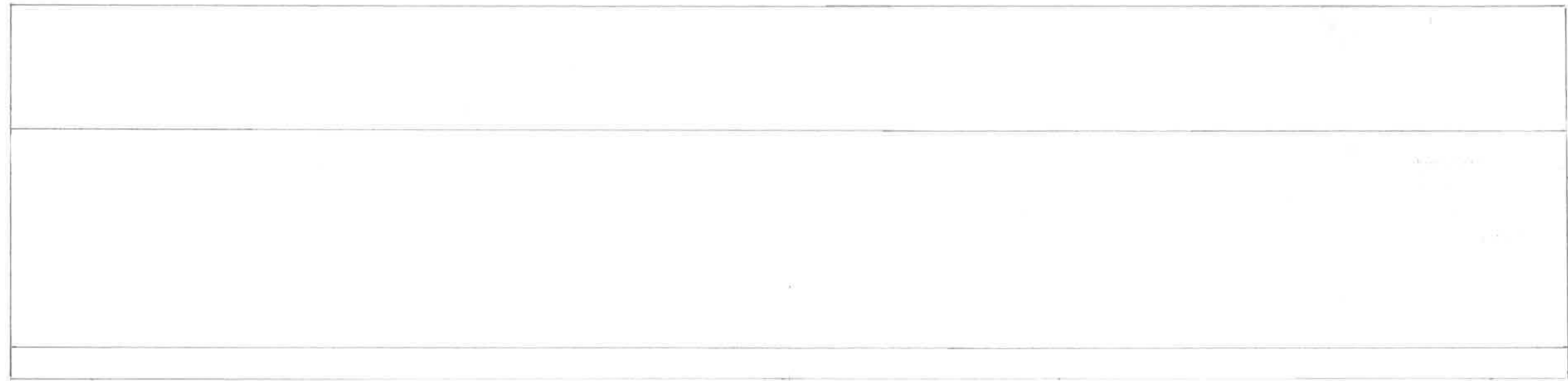
2'

3/0

18 x 14  
O.H.

CONCRETE

EAST VIEW



WEST VIEW



Keenan Road

B County Highway

B