

2. Appeal 3676. Appeal by Jeff & Nancy Ballmer (Robert Feller, agent) for a variance from minimum required setback to an ordinary high-water mark as provided by Section 11.03(2)(a)1., Dane County Code of Ordinances, to permit proposed residential addition at 9661 Howery Road being a parcel of land in the NE ¼ of the NW ¼ , Section 24, Town of Vermont.

OWNER: Jeff & Nancy Ballmer  
ZONING DISTRICT: A-2 Agriculture

COMMUNICATIONS: Town of Vermont, April 8, 2016 acknowledgement; April 26, 2016 Town Plan Commission—no objection.

WDNR, request for comment sent May 6, 2016.

Facts of the Case:

Existing:

- Existing use of property consists of a single family residence adjacent to a state highway and town road. The majority of the property is a densely forested steep slope.

Proposed

- Applicants propose to construct an addition on to the existing residence.

Zoning Notes:

- Chapter 11 requires all structures to be setback at least 75 feet from a navigable body of water.
- Existing residence is a non-conforming structure due to it's legal encroachment in to the required shoreland setback.

History

- Historically the Town highway ran between the residence and the pond as it exists today, however State highway expansion and intersection reconfiguration moved the highway to the northwest, and damming was created to form the pond.
- In 2016 the Wisconsin DNR conducted a navigability determination of the pond and found that it had a hydrologic history and was navigable.
- In 2009 a permit for a shed and a deck addition to the residence was issued.
- Violation History: No zoning violation history found.

**VARIANCES REQUESTED: Purpose: Residential remodel and addition**

**Setback from Ordinary High Water Mark Variance:**

Minimum setback required: 75 feet.

Proposed Setback: 38.2 feet

**VARIANCE NEEDED: 36.8 ft**