

Hello Hans,

We are writing to express concerns about file 2023 BOA-004, Appeal Appeal 3726. As adjacent neighbors we object to allowing a variance and would like to express concern regarding various deficiencies in the appeal application.

First, and most importantly, in the Unique Physical Characteristics of the Property and Effect on the Community and Neighborhood sections of the Attachment - Variance Application, the applicant neglected to include that this lot is almost entirely in the flood plain. This is evident in the Topographic Map included with the application. It is stated that "The owner intends to retain the existing wetland as well as utilize a progressive design of the house that would maximize side yards to manage water on site and not impact neighbor retaining walls or properties. The lot is flat, eliminating any need for significant grading. It is unlikely that property values would change, . . ." The applicant never addresses how this would be possible with regards to the flood plain and county regulations surrounding construction in or around wetlands. This lot does routinely flood during and after rain events, and any grading on this lot would risk shifting that water load to the neighboring lots not in the flood plain. Our barn on lot 11, immediately adjacent to lot 10, was built over half a century ago by the Reynolds family has never flooded, even during the extreme rain and flood events over the past decade. This barn would be put at risk if grading occurred on lot 10.

From our understanding talking with multiple owners, potential owners, and builders, the 125' lot (lots 8, 9, and 10 considered together) posed significant challenges to building because of the vast majority of the entire parcel together being in the floodplain. Allowing a variance to split the property into smaller lots would worsen the buildable footprint on each of the separated lots, and place undue burden on both County Zoning and whomever eventually attempts to build on a substandard. Lot 10 considered on its own is indeed a large lot, but is also almost entirely in the floodplan. As adjacent neighbors we are concerned that development of this lot would put our existing structures at significant risk of damage or destruction due to the inevitable change in floodwater and rainwater storage. We do not see any viable solution to further developing this lot without imposing this risk, and none has been presented.

Before considering an exceptional variance, the Board should request development designs for the requested separated lots which demonstrate both a suitable building footprint and mitigation of floodplain issues that comply with existing wetland zoning. If the property owners don't or won't submit development designs, the Board shouldn't grant an exception based on speculation without facts to back up their decision.

In addition to the floodwater and rainwater issue, there are several inaccuracies or misrepresentations in the application.

In the Variance Application, Table A, section 11.03(1)2.b Existing lots, the application states the following:

1. The lot or parcel has, since May 21, 1970, not been reconfigured or combined with another lot or parcel by plat, survey, consolidation, or restrictive covenant into one lot, property tax parcel or zoning parcel.

The parcel has never been reconfigured or combined with another lot or parcel in any way. The tax record has always deemed lot 10 to be its own parcel.

2. The lot or parcel has, since May 21, 1970, not been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

There has not been any development on Lot 10. The tax record shows lot 10 with no improvements.

These statements are at odds with the JANUARY 26, 2023 BOA PUBLIC HEARING STAFF REPORT, which states:

- Surveys from 2015 and 2022 show the residence to be primarily located on lot 9, however a portion of the porch on the east side of the residence is located 3.22 feet on to lot 10.
- The surveys also show that the detached garage to be primarily located on lot 9, however 1.22 feet of the northeast corner is located on lot 10.

As included above, the JANUARY 26, 2023 BOA PUBLIC HEARING STAFF REPORT clearly shows that it is not true that this lot has "never been reconfigured or combined with another lot or parcel *in any way*," [emphasis added] as this lot has always been built on and used along with lots 8 and 9.

In the Attachment - Variance Application, Alternatives section, it is stated "The property is zoned residential and has always been intended for use as a single-family home, which is the proposed use."

It is evident from the JANUARY 26, 2023 BOA PUBLIC HEARING STAFF REPORT that this lot is already being used for a single-family home, together with lots 8 and 9; it was never intended to be used for a stand-alone lot for a single-family home, or the existing house would not have been built on this lot, or approved to be built over the property line.

In the Attachment - Variance Application, Hardship section, it is stated " Strict compliance with the current ordinance without variance would result in a property with no reasonable use."

This lot has historically been used and purchased together with lots 8 and 9, and has and continues to fulfil that use. This is similar to the neighboring Lot 11, which has historically been used and purchased together with neighboring lots 12, 13, and 14 and continues to similarly fulfil its intended use. Additionally. lot 11 is incorrectly labeled by the applicant on the Dane County Map (labeled as "22") as one of the "27 of the 37 homes built on this street," when in fact it is only developed with a storage shed. Allowing this variance would make lot 10 the only lot in the middle of a continuous

series of 9 lots (as shown on Dane County Map) that is 50 ft wide developed with a single-family house.

We appreciate your consideration of these facts during your consideration of this Appeal.

Concerned neighbors,
The Christensen Family