



# 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?*

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Thursday, February 28, 2019

6:30 PM Room 357, City-County Building, 210 Martin Luther King,  
Jr. Blvd. Madison, WI

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Room 357, City-County Building, 210 Martin Luther King, Jr. Blvd. Madison, WI

#### A. Call To Order

*Chair Schulz called the meeting to order at 6:30 PM and made a statement regarding the rules and procedures of the Board of Adjustment.*

*Also present, Staff: Hans Hilbert, Assistant Zoning Administrator*

**Present** 5 - Chair STEVEN SCHULZ, SUE STUDZ, Secretary ROBERT PULVERMACHER,  
Vice Chair AL LONG, and EDMOND MINIHAN

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

*No public comments were made.*

#### C. Consideration of Minutes

1. Minutes of the January 24, 2019 meeting

**STUDZ/LONG to approve the minutes. Motion Carried.**

**Ayes:** 5 - SCHULZ, STUDZ, PULVERMACHER, LONG and MINIHAN

2. Minutes of the February 14, 2019 site inspection meeting

**STUDZ/LONG to approve the minutes. Motion Carried.**

**Ayes:** 5 - SCHULZ, STUDZ, PULVERMACHER, LONG and MINIHAN

#### D. Public Hearing for Appeals

1. Appeal 3698. Appeal by Reggie Lund for a variance from minimum required setback from a Class E highway as provided by Section 10.17(5) (b) , Dane County Code of Ordinances, to permit a proposed garage addition at 2777 Marshall Pkwy being Lot 2 Sawyer Addition, Section 27, Town of Madison.

*VARIANCES REQUESTED: 6.6 Feet.*

*Assistant Zoning Administrator (AZA) Hilbert presented a Staff Report reporting facts of the case.*

*IN FAVOR: Reggie Lund, owner, spoke in favor of the variance request and provided the Board with an additional map showing the size of a landing inside the existing garage required by the building code.*

*ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator was surprised that the Sawyer Addition was not platted prior to the ordinance but had no other comments.*

*OPPOSED: [None. The Chair stated no rebuttal was needed.]*

*Finding of Fact:*

*Existing:*

- *Single family residence built between 1955 and 1957 on an unplatted lot.*
- *In 1965 Sawyer Addition was recorded creating 6 platted lots, 2 of which already had residences constructed, lot 2, the Lund residence, and lot 1, the residence immediately to the west. The remaining 4 lots of the subdivision are to the east and abut unplatted lands.*
- *The opposite side of Marshall Pkwy, north of Carver Street was platted as Forest Park in 1934.*

*Proposed*

- *Two car attached garage addition to front of existing residence.*

*Zoning Notes:*

- *Access to this property when constructed would have been provided via an unplatted town road, or Class C Highway. The requested setback from a Class C highway when the residence was constructed would have been 63 feet from the centerline of the right-of-way which is usually equal to 30 feet of setback from the front property line.*
- *In 1965, the Sawyer Addition plat was recorded and identified 60 feet of right-of-way which continued Marshall Parkway to the west, including access to the Lund property, from the Forest Park platting. At this time the required County zoning front setback for the Sawyer Addition became 30 feet from the front property line, as the roadway was now a Class E highway.*
- *The Sawyer Addition plat, as recorded shows a 50 foot front setback line for lots 3,4, and 5 of the plat.*
- *The portion of Marshall Parkway that is included in the Forest Park plat is defined as a Class D highway and requires a 20 foot front setback from the right-of-way line.*

*History*

- *In 1990 zoning permit 1616 was issued for a covered porch addition to the residence.*
- *In 2018 zoning permit 604 was issued for a second story addition to the residence.*
- *The only other variance request within the Sawyer Addition plat was variance 1067 requested in 1982 for a reduced side yard setback, however the Board of Adjustment denied the request after determining that a hardship did not exist.*

- *Violation History: No violation history found on the property.*

**COMMUNICATIONS:**

*Town of Madison: 1/9/2019, no objection as long as garage and driveway does not cross neighboring property lines.*

**Conclusions:**

- 1) *Unnecessary Hardship: It would be unreasonable to deny a property owner the ability to continue to have an attached garage due to the need to comply with Town building code regulations to have a legal landing for entry into the residence.*
- 2) *Unique Limitations of the Property: The existing residence was constructed prior to the platting of the Sawyer Addition and at a time where the previous right-of-way was less than when platted. Though Marshall Parkway right-of-way is platted in a continuous loop, only a portion of it is constructed and there are no plans to construct the remaining portion which is located within the UW-Arboretum, therefore this property is essentially located on a dead end roadway.*
- 3) *No Harm to Public Interests: Other residences located on Marshall Parkway are only required to maintain a 20 foot setback to the right-of-way. Granting this variance will not result in any more harm to the public interest than what is legally permitted nearby.*

**Motion: Minihan/Studz to grant variance of 6.6 feet of required setback from a Class E Highway to permit a residential garage addition as proposed. Motion Carried.**

**Ayes:** 5 - SCHULZ, STUDZ, PULVERMACHER, LONG and MINIHAN

**E. Appeals from Previous Meetings**

**F. Reports to Committee**

*Hilbert updated the Board on their upcoming calendar as well as future appointments to the Board. No action was taken.*

**G. Other Business Authorized by Law**

**H. Adjournment**

**STUDZ/MINIHAN to adjourn at 7:12 PM. Motion Carried.**