

SEPTEMBER 24, 2015 BOA PUBLIC HEARING STAFF REPORT

Appeal 3671. Appeal by Daniel & Jill Sears for variance seeking absolute of stormwater management and erosion control requirements as provided by Sections 14.50 and 14.51, Dane County Code of Ordinances, to permit development of single-family residence along State Highway 138 being Lot 1, CSM 11985, in the NW 1/4 NE 1/4 Section 8, Town of Rutland.

OWNER: Daniel & Jill Sears

LOCATION: State Highway 138, Rutland Section 8.

ZONING DISTRICT: RH-3 Rural Homes

COMMUNICATIONS: Town of Rutland: 06/04/2015 Support granting of the requested variance.

Facts of the Case:

Existing:

- Currently the property is vacant with the exception of an existing gravel driveway install between 2006 and 2008. In 2011 the driveway was appended to provide access to a residence built on an adjacent lot at 4363 State Highway 138.
- The property was zoned to allow residential development in 2006. A condition of the zoning was to require a deed restriction be recorded against the RH-3 property requiring "the driveway to have bump-outs allowing access by emergency vehicles".

Proposed

- The owners have proposed a residential development in the southeast corner of the lot.

Zoning Notes:

DCCO 14.72: **14.72 VARIANCES.** (1) An applicant may include in the application a request for a variance from the requirements of sec. 14.50 or 14.51. No variance shall be granted unless applicant demonstrates and the director and the county conservationist find that all of the following conditions are present:

- (a) Enforcement of the standards set forth in this ordinance will result in unnecessary hardship to the landowner;
 - (b) The hardship is due to exceptional physical conditions unique to the property; and (c) Granting the variance will not adversely affect the public health, safety or welfare, nor be contrary to the spirit, purpose and intent of this ordinance.
- (2) If all of the conditions set forth in sub. (1) are met, a variance may only be granted to the minimum extent necessary to afford relief from unnecessary hardship, with primary consideration to water quality and impact to downstream conditions.
- (3) A person aggrieved by a variance determination by the director may appeal that decision to the committee pursuant to s. 14.71.
- (4) A person aggrieved by a decision of the committee regarding a variance may appeal that decision to the board of adjustment pursuant to s. 10.26.

History

- The initial variance appeal to the Director of Land Conservation was denied; the appeal of that denial to the Land Conservation Committee was denied on 7/27/2015.

VARIANCES REQUESTED: Purpose: Allow for the development of a Residence

Variance Request: Waiving requirements of 14.50 & 14.51 DCCO