



# Dane County

## Minutes

### Board of Adjustment

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Thursday, November 19, 2015

6:30 PM

Room 354 City-County Building Madison WI

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#### Room 354 City-County Building Madison WI

#### A. Call To Order

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

*Also Present: Staff: Assistant Zoning Administrator, Hans Hilbert. Zoning Inspector: Sarah Sauer.*

**Present** 5 - Chair STEVEN SCHULZ, Vice Chair SUE STUDZ, BILL OLSON, ROBERT PULVERMACHER, and AL LONG

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

*No Public Comments.*

#### C. Consideration of Minutes

1. Minutes of the October 22, 2015 meeting

**STUDZ / LONG to approve the minutes. The motion carried.**

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

2. Minutes of the November 12, 2015 Site Inspection meeting

**STUDZ / LONG to approve the minutes. The motion carried.**

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

#### D. Public Hearing for Appeals

1. Appeal 3672. Appeal by Timothy & Karen Klongland 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 proposed storage building on an existing foundation at 1042 Taylor Ln being Lot 1 CSM 3373, in the NW ¼ of the NE ¼, Section 17, Town of Dunkirk.

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

*IN FAVOR: Tim & Karen Klongland, owners, spoke in favor of the variance request.*

*Damon Diehl, 1062 Taylor Ln, neighbor, spoke in favor of the appeal.*

*Robert Kluge, 1012 Gilrust Ave, neighbor, asked questions about the appeal and stated no objection to the appeal.*

*ZONING ADMINISTRATOR'S COMMENTS: The Zoning Administrator had no comment on this appeal.*

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

*Motion: Long/Studz to grant variance of 14 feet from the required setback from the right-of-way line of Westchester Circle to allow for the construction of a residential accessory building on an existing concrete slab.*

*Finding of Fact:*

*Existing:*

- *Property is used as the primary residence for the owners and contains a concrete slab in the location of a former tobacco shed.*
- *Septic drain field located south of house.*
- *Well located between house and concrete slab, and has a well easement to property to the south.*

*Proposed*

- *Owners are proposing to construct a new cold storage building within the footprint of the existing concrete slab, but smaller than the previous building so as to be more conforming with zoning requirements.*

*Zoning Notes:*

- *Required front setbacks from both Westchester Cir and Gilrust Ave is 30 feet.*
- *Proposed building conforms to all zoning requirements except setback to Westchester Cir.*

*History*

- *Permit 33577 issued in 1981 for residence, tobacco shed existed at that time.*
- *Violation History: No violation history found.*

*COMMUNICATIONS:*

*Town of Dunkirk: Acknowledgement recommendation of approval 09/14/2015.*

*Conclusions:*

- 1) *Unnecessary Hardship: The owners have previously had use of this space on their property for a storage building that predated the subdivision. By removing the unsafe tobacco shed, and with a variance, the new structure will bring the property further into compliance with required setback and still allow a reasonable use of the property.*
- 2) *Unique Limitations of the Property: The existing concrete slab predates the surrounding development, and occupies a majority of the developable land on the parcel. Other areas of the property are occupied by the septic system, well, and well*

easement.

3) *No Harm to Public Interests: Removal of the tobacco shed creates a more suitable vision clearance triangle at the intersection of Gilrust and Westchester Circle. The proposed building requires less of a variance than the previous building encroached into the setback. The Town had no objection and didn't find any harm to the public.*

*VARIANCES REQUESTED: Purpose: Allow construction of a residential accessory building*

*Minimum setback from right-of-way required: 30 feet.*

*Actual Setback: From front lot line: 16 feet.*

*VARIANCE NEEDED: 14 feet.*

**A motion was made by LONG, seconded by STUDZ, that this BOA Appeal be approved. The motion carried by the following vote:**

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

## **F. Reports to Committee**

1. Board of Adjustment 2016 Meeting Schedule

**STUDZ / OLSON to approve the 2016 meeting schedule. The motion carried.**

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

## **H. Adjournment**

**STUDZ / OLSON to adjourn. The Board adjourned at 7:00 PM.**