



# Dane County Planning & Development

## Division of Zoning

Appeal No. \_\_\_\_\_  
 Date Received \_\_\_\_\_  
 Date of Public Hearing \_\_\_\_\_

### VARIANCE APPLICATION:

**Owner:** Colin, Alissa Attenburg, Jordan Horstman, Jean Rose, Nicole Rose

Mailing Address: 2785, 2787, 2803, 2805 Door Creek Rd  
Stoughton, WI 53589

Phone Number(s): (608) 575-3416

Email Address: colinaltenburg@yahoo.com

**Assigned Agent:** Vivian Green

Mailing Address: \_\_\_\_\_

Phone Number(s): (608) 873-3063

Email Address: \_\_\_\_\_

*To the Dane County Board of Adjustment:*

*Please take notice that the undersigned was refused a permit by the Dane County Zoning Division, Department of Planning and Development, for lands described below for the reason that the application failed to comply with provisions of the Dane County Code of Ordinances: Chapters 10 – Zoning, 11 – Shoreland, Shoreland-Wetland & Inland-Wetland, 17 – Floodplain Zoning, and/or 76 – Airport Height Regulations. The owner or assigned agent herewith appeals said refusal and seeks a variance.*

Parcel Number: 0611-071-1100-0 Zoning District: R-3A Acreage: 2.5

Town: Pleasant Springs Section: \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_

Property Address: 2785, 2787, 2803, 2805 Door Creek Rd, Stoughton, WI 53589

CSM: pending Lot: \_\_\_\_\_ / Subdivision: \_\_\_\_\_ Block/Lot(s): \_\_\_\_\_

Shoreland: Y/N/ Floodplain: Y/N/ Wetland: Y/N/ Water Body \_\_\_\_\_

Sanitary Service: Public / Private (Septic System)

Current Use: R-3A Condominium

Proposal: Variance for 10ft side yard setback, R-3A Two family home (duplexes)

NOTE: You are encouraged to provide a complete and detailed description of the existing use and your proposed project on an attached sheet.

#### REQUIRED BY ORDINANCE

| Section | Description               | Required   | Proposed or Actual | Variance Needed |
|---------|---------------------------|------------|--------------------|-----------------|
|         | <u>100-ft of Frontage</u> | <u>100</u> | <u>99+ft</u>       |                 |
|         |                           |            |                    |                 |
|         |                           |            |                    |                 |
|         |                           |            |                    |                 |

**PRESENTING YOUR CASE TO THE BOARD OF ADJUSTMENT:**

An Area Variance may be authorized by the Dane County Board of Adjustment to vary one or more of the dimensional or physical requirements of the applicable ordinance in connection with some proposed construction.

The burden will be on you, as property owner or authorized agent, to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the zoning board to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of the hearing, including the staff report. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and may then deny your application.

Please answer the four questions below. You are encouraged to attach a separate sheet, labeling the answers (1) through (4), to provide enough detail to support your appeal:

(1) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below:

(A) Alternatives you considered that comply with existing standards: If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

none

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(B) Alternatives you considered that require a lesser variance: If you reject such alternatives, provide the reasons you rejected them.

none

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(2) Will there be an unnecessary hardship to the property owner to strictly comply with the ordinance?

*Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome.*

*An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home or claiming that they need more outbuilding space than that permitted to store personal belongings). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.*

please see attached sheet

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(3) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain. The required Site Plan and/or Survey submitted with your application must show these features.

*Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance.*

NO

(4) What would be the effect on this property, the community or neighborhood, and the general public interest if the variance were granted? Describe how negative impacts would be mitigated. The required Site Plan and/or Survey submitted with your application must show any proposed mitigation features.

*These interests may be listed as objectives in the purpose statement of an ordinance and may include: Promoting and maintaining public health, safety and welfare; protecting fish and wildlife habitat; maintaining scenic beauty; minimizing property damages; ensuring provision of efficient public facilities and utilities; requiring eventual compliance for nonconforming uses, structures and lots; drainage; visual impact; fire safety and building code requirements; and any other public interest issues.*

*This would put no negative impact upon our neighbors or community.*

#### **REQUIRED PLANS AND SPECIFICATIONS:**

In addition to providing the information required above, you must submit:

1. **Site Plan:** Complete and detailed plans of your lot or lots, drawn to a standard and easily readable scale. In most cases, a survey by a Registered Land Surveyor is needed. The Site Plan/Survey should include the following, as applicable, as well as any unique existing features of the lot and any proposed mitigation features, as described above:
  - Scale and North arrow
  - Road names and right-of-way widths
  - All lot dimensions
  - Existing buildings, wells, septic systems and physical features such as driveways, utility easements, sewer mains and the like, including neighboring properties and structures.
  - Proposed new construction, additions or structural alterations.
  - For property near lakes, rivers or streams:
  - Location of Ordinary High Water Mark (OHWM) Elevation
  - Location of Floodplain Elevation
  - For property near Wetlands, a Wetland Boundary determination by a qualified professional consultant may be required.
  - Topographic survey information may be desirable or necessary.
  - Setbacks from any existing or proposed structures (building) to lot lines, right-of-way lines, Ordinary High Water Mark, and/or Wetland Boundary, as applicable.
  - For setback from Ordinary High Water Mark Variance Appeals, the setbacks of the two neighboring structures from the OHWM may be required.


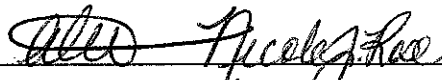
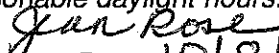
**2. Floor Plans and Elevations:** Professionally-prepared plans and elevations are not required, but the plans submitted must be drawn to a standard and easily readable scale, must show each story of the building or structure, and must include all parts of existing and proposed structures, including any balconies, porches, decks, stoops, fireplaces and chimneys. Exterior dimensions must be included. Show all exit door locations, including sliding doors, and any windows or other features that are pertinent to your appeal. The plans may be a preliminary version, but are expected to represent your actual proposal for the use of your lot.

Please consult with the Assistant Zoning Administrator regarding required plans for non-conventional structures such as signs, construction cranes, etc.

**3. Town Acknowledgment:** Obtain a signed, dated memo or letter from the Town Clerk or Administrator of the Town where the variance is needed, acknowledging that you have informed them of your intention to apply for the variance(s). You probably will need to appear before the Town Board and/or Plan Commission, which will provide advisory input requested by the Board of Adjustment.

**APPLICANT SIGNATURE:**

*The undersigned hereby attests that all information provided is true and accurate, and further gives permission to Planning & Development staff and Board of Adjustment members to view the premises, in relation to the Appeal request made herein, during reasonable daylight hours.*

Signature Required:    Date: 10/8/14

Print Name: Colin Altenburg, Alissa Altenburg, Nicole Rose  
JEAN ROSE

Specify Owner or Agent:

~~Agent must provide written permission from the property owner~~

**STAFF INFORMATION:**

Date Zoning Division Refused Permit (if different from filing date)

Filing Date

Filing Materials Required:

Site Plan

Floor Plans

Elevations

Fee \_\_\_\_\_ Receipt No. \_\_\_\_\_

Town Acknowledgement Date

Notices Mailed Date

Class II Notices Published Dates

Site Visit Date

Town Action Received Date:

Public Hearing Date

Action by B.O.A. \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Director, Division of Planning Operations, Department of Planning and Development

(2)

My older brother, Jerrid, suffers from a TBI (Traumatic Brain Injury) that he sustained in 1999 as a result of being hit by an ATV. He is afflicted by grand mal seizures, memory loss, and has physical limitations along with some mental illness. Jerrid cannot hold a job or gain meaningful employment due to his disabilities. My brother currently lives in Florida and is wandering the streets and is homeless. He does want to return to Wisconsin but has no place to live as all of us family have limited space currently. Our family all work in the health care field and feel we can give Jerrid the best care right next door to us. Jerrid receives no State or County funding for housing due to his disability. We don't want him homeless anymore and want to bring him back to give him the care and guidance he desperately needs.

Consequently, my cousin, Nicole, is recently engaged to be married and wants to sell her "condo" unit (2787 Door Creek Rd.) so she and her new husband can start their new life together. This presents an ideal situation for my husband and I to help care for Jerrid right next to us. We would like to purchase this unit so we can house and care for my brother at this time. I own the unit (2785) connected to Nicole's. Because the condominium law restricts owners to only own 10% (or lowest possible %) of a condominium development we are currently unable to obtain this unit to care for Jerrid as we need. Due to my father passing away unexpectedly 5 years ago from a massive heart attack at the age of 51

We are only a 4 unit condominium association and we don't even operate as a "business". All current owners are family (younger brother, mother, cousin, aunt). This is not a 100 unit complex that rents out units to others or operates for profit. It is also my understanding that the Town of Pleasant Springs no longer allows for

any condominium developments and we are the only one within the township because we were “grandfathered” in. We would like to dissolve our condo association and be given a variance to make our two duplexes “Single Family” homes and thus allowing us to purchase the home(2787) to care for my brother. All unit owners are in agreement with expunging the Condo Association and I have been in contact with several Dane County Planning Commission representatives that have said our land situation would allow for us to be granted this variance for a 10ft Set back Side yard. We hope you understand our situation and can help to remedy the situation in allowing us to care for our disabled family member.

Thank you,

Alissa Altenburg

MARY HALEY, Town  
Chairperson  
2878 Golden Circle  
Stoughton WI 53589  
Ph: 873-9013

DAVID PFEIFFER, Supervisor 1  
1838 Oakview Dr  
Stoughton WI 53589  
Ph: 873-0880

TOM MCGINNIS, Supervisor 2  
2949 Tracy Lane  
Stoughton WI 53589  
Ph: 877-0462

## TOWN OF PLEASANT SPRINGS

Dane County

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1970 Rinden Road  
Stoughton, WI 53589  
Ph: 877-1936

CASSANDRA SUETTINGER,  
Clerk/Treasurer  
2354 County Rd N  
Stoughton WI 53589  
Ph: 873-3063

September 25, 2014

Dane County Planning and Development  
210 Martin Luther King Jr., Blvd.  
Room 116  
Madison, WI 53703

To Whom It May Concern,

The Town of Pleasant Springs is aware that Colin Altenburg, Alissa Altenburg, Jordan Horstman, Jean Rose, and Nicole Rose, owners of parcel #0611-071-1100-0, are applying for a variance. They are seeking to expunge their current condominium plat and create single family zero lot line duplexes. Colin Altenburg obtained a Pleasant Springs Variance application on 9/24/2014

Thanks,



Cassandra Suettinger  
Clerk/Treasurer