COVER LETTER

02/12/2024
Dane County Board of Adjustment

Re: Application for Variance - Parcel 066/0809-284-4120-1
Town of Westport - 2nd Ward Beach Block 1 Lot 10
OWNER: Lindsey R Schneider / Pacific Premier Trust
AGENT: Charles Sweeney, Attorney with Axley Attorneys
AGENT: Eric Bennett

Dear Dane County Board of Adjustment:

I appreciate your review of my variance request. While the minimum lot width is 65' for sewered parcels, the width of this lot has been predetermined by the neighboring properties that are already developed. I intend to build a single-family residence on the site that meets the shoreland setback and impervious area standards contained in the shoreland zoning ordinance. A variance would allow a reasonable and intended use of my residentially zoned property.

I have owned this lakefront property for almost three years, and it has been my intention to build a residence here with my family. I grew up on Lake Wisconsin and have always respected and enjoyed the water quality, natural scenic beauty and recreation WI lakes offer. I endeavor to help to preserve the fish and wildlife habitat along the lake and comply with all shoreland zoning rules and regulations. Please see the following enclosed documents in support of a variance for a proposed single-family residence to be built on my existing property:

A. VARIANCE APPLICATION
B. PROPOSAL – VARIANCE APPLICATION
C. ATTACHMENT – VARIANCE APPLICATION
D. SITE PLAN
E. PHOTOS: existing property site
F. COUNTY TAX BILL
G. DANE COUNTY MAP (2nd Ward Beach Block 1)
H. Town of Westport Acknowledgement

Please further let this letter also serve as authorization for agents, Charles Sweeney and my husband, Eric Bennett to represent me and speak on my behalf regarding this variance request.

Thank you in advance for your time and attention.

Sincerely,

Lindsey Schneider

Dane County Planning & Development
Division of Zoning

Appeal No. _____
Date Received _____
Date of Public Hearing _____

VARIANCE APPLICATION:

Owner: Pacific Premier Trust FBO Lindsey R Schneider
Mailing Address: 5114 Reynolds Ave, Waunakee, WI 53597

Phone Number(s): 760-534-9252
Email Address: Lindsey@lindseyschneider.com

Assigned Agent: Charles Sweeney - AXLEY ATTORNEYS
Mailing Address: 2620 N Pontiac Dr, Janesville, WI 53545

Phone Number(s): 608-695-8215
Email Address: Csweeney@axley.com

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: 066/0809-284-4120-1 Zoning District: Shoreland/Wetland Acreage: .363
Town: Westport Section: _____ 1 / 4 __ __ 1 / 4 __ __
Property Address: 2nd Ward Beach Block 1 Lot 10
CSM: _ _ _ _ Lot: ___ / Subdivision: 2nd Ward Beach Block/Lot(s): Blk 1/Lot 10
Shoreland: (Y) / N / Floodplain: (Y) / N / Wetland: (Y) / N / Water Body Lake Mendota
Sanitary Service: (Public) / Private (Septic System)

Current Use: Residential lot with no structures or improvements.

Proposal: Single family residence

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
11.03(1)1.b	Minimum buildable lot width	65'.	50'.	15'
11.03(1)2.b	Existing lots that met min lot size when created, but			
	does not meet current min req. may be used as a			
	building site if all of the following apply. (See Adm A)			

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.

See attached.

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

See attached

(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.

See attached

(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.

See attached

(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.

See attached

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: 2/12/2024

Print Name: Lindsey Schneider - Owner

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

PROPOSAL – VARIANCE APPLICATION

02/12/2024
Dane County Board of Adjustment

Re: Application for Variance - Parcel 066/0809-284-4120-1
Town of Westport - 2nd Ward Beach Block 1 Lot 10
OWNER: Lindsey R Schneider / Pacific Premier Trust
AGENT: Charles Sweeney, Attorney with Axley Attorneys
AGENT: Eric Bennett

PROPOSAL:

The owner proposes to build a single-family residence on the vacant parcel referred to as 2nd Ward Beach Block 1 Lot 10. The owner intends that the new residence will be developed in compliance with all other requirements of the ordinance and Chapters 10, 11 and 17 of Dane County Code.

To move forward with this proposed residence, the owner requests a variance with the Dane County Board of Adjustments regarding two sections of the ordinance as follows:

TABLE A

11.03(1)1.b Non-riparian shoreland lots. Lots completely outside the vegetative buffer zone shall have a minimum average lot width of 65 feet and a minimum area of 10,000 sf.	*Lot 10 is only 50' wide but has 15,281 sf of area. This lot is 15' shy of the 65' minimum lot width imposed by the ordinance, however 27 of the 37 homes built on this street similarly reside on 50' wide lots (see Dane County Map). Additionally, majority of these neighboring lakefront lots are smaller in area than Lot 10.* *Note that the overall area of Lot 10 is .363 acres or 15,812 square feet – 53% larger than the minimum area required by the ordinance.
11.03(1)2.b Existing lots. A legally created lot or parcel that met minimum area and minimum width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:	**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.* **3. The lot or parcel is developed to comply with all other requirements of this ordinance and Chapters 10, 17, and 75, Dane County Code.** ***The parcel is not developed. The owner aims to build in satisfaction of these ordinances.***

ATTACHMENT - VARIANCE APPLICATION
02/12/2024 - Dane County Board of Adjustment

Re: Application for Variance - Parcel 066/0809-284-4120-1
Town of Westport - 2nd Ward Beach Block 1 Lot 10
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AGENT: Eric Bennett

DANE COUNTY VARIANCE REQUEST QUESTIONS:

1. **Alternatives**

(A) No alternatives have been identified. The parcel in question is immediately adjacent to properties on each side of similar size. The property is zoned residential and has always been intended for use as a single-family home, which is the proposed use.

(B) No lesser variance alternatives have been identified. The lot will accommodate a reasonably sized single-family home if the variance is approved.

2. **Unnecessary Hardship**

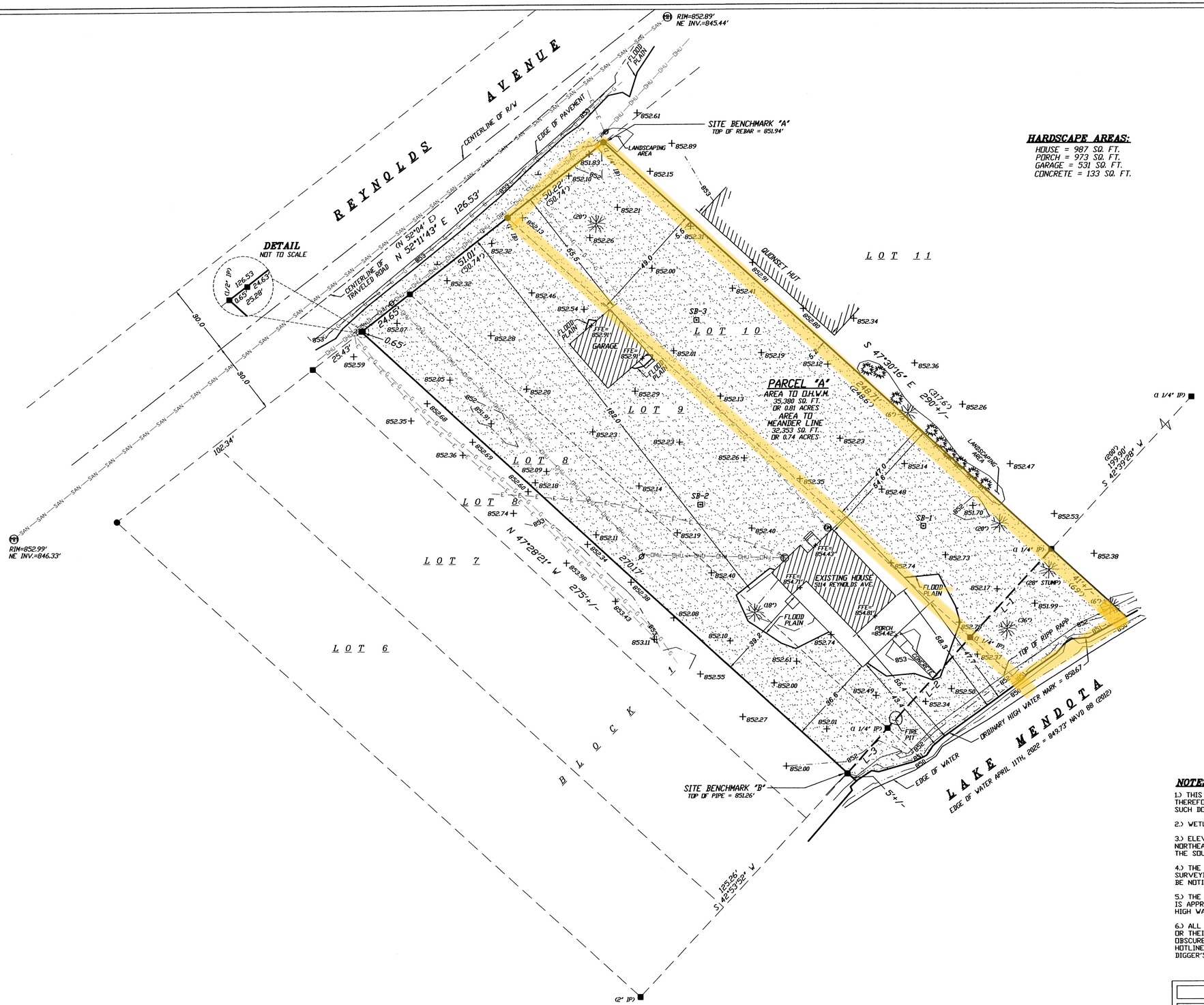
Unnecessary hardship to the owner will occur under the current ordinance as the current restrictions imposed by the 2012 Chapter 11 Ordinance will prohibit any construction on the property. The property lot size and width are similar size to 27 of its 37 shoreland neighbors (see Dane County Map). Unnecessary hardship to the owner would occur if the rights on this property are less than its neighbors. A variance is requested at this time to allow the construction of a single-family dwelling that would meet current permit codes, restrictions, and regulations. Strict compliance with the current ordinance without variance would result in a property with no reasonable use.

3. **Unique Physical Characteristics of the Property**

The physical characteristics of the land include a long but relatively narrow lot that is slightly narrower than the 65' required by the ordinance. The lot is 50' in width, however it is approximately 245' deep, making it one of the longest lots on the street. The long but narrow shape prevents compliance with the ordinance yet provides ample square footage for home construction if the variance is granted. Its area is 53% more than the minimum required by the ordinance, thus allowing plenty of square footage to comply with building permits and restrictions including impervious limits. Absent a variance, current ordinance unreasonably prevents development of a lot that would conform to other lake properties.

4. **Effect on the Community and Neighborhood**

Please note there is no exact house plan available at this time. A single-family home that would be allowed given current township and county easement and setbacks would improve the appearance of the lot, provide intended use of the land, add to the tax base and provide lake living to a new family. This proposal would call for minimal negative impact to the site, community, and neighborhood. A well would be necessary. 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, no appreciable increase in traffic is anticipated, and development of the lot would not restrict public access to the lake or any walkways.



HARDSCAPE AREAS:

HOUSE = 987 SQ. FT.
PORCH = 973 SQ. FT.
GARAGE = 531 SQ. FT.
CONCRETE = 133 SQ. FT.

N
W E
S

W.C.C.S. - DANE ZONE
BEARINGS ARE REFERENCED TO THE SOUTH LINE OF REYNOLDS AVE. LINE TO BEAR = N 52°11'43" E
SCALE 1" = 20'

0' 10' 20' 40' 60'

PREPARED FOR:

SCOTT ROGERS
7600 TERRACE AVE. STE #110
MIDDLETON, WI 53562

LEGEND

● = FOUND 3/4" REBAR (UNLESS NOTED)
■ = FOUND 1" PIPE (UNLESS NOTED)
(##) = RECORDED AS
⊥ = SIGN
Ø = UTILITY/LIGHT POLE
⊠ = UTILITY PEDESTAL
+ = SPOT GRADE
⊡ = SOIL BORING
GM = GAS METER
E = ELECTRICAL METER
MH = MANHOLE
(##") = DECIDUOUS TREE (DIAMETER NOTED)
= ARBORVITAE / BUSH

LINE LEGEND

—SAN— = SANITARY SEWER
—E— = UNDERGROUND ELECTRIC
—G— = UNDERGROUND GAS MAIN
—OHU— = OVER HEAD UTILITIES
= AREA BELOW 100 YEAR FLOOD PLAIN
FLOOD PLAIN ELEVATION = 852.77 (NAVD 88 2012)

LINE TABLE:

L-#	BEARINGS	DISTANCE
L-1	S 42°46'07" W	(50') 49.44'
L-2	S 42°24'04" W	(50') 50.61'
L-3	S 41°48'30" W	24.83'

DESCRIPTION PARCEL "A":

PER DOCUMENT No. 5767415
The Northeast half of Lot Eight (8), and all of Lot Nine (9), Block One (1), Second Ward Beach, in the town of Westport, Dane County, Wisconsin.

PER DOCUMENT No. 5767372
Lot Ten (10), Block One (1), Second Ward Beach, in the town of Westport, Dane County, Wisconsin.

NOTES:

1.) THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT FOR THE SUBJECT TRACT OR ADJOINERS AND IS THEREFORE SUBJECT TO ANY EASEMENTS, AGREEMENTS, RESTRICTIONS AND STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.

2.) WETLANDS, IF PRESENT, HAVE NOT BEEN DELINEATED OR SHOWN.

3.) ELEVATIONS ARE REFERENCED TO NAVD 88 (2012 DATUM). SITE BENCHMARK "A" IS THE TOP OF REBAR LOCATED AT THE NORTHEAST CORNER OF SURVEYED PROPERTY. TOP OF REBAR = 851.94'. SITE BENCHMARK "B" IS THE TOP OF PIPE LOCATED AT THE SOUTHWEST MEANDER CORNER OF SURVEYED PROPERTY. TOP OF PIPE = 851.26 FEET.

4.) THE ACCURACY OF THE BENCHMARKS SHOWN ON THIS MAP SHALL BE VERIFIED BEFORE BEING UTILIZED. WILLIAMSON SURVEYING AND ASSOCIATES LLC DOES NOT WARRANT THE ACCURACY OF THESE POINTS AND BENCHMARKS. THE SURVEYOR SHALL BE NOTIFIED OF ANY DEVIATIONS AND/OR DISCREPANCIES.

5.) THE SURVEYOR CAN ONLY CERTIFY TO HIS OPINION OF THE LOCATION OF THE ORDINARY HIGH WATER. THE LOCATION SHOWN IS APPROXIMATE BECAUSE ONLY THE DEPARTMENT OF NATURAL RESOURCES CAN DETERMINE THE EXACT LOCATION OF AN ORDINARY HIGH WATER MARK.

6.) ALL UTILITIES SHOWN ON THIS SURVEY WERE FIELD LOCATED FROM GROUND MARKINGS PLACED BY THE UTILITY COMPANIES OR THEIR AGENTS OR ESTABLISHED FROM PLANS PROVIDED BY OTHERS, EXCEPT WHERE SNOW OR OTHER OBSTACLES MAY HAVE OBSCURED THE LOCATION OF THE UTILITIES. IT IS THE RESPONSIBILITY OF THE OWNERS/CONTRACTORS TO CALL DIGGER'S HOTLINE FOR EXACT LOCATION OF UNDERGROUND UTILITIES BEFORE ANY CONSTRUCTION OR EXCAVATING IS DONE. DIGGER'S HOTLINE PHONE NO. 1-800-242-8511. DIGGER'S HOTLINE TICKET NO. 2022-1505-721

SURVEYOR'S CERTIFICATE:

I certify that this survey is correct to the best of my knowledge and belief and is in full compliance with the provisions of Chapter A-E7 WI Statutes. Field work was completed on April 11th, 2022.

Williamson Surveying and Associates, LLC
by Noa T Prieve & Chris W. Adams
Date APRIL 13, 2022

Noa T. Prieve S-2499
Professional Land Surveyor

SURVEYORS SEAL

WISCONSIN NOA PRIEVE S-2499 LODI, WI LAND SURVEYOR 4-13-22

WILLIAMSON SURVEYING & ASSOCIATES, LLC
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597.
NOA T. PRIEVE // CHRIS W. ADAMS // NEIL F. BORTZ
PROFESSIONAL LAND SURVEYORS
PHONE: 608-255-5705 FAX: 608-849-9760 WEB: WILLIAMSONSURVEYING.COM

TOPOGRAPHIC MAP

Northeast 1/2 of Lot 8, all of Lots 9, 10, Block 1, Plat Of Second Ward Beach, located in the Southwest 1/4 of the Southeast 1/4 of Section 28, T8N, R9E, Town of Westport, Dane County, Wisconsin.

DATE	APRIL 13TH, 2022	REVISION DATE:	CHECK BY	N.T.P.
SCALE:	1" = 20'		DRAWING NO.	22W-124
DRAWN BY	NEIL BORTZ		SHEET	1 OF 1

Photo Addendum – Lot 10 Reynolds Ave

Parcel Number - 066/0809-284-4120-1

Current

< Parcel Parents

Summary Report

Parcel Summary

More +

Municipality Name	TOWN OF WESTPORT
Parcel Description	2ND WARD BEACH BLOCK 1 LOT 10
Owner Name	PACIFIC PREMIER TR
Primary Address	**No parcel address available.**
Billing Address	% LINDSEY R SCHNEIDER 5114 REYNOLDS AVE WAUNAKEE WI 53597

Show Municipal Contact Information

Assessment Summary

More +

Assessment Year	**2023**
Valuation Classification	G1
Assessment Acres	0.363
Land Value	$155,100.00
Improved Value	$0.00
Total Value	$155,100.00

Show Valuation Breakout

Dane County Map

February 12, 2024

Parcels

0 190 380 760 Feet

N

TOWN OF
WESTPORT
Est. 1849
5387 Mary Lake Road • Waunakee, WI 53597
Office: (608) 849-4372 • www.townofwestport.org

February 7, 2024

Lindsey Schneider
5114 Reynolds Ave
Waunakee, WI 53597

Re: Dane County BOA Variance

Dear Ms. Schneider,

The Town of Westport acknowledges your intent to file with the Dane County BOA for your variance request.

Respectfully,

Robert Anderson
Deputy Clerk