

CONCLUSION:

Unnecessary hardship not proven. Motion carried - 4-0.

DREPS\GASKILL to grant with condition Special Exception Permit for filling, grading, and retaining walls and to accept Certificate of Compliance for work completed.

CONDITION:

1. File plans to deal with erosion control and retaining structures on right side of house.
2. Deadline for completion of work on right side of house, with Engineer's Certification, 8/25/95.

FINDING OF FACT:

1. Landscaping work did not follow plans submitted for Special Exception Permit #2409 granted 6/24/93, but dealt with site conditions in a manner which improved erosion control.
2. Engineer inspected completed landscaping, prepared as-built plan, and recommends approval.
3. Zoning Administrator Bill Fleck recommends acceptance of Engineer's letter and as-built plan as Certificate of Compliance.
4. Older structures on right side appear to need improvement to meet new site conditions.

CONCLUSION:

The project as constructed and with specified condition will not result in substantial detriment to navigable waters by erosion, sedimentation, impairment of fish or aquatic life, or safe and healthful conditions. Motion carried - 4-0.

#2548. Appeal by Howard Nelson for a variance from required setback from road as provided by Section 10.16(5)(b)2. to permit accessory building as constructed at 2216 Colladay Point Drive being Lot #1, Colladay's Point - Section 23, Town of Dunn.

IN FAVOR: Howard D. and Kathryn E. Nelson, Jan Raufman, Karen Marsh, Jack Raufman, Luretta Elliott **OPPOSED:** Jack Kriedeman, Roger Bovre, Gene Bailey, James W. Hermanson. **NEUTRAL:** Robert Burull (District #36 County Board Supervisor). **COMMUNICATIONS:** Town Board; (In Favor:) Arthur J. Wendt, Vinni Pedersen, Arnold and Mary Lou Walden, Helen M. and Harvey R. Harnack, Luretta Elliot; (Opposed:) Petition signed by 54 citizens (residents on Colladay Point Drive and USH 51), James and Catherine Hermanson, Donald G. Barber.

DREPS\GASKILL to grant, with condition, variance of 12 feet from right-of-way of Zor Court to permit existing accessory building to remain.

CONDITION:

1. Encroachment into Zor Court right-of-way be removed as per agreement with Town of Dunn, no later than October 1, 1994.

FINDING OF FACT:

1. Shed is not grandfathered because zoning permit was required when it was placed on this lot and no permit was obtained.
2. Shed has been located on the right-of-way line for 30 or more years; adjacent trees have purportedly caused encroachment into right-of-way.
3. Zero-foot setback from right-of-way line is appropriate because Zor Court is not used as a roadway. Owner has agreed to remove encroachment.
4. Shed is used as a boathouse, therefore no variance for setback from normal high waterline is required.

CONCLUSION:

1. Variance preserves the Zoning Ordinance as much as possible without injustice to applicant.
2. Variance is not contrary to rights of others or to the public interest.

Motion carried - 4-0.

#2549. Appeal by Gerald Manka for a Special Exception Permit as provided by Section 11.05(3) to permit filling, grading, etc., within 300 feet of Lake Kegonsa at 2414 CTH AB being Lot #17, Pike Front - Section 14, Town of Dunn.

IN FAVOR: Gerald & Ilene Manka, Cleveland F. Gombar, P.E.

OPPOSED: --- **COMMUNICATIONS:** Town Board, County Highway.

DREPS\KLOPP to grant, with conditions, permit to fill and grade in conjunction with landscaping for new house, with exception of lakeshore work.

CONDITIONS:

1. That plans and specifications be prepared by a licensed engineer within the scope of the application, and filed with the Zoning Department before commencement of any work.
2. That all work be performed in compliance with approved engineering standards and all applicable governmental rules and regulations particularly Section 11.05(4) of Dane County Zoning Ordinance.
3. That there be filed with the Zoning Department a certificate of compliance by a licensed engineer at the completion of the project.
4. Completion and engineer's certification of work (with exception of shoreline) no later than October 1, 1994.
5. Submission of engineer's revised plans for shoreline portion of lot, addressing stabilization of bank and removal of wood platform, no later than 9/25/94;
6. Completion and engineer's certification of lakeshore work no later than 7/1/95.

FINDING OF FACT:

1. Engineering data provided by Cleveland F. Gombar, P.E. provides for erosion control, drainage swales along side lot lines.
2. Existing deteriorating wood deck\platform on lakeshore is built on old concrete foundation. Shoreline decks are not permitted in shoreland setback area.