



Dane County

Minutes

Board of Adjustment

Thursday, March 17, 2016

6:30 PM

Room 354 City-County Building Madison WI

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A. Call To Order

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

Also present: Ed Minihan, Board Member; Hans Hilbert, Assistant Zoning Administrator.

Present 4 - Chair STEVEN SCHULZ, Vice Chair SUE STUDZ, ROBERT PULVERMACHER, and AL LONG

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

No public comments were made.

C. Consideration of Minutes

1. Minutes of the November 19, 2015 Public Hearing

Motion was to approve the minutes as amended to change the word "into" to "toward" in "Conclusions 1)" for appeal 3672.

STUDZ/SCHULZ, to approve the minutes as amended. The motion carried. (Minihan abstained)

Ayes: 4 - SCHULZ, STUDZ, PULVERMACHER and LONG

2. Minutes of the March 10, 2016 Site Inspection Meeting

STUDZ/SCHULZ, to approve the minutes. The motion carried. (Minihan Abstained)

Ayes: 4 - SCHULZ, STUDZ, PULVERMACHER and LONG

D. Public Hearing for Appeals

1. Appeal 3673. Appeal by Town of Dunn for a variance from minimum required setback to a Class C Highway as provided by Section 10.17(3) (b), Dane County Code of Ordinances, to permit proposed salt storage building at 4156 County Highway B being in the SE ¼ of the NW ¼, Section 21, Town of Dunn.

VARIANCES REQUESTED: 21.8 feet from required setback.

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

IN FAVOR: Ben Kollenbroich, Town of Dunn, spoke in favor of the variance request.

ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator stated he had no objection to the request. A structure with the purpose of housing equipment for the maintenance of town highways seemed to be the best type of structure to encroach into the required highway setback. Moreover, the building location would provide screening for the storage of items in the northeast corner of the property.

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

Pulvermacher/Studz to grant the requested variance of 21.8 feet to permit the development and accept the site plan as presented noting that the existing salt sheds are also within the highway right-of-way and along the same line of relief being granted.

Finding of Fact:

Existing:

- *Property is currently used for the government uses of the Town of Dunn including the town hall, town garage, and various storage related to town operations.*

Proposed

- *The Town proposes remove two existing structures and construct a new shed for the purposes of storage.*

Zoning Notes:

- *The existing structures to be removed are currently located within the required setback from the Class C Highway. The proposal is a permitted use within the existing conditional use permit.*

History

- *1996 Zoning Permit for ADA access to Town Hall issued.*
- *1998 Zoning Permit for highway garage issued.*
- *2005 Zoning Permit for salt shed issued.*
- *2011 Rezone (6737) and CUP (1378) to allow for governmental uses (communications tower) granted.*
- *Violation History: None.*

COMMUNICATIONS:

Town of Dunn: 2/8/2016 Application. 2/15/2016 Town Board Action recommending approval.

Conclusions:

- 1) *Unnecessary Hardship: It would be unnecessarily burdensome to not allow the Town of Dunn the continued use of their property and replace a deteriorating building which has been in use since the 1930's and has been in existence prior to the requirements of Dane County Zoning regulations.*

2) *Unique Limitations of the Property: Proposal is to replace existing structures in a non-conforming location. Acquiring additional lands to accommodate structure beyond required setbacks would potentially remove lands from agricultural production. Regardless of location of new building, the existing salt sheds will remain within the highway setback.*

3) *No Harm to Public Interests: The existing structures to be removed offer access to Keenan Rd, the proposed development will eliminate this access creating a safer circulation of truck traffic on the property. The proposed development continues to afford screening of the outside storage use of the northeast corner of the property. The new structure will provide additional shoring up of the existing salt shed's southern foundation.*

Pulvermacher/Studz to grant the requested variance of 21.8 feet to permit the development and accept the site plan as presented noting that the existing salt sheds are also within the required setback to a Class C Highway and along the same line of relief being granted. Motion carried 4-0. Minihan recused himself.

G. Other Business Authorized by Law

1. Application requirements regarding wetland delineation for a future variance request

At staff's request the Board discussed if it was necessary for an applicant for a variance from the required wetland setback (specifically related to an existing structure) to include a wetland delineation with the variance application. There was consensus that the Board would hear a variance without a delineation, however the Board was clear that they could make a request for such a delineation if needed at a later time. No action was taken.

H. Adjournment

**Minihan had not been entered into the legislative tracking software for the County at the time these minutes are prepared, however he was serving in the capacity of an official member of the Board.*

STUDZ/LONG to Adjourn. The Board adjourned by a unanimous vote at 7:25 PM.

Ayes: 4 - SCHULZ, STUDZ, PULVERMACHER and LONG