



Dane County

Minutes

Board of Adjustment

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Thursday, March 27, 2025

6:30 PM

Hybrid Meeting: Attend in person at the City
County Building, Room 354.

See below for additional instructions on how to attend the meeting and provide public testimony.

A. Call To Order

Chair Long called the meeting to order at 6:30pm and introduced the members of the Board and made a statement regarding the procedures of the hearing.

Also Present, Staff: Assistant Zoning Administrator Rachel Holloway; Attorney Andrew Schauer.

Present 5 - Secretary SUE STUDZ, ALEXANDER ELKINS, GEORGE CORRIGAN, TRAVIS LEESER, and AL LONG

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

C. Consideration of Minutes

1. Minutes of the February 27, 2025 Public Hearing

CORRIGAN to approve the minutes. Motion carried.

Ayes: 4 - STUDZ, ELKINS, CORRIGAN and LONG

Abstain: 1 - LEESER

2. Minutes of the March 13, 2025 Site Inspection

STUDZ to approve the minutes. Motion carried.

Ayes: 4 - STUDZ, ELKINS, CORRIGAN and LONG

Abstain: 1 - LEESER

D. Public Hearing for Appeals

1. Appeal 3734. Variance appeal by Kory Raisbeck & Tammy Shaulis (Brad Burrs, Agent) for a variance from the minimum required front yard setback as provided by Section 10.102(10)(e). Dane County Code of Ordinances, to permit proposed single family residence at 2216 Colladay Point Dr., being Lot 1 Colladay's Point, Section 23, Town of Dunn.

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

IN FAVOR: Brad Burrs and Tammy Shaulis, spoke in favor of the variance request.

ZONING ADMINISTRATOR'S COMMENTS: Zoning Administrator stated the property is quite unique in being situated adjacent to a property that is more park like than a roadway or typical right-of-way. A lesser setback is appropriate due to lack of traffic.

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

Finding of Fact:

Existing:

- *Current owners purchased the property in 2021. Property contains an existing single family residence, detached garage, and remaining foundation of a previous boathouse.*
- *Property is corner lot bound by Colladay Point Dr and the undeveloped Zor Ct. lot.*

Proposed

- *Owners propose to remove existing residence, detached garage, and remains of former boathouse and reconstruct a single family residence.*

Zoning Notes:

- *The typical setback required from a front property line for a lot platted prior to the adoption of the county zoning ordinance is 20 feet, but the ordinance provides an exception for corner lots. The setback along the long side of a corner lot is reduced to 1/5 lot depth, but no less than 12 feet.*

History

- *1965: Permit 14274 issued for a 16 x 20 rear addition to the residence*
- *1992: Permit DCPZP-1992-1058 issued for replacement of front porch on south east corner of residence.*
- *1994: Variance 2548 and permit DCPZP-1994-2094 approved to allow an unpermitted boathouse to remain encroaching into the required 12 setback from Zor Ct. The variance was conditional on the encroachment into the right-of-way being removed.*

Violation History: 1994 boathouse constructed without a permit, resolved via variance and permit.

VARIANCES REQUESTED: Purpose: Construction of Single Family Residence

Setback from Road Variance:

Minimum setback from right-of-way required: 12 feet.

Proposed Setback: From front lot line: 10 feet.

VARIANCE NEEDED: 2 feet.

COMMUNICATIONS:

Town of Dunn: 3/18/2025 recommendation of approval.

Conclusions:

- 1) *Unnecessary Hardship: It would be a unreasonable burden to not afford this property*

the same setbacks that apply to similar neighboring properties that have side yard property lines rather than frontage based on the unique characteristics of the undeveloped right-of-way.

2) Unique Limitations of the Property: The property is a corner lot on an undeveloped right-of-way that serves a park like purpose rather than a thoroughfare.

3) No Harm to Public Interests: The proposed development will increase the setback compared to the existing structures and will not adversely affect the wellbeing or use of the right-of-way.

CORRIGAN/LEESER to approve the variance as requested for the proposed development. Motion carried.

Ayes: 5 - STUDZ, ELKINS, CORRIGAN, LEESER and LONG

E. Appeals from Previous Meetings

1. Appeal 3727. Administrative appeal by Maier Farms Real Estate LLC (Attorney Christopher T. Nelson, agent) appealing the determination of the zoning administrator regarding a wetland use violation at 7119 Schumacher Rd, being a tract of land in the NW 1/4 NW 1/4 Section 21, Town of Vienna.

Chair Long opened the hearing.

ELKINS motion to go into closed session. Motion carried.

The board deliberated in closed session.

Following the return to open session Attorney Schauer provided a statement regarding the actions taken in closed session. The actions taken in closed session would be reflected in a forthcoming written decision along with any future actions of the board related to the appeal. The parties were instructed to refrain from making arguments based on preemption jurisdiction.

Attorney Christopher Nelson, representing Maier Farms Real Estate LLC, made an opening statement.

Attorney David Gault, representing the Zoning Administrator, made an opening statement.

No other parties made opening statements.

Attorney Nelson presented the appellants case. Attorney Gault offered to stipulate to authenticity of statements provided in brief what was accepted by Attorney Nelson. Scott Maier was called as a witness, was sworn in and answered questions of Nelson, the board, and cross examination. Patrick Maier was called as a witness, was sworn in and answered questions of Nelson, the board, and cross examination. Jeff Kramer was called as a witness, was sworn in and answered questions of Nelson, the board, and cross examination. Attorney Nelson stated he had no other witnesses.

Attorney Gault present the Zoning Administrators case. Hans Hilbert was called as a witness, was sworn in and answered questions of Gault, the board, and cross examination. James Brodzeller was called as a witness, was sworn in and answered questions of Gault, the board, and cross examination. Attorney Gault stated he had no other witnesses.

Attorney Nelson stated he had no rebuttal.

Gary Endres provided public comments.

Jeff Endres provided public comments.

Attorney Nelson provided a closing statement on behalf of the appellant.

Attorney Gault provided a closing statement on behalf of the Zoning Administrator.

Chair Long called the hearing closed at 11:06 pm.

Motion by Leeser to enter into closed session to deliberate the matter. Motion carried.

The board returned to open session.

CORRIGAN to sustain the decision of the Zoning Administrator and instruct attorney to draft written finding of fact and conclusions of law pursuant to the rules and procedures of the Board of Adjustment. Motion carried.

Ayes: 5 - STUDZ, ELKINS, CORRIGAN, LEESER and LONG

F. Reports to Committee

G. Other Business Authorized by Law

H. Adjournment

LEESER/STUDZ to adjourn. The board adjourned by consensus at 11:58pm.