



Dane County

Minutes - Final Unless Amended by Committee

Board of Adjustment

Thursday, August 27, 2015

6:30 PM Room 357, City-County Building, Madison, Wisconsin

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A. Call To Order

Chair Schulz called the meeting to order at 6:30 pm and gave a statement regarding the rules and procedures of the Board.

Also Present: Staff: Roger Lane, Zoning Administrator; Hans Hilbert, Assistant Zoning Administrator

Present 5 - Chair STEVEN SCHULZ, Vice Chair SUE STUDZ, ROBERT PULVERMACHER, AL LONG, and ARLAN KAY

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

No comments were made.

C. Consideration of Minutes

1. [2015 MIN-201](#) Minutes of the May 28, 2015 Public Hearing

Sponsors: Board of Adjustment

Attachments: [05-28-2015 P.H. Minutes.pdf](#)

LONG/PULVERMACHER to approve the minutes. The motion carried.

Ayes: 3 - SCHULZ, PULVERMACHER and LONG

Abstain: 2 - STUDZ and KAY

2. [2015 MIN-202](#) Minutes of the August 13, 2015 Site Inspection

Sponsors: Board of Adjustment

Attachments: [08-13-2015 S.I. Minutes](#)

LONG/PULVERMACHER to approve the minutes. The motion carried.

Ayes: 4 - SCHULZ, STUDZ, PULVERMACHER and LONG

Abstain: 1 - KAY

D. Public Hearing for Appeals

1. [2015 BOA-003](#) Appeal 3670. Administrative appeal by Robert Bentz (Jeffrey Roethe, Roethe Pope Roethe LLP, agent) appealing a decision of the zoning administrator that a residential structure has been abandoned as provided by Sections 11.11(1), Dane County Code of Ordinances at 1962 Quam Point Road being Lot 4, Ole J Quams Park Addition, Section 25, Town of Dunn.

Sponsors: Board of Adjustment

Attachments: [Appeal 3670-Application.pdf](#)
[Appeal 3670 Brief of Appellant](#)
[Appeal 3670 Brief of Zoning Administrator](#)

The Chair opened the public hearing.

Jeff Roethe, agent for Robert Bentz, presented an opening statement to the Board.

Roger Lane, Zoning Administrator, presented an opening statement to the Board.

Roethe presented his case to the Board. Roethe called Bob Jensen as his first witness, Jensen was sworn in and questioned by Roethe, the Board, and cross-examined by the Zoning Administrator.

Roethe called his second witness, Robert Bentz. Bentz was sworn in, questioned by Roethe, the Board, and the Zoning administrator.

Roethe stated that he had no further case to make and requested that the exhibits (including the application materials) be included in the official record.

Lane presented his case to the Board. Lane called Assistant Zoning Administrator Hans Hilbert as his first witness. Hilbert was sworn in and answered questions of the Zoning Administrator and was cross examined by the Appellant.

The Board asked additional questions the Zoning Administrator. The Zoning Administrator stated he had no further case to present.

The chair asked if any other parties wished to make a statement. Bob Jensen made additional comments.

The appellant and the Zoning Administrator made closing statements to the board.

The Chair closed the public hearing, and at 8:41 PM stated that the Board would take a 10 minute recess.

The Board reconvened at 8:51 PM and began deliberations.

Board discussion and action:

Having heard the testimony and considered the evidence presented, the Board determines the facts of this case to be:

Filing date: July 10, 2015

Meeting notice published: August 13 & 20, 2015, Wisconsin State Journal.

Hearing Date: August 27, 2015

Appellant: Robert Bentz

A. The appellant is the owner of the following described property which is the subject of the appeal: 1962 Quam Point Road being Lot 4 Ole J Quams Park Addition, Section 25, Town of Dunn.

B. The property is located in the shoreland zoning district and has an existing structure located near the shoreline of Lake Kegonsa. The Zoning Administrator made a determination that the existing structure has been abandoned and recorded a notice of abandonment in the Dane County Register of Deeds against the property.

C. The appellant states that the structure has not been abandoned and therefore appeals the decision of the zoning administrator and requested that the notice be removed from the property.

Conclusions of Law:

Based on the above findings of fact the Board concludes that:

The zoning administrator's determination of abandonment is incorrect because:

- The appellant's testimony demonstrated that the structure was not unused for a period of more than 12 months and therefore did not meet the requirement to be determined abandoned.*
- The Board found that the use of the structure did not need to be that of a single family residence to meet the definition of use in 11.11(1) DCCO.*

On the basis of the above findings of fact, conclusions of law and the record in this matter the board approves the administrative appeal and instructs the Zoning Administrator to prepare and record a document with the Dane County Register of Deeds to remove the notice of abandonment from the subject property.

KAY/STUDZ To grant the administrative appeal and instruct the Zoning Administrator to prepare and record a document to remove the notice of abandonment recorded against the property at 1962 Quam Point Rd. The motion carried.

Ayes: 4 - SCHULZ, STUDZ, PULVERMACHER and KAY

Noes: 1 - LONG

H. Adjournment

STUDZ/KAY to adjourn. The Board adjourned at 9:19 PM.

Ayes: 5 - SCHULZ, STUDZ, PULVERMACHER, LONG and KAY