



# Dane County

## Minutes - Final Unless Amended by Committee

### Board of Adjustment

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Thursday, November 20, 2014

6:30 PM

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#### A. Call To Order

*Chair Schulz called the meeting to order at 6:30 p.m. in Room 357 of the City-County Building and made an announcement regarding rules and procedures followed by the Board.*

*Staff present: Hans Hilbert, Assistant Zoning Administrator; Roger Lane, Zoning Administrator*

**Present** 5 - Chair STEVEN SCHULZ, Vice Chair SUE STUDZ, MARY HALEY, ROBERT PULVERMACHER, and AL LONG

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

*Chair Schulz offered an opportunity for public comment on general items not included on the current agenda. There were no registrants for public comment.*

#### C. Consideration of Minutes

[2014](#)  
[MIN-447](#) Minutes of the October 23, 2014 Public Hearing

**Attachments:** [10-23-2014 P.H. Minutes](#)

**STUDZ/HALEY** To approve the October 23, 2014 Public Hearing minutes. The motion carried.

**Ayes:** 3 - SCHULZ, STUDZ and HALEY

**Abstain:** 2 - PULVERMACHER and LONG

[2014](#)  
[MIN-448](#) Minutes of the November 13, 2014 Site Inspection Meeting

**LONG/HALEY** To approve the November 13, 2014 Site Inspection minutes. The motion carried.

**Ayes:** 4 - SCHULZ, STUDZ, HALEY and LONG

**Abstain:** 1 - PULVERMACHER

#### D. Public Hearing for Appeals

1. [2014 BOA-008](#) Appeal 3662. Appeal by Madison Water Utility (Jon Strand PE, SHE, Inc., Agent), for a variance from maximum allowable height of a structure permitted within the Dane County Regional Airport Height Limitation Zone as provided by Section 78.03, Dane County Code of Ordinances, to allow replacement of an existing water tower at 1352 Northport Dr, being Lot 1, Certified Survey Map 12189 in the NE 1/4 SW 1/4 Section 25, Town 08 North, Range 09 East, City of Madison.

**Attachments:** [Appeal 3662 variance applicaiton](#)  
[3662 Staff Report](#)

*Assistant Zoning Administrator Hilbert presented a Staff Report reporting facts of the case.*

*IN FAVOR: Al Larson, City of Madison Water Utility, presented additional information to the Board and spoke in favor of the variance request. Larson further requested that the Board not make a decision on the appeal until such a time that additional information from the FAA could be provided.*

*Jon Strand, SEH Inc., spoke in favor the variance request.*

*Scott Langer, City of Madison Traffic Department, spoke in favor of the variance to allow public safety radio antennas to remain at the site.*

*Lance Langer, City of Madison Fire Department, spoke in favor of the variance request.*

*ZONING ADMINISTRATOR'S COMMENTS: Roger Lane, Dane County Zoning Administrator, stated that he deferred his opinion to that of the Dane County Regional Airport staff as they had the expertise in air safety, but he understood that the FAA had indicated the tower as proposed is a hazard to air safety unless further studied.*

*OPPOSED: Dave Jensen, Dane County Regional Airport, spoke in opposition stating that Dane County is responsible for protecting the current and future airspace around the airport. Jesen also requested that the Board delay a decision on the request until further information from the FAA is available.*

*Chair Schulz stated that a rebuttal was not needed and closed the public hearing.*

*Motion: Schulz/Haley to hold the variance request in abeyance until such a time that the FAA provided a revised determination regarding the hazard status of the proposed tower. (The report is expected to be completed in December of 2014).*

**The motion carried.**

**Ayes:** 5 - SCHULZ, STUDZ, HALEY, PULVERMACHER and LONG

- 2. [2014 BOA-009](#) Appeal 3663. Appeal by Colin & Alissa Attenburg, for a variances from minimum required side yard setback and minimum required lot width as provided by Sections 10.07(7) & 10.07(4)(a), Dane County Code of Ordinances, to permit existing duplex to be located on separate lots at 2785-2805 Door Creek Rd, being the Horstman Condominium Plat, Section 7, Town of Pleasant Springs.

**Attachments:** [3663 variance application](#)  
[3663 BOA Staff Report](#)  
[CSM 9142](#)  
[Horstman Condo Plat](#)

*Assistant Zoning Administrator Hilbert presented a Staff Report reporting facts of the case.*

*IN FAVOR: Colin & Alissa Attenburg spoke in favor of the variance request and answered questions of the Board.*

*ZONING ADMINISTRATOR'S COMMENTS: Roger Lane, Dane County Zoning Administrator, spoke in opposition of the variance request stating that it didn't pass the 3-step test and was a self-imposed hardship and the condo was created without oversight by the Town of County.*

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

*Motion: Studz/Pulvermacher to hold the variance request in abeyance for up to 1 year to allow the applicant time to explore dissolution of the condominium without changes to the property line boundaries.*

**The motion carried.**

**Ayes:** 5 - SCHULZ, STUDZ, HALEY, PULVERMACHER and LONG

**E. Appeals from Previous Meetings**

**F. Reports to Committee**

**G. Other Business Authorized by Law**

**H. Adjournment**

*HALEY/PULVERMACHER to adjourn at 8:30 P.M. The motion carried.*