

#1886. Appeal by Daniel Nelson, Agent for Henry Sabian, for a variance from maximum square footage of accessory buildings as provided by §10.04(1) to permit construction of boathouse at 2025 Skyline Drive, being Lot 8, Kegonsa Grove, Section 29, Town of Pleasant Springs.
(No additional testimony was taken).

#1887. Appeal by Marilyn Hooley-Fischer for a variance from required setback from normal high watermark as provided by §11.03(2)(b) to permit deck addition to residence as exists at 5122 St. Cyr Road, being Lot 1, Certified Survey Map #4461, Section 6 South, Town of Westport.
(No additional testimony was taken).

#1888. Appeal by Larry & Charlene Pearson for a variance from required setback from normal high watermark and sideyard as provided by §11.03(2) and 10.07(7) to permit additions to existing residence at 1922 USH 51, being Lot 17, Rock Elm Park, Section 26, Town of Dunn.
(No additional testimony was taken).

#1889. Appeal by Jerome Ballweg for a variance from required setback from road as provided by §10.17(2)(b) to permit barn addition at 6556 CTH KP in the SW1/4 NW1/4, Section 34, Town of Roxbury.
(No additional testimony was taken).

#1890. Appeal by Kien Ma for a variance from required sideyard as provided by §10.07(7) and 10.16(5)1 to permit addition to existing residence at 833 Dane Street, being Lot 24, Block 2, Oak Ridge Subdivision, Section 35, Town of Madison.
(No additional testimony was taken).

#1891. Appeal by Neil McFadden for a Special Exception Permit as provided by §11.05(3) to permit filling, grading, etc., within 300 feet of Lake Kegonsa, Lot 28, Williams Point Subdivision, Section 19, Town of Pleasant Springs.
(No additional testimony was taken).

#1892. Appeal by Watercress Park Association for a variance from required setback from normal high watermark and expansion of non-conforming residences as provided by §11.03(2) and 10.21(1) to permit additions to existing residences. Also a Special Exception Permit as per §11.05(3) to permit filling, grading, etc., within 300 feet of Lake Waubesa at 4378 Jordan Drive in the NE1/4 NW1/4, Section 17, Town of Dunn.
(No additional testimony was taken).

#1893. Appeal by Alice Winters for a variance from required location of accessory building as provided by §10.09(8)(b) to permit construction of horse barn at 2870 Arrowhead Lane in the NW1/4 NE1/4, Section 7, Town of Pleasant Springs.
(No additional testimony was taken).

CONCLUSION:

- 1). Variance is not contrary to rights of others or to the public interest.
- 2). Variance preserves the zoning ordinance as much as possible without injustice to applicant.

Motion carried - 4-0.

#1890. Ma - Madison.

Harvey/Quackenbush to grant variance of 3 feet more or less from required combined total sideyard to permit addition to existing residence.

FINDING OF FACT:

- 1). Addition will consists of garage below and living space above.
- 2). Property is in area of numerous nonconforming structures.

CONCLUSION:

- 1). Variance preserves the zoning ordinance as much as possible without injustice to applicant.
- 2). Variance is necessary to provide right enjoyed by others.

Motion carried - 4-0.

#1891. McFadden - Pleasant Springs.

Harvey/Quackenbush to hold in abeyance until September hearing pending submittal of further engineering data particularly pertaining to that area nearest the lake.

Motion carried - 4-0.

#1892. Watercress - Dunn.

Harvey/Jones to grant variance from setback from normal high watermark, also grant permission for additions to nonconforming structures, also grant special exception permit for filling/grading related with public sewer installation.

FINDING OF FACT:

- 1). Cottages are all existing nonconforming residences.
- 2). Septic condemnation necessitates public sewer extension and hook-up.
- 3). Additions are primarily bathroom/kitchen additions.
- 4). This special exception and variances specifically granted for only those cottages requesting permission at this hearing. (cottage 11 (Brown) has minor change).
- 5). Special Exception is for sewer lines (excavate and backfill).

CONCLUSION:

- 1). Variance preserves the zoning ordinance as much as possible without injustice to applicant.
- 2). Variance is necessary to provide right enjoyed by others.
- 3). The project as planned, 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.

#1893. Winters - Pleasant Springs.

Harvey/Jones to deny requested variance from rearyard setback for accessory building for housing of livestock.

FINDING OF FACT:

- 1). Structure can be located in complying location without need for variance.
- 2). Parent owns adjoining lands and applicant could acquire yards.

CONCLUSION:

- 1). Unnecessary hardship was not proven.

Motion carried - 3-0, Quackenbush, abstain.

#1894. Monicken - Montrose.

Harvey/Quackenbush to grant, with condition, variance of 17 feet more or less from required setback right-of-way to Canal Street for sunroom addition to existing residence.

CONDITION:

- 1). Variance granted to square off existing residence - addition will not extend beyond existing building line in either direction.

FINDING OF FACT:

- 1). Sunroom will act as solar collector to aid in heating residence in winter.
- 2). Property is in an area of numerous nonconforming structures.

CONCLUSION:

- 1). Variance is necessary to provide right enjoyed by others.
- 2). Variance is not contrary to rights of others or to the public interest.

Motion carried - 4-0.

#1895. Bluewater Development - Westport.

Quackenbush/Jones to grant, with conditions, permit to fill and grade in connection with building project, water run-off and shoreline stabilization.

CONDITIONS:

- 1). Permit granted as per plans submitted.
- 2). 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.
- 3). 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 Ordinance.
- 4). That there be filed with the Zoning Department a certificate of compliance by a licensed engineer at the completion of the project.

#1956. Appeal by Louis Klecker for a variance from required setback from road as provided by Section 10.17(3) to permit addition to accessory building at 5565 Boxelder Road in the SE 1/4 SW 1/4 - Section 14, Town of Medina.

IN FAVOR: L. Klecker, Tony Laufenberg OPPOSED: none TOWN: no communication

#1957. Appeal by Doug Stolen, agent for Frank Nichols for a variance from required setback to normal high watermark as provided by Section 11.03(2)(a) to permit residential addition at 2285 Williams Point Drive being Lots 32, 33 & 34 Williams Point - Section 19, Town of Pleasant Springs.

Applicant withdrew the application, construction was revised and a variance is not necessary.

#1958. Appeal by Charles A. Burch II for a variance from required sideyards as provided by Section 10.16(5)(a)1. to permit residence as constructed at 3071-A Sunnyside Street being Lot #7 and the Northwesterly 5.00 feet of Lot #8, Block #2, Addition to Lee's Park - Section 18, Town of Pleasant Springs.

IN FAVOR: C. Burch II OPPOSED: none TOWN: no communication

#1959. Appeal by Gary & Elizabeth Brown for a variance from required setback from normal high watermark as provided by Section 11.03(2) to permit addition to and alteration of existing residence at 4378 Jordan Drive #13 in the NW 1/4 NW 1/4 - Section 17, Town of Dunn.

IN FAVOR: G. Brown OPPOSED: none TOWN: in favor

THE PUBLIC HEARING WAS CLOSED and the Board rendered the following decisions:

#1951. Harvey/Quackenbush approve variance of 0.96 ft. from the required setback from Forest Park Drive;

FINDING OF FACT:

1. encroachment into setback is minor
2. street has been made a cul-de-sac and is no longer considered a major thoroughfare.
3. encroachment does not cause any visibility hazards for traffic.
4. bow windows are allowed in front and rear yards but not in side yards which is a cause for confusion and regulation is not uniform.

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.

3. addition will not cause additional traffic hazard.

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.

1957. Withdrawn by applicant.

1958. Kruschke/Jones grant a variance of 0.5 ft, more or less, from the required total combined side yards;

FINDING OF FACT:.

1. minimum side yard is complied with on each side, variance requested pertains to the combined side yard total.

2. variation is minimal, only 0.5 ft.

3. property is located in an area of substantial nonconformity with respect to building location requirements and several variances have been granted to other properties for similar situations.

CONCLUSION:

1. proven case of unnecessary hardship.

2. variance preserves the zoning ordinance as much as possible without injustice to applicant.

3. variance is necessary to provide right enjoyed by others.

4. variance is not contrary to rights of others or to the public interest.

Motion carried 4-0.

1959. Quackenbush/Jones grant a variance of 46.25 ft, more or less, from the required setback from normal high water mark;

FINDING OF FACT:

1. variances have been granted for the improvement of other cottages in this complex.

2: this cottage #13 is farther from the lake than the adjacent cottage which was granted a variance.

3. the additions to the cottage will not encroach further towards the lake.

CONCLUSION:

1. variance is necessary to provide right enjoyed by others.

2. variance is not contrary to rights of others or to the public interest.

Motion carried 4-0.

4). APPEALS HELD IN ABEYANCE:

a). #1903 - Snittler - Montrose - P.H. 9/28/89
no action, verification of road vacation pending.

b). #1950 - Coyle - Madison - P.H. 2/22/90
Quackenbush/Harvey grant a variance of 8 parking spaces from required total parking subject to the following condition:

CONCLUSION:

- 1). Variance is necessary to provide right enjoyed by others.
 - 2). Variance is not contrary to rights of others or to the public interest.
- Motion carried - 5-0.

#1974. Appeal by Elmer Hilgendorf for a variance from required setback from normal high watermark and allowable additions to nonconforming structures as provided by Sections 11.03(2) & 10.23(2) to permit additions to existing residence at 4378 Jordan Drive #7 in the NE 1/4 NW 1/4 - Section 17, Town of Dunn.

IN FAVOR: E. Hilgendorf, A. Brown OPPOSED: --- COMMUNICATION: Town Board, Environmental Health Department.

Jones/Rendall to grant variance of 21 more or less feet from required setback to normal high watermark to permit second story addition and new foundation as per plans submitted.

FINDING OF FACT:

- 1). Similar variances have been granted to neighbors.
- 2). Public sewer availability now provides opportunity to update and enhance existing non-conforming cottages.

CONCLUSION:

- 1). Variance is not contrary to rights of others or to the public interest.
 - 2). Variance is necessary to provide right enjoyed by others.
- Motion carried - 5-0.

#1975. Appeal by Duaine Turner for removal of condition imposed in granting of Variance Appeal #1560 as provided by Sections 10.26, 10.071 & 11.03(1) to permit construction of (2) duplexes on existing lots at 2218 Martin Street in the NE 1/4 NW 1/4 - Section 34, Town of Madison.

IN FAVOR: D. Flesch, D. Turner OPPOSED: --- COMMUNICATION: Town Board Quackenbush/Harvey to remove restriction of variance #1949 which prohibits construction of anything other than single family residences on existing lots.

FINDING OF FACT:

- 1). Applicant wishes to construct duplexes on Lots 1 & 2 of CSM 5849.
- 2). Lots are in an area of numerous duplexes and zoning permits single family or duplex.
- 3). Town Board is in favor.

CONCLUSION:

- 1). Variance is necessary to provide right enjoyed by others.
- 2). Variance preserves the zoning ordinance as much as possible without injustice to applicant.

Motion carried - 3-0. Rendall, absent. Kruschke, abstain.

#1976. Appeal by Franklin McCredie for a variance from required setback from road as provided by Section 10.17(5) to permit deck addition to residence at 1025 Ridgewood Street being Outlot #B - 2nd Addition to Oak Ridge Subdivision, Section 35, Town of Madison.

MINUTES OF THE MEETING OF THE DANE COUNTY

BOARD OF ADJUSTMENT

COMMITTEE HELD ON JULY 26, 1990

The following members were present: Harvey, Kruschke and Quackenbush.
Also: Fleck and Reynolds.

Meeting called to order at 7:00 p.m. in Rm #2E of City-County Building to hold public hearing as published by Class II Notice.

Harvey/Quackenbush to approve minutes of June 28, 1990. Motion carried - 3-0.

#1977. Appeal by David Juve for a variance from required sideyards and setback to normal high watermark as provided by Sections 10.08(7) and 11.03(2) to permit construction of new residence at 4378 Jordan Drive #4 in the NE 1/4 NW 1/4 - Section 17, Town of Dunn.

IN FAVOR: C. Juve, D. Juve, A. Brown OPPOSED: --- COMMUNICATION: Town Board

Quackenbush/Harvey to grant with conditions variance of 7 feet more or less from left side and 5.4 feet more or less from required right sideyard. Also, 3 feet from required setback to normal high watermark to permit construction of new single family residence.

CONDITIONS:

1). Exterior finished wall may not extend beyond outer limits of foundation wall.

2). Deck on lakeside shall be offset 2 feet on each side from building sidewall.

FINDING OF FACT:

1). Virtually all cottages are nonconforming in respect to sideyards and setback from water.

2). Applicant originally had permit for additions and structure collapsed under construction.

CONCLUSION:

1). Variance is necessary to provide right enjoyed by others.

2). Variance preserves the Zoning Ordinance as much as possible without injustice to applicant.

Motion carried - 3-0.

#1997. Appeal by S.B. & L., Inc. for a Special Exception Permit as provided by Section 11.05(3) to permit filling, grading, etc., within 300 feet of Lake Windsor and Yahara River in the NW 1/4 NE 1/4 - Section 31, Town of Windsor.

IN FAVOR: J. Simonson OPPOSED: B. Schulte COMMUNICATION: Town Board
Harvey/Quackenbush to hold in abeyance upon request of applicant - abeyance not to exceed 12 months.

Motion carried - 3-0.

#1999. Appeal by Ronald Nelson for a variance from required setback from road as provided by Section 10.17(2) to permit addition to existing residence at 6171 CTH VV in the NE 1/4 SE 1/4 - Section 3, Town of Sun Prairie.

IN FAVOR: R. Nelson OPPOSED: --- COMMUNICATION: County Highway
Harvey/Quackenbush to grant with conditions, variance of 24 feet more or less from required setback centerline of CTH VV to permit addition to existing residence.

CONCLUSION:

1). The project as planned 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 - 3-0.

#2010. Appeal by Alan M. Brown for a variance from required setback to normal high watermark and sideyard as provided by Sections 10.08(7) and 11.03(2) to permit additions and repair of existing residence at 4378 Jordan Drive #11 in the NE 1/4 NW 1/4 - Section 17, Town of Dunn.

IN FAVOR: A. Brown OPPOSED: --- COMMUNICATION: Town Board
Quackenbush/Harvey to grant, with conditions, variance of 1 foot more or less from required right sideyard, and variance of 3.4 more or less feet from required setback to normal high watermark to permit construction of new single family residence.

CONDITIONS:

1). Granted as per plans submitted.
2). Subject to Watercress Park Association deed restriction and other necessary permits.

FINDING OF FACT:

1). The proposed residence will be moved further away from normal high watermark than existed with old cottage.
2). Open deck will encroach on normal high watermark where previously was old cottage.
3). Sideyard will remain same with neighbor.
4). The advent of public sewer allows cottage expansion/replacement.
5). Rezone to R-4 removes nonconforming status.

CONCLUSION:

1). Variance preserves the zoning ordinance as much as possible without injustice to applicant.
2). Variance is necessary to provide right enjoyed by others.
Motion carried - 3-0.

#2011. Appeal by Jack and Sue Moorhouse for a variance from required setback from road as provided by Section 10.16(5)(b) to permit addition to existing residence at 3213 Thurber Avenue in the NW 1/4 NE 1/4 - being Lot #16, Block 7, 1st Addition E.L. Gallagher Plat - Section 15, Town of Blooming Grove.

IN FAVOR: J. Moorhouse OPPOSED: --- COMMUNICATION: ---.
Harvey/Quackenbush to grant variance of 1 more or less foot from required setback from Thurber Avenue to permit residential addition.

FINDING OF FACT:

1). Foundation is existing and applicant wishes to finish off.
2). Addition will encroach no nearer to right-of-way than does existing residence.
3). Lot width is 40 feet and is bounded by roads on 2 sides.

CONCLUSION:

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

IN FAVOR: R. Anderson OPPOSED: --- COMMUNICATION: Town Board Harvey/Quackenbush to grant, with conditions, variance of 4 more or less feet from required left sideyard to permit additions to existing residence.

CONDITIONS:

- 1). Total lot coverage must comply with 35% maximum requirement.
- 2). Deck on lakeside must be constructed at grade.
- 3). Dormer addition as proposed to lake side is not permitted.
- 4). Additions to front and rear are limited to 8' x 23' only.

FINDING OF FACT:

- 1). Applicant has narrow lot and nearly any addition would require a variance.
- 2). Property is in an area of numerous non-conforming structures.
- 3). Availability of public sewer makes cottages now desirable as year-round residences.

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.

#2022. Appeal by Steven and Kim Maly for a variance from required setback from road as provided by Section 10.17(5) and 10.26 to permit inground pool as constructed at 6676 Winding Way being Lot #15, Terrace park - Section 28, Town of Windsor.

IN FAVOR: S. Maly, N. Pazelaski OPPOSED: --- COMMUNICATION: Town Board Quackenbush/Harvey to grant variance of 16 feet from required setback to Forest Park Drive to permit inground swim pool as constructed.

FINDING OF FACT:

- 1). Applicant was granted a variance of 14 feet from required setback but misinterpreted it to read variance within 14 feet of right-of-way.
- 2). Town Board in favor of variance.
- 3). Pool is behind required fencing and further encroachment is undetectable.

CONCLUSION:

- 1). Variance preserves the zoning ordinance as much as possible without injustice to applicant.
- Motion carried - 4-0.

#2023. Appeal by Fred and Roberta Kane for a variance from required sideyards and setback to normal high watermark as provided by Section 10.08(7) and 11.03(2) to permit additions/alteration of existing residence at 4378 Jordan Drive in the NE 1/4 NW 1/4 - Section 17, Town of Dunn.

IN FAVOR: F. Kane, A. Brown OPPOSED: --- COMMUNICATION: Town Board Rendall/Quackenbush to grant with condition variances of 1.5 more or less feet from required setback to normal high watermark also of 7 more or less feet from required right sideyard to permit additions to existing residence.

CONDITION:

- 1). Residential additions may not extend nearer to normal high watermark and sideyard than did original structure with exception of deck to rear of residence.

FINDING OF FACT:

- 1). Applicant added on to residence now original residence incapable of supporting second story.
- 2). Applicant will have a new residence built in 2 halves.
- 3). Deck addition will encroach, less than a foot nearer to adjoining property.

CONCLUSION:

- 1). Variance is not contrary to rights of others or to the public interest.
- 2). Variance preserves the zoning ordinance as much as possible without injustice to applicant.

Motion carried - 4-0.

#2024. Appeal by Cave of the Mounds, Inc. for a variance from required maximum size of directory sign as provided by Section 10.72 to permit relocation and enlarge displaced sign at Northwest corner USH 18-151 and Erb Road in the SW 1/4 SW 1/4 - Section 14, Town of Springdale.

IN FAVOR: T. Bandow OPPOSED: --- COMMUNICATION: ---

Quackenbush/Rendall to grant, with conditions, variance of 54 square feet from maximum allowable square footage of directory signs.

CONDITION:

- 1). Prior to receipt of County permit approvals from Wisconsin Department of Transportation and Town Board are required.

FINDING OF FACT:

- 1). The State allows such signs 150 square foot maximum.
- 2). Sign is classified as historical or natural interest by State.
- 3). Similar variances have been granted.
- 4). Sign is to be relocated due to displacement by USH 18/151 construction.

CONCLUSION:

- 1). Variance is necessary to provide right enjoyed by others.
- 2). Variance preserves the zoning ordinance as much as possible without injustice to applicant.

Motion carried - 4-0.

#2025. Appeal by Lelah Matz for a variance from required setback from road as provided by Section 10.17(1) to permit deck addition to residence and accessory building as constructed at 8785 STH 19 in the NW 1/4 NE 1/4 - Section 9, Town of Berry.

IN FAVOR: H. Hoffman OPPOSED: --- COMMUNICATION: ---

Rendall/Quackenbush to hold in abeyance until November Hearing the mobile home/storage building setback issue.

Motion carried - 4-0.

Rendall/Quackenbush to deny setback variance for deck addition to residence.

FINDING OF FACT:

- 1). Deck constructed without permit.
- 2). Deck constructed too near highway right-of-way.
- 3). Applicant was not represented regarding deck issue.

CONCLUSION:

- 1). Unnecessary hardship was not proven.

Motion carried - 4-0.

3). Residence is slightly askew on lot and neighbors did not object.

CONCLUSION:

- 1). Variance is necessary to provide right enjoyed by others.
 - 2). Variance is not contrary to rights of others or to the public interest.
- Motion carried - 4-0.

#2033. Appeal by Alan Brown, agent for George Christensen for a variance from required setback from normal high watermark and sideyard as provided by Sections 11.03(2) and 10.08(7) to permit construction of new residence at 4378 Jordan Drive #2, in the NE 1/4 NW 1/4 - Section 17, Town of Dunn.

IN FAVOR: A. Brown, G. Christensen OPPOSED: --- COMMUNICATION: Town Board.

Quackenbush/Harvey to grant, variance of 1.5 feet from minimum setback to normal high watermark, 14 foot variance from required left sideyard and 6' 3" variance from required right sideyard to permit construction of new residence.

FINDING OF FACT:

- 1). Residence replaces old cottage in virtually same location.
- 2). Required sideyards are 20 feet between buildings.
- 3). The advent of public sewer has brought many neighbors in for permits with similar variances granted.

CONCLUSION:

- 1). Variance is not contrary to rights of others or to the public interest.
 - 2). Variance preserves the zoning ordinance as much as possible without injustice to applicant.
- Motion carried - 4-0.

#2034. Appeal by Gary & Elizabeth Brown for a variance from required setback from normal high watermark as provided by Section 11.03(2) to permit deck addition to existing residence at 4378 Jordan Drive #13, in the NE 1/4 NW 1/4 - Section 17, Town of Dunn.

IN FAVOR: G. Brown, A. Brown OPPOSED: --- COMMUNICATION: Town Board
Harvey/Quackenbush to grant variance of 28.75 more or less feet from required setback to normal high watermark to permit 7' x 12' second story deck addition to existing residence.

FINDING OF FACT:

- 1). Applicant has similar variance for deck on first floor.
- 2). Deck will not extend nearer to normal high watermark than does front of existing residence.
- 3). Similar variances granted in immediate area.

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.

#2035. Appeal by Milton Hoesly for a variance from required setback from normal high watermark and sideyard as provided by Sections 11.03(2) and 10.08(7) to permit construction of new residence at 4378 Jordan Drive #8 in the NE 1/4 NW 1/4 - Section 17, Town of Dunn.

IN FAVOR: M. Hoesly, A. Brown OPPOSED: --- COMMUNICATION: Town Board Quackenbush/Harvey to grant variance of 3 feet from required average setback to normal high watermark, variance of 10 feet to required right sideyard and variance of 15 feet to required left sideyard to permit construction of new residence.

FINDING OF FACT:

- 1). Residence replaces old cottage in virtually same location.
- 2). Required sideyards are 20 feet between buildings.
- 3). The advent of public sewer has brought many neighbors in for permits with similar variances granted.

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.

#2036. Appeal by Hay-Chapman, Inc., agent for Jean Manchester for a variance from required maximum height of boathouse as provided by Sections 11.03(3) and 10.07(3) to permit deck addition to existing boathouse at 2422 CTH AB being Lot #12, Pike Front - Section 14, Town of Dunn.

IN FAVOR: J. Manchester OPPOSED: --- COMMUNICATION: Town Board, D.N.R. Rendall/Harvey to grant variance of 1 foot from maximum height of accessory buildings to permit cap/deck construction atop existing boathouse.

FINDING OF FACT:

- 1). Existing second story over boathouse to be removed and decking/cap to cover exposed rafters.
- 2). Height as exists will be lowered from 23 feet (top of second story) to 13 feet to top of decking.
- 3). Applicant will separate deck linking boathouse to residence thereby assuring complying setback.
- 4). Granting variance will keep with the spirit of the Shoreland Ordinance.

CONCLUSION:

- 1). Variance is not contrary to rights of others or to the public interest.
- Motion carried - 4-0.

#2037. Appeal by Jim Robar for a variance from required setback from normal high watermark and sideyard as provided by Sections 11.03, 10.07(7) and 10.16(6) to permit additions to existing deck and boathouse and also for a Special Exception Permit as provided by Section 11.05(3) to permit filling, grading, construction of retaining walls, etc. within 300 feet of Lake Kegonsa at 3272 Brooklyn Drive being Lot 12, Camp Columbia - Section 25, Town of Dunn.

IN FAVOR: J. Robar OPPOSED: --- COMMUNICATION: Town Board, D.N.R. Quackenbush/Rendall to grant Special Exception Permit, with conditions, to permit repair/replacement of retaining walls and associated landscaping.

Motion carried - 3-1. Arts, no.

#2056 Appeal by Conrad D. Jostad for a variance from required sideyard and setback from normal high watermark as provided by Sections 10.16(6)(b)4 and 11.03(2) to permit above ground pool at 5648 Tall Oaks Road being Lot #93, Mary Lake 1st Addition, Section 21 Town of Westport.

IN FAVOR: C. Jostad OPPOSED: --- COMMUNICATION: ---

Quackenbush/Arts to hold in abeyance until November Hearing to allow research to validate accurate setback from normal high watermark.

Motion carried - 4-0.

#2057 Appeal by William and Betty Von Rutenberg for a Special Exception permit as provided by Section 11.05(3) to permit filling, grading, etc., within 300 feet of Yahara River in the SE 1/4 SE 1/4 - Section 22, Town of Westport.

IN FAVOR: R. Klaas, K. Clark OPPOSED: --- COMMUNICATION: Army Corp, Department of Natural Resources.

Arts/Harvey to hold in abeyance until November Hearing pending site plan, erosion plan, planting/screening plan and also allow Board opportunity to re-inspect property on next inspection trip.

Motion carried - 4-0.

#2058 Appeal by Marion Munz for a variance from required sideyards as provided by Section 10.08(7) to permit addition to existing residence at 4378 Jordan Drive #3 in the NE 1/4 NW 1/4 - Section 17, Town of Dunn.

IN FAVOR: M. Munz OPPOSED: --- COMMUNICATION: Town Board

Quackenbush/Arts to grant variance of 16' 10" more or less from required left sideyard also variance of 14 more or less feet from required right sideyard to permit addition to existing residence.

FINDING OF FACT:

- 1). Proposed addition will duplicate existing roof over deck.
- 2). Addition would be for 3 seasons type porch.
- 3). Many similar variances to immediate area as well as both adjoining residences.
- 4). Setback from normal high watermark is within allowable average setbacks.

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 - 3-0. Rendall, absent.

#2059 Appeal by Jeff Klehfoth, agent for Dennis Mack for a variance from required sideyard and setback from normal high watermark as provided by Sections 10.07(7), 10.13(6) and 11.03(2) to permit additions to existing residence at 4262 Jordan Drive in the SE 1/4 SE 1/4 - Section 8, Town of Dunn.

IN FAVOR: J. Klehfoth OPPOSED: --- COMMUNICATION: Town Board

Quackenbush/Arts to grant variance of 5.7 feet from required left sideyard also to grant variance of 5 more or less feet from required setback to normal high watermark to permit entry and second story addition to existing residence.

compacted fill brought in to support foundation and excavated peat utilized for backfill and site work.

CONCLUSION:

1). The project as planned, with specified-conditions; will not result in substantial deriment to navigable waters by erosion, sedimentation, impairment of fish or aquatic life, or safe and healthful conditions.

Motion carried - 3-0.

#2299. Appeal by Gordon and Marian Merry for a Special Exception Permit as provided by Section 11.05(3) to permit filling, grading, etc., within 300 feet of Token Creek, located South of 6492 CTH "C" in the Southwest 1/4 Northwest 1/4 Section 36, Town of Windsor.

IN FAVOR: G. Merry OPPOSED: --- COMMUNICATION: Town Board, Department of Natural Resources

Gaskill/Dreps to hold in abeyance until October Hearing as per request of Town of Windsor.

Motion carried - 3-0.

#2300. Appeal by Arthur & Sharon Harnack for a variance from required sideyard as provided by Section 10.08(7)(b) to permit construction of new single family residence at 4378 Jordan Drive in the Northeast 1/4 Northwest 1/4, Section 17, Town of Dunn.

IN FAVOR: A. Harnack, A. Brown, M. Munz, M. Hoesley, T. Hoesley OPPOSED: --- COMMUNICATION: Town Board

Lynch/Gaskill to grant variance of 5 more or less feet from required left sideyard and variance of 5 feet 4 inches more or less from required right sideyard to permit construction of new residence not exceeding footprint (sideyard encroachment) of existing structure to be removed.

FINDING OF FACT:

1). Proposal is to replace existing cottage with dimensionally identical width new residence.

2). Setback from normal high water mark will be with allowable average requirement.

3). Request is similar to numerous approvals granted by Board of Adjustment within immediate area.

4). Proposed plan has approval of Homeowner's Association and Town Board.

CONCLUSION:

1). Variance is necessary to provide right enjoyed by others.

2). Variance is not contrary to rights of others or to the public interest.

Motion carried - 3-0.

#2301. Appeal by Wm. F. White, Agent for Amoco Oil Company, for a variance from required setback from road as provided by Section 10.17(2)(b) to permit canopy over gas islands as constructed at 4905 CTH "V" in the Northeast 1/4 Northwest 1/4, Section 24, Town of Vienna.

IN FAVOR: J. Ishikawa OPPOSED: --- COMMUNICATION: County Highway Gaskill/Dreps to grant, with condition, variance of 13 feet from required setback to CTH V to permit canopy over gas island as constructed.

CONDITION:

The structure shall be removed at the owner's expense if future road improvement requires additional right-of-way.

FINDING OF FACT:

1). Request is for re-approval of previously granted variance for which permit was not obtained within 1 year.

2). Previous variances granted: #2128 - May 23, 1991 (no permit obtained) and November 17, 1988 for original canopy.

3). County Highway Department has large right-of-way acquisition already and can foresee no further right-of-ways being needed.

#2572. Appeal by Marion Munz for a variance from required setback from normal high watermark and sideyard as provided by Sections 10.08(7) and 11.03(2) to permit construction of new single family residence at 4378 Jordan Drive #3 being Lot #1 CSM 1681 in the NE 1/4 NW 1/4 - Section 17, Town of Dunn.

IN FAVOR: M. Munz, M. Hoesley **OPPOSED:** --- **COMMUNICATION:**
Town Board

GASKILL/DREPS to grant variances of 6.85 ± feet to left sideyard, 6.7 ± feet to right sideyard and 3 feet from average required setback to normal high watermark to permit construction of 20' x 40 single family residence.

FINDING OF FACT:

- 1). Applicant has residence in this location now which has undermined foundation due to adjoining construction.
- 2). Sideyard variance will attempt to center new structure between 2 existing residences.
- 3). Existing structure has sideyard and setback from normal high watermark variances, proposal is reconstruct duplicating existing variances.
- 4). Of the 13 residential units all but 3-4 have reconstructed with similar variances granted.

CONCLUSION:

- 1). Variance is not contrary to rights of others or to the public interest.
- 2). Variance preserves the zoning ordinance as much as possible without injustice to applicant. Motion carried - 4-0.

#2573. Appeal by Claudia & Mark Tusler for a variance from required sideyard and setback from normal high watermark as provided by Sections 10.07(7) and 11.03(2) to permit construction of additions to single family residence at 2872 Lakeside Street being Lots 5 and 6, Block #4, 2nd Addition Waubesa Beach - Section 8, Town of Dunn.

IN FAVOR: M. Tusler **OPPOSED:** --- **COMMUNICATION:** Town Board.
* Applicant withdraws sideyard variance request.

GASKILL/KLOPP to grant variance of 7 feet from required setback to normal high watermark to permit additions to existing residence as per amended request by applicant.

FINDING OF FACT:

- 1). Setback variance given for construction of screen porch only with deck above.
- 2). Original plan was to construct over existing 1st floor however not structurally feasible.
- 3). As long as new foundation needed sideyard compliance could be achieved.
- 4). Screen porch previously granted by Variance #2493, 3/24/94 Hearing.

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). Inspection and approval by Zoning Department upon completion of the project.
- 5). Completion and certification deadline of July 1, 1995.

FINDING OF FACT:

- 1). Window box was shown on original plan submittal however intrusion into required sideyard was missed by staff.
- 2). Property has setback from normal high watermark and lot coverage variances already granted.
- 3). Filling and grading for lot drainage and landscaping.
- 4). Engineering and certification by Rodney Zubella Professional Engineer.
- 5). Adjoining property owner, affected by window box intrusion, spoke in favor of both requests.

CONCLUSION:

- 1). Variance is not contrary to rights of others or to the public interest.
- 2). Variance preserves the zoning ordinance as much as possible without injustice to applicant.

SPECIAL EXCEPTION:

- 1). The project as planned, with specified conditions; will not result in substantial detriment to navigable waters by erosion, sedimentation, impairment of fish or aquatic life, or safe and healthful conditions.

#2603. Appeal by Arthur M. Harnack for a variance from required setback from normal high watermark as provided by Section 11.03(2) to permit single family residence as constructed at 4378 Jordan Drive #5 being part of Lot #1, CSM 1681 NE 1/4 NW 1/4 Section 17, Town of Dunn.

IN FAVOR: A. Harnack **OPPOSED:** --- **COMMUNICATION:** Town Board **KLOPP/DREPS** to grant variance of 3.5± feet from required average setback to normal high watermark of Lake Waubesa to permit single family residence as constructed.

FINDING OF FACT:

- 1). Applicant had received sideyard variances to permit new residential construction in location of previous cottage.
- 2). Recent property survey disclosed variance from normal high watermark should have been obtained.

3). Virtually all adjoining properties have been rebuilt utilizing similar variances.

4). Town Board is in favor.

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 - 3-0.

#2604. Appeal by John L. Asmuth for a Special Exception Permit as provided by Section 11.05(3) to permit filling, grading, etc., within 300 feet of Black Earth Creek at 1124 Main Street in the NW 1/4 NE 1/4 Section 26, Town of Black Earth.

IN FAVOR: G. Baxter, V. Meinholz **OPPOSED:** --- **COMMUNICATION:**
Regional Planning Commission

DREPS/KLOPP to grant with conditions permit to fill and grade in association with bridge construction over Black Earth Creek.

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). Inspection and approval by Zoning Department upon completion of the project.

5). Completion and certification deadline of September 1, 1995.

FINDING OF FACT:

1). Bridge is intended to replace 2 culverts that are often flooded over.

2). Pylon constructed bridge will not impede water flow and thusly prevent upstream flooding as with culverts.

3). Professional engineering provided by Randy Lund Professional Engineer.

4). Bridge and driveway serve a single residence site.

CONCLUSION:

1). The project as planned, with specified conditions; 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 - 3-0.

#2798 Appeal by David & Polly Goepfert for a variance from required lot width and lot area as provided by Sections 11.03(1) and 10.05(4) to permit lot re-configuration by Certified Survey Map at 2041 and 2043 Skyline Drive, being Lots 4, 5 and 6 - 1st Addition to Kegonsa Grove - Section 29, Town of Pleasant Springs

IN FAVOR:--D. & P. Goepfert **OPPOSED:** G. Ester.

COMMUNICATION: Town Board, Pleasant Springs Sanitary District.

GASKILL/SAYLES to hold request in abeyance until March hearing at the request of the Township. Motion Carried - 4-0.

#2799 Appeal by Norman & Stella Muller for a variance from required setback from road as provided by Section 10.17(1) to permit addition to existing residence as proposed at 8711 State Highway 19 in the NE 1/4 NE 1/4 - Section 9, Town of Berry.

IN FAVOR:--N. & S. Muller **OPPOSED:** --- **COMMUNICATION:** **GASKILL/SAYLES** to grant variance of 60.9' from required setback to center line of STH 19 to permit residential addition as proposed, and which will not encroach nearer to right-of-way than does existing residence.

Finding of Fact:

- 1) Residence constructed ±35 years ago and repair/addition location is site of carport on original construction.
- 2) Property has variances deck constructed in 1987 (Variance #1579 granted June 25, 1987.)
- 3) Land is sloped with limited buildable area.
- 4) Addition is for increased living space and entry purposes.

Conclusions

- 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.

#2800: Appeal by Tim A. Hoesly for a variance from required setback from road as provided by Section 10.17(5) to permit addition to existing residence at 4378 Jordan Drive - Unit 14 being Lot #1 CSM 1681 in the NE 1/4 NW 1/4 - Section 17, Town of Dunn.

IN FAVOR: T. Hoesly, C. Juve OPPOSED: --- COMMUNICATION:
Town Board, G. Christensen

Klopp/Gaskill to grant variance of 14.6 feet from required minimum setback to right-of-way of Jordan Drive to permit structural alteration of existing residence as proposed.

Finding of Fact:

- 1) Applicant proposes to remove existing slightly pitched leaking roof and construct new hip roof.
- 2) Footprint of existing residence will remain unchanged as well as wall height.
- 3) Project is in an area (Watercress Park) of numerous non-conforming structures with numerous variances granted.
- 4) Township and Homeowners Association recommend approval.

Conclusions:

- 1) Variance is not contrary to rights of others or to the public interest
- 2) Variance preserves the zoning ordinance as much as possible without injustice to applicant. Motion carried 4-0.

#2801. Appeal by Ray Yunker for a variance from required setback from normal high watermark as provided by Section 11.03(2) to permit raised walkway located being Lot #4, Certified Survey Map #8100 - in the NW 1/4 NE 1/4 Section 27, Town of Westport.

IN FAVOR: W. O'Connor OPPOSED: D. Hammes

COMMUNICATION: Town Board, DNR

GASKILL/SAYLES to hold appeal in abeyance until March hearing at the request of the Township. Motion carried 4-0.

#2802. Appeal by Westport Water Utility District for a Special Exception Permit as provided by Section 11.05(3) to permit filling, grading, etc., within 300 feet of Yahara River in the SE 1/4 SE 1/4, Section 22 and NE 1/4 NE 1/4, Section 27, Town of Westport.

IN FAVOR: M. Vondrasek OPPOSED: --- COMMUNICATION: DNR,
Town Board

GASKILL/KLOPP to grant, with conditions, permit to fill and grade within 300 feet of the Yahara River for the purpose of water main extension.

BOARD OF ADJUSTMENT MINUTES
MARCH 25, 1999

PRESENT: Long, Klopp, Kay, and Ross
ALSO: Schutte, Bartlett

Meeting called to order at 6:32 P.M. by Chair Kay in Room
2-F City-County Building to hold Public Hearing as published by Class II Notice.

Minutes: **KLOPP/ROSS** to approve minutes of February 18, 1999 and February 25, 1999 as submitted. Motion carried - 4-0.

MARCH PUBLIC HEARING ITEMS:

#3014. Appeal by Alan M. and Sue K. Brown for a variance from required sideyard and setback from normal high watermark as provided by Sections 10.08(7) and 11.03(2) to permit addition to existing residence as proposed at 4378 Jordan Drive #11 being Part of Lot 1, CSM #1681 in the NE 1/4 NW 1/4 - Section 17, Town of Dunn.

IN FAVOR: A. Brown, M. Hoesly **OPPOSED:** ---

COMMUNICATION: Town Board

KAY/ROSS to grant a variance from required sideyards and setback to normal high water mark to allow a two-story addition of a specific size equal to 7.5' by the width of existing house, as proposed.

Finding of Fact:

- 1).Applicant proposes 7.5' x 26', two-story, living room and bedroom addition to existing residence in R-4 Residential, Watercress Park Condominium Plat complex.
- 2).Previous appeal #2010 granted 7/26/90 for a variance of 1.0'+/- from minimum required 10' right sideyard in A-1 EX. and a variance of 3.4'+/- from the 19.4' reduced average setback to the ordinary high-water mark.
- 3).Zoning change from A-1EX. to R-4 in 1993 changed minimum setback between buildings "in a complex" from 10' to 20'. More than half of the existing residence encroaches into the minimum 20' separation.
- 4).Proposed addition will not encroach further into the existing setback to the ordinary high-water mark, will not encroach further into the existing right and left sideyards, and complies with lot coverage requirements.
- 5).Existing residence to be utilized on a permanent basis for four people and has no basement or garage for storage space.
- 5).Watercress Park Association has approved the plans and there are no objections from other Watercress Park residents.

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 3 – 1 (Long-No).

#3015. Appeal by Robert C. and Susan A. Lee for a variance from required setback from road and maximum allowable percentage of improvement to a non-conforming structure as provided by Sections 10.17(2) and 10.23(2) to permit alteration/addition to existing residence at 142 County Highway N being Lot #1, CSM #7025 in the S 1/2 SW 1/4 - Section 30, Town of Albion.

IN FAVOR: R.Lee **OPPOSED:** ---

#3082. Appeal by Robert & Dagmar Lawrenz for a variance from required sideyard and setback from normal high watermark as provided by Sections 10.08(7) and 11.03(2) to permit addition to existing residence at 4378 Jordan Drive #7 in the NE 1/4 NW 1/4 Section 17, Town of Dunn.

IN FAVOR: R. Lawrenz, G. Magee, M. Hoesley **OPPOSED:** --- **COMMUNICATION:** Town Board, County Highway.

KLOPP/ROSS to, grant with, conditions variances from sideyards and setback from normal high watermark to permit 2nd story addition and brick exterior to entire residence as proposed.

Conditions:

- 1). The width of the lakeside stoop shall not exceed that of the lower level patio door.
- 2). That 2nd level deck be deleted and patio door exit prohibited by wrought iron railing.

Finding of Fact:

- 1). Similar variance granted May 1990, (Variance #1974) however construction never took place.
- 2). Virtually all former cottages have been added to and converted to year-around usage.
- 3). Variances have been granted to all of those which have previous additions.
- 4). The advent of public sewer to area permits additions and promotes year-round residency.

Conclusion:

- 1). Variance is not contrary to rights of others or to the public interest.
 - 2). Variance preserves the zoning ordinance as much as possible without injustice to applicant.
- Motion carried - 4-0.

APPEALS FROM PREVIOUS HEARINGS:

#3080. Zimbrick - Madison 2/24/00 P.H.

IN FAVOR: M. Zimbrick, P. Dean **OPPOSED:** --- **COMMUNICATION:** Town Board, County Highway.

KLOPP/LONG to hold request in abeyance up to May 2000 Hearing upon request of applicant. Motion carried - 4-0.

#3075. Mobley - Mazomanie - 12/16/99 P.H.

No appearances.

KLOPP/ROSS to deny variance due to applicant's failure to appear with requested materials for consideration. Motion carried - 4-0.

#3069. Madison - City of Madison - 11/18/99

ROSS/LONG to reconsider previous approval and to grant variance from maximum height of structures within airport height limit with revised conditions.

Conditions:

- 1). Delete Condition #2, dated 11/18/99, and replace with " the contractor may perform bridge construction operations between the hours of 9:00 p.m. and 5:00 a.m. for a maximum cumulative total time of 6 working days."
 - 7). The airport operation division shall be contacted 24 hours prior to beginning night work.
 - 8). The contractor shall lower cranes when not in use.
- (*existing (remaining) 11/18/99 conditions shall remain in effect).

Finding of Fact:

- 1). City has agreed to shorten amount of time that surrounding businesses will be disrupted by bridge reconstruction provided they would be able to work during the hours of darkness.
- 2). Dane County Airport (Greg Donovan) and Wisconsin Department of Transportation (Gary Dikkers) have approved revision with the aforementioned conditions.

**MINUTES OF MAY 27, 2004
BOARD OF ADJUSTMENT**

PRESENT: Long, Klopp, Kay, Sayles, and Ross

Also: Bartlett

Meeting called to order at 6:36 P.M. by Kay in Room 2-F City-County Building to hold public hearing as published by Class II Notice.

MINUTES: Klopp/Kay to approve the minutes of April 15, 2004 and the minutes of April 22, 2004 as submitted.

Motion carried 4 – 0 (Ross – absent).

MAY PUBLIC HEARING ITEMS:

#3307. Appeal by Mark Showers for variances from minimum required side-yard, minimum setback from road, and minimum setback from normal high watermark as provided by Sections 10.08(7), 10.17(5) and 11.03(2) to permit proposed new single family residence at 4378 Jordan Drive, Unit #1, being part of Watercress Park Condominium Plat, Lot #1, CSM #1670 in the NE 1/4 NW 1/4 Section 17 and the SE 1/4 SW 1/4 Section 8, Town of Dunn.

IN FAVOR: M. Showers, S. Skavlen, D. Glusick

OPPOSED: ----

COMMUNICATION: Town Board, WI DNR

Kay/Klopp to grant, with condition, a variance of 24.67 feet from the reduced average setback from the ordinary high water mark of Lake Waubesa, also to grant a variance of 3.3 feet from the minimum required setback to the right-of-way line of Jordan Drive, and also, to grant a variance of 8.3 feet from the minimum required distance between residential buildings in a complex to permit construction of the new single-family residence as proposed.

Ross/Kay to amend the motion to require any future calculations of a reduced setback to the ordinary high water mark of Lake Waubesa, as per Section 11.03(2)(b) Dane County Ordinance, to use the proposed 48.8-foot setback of the north-facing portion of the proposed residence from the ordinary high water mark of Lake Waubesa, and not the proposed 24.4-foot setback of the easterly-facing portion of the proposed residence from the ordinary high water mark of Lake Waubesa.

Condition:

1. The north-facing portion of the proposed residence is to be located 48.8 feet from the ordinary high water mark of Lake Waubesa as noted on the plan presentation of the proposed footprint by Calkins Engineering, dated May 19, 2004.

Finding of Fact:

1. The applicant proposes a new single-family residence 24.4 feet from the ordinary high water mark of Lake Waubesa on the easterly side of the proposed location.
2. The applicant proposes a new single-family residence 48.8 feet from the ordinary high water mark of Lake Waubesa on the northerly side of the proposed location.
3. The reduced average setback from the ordinary high water mark of Lake Waubesa is 49.07 feet, Section 11.03(2), Dane County Ordinance.
4. The applicant proposes a new single-family residence 26.7 feet from the right-of-way line of Jordan Drive.

5. The minimum required setback to the right-of-way line of Jordan Drive is 30 feet, Section 10.17(5), Dane County Ordinance.
6. The applicant proposes a new single-family residence 11.7 feet from the existing residential dwelling.
7. The minimum required setback between residential dwellings in a complex is 20 feet, Section 10.08(7), Dane County Ordinance.

Conclusion:

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

Motion, as amended, carried 5 – 0.

#3308. Appeal by Kimberly Johnsrud for a variance from required setback from road as provided by Section 10.17(4) to permit residential addition as constructed at 2874 Waubesa Avenue being Lot #3, Block #6, Waubesa Beach First Addition Section 8, Town of Dunn.

IN FAVOR: K. Johnsrud

OPPOSED: ----

COMMUNICATION: Town Board

Ross/Kay to grant a variance of 0.4 feet from the minimum required setback to the right-of-way line of Waubesa Avenue to permit the existing residence as constructed.

Finding of Fact:

1. Zoning permit, #12483, was issued March 12, 1963 for a new single-family residence, 32 feet long and 28 feet wide and 12 feet from left side yard, the right-of-way line of Waubesa Avenue.
2. The location survey dated March 17, 2004 shows the existing residence 11.6 feet from the right-of-way line of Waubesa Avenue.
3. The minimum required setback to the right-of-way line of Waubesa Avenue is 12 feet, Section 10.16(5)(b) 2., Dane County Ordinance.

Conclusion:

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

Motion carried 5 – 0.

Ross/Sayles to deny a variance of 1.9 feet from the minimum required setback to the right-of-way line of Lakeside Street to permit the garage and 4-season porch addition as constructed.

Finding of Fact:

1. The applicant was issued a zoning permit, #667-2002, on June 19, 2002 for a 24-foot by 36-foot garage and four-season porch addition to the existing residence.
2. The site plan for the proposed addition showed a setback of 20 feet from the right-of-way line of Lakeside Street.
3. The location survey dated March 17, 2004 shows the garage addition 18.1 feet from the right-of-way line of Lakeside Street.
4. The minimum required setback to the right-of-way line of Lakeside Street is 20 feet, Section 10.17(4), Dane County Ordinance.

Conclusion:

1. Unnecessary hardship was not proven.

**DANE COUNTY BOARD OF ADJUSTMENT
MINUTES OF THE FEBRUARY 22, 2007 MEETING**

MEMBERS PRESENT: Louise Klopp, Al Long, Glenn Reynolds, Steven Schulz, Sue Studz.

OTHERS PRESENT: Kris Schutte, Assistant Zoning Administrator

I. CALL TO ORDER:

Chair Schulz called the meeting to order at 6:34 p.m. in Room 309 of the City-County Building.

Mary Beth Peranteau, attorney for Wheeler, Van Sickle & Anderson, S.C., representing the Arboretum Neighborhood Association and others, raised a point of order in regard to the submission of approved mitigation plans by the applicants for Variance Appeals 3450 And 3451. She asked if the Board would consider the plans, since they were not submitted with approvals, and if not, if the Board would consider abeying Appeals 3450 and 3451. Chair Schulz informed Ms. Peranteau that the matter would follow the posted Agenda order.

Schutte introduced the six Dane County Zoning Inspectors, in attendance to observe the procedures and operations of the Board: Russell Bartlett, Daniel Everson, Scott Schroeckenthaler, Charles Steinhauer, Jason Tuggle, and Shawn Widish. A map of the County showing five Inspection Areas was distributed, and the duties of Mineral Extraction Site Inspector Everson were described.

II. APPROVAL OF MINUTES

Motion by Klopp / Long to approve the Minutes of the January 25, 2007 Public Hearing of the Dane County Board of Adjustment, with the following correction: Under Item II. Approval of Minutes, the vote to approve the Minutes of the August 17, 2006 Site Visits and the August 24, 2006 Public Hearing of the Dane County Board of Adjustment was carried 3-0, with Klopp abstaining, since she did not attend the meetings.

Motion to approve as corrected, carried, 4 - 0.

III. PUBLIC HEARING FOR FEBRUARY 22, 2007 APPEALS

1. #3452. Appeal by Michelle Staley Komprood for variances from minimum required setback from Ordinary High Water Mark and minimum required side yards as provided by Sections 11.03(2) and 10.08(7), Dane County Code of Ordinances, to permit reconstruction of existing single-family residence in a condominium plat as proposed at 4378 Jordan Drive, being Unit 6, Watercress Park Condominium Association, Section 17, Town of Dunn.

COMMUNICATIONS:

01/12/2007 Letter from Roz Gausman, Clerk, Town of Dunn acknowledging receipt of Komprood variance information.

02/20/2007 Letter from Roz Gausman, Clerk, Town of Dunn: Town Board recommends approval of variances required to allow Komprood to remove and rebuild the existing house.

_____ No communication from the Wisconsin Department of Natural Resources.

VARIANCES REQUESTED:

Setback from West Side Yard: Needs variance of 13.4 feet.

(Minimum 20 feet required side yard minus 6.6 feet proposed separation between houses.)

Setback from East Side Yard: Needs variance of 14.1 feet.

(Minimum 20 feet required side yard minus 5.9 feet proposed separation between houses.)

(Note: No Variance Required from Minimum Setback from Ordinary Highwater Mark, according to the actual setback of 23 feet as shown on survey "Revised 01/24/2007." The minimum average setback required is 22.75 feet.)

IN FAVOR:

1. Richard Komprood Jr., 1209 Woodvale Dr., Madison, WI. Mr. Komprood provided floor plans and elevations of the proposed house. He described the proposed rebuilding as limited by the locations of the two neighboring houses and by floodplain on the remainder of land in common ownership. At the request of the Board, Komprood had measured distances between other houses in the Condominium Association, and found spacing of minimum 3 feet and maximum 11.5 feet, with none meeting minimum 20 feet required between buildings. The proposed house would have no basement, would be no closer to the lake or to either neighboring house than the existing house, and would meet all Condominium Association and Dane County requirements for height, Shoreland Erosion Control Plan, etc.
2. Milton Hoesly, 4378 Jordan Drive #8, McFarland, WI of the Condominium Association indicated that the association approved of Komprood's variance appeal.

OPPOSED: None

Motion by Reynolds/Klopp to grant variance of 13.4 feet from minimum 20 foot required combined side yards on west side and variance of 14.1 feet from minimum 20 required combined side yards on east side of house. (Actual separation at closest point between houses on Units 7 and 6 is 6.6 feet; between houses on Units 6 and 5 is 5.9 feet.)

Note: No variance to setback from OHWM was needed, based on revised survey information.

Facts of the Case:

1. Unit 6 is one of 14 small residences in the Condominium Plat of Watercress Park Condominium, Inc. Unit 6 is not in the floodplain of Lake Waubesa, but is entirely within the Shoreland district associated with the lake. All the units are served by public sewer and a shared well.
2. The existing 1-1/2 story house is approximately 27'x29' overall. The Komproods propose to remove the existing house and build a 25.5'x39' 2-story house on a slab foundation. The proposed house would not have any porches or decks.
3. The proposed house would exceed the minimum reduced setback of 22.75 feet from the Ordinary High Water Mark (as determined by averaging the setbacks of the existing houses to the immediate east (24.5') and west (21') by 0.25 feet, according to the most current survey. The lake side wall of the proposed house is no closer to the OHWM than the lakeside wall of the existing house (although it would extend 2-3 feet farther west than the northwest corner of the existing house).
4. The proposed house would not meet the minimum 10 foot side yard setback on either the north or south sides. The Zoning Ordinance does not specifically address the minimum side yard setbacks required in condominium plats. Previous variance appeals and zoning permits for this condominium plat have used an interpretation requiring that each house be provided with its own 10 foot side yard, as if each house were located on a separate lot, for a total of 20 feet required between houses.
5. The actual distance between the proposed house on Lot 6 and the existing house on Lot 7 to the west would be 6.6 feet. The west wall of the proposed house extends farther west than the main wall of the existing house, but not as far as the shed-roof addition on that side.
6. The actual distance between the proposed house on Lot 6 and the existing house on Lot 5 to the east would be 5.9 feet. The east wall of the proposed house would be located in the same position as the east wall of the existing house and would extend about 10 feet more toward the south
7. The Watercress Park Condominium Association parcel meets the minimum lot width and minimum lot area requirements for the Shoreland district.

Conclusions:

Unique Property Limitations: Location of original small houses originally built close to the lake and close to each other creates a unique limitation. Improvements to the existing houses over the years reduced spacing between homes. The condominium status of this parcel with single-family residences is unusual.