



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, June 28, 2018

6:30 PM

City County Building Room 354

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A. Call To Order

Chair Schulz called the meeting to order at 6:31 PM and made a statement regarding the rules and procedures of the Board.

Also present: Staff: Hans Hilbert, Assistant Zoning Administrator.

Present 5 - Chair STEVEN SCHULZ, SUE STUDZ, Secretary ROBERT PULVERMACHER, Vice Chair AL LONG, and EDMOND MINIHAN

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

No public comments were made.

C. Consideration of Minutes

1. Minutes of the April 26, 2018 Public Hearing
LONG/PULVERMACHER to approve the minutes. Motion carried.
Ayes: 5 - SCHULZ, STUDZ, PULVERMACHER, LONG and MINIHAN
2. Minutes of the June 14, 2018 Site Inspection
LONG/PULVERMACHER to approve the minutes. Motion carried.
Ayes: 5 - SCHULZ, STUDZ, PULVERMACHER, LONG and MINIHAN

D. Public Hearing for Appeals

1. Appeal 3693. Appeal by Alicia Lynn Jones (Christopher Jones, agent) for variances from minimum required front setback to a Class B highway and minimum side yard setback as provided by Sections 10.17(2)(b) and 10.06(7), Dane County Code of Ordinances, to permit an addition to a single family residence at 10110 County Highway Y, a property being in the SW 1/4 SE 1/4 Section 22, Town of Mazomanie.

Chair Schulz opened the public hearing.

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

IN FAVOR: Christopher Jones, agent for owner, spoke in favor of the variance request and answered questions of the Board.

Patricia Hare, 10111 County Highway Y, spoke in favor of the appeal as a neighbor of the property.

Alicia Jones spoke in favor of the appeal.

ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator had no comments.

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

Finding of Fact:

Existing:

- *Single family residence on a lot partially within the shoreland zoning district located on the Wisconsin River. The existing home is partially located within the required setback to the right-of-way of a Class B highway as well as the required setback from the side property line.*

Proposed

- *Property owner proposes to add a second story addition in the same footprint as the existing first floor.*

Zoning Notes:

- *The subject portion of the property is not subject to shoreland zoning regulations as it is beyond 300 feet from the ordinary high water mark of the Wisconsin River, and not located within the floodplain portion of the property.*

History

- *No zoning history was found on this property including history of any violations.*

COMMUNICATIONS:

Town of Mazomanie: May 14, 2018 site plan approval and no objection to variance request.

Conclusions:

- 1) *Unnecessary Hardship: It would be unnecessarily burdensome to the property owner to not allow the continued use of the existing location of the residence. The addition will not further encroach into the required setbacks than the existing structure, and based on the alternatives presented is the minimum amount of relief to continue to have use of the property.*
- 2) *Unique Limitations of the Property: The existing development on a long narrow river lot predates the Dane County Zoning Code and likely existed prior to "Conservation Drive"*

being a paved County Highway.

3) No Harm to Public Interests: Support was shown by the Town Board as well as neighbors of the property. The location of the structure will remain the same after the addition.

Pulvermacher/Long to approve the variance of 8.93 feet from the required front setback, and 1.2 feet from the required side yard setback with conditions of approval that:

- 1. Improvements made within the setback shall be removed at the owners expense if future highway needs require additional right-of-way.**
- 2. No work within highway right-of-way is permitted by this variance. A separate permit to work in highway right-of-way may be required from the Highway Division of Public Works Department.**

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

H. Adjournment

STUDZ/MINIHAN to adjourn at 7:03 pm. The motion carried by a voice vote.