

JANUARY 26, 2023 BOA PUBLIC HEARING STAFF REPORT

Appeal 3726. Appeal by Lindsey Schneider (Charles Sweeney, Attorney, Agent) for a variance from minimum required average lot width as provided by NR 115.05(1)(a)1., Wisconsin Administrative Rule, to allow substandard lot to be used as a building site, being Lot 10, Block 1, Second Ward Beach, Section 28, Town of Westport.

OWNER: Pacific Premier Tr (Lindsey Schneider)

AGENT: Charles Sweeney, Attorney

LOCATION: Northeast of 5114 Reynolds Ave

ZONING DISTRICT: Shoreland Overlay District

COMMUNICATIONS: Town of Dunn: 2/7/2024; Acknowledgement; Town Board no comments.

DNR: Pending

Facts of the Case:

All lot references are to block 1 of Second Ward Beach

Existing:

- The northeasterly ½ of lot 8 and all of lots 9 and 10 were in common ownership from at least 1945 until 2021 when lot 10 was sold independent of NE ½ lot 8 and all of lot 9.
- While in common ownership the property was developed with a residence, possibly built between 1945 and 1955, and a detached garage permitted in 1965.
- Surveys from 2015 and 2022 show the residence to be primarily located on lot 9, however a portion of the porch on the east side of the residence is located 3.22 feet on to lot 10.
- The surveys also show that the detached garage to be primarily located on lot 9, however 1.22 feet of the northeast corner is located on lot 10.
- Lot 10 is 50.22 feet wide and therefore a substandard shoreland lot.
- Lindsey Schneider is also an owner of the northeastern ½ of lot 8 and all of lot 9.

Proposed

- Owners propose to build a single family residence on lot 10.

Zoning Notes:

- Property is located within the shoreland zoning district.
- The Wisconsin Natural Resources Administrative Code (NR115) requires sewered riparian lots to have a minimum average lot width of 65 feet and a minimum area of 10,000 square feet.
- NR115.05(1)(a)3 provides that a legally created lot or parcel that emt minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:
 - (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
 - (2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - (3) The substandard lot or parcel is developed to comply with all other ordinance requirements.
- The Wisconsin DNR provides a note that "lots that have a legal description for each substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the Real Property Lister or Assessor for taxing/assessing purposes should be considered separate building sites and should not be considered consolidated."
- NR115 states that for substandard lots that do not meet the above requirements, a variance must be granted by the Board of Adjustment prior to permits being issued for improvements.
-

Property History:

- 1909: Plat of Second Ward Beach is recorded containing 20 lots.
- 1945: Lorenz owns lots 6, 7, 8 ,9, and 10

- 1946: Henry Reynolds purchased from Lorenz the northeasterly ½ of lot 8 and all of lots 9 and 10.
- 1965: Zoning Permit 14369 issued for a 22 x 24 foot garage on lots 9 & 10 & NE ½ of 8. Building is described to have 53 feet of right side yard and 50 feet of left side yard.
- 1986: Helen Reynolds received ownership of the deceased Henry Reynolds northeasterly ½ of lot 8 and all of lots 9 and 10 among other lands.
- 1996: Helen Reynolds conveyed to North Shore Bay Limited Partnership:
 - Parcel 1: an island in Lake Mendota;
 - Parcel 2: the northeasterly ½ of lot 8 and all of lot 9 and lot 10;
 - Parcel 3: Lot 11, 12, 13;
 - Parcel 4: lot 14;
 - Parcel 5-10: additional lands in the vicinity of Second Ward Beach
- 2015: North Shore Bay Limited Partnership conveyed to James Caulkins:
 - Parcel A: The northeast ½ of lot 8 and all of lot 9;
 - Parcel B: Lot 10
- 2018: Town of Westport opts out of Dane County general zoning
- 2020: Caulkins applies for shoreland zoning and floodplain development permit, more information needed, project not pursued, permits not issued.
- 2021: James Caulkins conveys lot 10 to Pacific Premier Trust.

Other related/nearby variances:

- Appeal 900 placing fill, 5170 Reynolds Ave
- Appeal 3629 Minimum lot width and area, 5180 Reynolds Ave
- Appeal 3650 minimum lot width and area for shoreland lot on Lake Kegonsa
- Appeal 3651 substandard lot, lot line adjustment on Lake Waubesa
- Appeal 3701 relief for substandard lot reconfiguration on Lake Kegonsa
- Appeal 3709 Floodplain Development Standards, 5162 Reynolds Ave
- Appeal 3715 Floodplain Development Standards, 5098 Reynolds Ave

VARIANCES REQUESTED: Purpose: Use of lot as building site

Minimum required average lot width: 65 feet

Proposed lot width: 50.22 feet

VARIANCE NEEDED: 14.78 feet