

5).Existing right-of-way varies in width at the proposed location of the structure and Dane County Highway does not anticipate the need for additional right-of-way width in this area because of the existing wider-than-usual right-of-way.

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.

**#3017.** Appeal by Bernard Broadbent for a variance from required sideyard and maximum allowable percentage of improvement to a non-conforming structure as provided by Sections 10.07(7) and 10.23(2) to permit additions to existing residence at 2272 County Highway AB being Lot #14, Washington Park - Section 23, Town of Dunn.

**IN FAVOR: B. DOLLAR, B. BROADBENT OPPOSED: ---**

**COMMUNICATION:** -Town Board, Dane County Highway

**ROSS/KAY** to grant a variance of 104.8% from 50% maximum allowable percentage of improvement to a non-conforming structure to permit addition to existing structure, and to grant, with conditions, a variance of 7+/-' from required left sideyard to permit existing residence.

Conditions:

- 1).The screened porch portion may not intrude into the minimum 10' required left sideyard.
- 2).The portion of the lakeside deck encroaching into the minimum 10' required left sideyard and 38.9' minimum average reduced setback to normal high water mark shall be removed.
- 3).The stairs off the deck may not intrude into the minimum 38.9' average reduced setback to the normal high water mark, and the minimum 10' required sideyard.
- 4).The roof and posts of the "shed" in the front yard shall be removed.

Finding of Fact:

- 1).Zoning permit 1998-2463 issued in error on 11/24/98.
- 2).Applicant proposes a screened porch addition within 10 feet of left sideyard and two story-2 bedroom-2 bath-rec room addition to existing residence.
- 3).Average reduced setback to ordinary high-water mark is 38.9'.
- 4).Porch construction not included in \$65,000.00 cost estimate for the proposed improvement to the non-conforming structure, but will be included in variance.
- 5).Existing one-bedroom residence was non-conforming in 1949 when previous permit was issued.
- 6).Applicant proceeded in good faith to comply with zoning ordinance and substantial work has already been done.
- 7).Complete removal of existing home would have been an option for zoning compliance had the owner and builder known of the non-conforming status; that option was not available because of zoning staff error.

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.

**#3018.** Appeal by Earl Kinder for a variance from required setback from normal high watermark as provided by Section 11.03(2) to permit addition/alteration to existing