

MAY 27, 2021 BOA PUBLIC HEARING STAFF REPORT

Appeal 3709. Appeal by David Parker for a variance from minimum standards for development in the floodfringe as provided by Section 17.09(3)(a), Dane County Code of Ordinances, to permit proposed single family residence redevelopment at 5162 Reynolds Ave being Lot 24, Block 2, Second Ward Beach, Section 28, Town of Westport.

OWNER: David Parker

LOCATION: 5162 Reynolds Ave

ZONING DISTRICT: Town of Westport Zoning

COMMUNICATIONS:

Town of Westport, March 1, 2021 acknowledgement of application.

Town Board 5/17/21:

After a presentation by Wilson, comments by the applicant and their attorney, and discussion, the Dane County Variance (Flood Fringe District Construction), Parker, 5162 Reynolds Avenue (Waunakee ETZ), was recommended for approval as presented and consistent with the Town Plan Commission recommendation on a motion by Sipsma, second Trotter.

Plan Commission:

After a brief introduction by Anderson, further clarification by the petitioner, and discussion, Dane County Variance (Flood Fringe District Construction), Parker, 5162 Reynolds Avenue (Waunakee ETZ), was recommended for approval of the construction or any variances to building in the Flood Fringe District on a motion by Kennedy, second Cuccia, with Pichette requesting the Westport Historic Preservation Commission be allowed to tour the structure before it is razed, to which the Petitioner agreed.

Wisconsin Department of Natural Resources, notified May 12, 2021.

Facts of the Case:

Existing:

- Single family residence with detached garage on the shore of Lake Mendota.

Proposed

- Remove and replace single family residence. New residence will be attached to existing garage.

Zoning Notes:

- The Town of Westport has opted out of Dane County general zoning, however the County maintains floodplain and shoreland zoning jurisdiction.
- Chapter 17 requires minimum standards for residential development within the regulatory floodfringe. These regulations differ for uninhabitable structures and inhabitable structures.
- The purpose of floodplain zoning regulations are to protect people and property in the event of a flood event.
- The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - a. Literal enforcement of the ordinance will cause unnecessary hardship;
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - c. The variance is not contrary to the public interest; and
 - d. The variance is consistent with the purpose of this ordinance in s. 17.03.
- In addition to the criteria in subd. 1., to qualify for a variance under FEMA regulations, the following criteria must be met:

- a. The variance shall not cause any increase in the regional flood elevation;
- b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
- c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- A variance shall not:
 - a. Grant, extend or increase any use prohibited in the zoning district;
 - b. Be granted for a hardship based solely on an economic gain or loss;
 - c. Be granted for a hardship which is self-created;
 - d. Damage the rights or property values of other persons in the area;
 - e. Allow actions without the amendments to this ordinance or map(s) required in s. 17.13 Amendments; and
 - f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.
- The regulatory floodplain is also within the flood storage district for this property.
- Lake Mendota base flood elevation: 852.77
- Flood protection elevation: 854.77
- Elevation required, 15 foot perimeter: 853.77

History

- 2018- Shoreland zoning permit DCPSHL-2018-00081 issued for detached garage
- Violation History: No violation history found.

VARIANCES REQUESTED: Purpose: Residential development within floodfringe

Minimum 15 foot perimeter fill elevation surrounding foundation:

Required: 853.77 ft amsl

Proposed: 852.20 ft amsl (varies).

VARIANCE NEEDED: 1.57 ft

Minimum elevation of lowest level:

Required: 854.77 ft amsl

Proposed: 853.56 ft amsl

VARIANCE NEEDED: 1.21 ft