



Dane County

Minutes

Board of Adjustment

Thursday, May 28, 2015

6:30 PM Room 357, City-County Building, Madison, Wisconsin

Room 357, City-County Building, Madison, Wisconsin

A. Call To Order

Chair Schulz called the meeting to order at 6:30 pm and gave a statement regarding the rules and procedures of the Board.

Also present: Staff: Assistant Zoning Administrator, Hans Hilbert

Present 4 - Chair STEVEN SCHULZ, BILL OLSON, ROBERT PULVERMACHER, and AL LONG

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

No comments were made.

C. Consideration of Minutes

Minutes of the April 23, 2015 Board of Adjustment Public Hearing

LONG/PULVERMACHER to approve the minutes. The motion carried.

Ayes: 3 - SCHULZ, PULVERMACHER and LONG

Abstain: 1 - OLSON

Minutes of the May 14, 2015 Site Inspection Meeting

PULVERMACHER/SCHULZ to approve the minutes. The motion carried.

Ayes: 3 - SCHULZ, PULVERMACHER and LONG

Abstain: 1 - OLSON

D. Public Hearing for Appeals

1. Appeal 3669. Appeal by Dale Nordby for a variance from minimum required rear yard setback as provided by Section 10.123(10)(a), Dane County Code of Ordinances, to permit a proposed bedroom and basement addition to an existing residence at 742 London Rd being Lot 1 of CSM # 3490, Section 27, Town of Deerfield.

VARIANCES REQUESTED: 31.3 Feet.

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

IN FAVOR: Dale Nordby, owner (land contract), spoke in favor of the variance request.

ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator stated variance request was part of a corrective action plan for an ongoing violation and that other alternatives such as rezoning the property had been explored.

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

Facts of the Case:

Existing:

•Property has historically been used as a single family residence since the current home was located on the property approximately 80 years ago.

Proposed:

•The current property owners wishes to add a residential addition to the existing home on the property.

Zoning Notes:

•The R-3 residential zoning district would only require a 25 foot rear yard setback, rather than the 50 feet required with A-1EX zoning, however the current lot does not meet the minimum lot size for an unsewered lot in the R-3 district. Mr. Nordby has approached his neighbors to the north seeking to purchase additional land, however the current owner is not prepared to sell Mr. Nordby land at this time.

History

•Violation History: Variance application is part of an on-going plan of corrective action to bring the property into compliance.

COMMUNICATIONS:

Town of Deerfield: February 20, 2015 acknowledgment and recommendation of approval of variance.

Conclusions of law:

The Board agreed by consensus to not consider the economic hardships and hardships unique to the applicant as factors in making their decision. They also agreed to consider the facts as if the project had not already begun without property permits.

1) Unnecessary Hardship: Owner would have little use of the property if all zoning regulations were complied with for a legally created lot. Owner is seeking minimum relief to allow the continued use of the property for residential use.

2) Unique Limitations of the Property: The location of the house and lot size was determined prior to the adoption of the County zoning ordinance. Over time additional right-of-way has been taken along London Rd reducing the lot size. It would be burdensome to meet the setback requirements to locate any new structure on the property. Portions of the property being used for the septic system and septic reserve prevent the owner from expanding in other directions.

3) No Harm to Public Interests: The structure will not be located any closer to public

right-of-way or to neighboring properties than what already exists. The Town did not have any concerns of public safety.

4) Alternatives: The owner considered rezoning the property to R-3 residential which would require less of a variance, however the existing lot did not meet the minimum standards.

Motion: Pulvermacher/Schulz to grant variance of 31.3 feet of required setback from the rear property line to permit a residential addition as proposed.

Ayes: 4 - SCHULZ, OLSON, PULVERMACHER and LONG

E. Appeals from Previous Meetings

Written decision of Administrative Appeal #3668 RE: Oak Park Quarry

SCHULZ/LONG to approved the written decision as amended during the meeting. The motion carried. A copy of the amended decision is on file in the office of Planning and Development.

Ayes: 4 - SCHULZ, OLSON, PULVERMACHER and LONG

F. Reports to Commitee

Hilbert updated the Board on Appeal 3665 regarding the Town of Madison Day Resource Center.

H. Adjournment

OLSON/PULVERMACHER to adjourn. The Board adjourned at 7:15 pm.

Ayes: 4 - SCHULZ, OLSON, PULVERMACHER and LONG