

JANUARY 26, 2017 BOA PUBLIC HEARING STAFF REPORT

Appeal 3679. Appeal by Denise Lehner (Tony Anderson, agent) for a variance from minimum side yard setback as provided by Section 10.08(7), Dane County Code of Ordinances, to permit proposed teardown and rebuild of condo unit at 4378 Jordan Dr #10 being Unit 10 Watercress Park Condominium, Lot 1 CSM 1670, Section 17, Town of Dunn.

OWNER: Denise Lehner

AGENT: Tony Anderson

LOCATION: 4378 Jordan Drive #10

ZONING DISTRICT: R-4 Residential

COMMUNICATIONS: Town of Dunn: July 28, 2016 acknowledgement; and PENDING Action

Facts of the Case:

Existing:

- The existing use of the property is a multi-unit residential condominium consisting of detached single family residences. There is currently a non-conforming single family residence located on unit 10.
- Unit 10 is one of 14 small residences in the Condominium Plat of Watercress Park Condominium, Inc. Each unit is located within a rectangular area.
- The existing structure located on Unit 10 is not in the floodplain of Lake Waubesa, however a portion of the Unit may be within the floodplain. The entire unit is within the Shoreland district associated with the lake. All the units are all served by public sewer and a shared well.
- The existing 1 story house is 18.5' x 29.6' overall.

Proposed

- The owner proposes to remove the existing house and build a 18.5' x 44.5' 2-story house on a foundation. The proposed house will have a porch area on the lake side of the house located within the existing footprint and expand the residence to the south beyond the required setback to the OHWM.
- The proposed house does not meet the minimum 10 foot side yard setback on either the north or south sides. The Zoning Ordinance does not specifically address the minimum side yard setbacks required in condominium plats. Previous variance appeals and zoning permits for this condominium plat have used an interpretation requiring that each house be provided with its own 10 foot side yard, as if each house were located on a separate lot.

Zoning Notes and History

- Dane County Zoning has been working with the owner since 2014 on potential development options for this unit. During this time there have been significant changes to State shoreland zoning laws.
- In March of 2015 zoning staff met on site with the owner, staff informed the owner that additional information related to the existing structure and property would be needed to determine various regulations.
- In March of 2016 a memo was provided to the owner outlining two development scenarios to aid the owner in redevelopment of the property. The memo is attached and should be considered part of this staff report.
- A significant portion of regulations pertaining to this property are due to the inclusion in the shoreland zoning district. State laws related to non-conforming structures allows this structure to be rebuilt in it's existing footprint without a shoreland zoning permit, however the proposed plan will require a shoreland zoning permit due to the expansion to the south beyond the existing footprint. The expanded area is subject to shoreland zoning regulations and will require that the increase in the impervious surface ratio of the entire condominium property be mitigated. Based on discussions with the agent and engineer it is likely that the mitigation will be provided in the form of infiltration of stormwater in a common area of the condominium.
- As proposed, staff finds that floodplain zoning regulations will be satisfied, but recommends that any variance, if granted, include a condition that: an engineer stamped plan be required stating that no change to the floodplain will result due to this development, that the crawlspace be at or above the base flood

elevation, that the first floor be elevated to the flood protection elevation, and that stormwater runoff not be directed toward neighboring condominium units.

- Precedence has been established that in the R-4 Zoning district that each separate structure, regardless of condominium unit boundaries, shall provide the required bulk requirements, such as side yard, independently.
- Violation History: No violation history was found for this unit.

Variance History:

- Numerous variances have been issued for the Watercress Park Condo property, please see the attached minutes of the variances for more information.
- 1892 9/7/1989
- 1959 3/22/1990
- 1974 5/24/1990
- 1977 5/24/1990
- 2010 7/26/1990
- 2023 8/23/1990
- 2033 9/27/1990
- 2034 9/27/1990
- 2035 9/27/1990
- 2058 10/25/1990
- 2300 9/24/1992
- 2572 10/27/1994
- 2603 2/23/1995
- 2800 2/27/1997
- 3014 3/25/1999
- 3082 3/23/2000
- 3307 5/27/2004
- 3452 2/22/2007

VARIANCES REQUESTED: Purpose: To allow the proposed teardown/rebuild of a residence.

Minimum side yard required: 20 feet.

Actual Setback: side yard: 7.2 feet.

VARIANCE NEEDED: 12.8 feet.