



Dane County

Minutes - Final Unless Amended by Committee

Board of Adjustment

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Thursday, May 27, 2021

6:30 PM

Virtual Zoom Meeting: See top of agenda for
instructions on how to join the webinar or call in by
phone.

A. Call To Order

Chair Long called the meeting to order at 6:32 and made a statement about the rules and procedures of the Board.

Also Present: Staff: Hans Hilbert, Assistant Zoning Administrator

Present 4 - Chair AL LONG, Vice Chair TRAVIS LEESER, ARLAN KAY, and Secretary SUE STUDZ

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

No public comments were made.

C. Consideration of Minutes

1. [2021](#) Minutes of the April 29, 2021 meeting

[MIN-051](#)

Sponsors: Board of Adjustment

Attachments: [4-29-2021 Minutes](#)

STUDZ/LEESER to approve the minutes. Motion carried.

Ayes: 4 - LONG, LEESER, KAY and STUDZ

D. Public Hearing for Appeals

1. [2021 BOA-001](#) 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.

Sponsors: Board of Adjustment

Attachments: [Appeal 3709 Staff Report](#)
[A - Variance Application](#)
[B - Three-step Test](#)
[C - Site Plan](#)
[D - Existing Garage Elevation](#)
[D - Proposed Floor Plans](#)
[Dane County Variance Application - Complete](#)
[E - Town of Westport Acknowledgement](#)
[Parker Residence - Rendering](#)

Chair Long opened the public hearing.

Assistant Zoning Administrator (AZA) Hilbert presented a staff report reporting facts of the case including a revised site plan that eliminated the need for a variance from the minimum elevation of the lowest level of the home by reconfiguring the lift area to be within the garage.

IN FAVOR: David Parker, owner, spoke in favor of the variance request and answered questions of the Board. Buck Sweeney, attorney, Melisa Destree, architect, and Aaron Fallkosky, engineer also answered questions of the Board and spoke in favor of the variance.

ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator stated it was responsibility of the Board to determine if the proposed development met the criteria for a variance specific to the purpose of protecting people and property during a flood event.

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

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.

Lake Mendota base flood elevation: 852.77

Flood protection elevation: 854.77

Elevation required, 15 foot perimeter: 853.77

*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

Conclusions:

1)Unnecessary Hardship: The Board found that the purpose of the floodplain zoning ordinance, to protect people and property during a flood event, could be satisfied through relief from literal enforcement of the ordinance. Literal enforcement would result in unnecessary hardship of reducing the practical building envelope of the existing residential lot as well as create drainage problems on adjacent properties.

2)Unique Limitations of the Property: The existing development and redevelopment along Reynolds Avenue has occurred under various levels of floodplain regulations. The introduction of flood storage regulations creates challenges to maintain drainage for redevelopment adjacent to properties that have previously been elevated by fill. This challenge is magnified due to small lot sizes.

3)No Harm to Public Interests: The variance will not result in an increased regional flood elevation, the lot is less than 1/2 acre and is contiguous to existing structures constructed below the regional flood elevation, and the applicant has demonstrated that the request is for the minimum amount of relief necessary and will not cause increased risks to public safety or nuisances or have any change to the existing rescue and relief systems in place.

4)Alternatives: The applicant has submitted a revised site plan reducing the amount of relief requested. Strict compliance with the residential development standards would reduce the building envelope to a point that residential development is not feasible.

KAY/STUDZ To grant variance of 1.57 ft from the minimum 15 foot perimeter fill elevation surrounding the proposed foundation and to provide notification to the applicant that the granting of this variance may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. Motion carried.

Ayes: 4 - LONG, LEESER, KAY and STUDZ

2. [2021](#)
[BOA-002](#) Appeal 3710. Appeal by Mike and Jacki Moss (Chris Landerud, agent) for variances from minimum required setback to a public road and minimum required setback to the ordinary high water mark of Lake Kegonsa as provided by Sections 10.102(9) and 11.03(2)(a)1., Dane County Code of Ordinances, to permit proposed rebuild and expansion of a single family residence at 3433 Stoney Crest Rd being a zoning lot in the SW ¼ of the SW ¼, Section 13, Town of Dunn.

Sponsors: Board of Adjustment

Attachments: [Appeal 3710 Staff Report](#)

[3433 Stoney Crest Road - Mike & Jacki Moss - DC Variance Application \(5.11.21\)](#)

Assistant Zoning Administrator (AZA) Hilbert presented a staff report reporting facts of the case and informed the Board that due to this appeal being placed on this agenda to aide in scheduling, the Town of Dunn Board had not yet had a chance to comment on the appeal.

IN FAVOR: Chris Landerud, agent, spoke in favor of the variance request and answered questions of the Board. Mike Moss spoke in favor of the appeal.

ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator stated he originally had concerns that a 4 foot setback to the Lake Street right-of-way would lead to property owner "creep" into the town right-of-way, but after discussion with the Town he felt that his could be resolved best by an agreement between the Town and the property owner. He also felt that the relief requested to the setback of the ordinary high water mark was consistent with the neighborhood.

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

The Chair closed the public hearing.

The Board discussed the appeal. During the discussion Leaser's connection to the meeting dropped however he returned to the meeting.

STUDZ/KAY to hold the appeal in abeyance to allow the Town Board to provide input. The appeal will be placed on the June 24, 2021 meeting. Motion carried.

Ayes: 4 - LONG, LEESER, KAY and STUDZ

E. Appeals from Previous Meetings

F. Reports to Committee

Hilbert updated the Board on future business coming before the Board and a tentative schedule for meetings.

G. Other Business Authorized by Law

H. Adjournment

STUDZ/LEESER to adjourn at 8:18 pm. Motion carried.