



Dane County

Minutes

Board of Adjustment

Thursday, March 26, 2015

6:30 PM Room 354, City-County Building, Madison, Wisconsin

A. Call To Order

Chair Schulz called the meeting to order at 6:30 p.m. in Room 354 of the City-County Building and made an announcement regarding rules and procedures followed by the Board.

Also present: Staff, Hans Hilbert, Assistant Zoning Administrator

Present 5 - Chair STEVEN SCHULZ, Vice Chair SUE STUDZ, MARY HALEY, ROBERT PULVERMACHER, and AL LONG

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

Chair Schulz offered an opportunity for public comment on general items not included on the current agenda. There were no registrants for public comment.

C. Consideration of Minutes

1. Minutes of the February 26, 2015 Public Hearing

Minutes were amended to include timestamps.

SCHULZ/STUDZ to approve as amended. The motion carried.

Ayes: 5 - SCHULZ, STUDZ, HALEY, PULVERMACHER and LONG

2. Minutes of the March 12, 2015 Site Inspection

SCHULZ/STUDZ Motion to approve. The motion carried.

Ayes: 5 - SCHULZ, STUDZ, HALEY, PULVERMACHER and LONG

D. Public Hearing for Appeals

1. Appeal 3666. Appeal by Boston, Inc., (Tara Teske, Finishing Touch Interior Signs, Agent) requesting relief from 10.74(23) to allow an additional on-premise advertising wall sign at 2402 W Beltline Highway being a Lot 3, CSM 1536 in Section 34, Town of Madison.

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

IN FAVOR: Joe Fonti (Owner), Jon Gadbois & David Guld (agents) spoke in favor of the request.

ZONING ADMINISTRATOR'S COMMENTS: None.

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

Finding of Fact:

Existing:

- Existing commercial parcel is located on two road frontages.*
- Existing commercial structure was previously occupied by long time Tenant American TV.*
- In February of 2015 two Dane County Sign Permits (ZP-2015-00035, ZP-2015-00039) were issued for southern elevation wall signs for Ashley Furniture Home Store and Furniture & Appliance Mart. Additionally, permit ZP-2015-00040 was issued to renovate the existing on-premise advertising pylon sign and appendage signage.*

Proposed

- Current owner is renovating existing structure to house a retail furniture store.*
- Renovation includes the remodeling of the façade to include three store fronts: Ashley Furniture Home Store, Furniture & Appliance Mart, and Ashley-Sleep.*
- Current owner is requesting relief to allow a third wall sign on the southern elevation of the building.*

Zoning Notes:

- For commercial properties, per 10.74(23) the Dane County Zoning Code states there shall be no more than two wall signs per building, except that a building on a zoning lot with two road frontages is allowed a maximum of three wall signs, however notwithstanding that more than two wall signs are allowed on a building, in no event shall there be more than two wall signs on any one side of the building.*

History

- Previous uses and signage conformed to the Dane County Zoning Code.*
- Violation History: Current owner failed to obtain a Dane County Zoning Permit prior to making structural alterations to the façade of the existing building in January of 2015. This violation has been corrected with the issuance of Zoning Permit ZP-2015-00030.*

COMMUNICATIONS:

Town of Madison: 01/23/2015 acknowledgement; Town of Madison Board: 03/04/2015 action recommending approval of variance.

Conclusions:

- 1)Unnecessary Hardship: The applicant is seeking minimal relief to accommodate the facade of an existing single use building to be used as a multi-store front unit. Failure to grant relief would be unnecessarily burdensome to allow owner to repurpose the existing structure.*
- 2)Unique Limitations of the Property: Wall sign will be placed on a large existing commercial building that is located in a "Town Island" surrounded by the City of Madison. The property will be annexed into the City of Madison as agreed upon in the*

intergovernmental agreement between the Town and City. Neighboring businesses are permitted to have similar signage.

3)No Harm to Public Interests: The sign package for the property conforms to the City of Madison sign code and will be compliant when the property is annexed.

Motion: Studz/Schulz motion to approve variance granting relief to allow 1 additional wall sign on the southern elevation of the existing commercial structure as proposed.

Ayes: 5 - SCHULZ, STUDZ, HALEY, PULVERMACHER and LONG

2. Appeal 3667. Appeal by Wisconsin Department of Natural Resources, (Jim Welsh, Natural Heritage Land Trust, agent) requesting relief from 11.03(2)(a)(1) required setback from the ordinary high water mark to allow for the construction of a wildlife viewing platform at Patrick Marsh being a portion of land locate in the SE ¼ of the SE ¼, Section 33, Town of Bristol.

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

IN FAVOR: Jim Welsh (agent) spoke in favor of the request.

ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed the Zoning Administrator felt that this request was inline with the purposes stated in DCCO Chapter 11 and having the viewing platform would offer protection to the sensitive environmental area. The Zoning Administrator also supported treating this as a structure as opposed to a minor structure.

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

Finding of Fact:

Existing:

•320 acre conservancy (Patrick Marsh) owned by the Wisconsin Department of Natural Resources in conjunction with the Natural Heritage Land Trust.

Proposed:

•Construction of a wildlife viewing platform within the required setback to a navigable body of water.

Zoning Notes:

•Chapter 11 Shoreland regulations require a 75 foot setback to any structure from a navigable body of water.

History:

•No zoning history or violations were found on the parcel.

Setback from OHWM Variance: To allow the construction of a wildlife viewing platform Minimum setback from OHWM required: 75 feet.

Proposed Setback: 37 feet.

VARIANCE NEEDED: 38 feet.

COMMUNICATIONS:

•Town of Bristol 02/12/2015 acknowledgement and action of the Town Board in support of the variance request.

•Wisconsin Department of Natural Resources: 02/05/2015 Endorsement of variance request.

Conclusions:

1)Unnecessary Hardship: To not allow a positive use of a wildlife conservancy as an area to allow the general public to have the ability to view wildlife while protecting sensitive environmental areas would be unnecessarily burdensome and contrary to the purpose of DCCO Chapter 11.

2)Unique Limitations of the Property: Patrick Marsh is a partnership between The WI DNR, Natural Heritage Land Trust and Dane County and offers a unique offering of public access to the natural environmental. The benefits to the public of this site outweigh the restrictions of the ordinance.

3)No Harm to Public Interests: The relief requested will allow an entire school group to

have a front row view of wildlife activity in the marsh without undermining the wetlands and aquatic vegetation in the area.

Long/Haley to approve variance of 38 feet to the required setback from the ordinary high water mark. Motion Carried.

Ayes: 5 - SCHULZ, STUDZ, HALEY, PULVERMACHER and LONG

E. Appeals from Previous Meetings

1. Approval of the written decision of appeal 3665 related to Buckeye Quarry

The Board accepted the written decision finding that it accurately summarized the decision made after a lengthy hearing.

A motion was made by LONG, seconded by HALEY, that this Action Item be approved. The motion carried by the following vote:

Ayes: 5 - SCHULZ, STUDZ, HALEY, PULVERMACHER and LONG

F. Reports to Committee

1. Summary of BOA actions 2012 - 2014

Hilbert provided copies of the report to the Board. No action was required.

H. Adjournment

Studz/Pulvermacher to Adjourn. The Board adjourned at 7:38 pm by voice vote.