



# Dane County Board of Adjustment

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## Decision of the Dane County Board of Adjustment

**Administrative Appeal:** 3684

### FINDINGS OF FACT

Having heard the testimony and considered the evidence presented, the Board determines the facts of this case to be:

**Filing Date:** May 19, 2017.

**Meeting notice published:** June 8<sup>th</sup> and 15<sup>th</sup>, 2017, Wisconsin State Journal.  
Affidavit of publication/posting is on file.

**Hearing Date:** June 22, 2017 & August 24, 2017 (reconsideration)

**Appellant:** Paul Morrison 1239 S Fish Hatchery Rd, Oregon WI 53575

1. The Zoning Administrator provided a determination regarding the zoning status of the property at 7741 & 7743 State Highway 69 to Richard and George Gardipee via USPS on February 10, 2017.
2. Dane County Zoning Division did not receive any objections to the content of the letter by the current landowner or realtor representing the Gardipees'.
3. Mr. Morrison submitted an administrative appeal application on May 19, 2017 appealing the decision made in the February 10, 2017 letter.
4. The property located a 7743 State Highway 69 is currently zoned A-1Exclusive Agriculture.
5. The property does not have an active farm operation run by the landowner. The fish farm operation ceased prior to February 20, 2009.
6. DCCO 10.04(1)(a) allows only one principal building on a property in the absence of a legitimate farm operation described under 10.123.
7. DCCO 10.21(4) states that no use which is not the principal use of the land on which it is located shall be considered a valid nonconforming use.
8. There are two existing residences on the property, one considered a principal use and one considered an invalid non-conforming use.

### **CONCLUSIONS OF LAW**

Based on the above findings of fact the Board concludes that:

1. The Zoning Administrator acted reasonably and within his authority in making this determination.

2. The contents of Mr. Klinkner's letter dated February 10, 2017 are in accordance with Dane County Code of Ordinances.
3. The principal building on the property, identified as the most westerly residence, is considered a lawful existing residence as found under Dane County Code of Ordinances Section 10.123(2)(b)1.
4. The secondary residence, identified as the Log Cabin, is considered an invalid non-conforming use. The building shall not be expanded or replaced unless the property is brought into conformance with the current zoning ordinances.

On the basis of the above findings of fact, conclusions of law and the record in this matter the board **denies** administrative appeal 3684 and upholds the determination of the Zoning Administrator.

**Appeals.** This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision.

I certify that this is the decision of the Dane County Board of Adjustment:

Steven Schulz, Chairman      Sign: \_\_\_\_\_      Date: \_\_\_\_\_

Filed with the Dane County Planning and Development Department, Zoning Division:

Todd Violante, Director      Sign: \_\_\_\_\_      Date: \_\_\_\_\_