

# Town of Montrose

1341 Diane Avenue  
Belleville WI 53508  
608-424-3848 Office  
608-424-3848 Fax

Dane County Zoning Administrator  
210 Martin Luther King Jr. Blvd.  
Room 116  
Madison WI 53703

To Whom It May Concern:

This is to inform you that Robert & Linda Roth has requested a variance change on the property located at 7825 Flynn Dr Verona WI 53593. The variance request is for the following reason:  
Variance for garage - road setback

1. Zoning Change: \_\_\_\_\_
2. Petition Number: \_\_\_\_\_
3. Building Permit: \_\_\_\_\_
4. CSM Change: \_\_\_\_\_

5. Building Garage - Set back variance - road setback

The Town of Montrose Land Use Committee has presented the variance request to the Town Board and the Town Board is in support of this request.

  
Signature of Town Clerk

3/7/17  
Date

**RECEIVED**

Zoning and Variances/Variance Notification Letter

MAR 13 2017

DANE COUNTY PLANNING & DEVELOPMENT



Dane County Planning & Development  
Division of Zoning

Appeal No. 3681  
Date Received 2/15/17  
Date of Public Hearing MARCH 23, 2017

**VARIANCE APPLICATION:**

Owner: ROBERT & LINDA ROTH  
Mailing Address: 7825 FLYNN DR  
VERONA WI 53593  
Phone Number(s): 608 589 2721  
Email Address: rrothcpa@aol.com  
Assigned Agent: Andrew King (King Construction)  
Mailing Address: W3010 Sand Crane Dr  
Bellefonte WI 53508  
Phone Number(s): 608 225 0432  
Email Address: \_\_\_\_\_

**To the Dane County Board of Adjustment:**

Please take notice that the undersigned was refused a permit by the Dane County Zoning Division, Department of Planning and Development, for lands described below for the reason that the application failed to comply with provisions of the Dane County Code of Ordinances: Chapters 10 - Zoning, 11 - Shoreland, Shoreland-Wetland & Inland-Wetland, 17 - Floodplain Zoning, and/or 76 - Airport Height Regulations. The owner or assigned agent herewith appeals said refusal and seeks a variance.

Parcel Number: 0508-072-8000-2 Zoning District: A-1 EX Acreage: 16.8  
Town: MONTROSE Section: 07 1/4 1/4  
Property Address: 7825 FLYNN DRIVE  
CSM: \_\_\_\_\_ Lot: \_\_\_\_\_ / Subdivision: \_\_\_\_\_ Block/Lot(s): \_\_\_\_\_  
Shoreland: Y / N / Floodplain: Y / N / Wetland: Y / N / Water Body \_\_\_\_\_  
Sanitary Service: Public / Private (Septic System)

Current Use: PARKING & YARD

Proposal: GARAGE

NOTE: You are encouraged to provide a complete and detailed description of the existing use and your proposed project on an attached sheet.

**REQUIRED BY ORDINANCE**

Section	Description	Required	Proposed or Actual	Variance Needed
<u>10.17(3)</u>	<u>ROAD SETBACK</u>	<u>30</u>		

**Reason For building the garage:**

The reason that we are putting up the garage is to clean up the exterior of our house. Currently all of our vehicles are stored outside, including one vehicle that is parked along Flynn Drive. Our trash receptacles are in front of our garage along with other odd and ends. We would like to get all of the items behind closed doors. This would greatly improve the image as you travel past our house.

The current requirement would be that the building would have to be 63 feet from the centerline of Flynn Dr.

**Why the need for a variance:**

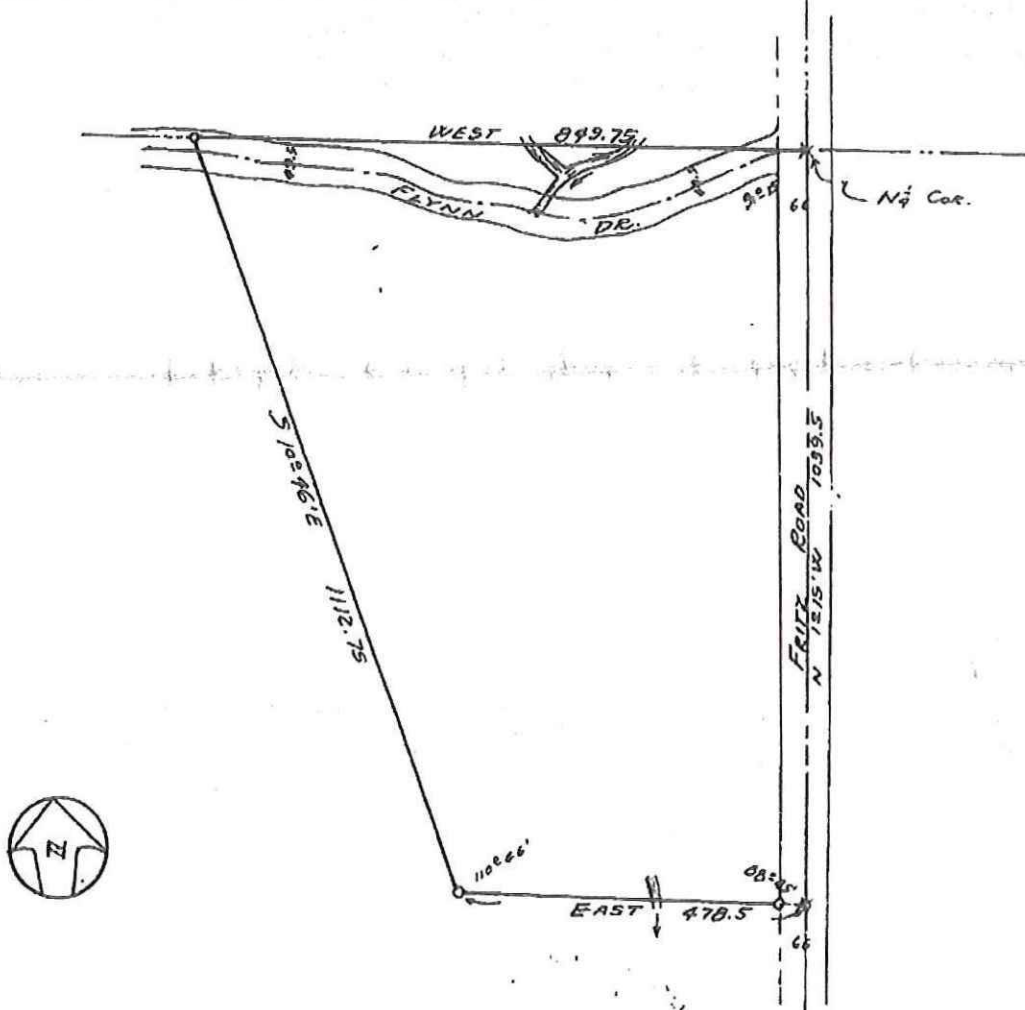
- 1- If we were to build at the required setback, that would put the building closer to the pond and waterway that are controlled by the Dane County Shoreline ordinance. Our goal is to keep the building as far from the pond as possible.
- 2- At the 63 foot setback, we get into an issue with the slope of the yard that creates more issue with building, substantially more fill would be required. This could also cause more issues with the waterway.
- 3- Also at the 63 foot setback, we will have to create more driveway to access the garage. The additional driveway creates more non-porous surface, again effecting the pond and waterway. With the variance access would be with the existing driveway.
- 4- The 63 feet from the centerline is to create a setback of 30 feet from the right-of-way of a 4 rod (66 foot) road. Flynn Dr. is a 3 rod (49.5 foot) road. So, if the true purpose of the rule was to be 30 feet from the right-of-way, I am being required to be further from the Flynn Drive right-of-way than the true purpose of the rule.
- 5- The proposed garage would be a 30X40 (1200 sq ft) structure. There would be approximately only 112 sq ft of the building in the right-of-way that we are looking for the variance on.
- 6- Flynn Drive in it's entirety is on my property. On the northwest corner of my property the property stake is approximately 6 feet north of the gravel surface of the road.

The variance creating the ability to build the garage closer to Flynn Dr, will not create any negative effects on Flynn Dr., It will not create any issues with the maintenance of Flynn Dr, It will not create any issues with sight-lines on Flynn Dr. and will not change traffic flow for the 5 cars a day that use Flynn Dr.

DAVID R. CHENEY  
PROFESSIONAL SURVEYOR  
Madison 5, Wisconsin

SURVEY PLAT

Name Frank Duesler  
Address Rt. #2, Madison  
Description Part of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 7, T 5 N, R 8 E, Twp. of Montross, Dane Co



SCALE OF MAP - 1 INCH = 200 FEET

State of Wisconsin }  
County of Dane } ss.

✕ SPIKE IN ROAD  
● IRON STAKES POUND  
○ IRON STAKES DRIVEN

I, David R. Cheney, registered Wisconsin Land Surveyor, do hereby certify that on AUG 14 1964 surveyed the above described and mapped property according to the official records and that the accompanying map is a correctly dimensioned representation to scale of the boundaries, that all buildings and improvements lie wholly within the boundary lines, and that no encroachments by adjoining owners appear from said survey.

Attested by \_\_\_\_\_

Received by \_\_\_\_\_

Field Book \_\_\_\_\_ Page \_\_\_\_\_

Order No. 6975

Map No. R.C.

Town of Montrose  
Regular Board Meeting  
Tuesday, March 7, 2017 at 7:00 p.m.

Meeting was called to order by Chair Roger Hodel at 7:08 p.m.

Clerk stated for the record that notice had been posted according to Open Meeting Laws.

Present: Chair Roger Hodel, Supervisors Dan Palmer and Randy Francois, Clerk Julie Bigler and Treasurer Jody Gerner was excused

Others Present: Land Use Vice Chair Junior Eichelkraut, Laura Beutel, Myron Orth and Melissa Salisbury. Land Use Chair Tim Schmitt was absent.

**Motion made by Dan Palmer, seconded by Randy Francois and made unanimous by Roger Hodel to approve February 7, 2017 Regular Board Meeting minutes as read and corrected. Motion carried.** Corrected Andy King to Robert Roth

**Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to approve February 2016 Treasurer's report as read and to pay all bills Motion carried.**

Announcements: The town extends condolences to the family of Dan Kiesling and to the family of Nancy Jones. The Annual Meeting for the Town of Montrose will be April 18, 2017 at 7:00 p.m. and the Fire & EMS meeting will be March 14th. Roger Hodel talked with Majid Allan regarding Act 178, Opting out of Dane County Zoning. Voting on this will take place tomorrow morning at the capital. The bid from Hennessey for 1 set of pallet forks for \$475.00 and grapple extreme for \$2750.00 was accepted. Randy Francois brought up for discussion the possibility of building a shed at the town garage.

Intergovernmental Sub-Committee, Land Use and/or Long Range Planning Committee. Junior Eichelkraut reported on the request from Robert Roth for a variance. Land Use Committee recommended the Town Board approved this request with a majority vote.

**Motion made by Dane Palmer, seconded by Randy Francois and made unanimous by Roger Hodel to approve the variance request for parcel number 040/0508-072-8000-2 at 7825 Flynn Drive, Verona, to change set back to forty (40) feet from the center line of Flynn Drive. Motion carried.**

Noting to report on proposal to convert a section of State Highway 69 into a town road.

Public Input-Myron Orth presented information regarding water problems at his property located at 7111 Karl Avenue. He would like to fill in the uneven portions. The Town Board has no problem with him fixing the property as presented.

**Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to adjourn at 7:46 P.M. Motion carried.**

**Town of Montrose Land Use Committee  
February 27, 2017 Meeting Report**

**All Present:** Deb Brucaya, Junior Eichelkraut, Jerome Gobel, Tom Sarbacker, Tim Schmitt

**Minutes are not official until approved by land use committee (LUC) members.**

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Junior moved and Tom seconded to approve as read the minutes of the January 23, 2017 land use committee meeting. Motion carried unanimously.

The only agenda item was consideration of a request from Robert and Linda Roth for a variance from the road setback requirement so they can build a 30' x 40' garage and general storage building. A distance of 63' from the centerline of Flynn Drive is required, which is half of the 66' Flynn Drive right of way width plus the 30' setback in Dane County's zoning ordinance Section 10.17(3). Bob Roth and Andy King of King Construction in Belleville were present to answer questions.

An existing pond and related wetlands limit the buildable area of this site. Without a variance, substantial fill would be needed to construct the proposed building and the existing driveway would need to be extended. With a variance, the existing driveway could be used. Should a variance be granted, the proposed building would be 40' from the centerline of Flynn Drive and 112 sq. ft. of the proposed 1200 sq. ft. building would lie within the setback area.

After discussion of the proposal and review of an aerial photo showing site features that included the pond, wetlands, bore sites, the existing residence, and an existing shed that is 32' from the centerline of Flynn Drive, the committee did not identify any problems with this request.

**Junior moved and Jerome seconded to recommend Town Board approval of Bob and Linda Roth's request to allow a road setback variance at 7825 Flynn Drive in Section 7 for the purpose of building a garage with a setback of no closer than 40' from the centerline of Flynn Drive. The motion carried unanimously.**

There were no other agenda items or public input. The meeting adjourned after unanimous approval of Deb's motion and Tom's second to do so.

Submitted by:

Deborah A. Brucaya, Recording Secretary  
Town of Montrose Land Use Committee