



# Dane County

## Minutes

### Board of Adjustment

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Thursday, May 25, 2017

6:30 PM

Room 357 City-County Building Madison WI

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#### Room 357 City-County Building Madison WI

#### A. Call To Order

*Chair Schulz called the meeting to order at 6:30 PM and made a statement about the rules and procedures of the board.*

*Also Present: Staff: Zoning Administrator, Roger Lane; Assistant Zoning Administrator, Hans Hilbert.*

**Present** 5 - Chair STEVEN SCHULZ, SUE STUDZ, Secretary ROBERT PULVERMACHER, Vice Chair AL LONG, and EDMOND MINIHAN

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

*No comments were made.*

#### C. Consideration of Minutes

1. Minutes of the March 23, 2017 BOA Public Hearing

**LONG/STUDZ to approve the minutes. Motion Carried.**

**Ayes:** 5 - SCHULZ, STUDZ, PULVERMACHER, LONG and MINIHAN

2. Minutes of the May 11, 2017 BOA Site Inspection

**LONG/STUDZ to approve the minutes. Motion Carried.**

**Ayes:** 5 - SCHULZ, STUDZ, PULVERMACHER, LONG and MINIHAN

#### D. Public Hearing for Appeals

1. Appeal 3682. Appeal by Jack Lazzaro and Georgia Stone-Lazzaro, (D. Clarke Sugar, Axley Brynson, LLP, agent) for a variance from minimum required setback to a side yard as provided by Section 10.07(7), Dane County Code of Ordinances, to permit a single family residence to be rebuilt on an existing foundation at 3392 Quam Drive being Lot 10 of the Addition to Ole J. Quam's Park plat, Section 25, Town of Dunn.

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

*IN FAVOR: Clarke Sugar, agent for owner, spoke in favor of the variance request.*

*ZONING ADMINISTRATOR'S COMMENTS: The Zoning Administrator stated that a variance, if granted, would preserve the existing development pattern and protect the existing ecosystem. He requested that a condition be placed on the variance, if granted, that the western foundation not be disturbed.*

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

*Facts of the Case:*

*Existing:*

- Existing use of the property is the primary residence of the owners. An oak tree on the property is believed to be 400 +/- years old.*
- Lot was created as part of the Addition to Ole J. Quam's Park plat in 1897.*
- Lot 10 and a portion of lot 9 have been in common ownership (by deed) since 1988. The combination of the lots are treated as a zoning lot for regulatory purposes.*

*Proposed:*

- Owners would like to rebuild a significant portion of the residence to include a second story and an attached garage. They're proposal uses the existing foundation.*

*Zoning Notes:*

- R-3 zoning requires a 10 foot side yard setback on each side. No permitting information was found related to the existing residence or garage on the property; it is assumed to predate zoning regulations.*

*History:*

- 1980: permit issued for boathouse, but was not built and expired*
- 2015: permit to replace detached garage foundation*
- 2016: shoreland permit to replacement of retaining wall*
- Violation History: No violation history was found.*

*COMMUNICATIONS:*

*Town of Dunn March 28, 2017 acknowledgement. Action: May 15, 2017 recommending approval.*

*Conclusions:*

- 1) Unnecessary Hardship: It would be unnecessarily burdensome on the owners to not be allowed to continue to use their property and existing foundation in the way they have proposed.*
- 2) Unique Limitations of the Property: The structure on the property and the platted lots predate zoning regulations. A variance allows the property owners to conform to the shoreland standards and have continued use of the property as configured.*
- 3) No Harm to Public Interests: The variance will protect the natural resources and ecosystem within the neighborhood. Using the existing foundation will allow the preservation of the root system to the mature trees on the property. The proposed structure will not encroach any more than existing conditions.*

*VARIANCES REQUESTED: Purpose: Allow use of existing foundation to rebuild and expand single family residence.*

*Setback from side yard variance:*

*Minimum setback from side yard required: 10 feet.*

*Actual Setback: From side lot line: 1 feet.*

*VARIANCE NEEDED: 9 feet.*

**Motion: Long/Studz to grant variance of 9 feet of required setback from a side yard to permit a residential addition as proposed. The zoning permit will be issued with a condition that no disturbance to the ground surrounding the west foundation be allowed.**

**Ayes:** 5 - SCHULZ, STUDZ, PULVERMACHER, LONG and MINIHAN

## **E. Appeals from Previous Meetings**

1. Final Action on written decision of Appeal 3680 (March 23, 2017 Public Hearing)

*The final decision was signed by the Chair and will be filed in the Department of Planning and Development.*

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

**Ayes:** 5 - SCHULZ, STUDZ, PULVERMACHER, LONG and MINIHAN

## **F. Reports to Committee**

*Staff informed the board that Appeal 3683 had been formally withdrawn.*

## **G. Other Business Authorized by Law**

## **H. Adjournment**

*The Board adjourned at 7:10 PM.*

**STUDZ/PULVERMACHER to adjourn. Motion Carried.**

**Ayes:** 5 - SCHULZ, STUDZ, PULVERMACHER, LONG and MINIHAN