

## **December 28, 2017 BOA PUBLIC HEARING STAFF REPORT**

Appeal 3690. Appeal by Robert & Christine Dicke for a variances from maximum allowed building height and number of stories for a residence as provided by Section 10.093(3), Dane County Code of Ordinances, to permit proposed single family residence at 5886 County Highway A, being a parcel of land in the NW ¼ of the NE ¼, Section 20, Town of Oregon.

OWNER: Rober & Christine Dicke

LOCATION: 5886 County Highway A

ZONING DISTRICT: RH-4 Rural Homes

COMMUNICATIONS: Town of Oregon: 11/8/2017: Acknowledgement; Pending 12/5/2017 Action

### **Facts of the Case:**

#### **Existing:**

- Property is 17.8 acres of primarily unpastured, uncultivated, open land and some woodlands. The elevation of the property ranges from approximately 940 feet in the southeast corner to 1012 feet above mean sea level in the northeast of the property. The property contains no shorelands, wetlands, or floodplain. There is an existing agricultural accessory building located in the southwest corner of the property with an existing driveway leading to County Highway A.

#### **Proposed**

- The owners propose to extend the existing driveway to the north to an identified site to construct a 10,200 square foot single family residence. The residence as proposed exceeds both the maximum height allowed and the maximum number of stories allowed in the Rural Homes district, but otherwise conforms to zoning regulations.

### **Zoning Notes:**

- Please see attached notice of denial of zoning permit dated October 31, 2017 for an explanation of the zoning regulations.

### **History**

- While the maximum height of accessory structures ( but only those limited to 12 feet) have been granted variances, a variance to the maximum allowed height for a residence or the maximum number of stories of a residence has not been granted by the Board of Adjustment in the past. This appears to be the first of such requests.
- No zoning history or violations were found on this parcel.

### **Maximum Height of a Residence:**

Maximum height allowed: 35 feet.

Proposed Height: 42 feet.

**VARIANCE NEEDED: 7 feet.**

### **Maximum Stories of a Residence:**

Maximum Stories allowed: 2 1/2.

Proposed Stories: 3

**VARIANCE NEEDED: ½ story.**



# Dane County Planning & Development Zoning Division

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October 31, 2017

Daniel Duren  
Duren Custom Builders  
3027 Castleton Crossing  
Sun Prairie WI 53590

RE: Zoning Permit Application, SFR Section 20, Town of Oregon  
Parcel: 0509-201-8601-0

Dear Mr. Duren,

After a review of your application for a single family residence within the RH-4 Rural Homes District, this letter serves to inform you that the application has been denied based on the proposed development exceeding the building height limit and exceeding the maximum number of stories allowed in the Rural Homes District.

Dane County Code of Ordinances section 10.093(3) states that residential buildings in the RH-4 Rural Homes district shall not exceed two and one-half (2 ½) stories or 35 feet.

Per 10.01(8) building height is the vertical distance, measured from the mean elevation of the finished grade along the front of the building to the mean height level between the highest ridge and its associated eave for gable and hip roofs. The front of the building shall be the side directly facing the public or private thoroughfare which affords primary means of access to the property, excluding the driveway.

The proposed development is afforded primary means of access from County Highway A and therefore the southern elevation is the front of the building. The vertical distance from the mean elevation of the finished grade is 43.5 feet to the highest ridge and 39 feet to the associated eave for a mean building height of 41.25 feet, or 6.25 feet in excess of the maximum height allowed.

Furthermore, 10.01(69) defines a story as the vertical distance of a building included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling, provided that a basement shall not be considered a story. Basements are not defined within the zoning code, however, per 10.01, the definition of a basement is defined elsewhere in the ordinance. Under Chapter 17, a basement is defined as any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides. If the level labeled lower floor plan has its floor sub-grade on all sides it is the basement. The 1<sup>st</sup> floor plan is then the 1<sup>st</sup> story, and the main floor plan is the 2<sup>nd</sup> story, leaving only a half-story available for the observatory. A half story, as defined in 10.01(70) is a story under a gable, hip or mansard roof, the wall plates of which on at least two (2) sides are not more than two (2) feet above the floor of that story. The wall plates on all sides of the observatory story appear to be at least 8 feet above the floor, and therefore in excess of the allowed half-story.

Based on this review, the proposed development does not conform to the zoning requirements and your application is denied. If you would like to proceed with residential development, please revise your plans to conform to the requirements of the Dane County Zoning Ordinance including a maximum building height of 35 feet and no more than two and one-half stories.

If you are aggrieved by this decision you may make an appeal to the Dane County Board of Adjustment within 30 days of the date of this letter.

Sincerely,

Hans Hilbert  
Assistant Zoning Administrator  
County of Dane  
608-266-4993  
hilbert.hans@countyofdane.com

CC:  
Town of Oregon  
Dane County Zoning Administrator