



# Dane County

## Minutes

### Board of Adjustment

*Consider:*

*Who benefits? Who is burdened?*

*Who does not have a voice at the table?*

*How can policymakers mitigate unintended consequences?*

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Thursday, October 25, 2018

6:30 PM Room 357, City-County Building, 210 Martin Luther King  
Jr. Blvd, Madison, WI

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Room 357, City-County Building, 210 Martin Luther King Jr. Blvd, 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, 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 public comments were made.*

#### C. Consideration of Minutes

1. Minutes of the June 28, 2018 Public Hearing

**LONG/PULVERMACHER to approve the minutes. Motion carried.**

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

2. Minutes of the October 11, 2018 Site Inspection

**LONG/PULVERMACHER to approve the minutes. Motion carried.**

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

#### D. Public Hearing for Appeals

1. Appeal 3695. Appeal by Nicolas Morales for a variance from minimum required setback to a Class D Highway as provided by Section 10.17(4)(b) & 10.16(5)(b)2. , Dane County Code of Ordinances, to permit proposed detached residential garage at 329 Rethke Ave being Lot 1, Block 8, Elisha L Gallagher Plat 1st Addition, Section 5, Town of Blooming Grove.

*VARIANCES REQUESTED: 11 foot setback from road right-of-way.*

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

*IN FAVOR: Paola Torales (wife of Nicolas Morales) spoke in favor of the variance request and answered questions of the board.*

*ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator supported the granting of the variance as it fit the existing development pattern in the area, which is a unique island of the Town of Blooming Grove surrounded by the City of Madison.*

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

*Motion: Long/Studz to grant variance of 9 feet to permit a detached residential garage as proposed.*

*Finding of Fact:*

*Existing:*

*•Single family residence on a 5,400 square foot R-3 Residential zoned lot providing no off-street parking.*

*Proposed*

*•Applicant proposes a 24' x 24' detached residential accessory building to be used as a garage.*

*Zoning Notes:*

*•The required setback from a primary structure on a corner lot with a lot width less than 60 feet is 12 feet from the right-of-way line of the highway, however for buildings with garage access along the long side of the lot the required setback is 20 feet.*

*•The garage access provision (20 foot side yard) was adopted and became effective on October 29, 1976.*

*•In August of 1998 the zoning ordinance was amended to require off-street parking for a single family residence in the R-3 Residential zoning district, requiring 2 spaces per dwelling unit.*

*•The design standards of off-street parking spaces requires stalls to be 8 feet wide by at least 17 feet long for 90-degree spaces and 9 feet wide by 23 feet long for angle parking.*

*•Appeal 3644 (May, 2013) was approved for a similar variance request on an adjacent lot in the subdivision.*

*COMMUNICATIONS: Town of Blooming Grove did not object to the variance request.*

*Conclusions:*

*1) Unnecessary Hardship: Not granting a variance would be unnecessarily burdensome given that off-street parking for 2 vehicles is a requirement of the zoning ordinance and cannot be met without a variance. The proposal is for a standard sized garage. Other properties in the subdivision have similar garages that are located closer to the road right-of-way than what is being proposed. The minimum amount of relief requested will bring property into compliance with the ordinance.*

2) *Uniqueness of Property: Small platted lot and existing residential use predates the requirements for off-street parking as well as the required setback for a garage on a side street. Garage access is provided on side street, as opposed to frontage which has heavier traffic.*

3) *No Harm to Public Interests: The proposed development follows the pattern of existing development in the neighborhood and will allow a safe area away from the roadway for children to play in the rear yard of the residence.*

**LONG/STUDZ to approve a variance of 11 feet from the required setback to a Class D Highway to allow a detached garage to be constructed as proposed. Motion Carried.**

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

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

## **F. Reports to Committee**

1. Update on revision to DCCO Chapter 10

*Hilbert informed the Board that a Public Hearing on the proposed rewrite of Chapter 10 would be held on November 27 at 6:30 PM before the Zoning and Land Regulation Committee. Members requested printed copies of the ordinance, and would invite the Zoning Administrator to make a presentation on the rewrite at a future meeting.*

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

1. Rescheduling of Appeal 3694

**SCHULZ/MINIHAN to defer appeal 3694 until the February 2019 Public Hearing. Motion carried.**

## **H. Adjournment**

**STUDZ/MINIHAN to adjourn. The Board adjourned at 7:07 PM.**