

Dane County Application for Zoning Variance

Applicant : Paul Martens

Address : 2264 County Road AB, McFarland, WI 53558

Town of Dunn, Section 23
Lot 12 Washington Park

Parcel Number : 0610-232-7122-6

Proposed Project : The purpose of our project is to build a new one story house with attached garage to facilitate and provide full accessibility for the current and future care of our wheelchair bound disabled daughter. Our proposal is to build a new 1597 sq. ft. single story two bedroom, two bath home with attached garage to replace an older 1200 sq. ft. single story two bedroom, one bath house with a detached garage.

See attached plans.



Dane County Planning & Development

Division of Zoning

Appeal No. 3702
Date Received 10/18/2019
Date of Public Hearing 12/19/2019

VARIANCE APPLICATION:

Owner: PAUL AND LINDA MARTENS
Mailing Address: 2264 COUNTY ROAD AB
McFARLAND, WI 53558
Phone Number(s): 608 239-9208
Email Address: paulrmartens@gmail.com

Assigned Agent: _____
Mailing Address: _____
Phone Number(s): _____
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: 0610-232-7122-6 Zoning District: R-3 Acreage: _____
Town: Dunn Section: 23 1/4 _____ 1/4 _____
Property Address: 2264 COUNTY ROAD AB, McFARLAND
CSM: _____ Lot: 12 / Subdivision: WASHINGTON PARK Block/Lot(s): _____
Shoreland: (Y)/N / Floodplain: Y/N / Wetland: Y/N / Water Body LAKE KEGONSA
Sanitary Service: (Public) / Private (Septic System)

Current Use: SINGLE FAMILY RESIDENTIAL - SEE ADDENDUM A-1

Proposal: SEE ADDENDUM A-1

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(d)(b)</u>	<u>Setback from Class B Highway</u>	<u>42/75</u>	<u>28.1/61.1</u>	<u>13.9</u>

PRESENTING YOUR CASE TO THE BOARD OF ADJUSTMENT:

An Area Variance may be authorized by the Dane County Board of Adjustment to vary one or more of the dimensional or physical requirements of the applicable ordinance in connection with some proposed construction.

The burden will be on you, as property owner or authorized agent, to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the zoning board to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of the hearing, including the staff report. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and may then deny your application.

Please answer the four questions below. You are encouraged to attach a separate sheet, labeling the answers (1) through (4), to provide enough detail to support your appeal:

(1) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below:

(A) Alternatives you considered that comply with existing standards: If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

SEE ADDENDUM B-1

(B) Alternatives you considered that require a lesser variance: If you reject such alternatives, provide the reasons you rejected them.

SEE ADDENDUM B-1

(2) Will there be an unnecessary hardship to the property owner to strictly comply with the ordinance?

Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome.

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home or claiming that they need more outbuilding space than that permitted to store personal belongings). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

SEE ADDENDUM B-1

- (3) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain. The required Site Plan and/or Survey submitted with your application must show these features.

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance.

SEE ADDENDUM B1

- (4) What would be the effect on this property, the community or neighborhood, and the general public interest if the variance were granted? Describe how negative impacts would be mitigated. The required Site Plan and/or Survey submitted with your application must show any proposed mitigation features.

These interests may be listed as objectives in the purpose statement of an ordinance and may include: Promoting and maintaining public health, safety and welfare; protecting fish and wildlife habitat; maintaining scenic beauty; minimizing property damages; ensuring provision of efficient public facilities and utilities; requiring eventual compliance for nonconforming uses, structures and lots; drainage; visual impact; fire safety and building code requirements; and any other public interest issues.

SEE ADDENDUM B-1

REQUIRED PLANS AND SPECIFICATIONS:

In addition to providing the information required above, you must submit:

1. **Site Plan:** Complete and detailed plans of your lot or lots, drawn to a standard and easily readable scale. In most cases, a survey by a Registered Land Surveyor is needed. The Site Plan/Survey should include the following, as applicable, as well as any unique existing features of the lot and any proposed mitigation features, as described above:
 - ☐ Scale and North arrow
 - ☐ Road names and right-of-way widths
 - ☐ All lot dimensions
 - ☐ Existing buildings, wells, septic systems and physical features such as driveways, utility easements, sewer mains and the like, including neighboring properties and structures.
 - ☐ Proposed new construction, additions or structural alterations.
 - ☐ For property near lakes, rivers or streams:
 - ☐ Location of Ordinary High Water Mark (OHWM) Elevation
 - ☐ Location of Floodplain Elevation
 - ☐ For property near Wetlands, a Wetland Boundary determination by a qualified professional consultant may be required.
 - ☐ Topographic survey information may be desirable or necessary.
 - ☐ Setbacks from any existing or proposed structures (building) to lot lines, right-of-way lines, Ordinary High Water Mark, and/or Wetland Boundary, as applicable.
 - ☐ For setback from Ordinary High Water Mark Variance Appeals, the setbacks of the two neighboring structures from the OHWM may be required.

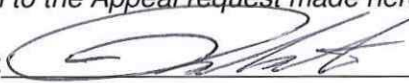
2. Floor Plans and Elevations: Professionally-prepared plans and elevations are not required, but the plans submitted must be drawn to a standard and easily readable scale, must show each story of the building or structure, and must include all parts of existing and proposed structures, including any balconies, porches, decks, stoops, fireplaces and chimneys. Exterior dimensions must be included. Show all exit door locations, including sliding doors, and any windows or other features that are pertinent to your appeal. The plans may be a preliminary version, but are expected to represent your actual proposal for the use of your lot.

Please consult with the Assistant Zoning Administrator regarding required plans for non-conventional structures such as signs, construction cranes, etc.

3. Town Acknowledgment: Obtain a signed, dated memo or letter from the Town Clerk or Administrator of the Town where the variance is needed, acknowledging that you have informed them of your intention to apply for the variance(s). You probably will need to appear before the Town Board and/or Plan Commission, which will provide advisory input requested by the Board of Adjustment.

APPLICANT SIGNATURE:

The undersigned hereby attests that all information provided is true and accurate, and further gives permission to Planning & Development staff and Board of Adjustment members to view the premises, in relation to the Appeal request made herein, during reasonable daylight hours.

Signature Required:  Date: 11/18/19

Print Name: PAUL R. MARTENS

Specify Owner or Agent: _____

Agent must provide written permission from the property owner

STAFF INFORMATION:

Date Zoning Division Refused Permit (if different from filing date)

Filing Date

Filing Materials Required:

Site Plan

Floor Plans

Elevations

Fee _____ Receipt No. _____

Town Acknowledgement Date

Notices Mailed Date

Class II Notices Published Dates

Site Visit Date

Town Action Received Date:

Public Hearing Date

Action by B.O.A. _____

Approved by: _____ Date: _____

Director, Division of Planning Operations, Department of Planning and Development

Addendum A-1

Existing Use

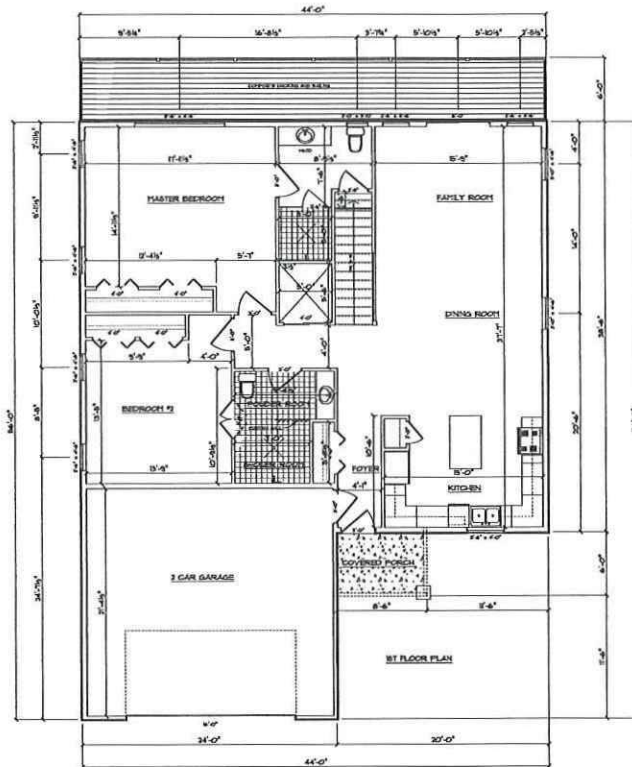
The existing residence is a small 1200 sq ft house with 2 bedrooms, one bath with a 15 x 18 ft basement. There is a detached single car garage parallel to County Road AB and less than a foot from the property line. Since the house was built it appears the water table has risen and water flows across the basement floor throughout the Spring as well as during any rainy period.

We are the caregivers for our 31 year old disabled daughter who is wheelchair bound. The house is generally not accessible due to narrow hallways and doorways. We have to carry her from her bedroom to the bathroom to bathe her which is very difficult. The house is 4 ft lower than the driveway and when there is snow and/or ice, it can be very hard to get her up and down the sidewalk. She goes back and forth to Stoughton daily and we have to get her up and down the sidewalk four times a day. In the event of a tornado warning, there is no way to get our daughter to the basement or into an interior slightly protected space. As there are only two bedrooms, we have no place to house a future live-in aide to help with our care needs.

Proposed Project

We are proposing to remove the existing house and detached garage and build a new house with an attached garage per attached plan (**A - 2**). The new plan, unlike the existing structures, will conform to the sideyard setbacks. It will, however require a roadside setback variance of approximately 13.9 feet.

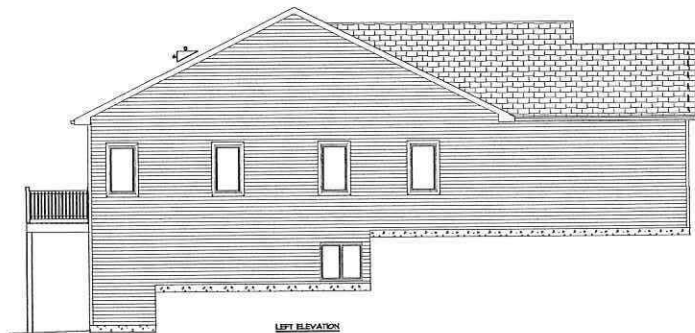
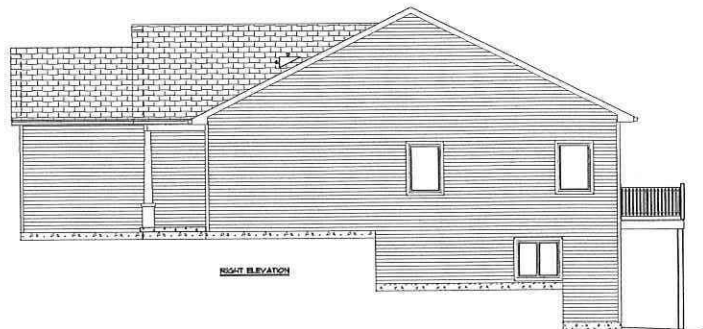
A-2
pg 1



PRELIMINARY ONLY
NOT FOR CONSTRUCTION

PRELIMINARY ONLY
NOT FOR CONSTRUCTION

GNT DESIGN	PAUL MARTENS	PROJECT INFORMATION	THESE DRAWINGS ARE FOR GENERAL INFORMATION ONLY. GENERAL CONTRACTOR OR CONSULTANT SHALL BE RESPONSIBLE FOR THE ACCURACY AND BE RESPONSIBLE FOR SAME.	SCALE: 1/4"=1'-0" DRAWN BY: GNT DATE: 7/14/19	PAGE: A3

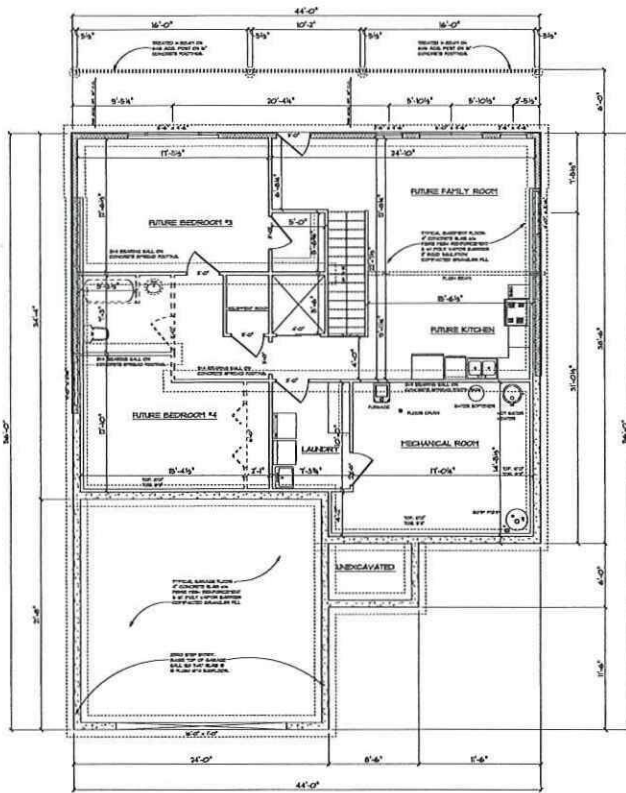


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NOT FOR CONSTRUCTION

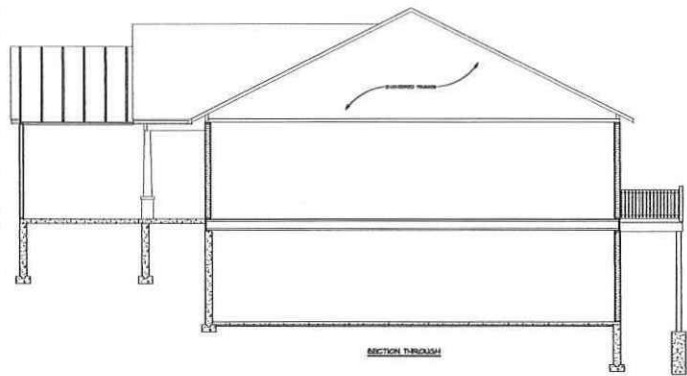
PRELIMINARY ONLY
NOT FOR CONSTRUCTION

PROJECT INFORMATION	SCALE	1/4" = 10'
	DATE	7/4/19
GMT DESIGN	DESIGNER	PAUL MARTENS
	DATE	7/4/19

A-2
pg 3



PRELIMINARY ONLY
NOT FOR CONSTRUCTION



PRELIMINARY ONLY
NOT FOR CONSTRUCTION

GMT DESIGN	PAUL MARTENS	PROJECT INFORMATION	THESE PLANS ARE FOR DESIGN INTENT ONLY. GENERAL CONTRACTOR OR OWNER ARE RESPONSIBLE FOR ALL DECISIONS ACCORDANT AND BE RESPONSIBLE FOR SAME.	SCALE: 1/4" = 1'-0" DRAWN BY: GHT DATE: 7/14/19	PAGE: A1

Addendum B-1

Alternatives

(1) (A) The lot slopes from the road to the lake. Our original idea was to raise the existing house 8 feet to the level of the road and create a full basement exposed to the lakeside and above the water table. We would get rid of the garage and add an attached garage to facilitate loading and unloading our daughter from an accessible minivan in a weather protected area. We tried to design a house that would fit within all zoning setbacks. The lot was platted 114 years ago and is now considered sub-standard in size. We could not get everything needed into the space available to create a compliant alternative.

(1) (B) With the help of a draftsman/designer we created a plan **(B - 2)** that expanded the main living level to just under 1600 sq ft and included a large bath off our daughter's bedroom as well as an attached garage. The full exposed basement would have room to add a bedroom and bath at a later date for a care worker. After consulting with two contractors, it was determined that it would be very difficult to create the full basement under the raised house. Both contractors advised that it would be better to build new. The plan was also 76 feet deep and would have required a variance of over 29 feet or more on the road side.

We next tried to design a house that would fit closer to the parameters of the zoning setbacks that would reduce the need for a large variance. This plan **(B - 3)** was a two story design creating a bedroom and large bath for our daughter on the first level. This plan has a bedroom for us plus a bath and guest bedroom on the second floor. This plan would only require a variance of about 5 feet. But this plan was also rejected. First, the house had grown to over 2000 sq ft which is much larger than needed. Second, this plan would have three stories on the lake side which would make the one story homes on each side look small and the new house look out of place. Third, the biggest problem with this plan is that our daughter wakes up four to six times a night and needs attention. We would be running up and down the stairs from the upper story throughout the night. This would be difficult now and even harder as we become older. (I am 73 and my wife is 69)

(2) Our plan is to create a home that will facilitate providing care for our disabled daughter now and that will continue to provide an accessible home where she will be cared for after we pass. She enjoys looking out on the lake and watching the geese, ducks and boats. If we cannot rebuild with a reasonable variance, we will not be able to use the property that has been in our family for 92 years.

(3) The sub-standard lot size combined with front and rear setbacks that are larger than those on some other small properties that are not located on both a county highway and lakefront make it difficult to build a house in the footprint allowed.

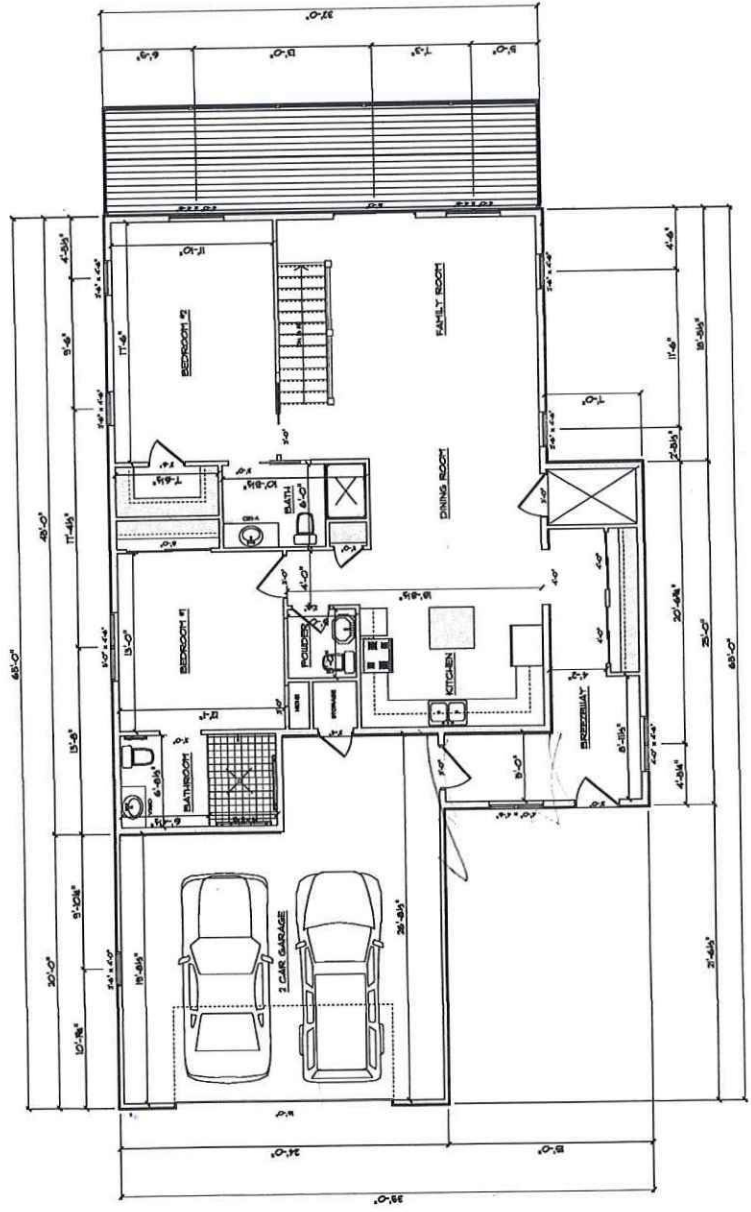
(4) We think that granting the variance will bring mostly positive impacts. First, our proposal will eliminate the ugly garage that is so close to the property lines and the road. This will also improve sight lines and increase safety for our neighbors as they try to pull out on the road from their driveways. Removal of the detached garage will also improve the visual impact for the neighborhood. Secondly, the plans call for a reduction in impervious area of over 800 sq ft. This should reduce runoff from the property into Lake Kegonsa. Third, our plans will improve the value of our property which in turn tends to improve the values of neighboring properties.

B-2

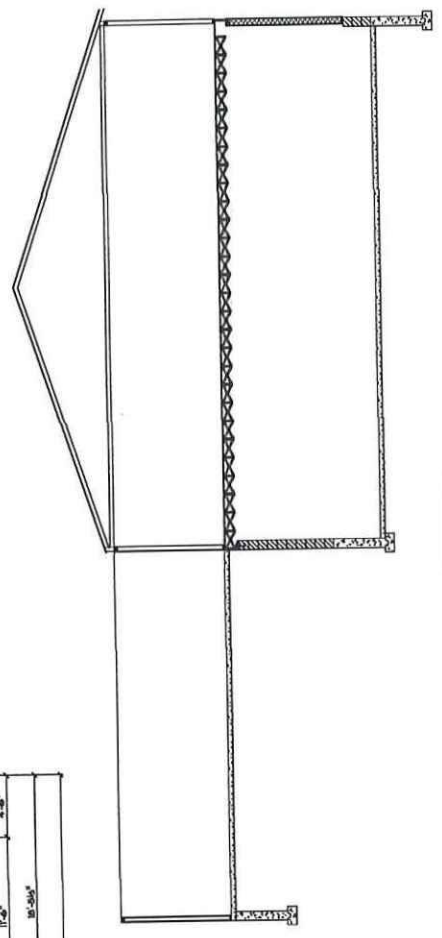
B-2

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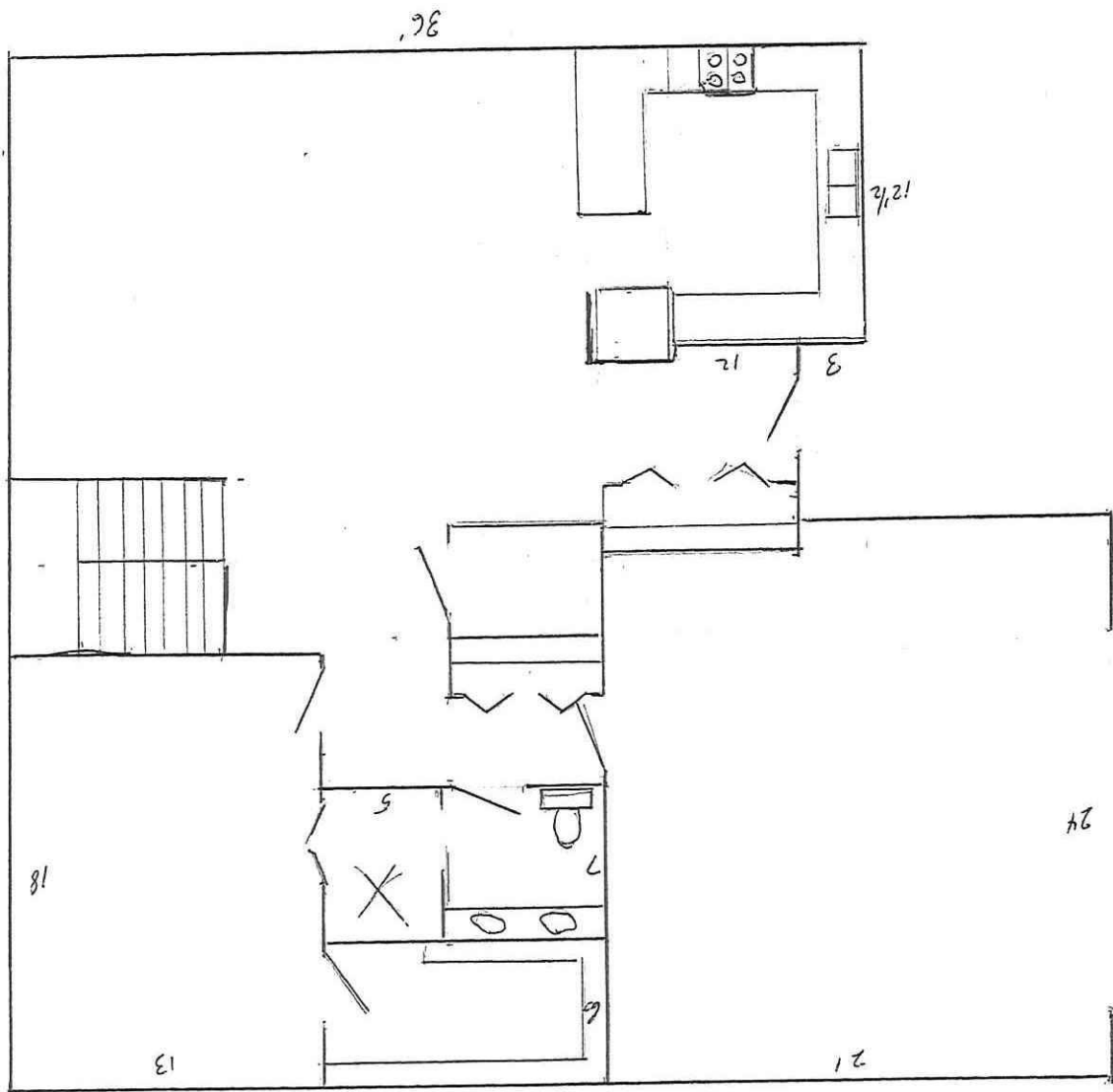


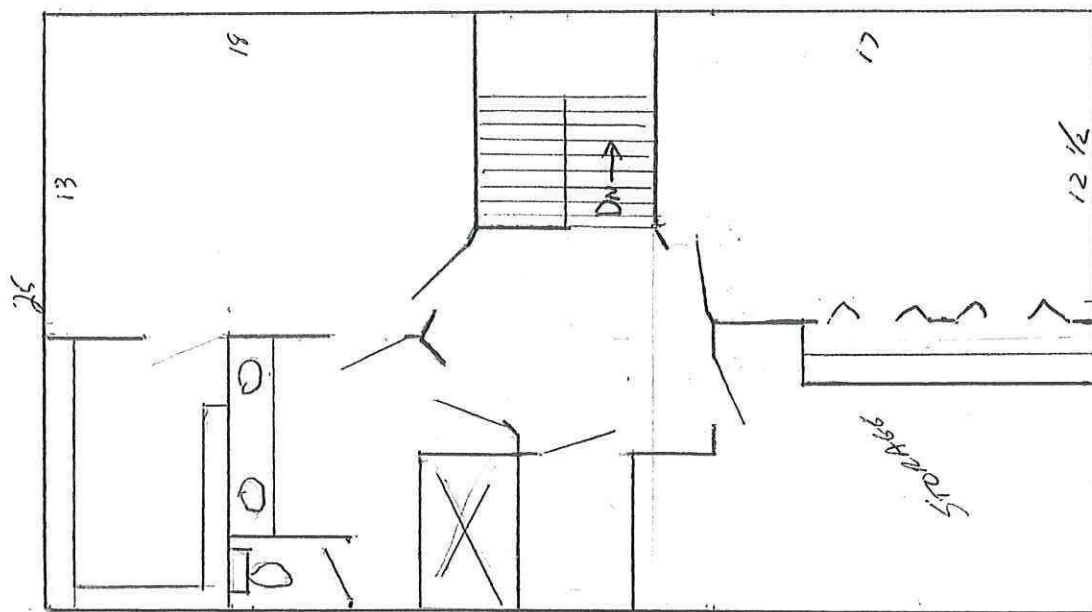
PROPOSED FIRST FLOOR PLAN



PRELIMINARY ONLY
NOT FOR CONSTRUCTION

MAIN Floor

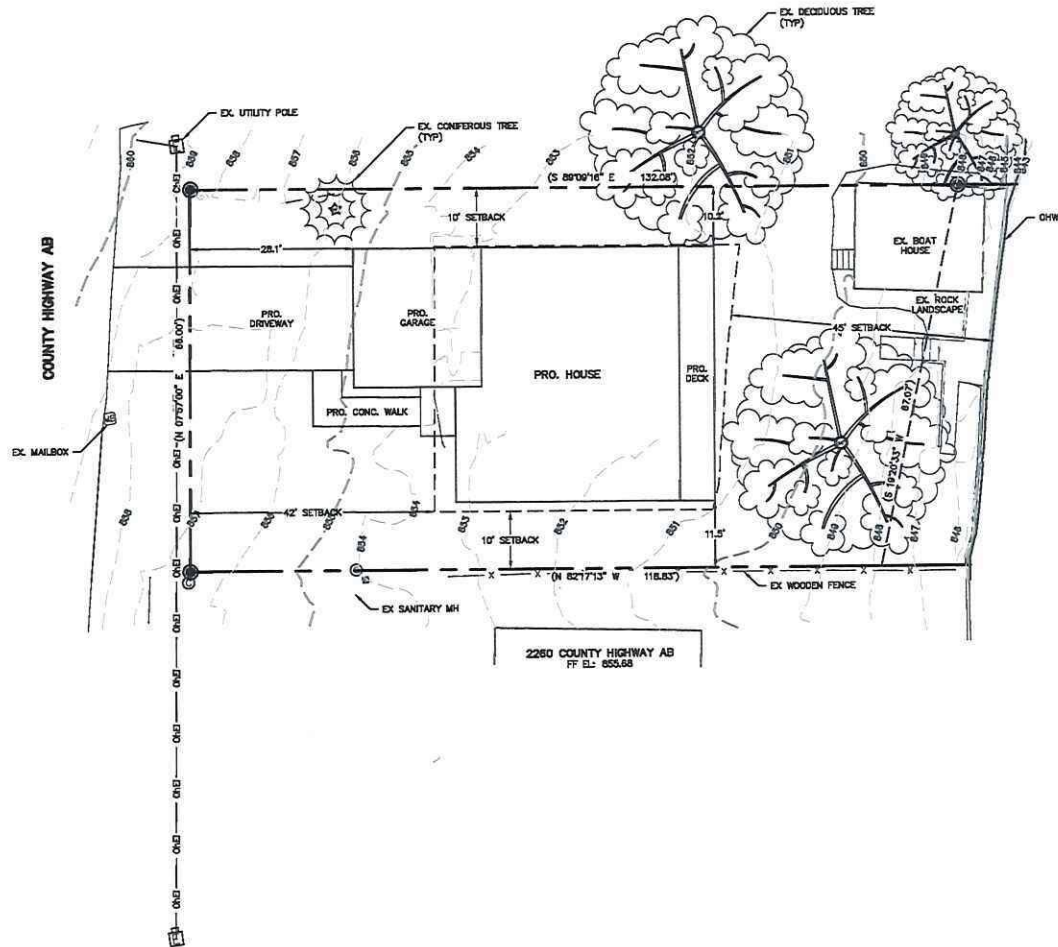




2nd Floor

QUAM ENGINEERING, LLC 4604 Siggelkow Road, Suite A - McFarland, WI 53558 (608) 838-7750 \PM-03-18\PM03BASE.DWG





LAKE KEGONSA
ORDINARY HIGH WATER MARK EL.=843.5 (NAVDS83)
100 YEAR FLOOD EL.=845.0 (NAVDS83)

IMPERVIOUS AREAS	
PRO. HOUSE/GARAGE:	2,114 SQFT
PRO. DECK:	284 SQFT
PRO. PORCH/WALK:	187 SQFT
PRO. DRIVEWAY:	508 SQFT
EX. BOAT HOUSE:	410 SQFT
EX. LAKE PATIO:	240 SQFT
EX. ROCK LANDSCAPING:	135 SQFT
EX. IMPERVIOUS:	4,732 SQFT
EX. IMPERVIOUS REMOVED:	3,622 SQFT
EX. IMPERVIOUS REMAINING:	810 SQFT
PRO. IMPERVIOUS TOTAL:	3,023 SQFT
TOTAL IMPERVIOUS:	3,833 SQFT
TOTAL AREA (TO OHWM):	9,068 SQFT
PERCENT IMPERVIOUS:	42.2%



2284 COUNTY HIGHWAY AB - TOWN OF DUNN
PRELIMINARY GRADING AND EROSION CONTROL PLAN
PAGE: 2 OF 2
DATED: OCTOBER 9, 2019

QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants
www.quamengineering.com

4604 Siggelkow Road, Suite A - McFarland, Wisconsin 53558
Phone (608) 838-7750; Fax (608) 838-7752

Proposed Site Plan



PLAT OF SURVEY

I, Daniel V. Birrenkott, hereby certify that this survey is in compliance with the Wisconsin Administrative Code. I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information provided.

Lot 12, Map of Washington Park, located in Government Lot 2 of Section 23, T 6 N, R 10 E, Town of Dunn, Dane County, Wisconsin.

