



Dane County

Minutes - Final Unless Amended by Committee

Board of Adjustment

Thursday, March 23, 2017

6:30 PM

Room 357 City-County Building Madison WI

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A. Call To Order

Chair Schulz called the meeting to order at 6:30 pm and made a statement regarding the rules and procedures of the Board of Adjustment.

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

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. [2016 MIN-571](#) Minutes of the January 26, 2017 Public Hearing

Sponsors: Board of Adjustment

Attachments: [01-26-2017 P.H. Minutes](#)

PULVERMACHER/LONG to approve the minutes. The motion carried.

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

2. [2016 MIN-618](#) Minutes of the March 9, 2017 Site Inspection meeting

Sponsors: Board of Adjustment

Attachments: [03-9-2017 S.I. Minutes](#)

PULVERMACHER/LONG to approve the minutes. The motion carried.

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

D. Public Hearing for Appeals

1. [2016 BOA-007](#) Appeal 3681. Appeal by Robert & Linda Roth (Andrew King, King Construction, agent) for a variance from minimum required setback to Class C Highway as provided by Section 10.17, Dane County Code of Ordinances, to permit proposed detached garage at 7825 Flynn Dr being in the NE ¼ of the NW ¼ Section 07, Town of Montrose.

Sponsors: Board of Adjustment

Attachments: [Appeal 3681 Staff Report](#)
[Appeal 3681 Roth Application](#)
[Appeal 3681 Town of Montrose Recommendation](#)
[Appeal 3681 Flynn Dr](#)
[Appeal 3681 Flynn Dr environmental overlays](#)

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

IN FAVOR: Robert Roth, owner, spoke in favor of the variance request and answered questions of the Board.

ZONING ADMINISTRATOR'S COMMENTS: Lane commented that the property was unique and the granting of a variance was unlikely to be harmful to the public interest.

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

Finding of Fact:

Existing:

- *The existing use of the property is single family residential.*
- *Flynn Creek divides the property. There is also a pond and wetlands present on the property.*

Proposed

The owners propose to build a detached garage within the required setback to Flynn Drive for the purpose of cleaning up the property by relocating items stored in the yard into the garage.

Zoning Notes:

- *The Dane County Surveyor provided information to Zoning Staff that the original highway order for Flynn Drive accurately described the location of the roadway.*
- *The property owners have had the wetland delineated by an assured wetland delineator. Zoning Staff have reviewed the report and have found it acceptable.*

History

- *1999, Kitchen addition to residence permitted.*
- *2003, family room addition to residence permitted.*

COMMUNICATIONS:

Town of Montrose 3/7/2017; Town Board recommends granting a variance, but only of 23 feet so that the setback from the centerline of Flynn Drive is 40 feet.

Conclusions:

- 1) *Unnecessary Hardship: Applicants are requesting a minimum amount of relief to allow use of their property. The proposed location of the garage reduces the impact and potential variances from DCCO Chapter 11 shoreland regulations.*

- 2) *Unique Limitations of the Property: The confluence of two waterways and Flynn Creek dividing the property, as well as the topography make the property unique.*
- 3) *No Harm to Public Interests: Flynn Drive is a dead end road and it will be unlikely that the roadway will need to be expanded in the future. An encroachment into the required setback is unlikely to create any harm to the public.*

Studz/Long to grant variance of 23 feet of required setback from a Class C highway right-of-way line to permit a detached residential garage as recommended by the Town of Montrose Board.

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

E. Administrative Appeals

1. [2016 BOA-008](#) Appeal 3680. Administrative appeal by Karl Dettmann, appealing the decision of the Zoning Administrator to revoke a zoning permit for a farm accessory building at 4200 County Highway P being in the SE ¼ of the NW ¼ Section 15, Town of Cross Plains.

Sponsors: Board of Adjustment

Attachments: [Application](#)

[Zoning Administrator Brief Appeal 3680](#)

[Appeal Brief Appeal 3680](#)

[Appeal 3680 letter from Town of Cross Plains](#)

Chair Schulz opened the public hearing and made a statement regarding the rules and procedures for an administrative appeal.

Bill White, representing the appellant, along with Ron Klaus and the appellant made an opening statement.

The Zoning Administrator made an opening statement.

Louise Klopp presented an opening statement and made reference to the Town of Cross Plains Land Use plan.

White, Klaus, and Dettmann presented the appellant's case. The three were sworn in and answered questions of the Board.

The Board recessed for 10 minutes.

The Zoning Administrator was sworn in and presented his case.

Louise Klopp provided additional information but did not present further evidence.

The Zoning Administrator cross-examined the appellant.

The Appellant cross-examined the Zoning Administrator.

The following individuals made comments to the board as interested members of the public: Amelia Williams, Don Servais, Steven Mckenzie, Joanna Burish.

The Appellant made a closing statement.

The Zoning Administrator made a closing statement.

The Chair closed the public hearing.

The Board recessed for 10 minutes.

The Board proceeded to deliberate over the case.

The official written decision of the Board of Adjustment in regards to administrative appeal 3680 will be prepared and confirmed at a future meeting of the BOA.

Studz/Schulz Motion in finding that the Zoning Administrator had the authority and followed the proper procedures, acted within his power using the proper

standards to objectively make a decision that would be considered fair and reasonable, and based on the finding of facts of the case and the conclusions of law, to uphold the decision of the Zoning Administrator.

Ayes: 4 - SCHULZ, STUDZ, LONG and MINIHAN

Noes: 1 - PULVERMACHER

H. Adjournment

The Board adjourned at approximately 10 pm.