



Dane County

Minutes - Final Unless Amended by Committee

Board of Adjustment

Thursday, April 26, 2018

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

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A. Call To Order

Chair Schulz called the meeting to order at 6:33 PM and made a statement about the rules and procedures of the Board.

Also present: Staff: Hans Hilbert, Assistant Zoning Administrator.

Present 4 - Chair STEVEN SCHULZ, Secretary ROBERT PULVERMACHER, Vice Chair AL LONG, and ARLAN KAY

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

No public comments were made.

C. Consideration of Minutes

1. [2017](#) Minutes of the December 28, 2017 Public Hearing
[MIN-558](#)

Sponsors: Board of Adjustment

Attachments: [12-28-2017 P.H. Minutes](#)

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

Ayes: 3 - SCHULZ, PULVERMACHER and LONG

Abstain: 1 - KAY

2. [2018](#) Minutes of the April 12, 2018 Site Inspection meeting
[MIN-007](#)

Sponsors: Board of Adjustment

Attachments: [04-12-2018 S.I. Minutes](#)

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

Ayes: 4 - SCHULZ, PULVERMACHER, LONG and KAY

D. Public Hearing for Appeals

1. [2017 BOA-010](#) Appeal 3691. Appeal by Coyle Inc. (Bill Rupp, La Crosse Sign Group, agent) for variances from maximum allowable height and minimum setback from right-of way for an on-premise pylon sign as provided by Sections 10.74(19) and 10.83(1), Dane County Code of Ordinances, to permit alteration to existing sign at 250 West Beltline Highway (US Highway 18-151) being part of Lot 3, Block 2, W.H. Jacobs and E.S. Barker's Subdivision in the SW 1/4 NW 1/4 Section 36, Town of Madison.

Sponsors: Board of Adjustment

Attachments: [Appeal 3691 Staff Report](#)
[Appeal 3691 Application](#)
[Appeal 3691 Aerial Photo](#)
[Appeal 3691 Site Plan](#)
[Appeal 3691 Sign copy area](#)
[Appeal 3691 Sign rendering](#)
[09-25-2008 Minutes](#)
[Appeal 3543 Sign Permit](#)
[Appeal 3543 Sign Dimensions](#)
[Appeal 3543 Completed Sign](#)

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

IN FAVOR: Bill Rupp, agent, spoke in favor of the variance request. Ben Oestrich, electronic sign sales rep, spoke in favor of the appeal. Both answered questions of the Board.

ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator had no objection to the variance request.

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

Finding of Fact:

- A current survey shows the sign location and height are both non-conforming, however were permitted as-built with relief from variance 3543 granted 9/25/2008 and are therefore considered to be conforming structures as they exist (minutes included in packet).
- The owners wish to replace both faces of the existing Coyle Carpet One on-premise pylon sign and replace the existing electronic message center with a new message sign as it is difficult to find replacement parts for the existing electronics.
- The area for back-to-back on-premise signs is computed using the copy area of only one side (10.73(9)).

Zoning Notes:

- The variance appeal assumes the maximum height (50 feet) and area (300 square feet) are based on the speed limit on the Beltline, or 55 MPH (10.74(19)). However, the height has been measured in relation to the elevation of the centerline of the West Beltline Frontage Road (10.75(7)), not the centerline of either the Beltline or the centerline of the westbound lanes of the Beltline. It appears the speed limit on the West Beltline

Frontage Road is 25 miles per hour. For this speed, the maximum sign height would be 20 feet above the centerline of the adjacent road (the frontage road), and the maximum size would be 200 square feet.

History: Variance 3543 was granted on 9/25/2008 to replace an existing non-conforming sign. Zoning permit 2008-00845 was issued and the replacement sign is as exists today. Zoning permits have been issued for additions and alterations to the existing building.

Conclusions:

- 1) Unnecessary Hardship: It would be unnecessarily burdensome to not allow the property owner to replace an existing sign in the same size and location that has previously been permitted. Requiring the property owner to relocate the sign would eliminate parking required by the zoning ordinance. A variance will allow the property owner continued use of the property while upgrading the sign technology.*
- 2) Unique Limitations of the Property: The property is located on a frontage road to a US Highway. After the original sign was installed additional road right-of-way was acquired for highway purposes.*
- 3) No Harm to Public Interests: The sign has existed in the same size and location for over 10 years without any reported safety concerns.*

Motion: Kay/Long to grant variance of 2.2 feet to the maximum allowed sign height and 5 feet to the required minimum setback to the road right-of-way.

Ayes: 4 - SCHULZ, PULVERMACHER, LONG and KAY

2. [2017 BOA-011](#) Appeal 3692. Appeal by Jeremiah Duerst for a variance from minimum required setback to right-of-way as provided by section 10.17(1)(b), Dane County Code of Ordinances, to permit an addition to an existing agricultural heifer barn at 560 State Highway 92 being located in the NW ¼ of the NW ¼, Section 25, Town of Primrose.

Sponsors: Board of Adjustment

Attachments: [Appeal 3692 Staff Report](#)
[Variance Paperwork](#)
[17109_Duerst](#)
[Appeal 3692_Dot and variance form](#)

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

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

ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator had no objection to the variance request.

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

Finding of Fact:

- Owner operates a dairy farm and wishes to expand the existing heifer barn.
- The existing barn is located within the required 42 foot setback from a State Highway.
- Other areas of the property are used for pasturing and not suitable for structures due to the topography of the area.
- According to the Dane County Surveyor the additional right-of-way was acquired by the Wisconsin DOT to straighten the alignment of the highway and additional right-of-way was taken for the underlying aggregate material.

Zoning Notes:

- Applicant proposes for concrete and structure to extend beyond the front property line into the right-of-way. This has been discussed and okayed by the Wisconsin Department of Transportation. Dane County Zoning does not regulate structures within the right-of-way, so this variance request is to allow the barn to be expanded up to the right-of-way line.

Conclusions:

- 1) *Unnecessary Hardship:* The requested variance is reasonable enough to allow the continued agricultural use on the property, specifically in an area that is difficult to develop. It would be unreasonable to require the location of the heifers to be split between two locations when making improvements to the existing facilities will be an improvement over existing conditions.
- 2) *Unique Limitations of the Property:* The existing structure is located between the State highway and a geological bedrock formation limiting the areas of the structure to be expanded in compliance with the required setbacks. Relocating the heifer barn to elsewhere on the property would eliminate that area from agricultural production.
- 3) *No Harm to Public Interests:* The proposed design with improve stormwater runoff conditions for the surrounding properties. The roadway and the structure are separated

by approximately 30 feet of change of grade thereby preventing hazards to traffic. The applicant has obtained permission from the Wisconsin DOT for the proposed improvements.

Motion: Long/Kay to grant variance of 42 feet to the required minimum setback to a Class A Highway right-of-way. The Board acknowledged the agreement between the Wisconsin Department of Transportation and the property owner related to future highway improvements including the owner removing structures at his own expense if deemed necessary.

Ayes: 4 - SCHULZ, PULVERMACHER, LONG and KAY

E. Appeals from Previous Meetings

1. [2017 ACT-679](#) Written decision of Administrative Appeal 3688 (Carl Dettmann)

Sponsors: Board of Adjustment

Attachments: [Decision of appeal 3688_draft](#)

LONG/SCHULZ to approve the written decision. Motion carried.

Ayes: 3 - SCHULZ, PULVERMACHER and LONG

Abstain: 1 - KAY

F. Reports to Committee

G. Other Business Authorized by Law

H. Adjournment

The Board Adjourned by voice vote at 7:50 PM.