



Dane County

Minutes - Final Unless Amended by Committee

Board of Adjustment

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Thursday, January 23, 2020

6:30 PM Room 357, City-County Building, 210 Martin Luther King
Jr. Blvd, 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 about the Board rules and procedures.

Also Present, Staff, Hans Hilbert, Assistant Zoning Administrator

Present 5 - Vice Chair AL LONG, EDMOND MINIHAN, Chair STEVEN SCHULZ, SUE STUDZ,
and Vice Chair TRAVIS LEESER

1. 2019 DISC-021

The Board welcomed Travis Leeser as a newly appointed member to the Board.

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

No public comments were made.

C. Consideration of Minutes

1. [2019](#) Minutes of the July 25, 2019 Public Hearing [MIN-412](#)

Sponsors: Board of Adjustment

Attachments: [7-25-2019 PH Minutes](#)

Studz/Long to approve the minutes. Motion Carried.

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

2. [2019](#) Minutes of the January 9, 2020 Site Inspection
[MIN-411](#)

Sponsors: Board of Adjustment

Attachments: [1-09-2020 S.I. Minutes](#)

Studz/Long to approve the minutes. Motion Carried.

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

D. Public Hearing for Appeals

1. [2019 BOA-005](#) Appeal 3702. Appeal by Paul Martens for variance from setback from County Trunk Highways as provided by section 10.102(9)(a)2.b., Dane County Code of Ordinances, to permit the removal and replacement of a single family residence at 2264 County Highway AB, being lot 12 of Washington Park, Section 23, Town of Dunn.

Sponsors: Board of Adjustment

Attachments: [Appeal 3702 BOA Staff Report](#)
[Appeal 3702 Application](#)
[Appeal 3702 Town of Dunn Martens Board of Adjustment Pre-App Letter](#)
[BOA 3702 Martens Town Action](#)
[Appeal 3702 Existing house permit](#)
[Appeal 3702 Aerial Photo](#)
[Survey 2003-00459](#)

VARIANCES REQUESTED: 13.9 feet

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

IN FAVOR: Paul Martens, owner, provided a history of the property and spoke in favor of the variance request.

ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator found that the variance if granted would not alter the character of the neighborhood, and the post-development would be more compliant with zoning regulations than the existing conditions.

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

Finding of Fact:

Existing:

- Single Family Residence with detached garage

Proposed

- Removal of existing residence and detached garage and constructing new residence with attached garage.

Zoning Notes:

- The Town of Dunn adopted the revised zoning ordinance after the application for a variance was made. The setback requiring a variance remains the same, however the application material references the previous zoning code.
- Property is located within the shoreland zoning district. Redevelopment will need to conform to shoreland zoning regulations.

History

- Existing house permitted October 31, 1968

COMMUNICATIONS:

Town of Dunn: 9/3/2019 acknowledgement and 11/19/2019 action recommending approval.

Co. Hwy Dept: No issue with variance request, as so many of the structures in this area are close to the highway. Past issues with stormwater drainage from the highway exist in this area, but the proposed home site will not alter drainage of the highway.

Conclusions:

- 1) Unnecessary Hardship: The residential use of the property predates the zoning ordinance. It would be an unnecessary burden to not allow the owners of the property to redevelop to meet current needs. While the Board does not consider personal circumstances when identifying unnecessary hardships, enough other hardships exist to grant a variance.*
- 2) Unique Limitations of the Property: The lots in this area were platted in the late 1800's and then replatted in the early 1900's creating lots that are not irregular and non-conforming to modern regulations. The property is bound by a County highway and Lake Kegonsa, as well as development on the neighboring properties, all limiting the building envelope of the property.*
- 3) No Harm to Public Interests: The Dane County Highway Department, nor the Town of Dunn, had any objections to the requested variance. Granting of the variance will eliminate a detached garage that is entirely within the required highway setback, and allow for compliance with a current non-conforming side yard setback.*
- 4) Alternatives: The owner explored other development alternatives which resulted in other hardships. The proposed development seeks the minimum amount of variance necessary for continued use of the property.*

Studz/Leeser to grant variance of 13.9 feet of required setback from a County Highway to permit a single family residence. Motion Carried.

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

F. Reports to Committee

Hilbert updated the Board on the upcoming meeting schedule.

G. Other Business Authorized by Law

1. [2019](#)
[ACT-304](#)

Long/Minihan to approve the slate of officers of the Board, Chair: Schulz, Vice Chair: Long, Secretary: Leeser. Motion carried.

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

H. Adjournment

Studz/Long to adjourn. The Board adjourned by voice vote at 7:06 pm.