



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, July 23, 2020

6:30 PM Town of Medina Hall at 634 State Highway 19, Marshall,
Wisconsin

Town of Medina Hall at 634 State Highway 19, Marshall, Wisconsin

A. Call To Order

At 6:30 PM Chair Schulz called the meeting to order.

*Also present: Todd Violante, Director of Planning and development; Hans Hilbert,
Assistant Zoning Administrator.*

Present 2 - Vice Chair AL LONG, and Secretary TRAVIS LEESER

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

No comments were made by members of the public.

C. Consideration of Minutes

1. [2019 MIN-517](#) Minutes of the January 23, 2020 Public Hearing

Sponsors: Board of Adjustment

Attachments: [1-23-2020 PH Minutes](#)

STUDZ/LONG to approve the minutes. Motion carried.

Ayes: 2 - LONG and LEESER

2. [2019 MIN-518](#) Minutes of the March 12, 2020 Site Inspection

Sponsors: Board of Adjustment

Attachments: [3-12-2020 S.I. Minutes](#)

STUDZ/LONG to approve the minutes. Motion carried.

Ayes: 2 - LONG and LEESER

D. Public Hearing for Appeals

1. [2020 BOA-001](#) Appeal 3604. Variance request by Kate & Ken Doty, (Eric Johnson, agent) requesting relief from required side yard and setback from a County Highway as provided by 10.102(9)2.b. & 10.251(5)(b)1, Dane County Code of Ordinances to allow vertical expansion of an existing residence at 2402 County Highway AB being lot 5, block 2, Orvolds Park plat, Section 14, Town of Dunn.

Sponsors: Board of Adjustment

Attachments: [07-23-2020 BOA Staff Report](#)

[Appeal 3704_1965 permit](#)

[Appeal 3704_Application](#)

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

IN FAVOR: Kate Doty, owner, spoke in favor of the variance request and answered questions of the board. Eric Johnson, agent, and Terry Thorstad, neighbor, also spoke in support of the request.

ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator stated he had no concerns with the request as it was a vertical expansion and would not have any further impact than what currently exists.

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

Finding of Fact:

Existing:

- *Single Family Residence, existing structure does not conform to current front yard and side yard requirements.*

Proposed

- *Second story addition to existing residence. Addition will be a vertical expansion over the existing footprint.*

Zoning Notes:

- *It is unknown if the existing structure is conforming or non-conforming due to the front and side yard setbacks. It appears that on May 24, 1965 a variance was granted by the Board of Adjustment to allow an addition to a single family residence, however only the reference to the variance being approved on the zoning permit is available, as the records from 1965 of the Board of Adjustment have not been located. The site plan submitted for the zoning permit in 1965 is consistent with the existing location of the structure. Regardless of the status of the existing structure or the contents of the variance in 1965, since the current proposal is for a different development a variance is required to permit as proposed.*

History

- *Based on review of aerial photos the original residence appears to be built after 1955, and assumed to be built before 1965 when a permit for an addition was issued.*
- *May 24, 1965, a variance was approved by the Board of Adjustment allowing a zoning permit to be issued for an addition to a single family residence. The permit and site plan are attached.*

- May 5, 1992 zoning permit for a second story addition issued (no variance required as the addition was to the rear side of residence only)
Violation History: No violation history found

COMMUNICATIONS:

Town of Dunn: 2/28/2020 acknowledgement and 3/16/2020 Town Board action recommending approval of variance request.

Dane County Highway: No objection due to so many houses in the area encroaching into required setback

Conclusions:

- 1) *Unnecessary Hardship: It would be unnecessarily burdensome to not allow the property owner to redevelop within the existing footprint of the home when no other portions of the lot would allow for setbacks to be met. The applicant exhausted all other alternatives and is requesting the minimum amount of relief to have continued use of the existing development.*
- 2) *Unique Limitations of the Property: The property is located between Lake Kegonsa and County Highway AB which both require large setbacks compared to the shallow depth of the lot. Existing development exists on both sides of the property so obtaining additional land is not an alternative.*
- 3) *No Harm to Public Interests: The proposed development will be no closer to the highway or the side property line than the existing development and the vertical expansion will not result in the loss of viewshed of the lake for other properties.*

LEESER/STUDZ to grant variance of 5.3 feet of required setback from a County Highway, and 4.2 feet from the required setback of a side yard to allow the development as proposed.

Ayes: 2 - LONG and LEESER

G. Other Business Authorized by Law

Members of the Board and staff discussed scheduling for upcoming business before the Board in light of the Covid pandemic. Members discussed options for both in-person and virtual meetings. Staff will prepare a draft amendment to the Board's Rules and Procedures outlining how business before the Board will proceed in a virtual meeting.

H. Adjournment

The Board, after thanking the Town of Medina for the use of the meeting space, adjourned by voice vote at 7:46 PM.