



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 28, 2021

6:30 PM

Virtual Zoom Meeting: See top of agenda for
instructions on how to join the webinar or call in by
phone.

A. Call To Order

Vice Chair Long called the meeting to order at 6:30 pm.

Also Present: Member Sue Studz; First Alternate Arlan Kay; Staff Todd Violante,
Roger Lane, Hans Hilbert

Present 3 - Vice Chair AL LONG, EDMOND MINIHAN, and Secretary TRAVIS LEESER

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

No public comments were made.

C. Consideration of Minutes

1. [2020 MIN-409](#) Minutes of the July 23, 2020 Public Hearing

Sponsors: Board of Adjustment

Attachments: [7-23-2020 PH Minutes](#)

LEESER/STUDZ to approve the minutes. Motion carried.

Ayes: 3 - LONG, MINIHAN and LEESER

D. Public Hearing for Appeals

1. [2020 BOA-002](#) Appeal 3707. Appeal by Thomas and Kimberly Walz for a variance from minimum required aggregate side yards as provided by Section 10.251(5)(b)(3)a., Dane County Code of Ordinances, to permit proposed additions to a single family residence at 3071 Sunnyside St being Lot 7, Block 2, Addition to Lee's Park Plat, Section 18, Town of Pleasant Springs.

Sponsors: Board of Adjustment

Attachments: [Appeal 3707 Staff Report](#)
[Appeal 3707 historic documents](#)
[Appeal 3707 Town PLAN COMMISSION MINUTES 10142020](#)
[Appeal 3707 Town Board 10-20-2020 MINUTES](#)
[Walz Variance Statement 1-21-21](#)
[Walz Variance Application](#)
[Walz Variance Exhibits](#)
[Walz Existing and Proposed Site Plan 1-12-21](#)
[Walz - Ziervogel case](#)
[Walz Proposed Findings](#)

VARIANCES REQUESTED: 0.6 feet

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

IN FAVOR: Tom Walz, owner, presented his case and spoke in favor of the variance request.

ZONING ADMINISTRATOR'S COMMENTS: Lane stated that the project is in a shoreland zoning and care should be taken to minimize the impact to the Lake in the development of the property.

OPPOSED: None.

Finding of Fact:

Existing:

- Lot 7 and the northwesterly 5 feet of Lot 8, Block 2, Addition to Lee's Park is a legal lot of record with a lot width of approximately 55 feet.
- A single family residence was built in 1989 by Charles Burch.
- A freestanding deck and stairway for access to the lake was permitted in 2012.
- The property was purchased by Walz Farm LLC June 13, 2019.
- The property was purchased by the current owners, Thomas and Kimberly Walz, on May 1, 2020.

Proposed

- Owners propose four structural alterations to the existing residence resulting in an expansion to the existing garage, and expansion to an existing bedroom, a dining room addition, and a lake entry addition.
- The garage, bedroom, and lake entry additions fail to meet the minimum required

side yard.

- The lake entry addition falls within the existing building envelope, while the other three alterations extend beyond the existing building envelope.

Zoning Notes:

- The SFR-08 District requires, for lots 50 feet or more in width but less than 60 feet, the minimum aggregate side yards of at least 15 feet with no single side yard less than 5 feet.
- If the bedroom addition was removed from the plan, or the northern wall was shifted 0.4 feet (4.8 inches) to the south the garage addition would be in compliance with aggregate side yard setback requirements.
- The property is entirely within 300 feet of Lake Kegonsa and therefore subject to shoreland zoning requirements including a 75 foot setback to the ordinary high water mark of the lake and limitations on placement of impervious surfaces.
- Existing development has exceeded a 15% impervious surface ratio, any additional impervious surface will be required to be mitigated.
- Excerpts from the Zoning Board Handout regarding 'specific relief granted' and 'Are multiple variances allowed?' are included in the meeting packet.

History

- May 19, 1989: Zoning permit DCPZP-1989-01356 issued to Charles Burch for a new single family residence. The permit contained a condition that the combined total of the side yards must equal 15 feet and neither side yard shall be less than 5 feet.
- September 25, 1989: Zoning Administrator notified Mr. Burch that a zoning inspection could not be completed due to a measurement of side yards less than 15 feet. The Zoning Administrator required a survey be submitted by October 7, 1989.
- October 26, 1989: Mr. Burch made application for a special exception permit to allow the excavation, fill, and grading to place a retaining wall in the shoreland area.
- December 1, 1989: Survey submitted by Roland Sarko showing a northern side yard setback of 6.7 feet and southerly side yard setbacks of 7.8, 7.9, and 13.8 feet from front to rear of the residence.
- December 21, 1989: The special exception permit was granted for the retaining wall.
- Late 1989 to early 1990: Mr. Burch applies for a variance from required side yards as provided by 10.16(5)(a)1. to permit the residence as constructed. The application was assigned appeal #1958.
- March 22, 1990: Dane County Board of Adjustment granted a variance of 0.5 ft, more or less, from the required total combined side yards for appeal 1958.
- July 30, 1991: Certificate of compliance issued for zoning permit DCPZP-1989-01356.
- October 23, 2012: Dane County Zoning received a written complaint of a deck being built without a permit at 3071 Sunnyside St. Owner, Linda Shanley, was notified of violation.
- September 1, 2012: Revisions to DCCO Chapter 11, Shoreland Zoning, became effective. Dane County begins regulating impervious surface limits in the shoreland district.
- November 8, 2012: Zoning Permit DCPZP-2012-00787 issued for deck and stairs for access to lake.
- October 11, 2019: Mr. Walz submits application for a shoreland zoning permit to add two additions to the existing residence. A shoreland review letter is issued with further actions needed to obtain the permit including obtaining a shoreland erosion control permit.
- November 24, 2020: A revised shoreland zoning permit review letter is issued based on a revision to the site plan to alter and include two other additions. The review letter

now states that in addition to the shoreland erosion control permit, a shoreland mitigation permit is also required. The review letter also notes that a variance would be required before a general zoning permit could be issued based on the revised site plan and structures not meeting the minimum required side yard.

- *December 8, 2020: Mr. Walz submits variance application.*
 - *December 21, 2020: Mr. Walz submits a revised site plan for the shoreland zoning permit application.*
 - *January 4, 2021: Mr. Walz submits a revised site plan for the shoreland zoning permit application.*
 - *January 12, 2021: Mr. Walz submits a revised site plan for the shoreland zoning permit application.*
 - *January 19, 2021: A revised shoreland zoning permit review letter is issued to Mr. Walz (included in meeting packet).*
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- *Violation History: 1989, failure to meet side yard requirement; 2012, failure to obtain permit.*

COMMUNICATIONS: Town of Pleasant Springs: 9/29/2020 acknowledgement and 10/20/2020 Town Board action, minutes enclosed.

Conclusions:

- 1) Unnecessary Hardship: The proposed development was not encroaching any further into the required side yard than already exists on both sides of the property, as allowed by a previous variance.*
- 2) Unique Limitations of the Property: The existing development on the property limits strict compliance with the ordinance while maintaining continuity with the existing footprint.*
- 3) No Harm to Public Interests: The Town Board supports the variance request. The development will not require a greater amount of relief than previously granted.*

STUDZ/MINIHAN to grant 0.6 feet of relief to required aggregate side yard setback to allow residential additions as proposed. Motion Carried.

Ayes: 2 - MINIHAN and LEESER

Noes: 1 - LONG

E. Appeals from Previous Meetings

F. Reports to Committee

1. 2020 DISC-057

Hilbert updated the Board on quorum requirement for site inspection meeting.

G. Other Business Authorized by Law

**1. 2020
DISC-058**

The Board discussed continuation of virtual meetings. The consensus was that meeting virtual was inevitable and staff should prepare a plan for proceeding with pending business.

H. Adjournment

STUDZ/LEESER to adjourn at approximately 7:45 PM. Motion Carried