



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, June 24, 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

Chair Long called the meeting to order at 6:30 pm and introduced the Board Members.

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

Present 4 - Chair AL LONG, Vice Chair TRAVIS LEESER, ARLAN KAY, and Secretary SUE
STUDZ

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

No public comments were made.

C. Consideration of Minutes

1. [2021](#) Minutes of the May 27, 2021 public hearing
[MIN-084](#)

Sponsors: Board of Adjustment

Attachments: [5-27-2021 PH Minutes](#)

LEESER/STUDZ to approve the minutes. Motion carried.

Ayes: 4 - LONG, LEESER, KAY and STUDZ

D. Public Hearing for Appeals

E. Appeals from Previous Meetings

1. [2021](#)
[BOA-002](#) Appeal 3710. Appeal by Mike and Jacki Moss (Chris Landerud, agent) for variances from minimum required setback to a public road and minimum required setback to the ordinary high water mark of Lake Kegonsa as provided by Sections 10.102(9) and 11.03(2)(a)1., Dane County Code of Ordinances, to permit proposed rebuild and expansion of a single family residence at 3433 Stoney Crest Rd being a zoning lot in the SW ¼ of the SW ¼, Section 13, Town of Dunn.

Sponsors: Board of Adjustment

Attachments: [Appeal 3710 Staff Report](#)

[3433 Stoney Crest Road - Mike & Jacki Moss - DC Variance Application \(5.11.21\)](#)

The Board reviewed the minutes of the Town of Dunn recommending approval of the variance with conditions. The Board asked questions of the owner and agent and staff.

Facts of the Case:

Existing:

Single family residence on the shore of Lake Kegonsa.

Existing residence is non-conforming with Chapter 11, shoreland zoning, due to failure to meet 75 foot

setback to ordinary high water mark of Lake Kegonsa.

Existing residence is non-conforming with Chapter 10, general zoning, due to failure to meet 20 foot

setback to Lake Street right-of-way, an undeveloped platted public road right-of-way.

Proposed:

Remove and replace/expand single family residence.

VARIANCES REQUESTED: Purpose: Residential redevelopment

Minimum setback from road right-of-way:

Required: 20.0 ft

Existing/proposed: 4.94 ft

VARIANCE NEEDED: 15.06 ft

Minimum setback to ordinary high water mark of Lake Kegonsa:

Required: 75 ft

Proposed: 54.5 ft

VARIANCE NEEDED: 20.5 ft

Conclusions:

1)Unnecessary Hardship: It would be an unreasonable burden to not allow the property owner the ability to rebuild within the existing footprint for failure to meet the setback from a right-of-way that is not intended to be developed. This right-of-way also prevents the owner from having the same rights to a reduced setback to the OHWM as other property owners in the area.

2)Unique Limitations of the Property: The property is bound by a County Highway, a Town right-of-way, private property, and Lake Kegonsa. The Town right-of-way, not intended to

be developed as a street requires additional setback not typical for properties in the area and also eliminates the ability to qualify for a reduced setback to the ordinary high water mark of Lake Kegonsa.

3)No Harm to Public Interests: The existing structure is non-conforming and the proposed development will be no more non-conforming than what currently exists. The Town has recommended approval, and with Lake Street unlikely to develop the health and safety concerns are addressed through the conditions placed on this variance.

4)Alternatives: Stick compliance with the ordinance would reduce the building envelope significantly compared to the existing development and would not afford the property owner the same ability to have continued use of the property as would typically be afforded to a similar property.

STUDZ/KAY to approve a variance from the required minimum setback to the Lake Street right-of-way and a variance to the minimum setback to the ordinary high water mark of Lake Kegonsa, as requested, with the following conditions:

- 1. The new construction follows the same western footprint as the existing home.**
- 2. All landscaping being removed from the Lake Street right-of-way.**
- 3. The rear driveway and parking pad being removed from the Lake Street right-of-way.**
- 4. Property owner shall abandon as much of the existing driveway that sits in front of the home and encroaches in to the Lake Street right-of-way as possible. Any remaining driveway in the Lake Street right-of-way shall be subject to an access easement between the property owner and the Town of Dunn.**

Ayes: 4 - LONG, LEESER, KAY and STUDZ

2. [2019 BOA-006](#) Appeal 3603. Administrative appeal by Tillman Infrastructure, LLC & AT&T Mobility (James C. Remington, Husch Blackwell, agent) appealing the Zoning and Land Regulation Committee decision related to conditional use permit 2481 for telecommunication tower uses at approximately 400' north of 869 County Highway A, being a parcel of land in Section 4, Town of Albion.

Sponsors: Board of Adjustment

Attachments: [Appeal 3703 CUP 2481 Tillman Infrastructure application](#)

[DCPCUP-2019-02481_Zoning_file](#)

[Appeal 3703 4823-1860-3958.1 Dane County Board of Adjustment - Request for Adjournment](#)

[Appeal 3703 Dane County Brief 03-05-2020](#)

[Ltr to Board of Adjustment re SBA legal position - 3-5-20](#)

[SBA Communications Letter to BOA - 3-5-2020](#)

[Email from SBA to AT&T 6-28-19](#)

[Ltr to Attorney Carter 03-09-2020](#)

LEESER/STUDZ to table the appeal indefinitely due to inability to contact appellant. Motion Carried.

Ayes: 4 - LONG, LEESER, KAY and STUDZ

F. Reports to Committee

Hilbert updated the Board on future meetings and business. No action was taken.

G. Other Business Authorized by Law

H. Adjournment

STUDZ/LEESER to adjourn at 7:17 pm. The board adjourned by consensus.