



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, September 30, 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 made a statement regarding the rules and procedures of the Board of Adjustment.

Also Present: Staff: Roger Lane, Zoning Administrator; 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 MIN-307](#) Minutes of the September 23, 2021 Public Hearing

Sponsors: Board of Adjustment

KAY/STUDZ to approve the minutes. Motion carried.

Ayes: 4 - LONG, LEESER, KAY and STUDZ

D. Public Hearing for Appeals

1. [2021 BOA-008](#) Appeal 3714. Administrative appeal by Alan Birkle (Elizabeth Stephens, Axley Brynerson, LLP, agent) appealing a shoreland zoning permit violation related to the placement of a retaining wall within the vegetative buffer zone of Lake Waubesa at 2784 Waubesa Ave being lot 30, Waubesa Beach 3rd Addition plat, Section 8, Town of Dunn.

Sponsors: Board of Adjustment

Attachments: [Appeal 3714 Birkle Appeal - 6-25-21 Application](#)
[Appeal 3714 Appl Brief Combined Exhibits \(except Exhibit 5 to Stephens Affidavit\) \(04028303x9D882\)](#)
[Appeal 3714 Appl Brief Combined pleadings \(without exhibits\) \(04028277x9D882\)](#)
[Appeal 3714 Appl Brief Exhibit 5 to Elizabeth Stephens Affidavit \(04028298x9D882\)](#)
[Appeal 3714 ZA Brief](#)
[Appeal 3714 ZA Brief Exhibits](#)

Chair Long opened the public hearing at 6:35 pm and asked Assistant Zoning Administrator Hilbert to read the instructions and notice for the hearing.

Elizabeth Stephens, attorney for the appellant, made an opening statement.

Roger Lane, Zoning Administrator, made an opening statement.

No other parties made an opening statement.

Stephens presented the appellant's case. The Board asked questions of Stephens.

Peter Fortlage, engineer, was called as a witness of the appellant and was sworn in. Fortlage answered questions of the Board and was cross-examined by the Zoning Administrator.

Kory Alt, landscape contractor, was called as a witness of the appellant and was sworn in. Alt answered questions of the Board.

Alan Birkle, property owner, was called as a witness of the appellant and was sworn in. Birkle answered questions of the Board and was cross-examined by the Zoning Administrator.

The Zoning Administrator presented his case. He called Assistant Zoning Administrator Hans Hilbert as a witness. Hilbert was sworn in and answered questions of the Board and was cross examined by the appellant.

Stephens stated she would forgo a rebuttal.

The chair called for any testimony from those not presenting evidence. No testimony was given.

Stephens presented the appellant's closing statement.

Lane presented the Zoning Administrator's closing statement.

Chair Long closed the public hearing at 11:04 pm and the Board took a 3 minute recess.

The Board deliberated the appeal.

Per the Rules and Procedures of the Board of Adjustment, a separate written decision including the findings of fact and conclusions of law will be prepared by staff for approval by the Board at a future meeting.

KAY/STUDZ to deny the appeal and uphold the directive from the Zoning Administrator. Motion carried.

Ayes: 4 - LONG, LEESER, KAY and STUDZ

E. Appeals from Previous Meetings

F. Reports to Committee

G. Other Business Authorized by Law

1. **2021**
DISC-036 Discussion on rules for required formatting of written materials (Chair Long)

Members of the Board directed staff to prepare an amendment to the rules and procedures to require organization and formatting for written materials submitted as briefs.

H. Adjournment

STUDZ/LEESER to adjourn. The board adjourned by voice vote at 11:46 pm.