



# 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?*

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Thursday, January 27, 2022

6:30 PM

The Board of Adjustment meeting is being held  
virtually.

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#### A. Call To Order

*Chair Long called the meeting to order and introduced the members of the Board.*

*Also Present: 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 October 28, 2021 Public Hearing  
[MIN-556](#)

**Sponsors:** Board of Adjustment

**Attachments:** [10-28-2021 Minutes](#)

**STUDZ/LEESER to approve the minutes. Motion carried.**

**Ayes:** 4 - LONG, LEESER, KAY and STUDZ

#### 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 revised](#)  
[REVISED 3433 Stoney Crest Road - Mike & Jacki Moss - DC Zoning Variance - Proposed Adjustments \(12.14.21\)](#)  
[ORIGINAL 3433 Stoney Crest Road - Mike & Jacki Moss - DC Variance Application \(5.11.21\)](#)

*Staff presented an explanation of why the previously approved (June, 2021) appeal was back before the Board as a result of the property owners acquiring additional land to the east. Chris Landerud, agent for the owners, presented addition information on the revised plan.*

*The Board deliberated the changes.*

*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. Granting this variance brings the property closer into compliance with the purpose of the ordinance.*

*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.*

*It was noted that compounding variance requests should only be considered if significant circumstances or changes arise. The additional land in ownership was deemed significant.*

**LEESER/STUDZ to approve, with conditions, the amended variance request to expand 23.4 feet of relief from the required setback to the ordinary high water mark and allow redevelopment within the footprint of the existing structure as**

shown on the proposed plan. The eastern side yard setback is shown as 32 feet.

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.

Motion Carried.

Ayes: 4 - LONG, LEESER, KAY and STUDZ

## F. Reports to Committee

1. [2021](#)  
[DISC-058](#) Question and answers from Corporation Counsel

*Carlos Pabellon, Dane County Corporation Counsel, answered legal questions related to the duty and procedures of the Board of Adjustment.*

2. [2021](#)  
[DISC-036](#) Discussion on rules for required formatting of written materials (Chair Long)

**Attachments:** [BOA Rules and Procedures DRAFT 20220114](#)

LEESER/KAY to approve as amended the Rules and Procedures of the Board of Adjustment to require that briefs include pagination and a table of contents.  
Motion carried.

Ayes: 4 - LONG, LEESER, KAY and STUDZ

## G. Other Business Authorized by Law

## H. Adjournment

STUDZ/LEESER to adjourn. The Board adjourned by voice vote at 8:25 pm.