



# Dane County Planning & Development

## Division of Zoning

Appeal No. \_\_\_\_\_

Date Received \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

### VARIANCE APPLICATION:

**Owner:** Jason & Amy Zembroski

Mailing Address: W172S8095 Lannon Drive  
Muskego, WI 53150

Phone Number(s): 414.315.0018 / 608.778.7579

Email Address: jasonamy@wi.rr.com

**Assigned Agent:** None

Mailing Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Email Address: \_\_\_\_\_

*To the Dane County Board of Adjustment:*

*Please take notice that the undersigned was refused a permit by the Dane County Zoning Division, Department of Planning and Development, for lands described below for the reason that the application failed to comply with provisions of the Dane County Code of Ordinances: Chapters 10 – Zoning, 11 – Shoreland, Shoreland-Wetland & Inland-Wetland, 17 – Floodplain Zoning, and/or 76 – Airport Height Regulations. The owner or assigned agent herewith appeals said refusal and seeks a variance.*

Parcel Number: 0512 - 254 - 2144 - 2 Zoning District: SFR-08 Acreage: 0.232

Town: Albion - T05NR12E Section: 25 1 / 4 NW 1 / 4 SE

Property Address: 362 Lake Shore Drive

CSM: None Lot: 13 & 14 / Subdivision: Edgerton Beach Park Block/Lot(s): Block 1 N1/2 L13 & All L14

Shoreland:  / N / Floodplain:  / N / Wetland: Y /  / Water Body Lake Koshkonong

Sanitary Service:  / Private (Septic System)

Current Use: Residential

**NOTE:** You are encouraged to provide a complete and detailed description of the existing use and your proposed project on an attached sheet.

#### REQUIRED BY ORDINANCE

Section	Description	Required	Proposed or Actual	Variance Needed
Ch. 10-10.250	SFR-08 ZONING DISTRICT-SIDE YARD SET BACK	10-FT	No Change from Existing	Yes
CH. 17 - 17.09	Floodfringe District- Para.1 Flood Protection Elevation 1' above BFE 15' beyond structure Limits.	785.9'	785.6-785.0	Yes

**PRESENTING YOUR CASE TO THE BOARD OF ADJUSTMENT:**

An Area Variance may be authorized by the Dane County Board of Adjustment to vary one or more of the dimensional or physical requirements of the applicable ordinance in connection with some proposed construction.

The burden will be on you, as property owner or authorized agent, to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the zoning board to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of the hearing, including the staff report. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and may then deny your application.

***Please answer the four questions below. You are encouraged to attach a separate sheet, labeling the answers (1) through (4), to provide enough detail to support your appeal:***

(1) Describe alternatives to your proposal such as other locations, designs and construction techniques. **Attach a site map showing alternatives you considered in each category below:**

(A) Alternatives you considered that comply with existing standards: If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

\_\_\_\_\_  
See attached sheet titled Question 1 A  
\_\_\_\_\_  
\_\_\_\_\_

(B) Alternatives you considered that require a lesser variance: If you reject such alternatives, provide the reasons you rejected them.

\_\_\_\_\_  
See attached sheet titled Question 1 B  
\_\_\_\_\_  
\_\_\_\_\_

(2) Will there be an unnecessary hardship to the property owner to strictly comply with the ordinance?

*Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome.*

*An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home or claiming that they need more outbuilding space than that permitted to store personal belongings). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.*

\_\_\_\_\_  
See attached sheet titled Question 2  
\_\_\_\_\_

- (3) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain. **The required Site Plan and/or Survey submitted with your application must show these features.**

*Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance.*

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See attached sheet titled Question 3

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- (4) What would be the effect on this property, the community or neighborhood, and the general public interest if the variance were granted? Describe how negative impacts would be mitigated. **The required Site Plan and/or Survey submitted with your application must show any proposed mitigation features.**

*These interests may be listed as objectives in the purpose statement of an ordinance and may include: Promoting and maintaining public health, safety and welfare; protecting fish and wildlife habitat; maintaining scenic beauty; minimizing property damages; ensuring provision of efficient public facilities and utilities; requiring eventual compliance for nonconforming uses, structures and lots; drainage; visual impact; fire safety and building code requirements; and any other public interest issues.*

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See attached sheet titled Question 4

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## **REQUIRED PLANS AND SPECIFICATIONS:**

In addition to providing the information required above, you must submit:

1. **Site Plan:** Complete and detailed plans of your lot or lots, drawn to a standard and easily readable scale. **In most cases, a survey by a Registered Land Surveyor is needed.** The Site Plan/Survey should include the following, as applicable, as well as any unique existing features of the lot and any proposed mitigation features, as described above:
  - Scale and North arrow
  - Road names and right-of-way widths
  - All lot dimensions
  - Existing buildings, wells, septic systems and physical features such as driveways, utility easements, sewer mains and the like, including neighboring properties and structures.
  - Proposed new construction, additions or structural alterations.
  - For property near lakes, rivers or streams:
    - Location of Ordinary High Water Mark (OHWM) Elevation
    - Location of Floodplain Elevation
  - For property near Wetlands, a Wetland Boundary determination by a qualified professional consultant may be required.
  - Topographic survey information may be desirable or necessary.
  - Setbacks from any existing or proposed structures (building) to lot lines, right-of-way lines, Ordinary High Water Mark, and/or Wetland Boundary, as applicable.
  - For setback from Ordinary High Water Mark Variance Appeals, the setbacks of the two neighboring structures from the OHWM may be required.


**2. Floor Plans and Elevations:** Professionally-prepared plans and elevations are not required, but the plans submitted must be drawn to a standard and easily readable scale, must show each story of the building or structure, and must include all parts of existing and proposed structures, including any balconies, porches, decks, stoops, fireplaces and chimneys. Exterior dimensions must be included. Show all exit door locations, including sliding doors, and any windows or other features that are pertinent to your appeal. The plans may be a preliminary version, but are expected to represent your actual proposal for the use of your lot.

Please consult with the Assistant Zoning Administrator regarding required plans for non-conventional structures such as signs, construction cranes, etc.

**3. Town Acknowledgment:** Obtain a signed, dated memo or letter from the Town Clerk or Administrator of the Town where the variance is needed, acknowledging that you have informed them of your intention to apply for the variance(s). You probably will need to appear before the Town Board and/or Plan Commission, which will provide advisory input requested by the Board of Adjustment.

**APPLICANT SIGNATURE:**

*The undersigned hereby attests that all information provided is true and accurate, and further gives permission to Planning & Development staff and Board of Adjustment members to view the premises, in relation to the Appeal request made herein, during reasonable daylight hours.*

Signature Required:  Date: 9/26/2024

Print Name: Jason Zembroski

Specify Owner or Agent: Owner

**Agent must provide written permission from the property owner**

**STAFF INFORMATION:**

Date Zoning Division Refused Permit (if different from filing date)

Filing Date

Filing Materials Required:

Site Plan

Floor Plans

Elevations

Fee \_\_\_\_\_ Receipt No. \_\_\_\_\_

Town Acknowledgement Date

Notices Mailed Date

Class II Notices Published Dates

Site Visit Date

Town Action Received Date:

Public Hearing Date

Action by B.O.A. \_\_\_\_\_

**Approved by: \_\_\_\_\_ Date: \_\_\_\_\_**  
**Director, Division of Planning Operations, Department of Planning and Development**