

FEBRUARY 27, 2025 BOA PUBLIC HEARING STAFF REPORT

Appeal 3732. Variance appeal by Micah Zielke (Chris Miller, agent) for a variance from the minimum required rear yard setback as provided by Section 10.234(5)(c)1., Dane County Code of Ordinances, to permit proposed addition to a single family residence at 2917 County Highway BB, being a tract of land in the NE ¼ of the NE ¼, Section 7, Town of Cottage Grove.

OWNER: Micah Zielke
AGENT: Chris Miller, Chris Miller Construction
LOCATION: 2917 County Highway BB
ZONING DISTRICT: RM-16 Rural Mixed-Use

COMMUNICATIONS: Town of Cottage Grove, Board action 2/17/25 recommending approval.

APPLICATION ADDENDUM: A portion of the intended application submittal was not provided by the applicant until after the site inspection packet was posted. The addendum shows an AccessDane printout listing the zoning on the property as both SFR-08 and RM-16.

Facts of the Case:

Existing:

- Property contains a single family residence permitted in 1971 and a detached accessory building permitted in 1984.
- The site plan from 1971 indicates a rear setback of the residence of 75 feet.
- The site plan from 1984 identifies a 62 foot setback for the residence to the rear property line.
- A recent survey confirms the existing residence to be set 62.8 feet off the rear property line.

Proposed

- The current owner proposes an addition to the existing residence that fails to satisfy the required 50 foot setback to the rear property line.

Zoning Notes:

- In 1971 the property was included in the A-1 Agricultural district. The required rear yard setback in this district at that time was 50 feet. The property was rezoned to A-1EX as part of a Town Plan, and again to RH-4 as part of a Town. Most recently the property was zoned RM-16 as a result of the County rewrite in 2018. All of these districts require a 50 foot rear yard setback for a residence.

History

- Permit 20896 issued in 11/1971 for SFR
- 1982 Cottage Grove adopted exclusive agricultural zoning, property became zoned A-1EX
- Permit 36708 issued in 11/1984 for a detached accessory building
- 1987 Property was rezoned RH-4 as part of implementation of the Town land use plan
- 2/2019 Property was rezoned RM-16 as part of Zoning Ordinance rewrite
- Violation History: No violations found on property.

VARIANCES REQUESTED: Purpose: Residential Addition

Setback from rear property line:

Minimum rear yard setback required: 50 feet.

Proposed setback from rear lot line: 30.8 feet.

VARIANCE NEEDED: 19.2 feet.