



Dane County

Minutes

Board of Adjustment

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Monday, October 21, 2024

6:30 PM

Hybrid Meeting: Attend in person at the City County Building in Room 354; attend virtually via Zoom.

See below for additional instructions on how to attend the meeting and provide public testimony.

A. Call To Order

Chair Long called the meeting to order at 6:30 PM and introduced the members of the Board followed by a statement on the proceeding of the meeting.

Also Present: First Alternate Alex Elkins. Staff: Assistant Zoning Administrators: Hans Hilbert & Rachel Holloway.

Present 5 - ARLAN KAY, Secretary SUE STUDZ, GEORGE CORRIGAN, TRAVIS LEESER, and AL LONG

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

No Public Comments were made:

C. Consideration of Minutes

1. Minutes of the September 26, 2024 Public Hearing

LEESER/STUDZ to approve the minutes. Motion carried.

Ayes: 5 - KAY, STUDZ, CORRIGAN, LEESER and LONG

2. Minutes of the October 10, 2024 site inspection meeting

STUDZ/CORRIGAN to approve the minutes. Motion carried.

Ayes: 4 - KAY, STUDZ, CORRIGAN and LONG

Abstain: 1 - LEESER

D. Public Hearing for Appeals

- 1. Appeal 3729. Appeal by Blume & Sons LLC (Attorney Christopher T. Nelson, agent), for a variance from minimum required setback from highways as provided by Section 10.102(9), Dane County Code of Ordinances, to allow outdoor storage at 946 Medina Rd, being Lot 2, CSM 5813 in the NW 1/4 SE 1/4 Section 33, Town of Medina.

Assistant Zoning Administrator (AZA) Hilbert presented a Staff Report reporting facts of the case.

IN FAVOR: Christopher Nelson, agent for owner, spoke in favor of the variance request and answered questions of the Board.

ZONING ADMINISTRATOR'S COMMENTS: Hilbert relayed that the Zoning Administrator stated he does not endorse this or any variance request, as it is the responsibility of the Board to determine if the proposed development met the criteria for a variance. He had met with the applicant and laid out options for compliant use of the property for outdoor storage and the only way to allow outdoor storage within the required setback areas was to obtain a variance.

The following parties spoke in favor of the variance:

- Alex Zahrte*
- Brenda Klecker*
- Darrick Kersten*
- Mike Rappant*
- Steven Schulz*
- Charles Muinde*
- Blake George*

OPPOSED:

Matthew Westphal stated he had concerns related to traffic, lighting and increased activity at the site.

Christopher Nelson provided a rebuttal and answered questions of the Board.

Facts of the Case:

Existing:

- Property is bound by W Medina Rd to the south and State Highway 73 and Midway Ln to the east, and HC Heavy Commercial private property to the north and west.*
- Property was purchased in November of 2022; previous owner ran a masonry business out of the property.*
- Owner has been in the process of improving the condition of the property as left by the previous owner.*

Proposed

- Owner proposes to use the property as a commercial storage facility with outdoor storage and proposes to allow outdoor storage to occur within the required setbacks to the property lines.*

Zoning Notes:

- Outdoor storage is defined as any activity located primarily outdoors involving the receiving, holding and shipping of materials for a single business.*
- The definition of outdoor storage states that storage of materials is not permitted within any building setback area.*
- The HC Heavy Commercial district allows for intensive land uses including outdoor storage; however, such storage is restricted to the building envelope of the lot and therefore does not allow for storage to occur within the required setbacks to the property lines.*

COMMUNICATIONS: Town of Medina: 9/4/2024 Acknowledgement of variance; Plan Commission & Town Board Action October 9, 2024 recommending approval.

Conclusions:

1) *Unnecessary Hardship: It would be unreasonable to strictly enforce setback regulations on a permitted use that is a necessary service to the infrastructure of our economy. There are few sites zoned to accommodate such a use, and therefore it is a finite resource of space available.*

2) *Unique Limitations of the Property: Property is bound by town roads and a state highway at non-uniform angles. It is one of seven properties in the Town of Medina zoned HC Heavy Commercial.*

3) *No Harm to Public Interests: The Town of Medina Board supports the variance and did not point out any safety concerns. The current owner has made improvements, including lighting, to make the site safer.*

LONG/CORRIGAN to grant 32 foot variance from minimum setback from a state highway and 10 feet from minimum required setback from a town highway to allow outdoor storage within the setback as proposed. Motion Carried.

Ayes: 3 - STUDZ, CORRIGAN and LONG

Noes: 2 - KAY and LEESER

E. Appeals from Previous Meetings

F. Reports to Committee

Hilbert updated Board of future meetings. Leeser will not be able to attend November meetings.

G. Other Business Authorized by Law

H. Adjournment

STUDZ/LEESER to adjourn. The board adjourned by voice vote at 8:17pm.