



Dane County Planning & Development

Division of Zoning

Appeal No. _____
 Date Received _____
 Date of Public Hearing _____

VARIANCE APPLICATION:

Owner: Windy Hill Family Farm, LLC
 Mailing Address: 8 Craig Road
 Edgerton, WI 53534
 Phone Number(s): (608) 289-9232
 Email Address: ts_const_willy@yahoo.com

Assigned Agent: Christopher T. Nelson
 Mailing Address: 2 E. Mifflin St., Suite 200
 Madison, WI 53703
 Phone Number(s): (608) 283-6707
 Email Address: cnelson@axley.com

*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: 051212495012 Zoning District: FP-35 Acreage: 17.714
 Town: Town of Albion Section: 12-5-12 E1 1/4 SE 1/4 SE
 Property Address: 8 Craig Rd, Edgerton, WI 53534

CSM: _____ Lot: ____ / Subdivision: _____ Block/Lot(s): _____
 Shoreland: Y / N / Floodplain: Y / N / Wetland: Y / N / Water Body _____
 Sanitary Service: Public / Private (Septic System)

Current Use: Agriculture Proposal: Construction of Barn within Town Rd. ROW

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
DCO § 10.102(9)(a)2.c.	Structures must be at least 63 ft. from centerline or 30 feet from ROW line, whichever is greater.	63 ft from centerline	28.5 ft from centerline	34.5 ft.

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.

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

See attached.

(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.

(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.

See attached.

(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.

See attached.

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: William Trick Date: 11-13-24

Print Name: William Trick

Specify Owner or Agent: Christopher T. Nelson

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:

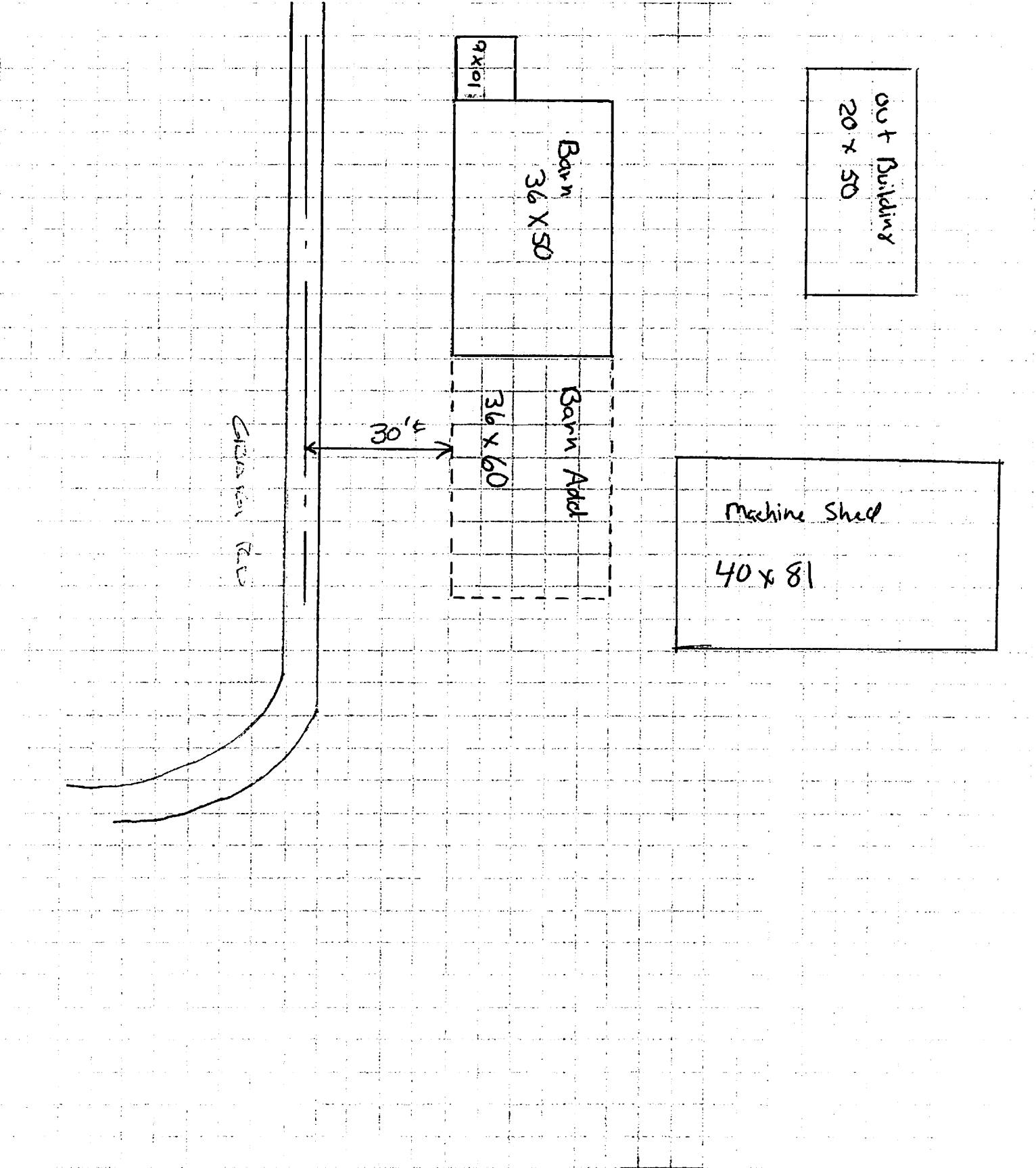
Public Hearing Date

Action by B.O.A. _____

Approved by: _____ Date: _____

Director, Division of Planning Operations, Department of Planning and Development

Show location of all lot lines and their dimensions. Show location and dimensions of all proposed buildings and the location and dimensions of any existing buildings on the lot. For new buildings to be served by septic systems, show the location and dimensions of both the primary and alternate drainfield areas. For alterations or additions to existing buildings served by a septic system, show location of drainfield or if the location is not known, show the location of the vent pipe. Show scale used and the north location.



#2596. Richard & William Trick
 Part SE SE - Section 12, Town of Albion - 34 Craig Road

Min. Req'd. Setback: 63 feet to centerline
 Reqs. Variance: 33 feet

RE: Proposed additions (2) to existing barn

03-28-05 FEE CALC'N:

$$(50' \times 60') \times 36' = 3960 \text{ SF}$$

$$10' \times 10' = 100 \text{ SF}$$

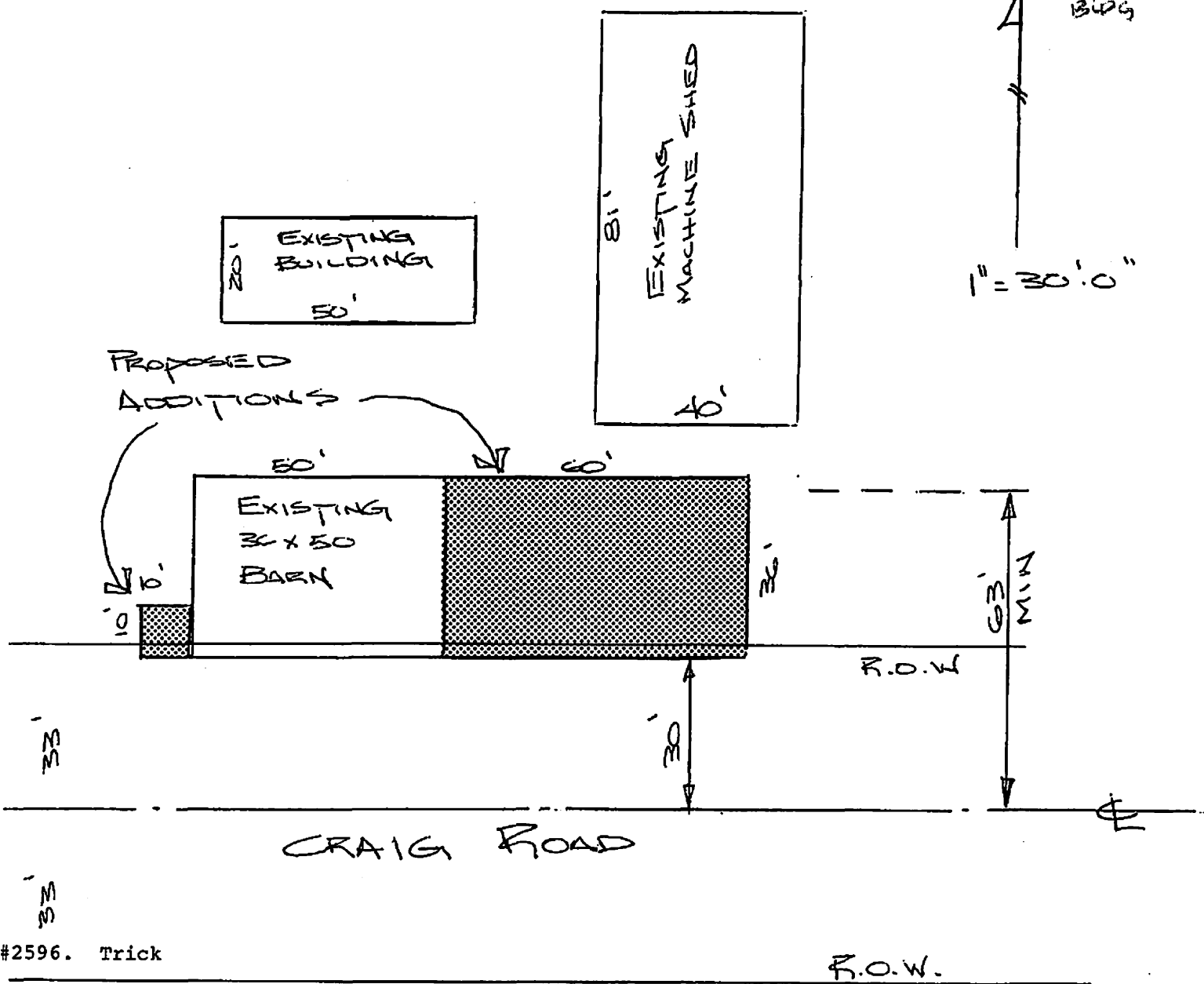
$$4000 \text{ SF} \times 0.075 / \text{SF}$$

$$304.50$$

$$50$$

355 FEE
 \$85
 AG
 BLDG

1" = 30' 0"



Town of Albion

County of Dane

620 Albion Rd. Edgerton, WI 53534

Phone: 608-884-8974 Fax: 608-884-2130

July 25, 2024

Dane County Planning and Zoning Department
Room 116, City-County Building
210 Martin Luther King Blvd
Madison, WI 53709

ATTN: Variance Dept

Re: 8 Craig Rd, Rebuilding the barn destroyed by fire.

Property Owner: William and Cheri Trick

On July 15, 2024 William and Cheri Trick contacted the Town Clerk about moving forward with a variance to rebuild the barn. The Town of Albion Board is still in favor of the rebuilding of the barn at 8 Craig Road. The Town has no problem with the existing foundation in the road right-of-way.

If you have any questions, please do not hesitate to call.

Respectfully,



Town of Albion
Julie Hanewall
Clerk/Treasurer

Summary of Windy Hill Family Farm, LLC's Variance Application

Windy Hill Family Farm, LLC (hereafter, "WHFF") owns the property at 8 Craig Road, Town of Albion, Dane County, Wisconsin, Parcel Id. No. 0512-124-9501-2 (hereafter, the "Property"). According to the Wisconsin Department of Transportation, Craig Road is classified as a Town Road. The Property is zoned FP-35, General Farmland Preservation. Under Dane County Ordinances ("DCO") §§ 10.004(31), 10.102(9)(a)2.c., the building setback from Town Roads in the FP-35 district is 63 feet from the centerline of the road, 30 feet from the right of way line, whichever is greater.

WHFF has had a long-established barn located within the setback, which was built in accordance with a variance granted by the County to William Trick, WHFF's owner, in 1995. Enclosed with this application as Exhibit 1 is a copy of the variance granted by Dane County for the barn. The conditions imposed on the variance by the County Board of Adjustment in 1995 were as follows: (1) the Township shall install a 3-way stop sign at the intersection with Bingham Road; (2) install chevrons along the curve to indicate an impending sharp turn; and (3) install "reduce speed ahead" signage as proposed. Each of these conditions was complied with in 1995, and the required stop signs, stop ahead signs, and chevron signs remain in place (Exhibit 2).

Also enclosed with this variance application are aerial photographs of the Property from the Dane County GIS website, which depict the Property in 2000 (Exhibit 3) and 2005 (Exhibit 4). These aerial photographs depict the barn on the Property which is located within the setback.

In 2008, the barn was lost to fire. The aerial photographs from 2010 (Exhibit 5) depict the barn post-fire. The foundation of the barn is visible within the setback. The situation is largely unchanged since 2010. The aerial photograph from 2022 (Exhibit 6) also depicts the foundation of the barn, within the setback. Mr. Trick applied for zoning permits to rebuild the barn in 2008 and

2021, both of which were granted and are enclosed as Exhibit 7 and Exhibit 8 respectively. Due to family and health circumstances, Mr. Trick was not able to reconstruct the barn in 2008 and 2021. Since that time, the County's zoning code has changed, necessitating WHFF's current variance application, which essentially seeks to renew the variance granted for the Property in 1995.

WHFF seeks to rebuild the barn in the location on which it existed pre-fire, and on the existing foundation on the Property. The southern wall of the foundation of the barn is approximately located 28 feet, 6 inches from the centerline of Craig Road. As demonstrated in Exhibits 3 and 4, the southern wall of the foundation of the barn is located approximately 3 feet, 6 inches within the right of way line.

Also included for illustrative purposes are several photographs depicting the location of the existing foundation and edge of Craig Road (Exhibit 9).

Under DCO § 10.101(10), "[t]he Board of Adjustment shall not grant a variance unless it finds that all of the following standards are met:

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.
2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.
3. For a variance from area, setback or dimensional standards in the ordinance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.
4. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.
5. The proposed variance shall not create substantial detriment to adjacent property.
6. The proposed variance shall be compatible with the character of the immediate neighborhood.

Regarding WHFF's variance application, each of these standards for approval are satisfied.

Conditions Unique to the Property

The Property is an active farm, in rural Albion Township. The surrounding area is not densely populated, and Craig Road is not a well-travelled Town Road. The proposed variance would allow for the reconstruction of a previously standing barn, which was lost to fire. The location of the remaining foundation demonstrates the location of the lost barn. The variance would allow the re-establishment of a previously existing barn in a rural location. These facts are unique to WHFF's Property.

Not Contrary to the Spirit, Purpose, and Intent of Zoning Regulations or Public Interest

The variance will allow for the construction of a barn to facilitate the full utilization of agricultural property. In fact, the variance would specifically permit the reconstruction of a previously existing barn lost to fire. Allowing the reconstruction of a barn on agricultural property, in a rural, sparsely populated area is not contrary to the spirit, purpose, and intent of the zoning ordinance nor is it contrary to the public interest.

Strict Compliance with Ordinance Is Unnecessarily Burdensome

Strict compliance with the zoning ordinance would not allow for the reconstruction of the previously existing barn. This would require the abandonment or removal of the established foundation. Further, as demonstrated on Exhibit 5, there are other buildings located immediately north of the existing foundation, which would not allow for the barn to be set back without requiring the removal of existing buildings that are actively used. Further, both water and electric utilities have already been established at the old barn location.

Difficulty or Hardship Created by the Terms of the Ordinance rather than by the Owner

The hardship in the present case was caused by the loss of the old barn. Under the terms of the current ordinance, the WHFF is prohibited from rebuilding the barn in its original location.

The owner did not select the location of the original barn; it only seeks to rebuild on the original location, where the foundation and utilities are already established.

No Substantial Detriment to Adjacent Property

Granting a variance to rebuild the barn on the old barn's foundation would not constitute a detriment to the adjacent properties. The area in the Town of Albion where the Property is located is rural and largely agricultural, and the barn is consistent with the use and appearance of adjacent properties. Further, Craig Road is a little traveled Town Road. The location of the Barn within the Right-of-Way will have little to no traffic impacts. Further, the barn would be located on the wide side of the nearby curve in the road (Exhibit 5), demonstrating that the location of the barn will not create any visibility issues for drivers on Craig Road. Further, the old barn was in the same location for many years, prior to the fire, without incident.

Compatible with the Character of the Neighborhood

Allowing for the construction of a barn on active agricultural property is consistent with the character of the neighborhood.

APPEALS FROM PREVIOUS HEARINGS:

#2595. M G & E - Westport _ 1/26/95
DREPS/KLOPP to hold request in abeyance until March Hearing upon request of applicant. Motion carried - 3-0.

#2596. Trick - Albion - 1/26/95 P.H.
IN FAVOR: W. Trick, J. Stolen, C. Townsend, F. Trulson OPPOSED:
--- COMMUNICATION: County Highway, Town Board.
DREPS/KLOPP to grant with conditions variance of 33 feet from required setback to centerline of Craig Road to permit barn addition as constructed.

CONDITIONS:

- 1). That Township install 3-way stop sign at intersection with Bingham Road.
- 2). Install chevrons along curve to indicate impending sharp turn.
- 3). Install "reduced speed ahead" signage as proposed.

FINDING OF FACT:

- 1). Applicant was advised by Township that permits not required for Ag-buildings.
- 2). Structure substantially completed when stop work issued.
- 3). Project is near extremely sharp 90° turn.
- 4). Hasn't been an accident at that location in over 70 years.
- 5). Road is lightly traveled and serves primarily local traffic.
- 6). Barn addition is to expand and update milking operation.

CONCLUSION:

- 1). Variance is not contrary to rights of others or to the public interest.
- 2). Variance preserves the zoning ordinance as much as possible without injustice to applicant.

Motion carried - 3-0.

#2469. Watkins - Oregon - 12/23/93

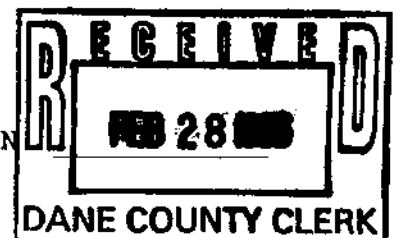
Board opted not to reconsider and was suggested new application would be entertained.

DREPS/KLOPP to adjourn. Motion carried - 3-0.

Meeting adjourned at 10:36 P.M.

Steven H. Reynolds,
Recording secretary

MINUTES WERE FILED WITH DANE COUNTY CLERK'S OFFICE ON



STOP
AHEAD

W9628



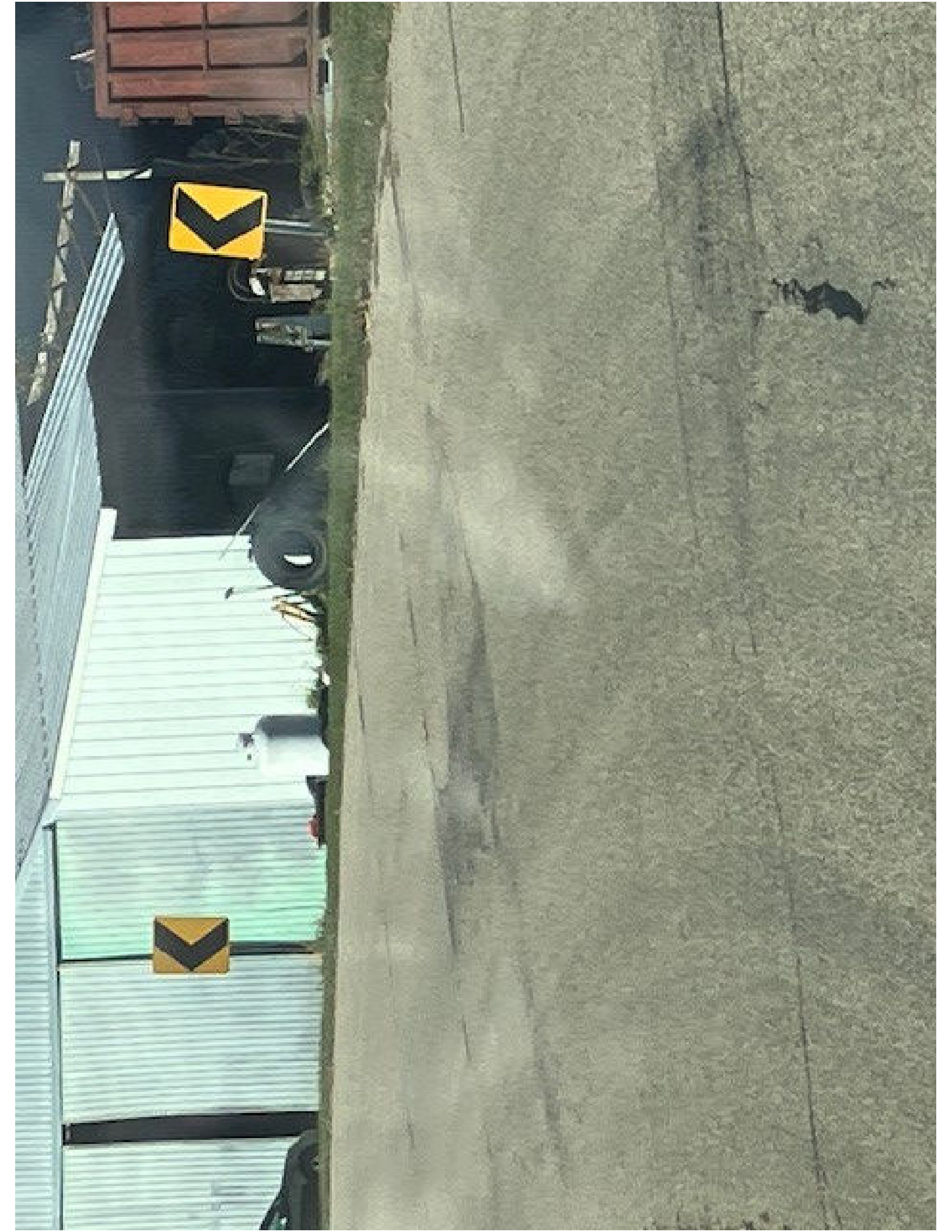


STOP
AHEAD













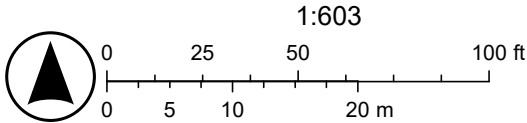


Dane County Map 2000

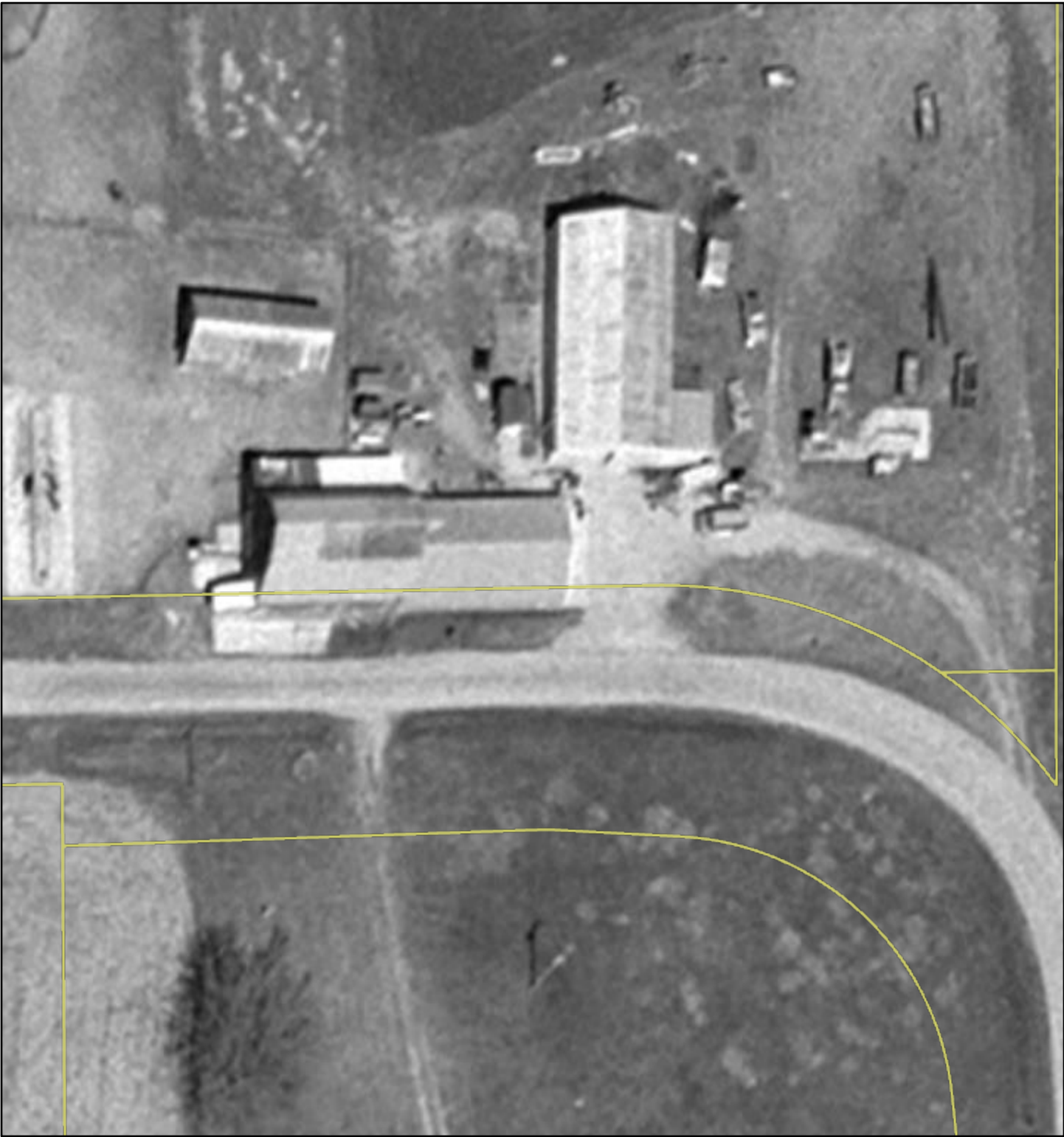


10/9/2024, 10:54:53 AM

 Parcels

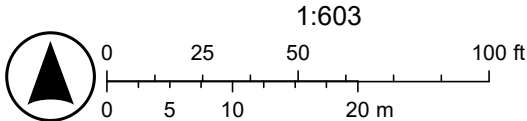


Dane County Map 2005



10/9/2024, 10:54:07 AM

 Parcels

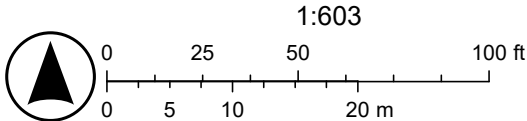


Dane County Map 2010



10/9/2024, 10:56:16 AM

 Parcels

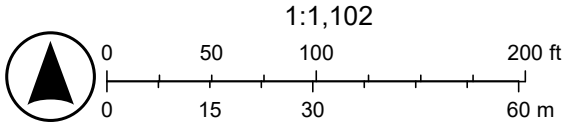


Dane County Map 2022



10/9/2024, 11:15:59 AM

 Parcels



DANE COUNTY ZONING PERMIT

Permit No. ZP20080760

Date Issued 03 Oct 2008 Date Expires 03 Oct 2009

Issued to: RICHARD TRICK

Project Description: REBUILD BARN 100X51 (FIRE)

Authorizing such building location and use as shown in the application, plans and specifications on file in the office of the Dane County Zoning Administrator, City-County Building, Madison, WI.

Address _____

Town ALBION Parcel No. 0512-124-9501-2

Remarks _____

OWNER AND AGENT HAVE AGREED TO COMPLY WITH ALL DANE COUNTY ORDINANCES. ANY UNAUTHORIZED CHANGE FROM THE INFORMATION OR PLANS SUBMITTED WILL INVALIDATE THIS PERMIT.

NOTE: SEPARATE PERMITS MAY BE REQUIRED BY THE STATE, DANE COUNTY OR BY TOWNS HAVING CODES WHICH PERTAIN TO THIS CONSTRUCTION.

Issued by:  _____
DANE COUNTY ZONING DIVISION

**THIS CARD MUST BE POSTED IN A CONSPICUOUS LOCATION
ON THE PREMISES BEFORE WORK MAY COMMENCE.**

DANE COUNTY ZONING PERMIT

Permit No.

DCPZP-2021-00716

Date Issued 12/13/2021

Date Expires 12/13/2022

Issued to: WINDY HILL FAMILY FARM LLC

Project Description: rebuild barn

Authorizing such building location and use as shown in the application, plans and specifications on file in the office of the Dane County Zoning Administrator, City-County Building, Madison, WI.

Address: 8 CRAIG RD

Town: TOWN OF ALBION

Parcel No. 0512-124-9501-2

Remarks:

OWNER AND AGENT HAVE AGREED TO COMPLY WITH ALL DANE COUNTY ORDINANCES. ANY UNAUTHORIZED CHANGE FROM THE INFORMATION OR PLANS SUBMITTED WILL INVALIDATE THIS PERMIT.

NOTE: SEPARATE PERMITS MAY BE REQUIRED BY THE STATE, DANE COUNTY OR BY TOWNS HAVING CODES WHICH PERTAIN TO THIS CONSTRUCTION.

Issued by:

Scott Schvoeck
DANE COUNTY ZONING DIVISION
thm

**THIS CARD MUST BE POSTED IN A CONSPICUOUS LOCATION
ON THE PREMISES BEFORE WORK MAY COMMENCE.**







