



# 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?*

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Thursday, January 26, 2023

6:30 PM

City County Building Room 354

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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 Board.*

*Also present: Staff: Hans Hilbert, Assistant Zoning Administrator*

*Studz and Lesser attended virtually.*

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

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

*No public comments were made.*

#### C. Consideration of Minutes

1. Minutes of the December 29, 2022 Public Hearing

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

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

2. Minutes of the January 12, 2023 Site Inspection

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

**Ayes:** 3 - LONG, KAY and STUDZ

**Abstain:** 2 - LEESER and CORRIGAN

#### D. Public Hearing for Appeals

1. Appeal 3723. Appeal by Dane County Parks for variance to allow alternate access and viewing corridor in the shoreland vegetative buffer zone provided by 11.04, Dane County Code of Ordinances, to permit redevelopment of Fish Camp County Park public access to the Yahara River at 3359 Fish Camp Rd in the NE ¼ of the SW ¼, Section 13, Town of Dunn.

*Chair Long opened the public hearing.*

*Corrigan recused himself from the appeal and stated he would not be participating in the discussion or action.*

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

*IN FAVOR: Alex DeSmidt, Dane County Parks Planner, spoke in favor of the variance request.*

*ZONING ADMINISTRATOR'S DESIGNEE'S COMMENTS: Hilbert stated that the shoreland ordinance as written does not easily address public property and sites designed to provide public access to resources and that State law does not allow the county to be more lax or strict than the State model ordinance, but does allow to address unique situations through variances.*

*OPPOSED: [None. The appellant waived his rebuttal/closing statement.]*

*Finding of Fact:*

*Existing:*

- Previous site of a 1930's WPA work program to house a year-round carp stocking and harvesting operation for the area.*
- 99-acre County Park located on the northwest shore of Lake Kegonsa at the inlet of the Yahara River.*
- Offers a boat launch with a protected launching area, launch piers, restrooms, fish cleaning facility, accessible fishing pier, and a parking area.*
- Picnic area along the lakeshore provides an area for outings and shoreline fishing with fully accessible fishing piers.*
- Canoe launch is also available on the Yahara River.*

*Proposed*

- Installation of an accessible kayak launch to replace one of the existing fishing piers on the Yahara River.*
- New walk-in water access ramp.*
- Replacement of existing floating fishing pier.*
- New lake management ramp to support aquatic plant management operations.*
- Multi-use trail improvements.*
- Expanded parking.*

*Zoning Notes:*

- Property is located within the shoreland zoning district.*

*History:*

- No zoning or violation history was found on the property.*
- The property is considered to be of historical & cultural importance to the Dane County*

landscape.

**COMMUNICATIONS:**

*Town of Dunn: 09/21/2022; Acknowledgement; 01/23/23 Town Board recommending approval.*

**Conclusions:**

- 1) *Unnecessary Hardship: The regulations for the shoreland zoning district do not anticipate the wide berth required to provide public access to various users accommodated by a county parks system. Amending the ordinance is not a feasible alternative as standards are specifically designated by State law.*
- 2) *Unique Limitations of the Property: The property has been developed over the last 100 years and is located in a unique location at the confluence of the Yahara River and Lake Kegonsa. The resource is both what is being provided access to and being protected by the shoreland regulations.*
- 3) *No Harm to Public Interests: Granting a variance allows for public access in the interest of the safety and welfare of the community. The request is supported by the Town of Dunn Town Board.*

**STUDZ/LEESER to approve the variances as requested:**

**Purpose: Allow multiple access and viewing corridors**

**Maximum width to provide access: 5 ft**

**Proposed maximum width: 8-12 ft.**

**VARIANCE NEEDED: 7 ft**

**Accept design as an alternative access and viewing corridor plan consistent with the purposes of shoreland zoning:**

**Minimum setback for non-exempt structures: 35 feet**

**Proposed minimum setback: 0 ft**

**VARIANCE NEEDED: 35 ft**

**Motion carried.**

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

**Recused:** 1 - CORRIGAN

**E. Appeals from Previous Meetings**

**F. Reports to Committee**

*Hilbert stated that CLUE would host a Board of Adjustment training in Dodgeville on March 14 from noon-3. Several Board members showed interest in attending.*

*Hilbert stated that no meetings would be necessary in February.*

**G. Other Business Authorized by Law**

**H. Adjournment**

**LEESER/CORRIGAN to adjourn. The Board adjourned by voice vote at 7:19 PM.**