

JANUARY 23, 2025 BOA PUBLIC HEARING STAFF REPORT

Appeal 3731. Appeal by Windy Hill Family Farm, LLC (Christopher T. Nelson, agent) requesting a variance from minimum required setback to a road as provided by section 10.102(9)(a)2.c., Dane County Code of Ordinances, to permit the construction of a barn at 8 Craig Rd, being a tract of land in the SE ¼ of the SE ¼, Section 12, Town of Albion.

OWNER: Windy Hill Family Farm, LLC

AGENT: Christopher T. Nelson, Axley Brynelson, LLP)

LOCATION: 8 Craig Rd

ZONING DISTRICT: FP-35 Farmland Preservation

COMMUNICATIONS: Town of Albion, July 25, 2024 acknowledgement.

Facts of the Case:

Existing:

- After a previous barn was destroyed by fire, a replacement barn foundation was permitted and completed between 2008 and 2011. The 2008 permit expired prior to the completion of the new barn, and the barn has not been completed.

Proposed

- Owners propose to complete the barn as planned and approved in 2008.

Zoning Notes:

- Prior to 2019 and the comprehensive rewrite of the zoning ordinance, Dane County would have been able to continue to issue permits for a structure destroyed by fire to be replaced on an existing foundation indefinitely, however with the rewrite, Section 10.102(7)(c)2.d. limits such restoration to occur within 2 years of destruction.
- Since over 2 years has elapsed since the structure was destroyed in 2008 the barn is considered abandoned and therefore the previous variance is null and void.

History

- 1995: Variance 2596 issued for an addition to a barn to encroach into the require setback to Craig Rd.
- 2008: Barn was destroyed by fire and permit DCPZP-2008-00760 was issued to rebuild the barn within the existing foundation as permitted by state law.
- 2011: Permit DCPZP-2008-00760 expired.
- 2021: Permit DCPZP-2021-00716 was issued to permit rebuilding of the barn on the existing foundation.
- 2022: Permit DCPZP-2021-00716 expired due to project not being started.
- 2024: Permit to renew previous permits and allow barn completion denied due to change in ordinance.

VARIANCES REQUESTED: Purpose: Complete barn as proposed in 2008

Setback from Road Variance:

Minimum setback from centerline of right-of-way required: 63 feet.

Actual Setback: From front lot line: 30 feet.

VARIANCE NEEDED: 33 feet.