



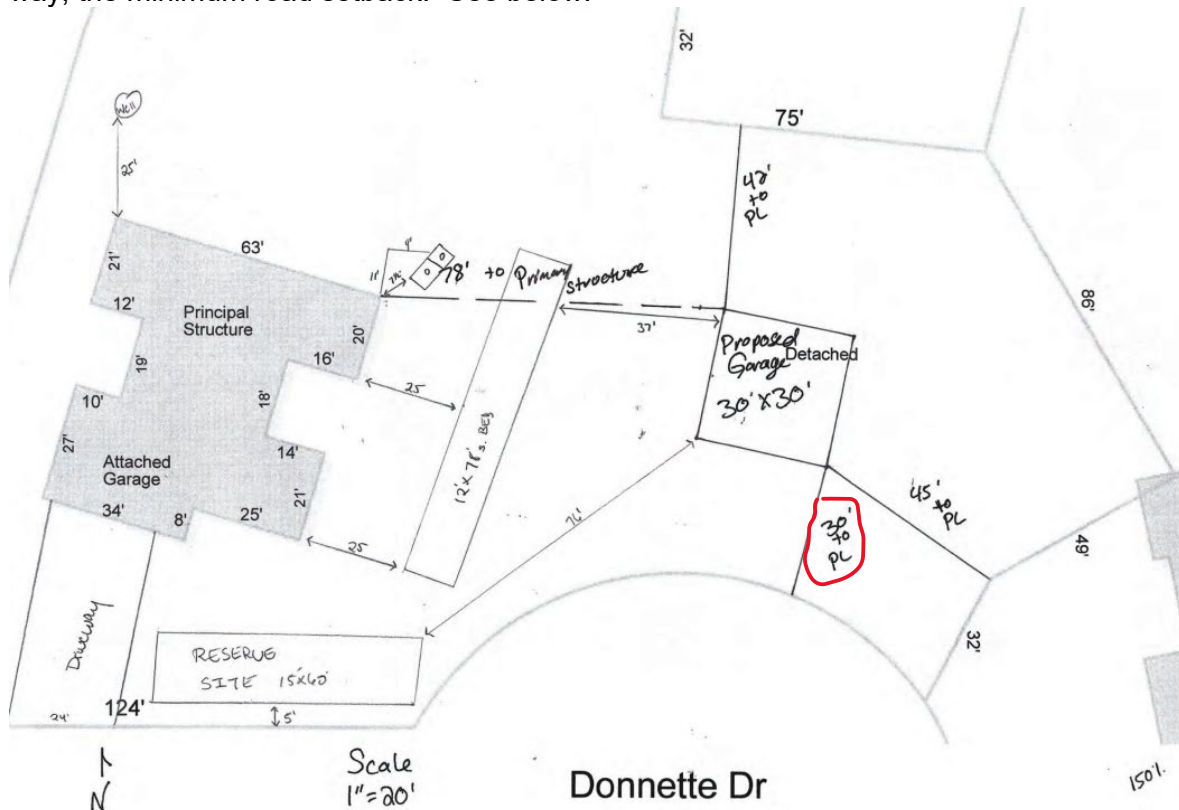
# DANE COUNTY PLANNING & DEVELOPMENT

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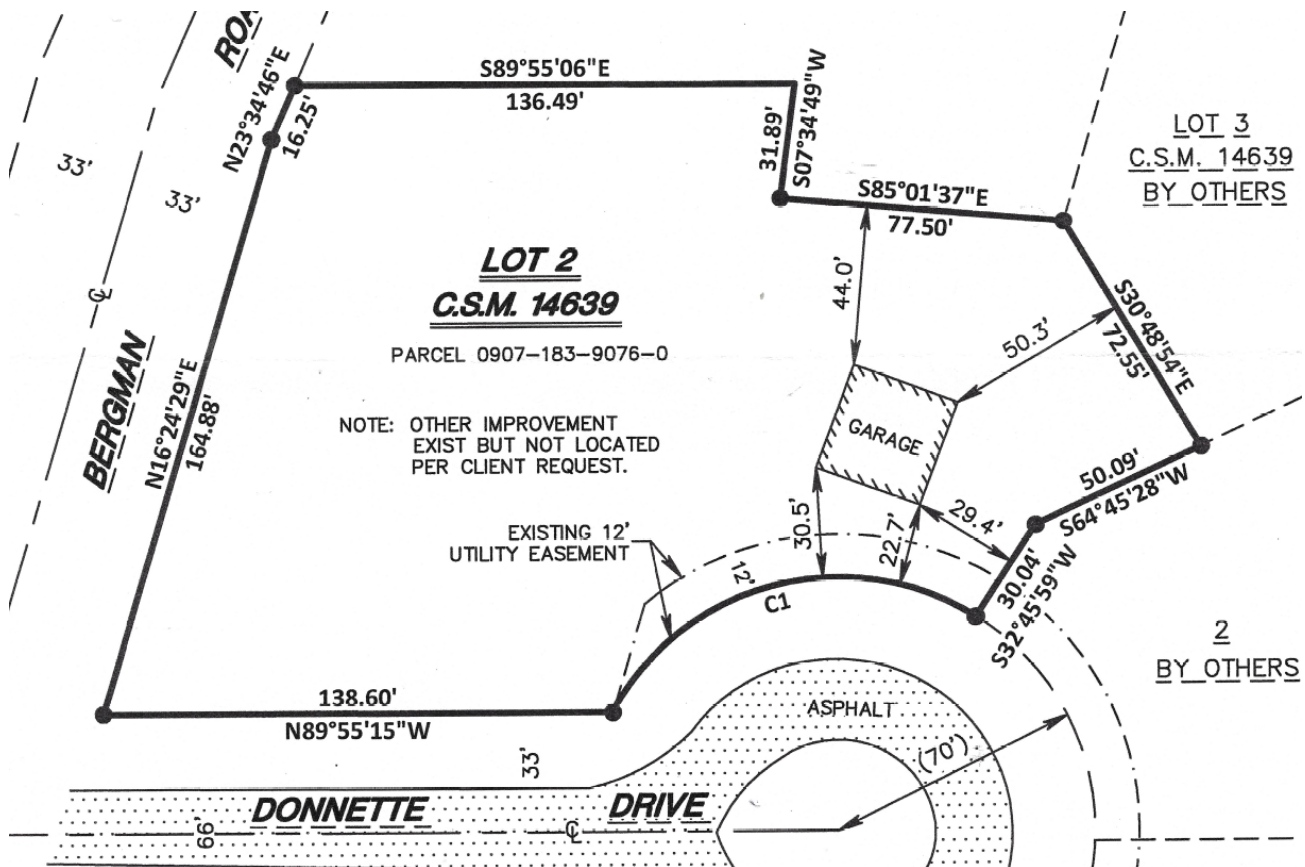
TO: ZLR Committee members  
FROM: Roger Lane, Dane County Zoning Administrator  
CC: Joel & Ashley Ludowitz  
SUBJECT: Minor deviation in the site plan for Conditional Use Permit #2666  
DATE: October 1, 2025

On June 24, 2025, the Zoning and Land Regulation Committee approved a conditional use permit (CUP #2666) to allow an accessory building to be constructed on the property located at 9494 Donnette Drive in the Town of Roxbury. The conditional use permit allowed the building to be constructed to a height of 13 feet, which exceeds the standard 12-foot height. As part of the conditional use application, a site plan was submitted which showed the accessory building being placed 30 feet back from the road right-of-way, the minimum road setback. See below.



A zoning permit was issued for the accessory building and construction commenced. A condition of the zoning permit was that a location survey was needed to verify the location given the close proximity to the road right-of-way.

A location survey was submitted to show the "as built" location. The survey revealed that the building was closer than 30 feet to the property line. See Below.



Although one side of the building meets the planned 30-foot setback, the other side does not. Luckily, the zoning ordinance allows for an exception for corner lots allowing a reduced setback along the long side of a corner lot for structures. Using this exception in the ordinance, 10.102(10)(e), the accessory building could be placed within 19.1 feet of the road right-of-way. The location of the building technically meets the zoning ordinance, however, the location deviates from the site plan submitted as part of the conditional use permit.

The Zoning Division was uncomfortable issuing a certificate of compliance for the project given that "not all" of the accessory building was 30 feet back from the road right-of-way as depicted on the CUP site plan.

The matter has been placed on the agenda to ask the ZLR Committee if the location of the accessory building, "as built", would cause an issue with the approval of the conditional use permit for the height allowance. If so, we would instruct the landowner to apply for a new conditional use permit.

Given that the location technically meets setback requirements, Staff is suggesting that the ZLR Committee accept the minor deviation in the site plan. The location survey would be included in the conditional use permit application.