

MINUTES - BOARD OF ADJUSTMENT

Meeting of November 15, 1979

PRESENT: Dahlk, Krushchke, Voges, Schwahn, Purcell
ALSO PRESENT: Fleck.

The meeting was called to order by Chairman Dahlk at 7:30 p.m. in Room #224 City-County Building to hold a public hearing as advertised by Class II notice. Motion by Voges, second by Schwahn to correct the previous minutes date of the October inspection trip; was October 23, 1979 and not on October 25th. Motion carried. Motion by Voges, second by Schwahn to approve the minutes of October 25 and November 13, 1979. Motion carried.

The notice was read and the public hearing was opened.

#843. Appeal by Sidney A. and Eleanor Foye for a variance from required setback from road as provided by Section 10.17 (2) - Dane County Zoning Ordinance. Variance is necessary to permit an addition to a residence at 7266 C.T.H. "VV" in part of the W 1/2 SW 1/4 - Section 13, town of Bristol.

Request for withdrawal as per telephone call from the Foye's.

#844. Appeal by Thomas G. Handel for a variance from required setback from road as required by Section 10.17 (1) - Dane County Zoning Ordinance. Variance is necessary to permit an addition to a residence at 4873 S.T.H. 78 in part of the SE 1/4 SW 1/4 Section 35, Town of Black Earth.

IN FAVOR: T. Handel, T. H. Winch, Attorney. OPPOSED: None
COMMUNICATIONS: None.

#845. Appeal by Klingbeil Brothers and Robin Koth for a variance from required setback from road as provided by Section 10.17 (e) - Dane County Zoning Ordinance. Variance is necessary to permit location of a residence constructed on Lot #1, Mayfair Terrace 3821 High Road - Section 1, Town of Middleton. IN FAVOR: R. Koth, J. McKenna OPPOSED: None
COMMUNICATIONS: None

#846. Appeal by Dean G. Mohring for a variance from the minimum distance a barn may be located from adjacent property which is located in a residential district as provided by Section 10.12 (6) (b) - Dane County Zoning Ordinance. Barn is located in part of the NE 1/4 NW 1/4 - Section 19, Town of Bristol.

IN FAVOR: D. Mohring; E. Schey OPPOSED: None COMMUNICATION: Letter from Schey Realty, in favor.

The public hearing was closed.

#843. Motion by Voges, second by Purcell to grant withdrawal of appeal. Motion carried.

#844. Motion by Voges, second by Schwahn to grant a variance of 25 feet from required setback from S.T.H. 78.

FINDING OF FACT:

1. Proposed construction will be farther from the road than the existing house which is to be removed and the existing barn.
2. Moving construction farther from road will place it in low area with high water table. Low land actually surrounds the farm yard complex and prevents construction other than proposed.

CONCLUSION:

- a. Proven case of unnecessary hardship.
- b. Variance is not contrary to rights of others or to the public interest.

Motion carried.

#845. Motion by Purcell, second by Kruschke to grant a variance of 1 foot from required setback.

FINDING OF FACT:

1. Setback error was caused by misinterpretation of site plan. Foundation location did not take into consideration the cantilevered first floor.
2. Other residences in the area are as close or closer to High Road.
3. Embankment of property to the South extends closer to the road than this house.

CONCLUSION:

- a. Proven case of unnecessary hardship.
- b. Variance is necessary to provide right enjoyed by others.
- c. Variance is not contrary to rights of others or to the public interest.

Motion carried.

#846. Motion by Schwahn, second by Purcell to grant a variance of 51 feet 5 inches, for the mare barn, and 89 feet 3 inches, for the arena building, from the required distance such buildings must be located from a residence district property line.

FINDING OF FACT:

1. Buildings were constructed by former owner of the property.
2. Buildings were constructed before most of the residences in the residential area. No complaints on use have been received.
3. Moving of buildings is not feasible because of cement foundation and built-in barn cleaners, etc.

CONCLUSION:

- a. Proven case of unnecessary hardship.
- b. Variance is not contrary to rights of others or to the public interest.
- c. Hardship is caused by the Ordinance and is not self-imposed.

Motion carried.

#806. Motion by Voges, second by Schwahn to rescind board action of July 26, 1979. Motion carried. Motion by Voges, second by Purcell to grant a variance of 114 square feet, for Lot #1 and 161 square feet for Lot #2, from required lot area.