



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?

Wednesday, May 27, 2026

6:30 PM

Hybrid Meeting: Attend in person at the City County Building, Room 357.

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 6:30pm and introduced the members of the board and made a statement regarding the rules and procedures of the Board.

Also Present: Staff: Interim Zoning Administrator Hans Hilbert

Present 4 - ARLAN KAY, Secretary SUE STUDZ, GEORGE CORRIGAN, and Chair AL LONG

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

No public comments were made.

C. Consideration of Minutes

Minutes of the May 14, 2025 site inspection meeting

STUDZ to approve the minutes. Motion Carried.

Ayes: 3 - STUDZ, CORRIGAN and LONG

Abstain: 1 - KAY

D. Public Hearing for Appeals

1. Appeal 3743. Appeal by Robert and Kim Riege for a variance from minimum required wetland setback Chapter 11.03(2)(a)2., Dane County Code of Ordinances, to permit driveway access to a proposed residence on a tract of land being located in the NE ¼ of the SE ¼, Section 28, Town of Deerfield.

Interim Zoning Administrator (ZA) Hilbert presented a Staff Report reporting facts of the case.

IN FAVOR: David Dinkel, agent for owner, spoke in favor of the variance request and answered questions of the Board.

Robert and Kim Riege spoke in support of the request.

ZONING ADMINISTRATOR'S COMMENTS: Hilbert stated that the Zoning and Land Regulation Committee had approved the residential land use of the site and that there appears to be no other means of providing access to the developable portion of the property. He had been in communication with the delineator and relayed that the immediate wetland area was of a low quality primarily dominated by reed canary grass.

OPPOSED: [None. The Chair stated no rebuttal was needed.]

VARIANCES REQUESTED: Purpose: Allow driveway for access to future residence
Setback from wetland variance:

Minimum required setback from the boundary of a wetland required: 75 feet.

Actual Setback: 40 feet.

VARIANCE NEEDED: 35 feet.

Finding of Fact:

Existing:

Bob and Kim Riege own agricultural land on the north side of London Road in Section 27 and Section 28 in the Town of Deerfield.

The land is adjacent to the Village of Deerfield on the north and south of London Road to the south.

The western property line abuts residential lots within the Town in the Deer Ridge Plat, and unplatted residential lands to the east.

A previously ditched intermittent stream bisects the property and contains associated wetlands and floodplain.

Historically, the drainage pattern in the area was along the eastern property line but during the 1940s and 1950s the stream was straightened and moved further west to provide for agricultural drainage.

In 1975, a west-to-east agricultural ditch was constructed in the southwestern portion of the property to provide additional drainage.

These low-lying drained fields are included in the WI Wetland Inventory and recent wetland delineation has confirmed the wetland boundaries.

The floodplain associated with the stream was included in a FEMA study with a defined base flood elevation of 854.8 feet above mean sea level.

Proposed

Owners would like to create a residential development site, using a transfer of

development right, for a family member to build a home on a portion of the land. The proposed homesite would be located outside of the wetland setback and floodplain, satisfying the locational requirements of the ordinance. Access to the homesite is proposed partially encroaching into the required 75-foot wetland setback and within the floodplain. The proposed building site is on a small ridge with an elevation ranging from 855 to 860 above mean sea level.

Zoning Notes:

Under wetland zoning, a driveway is defined as a structure and is required to satisfy the 75 foot setback to a wetland greater than 2 acres.

History:

Applicant is currently working through the process of obtaining RR-4 zoning for the property. The public hearing on the petition was on May 26, 2026. The ZLR Recommended approval.

COMMUNICATIONS:

Town of Deerfield: acknowledgement and recommending approval 4/10/2026

Conclusions:

- 1)Unnecessary Hardship: It would be unreasonable to not allow for access to the only developable portion of the property to allow the property to be developed for its intended use.
- 2)Unique Limitations of the Property: Access to the property is generally limited to the south. The western property line is formed by steep topography, and to the north and east, wetlands and agricultural ditches. Other portions of the lands in common ownership are located either in wetlands or floodplain. The developable portion of the property is limited in access due to a sprawling lobe of a wetland that has resulted from agricultural ditching.
- 3)No Harm to Public Interests: The bulk of development proposed satisfies the requirements of the zoning ordinances. The geometry of access to the building site contains a pinch point requiring relief. This narrow passage will not result in negative wetland impacts.

KAY to grant 35 feet of relief from northern lobe of wetland to allow for proposed driveway as requested. Motion carried.

Ayes: 4 - KAY, STUDZ, CORRIGAN and LONG

E. Appeals from Previous Meetings

F. Reports to Committee

Ethics Training

Due to technical difficulties the board deferred this item to their June meeting.

G. Other Business Authorized by Law

H. Adjournment

STUDZ to adjourn. The Board adjourned by voice vote at 7:29pm.