

## **JANUARY 26, 2023 BOA PUBLIC HEARING STAFF REPORT**

**Appeal 3725.** Appeal by Amy Miles & John Silbernagel (Bill Montelbano, architect, agent) for a variance from minimum required front setback to Aalseth Ln as provided by Section 10.251, Dane County Code of Ordinances, to permit an addition to a single family residence at 3190 & 3194 Aalseth Ln being Lot 15 & 16 Camp Dewey Plat, Section 25, Town of Dunn.

OWNER: Amy Miles & John Silbernagel

AGENT: Bill Montelbano, architect

LOCATION: 3190 & 3194 Aalseth Ln,

ZONING DISTRICT: SFR-08 Single Family Residential

COMMUNICATIONS: Town of Dunn: 01/2/2024; Acknowledgement; Action Pending.

### Facts of the Case:

#### Existing:

- The property ownership boundary is made up of lots 15 & 16 of the Camp Dewey Plat.
- Lot 15, 3194 Aalseth Ln, contains a single family residence, boathouse, and rear deck area.
- Lot 16, 3190 Aalseth Ln, contains a single family residence and boathouse.

#### Proposed

- Owners propose to combine lots 15 & 16 into a single certified survey map lot.
- The residence and boathouse on lot 15 will be removed.
- An addition to the residence on lot 16 is proposed to extend into the lot 15 area and encroach into the required setback to Aalseth Lane.

#### Zoning Notes:

- The Camp Dewey plat was recorded in 1898.
- The plat did not dedicate any right-of-way for access.
- Aalseth Ln is located on the platted lots, however is a public road contained within a public easement and maintained by the Town of Dunn.
- The Town will require dedication of right-of-way as part of the new certified survey map.
- Currently zoning regulations require a front setback "from the road", we interpret this to be measured from the easement line, which will also be the newly created CSM right-of-way line or front property line.
- Property is located within the shoreland zoning district.

#### History on file:

##### *Lot 16, 3190 Aalseth Ln*

- 1968: ZP 18288 issued for a boat house.
- 1975: ZP 24433 issued for new single family residence
- 1982: ZP 34229 issued for deck addition
- 1992: DCPZP-1992-01200 issued for new deck, wall and floor replacement
- 1998: DCPZP-1998-01678 issued for a residential addition
- 1997: Appeal 2841 variance granted for relief from front setback and minimum side yard for residential addition, approved, but null and void after 1 year failure to obtain zoning permit
- 1998: Appeal 2967 variance granted for relief from front setback
- 1998: DCPZP-1998-01920 issued for a garage addition at 3190 Aalseth Ln.
- 2016: Current owners purchase property

##### *Lot 15, 3194 Aalseth Ln*

- 1990: DCPZP-1990-01083 issued for boathouse at 3194 Aalseth Ln.
- 1998: DCPZP-1998-01167 issued for new residence at 3194 Aalseth Ln.
- 2019: Current owners purchase property

### *Other Aalseth Ln History*

- Appeal 1376 variance for 3196 Aalseth Ln denied for relief from side yard minimum for deck.
- Appeal 1673 variance for 3188 Aalseth Ln granted for 4 feet from OHWM for a 4x4 stoop.
- Appeal 1727 variance for 3216 Aalseth Ln denied for new residence from OHWM and boathouse height.
- Appeal 2174 variance for 3220 granted for maximum boathouse height (3 feet)
- Appeal 2333 variance for 3226 withdrawn (after-the-fact deck)
- Appeal 2470 special exception permit granted for placement of fill/grading
- Appeal 2509 variance for 3232 Aalseth Ln granted for 2 ft from side yard for detached garage.
- In 2018 DCPZP-2018-00595 was issued for the adjacent residence at 3196 Aalseth Ln. This permit was issued prior to the comprehensive rewrite of Chapter 10. The ordinance at that time explicitly stated that the front yard setback is measured from the right-of-way line or front property line. Since a right-of-way line for Aalseth Lane does not exist, the front property line (located south of the road pavement) was used for measuring the setback.
- In 2021 DCPZP-00403 was issued for a new residence at 3198 Aalseth Ln. Although the new ordinance had taken effect the review of the permit used the prior methodology and the new residence was permitted with an 8.7 foot setback from the northern easement line.

**VARIANCES REQUESTED: Purpose: Allow residential addition**

Minimum required setback to public road: 20 feet

Proposed setback: 6 ft

VARIANCE NEEDED: 14 ft