DANE COUNTY BOARD OF ADJUSTMENT
MINUTES OF THE JANUARY 26, 2012 MEETING

MEMBERS PRESENT: Alan Colvin, Al Long, Steven Schulz, Sue Studz.
MEMBERS ABSENT: Carlton Hamre
OTHERS PRESENT: Assistant Zoning Administrator Kris Schutte, Zoning Administrator Roger Lane, Zoning Inspector Shawn Widish

I. CALL TO ORDER:
Chair Schulz called the meeting to order at 6:30 p.m. in Room 357 of the City-County Building and made an announcement regarding rules and procedures followed by the Board.

II. PUBLIC COMMENT
Chair Schulz offered an opportunity for public comment on general items not included on the current agenda. There were no registrants for public comment.

III. APPROVAL OF MINUTES
Motion by Long/Studz to approve the minutes of the December 15, 2011 Public Hearing and the Minutes of the January 12, 2012 Site Inspection meeting of the Dane County Board of Adjustment. Motion carried, 4 - 0.

IV. PUBLIC HEARING FOR JANUARY 26, 2012 APPEALS

1. Appeal 3627 Appeal by James and Anita Treinen (Treinen Rev. Tr., James & Anita) for a variance from minimum required setback from centerline or right-of-way as provided by Section 10.17(1) Class A Highway, Dane County Code of Ordinances, to permit the construction of a farm accessory building at 6966 US Highway 51, in the NW ¼ SW ¼ of Section 21, Town of Windsor.

VARIANCES REQUESTED: Purpose: Allow construction of a new 60’ x 120’ farm accessory building.

Setback from Road Variance:
Minimum setback from right-of-way required: 42 feet.
Proposed Setback from right-of-way line: 12 feet.
VARIANCE NEEDED: 30 feet from right of way line.

Zoning Inspector Widish presented a Staff Report reporting facts of the case.

SPEAKING IN FAVOR: James Treinen, Deforest, WI – owner.
REGISTERING IN FAVOR: Anita Treinen, Deforest, WI – owner; Ron Treinen, Deforest, WI – neighbor/son.
ZONING ADMINISTRATOR’S COMMENTS: Given the overall layout; extensive length of the terrace area and elevation of the site being 10 feet above that of the roadway, the Zoning Administrator felt that the request was appropriate.
OPPOSED: None.
Motion: Long/Schulz to grant a variance of 30 feet from setback from minimum 42 foot Class A Highway right of way to allow for the construction of machine shed as proposed conditioned upon approval from the Town Board.

Finding of Fact:

• A portion of the Treinen farm where the residence and existing farm buildings are located is a 38 ½ acre parcel with frontage along US Highway 51 and is affected by WDOT Transportation Project Plat No: 6020-02-21-4.05.

• Transportation Project Plat recorded in Register of Deeds April 27, 2010 identifies seven of the Treinen buildings are now within the right-of-way and need to be removed including their residence and farm machine shop along with five other farm accessory buildings.

• Approximately 18.62 acres of the farm is being removed/affected by the highway expansion

Conclusions:

1) Unnecessary Hardship: It is unnecessarily burdensome to not allow the Treinen’s to replace a machine shed, in light of the adverse affect on the farm by the removal of 18 plus acres of productive farm land, to an area that fits in both the clustering of remaining buildings and in the continued efficient and convenient operation of the farm.

2) Unique Limitations of the Property: The dramatic change in the right of way of US Highway 51 is not something that was created by the Treinen’s though is requiring the removal of seven of their farm buildings. Remaining lands to replace necessary buildings are limited with consideration of topography and the prevention of run-off that potentially would adversely affect water quality. In this section of the Transportation Project Plat, no other farming operation is being affected.

3) No Harm to Public Interests: The proposed construction is supported by both the Town and the County and is prudent as ASCS has identified a potentially non-compliant remaining cattle building needing to be removed once the highway project is complete. If this variance were not to be granted the potential harm to public interest (water quality), due to placement and run-off of relocating that building, would be greater than the minimal variance requested from setback from right of way.

Motion carried: 4 – 0

2. Appeal 3628 Appeal by William F. Newton (Ronald and Patryce Jacobson and House Doctors M.D. Inc., Agents) for a variance from minimum required lot width at the building setback line for an existing substandard platted lot in the shoreland District as provided by Sections 11.03(1) and 10.05(4), Dane County Code of Ordinances, to permit removal and replacement of single-family residence at 2906 Waubesa Avenue, being Lot 24, Block 3, 2nd Addition to Waubesa Beach, Section 5, Town of Dunn.

VARIANCES REQUESTED: Purpose: Remove existing house; build new home.

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<thead>
<tr>
<th>Lot Area Variance:</th>
<th>Lot Width Variance</th>
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<tbody>
<tr>
<td>Minimum Lot area required: 15000 SF.</td>
<td>Minimum lot width at building setback line required: 100 feet.</td>
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<tr>
<td>Actual Lot Area: 6900 SF.</td>
<td>Actual Lot width: 56.71 feet at building setback line.</td>
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<tr>
<td>VARIANCE NEEDED: 8100 SF</td>
<td>VARIANCE NEEDED: 43.29 feet.</td>
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Zoning Inspector Widish presented a Staff Report reporting facts of the case.

SPEAKING IN FAVOR: Ron Jacobson, Sun Prairie, WI – agent and prospective buyer.
REGISTERING IN FAVOR: Patryce Jacobson, Sun Prairie, WI – agent.
ZONING ADMINISTRATOR’S COMMENTS: While it appears the proposed plan meets setback requirements the tolerances are very tight and it is critical that the applicants are aware that setback is measured to the face of the structure not the foundation. Any topography changes within five feet of the property lines require approval from the Zoning Division.

OPPOSED: None.

Motion: Studz/Colvin to grant variance requests for 43.29 feet from the minimum 100 feet lot width at the building setback line and 8100 square feet from the minimum 15000 square feet of lot area required in the Shoreland district to permit the construction of a new single-family residence.

Finding of Fact:
- October 7, 1911 Second Addition to Waubesa Beach platted.
- Lot 3, Block 24 has an existing house located closer to reduced setback to the OHWM than the proposed residence and both existing and proposed houses meet the front and side yard setbacks.
- According to agent planned installation of landscaping features support Shoreland Ordinance purposes.

Conclusions:
1) Unnecessary Hardship: It would be unnecessarily burdensome to prevent the continued residential use of this lot when the purposed removal and construction results in a more code compliant residence not requiring further variances.
2) Unique Limitations of the Property: No additional land is available to increase the width or area of this substandard lot, which is part of a 1911 subdivision plat.
3) No Harm to Public Interests: Agents proposal improves compliance with setbacks from front and side yards and setbacks from OHWM. The application requires a minimal relief.

Motion carried: 4 - 0

V. APPEALS FROM PREVIOUS HEARINGS – REQUESTS FOR EXTENSION OF AUTHORIZATION.

3. Appeal 3590 (February 25, 2010 Public Hearing) Appeal by Blanche C. Pooch, Life Estate et al. (David Dinkel, Property Shop Realtors, agent) for variances from minimum required setback from road as provided by Section 10.17(1) Dane County Code of Ordinances, to permit change of use, remodeling and structural alterations of existing barn and shed, as proposed, at 4692 U.S. Highway 73, in the NE 1/4 SW 1/4 Section 04, Town of Deerfield. Request for extension of deadline for zoning permit.

Requests for Extensions of authorization:

Zoning Inspector Widish presented a Staff Report reporting facts of the case.

APPEARING: David Dinkel, Deerfield, WI – agent, asked for an extension of one year.

ZONING ADMINISTRATOR’S COMMENTS: No comment.

OPPOSED: None.

Motion: Schulz/Colvin to approve extension for one more year to 2/25/2013.

Motion carried: 4 - 0
VI. OTHER BUSINESS:
Widish reported on the following items and distributed materials. Discussion ensued.

1) **Status of changes to Chapter 11 – Shoreland, Shoreland-Wetland & Inland-Wetland Ordinance of the Dane County Code of Ordinances.** Email provided from Brian Standing, Senior Planner, Dane County Planning and Development of training opportunity on February 1, 2012 in the Town of Dunn. The board took no action.

2) **Status of properties affected by prior actions of the Board of Adjustment.** No further discussions other than noting the recent Pooch request for extension.

3) **Status of Administrative Appeal 3626 and scheduling.** Determination was made that a decision on scheduling will be made after the February deadline for variances as to whether a special hearing will need to be scheduled or whether the appeal could be heard at the regularly schedule March Public Hearing. No action was taken.

4) **Distribution of current printed Ordinance books effective 10/31/2011.** No action taken.

5) **Distribution of Dane County Board of Adjustment 2010 and 2011 Actions tables: Updated 2010 version and new 2011 table.** No action taken.

VII. ADJOURNMENT:

**Motion:** Long/Studz to adjourn.

**Motion carried:** 4 - 0 at 8:15 p.m.

Respectfully submitted,

Shawn Widish, Dane County Zoning Inspector

MINUTES FILED WITH THE COUNTY CLERK: February 8, 2012.

MINUTES FILED IN THE OFFICE OF THE DANE COUNTY PLANNING AND DEVELOPMENT DEPARTMENT, DIVISION OF ZONING:

____________________________________   _______________________
SIGNED BY:   Roger W. Lane, III     Date
Dane County Zoning Administrator

THE MINUTES OF THE __________, 2011 BOARD OF ADJUSTMENT MEETING WERE APPROVED BY THE BOARD OF ADJUSTMENT ON _______________ AS PRESENTED. / AS AMENDED TO INCLUDE THE FOLLOWING:

____________________________________   _______________________
SIGNED BY:   Steven Schulz      Date
Chair, Dane County Board of Adjustment