NOTE: These minutes reflect the notes of the recorder and are subject to correction and approval at a subsequent meeting of the Committee.

DANE COUNTY BOARD OF ADJUSTMENT
MINUTES OF THE APRIL 25, 2013 MEETING

MEMBERS PRESENT: Mary Haley, Al Long, Robert Pulvermacher, Steven Schulz.
MEMBERS ABSENT: Sue Studz
OTHERS PRESENT: Assistant Zoning Administrator Hans Hilbert, Zoning Administrator Roger Lane

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 Haley/Pulvermacher to approve the minutes of the March 21, 2013 Public Hearing
Motion carried, 4 - 0.
Motion by Haley/Pulvermacher to approve the minutes of the April 11, 2013 Site Visit.
Motion carried, 4 - 0.

IV. PUBLIC HEARING FOR APRIL 25, 2013 APPEALS

1. Appeal 3643. Appeal by Jim Belanger, Agent for Giuseppe (Joe) Pipitone for a variance from reduced, minimum required setback from Traveler Trail as provided by section 10.16(5)(b)2. Dane County Code of Ordinances, to permit entry way and dining room addition to existing restaurant at 6601 Traveler Trail, being Lot 23 Windsor Corners, Section 30, Town of Windsor.

VARIANCES REQUESTED: Purpose: To allow for entryway and dining area commercial addition

Assistant Zoning Administrator (AZA) Hilbert presented a Staff Report reporting facts of the case.
IN FAVOR: Joe Pipitone, Sun Prairie, WI - owner, Jim Belanger, Edgerton, WI – Agent to Owner
ZONING ADMINISTRATOR’S COMMENTS: Lane stated that applicant was requesting the minimum amount of relief to make the existing structure useable; the overall size of the building presents a hardship; approval of this variance request would not undermine the purpose of the zoning ordinances.
OPPOSED: None. The Chair stated no rebuttal was needed.

Motion: Schulz/Haley to grant variance of 5.326 feet of the required class E highway setback of 21.626 feet to permit an entryway and dining room addition as proposed.

Finding of Fact:
• The property is currently used as a restaurant operating out of a the former driving range club house located on the property.
• A change of use permit for the restaurant was issued on August 17, 2012.
• This property qualified for a reduced corner lot setback from a Class E highway. The setback distance is defined as 1/5 (one-fifth) of the lot depth measured on the long side of the road frontages.
• This property was included in rezone #10259 and rezoned from RE-1 Recreation to C-1 Commercial with an effective date of August 26, 2011. At that time the property was included in the Windsor Commons Subdivision Plat.
• The Windsor Commons Subdivision Plat dedicated Traveler Trail as a Town road located adjacent to this property.
• The property owner is proposing a 24’ X 7’ X 16’ entryway and dining room addition to the existing restaurant building.
• The addition would result in an additional 150 feet of occupiable floor area, resulting in 2 additional parking spaces.
• The existing parking is currently in excess of the required amount of parking by 6 stalls.

COMMUNICATIONS:
Town of Windsor Plan Commission: 12/18/2012; Unanimous recommendation of variance approval.
Town of Windsor Board: 01/17/2013; Unanimous recommendation of variance approval.

Conclusions:
1) Unnecessary Hardship: Variance sought is for the minimal amount to allow for continued operation of an approved property use given existing dimensions and location of structures on site. The requirements of the zoning ordinance creates severe limitations on expanded use of the existing structure and do not allow for any expansion of the structure without a variance.
2) Unique Limitations of the Property: The existing structure was a legally conforming structure prior to the dedication of Traveler Trail which created a non-conforming status of the structure. The existing structure is bound by its rear yard setback, front yard setback, and required stormwater management features leaving expansion to the north an only feasible option.
3) No Harm to Public Interests: The proposed addition will be located in the existing footprint of the structure. Entryway addition will allow for customers to wait for service inside, away from traffic and natural elements. Proposed entryway will provide for energy conservation which ultimately enhances the public interest. A variance would not undermine the purpose of the zoning ordinance.

Motion carried: 4 - 0

V. APPEALS FROM PREVIOUS HEARINGS
VI. OTHER BUSINESS:

VII. ADJOURNMENT:

Motion: Haley/Schultz to adjourn.

Motion carried: 4 - 0 at 7:05 p.m.

Respectfully submitted,

Hans Hilbert, Dane County Assistant Zoning Administrator, Recording Secretary

MINUTES FILED WITH THE COUNTY CLERK: April 30, 2013.