DANE COUNTY BOARD OF ADJUSTMENT

MINUTES OF THE NOVEMBER 21, 2013 MEETING

PRESENT: Board Members Mary Haley, Al Long, Robert Pulvermacher, Steve Schulz, Sue Studz
ALSO PRESENT: Staff – Assistant Zoning Administrator Hans Hilbert; Ellen Zander, LuAnn Clausen.

I. CALL TO ORDER:
Chair Schulz called the meeting to order at 6:46 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/Haley to approve the minutes of the November 14, 2013 Site Visit.  
Motion carried, 5 - 0.

Motion by Long/Haley to approve the minutes of the September 26, 2013 Public Hearing.  
Motion carried, 5 - 0.

IV. PUBLIC HEARING FOR NOVEMBER 21, 2013 APPEALS

1. Appeal 3649. Appeal by LuAnn Clausen and Ellen Zander for a variance from minimum required setback from a Class A Highway as provided by Section 10.17(1)(b), Dane County Code of Ordinances, to permit proposed relocation of existing barn at 2610 State Highway 73 being Lot 1, CSM #8275 in Section 15, Town of Christiana.

VARIANCES REQUESTED: 2 Feet.

Assistant Zoning Administrator (AZA) Hilbert presented a Staff Report reporting facts of the case.

IN FAVOR: Zander and Clausen, owners, spoke in favor of the variance request.

ZONING ADMINISTRATOR’S COMMENTS: Hilbert relayed that the Zoning Administrator questioned if the structure could be moved 40 feet to the east, why it couldn’t be moved 42 feet east to meet the standards of the zoning ordinance.

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

Motion: Motion by Studz/Long to grant variance of 2 feet of required setback from a Class A Highway to permit the relocation of the tobacco shed as proposed.

Finding of Fact:

Existing:
- Existing use of the property is the primary residence of the owners combined with agricultural and agricultural accessory uses.
- Tobacco shed is a legal non-conforming structure.
- Tobacco shed likely predates County Zoning and locational standards.
- The property is 100% Class II agricultural soils.
Proposed
- The relocation of the existing tobacco shed is being proposed due to the expansion of State Highway 73 to allow the shed to continue to be used for agricultural purposes and to minimize the impact on existing farmland from development. The proposed location of the shed will be almost entirely upon land that is currently in agricultural production (1/10th of 1 Acre).

Zoning Notes:
- Agricultural buildings are a permitted use in the Rural Homes zoning district.
- A setback of 100 feet from the centerline and 42 feet from the right-of-way line is required for all structures adjacent to a Class A Highway. State Highway 73 is a Class A Highway.

History
- In 1997 a permit for a detached garage was issued, no other zoning history was on file, and no violations or complaints have been found on the property.
- In 1988 variance appeal 1684 was granted for 2571 State Highway 73 to allow a residential addition to be located within the setback of the highway.
- In 1992 variance appeal 2313 was granted with condition for 2844 State Highway 73 to allow an addition to an existing barn to be located within the setback of the highway.

Conclusions:
1) Unnecessary Hardship: The board discussed other alternatives than granting a variance; there was discussion that the shed could be positioned in such a way that would not require a variance.
2) Unique Limitations of the Property: The board agreed with the applicant that the existing shed predated the zoning ordinance, and that the matter was not self-imposed as the Wisconsin DOT was requiring the shed to be removed, however the property did allow for alternative shed locations that would not require a variance.
3) No Harm to Public Interests: The relocation of the shed would provide greater highway safety than its existing location partially within the right-of-way.

Motion failed: 1 – 4 (Studz, Aye)

V. OTHER BUSINESS:
1. Hilbert presented the Board with a draft 2014 meeting date schedule. Motion by Schultz/Haley to approve the meeting schedule, motion carried.

2. Hilbert informed the Board members that they had been signed up for the December 3rd training program and said an agenda would be noticed to comply with open meeting laws.

VI. ADJOURNMENT:

Motion: Long/Pulvermacher to adjourn.

Motion carried: 5 - 0 at 8:05 p.m.

Respectfully submitted,

Hans Hilbert, Dane County Assistant Zoning Administrator, Recording Secretary

MINUTES FILED WITH THE COUNTY CLERK: December 6, 2013.

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