DANE COUNTY BOARD OF ADJUSTMENT
MINUTES OF THE JULY 22, 2010 PUBLIC HEARING

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

I. CALL TO ORDER:
Chair Schulz called the meeting to order at 6:35 p.m. in Room 357 (formerly Room 309) 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 July 8, 2010 Site Inspections of the Dane County Board of Adjustment. Motion carried, 5 -- 0.
Motion by Colvin/Studz to approve the Minutes of the June 24, 2010 Public Hearing of the Dane County Board of Adjustment. Motion carried, 3 – 0 – 2 with Hamre and Long abstaining, as neither was present at that meeting.

IV. PUBLIC HEARING FOR JULY 22, 2010 APPEALS
1. Appeal 3596 by Michael Utschig for variances from minimum required lot width at the building setback line, minimum required lot area, and maximum lot coverage for an existing substandard Shoreland District lot, as provided by Sections 11.03(1), and 10.05(4) and (5), Dane County Code of Ordinances, to permit replacement of existing single-family residence located at 3332 Quam Drive, being the Northwest Half of Lot 21, Ole J. Quam’s Park, Section 25, Town of Dunn.

Assistant Zoning Administrator (AZA) Schutte presented a staff report.

VARIANCES REQUESTED: Purpose: Replacement of existing single-family residence on substandard Shoreland lot.
Lot Area Variance:
Minimum lot area required: 15,000 SF.
Actual lot area: 4,402 SF.
VARIANCE NEEDED: 10,598 SF

Lot Width Variance
Minimum lot width at building setback line required: 100 feet.
Actual Lot width: 33.15 feet platted (32.97 feet surveyed) lot width at building setback line.
VARIANCE NEEDED: 66.85 feet (67.03 feet)

Lot Coverage Variance
Maximum lot coverage allowed: 30 % (1332 SF)
Proposed lot coverage: 30.7 % (1350 SF)
VARIANCE NEEDED: 0.7 % (18 SF)

IN FAVOR: Mike Utschig, Madison, WI, owner

ZONING ADMINISTRATOR’S COMMENTS: Zoning Administrator Roger Lane said the proposed paved areas, including new driveway and paved side yards and lake side patio, far exceeded the new NR115 impervious surface standards that must be adopted by Dane County soon. He and Utschig had conferred earlier, and agreed to reduced driveway width, less paving in side yards, and provisions for keeping drainage on the lot.

OPPOSED: None
The Board members present agreed by consensus to bifurcate the issues, dealing with the lot area and width variances first, and the lot coverage variance second.

**Motion:** Long/Schulz to grant a variance of 10,598 square feet from the minimum required lot area of 15,000 square feet, and a variance of 66.85 feet as platted (67.03 feet as surveyed) from the minimum required lot width at the building setback line of 100 feet, to permit replacement of existing single-family residence on substandard Shoreland lot, as proposed, with two (2) CONDITIONS:
1. Reduce driveway width to 22 feet.
2. Replace proposed paved side yards with grassy areas.

**Finding of Fact:**
1. COMMUNICATIONS: The Dunn Town Board acted on Utschig’s proposal at its 07/19/2010 meeting. At the request of Chair Schulz, AZA Schutte read the following Town Board action, from a letter sent to the Board by Dunn Town Clerk Cathy Hasslinger, into the record:
   Motion: Greb/Solheim to recommend approval of Dane County Board of Adjustment Appeal 3596 by Michael Utschig, for variances from minimum required lot width at the building setback line, and minimum required lot area, conditioned upon not exceeding maximum lot coverage, and not shifting water onto neighboring properties, for an existing substandard Shoreland District lot, to permit replacement of existing single-family residence located at 3332 Quam Drive. Discussion included a commitment from Mr. Utschig for the pavers shown in the plan to be permeable with pea gravel installed in between each paver block and a commitment to obtain a driveway permit from the town and to narrow the driveway in an effort to ensure that water from the driveway is not shifted onto neighboring lots. It was noted that the plan as presented exceeds the maximum lot coverage of 30% by a slight margin of 18 square feet and that a hardship had not been established relating to that variance. Motion carried.
2. Utschig’s parcel is one-half of a 66+- foot-wide lot in the Ole J. Quam’s Park subdivision, platted in 1896. The division of Lot 21 took place before 1970, so the two resulting half-lot parcels have legal, pre-existing non-conforming status, are zoned R-3 Residential and are located in the Shoreland district associated with Lake Kegonsa.
3. Utschig’s parcel does not meet current minimum size standards – lot width at building setback line and lot area – for the Shoreland district, as interpreted by the Board of Adjustment in its decision on Appeal 3437 in January 2007. No additional lot width or area is available; neighbors’ lots on either side are substandard in lot width, area and/or side yard setbacks.
4. The existing 1-½ story house on Utschig’s lot was built before Shoreland zoning was adopted in 1970, and may pre-date other county zoning regulations. The house, detached garage, and shed are grandfathered in non-conforming locations. Existing buildings meet maximum lot coverage of 30% of the lot area
5. Utschig proposes to remove all existing buildings and build a new 2-story house with attached garage, meeting all setbacks and yards, and otherwise in compliance with Zoning and building codes.
6. Utschig’s original calculation of proposed lot coverage for the new house didn’t include a 20 square foot covered front porch, and used a different lot area used, so actual proposed lot coverage exceeds 30%.
7. The proposed site plan includes at-grade brick pavers installed as side yard walkways and as a lake side patio. In answer to a Board member’s question AZA Schutte stated these are not included in the percentage of lot coverage.
8. Utschig expressed willingness to meet or exceed the Town’s and Zoning Administrator’s recommendations to abate off-site drainage by reducing paved areas, installing permeable pavers or stone, and reducing driveway width. He described the lot as flat, and told the Board his plans for downspouts, perforated drain tiles, and minimal site grading would not result in additional runoff.
9. Changes to existing topography within five (5) feet of the side property lines would either be eliminated or must be approved by the Director of Land & Water Resources before the required Shoreland Erosion Control Permit may be issued.
10. According to Zoning Division records, the house on the adjacent northeast half of Lot 21 was built in 1992 with variances allowing 4.5 foot side yards as proposed (Appeal 2173, 09/26/1991) and more than 35% lot coverage as built (Appeal 2373, 03/25/1993).
Conclusions:
1) Unnecessary Hardship: It would be unnecessarily burdensome to prevent the continued residential use of this lot.
2) Unique Limitations of the Property: The division of the lot predates Shoreland regulations, and may predate Zoning regulations. No additional land is available to increase lot width or area.
3) No Harm to Public Interests: The proposed house will comply with setbacks and current building code standards, increasing public safety. Applicant’s willingness to amend plans to comply with Town’s and Zoning Administrator’s recommendations will avoid adverse effects to neighbors’ properties and will improve existing drainage patterns, in keeping with Shoreland Ordinance purposes.

Motion carried: 5 – 0.

Motion: Hamre/Colvin to grant a variance of 0.7 percent or 18 square feet from the maximum 30% lot coverage of 1,332 square feet allowed in the Shoreland district for the proposed new house.

Findings of Fact are included above. After discussion, Hamre requested that his Motion be withdrawn, but Chair Schulz determined that the question should be called.

Conclusions:
1) Unnecessary Hardship: The need for a variance is self-imposed. It is possible to reduce the lot coverage; an applicant is expected to meet statutory criteria when planning new construction.
2) Unique Limitations of the Property: Although the small lot presents more challenges than usual, the size of the parcel does not prevent compliance.
3) No Harm to Public Interests: Although the small percentage of lot coverage requested would not seem significant, the cumulative effect of such variances must be considered. The neighbor’s variance does not constitute an appropriate argument for the “public good.”

Motion failed: 4 – 1, with Hamre voting Yes. Variance for lot coverage denied.

2. Appeal 3600 by Dane County Truax Air Park (Mike Eveland, Commercial Air, Inc.) for a variance from maximum allowable height of a structure permitted within the Dane County Regional AHLZ as provided by Section 78.03, Dane County Code of Ordinances, to allow a temporary construction crane to be located at MATC Truax Campus, 3550 Anderson Street, Section 05, Town 08 North, Range 10 East, City of Madison.

Assistant Zoning Administrator (AZA) Schutte presented a staff report.

VARIANCE REQUESTED: Purpose: Temporary construction crane required for installation of new equipment (roof-top air handling unit). Crane will exceed maximum height in the AHLZ (equipment will comply).

Maximum Height Variance for temporary construction crane:
Maximum elevation Above Mean Sea Level (AMSL), as permitted in the Airport Height Limitation Zone (AHLZ): 922 feet AMSL (60 feet above ground level)
Maximum elevation of proposed temporary crane: 1152 feet AMSL (290 feet above ground level)

VARIANCE NEEDED: 230 feet

IN FAVOR: Thomas Duffy, Madison, WI, representing Commercial Air, Inc. as an agent for MATC

ZONING ADMINISTRATOR’S COMMENTS: Zoning Administrator Roger Lane had no recommendations for, or objections to, this variance.

OPPOSED: None

Motion: Studz/Long to grant a variance of 230 feet from the maximum elevation of 922 feet Above Mean Sea Level (AMSL) to allow use of a 290-foot-tall temporary construction crane at a maximum elevation of 1,152 feet AMSL to permit installation of a new roof-top air handling unit equipment at Madison Area Technical College (MATC), as proposed, with two (2) CONDITIONS:

1. Compliance with all conditions of 07/21/2010 letter from Dane County Regional Airport Counsel Rodney Knight;
2. Compliance with all conditions of FAA Determination of No Hazard to Air Navigation 2010-AGL-2611-OE, issued 05/18/2010.

**Finding of Fact:**

1. **COMMUNICATIONS:**
   - 05/18/2010 FAA Determination of No Hazard to Air Navigation for Temporary Structure # 2010-AGL-2611-OE issued for Crane at MATC Truax with Conditions.
   - 05/20/2010 from City of Madison Deputy City Clerk T. Adam Gallagher: Acknowledgment letter.
   - 05/26/2010, 06/04/2010 from Fred Brechlin, Architect/Professional Services Manager, Dept. of Facilities Services at MATC, regarding elevation of the rooftop unit to be installed.
   - 07/21/2010 from Airport Counsel Rodney Knight with (8) Conditions for use of temporary crane.

2. AHLZ authority in all Dane County municipalities within approximately three (3) miles of the Dane County Regional Airport, including the City of Madison, is granted to the Dane County Zoning Division under Chapter 78, Dane County Code of Ordinances (DCCO).

3. MATC proposes to install a back-up cooling unit serving data centers for all its campuses on the roof of its tallest, three-story building. The new air handling unit will be at least 10 feet lower than nearby existing structures, according to Mr. Brechlin. Building height is 912 feet AMSL. The rooftop unit, as installed, would be 919 feet AMSL, and would not need a variance.

4. MATC Truax campus is located in part of the AHLZ where maximum permitted height is 922 feet AMSL. Appeal 3467 granted a variance of 59 feet with Airport Conditions for a temporary construction crane needed for a three-story addition to an MATC building in 2007.

5. A 290 foot tall temporary construction crane is needed to install the heavy rooftop unit. The crane must be raised to a maximum of 1152 feet AMSL, exceeding the AHLZ maximum elevation by 230 feet. The crane would be need for one four-hour period on one day only, within three weeks of variance approval -- weather permitting -- according to Duffy. No street closures would be needed.

6. The FAA has issued a Determination of No Hazard to Air Navigation for the temporary crane, subject to standard conditions. The crane would be located about 4000 feet east of the DC Airport runway, according to the FAA Study.

7. Although there were no communications from the City of Madison Planning or Building Inspection Departments about the use of this crane, installation of the rooftop unit may require City Building Permits, but a City permit is not required for temporary construction crane use on private property.

8. Duffy stressed the negative impact on college operations if the cooling unit for the data center was not operational.

9. In response to Board members’ questions, AZA Schutte confirmed that an Ordinance Amendment, removing variances for temporary structures from the Board of Adjustment’s charge, is pending

**Conclusions:**

1) Unnecessary Hardship: The variance is necessary for continued operations at the MATC campus. It would be unreasonable to deny or delay replacement of the air handling unit.

2) Unique Limitations of the Property: The location of the MATC Campus in relation to the Dane County Regional Airport makes the variance for a temporary crane necessary. A pending ordinance change would remove this action from the Board of Adjustment’s jurisdiction.

3) No Harm to Public Interests: Including the Conditions of the Airport and FAA for the temporary construction crane promotes maximum public safety and minimizes hazards to aviation. The temporary crane would be needed for only four hours, and is on school property, causing no disruption to the general public.

**Motion carried:** 5 – 0.

3. **Appeal 3601** by Shawn & Sara Mullen (Tom & Nancy Mistele, agents) for a variance from minimum required lot width at the building setback line for an existing substandard Shoreland District lot, as provided by Sections 11.03(1), and 10.05(4), Dane County Code of Ordinances, to permit a new single-family residence located North of 4839 Morris Court, being Lot 2, CSM 10962 in the SW 1/4 SW 1/4, Section 33, Town of Westport.

Assistant Zoning Administrator (AZA) Schutte presented a staff report.
VARIANCE REQUESTED: Purpose: Build a new house on a substandard Shoreland lot created by Certified Survey map (CSM) before the Board of Adjustment’s decision on Appeal 3437.

Lot Width Variance
Minimum lot width at building setback line required: 100 feet.
Actual lot width: 82.50 more or less feet for Morris Court frontage.
VARIANCE NEEDED: 17.5 feet for Morris Court.

IN FAVOR: Nancy Mistele, Waunakee, WI, agent
ZONING ADMINISTRATOR’S COMMENTS: Zoning Administrator Roger Lane alerted Ms. Mistele to the presence of native American Burial Mounds in the Morris Court area, and informed her of her responsibility to contact the Wisconsin State Historical Society if any remains or artifacts are discovered during site development.

OPPOSED: None

Motion: Colvin/Studz to grant a variance of 17.5 feet from the minimum required 100 feet of lot width at the Morris Court building setback line to permit construction of a new house on a substandard Shoreland lot, as proposed.
A friendly amendment was suggested by Schulz, to add one Condition; Colvin and Studz accepted the amendment:
   1. CONDITION: Compliance with State of Wisconsin regulations for any Native American Burial Mounds that may be found on the site.

Finding of Fact:
1. COMMUNICATIONS: 06/15/2010 Town of Westport letter – “[N]o objection to this variance…the Town feels this variance is unnecessary and a hardship on the landowner.”
2. Ms. Mistele and her husband have made an offer to buy a vacant parcel of land from the Mullens. The lot is currently covered with trees and shrubs. It has frontage to the south (towards the lake) on Morris Court, and frontage to the north on County Highway M. Most of the natural drainage is toward the north.
3. The Mullens’ parcel – Lot 2, CSM 10962 -- is in the Shoreland district of Lake Mendota, and is about 225 feet from the lake, across Morris Court. (The Shoreland district includes all lots within 1000 feet of any lake.) At 15,420 square feet (SF), the lot has more than the minimum 15,000 SF of lot area required in the Shoreland district. On the south or Morris Court side, the lot has 82.50 feet of lot width at the building setback line, less than the minimum 100 ft. required in the Shoreland district. It has 93.72 feet of frontage, on County Highway M, to the north, but no access is permitted by the WDOT.
4. The Misteles would like to build a new 2-story house on Lot 2, with an attached garage facing Morris Court. Ms. Mistele explained that she must apply for the lot width variance because the existing parcel is not considered “grandfathered” as buildable. She told the Board she is unable to acquire any adjacent property to increase the lot width or area of the Mullens’ parcel, but intends to meet all setbacks and yards, with about 21% lot coverage proposed. Site development would improve runoff, directing drainage away from the lake.
5. Lot 2, CSM 10962, was created after Appeal 3260 granted variances from minimum lot width and area in August 2003 to allow the creation of new legal parcels of record, as required in the Shoreland district. The CSM, reconfiguring four larger lots from five existing lots in the Morris Park subdivision, was recorded in January 2004.
6. New houses were built on Lots 1 and 3, CSM 10962, in 2004 without the need for variances, according to the interpretation of the Zoning and Shoreland Ordinances at that time. Since the Dane County Board of Adjustment’s decision on Appeal 3437 the January 2007, all substandard lots in the Shoreland district now require variances to allow any new structure.

Conclusions:
1) Unnecessary Hardship: Denying the variance would unreasonably prevent the use of the lot for its permitted residential purpose. The variance satisfies property rights concerns of Chapter 10 - Zoning and the purposes of Shoreland Zoning - Chapter 11.
2) Unique Limitations of the Property: The lot was created legally. There is no additional lot width or area available.

3) No Harm to Public Interests: The lot is across the road from the lake. Drainage will be directed away from the lake, improving existing conditions. The application requires a minimal variance.

**Motion carried:** 5 – 0.

4. **Appeal 3602** by Adam Grabski for variances from minimum side and rear yards, and from maximum percentage of restoration, enlargement, or other improvement of an existing building in a nonconforming location as provided by Sections 10.07(7) and (8) and 10.23(4), Dane County Code of Ordinances, to allow additions and structural alterations of more than 50 percent to an existing single family residence located at 408 Powers Avenue, being Lot 11, Block 6, Elisha J. Gallagher Plat, First Addition, Section 05, Town of Blooming Grove.

Assistant Zoning Administrator (AZA) Schutte presented a staff report.

**VARIANCES REQUESTED:** Purpose: Structural alterations and additions to a house with nonconforming locational status exceeding 50% of its current assessed value and/or 50% of the current structure.

**Side Yard Setback Variance:**
Minimum side yard setback required: 5 feet.
Propose side yard: 2.8 feet.

**VARIANCE NEEDED:** 2.2 feet.

**Rear Yard Setback Variance**
Minimum rear yard required: 25 feet (measured to the finished wall of the existing house).
Proposed rear yard: 21.1 feet.

**VARIANCE NEEDED:** 3.9 feet.

**Variance from maximum percentage of improvement of a non-conforming building**
Maximum percentage of improvement allowed: 50 %
Proposed percentage of improvement: 75 %

**VARIANCE NEEDED:** 25 % Empirical determination only at this time. This variance may not be needed, subject to the ZA’s interpretation, but was included in the Notice as a precaution.

**IN FAVOR:** Adam Grabski, Mazomanie, WI, owner

**ZONING ADMINISTRATOR’S COMMENTS:** Zoning Administrator Roger Lane explained that granting side and rear yard variances would bring the structure into Zoning conformance, eliminating the need for any variance from maximum percentage of improvement.

**OPPOSED:** None

**Motion:** Studz/Hamre to approve a variance of 2.2 feet from the minimum required 5 foot south side yard and a variance of 3.9 feet from the minimum 25 foot west or rear yard to permit structural alterations and additions to an existing single-family residence, as proposed.

(Note that no variance from maximum percentage of improvement of a non-conforming building was required, as per the Zoning Administrator’s interpretation.)

**Finding of Fact:**
1) **COMMUNICATIONS:** 07/14/2010 Town of Blooming Grove “voted unanimously to support the requested variances” according to a letter from Town Clerk Mike Wolf.
   07/20/2010 Email from Town Clerk Mike Wolf: The Town of Blooming Grove will become part of the City of Madison on November 1, 2027.

2) Mr. Grabski purchased an existing R-3 Residential-zoned, 40 foot x 135 foot lot platted in 1909, with a one-story house that was built in 1939, according to information he received from the Town. Originally, Grabski intended to remodel the house, without any additions or structural alterations requiring Dane County Zoning Permits. However, he found substantial repairs were needed, including replacement of the entire roof structure (rafters to be replaced with engineered trusses) and floor system, for safety and building code compliance.
3) When Grabski decided to renovate and enlarge the existing house, retaining the existing basement and cinder block walls, the Town Building Inspector informed him that a Dane County permit, survey, and potential variance were required, so Grabski told the Board he stopped work and consulted the Assistant Zoning Administrator.

4) The existing house is approximately 26 feet x 30 feet in overall size, with a basement, two small bedrooms, and a small front entry at the southeast corner. It does not meet minimum left (south) sideyard or rear (west) yard setbacks, according to a new survey. The right (north) sideyard and front setbacks exceed minimums required. Lot coverage meets maximum 35% allowed, at 21%.

5) The proposed house would be approximately 33 feet x 30 feet overall. The interior would be completely reconfigured, with new roof and floor systems. Grabski proposes to add a 3 foot x 7 foot open rear exit stoop, which would not exceed what is allowed by code -- a rear deck or uncovered porch may encroach as much as 12 feet into a minimum 25 foot rear yard. He would also add a 10 foot x 17.25 foot front deck, meeting minimum side and front setbacks.

6) The improvements – structural additions and alterations -- when compared with the volume or bulk of the existing building, exceed more than half or 50% of the original structure. Earlier interpretations of Sections 10.21(2) and 10.23(4) have held that a variance was required if the total improvements of a non-conforming structure exceeded 50%.

7) In response to questions from Board members, Grabski said the house was last occupied 07/15/2009, that he was unable to purchase additional land to meet minimum required side or rear yard setbacks, and that the proposed improvements will bring the substandard house into compliance with building codes, and allow it to be rented as a livable residence.

Conclusions:
1) Unnecessary Hardship: It would be unnecessarily burdensome to prevent improvement of a long-standing permitted residential use.
2) Unique Limitations of the Property: The owner is not able to expand the lot that was created in 1909. The nonconforming location of the house predates zoning regulation.
3) No Harm to Public Interests: Proposed code-compliant improvements to the house will increase public safety and provide affordable, safe housing for its occupants. The applicant requests minimal relief, not exceeding setbacks of the existing structure.

Motion carried: 5 – 0.

5. Appeal 3595, returning from the May 27 and June 24, 2010 Public Hearings: Appeal by Darshan Singh and Jasvir Kaur (Dick Powell, Wisconsin Petroleum Inc. and Cindy Aartsen, Condon Companies, agents) for a variance from maximum sign height, as provided by Section 10.74(19) and 10.75(7), Dane County Code of Ordinances, for zoning compliance for existing on-premise pylon sign located at 2050 Fish Hatchery Road (County Highway D), being Lot 6, Fraust Plat, Section 34, Town of Madison.

Assistant Zoning Administrator (AZA) Schutte presented a staff report. VARIANCE REQUESTED: Purpose: Bring existing sign into zoning compliance. Sign Height Variance
Maximum height of sign permitted: 20 feet “measured from the elevation of the centerline of the adjacent road (CTH D/Fish Hatchery Road) to the top of the sign” 
Actual sign height: 20.35 feet existing NEEDS VARIANCE: 0.35 FEET

IN FAVOR: None. (Ms. Aartsen appeared at the May and June meetings for Appeal 3595. Chair Schulz told her at the June meeting that she was not required to attend in July if she and the property owner wished to pursue the sign height variance.)

ZONING ADMINISTRATOR’S COMMENTS: Zoning Administrator Roger Lane had no recommendations for the Board.
OPPOSED: None
Motion: Hamre/Studz to grant a variance of 0.35 feet from the maximum height of 20 feet to bring the existing on-premise pylon sign into zoning compliance.

Finding of Fact:
1. HISTORY: 05/27/2010 P.H. The Board abeyed Appeal 3595. 06/24/2010 P.H. The Board granted variances for setback from County Highway D right-of-way, side yard, and clearance beneath a pylon sign, with Condition requested by County Highway Department, and with Condition that Car Wash sign be removed, as recommended by Town of Madison. 07/15/2010 Zoning Permit issued for replacement of gas price sign, which did not exceed maximum sign height. No new Communications.

2. The sign height variance could not be addressed at the June Board of Adjustment (BOA) meeting because of staff error: The Public Hearing Notice included Section 10.17(5) for Ground on-premise signs, not Section 10.74(19) for Pylon signs. After the June meeting the applicant formally requested that the Board act on the corrected variance from maximum sign height for conformity. A corrected Public Hearing Notice was published for the July 22, 2010 BOA meeting.

3. No change to the existing sign height is proposed. The gas price portion of the existing sign does not encroach into the maximum 20 foot height. The method of measuring the sign height is correct as per Section 10.75(7).

Conclusions:
1) Unnecessary Hardship: It would be an unnecessary hardship to deny a variance that supports the purposes of the Sign Ordinance.

2) Unique Limitations of the Property: The variance allows a long-standing use of this corner of the property for an on-premise pylon sign.

3) No Harm to Public Interests: Although alternatives exist, the request requires a minimal variance, with no change to the existing sign. Public safety has been addressed by removal of a phone booth and the lower “car wash” portion of the sign.

Motion carried: 4 – 1, with Colvin voting No.

V. OTHER BUSINESS:
1. Reports, including distribution of materials, if any, discussion, and possible action regarding the following topics:
   a. Status of changes to Chapter 78 – Airport Height Regulation. AZA Schutte reported that Dane County Regional Airport Counsel Rodney Knight had completed a proposed Ordinance Amendment to update Chapter 78 and allow temporary structures, including temporary construction cranes, to be dealt with administratively instead of requiring a variance. No action was taken by the Board.

   b. Status of properties affected by prior actions of the Board of Adjustment: Chair Steven Schulz reported on the following properties on which the Board of Adjustment acted earlier:
      RE: Appeal 3590 from the 02/25/2010 Public Hearing: Chair Schulz announced that the Pooch property (Deerfield, Section 4) at the intersection of I-94 and STH 73 has been purchased by Green Crossings LLC, a principal of which is the President of WaveWind, a developer of wind turbine equipment. The house is being remodeled for offices; the barn will be used for unit assembly training and storage; the silo will be used to train technicians in climbing techniques.

      RE: Appeal 3572 from the 07/23/2009 Public Hearing: Chair Schulz reported that progress is being made on rezoning the Goff property (Cottage Grove, Section 7) on Cottage Grove Road, to allow a proposed antique auto business.

         No action was taken by the Board.

2. Distribution of materials, discussion, and possible action regarding agendas for the August 12, 2010 Site Inspection and August 26, 2010 Public Hearing of the Dane County Board of Adjustment. AZA Schutte did not distribute a draft agenda, and noted there were no variance applications for the August 26, 2010 Public Hearing. However, she reported she had received preliminary information for an Appeal of a Zoning Administrator’s Decision, which might be scheduled for August 26. She will confer with Chair Schulz and keep all members informed. She asked Board members
to notify her as soon as possible if they would be unable to attend any meetings. Colvin said he would be unable to attend on August 12, 2010. No action was taken by the Board.

VI. **ELECTION OF OFFICERS** as per Section 1.b) of the “Dane County Board of Adjustment Rules and Procedures” (effective 01/17/2008).

1. Election of the Chairperson of the Board of Adjustment:
   **Nomination:** Colvin nominated Steven Schulz for the position of Chair of the Board of Adjustment. Schulz indicated he would accept the nomination. There being no other nominations, the nominations were closed. **Voice Vote:** 5 – 0 to elect Steven Schulz to the position of Chair of the Board of Adjustment.

2. Election of the Vice-Chair of the Board of Adjustment:
   **Nomination:** Long nominated Sue Studz for the position of Vice-Chair of the Board of Adjustment. Studz indicated she would accept the nomination. There being no other nominations, the nominations were closed. **Voice Vote:** 5 – 0 to elect Sue Studz to the position of Vice-Chair of the Board of Adjustment.

3. Election of the Secretary of the Board of Adjustment.
   **Nomination:** Long to nominate Alan Colvin for the position of Secretary of the Board of Adjustment. Colvin indicated he would accept the nomination. There being no other nominations, the nominations were closed. **Voice Vote:** 5 – 0 to elect Alan Colvin to the position of Secretary of the Board of Adjustment.

Staff Note: After consultation with the Chair, AZA Schutte confirmed in *The New Robert’s Rules of Order*, ed. Sherman, 1993, Barnes & Noble, Inc., p. 219 that “[n]ominations do not need to be seconded” from the floor, as they are not Motions. In this case, the Nominations were followed by Voice Votes after closure of the nominations. Therefore, as Recording Secretary, AZA Schutte did not record any second to a Nomination.

VII. **ADJOURNMENT:** **Motion:** Studz/Schulz to adjourn. **Motion carried:** 5 – 0 at 9:10 p.m.

Respectfully submitted,

Kristine L. Schutte, Dane County Assistant Zoning Administrator, Recording Secretary


MINUTES FILED IN THE OFFICE OF THE DANE COUNTY PLANNING AND DEVELOPMENT DEPARTMENT, DIVISION OF ZONING: August 25, 2010

______________________________   _______________________
SIGNED BY: Roger W. Lane, III     Date
Dane County Zoning Administrator
THE MINUTES OF THE July 22, 2010 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