

# Middleton Westport Joint Zoning Committee Agenda

Wednesday, March 24, 2021 6:00 PM

Virtual meeting via [www.zoom.us](http://www.zoom.us)  
Zoom Meeting ID: 955 9740 9555 Password: 867 5309  
Call-in: (312) 626-6799

Posted on the City's web site at <http://meetings.cityofmiddleton.us/> 3/19/21 5:00 p.m.

## Roll Call

## Approval of Minutes

- 1) Minutes of January 27, 2021

## Agenda Items

- 1) 4914 Wakanda Drive: Recommendation regarding revised zoning variance application
- 2) 4916 Borchers's Beach Road: Recommendation regarding zoning variance application

## Adjournment

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at this meeting to gather information; however, no action will be taken by any governmental body at this meeting other than the governmental body specifically referenced in this notice.

Any person who has a qualifying disability as defined by the American With Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact the City Administrator at (608) 821-8350, 7426 Hubbard Ave., Middleton, WI at least 24 hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

**MIDDLETON-WESTPORT JOINT ZONING COMMITTEE**  
**Wednesday, January 27, 2021 6:00 p.m.**

**MEETING MINUTES**

*These minutes are not final until they are formally approved at a subsequent meeting*

*Meeting materials are available on the City's website at <http://meetings.cityofmiddleton.us/>  
A recording of the meeting is available at [https://www.youtube.com/watch?v=6\\_0dj6YP-Dc](https://www.youtube.com/watch?v=6_0dj6YP-Dc)*

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**Roll Call**

Chair Sipsma called the meeting to order at 6:02 p.m. The meeting was conducted online only via the Zoom platform. Randy Bruce, recently appointed as one of the Middleton Plan Commission's representatives, introduced himself.

**MEMBERS PRESENT:** Randy Bruce, Dean Grosskopf, Cynthia Kennedy, Jen Murray, Kurt Paulsen, Ken Sipsma

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Mark Opitz, Tom Wilson

**Approval of Minutes**

**Motion** by Paulsen, seconded by Grosskopf, to approve the draft minutes of October 28, 2020, as prepared. **Motion passed** 6-0.

**Agenda Items**

**1) Recommendation regarding zoning variance application for 4914 Wakanda Drive**

Wilson provided background information, stating that the property is one of the few along the street without a garage, it is relatively narrow, and it features a steep slope. Noting that this could help address parking concerns associated with the short-term rental use of the property, Wilson said that Westport's Plan Commission is supportive of the project from a Town plan and neighborhood compatibility perspective, and he reviewed the Commission's resolution with five conditions of approval. Opitz reviewed the zoning variance approval process.

Committee members reviewed the zoning variance hearing notice and discussed the project.

**Moved** by Paulson, seconded by Grosskopf, to recommend to Middleton's Zoning Board of Appeals and the Town Board approval of the variances subject to the conditions identified in the Town's resolution. **Motion passed** 6-0.

**Adjournment**

**Moved** by Kennedy, seconded by Murray, to adjourn. **Motion passed**, and the meeting adjourned at 6:24 p.m.

*Minutes prepared by Mark Opitz, City Planner and Zoning Administrator. These minutes should not be considered finalized until they are formally approved at a subsequent meeting of the Committee.*

## TOWN OF WESTPORT

PLAN COMMISSION - March 8, 2021

The regular monthly meeting of the Plan Commission was called to order at 7:00 p.m. via GoToMeeting.com virtual video conference by Chair Grosskopf. Members present: Bruskewitz (left at 8:00 p.m.), Cuccia, Grosskopf, Kennedy, Manering, Ohm, and Pichette. Members absent: None. Also attending: Michael Marty, Steve Levy, Ken Lambrecht, Patrick Riha, Bill Montelbano, and Tom Wilson.

No one was present for Public Comment on Matters not on the Agenda. The minutes of the February 8, 2021 regular meeting were approved as presented on a motion by Cuccia, second Bruskewitz, with Pichette abstaining due to absence.

After a brief presentation by Wilson and discussion, the CSM to Recreate One Pre-existing Residential Lot, Steinhauer, Alex Court (Waunakee ETZ), was recommended for approval as presented with conditions and restrictions as recommended by staff [no payment of a Town parkland dedication fee (the fee for the parcel was satisfied with the original Carriage Ridge First Addition Plat)] on a motion by Manering, second Pichette.

After an introduction by Wilson, a presentation by the applicant, and discussion, the Variances, Setbacks from Road Right of Ways, Levy, 4961 Borchers Beach Road (Middleton ETZ), were recommended for approval with conditions, restrictions, and bases for the variances as recommended by staff (build as presented consistent with the home location as shown on the applicant's petition, based on the current configuration of the existing home, that the setbacks predate that home, that relocation within the required setbacks will affect the neighborhood by creating the removal of trees and changing view sheds, and that the variances are consistent with the intent of the zoning code, all creating a hardship due to the lot shape and road locations, with the added condition that the trees the applicant shows as being saved be protected during construction and maintained) on a motion by Cuccia, second Bruskewitz, with Kennedy abstaining.

After a presentation by Wilson, questions of the applicant, and discussion, the Additional Variances, Setbacks from Road Right of Way and Side Yard, Lambrecht, 4914 Wakanda Drive (Middleton ETZ), were recommended for approval with the conditions, restrictions, and bases for the variances as recommended by staff (based on the reasons provided by the applicant in this petition, in the original application, the Town resolution on the item, and the findings of the Middleton ZBA, and as a confirmation of what was recommended by the Town in that petition, all with the same conditions as approved by the ZBA in the previous petition, and to include any conditions for the protection of utilities in the ROW as may be necessary and recommended by Town staff prior to construction commencement) on a motion by Bruskewitz, second Ohm.

After an introduction by Wilson, a presentation by the applicant, questions of the applicant, and discussion, the Design Review, Temporary Restaurant Use/Structures, Beef Butter BBQ, 5407 CTH M (Former White House Site, Waunakee ETZ), was postponed for action to the next meeting by consensus and agreement of the applicant, with the following issues to be addressed and finalized:

- Hours of operations; proposed being open Thursday through Sunday from 4-10 p.m.
- Proposed being open from May 1 through the end of September.
- Plans to have music on Saturday nights to begin, but may expand.
- Needs to consult the Waunakee fire inspector to discuss the proposed fire pits and associated regulations and fire/tripping/coverage concerns.
- Concerns about the hours, volume, and direction of speakers in light of the residential area on the other side of CTH M (will need to consult Waunakee Code).
- Advised petitioner to be sure he has adequate power for his proposal.
- Traffic flow for orders and to prevent stacking needs to be addressed.
- Adequate parking on site needed, and the applicant will check with Summit for overflow parking.
- Concerns about an LED screen being a distraction for drivers and to consult Dane County Highway.
- Advised to contact Kevin Even at Waunakee to discuss sign guidelines and to propose signs that comply with the same.
- Needs to follow Town dark skies lighting guidelines.
- Refuse/Recycling and trash control will need to be addressed.
- Abuts an environmentally sensitive property which may need some protections from run off and to deal with general concerns of the proposed use.

The applicant was also told of preliminary issues to address regarding the Initial Consultation for a permanent presence and structures on the site (advised that design review for a permanent structure would be much more stringent than the temporary plans, Westport will want a high quality unique building in this location, and advised to refer to the Westport Design Guidelines).

Wilson reported on the work of the Park Committee. Pichette reported on the work of the Historic Preservation Commission. Cuccia reported on work of the Sign Design Group.

Grosskopf and Wilson reported on items before the Waunakee/Westport Joint Planning Committee and the Middleton/Westport Joint Zoning Committee.

For Miscellaneous Matters or Forthcoming Events, Wilson advised that due to some absences next month he is trying to keep the agenda lighter and moving some items to the May meeting, Wilson advised of a meeting held by Cherokee Country Club to talk about the improvements being planned for the golf course, and Wilson advised that Bruskewitz and Manering were reappointed to the Plan Commission for another term by the Town Board.

Motion to adjourn by Manering, second Cuccia. The meeting adjourned at 8:35 p.m.

Mary Manering, Secretary

**TOWN OF WESTPORT**  
REGULAR PLAN COMMISSION MEETING  
Kennedy Administration Building  
Community Meeting Room  
5387 Mary Lake Road  
Town of Westport, Wisconsin

**Virtual Meeting Via GoToMeeting**

PLEASE TAKE NOTICE that this meeting will take place virtually via GoToMeeting.

Please join the meeting from your computer, tablet or smart phone by visiting <https://global.gotomeeting.com/join/204953029>. You can also participate by phone by dialing +1 (646) 749-3122 and use access code: 204-953-029. If you are new to GoToMeeting, get the app and be ready when the meeting starts. You may be muted or be asked to mute your device.

AGENDA - April 12, 2021 7:00 p.m.

This meeting is being noticed as a possible gathering of a quorum of the Westport Town Board due to the possible attendance of Supervisors not appointed to the Commission. Supervisors may discuss items on this agenda, or gather information on these items, but no action will be taken on these items as the Town Board.

1. Call to Order
2. Public Comment on Matters Not On the Agenda
3. Approve Minutes
4. CSM (Recreate One Pre-existing Residential Lot), Steinhauer, Alex Court, (Waunakee ETZ), Discussion/Recommendation
5. Variances, Setbacks from Road Right of Ways, Levy, 4961 Borchers Beach Road (Middleton ETZ), Discussion/Recommendation
6. Additional Variances, Setbacks from Road Right of Way and Side Yard, Lambrecht, 4914 Wakanda Drive (Middleton ETZ), Discussion/Recommendation
7. Design Review and Initial Consultation, Temporary and Permanent Restaurant Use/Structure, Beef Butter BBQ, 5407 CTH M (White House Site, Waunakee ETZ), Discussion/Action
8. Park Committee Report/Items for Action
9. Historic Preservation Commission Report/Items for Action
10. Sign Design Group Report/Items for Action
11. Waunakee/Westport Joint Planning Committee Report/Items for Action
12. Middleton/Westport Joint Zoning Committee Report/Items for Action
13. Miscellaneous Matters/Forthcoming Events
14. Adjourn

If you need reasonable accommodations to access this meeting, please contact the clerk's office at 849-4372 at least three business days in advance so arrangements can be made to accommodate the request.

Feb 16, 2021

City of Middleton Zoning staff,

On Feb 3rd, 2021 you granted me front and side yard variances to allow the construction of an accessory building (detached garage) I respectfully request a 2nd variance of the front setback to allow below ground structure only (foundation of garage below driveway) of the accessory building (garage) at 4914 Wakanda Dr to come out as far as the approved roofline in the diagram approved at the 2/3/2021 meeting. Everything else in drawing will remain unchanged. (Updated diagram attached)

Special conditions/hardships

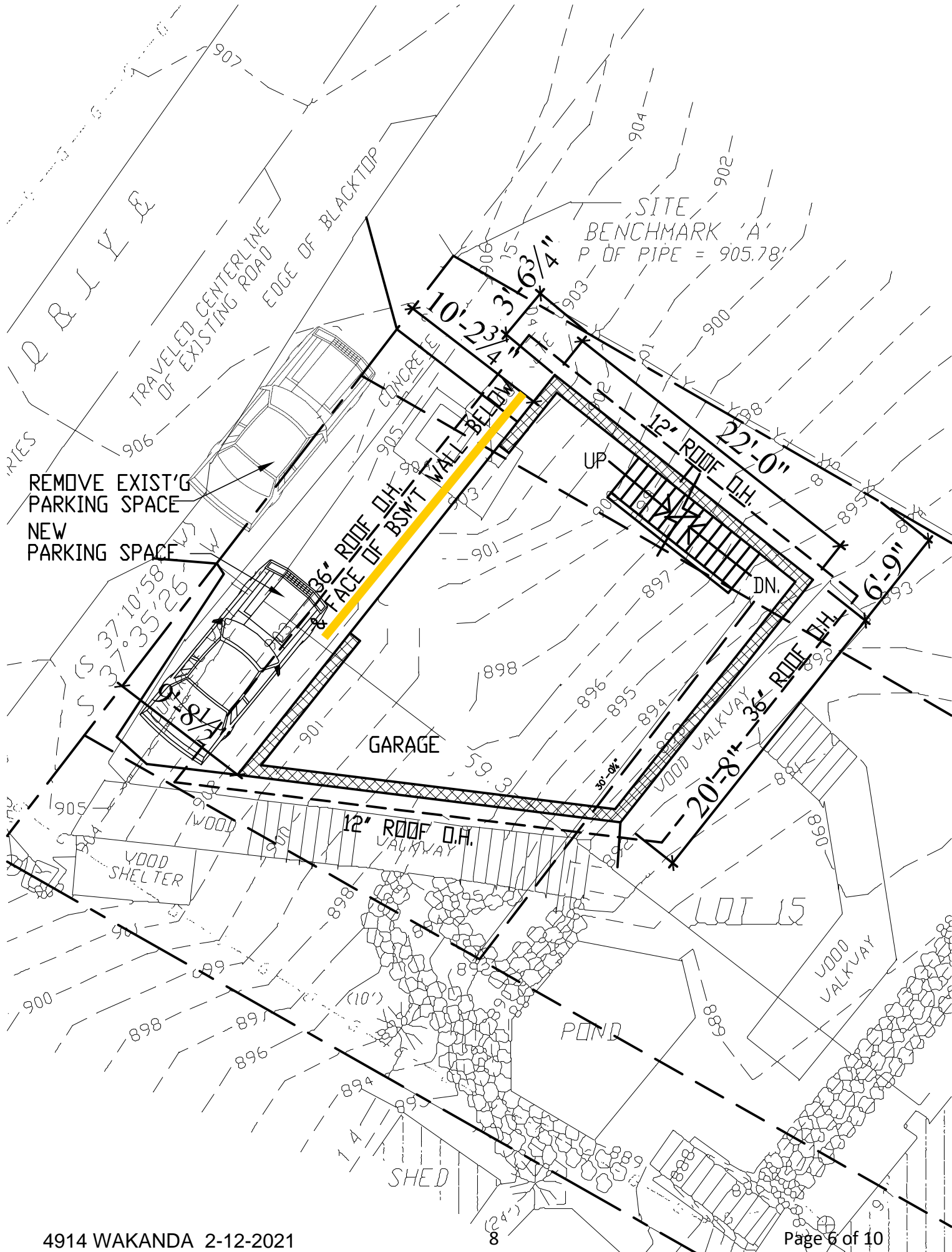
- 1) My steep narrow slope makes it difficult to get items up and down the hill.
- 2) I have little to no storage in house as only 1 bedroom and 840 sq feet.
- 3) I heat with a woodstove and do wood projects so storage of fire wood and lumber is needed.
- 4) My neighbor to east (Metcalf) has repeatedly complained about outside storage and any additional sq feet that this variance would help minimize outside storage.
- 5) If more would be allowed it would be appreciated (an additional 3 feet) but I have not heard back from town or city engineers concerning proximity to roadbed issues.
- 6) Reducing the front setback underground would pose no impact visually and have no additional impact on public safety or welfare and is consistent with the spirit of the zoning ordinance

If this variance is not allowed

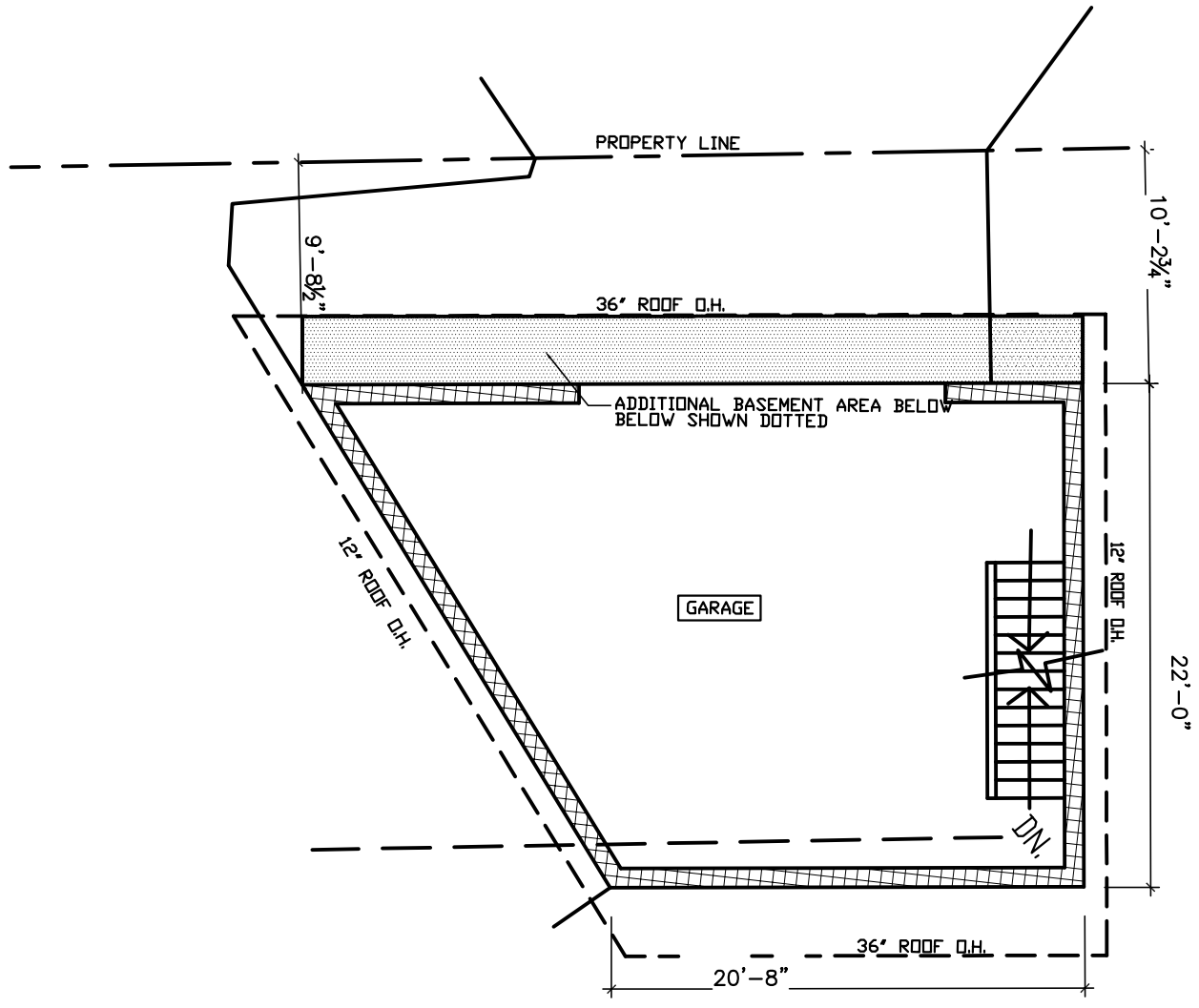
- 1) It will limit what I am able to store to less than a reasonable amt
- 2) It will force storage outside of building or the need for another accessory building.
- 3) It will pose difficulty for me to haul objects up and down the hill which presently keeps me fit but know I can't do forever.

Thank you for your consideration of this request,

Ken Lambrecht Owner 4914 Wakanda Dr







FLOOR PLAN 1/8" = 1'-0"

**TOWN OF WESTPORT  
RESOLUTION NO. 21-\_\_**

RESOLUTION BY THE TOWN OF WESTPORT  
BOARD OF SUPERVISORS RECOMMENDING APPROVAL OF ADDITIONAL  
VARIANCES FROM THE FRONT (STREET) YARD AND SIDE YARD SETBACKS FOR A  
GARAGE AND FOUNDATION FOR THE LAMBRECHT PROPERTY  
WITHIN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN  
(4914 Wakanda Drive, Middleton/Westport Joint Zoning Area)

**WHEREAS**, an application for approval of variances from the front (street) yard and side yard setbacks for a garage and foundation at 4914 Wakanda Drive (the “Property”), located in the Town of Westport (the “Town”) was submitted by Ken Lambrecht (“Petitioner”), to the Town and the City of Middleton (the “City”) for review and action on February 22, 2021; and,

**WHEREAS**, the Property is located in the Middleton/Westport Joint Zoning Area jurisdiction and so was referred to the Middleton/Westport Joint Zoning Committee (the “JZC”) as well as the Town Plan Commission for review and recommendation to the Town Board of Supervisors (the “Town Board”) and the Middleton Zoning Board of Appeals; and,

**WHEREAS**, the JZC, Town Plan Commission and the Town Board have met with the Petitioner with respect to requesting the variances; and,

**WHEREAS**, the JZC and Town Plan Commission have determined that the requested variances are consistent with Town Ordinances, City Ordinances, and applicable local Comprehensive Plans if all the conditions and restrictions set forth below are met; and,

**WHEREAS**, the Petitioner is requesting essentially an amendment to the original and recent garage location variance request made and approved for the property so that the underlying foundation and lower level matches the location of the overhang as approved in that original variance; and,

**WHEREAS**, the variances requested here are simply a confirmation of what was actually submitted and recommended for approval in the original variance request by the Town Plan Commission, JZC, and Town Board; and,

**WHEREAS**, the Town Board has determined that the requested variances are consistent with Town Ordinances, City Ordinances, and applicable local Comprehensive Plans if all the conditions and restrictions set forth below are met.

NOW, THEREFORE, the Town Board of Supervisors of the Town of Westport, based upon the above determinations, recommends to the Middleton Zoning Board of Appeals that it approve the requested variances to the Property based on the reasons provided by the applicant in this petition, in the Petitioner’s original garage variance application, the Town resolution on that petition (Resolution 21-02, copy attached), and the findings of the Middleton ZBA, subject to all the same conditions as approved by the ZBA in that previous petition, and to also include any conditions for the protection of utilities in the ROW as may be necessary and recommended by Town staff prior to construction commencement due to the proximity of the planned foundation to a sewer main in the road right of way.

The above and foregoing resolution was duly adopted by the Town Board of Supervisors of the Town of Westport, Dane County, Wisconsin, at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2021, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, with \_\_\_\_\_ members not voting (absent).

TOWN OF WESTPORT

Approved:

By: \_\_\_\_\_  
Dean A. Grosskopf, Town Board Chair

Attest: \_\_\_\_\_  
Thomas G. Wilson  
Town Attorney/ Administrator/ Clerk-Treasurer

Approved: \_\_\_\_\_

Posted: \_\_\_\_\_

**TOWN OF WESTPORT  
RESOLUTION NO. 21-02**

**RESOLUTION BY THE TOWN OF WESTPORT  
BOARD OF SUPERVISORS RECOMMENDING APPROVAL OF  
VARIANCES FROM THE FRONT (STREET) YARD AND SIDE YARD SETBACKS FOR A  
GARAGE FOR THE LAMBRECHT PROPERTY WITHIN THE TOWN OF WESTPORT,  
DANE COUNTY, WISCONSIN  
(4914 Wakanda Drive, Middleton/Westport Joint Zoning Area)**

**WHEREAS**, an application for approval of variances from the front (street) yard and side yard setbacks for a garage at 4914 Wakanda Drive (the "Property"), located in the Town of Westport (the "Town") was submitted by Ken Lambrecht ("Petitioner"), to the Town and the City of Middleton (the "City") for review and action on October 30, 2020; and,

**WHEREAS**, the Property is located in the Middleton/Westport Joint Zoning Area jurisdiction and so was referred to the Middleton/Westport Joint Zoning Committee (the "JZC") as well as the Town Plan Commission for review and recommendation to the Town Board of Supervisors (the "Town Board") and the Middleton Zoning Board of Appeals; and,

**WHEREAS**, the JZC, Town Plan Commission and the Town Board have met with the Petitioner with respect to requesting the variances; and,

**WHEREAS**, the JZC and Town Plan Commission have determined that the requested variances are consistent with Town Ordinances, City Ordinances, and applicable local Comprehensive Plans if all the conditions and restrictions set forth below are met; and,

**WHEREAS**, the Town Board has determined that the requested variances are consistent with Town Ordinances, City Ordinances, and applicable local Comprehensive Plans if all the conditions and restrictions set forth below are met.

**NOW, THEREFORE**, the Town Board of Supervisors of the Town of Westport, based upon the above determinations, recommends to the Middleton Zoning Board of Appeals that it approve the requested variances to the Property based on the reasons provided by the Petitioner due to, among other bases, the configuration and narrowness of the lot, the location of the historically used entrance stairway, the location of mature trees, the location of the current home on the Property, street parking issues, similarly situated garages in the area, and the hardship in placing the structure anywhere else on the Property, subject to the following conditions and restrictions:

1. No written objections from neighbors;
2. Approval from Dane County regarding shoreland/wetland zoning and grading/filling near the lake;
3. Stormwater runoff to be approved by the Town Engineer;
4. Build as presented in the application with materials and colors to match the house on the lot with prior approval by the Town Administrator;
5. Limit variances to just this structure, and variances lapse with demolition of the house and rebuilding on the lot; and,
6. The above conditions and restrictions shall run with the land with an agreement for the same to be drafted by the Town Attorney and recorded prior to construction commencing.

The above and foregoing resolution was duly adopted by the Town Board of Supervisors of the Town of Westport, Dane County, Wisconsin, at a regular meeting held on the 1<sup>st</sup> day of February, 2021, by a vote of 5 ayes, 0 nays, with 0 members not voting (absent).

Approved: 2/2/2021  
Posted: 2/2/2021

TOWN OF WESTPORT

Approved:

By:   
Dean A. Grosskopf, Town Board Chair

Attest:   
Thomas G. Wilson  
Town Attorney/ Administrator/ Clerk-Treasurer

# " PRELIMINARY " PLOT PLAN

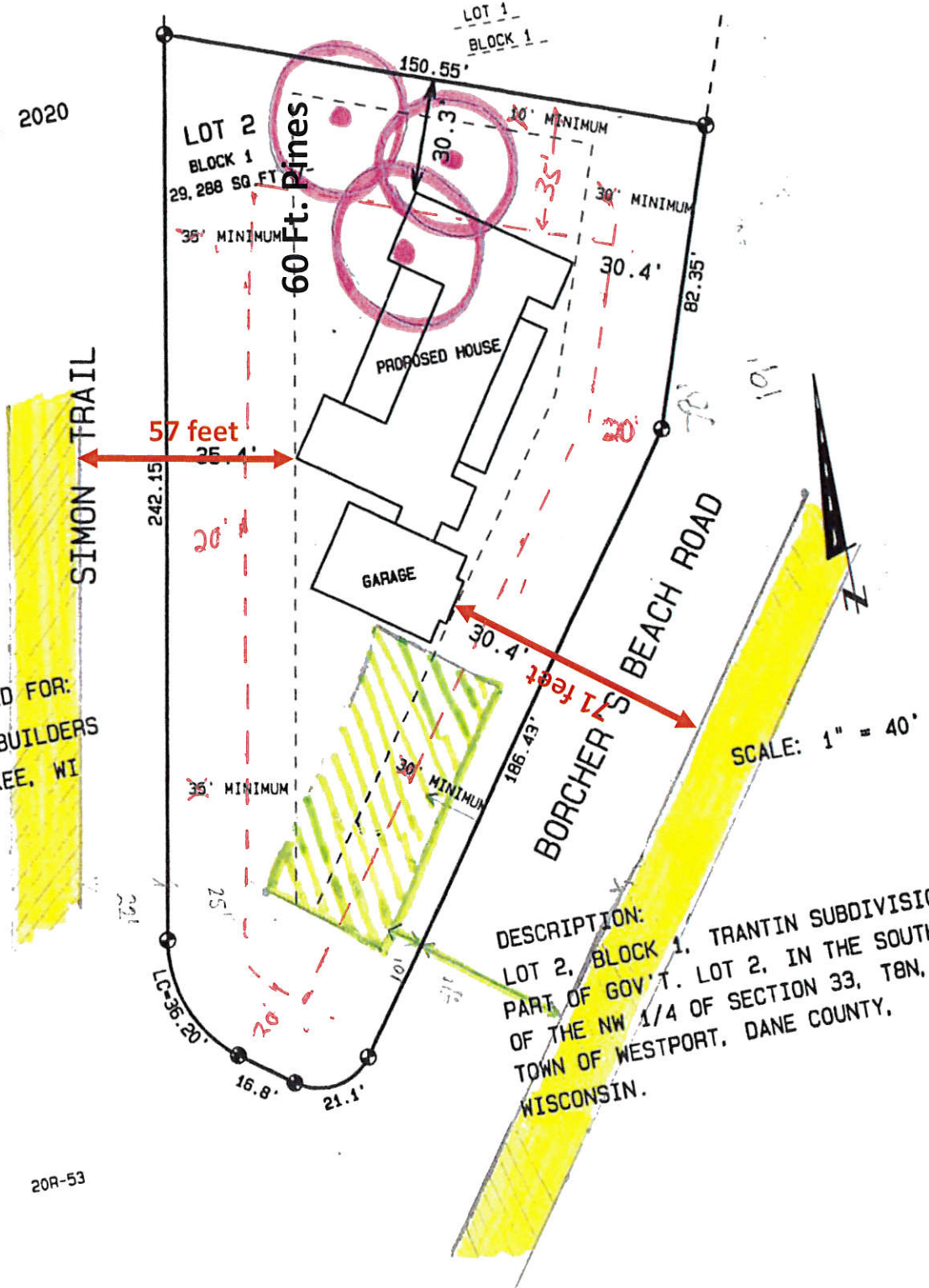
## *Corrected* Home with Required Setbacks (in red)

(Requires Removal of 60 Ft Pines Trees and is Effectively 71 feet Off of Street)

UNE 22, 2020

PREPARED FOR:  
ACKER BUILDERS  
WAUNAKEE, WI

20R-53



DESCRIPTION:  
LOT 2, BLOCK 1, TRANTIN SUBDIVISION,  
PART OF GOV'T. LOT 2, IN THE SOUTH 1/2  
OF THE NW 1/4 OF SECTION 33, T8N, R9E  
TOWN OF WESTPORT, DANE COUNTY,  
WISCONSIN.

January 8, 2021

City of Middleton Zoning Board,

I'd like to request a setback variance for the property located at 4961 Borchers Beach Road, Waunakee WI 53597.

Currently, there is a nearly 60 year old home single story home that I would like to replace with a new modest (2,500 sq ft) single story home.

I want to put the home essentially where the existing home is. However current setback rules apparently do not allow for that. Current setbacks would require me to move the home much closer to the immediate neighbor's home and removal of three 60 foot pines and several oak trees. **The immediate neighbor would be worse off and the surrounding homes on this portion of Borchers Beach Road and the Simon Trail loop would all be aesthetically worse off.**

The reason that this request is reasonable is because the front setback that I'm requesting – 10 feet, is actually 51 feet back from the end of the paved portion of the road. Likewise, the back requested setback of 25 feet, is essentially 47 feet from the end of the paved portion of the road.

I have attached visual renderings (satellite image, survey image, and cross sectional photo image) of the current home, allowed positioning and proposed variance positioning.

The entire neighborhood benefits from the granting of the variance. I have attached a number of supporting statements from neighbors who I have shown the plans to, and agree that they prefer the home siting with the variance setbacks. Again, the completed home would have an effective front setback of 51 feet and an effective back setback of 47 feet from the paved road. The only way these effective setbacks would change is if the county ever widened the existing Simon Trail Road and this portion of Borchers Beach Road. That seems to be an event that likely would never happen since Simon Trail and Borchers Beach Road sit inside a state park (Governor Nelson).

I did present the plans to the Westport Planning Commission at an October 12<sup>th</sup> meeting and they were not opposed to the variance request with some minor recommendations (meeting minutes follow):

*An Initial Consultation was then held on the proposed Variance Request to Change the Setbacks, Levy, 4961 Borchers Beach Road (Middleton ETZ). After a presentation by Wilson and Mr. Levy, and questions and comments by the Commissioners, Mr. Levy was told by the Commissioners of concerns to address if proceeding, including: Contact the neighbors to ascertain their thoughts regarding this request; recommend considering putting the garage on the other side of the house or set it back a bit, if possible, to get the garage further away from the intersection [the proposed plans now place the house 82 feet from the referenced intersection]; recommend the house be placed back a bit towards the NE corner; recommend surveying the area for potential Native American mounds or artifacts; and, one Commissioner noted this is a good improvement for this neighborhood and is supporting this proposal, but will want to hear from the neighbors. Kennedy*

*informed the Commission of an interest she has in a foundation run by Mr. Levy, and will likely abstain in any vote on the matter if it proceeds.*

Thank you for your consideration.

Steve Levy  
4961 Borchers Beach Road  
Waunakee, WI 53597

## Satellite View of:

1. Existing Home
2. Home with Required Setbacks
3. Home with Varianced Setbacks

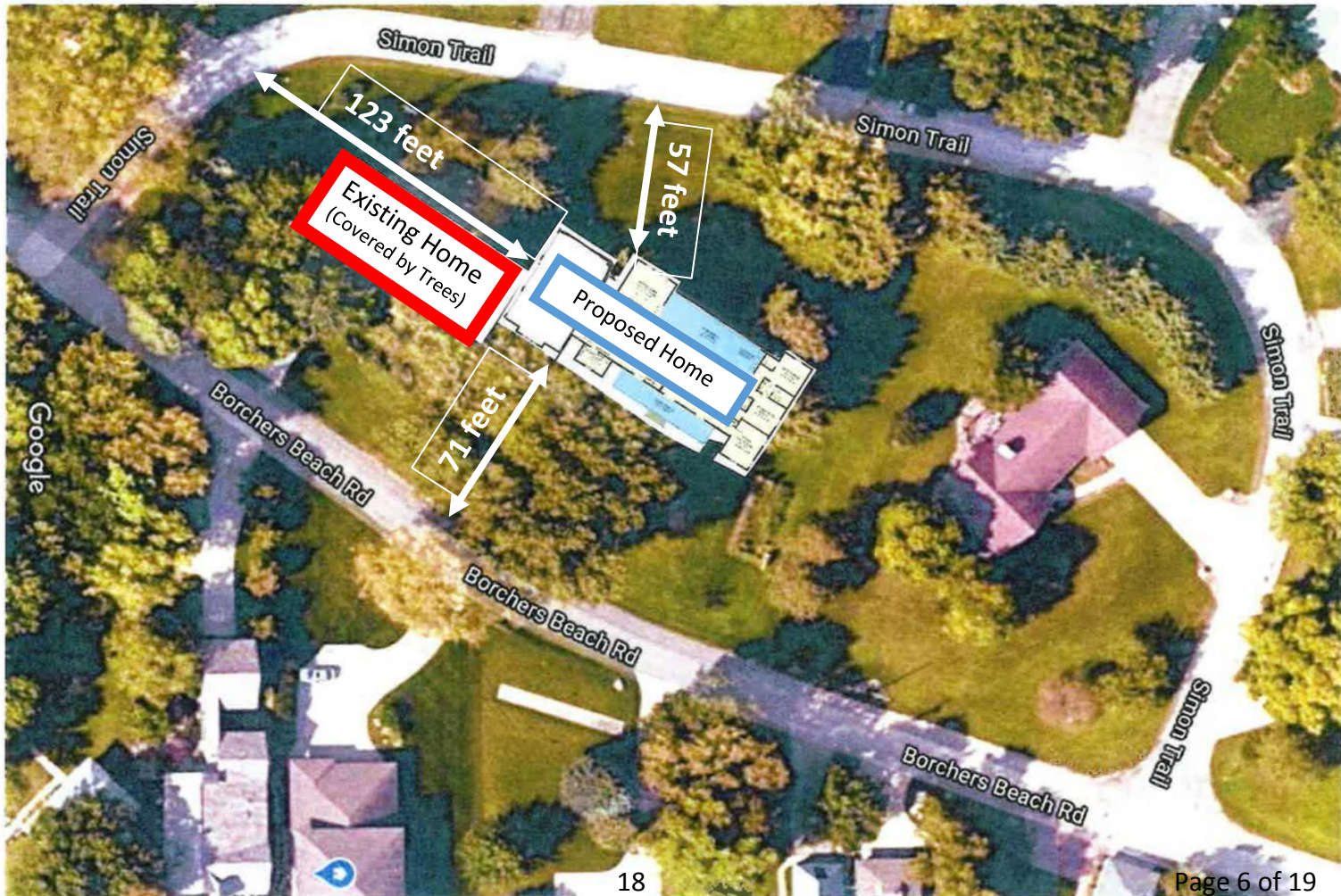


# Existing Home



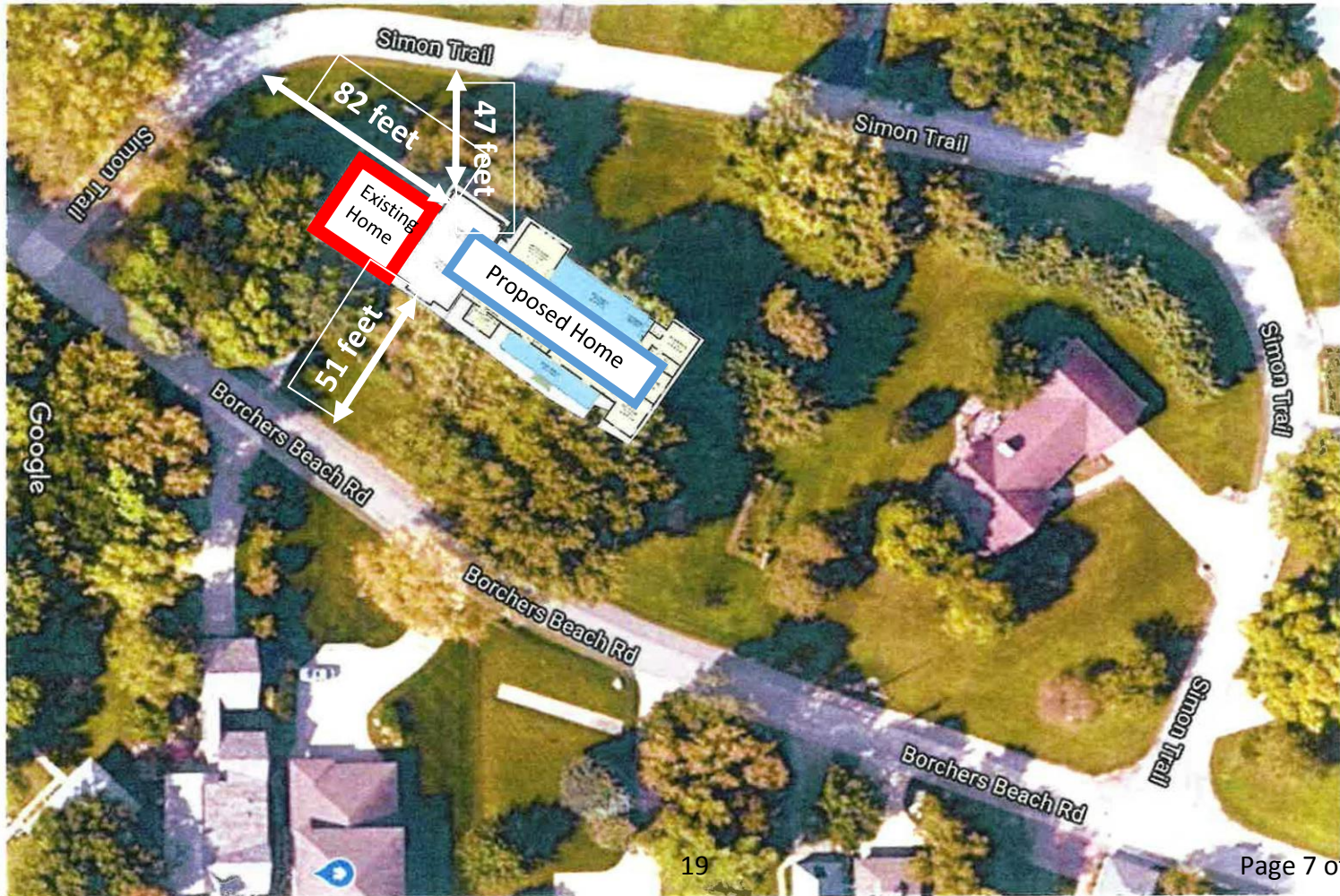
# Home with Required Setbacks

(Requires Removal of 60 Ft Pines Trees and Crowds Adjacent Home creating excessive effective street setbacks)



# Home with Varianced Setbacks

(With variance proposed location is still setback further into lot than existing home from south Simon Trail, and preserves trees, and is 51 feet setback from paved road end)

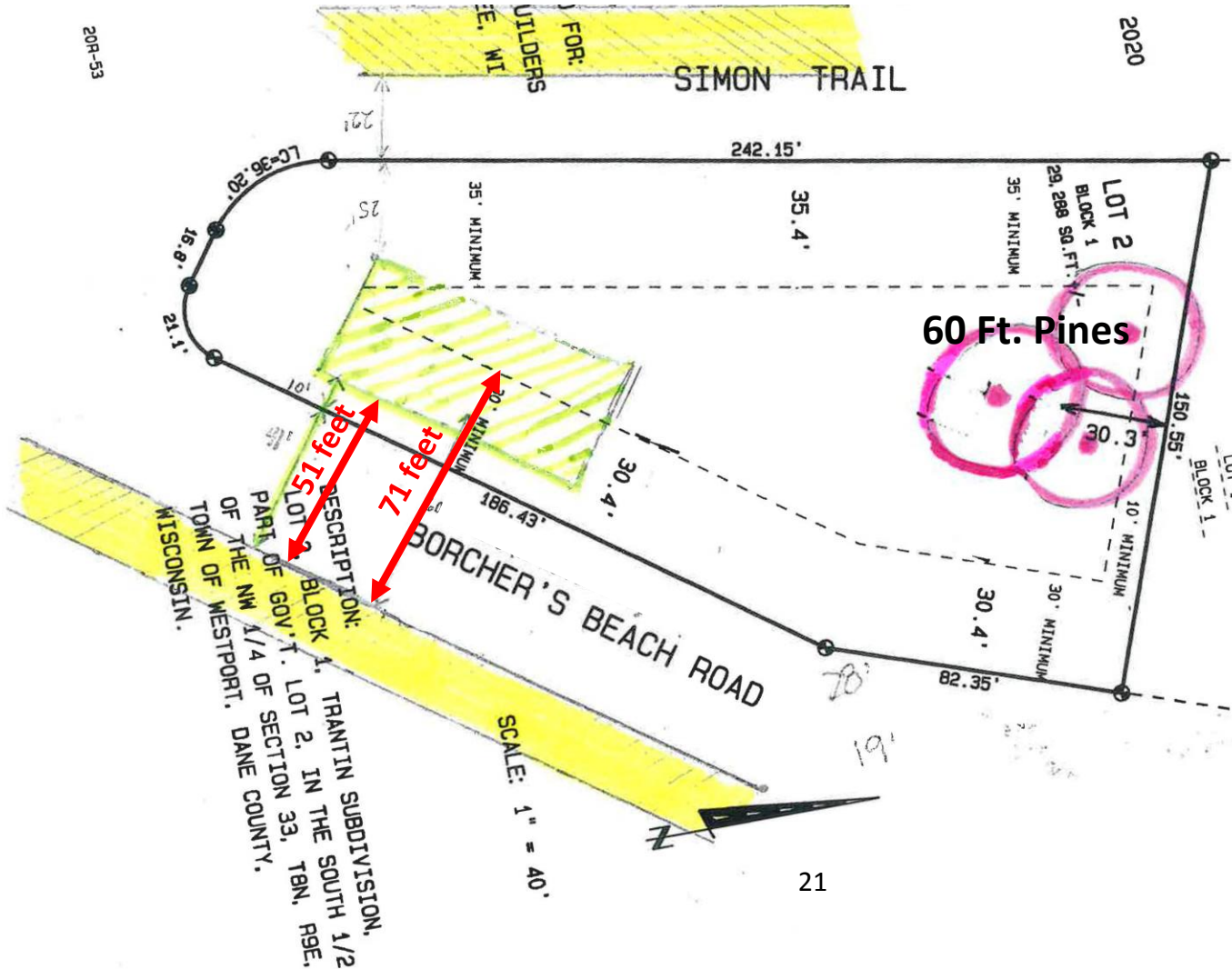


## Plat View of:

1. Existing Home
2. Home with Required Setbacks
3. Home with Varianced Setbacks

# Existing Home

Has 10 foot setback but 51 feet from end of paved road.  
Effective required setback is 71 feet off of road

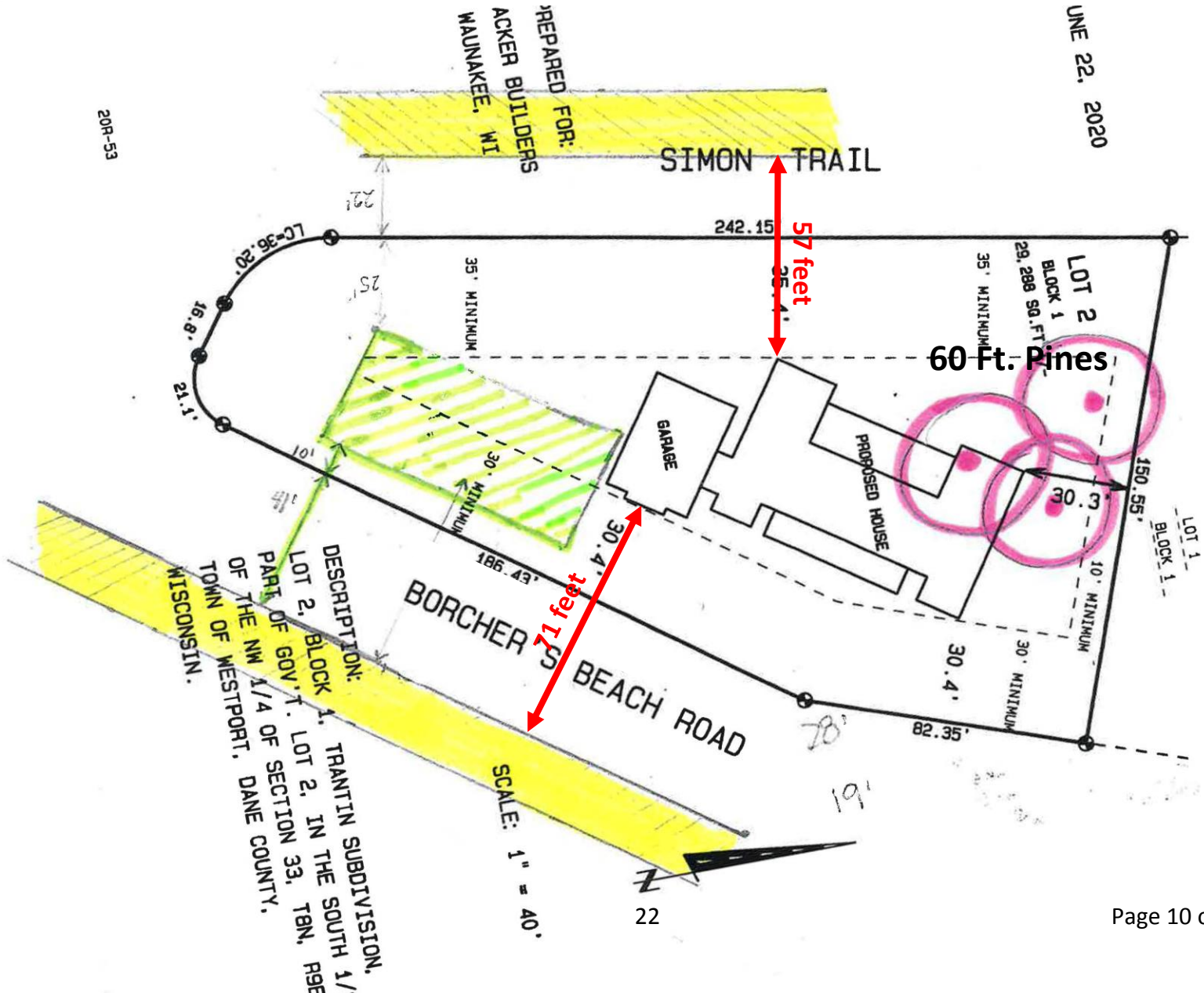


" PRELIMINARY "

PLOT PLAN

# Home with Required Setbacks

(Requires Removal of 60 Ft Pines Trees and is Effectively 71 feet Off of Street)

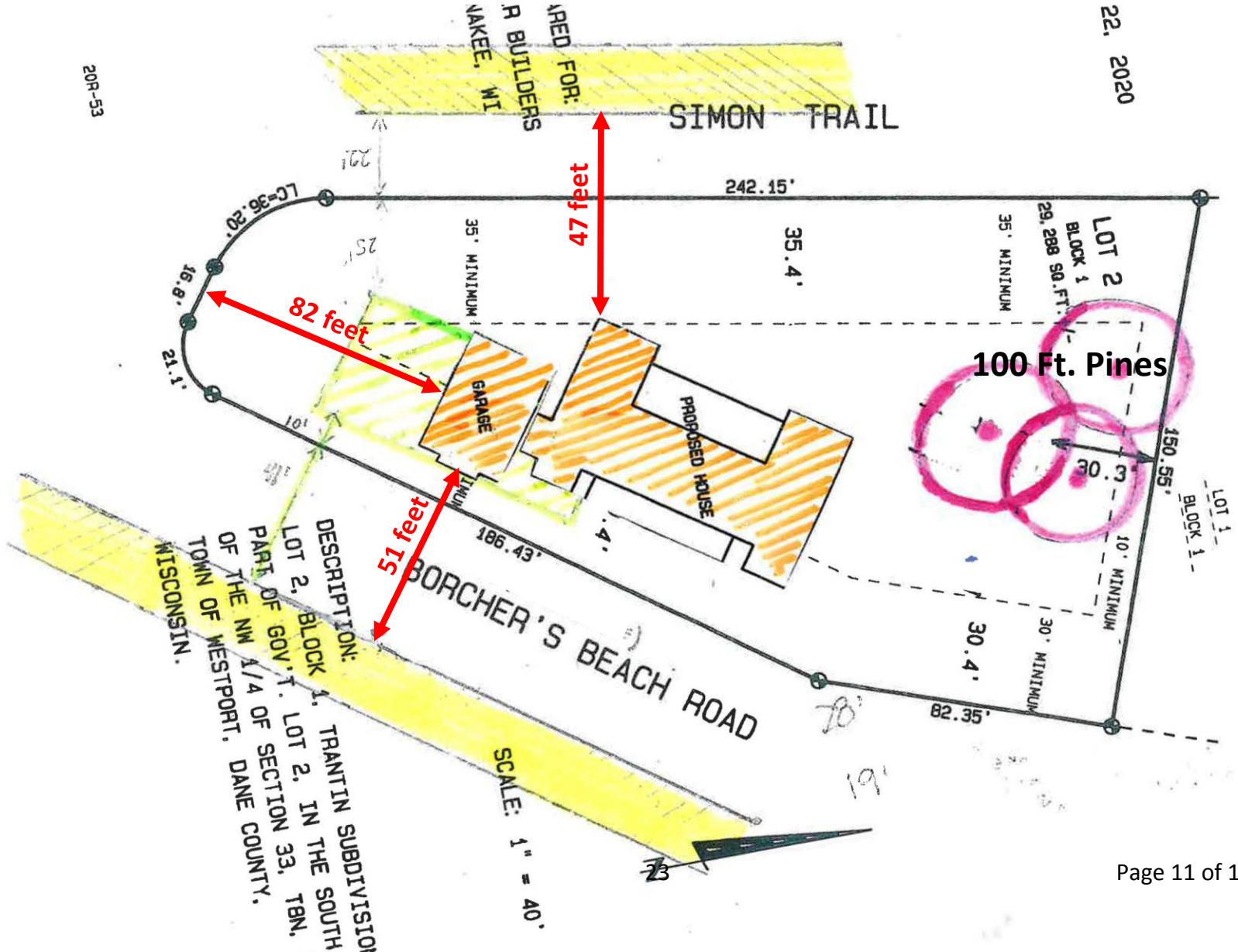


" PRELIMINARY "

PLOT PLAN

# Home with Varianced Setbacks

Requested front setback of 10 feet (as is existing home) and rear setback of 25 feet leaves front 51' from road, back 47' from road and side, and side 28 feet further off street and into lot from existing home, or a side setback of 82'



## Cross Sectional View of:

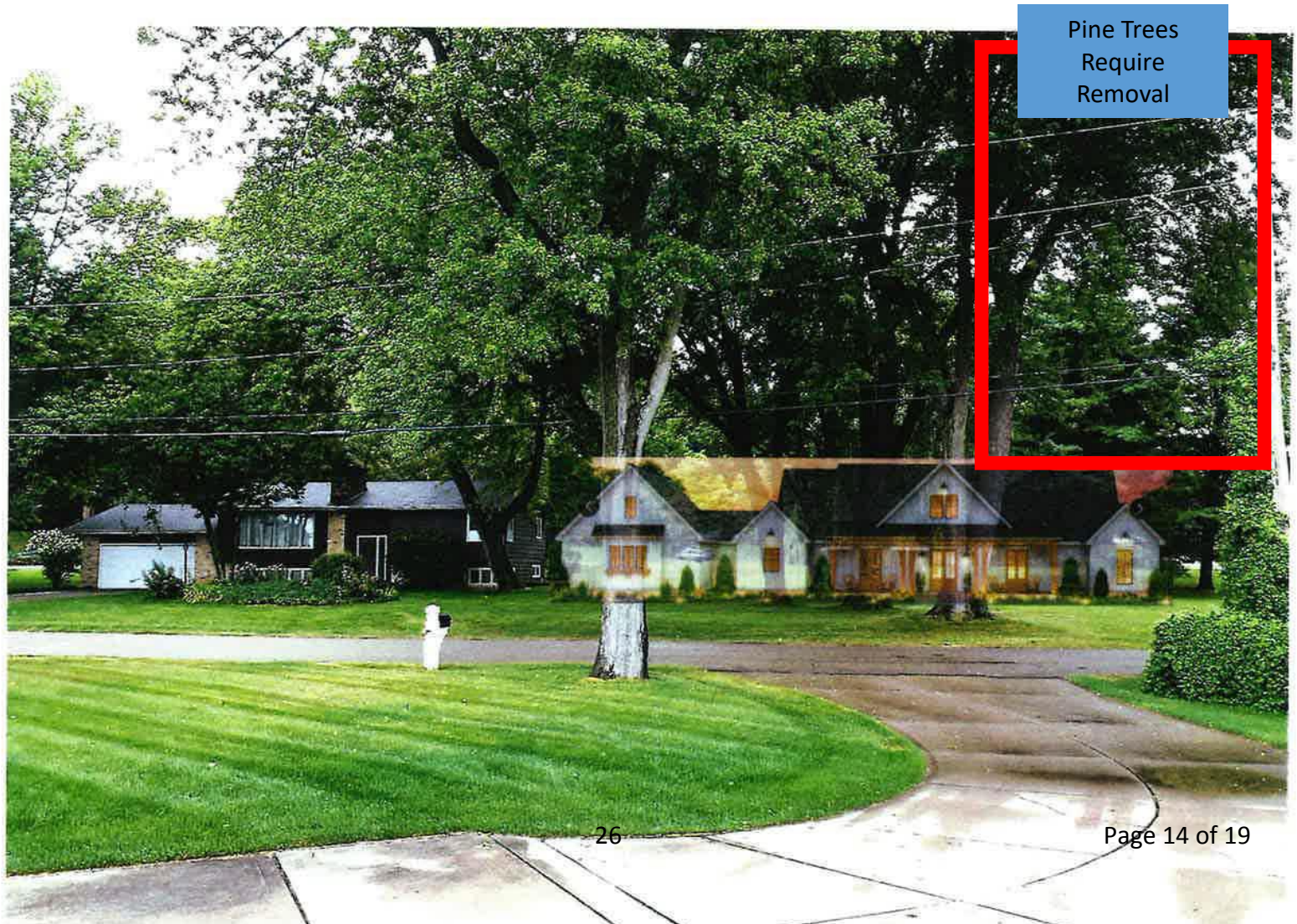
1. Existing Home with Requested New Home Placement leaving Pine Trees in tact
2. Existing Home with **Required** New Home Placement that requires removal of Pine Trees



Existing Home with Proposed Home Superimposed—leaving pine trees intact



Existing Home with Required Setback New Home—removes pine trees



Pine Trees  
Require  
Removal

August 31, 2020

Town of Westport,

As the immediately adjacent lot to 4961 Borchers Beach Road, we want to express our support for the issuing of setback variances for the proposed construction at 4961 Borchers Beach Road.

By issuing the variance, the town would be allowing the new construction to set on the lot in a more appropriate configuration, and most importantly prevent the need for the removal of 100 foot pines.

We would benefit from your granting the variance and we also believe that all of the homes alligning Simon Trail and that portion of Borchers Beach Road would benefit as well. This appears to us to be an instance where the neighborhood is better served through the granting of the variance request.

Thank you,



Ron and Diane Koch

4984 Simon Trail

Waunakee, WI 53597

January 10, 2021

City of Middleton Zoning Board,

As owners of a home across the street from 4961 Borchers Beach Road, we want to express our support for the issuing of setback variances for the proposed construction at 4961 Borchers Beach Road.

By issuing the variance, the town would be allowing the new construction to set on the lot in a more appropriate configuration, and most importantly prevent the need for the removal of 60 foot pines.

We would benefit from your granting the variance and we also believe that all of the homes aligning Simon Trail and that portion of Borchers Beach Road would benefit as well. This appears to us to be an instance where the neighborhood is better served through the granting of the variance request.

Thank you,



Dan & Peggy Lee

4956 Borchers Beach Road

Waunakee, WI 53597

February 8, 2021

City of Middleton Zoning Board,

As owners of a home across the street from 4961 Borchers Beach Road, we want to express our support for the issuing of setback variances for the proposed construction at 4961 Borchers Beach Road.

By issuing the variance, the town would be allowing the new construction to set on the lot in a more appropriate configuration, and most importantly prevent the need for the removal of 60 foot pines.

We would benefit from your granting the variance and we also believe that all of the homes aligning Simon Trail and that portion of Borchers Beach Road would benefit as well. This appears to us to be an instance where the neighborhood is better served through the granting of the variance request.

Thank you,

Handwritten signature of Cherie and Steve Levy in black ink.

Cherie and Steve Levy

4960 Borchers Beach Road

Waunakee, WI 53597

February 4, 2021

Town of Westport,

As owners of a home across the street from 4961 Borchers Beach Road, we want to express our support for the issuing of setback variances for the proposed construction at 4961 Borchers Beach Road.

By issuing the variance, the town would be allowing the new construction to set on the lot in a more appropriate configuration, and most importantly prevent the need for the removal of 60 foot pines.

We would benefit from your granting the variance and we also believe that all of the homes aligning Simon Trail and that portion of Borchers Beach Road would benefit as well. This appears to us to be an instance where the neighborhood is better served through the granting of the variance request.

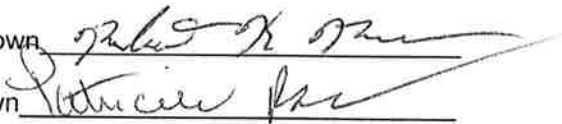
Thank you,

Robert & Patty Brown  
4968 Borchers Beach Rd

March 3 2021

Robert Brown

Patty Brown

Handwritten signatures of Robert and Patty Brown. The signature for Robert Brown is written over a horizontal line, and the signature for Patty Brown is written over another horizontal line.

**TOWN OF WESTPORT  
RESOLUTION NO. 21-\_\_\_\_**

RESOLUTION BY THE TOWN OF WESTPORT  
BOARD OF SUPERVISORS RECOMMENDING APPROVAL OF  
VARIANCES FROM ROAD RIGHT OF WAYS FOR THE LEVY PROPERTY  
WITHIN THE TOWN OF WESTPORT,  
DANE COUNTY, WISCONSIN  
(4961 Borchers Beach Road, Middleton/Westport Joint Zoning Area)

**WHEREAS**, an application for approval of variances from the setbacks from road right of way at 4961 Borchers Beach Road (the "Property"), located in the Town of Westport (the "Town") was submitted by Steve Levy ("Petitioner"), to the Town and the City of Middleton (the "City") for review and action on February 4, 2021; and,

**WHEREAS**, the Property is located in the Middleton/Westport Joint Zoning Area jurisdiction and so was referred to the Middleton/Westport Joint Zoning Committee (the "JZC") as well as the Town Plan Commission for review and recommendation to the Town Board of Supervisors (the "Town Board") and the Middleton Zoning Board of Appeals; and,

**WHEREAS**, the JZC, Town Plan Commission and the Town Board have met with the Petitioner with respect to requesting the variances; and,

**WHEREAS**, the JZC and Town Plan Commission have determined that the requested variances are consistent with Town Ordinances, City Ordinances, and applicable local Comprehensive Plans if all the conditions and restrictions set forth below are met; and,

**WHEREAS**, the Town Board has determined that the requested variances are consistent with Town Ordinances, City Ordinances, and applicable local Comprehensive Plans if all the conditions and restrictions set forth below are met.

NOW, THEREFORE, the Town Board of Supervisors of the Town of Westport, based upon the above determinations, recommends to the Middleton Zoning Board of Appeals that it approve the requested variances to the Property based on the current configuration of the existing home, that the setbacks predate that home, that home relocation to comply with current setbacks will affect the neighborhood by creating the removal of trees and changing view sheds, and that the variances are consistent with the intent of the zoning code, all creating a hardship due to the lot shape and road locations, subject to the following conditions and restrictions:

1. Build in the location as presented in the petition.
2. The trees the Petitioner shows as being saved in the petition be protected during construction and maintained.

The above and foregoing resolution was duly adopted by the Town Board of Supervisors of the Town of Westport, Dane County, Wisconsin, at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, by a vote of \_\_\_\_ ayes, \_\_\_\_ nays, with \_\_\_\_ members not voting (absent).

Approved: \_\_\_\_\_  
Posted: \_\_\_\_\_

TOWN OF WESTPORT

Approved:

By: \_\_\_\_\_  
Dean A. Grosskopf, Town Board Chair

Attest: \_\_\_\_\_  
Thomas G. Wilson  
Town Attorney/ Administrator/ Clerk-Treasurer