

TOWN OF WESTPORT
REGULAR BOARD 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 smartphone by visiting <https://global.gotomeeting.com/join/982500093>. You can also participate by phone by dialing +1 (646) 749-3122 and use access code: 982-500-093. 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 - Monday, April 5, 2021 7:00 p.m.

1. Call to Order
2. Public Comment On Matters Not On the Agenda
3. Approve Minutes
4. Review/Approve Operator Licenses
5. Driveway/Access/Utility/Road Opening Permits
6. Water Utility/Fire Protection Utility
Miscellaneous
7. Sewer Utility
Miscellaneous
8. Engineer Report
Miscellaneous Ongoing Projects
9. Variances, Setbacks from Road Right of Ways, Levy, 4961 Borchers Beach Road
(Middleton ETZ), Discussion/Recommendation
10. Additional Variances, Setbacks from Road Right of Way and Side Yard, Lambrecht,
4914 Wakanda Drive (Middleton ETZ), Discussion/Recommendation
11. Water Tower Maintenance Contract/Bid Award, Discussion/Action
12. Commercial Building Construction Permit Delegation (Certified Municipality Status)
and Building Permit Code Update Ordinance, Discussion/Action
13. COVID-19 Responses Discussion/Action
14. Committee Reports/Items for Action

Personnel Committee	Public Works Committee	Westport/Middleton JZC
Audit Committee	Town Plan Commission	Westport/Waunakee JPC
15. Administrative Matters
16. Miscellaneous Business/Forthcoming Events
17. Pay Current Bills
18. 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.

TOWN OF WESTPORT
AUDIT COMMITTEE MEETING
Kennedy Administration Building
Community Meeting Room
5387 Mary Lake Road
Town of Westport, Wisconsin

Virtual Meeting Via GoToMeeting

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AGENDA - Monday, April 5, 2021 6:30 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 Committee. 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. Approve minutes
3. Review/approve bills for payment
4. 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.

TOWN OF WESTPORT

TOWN BOARD - Monday, March 15, 2021

The regular semi-monthly meeting of the Town Board was called to order at 7:01 p.m. by Chair Grosskopf using video conferencing via GoToMeeting.com. Members Present: Cuccia, Enge, Grosskopf, Sipsma, and Trotter. Members Absent: None. Also Present: Michael Marty, Tim Wohlers, and Tom Wilson.

There were no Public Comment On Matters Not On the Agenda. The minutes of March 1, 2021 regular meeting were approved as presented on a motion by Sipsma, second Trotter.

For an Engineer Report, Wilson reported on the status of the bid timing for the Mary Lake Neighborhood road projects.

After a brief presentation by Wilson, Resolution 21-04 [Conditionally Approve CSM (Recreate One Pre-existing Residential Lot), Steinhauer, Alex Court, (Waunakee ETZ)] was adopted as presented and recommended by the Plan Commission and JPC on a motion by Cuccia, second Sipsma.

Wilson then raised issues about conducting the Annual Meeting in person or virtually. After discussion, holding the annual meeting virtually by GoToMeeting due to the COVID-19 pandemic and the differing stages of vaccinations was approved on a motion by Sipsma, second Cuccia.

Wilson provided an update on Town COVID-19 Responses, and there was a brief discussion on starting back with in-person meetings.

Grosskopf and Wilson reported on items before the plan commission/committees. The Audit Committee recommended payment of bills as presented by Wilson after questions were answered.

For Administrative Matters raised, Wilson reported on the ground-breaking recently held at the Cross Lutheran Church property in the Community of Bishops Bay, and Wilson reminded the Board members he will be out of the office on April 9 to 16.

For Miscellaneous Business or Forthcoming Events raised, Cuccia reported on the recent meeting of the Town Sign Group, and Enge asked some questions about resuming Park Committee meetings again.

Current bills were paid as presented by Wilson and recommended by the Audit Committee after questions were answered on a motion by Sipsma, second Enge.

Motion to adjourn by Cuccia, second Sipsma. The meeting adjourned at 7:32 p.m.

Thomas G. Wilson
Attorney/Administrator/Clerk-Treasurer

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.

Item # 9

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.

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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

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

Monday, March 8, 2021 7:00 p.m.

1. Call to Order via GoToMeeting virtual video conference
2. Public Comment On Matters Not On the Agenda
3. Approve Minutes.
For the 2/8/21 meeting minutes.

4. CSM (Recreate One Pre-existing Residential Lot), Steinhauer, Alex Court,
(Waunakee ETZ), Discussion/Recommendation

The Steinhauers recently took two lots in Carriage Ridge at the “top” of Alex Court and combined them into one. They moved an overflow storm sewer that went between the lots to the south edge of the combined lot. All easements were moved appropriately. Now after further consideration, they would like to just return the lots to how they were platted. The storm sewer easement will need to be worked around a little for the driveway to the southernmost lot, but that was going to have to be done anyway since that part never moved. Putting the lots back the way they were originally platted is not a concern with staff. In fact, since this really did not create any new lots than were created with the original development, I contemplated doing it administratively. However, it does technically create a new lot so it made more sense to run through our normal process. The Comp Plan and zoning for the lots are appropriate of course for this lot configuration. At the consult last month all seemed favorable of this.

The CSM will need a recommendation from the JPC (March 9 meeting) and approval by the Town and Village Boards.

RECOMMENDATION: *Move to recommend approval of the CSM as submitted (all usual recommended conditions have been included on the CSM already), without payment of the Town parkland dedication fee (the fee for the parcel was satisfied with the original Carriage Ridge First Addition Plat).*

5. Variances, Setbacks from Road Right of Ways, Levy, 4961 Borchers Beach Road
(Middleton ETZ), Discussion/Recommendation

Steve Levy would like to essentially relocate the home on the former Soper property. He will need some variances to do so as he provided in his documentation. The lot is indeed odd shaped and is covered by quite a bit of road right-of-way. Therefore it makes it hard to locate a

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home on the lot. In fact the current home, which predates some of the right-of-way location, actually is not properly placed on the lot since the setbacks changed due to the road revisions. Mr. Levy wishes save existing mature trees on the lot and generally locate the new home close to the location of the current home. He has provided ample evidence to support the granting of a variance based on the location of the current house, the odd size and shape of the lot, the road ROW locations, and the general neighborhood benefits. However, this would be a matter for the Middleton Zoning Board of Appeals, and we are just a recommending body. He is looking to see if this idea is acceptable. The Town Plan Commission recommendation will be referred to the JZC for review and recommendation, then to the Town Board, and then to the Middleton ZBA. At the consult on this held a few months ago all of the PC members supported proceeding.

RECOMMENDATION: Move to recommend approval 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 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 condition that the trees the applicant shows as being saved be protected during construction and maintained.

6. Additional Variances, Setbacks from Road Right of Way and Side Yard, Lambrecht, 4914 Wakanda Drive (Middleton ETZ), Discussion/Recommendation

Ken Lambrecht would like to build a garage at his Wakanda Drive home site. Because of the steep lot elevations, the size of the lot, and the home location and size, he needed some variances to do so as he provided in his documentation included in your agenda packets. He needed relief from the front yard and side yard setback requirements to do so, and was granted that variance by the Middleton ZBA after recommendations from the Town PC, the JZC, and the Town Board. The lot is narrow to a certain extent, and steep to Lake Mendota. Therefore it makes it hard to locate a garage on the lot. Parking along the narrow Wakanda Drive is difficult as well due to the width of the roadway, the elevations, and other driveways.

At the initial variance request the minutes show as follows:

After an introduction by Wilson and discussion, the Variance from Setbacks for Garage, Lambrecht, 4914 Wakanda Drive (Middleton ETZ), was recommended for approval as requested with the conditions listed in the staff memorandum, obtaining written approval from the immediate neighbors, and amending the last staff condition to indicate that not only is the variance for just this building but that the variance lapses with the demolition of the home and rebuilding on the lot, on a motion by Pichette, second Kennedy.

The Board then followed that recommendation after confirmation by the JZC. The Resolution doing so has been sent to you as a supplement to the packet. The ZBA approved the variance essentially the same, the minutes of which were also sent to you.

MIDDLETON-WESTPORT JOINT ZONING COMMITTEE

Wednesday, March 24, 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: **to be determined**

Roll Call

Chair Sipsma called the meeting to order at 6:02 p.m. The meeting was conducted online only via the Zoom platform.

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 Kennedy, to approve the draft minutes of January 27, 2021, as prepared. **Motion passed** 5-0.

Agenda Items

1) 4914 Wakanda Drive: Recommendation regarding revised zoning variance application

Item# 10

Wilson and Opitz spoke about how Ken Lambrecht has changed his building plan from the project for which the Middleton Zoning Board of Appeals granted variances on Feb. 3. The level below the garage is now planned to extend forward beneath the driveway so that the foundation wall is aligned with the front edge of the roof overhang. Wilson reported that the Westport Plan Commission has recommended approval. Grosskopf said that this was the direction that Town officials had thought the project was going when they reviewed it earlier this year.

Moved by Paulsen, seconded by Grosskopf, to recommend to Middleton's Zoning Board of Appeals and the Town Board approval of the revised variances subject to the conditions identified in the Town's resolution. **Motion passed** 5-0.

2) 4916 Borchers's Beach Road: Recommendation regarding revised zoning variance application

Item# 9

Steve Levy spoke about his plan to reconstruct a residence on this oddly shaped parcel while preserving as many mature trees as possible. He noted that the existing home already doesn't meet all minimum setback requirements. Wilson reported that the Town Plan Commission considered the proposed placement to be the best option for the site and neighborhood. Opitz elaborated on the minimum setbacks required by County R2 zoning. Committee members briefly discussed the project and the hardship presented by the configuration of lot.

Moved by Paulsen, seconded by Murray, 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** 4-0, with Kennedy abstaining.

Adjournment

Moved by Grosskopf, seconded by Murray, to adjourn. **Motion passed**, and the meeting adjourned at 6:22 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.

AGENDA ITEM #9:

Variances, Setbacks from Road Right of Ways, Levy, 4961
Borchers Beach Road (Middleton ETZ),
Discussion/Recommendation

**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).

TOWN OF WESTPORT

Approved:

By: _____
Dean A. Grosskopf, Town Board Chair

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

Approved: _____
Posted: _____

February 4, 2021

Town of Westport,,

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

Currently, there is a 60 year old 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 require 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 supporting statement from the immediate neighbors (4984 Simon Trail) who have reviewed the plans, and agree that they prefer the home siting with the variance setbacks. (I have reviewed with other neighbors who would be impacted by the pine tree removal and they are in support of the variance request. I am obtaining signed statements from them which will be provided prior to the hearing: 4956 Borchers Beach, 4960 Borchers Beach and 4968 Borchers Beach.) 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 for an initial consult at the October 12th meeting and my understanding is that 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 [this was moved slightly and results in an effective front

setback of 51 feet and effective side setback of 82 feet] ; 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)

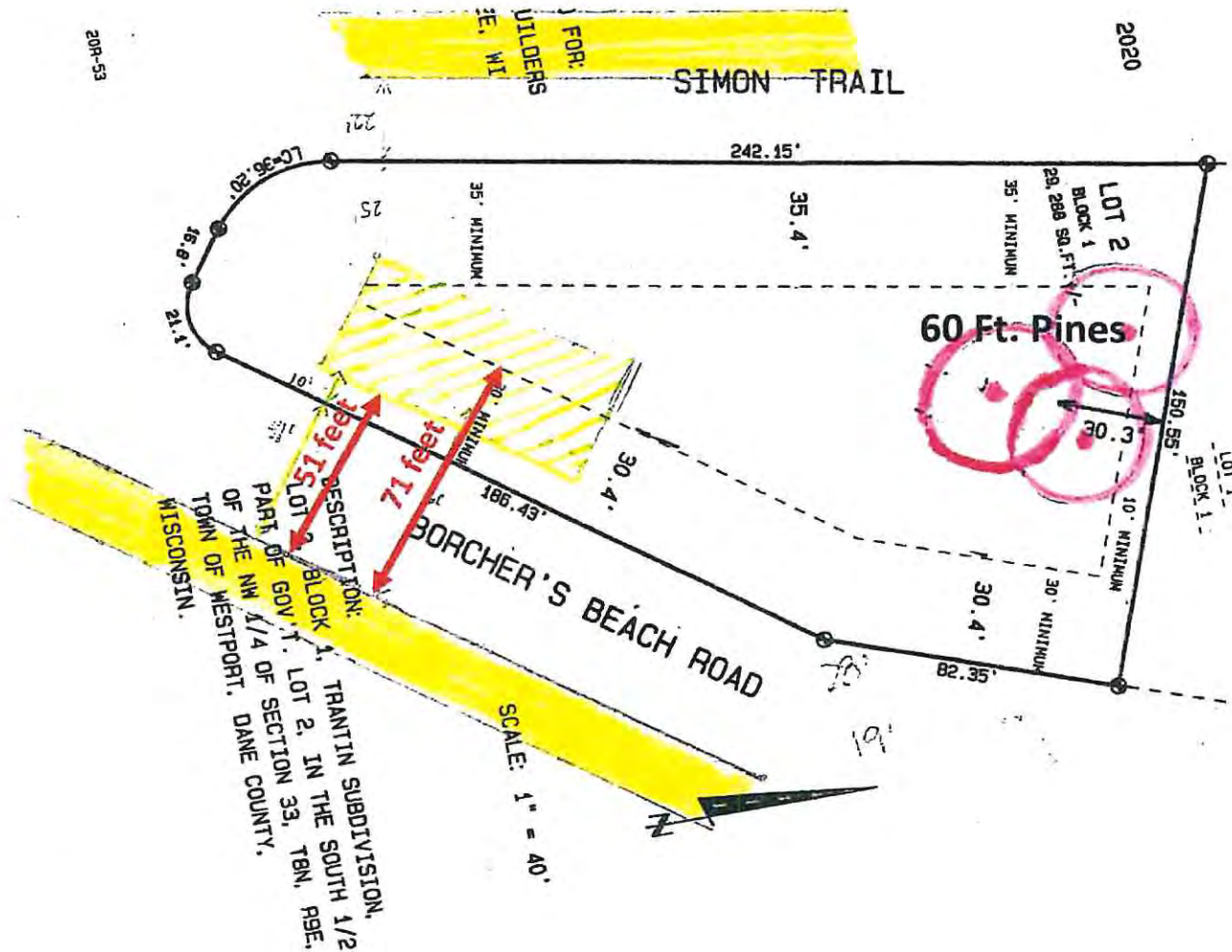


Plat View of:

- 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



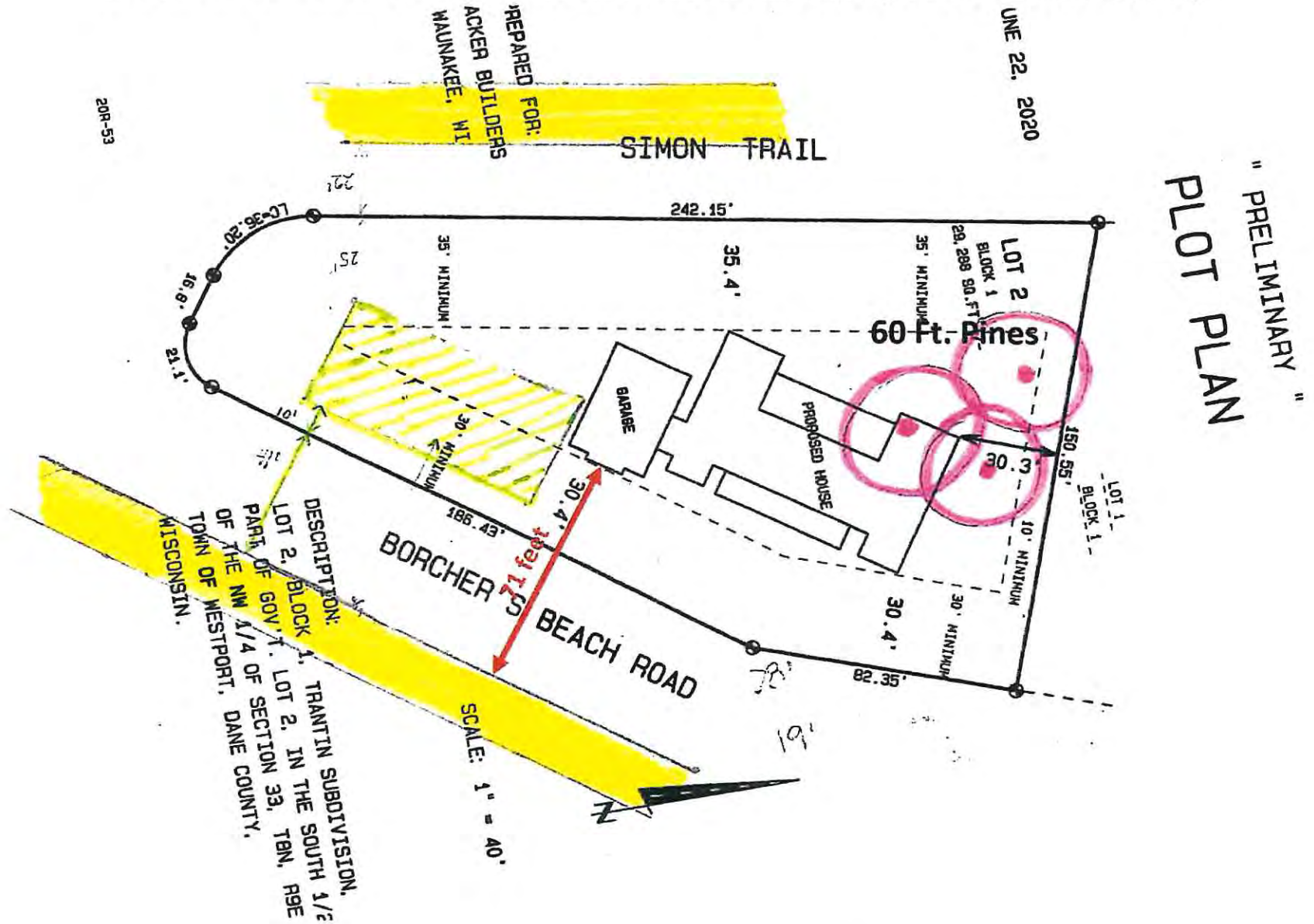
"PRELIMINARY"
PLOT PLAN

DESCRIPTION:
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.

20R-53

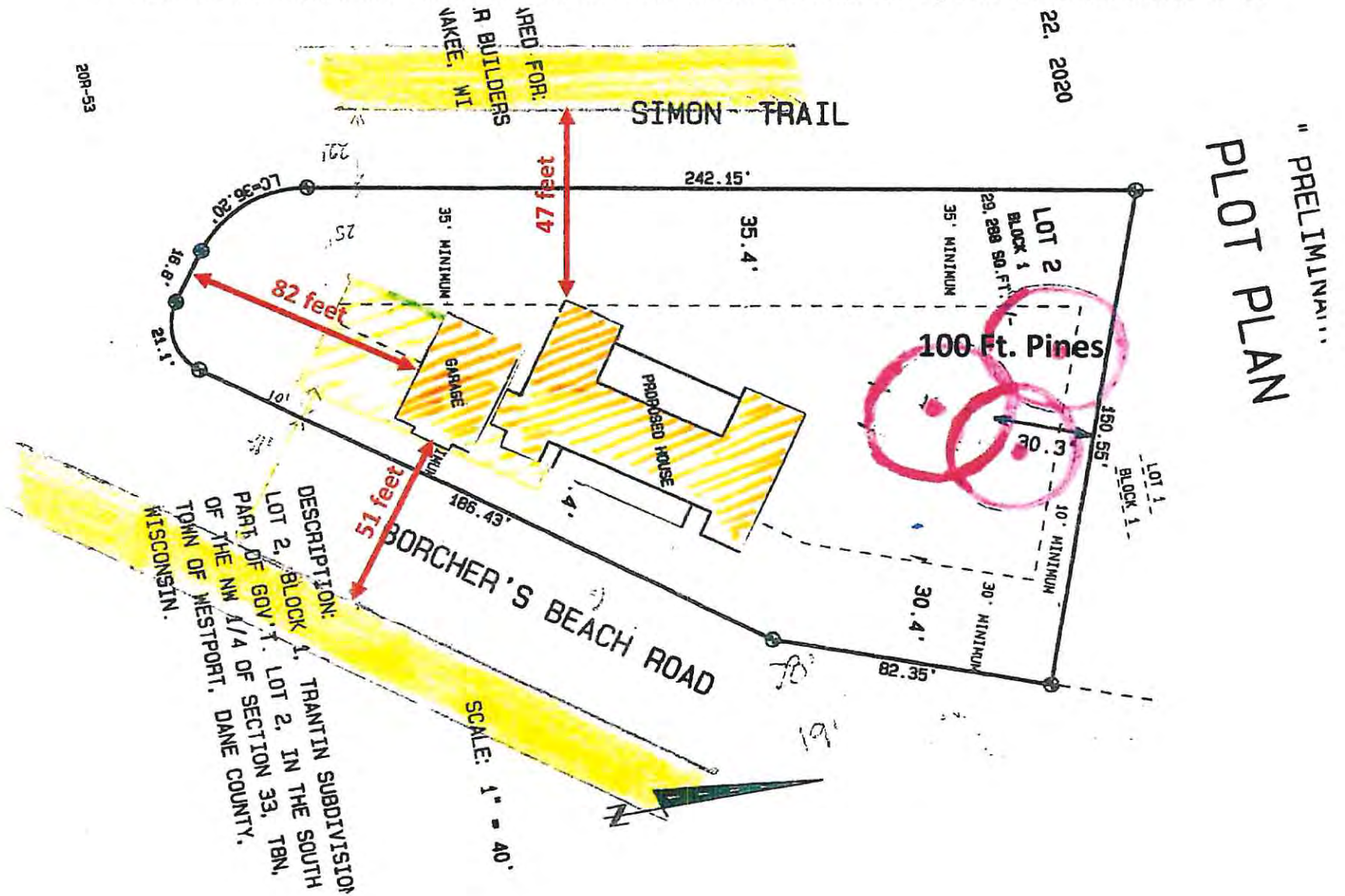
Home with Required Setbacks

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



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



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 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,



Ron and Diane Koch

4984 Simon Trail

Waunakee, WI 53597



ZONING BOARD OF APPEALS APPLICATION

• CITY OF MIDDLETON • 7426 HUBBARD AVE. • MIDDLETON, WI. 53562 • (608) 821-8370 • FAX (608) 827-1080

The following must be submitted before an application is considered complete and a meeting is scheduled:

1. Zoning Board of Appeals application (this packet).
2. A statement that deals with the purpose of the application and grounds for appeal:
 - If you are requesting a variance, the statement must explain: the variance requested, what special conditions exist which will cause practical difficulty or unnecessary hardship if the variance requested is not granted, why the variance being requested is not contradictory to the public interest and will not endanger public safety and welfare, and why the variance requested will be in accord with the spirit of the zoning ordinance.
 - If you are requesting an interpretation of the zoning ordinance and reversal of an order, requirement, decision or determination of an administrative officer, the statement must include the date the decision being appealed was made and the reasons why it may be erroneous.
3. A scale map showing the location and size of the property, existing improvements, abutting properties and improvements and the requested change or addition. Photos are highly recommended.
4. The \$300 (nonrefundable) application fee.

Address of Property: 4961 BORCHERS BEACH ROAD, WAUNAKEE WI 53597

Present Use of Property: RESIDENTIAL HOME

Name of Appellant or Applicant: STEVE LEVY

Address of Appellant or Applicant: 4960 BORCHERS BEACH ROAD, WAUNAKEE WI 53597

Phone: 608-906-8205 Fax: _____ Email: slevy@belllabs.com

Owner's Name and Address (if other than above): _____

Has a previous application been made with respect to this property? No If "yes," state the nature of the previous application: _____

Disposition of Previous Case: _____ Date of Decision in Previous Case: _____

I hereby swear that all of the above statements and the information contained in the documents submitted herewith are true to the best of my knowledge and belief: _____

Date: 1-21-21

Owner Signature: Steve Levy Applicant Signature: _____

Staff Contact: Mark Opitz
Assistant Planning Director Zoning Administrator
(608) 821-8394
Email: mopitz@ci.middleton.wi.us
Fax: (608) 827-1080

Please Note:

- The Zoning Board of Appeals meets as needed in City Hall, 7426 Hubbard Avenue.
- Appellant will receive notice of the time and date for the hearing. The public hearing notice will be published in the Middleton Times-Tribune and mailed to all property owners within 200 feet of the subject property.
- Appellant must appear at the time and date set for the hearing to explain the need for the appeal.
- Allow 4 to 5 weeks for notices to be mailed and a hearing date to be set.

For Staff Use Only:

Zoning of Property: _____
 Code Section: _____
 Notice of Hearing Published: _____
 Notice of Hearing Mailed: _____
 Hearing Date: _____
 Fee Paid (\$300): 01-29-21

Zoning Board of Appeals Findings:

Approved: _____ Denied: _____

Subject to: _____

Date Received: _____

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,

A handwritten signature in black ink, appearing to read "Dan & Peggy Lee", written over a printed name.

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,

The block contains two handwritten signatures. The first signature, on the left, is 'Cherie Levy' written in a cursive script. The second signature, on the right, is 'Steve Levy' also in a cursive script, appearing to be written over or next to the first.

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.

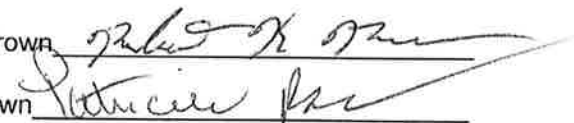
Thank you,

Robert & Patty Brown
4968 Borchers Beach Rd

March 3 2021

Robert Brown

Patty Brown

Handwritten signatures of Robert and Patty Brown. Robert's signature is written over a horizontal line, and Patty's signature is written over another horizontal line.

AGENDA ITEM #10:

Additional Variances, Setbacks from Road right of Way and
Side Yard, Lambrecht, 4914 Wakanda Drive (Middleton
ETZ), Discussion/Recommendation

**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:

Approved: _____

Posted: _____

By: _____

Dean A. Grosskopf, Town Board Chair

Attest: _____

Thomas G. Wilson

Town Attorney/ Administrator/ Clerk-Treasurer

**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 1st 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

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

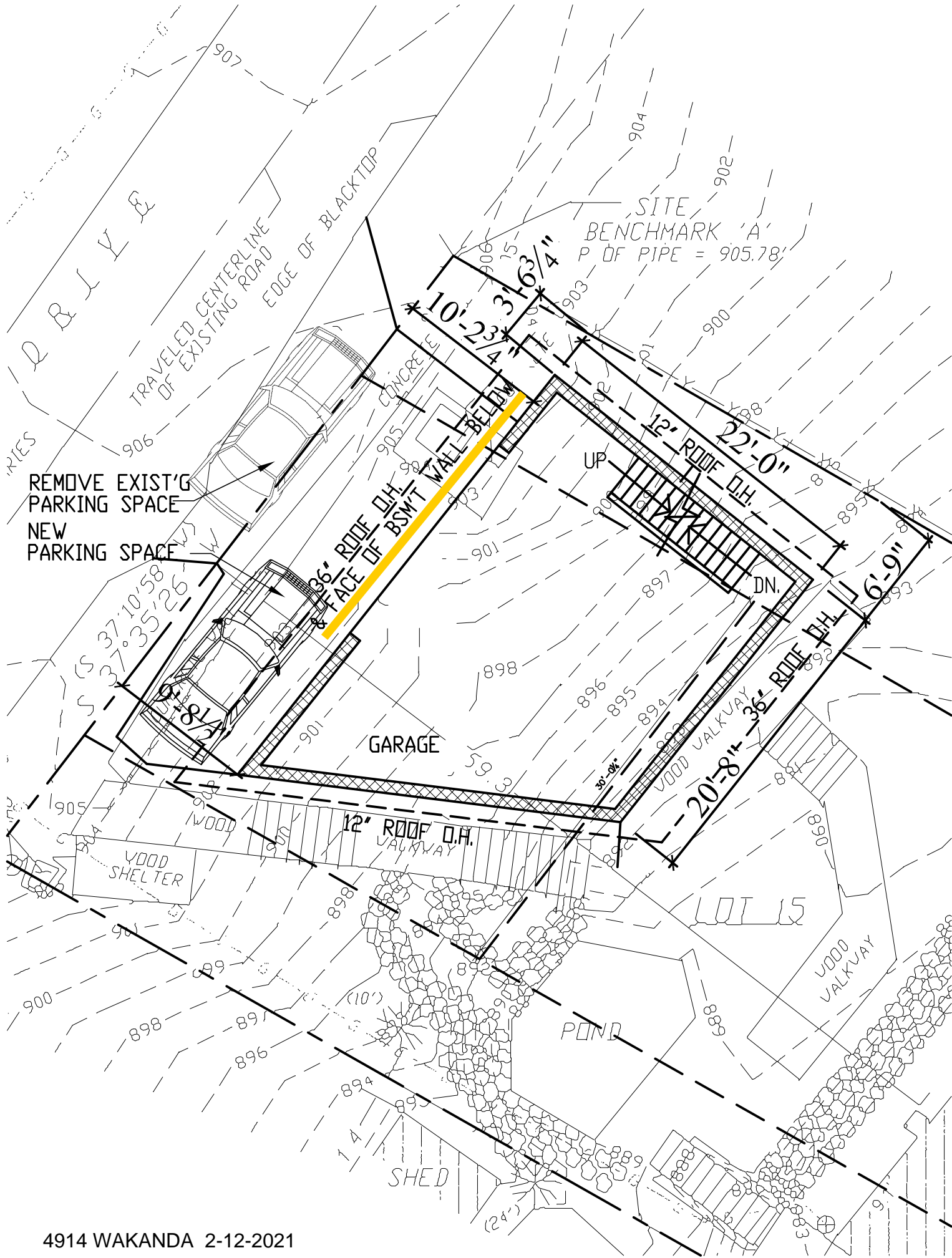
- 1) My steep narrow slope makes it difficult to get items up and down the hill.
- 2) I have little to no storage in house as only 1 bedroom and 840 sq feet.
- 3) I heat with a woodstove and do wood projects so storage of fire wood and lumber is needed.
- 4) My neighbor to east (Metcalf) has repeatedly 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

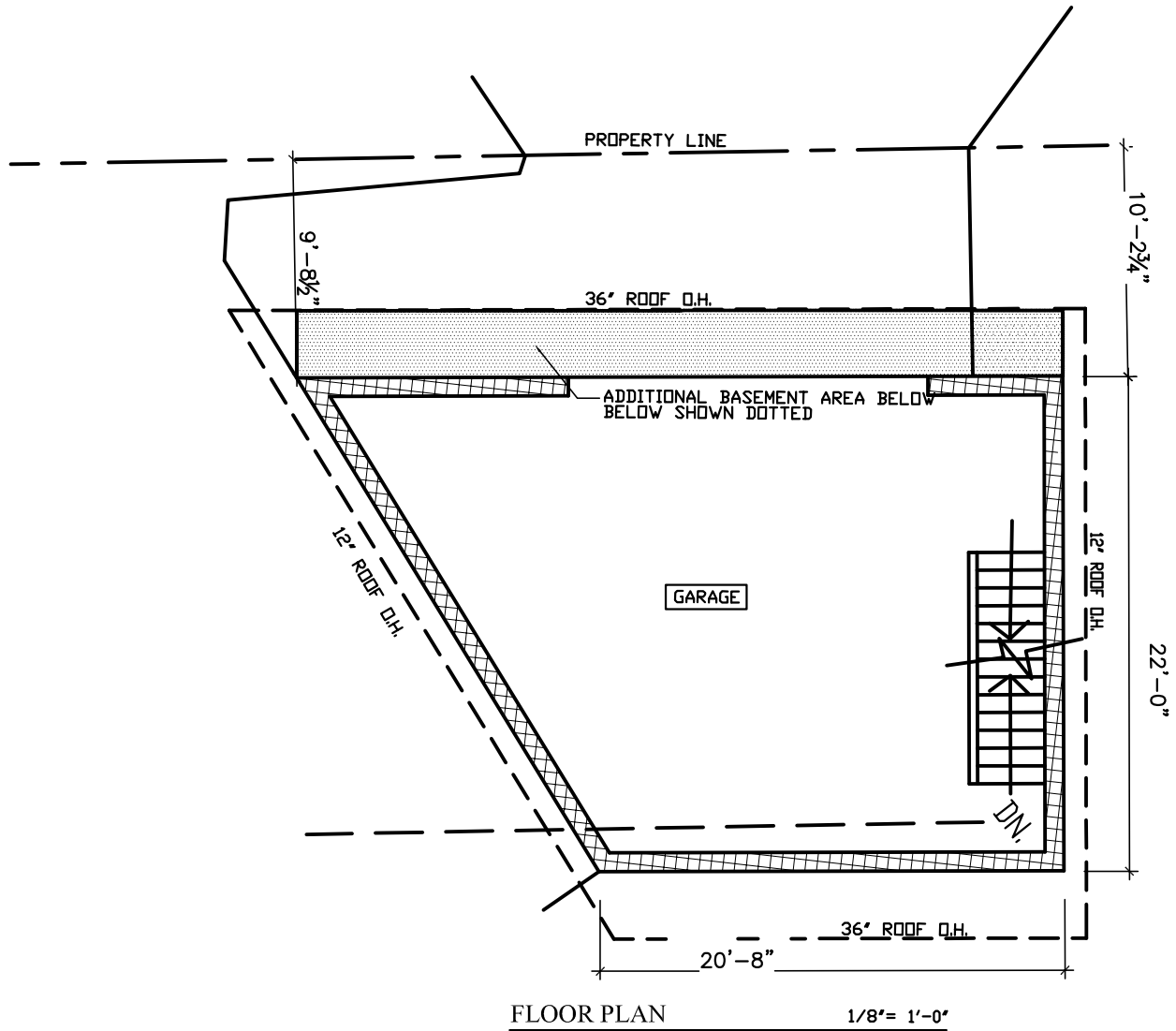
If this variance is not allowed

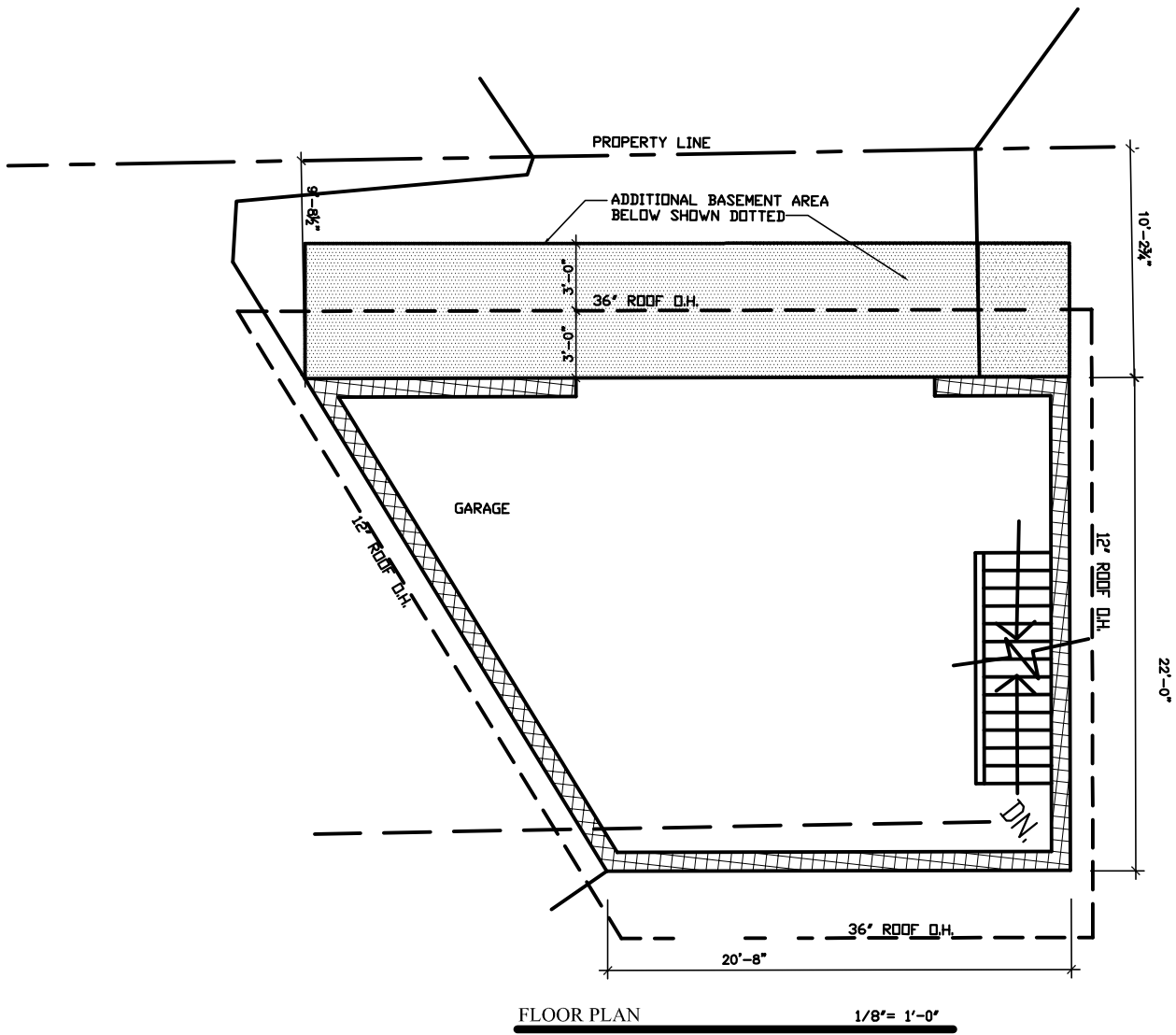
- 1) It will limit what I am able to store to less than a reasonable amt
- 2) It will force storage outside of building or the need for another accessory building.
- 3) It will pose difficulty for me to haul objects up and down the hill which presently keeps me fit but know I can't do forever.

Thank you for your consideration of this request,

Ken Lambrecht Owner 4914 Wakanda Dr







OPTION 2
4914 WAKANDA 2-16-2021



Town of Westport GIS



SCALE: 1 = 65'

Town of Westport
 5387 Mary Lake Road
 Waunakee, WI 53597
 (608) 849-4372

DISCLAIMER: The Town of Westport does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

Print Date: 12/7/2020



ZONING BOARD OF APPEALS APPLICATION

CITY OF MIDDLETON • 7426 HUBBARD AVE. • MIDDLETON, WI. 53562 • (608) 821-8370 • FAX (608) 827-1080

The following must be submitted before an application is considered complete and a meeting is scheduled:

1. Zoning Board of Appeals application (this packet).
2. A statement that deals with the purpose of the application and grounds for appeal:
 - If you are requesting a variance, the statement must explain: the variance requested, what special conditions exist which will cause practical difficulty or unnecessary hardship if the variance requested is not granted, why the variance being requested is not contradictory to the public interest and will not endanger public safety and welfare, and why the variance requested will be in accord with the spirit of the zoning ordinance.
 - If you are requesting an interpretation of the zoning ordinance and reversal of an order, requirement, decision or determination of an administrative officer, the statement must include the date the decision being appealed was made and the reasons why it may be erroneous.
3. A scale map showing the location and size of the property, existing improvements, abutting properties and improvements and the requested change or addition. Photos are highly recommended.
4. The \$300 (nonrefundable) application fee.

Address of Property: 4914 Wakanda Dr.

Present Use of Property: residential

Name of Appellant or Applicant: Kenneth James Lambrecht

Address of Appellant or Applicant: 4914 Wakanda Dr.

Phone: 608-267-7551 Fax: _____ Email: klmbdrme@gmail.com

Owner's Name and Address (if other than above): _____

Has a previous application been made with respect to this property? yes If "yes," state the nature of the previous application: side + front yard variance

Disposition of Previous Case: approved Date of Decision in Previous Case: 2/3/2021

I hereby swear that all of the above statements and the information contained in the documents submitted herewith are true to the best of my knowledge and belief.

Date: 2/15/2021

Owner Signature: _____ Applicant Signature: _____

Staff Contact: Mark Opitz

Assistant Planning Director
Zoning Administrator

(608) 821-8394

Email:
mopitz@ci.middleton.wi.us

Fax: (608) 827-1080

Please Note:

- The Zoning Board of Appeals meets as needed in City Hall, 7426 Hubbard Avenue.
- Appellant will receive notice of the time and date for the hearing. The public hearing notice will be published in the Middleton Times-Tribune and mailed to all property owners within 200 feet of the subject property.
- Appellant must appear at the time and date set for the hearing to explain the need for the appeal.
- Allow 4 to 5 weeks for notices to be mailed and a hearing date to be set.

For Staff Use Only:

Zoning of Property: _____
Code Section: _____
Notice of Hearing Published: _____
Notice of Hearing Mailed: _____
Hearing Date: _____
Fee Paid (\$300): _____

Zoning Board of Appeals Findings:

Approved: _____ Denied: _____

Subject to: _____

Date Received: _____

(revised 1/2/2012)

**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:

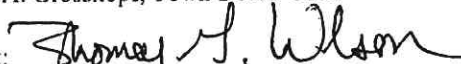
1. No written objections from neighbors;
2. Approval from Dane County regarding shoreland/wetland zoning and grading/filling near the lake;
3. Stormwater runoff to be approved by the Town Engineer;
4. Build as presented in the application with materials and colors to match the house on the lot with prior 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 1st 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

**ZONING BOARD OF APPEALS
CITY OF MIDDLETON
Wednesday, February 3, 2021 5:00 p.m.
MEETING MINUTES – *Draft***

*Meeting materials are available on the City's website at <http://meetings.cityofm Middleton.us/>
Meeting video recording is available at: <https://www.youtube.com/watch?v=BThFGmU5UnM>*

Call to order

Chair Raisleger called the meeting to order at 5:01 p.m.

MEMBERS PRESENT: John Aronica, Justin Ballweg, Paul Raisleger, Mark Wohlferd, Nelson (1st Alternate), Schultz (2nd Alternate)

ABSENT: Robert Mangas

STAFF PRESENT: Mark Opitz (Zoning Administrator), Daphne Xu (Associate Planner)

Minutes of 10/08/20 meeting

Moved by Wohlferd/Aronica to approve the minutes as prepared. **Motion passed** 5-0.

Nelson joined the meeting in progress but did not vote or participate in deliberations.

Variance Requests

1. 4914 Wakanda Drive (Town of Westport): Variance from maximum building height for a detached garage

Chair Raisleger opened the public hearing at 5:03 p.m.

Opitz explained that this property is located in a portion of the Town of Westport that lies within the City's extraterritorial zoning jurisdiction. He reviewed the variance requests as published in the hearing notice:

Property owner Ken Lambrecht requests variances to construct a two-car, detached garage measuring approximately 608 sq.ft. in area on a property zoned County R-3 Residence District. The front of the structure would be located 6' 8.5" (including a 36" roof overhang) from the front lot line and 2' 6.75" (including a 12" roof overhang) from the left side lot line. Section 10.96(8)(f)(6) states that the minimum width of any side yard shall be 10 feet and Section 10.96(8)(f)(5) and 10.96(8)(u)(4)(b) state that the minimum front setback for this parcel is 20 feet.

Ken Lambrecht spoke in support of his application, presented photos, and reviewed the circumstances influencing his application, emphasizing the lack of a garage and other off-street parking. He noted that all but two neighbors along Wakanda and Borchers Beach Rd. have garages. Lambrecht spoke about the roofline, parking, existing walkway, a mature tree, original stonework, and his desire to avoid relocating the well. To maximize storage space on the level that will beneath the garage, Lambrecht inquired about the possibility of extending the foundation walls closer to the front lot line.

Opitz responded that such a modification would require a new hearing because building setbacks are measured to foundation walls, regardless of whether there is an above-ground component. Town Administrator Tom Wilson stated that the Town Board didn't have concerns with the building shifting forward but agreed that it is appropriate to schedule another hearing. He added that the Town Plan Commission approved the plan as noticed. Wohlferd observed that there would be more exposed concrete in the front setback area. Bill Montelbano, architect, provided clarification to setback measurements. Board members asked a few questions of the applicant.

Opitz noted the receipt of the following communications:

- Town of Westport Resolution 21-02 (slightly revised from what was included in the packet)
- **Letters from** A letter by Elizabeth Spencer dated 1/25/21 **and 2/3/21**, sent on behalf of Rob Metcalf, 4916 Wakanda Drive **(WERE THERE TWO?)**
- **Statement** Email from Ethan Vaade, 4912 Wakanda Drive
- **Statement** Email from Gary Stone, 4932 Borchers Beach Road

There being no one else present who wished to speak, Chair Raisleger closed the public hearing at 5:55 p.m.

Board members reviewed the applicant's submittal, site photos, and the Town of Westport resolution, with a couple expressing concern about the fifth and sixth conditions. Wilson said it is common practice in Westport to adopt a resolution and have agreements with property owners regarding development of their parcels. Opitz reviewed guidance provided by the city attorney. Board members discussed with the applicant options for reconfiguring the site plan to reduce the side yard encroachment. Wohlferd noted that none of the public comments received constituted an objection to the variance requests.

Board members discussed the Town of Westport's resolution, with particular attention to items five and six. Members agreed to support items two, three, and four in the Town of Westport Resolution 21-02.

Moved by Aronica/Wohlferd to grant the side and front setback variances contingent on the following:

- Dane County approval of shoreland/wetland zoning and grading/filling near the lake;
- Stormwater management plan to be approved by the Town Engineer;
- Build as presented in the application with materials and colors to match the house on the lot with prior approval by the Town Administrator;

based on the rationale that the property lacks a garage; the project will improve safety along the street; the lot is narrow, oddly shaped, and has a steep slope; and a reduced front setback will decrease the height of the foundation and cause the structure to be less intrusive when viewed from adjoining properties. **Motion passed 5-0.**

Moved by Raisleger/Wohlferd to adjourn. **Motion carried 5-0**, and the meeting adjourned at 6:26 p.m.

Note: These minutes were prepared by Mark Opitz based on his notes of the meeting. They are subject to change at a subsequent meeting.

AGENDA ITEM #12:

Commercial Building Construction Permit Delegation
(Certified Municipality Status) and Building Permit Code
Update Ordinance, Discussion/Action

TOWN OF WESTPORT

ORDINANCE NO. 21- _____

AN ORDINANCE TO ADOPT STATE RESIDENTIAL AND COMMERCIAL BUILDING CODES, TOWN OF WESTPORT CODE OF ORDINANCES, IN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

WHEREAS, the Town through Ordinance 21-_____ created Town of Westport Code Chapter 10-, State Residential and Commercial Building Codes, effective April ____, 2021; and,

WHEREAS, the Town Board has been determined that revisions are in order for Chapter 10- _____ to reasonably supplement the provisions thereof in order to further protect the public interest.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Board of Supervisors of the Town of Westport, Dane County, Wisconsin, that various sections of Chapter 10-____, Westport Town Code of Ordinances, shall be amended as follows:

SECTION 10- _____

(a) **Permit Required** No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the Municipal Building Inspector.

(1) The construction which shall require a building permit includes, but is not limited to:

- a. New 1 & 2 family and commercial building including agricultural buildings, detached structures (decks) , and detached accessory buildings.
- b. Additions increase the physical dimensions of a building including decks.
- c. Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical, or plumbing systems.
- d. Replacement of major building equipment including furnaces and central air conditioners, water heaters, and any other major piece of equipment shall require a permit except as noted by the Building Inspector.
- e. Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.
- f. Any HVAC for new construction or remodeling.
- g. Any plumbing for new construction or remodeling.
- h. Any new or re-wired electrical service, including services for agricultural buildings.

(b) **Adoption of State Codes**

(1) The following Chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

- a. CH. SPS 302.31 Plan Review Fee Schedule
- b. CH. SPS 305 Credentials
- c. CH. SPS 316 Electrical Code

- d. CHS. SPS 320-325 Uniform Dwelling Code
- e. CH. SPS 327 Campgrounds
- f. CHS. SPS 361-366 Commercial Building Codes
- g. CHS. SPS 375-379 Buildings Constructed Prior to 1914
- h. CHS. SPS 381-387 Uniform Plumbing Code

© **Certified Municipality Status**

- (1) **Certified Municipality.** The Town has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.
 - a. **Responsibilities.** The Town shall assume the following responsibilities for the Department of Safety and Professional Services (Department):
 - 1. Provide inspection of commercial buildings with certified commercial building inspectors.
 - 2. Provide plan examination of commercial buildings with certified commercial building inspectors.
- (2) **Plan Examination.** Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:
 - a. A new building or structure containing less than 50,000 cubic feet of total volume.
 - b. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
 - c. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
 - d. An alteration of a space involving less than 100,000 cubic feet of total volume.
 - e. A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
 - f. The Department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.
- (3) **Plan Submission Procedures.** All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:
 - a. Building permit application
 - b. Application for review SBD-118
 - 1. Fees per Table SPS 302.31-2 and SPS 302.31
 - 2. Fees apply to all commercial projects
 - c. Four sets of plans
 - 1. Signed and sealed per SPS 361.31
 - 2. One set of specifications
 - 3. Component and system plans
 - 4. Calculations showing code compliance

(d) **Building-HVAC-Electrical-Plumbing Inspector**

- (1) Creation and Appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wisconsin Administrative Code.
- (2) Assistants. The Building Inspector may employ, assign, or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Administrative Code by the Department.
- (3) Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.
- (4) Powers. The building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical, or heat work. No person shall interfere with or refuse permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the Inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Stats.

(e) **Violations and Penalties**

- (1) Prohibition. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this ordinance.
- (2) Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- (3) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- (4) Compliance with the requirements of this ordinance is necessary to promote the safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

The above and foregoing Ordinance was duly adopted by the Town Board of Supervisors of the Town of Westport, Dane County, Wisconsin at a regular meeting held on the 5th day of April, 2021, by a vote of ____ ayes and ____ nays, ____ abstaining, and ____ not voting, and shall take effect the day after proper publication.

TOWN OF WESTPORT

By: _____
Dean A. Grosskopf, Town Board Chair

Approved: _____
Published: _____

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

AGENDA ITEM #14:

Committee Reports/Items for Action

March 26, 2021

Town of Westport
Attn: Mr. Tom Wilson
5387 Mary Lake Rd.
Waunakee, WI 53597

Tom,

Please accept my resignation from the Westport Historic Commission.

I was honored to be a part of that Commission, but now feel that it is time for me to step down and allow another person to become actively involved.

I highly encourage interaction between the Westport Historic Commission and the Schumacher Farm Historic Committee. During the time I served on both boards it was quite beneficial to have this connection. Both boards are striving to make Westport history (which includes Schumacher Farm) available to the public and they can learn from one another.

In a recent connection with Janette Hermanson, we talked about the possibility that she might be willing to be that liaison.

Sincerely,

Rosa Ropers