

Land Resources and Parks Department Staff Report

County Application / Petition # 2015-0071

Applicant (Agent):

New Frontier Land Surveying, LLC
Attn. Brad
P.O. Box 576
Beaver Dam, WI 53916

Owner:

David Lauersdorf Trust
W4042 Davidson Road
Watertown, WI 53098-4015

Filing Date: February 26, 2015

Hearing Date: April 16, 2015

Location

The appellant is the owner of the following described property which is the subject of the appeal:

PIN# 026-0916-1121-000; 026-0916-1112-000; 026-0916-1122-000;

Property Location: Part of the NE ¼ NW ¼, and part of the NW ¼, NE ¼, Section 11, Town of Lebanon, the site address being W3538 Davidson Road.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Lebanon has adopted the County's Land Use Code. The site is also located within the County's Subdivision jurisdiction.

Review Criteria

Subsections 2.3.12.A through 2.3.12.G of the Dodge County Land Use Code details procedural matters and the approval criteria for the variance process. The Board shall hold a public hearing on each variance application, and following the public hearing, act to approve, approve with conditions, or deny the variance based upon the approval criteria of Section 2.3.12.E.

Appellants Request

An application for a County Minor Land Division Letter of Intent was submitted with a request to transfer a total of approximately 9.5-acres of land to 3-adjacent land owners at this location. Said land transfers will result in the creation of a 1.496-acre remnant parcel (Parcel A).

This application was denied by the County Land Use Administrator for the following reason:

Section 7.3.7 of the code requires the minimum lot width to be 125 feet of width at the building setback line for lots not served by public sewer. As proposed, "Parcel A" will have a lot width of approximately 107 feet at the building setback line or 18 feet less than the lot width required by the Code and therefore prohibited by the Code.

The appellant is requesting an area variance to Section 7.3.7 of the code;

Features

The features of the proposed construction and property that relate to the granting or denial of the appeal are as follows:

The County has Zoning Jurisdiction over this site as the Town of Lebanon has adopted the County's Land Use Code. The land to be transferred is located within the A-1 Prime Agricultural Zoning District.

The applicant has filed a County Rezoning petition with the Department with a request to rezone land from the A-1 Prime Agricultural zoning District to the A-2 General Agricultural zoning district in order to allow for the change in use of this land from agricultural use to non-farm residential use and to allow for the proposed land transfers.

The property is presently being used for residential and agricultural use and has been so used continuously since 2010.

The physical features of this approximate 11-acre property include a rolling topography with slopes ranging from 0 to 18%. The parcel contains a residence and agricultural land.

The general character of the surrounding land use consists of agricultural use with scattered residences along Davidson Road.

The parent lot contains a portion of the existing driveway for the adjacent parcel (Parcel B). The proposed land transfer will adjust the lot line between these parcels so that the driveway for parcel B is located entirely within the boundaries of Parcel B.

The existing septic system serving Parcel A is apparently located along the south side of Davidson Road. A replacement system is planned to be located within the newly created lot.

The property includes the following a nonconforming structure:

- The existing residence on Parcel A is located within the required highway setback lines of Davidson Road.

Town Recommendation:

Approved with the condition that the existing septic system for the house on "Parcel A" (W3538) will be replaced with a new septic system that is located along the same side of the road as the house.

Purpose Statement

The purpose of the subdivision provisions of the Land Use Code is to regulate and control the division of land in Dodge County in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the County. It is the specific intent of this subdivision provisions to regulate the division of land so as to obtain the wise use, conservation, protection, and proper development of the County's soil, water, wetland, woodland, and wildlife resources and to facilitate the division of larger tracts into smaller parcels of land appropriate for the type of development and use contemplated.

Staff Advisory:

This staff advisory is only advice to the Dodge County Board of Adjustment. The Board may or may not consider the advice of the staff and decision making authority is vested in the Board only.

The staff believes that the appellant is requesting an area variance to Section 7.3.7 of the code.

It is the staff's position that the appellant has limited options to resolve this matter, without creating a lot shape that would be inappropriate for the type of development proposed for this lot. The existing lot lines and driveway locations for the existing and adjacent lots will prohibit the creation of a lot meeting the lot width requirements of the code at this location which is unique to this lot.

It is the staff's position that the proposed land transfers will not harm the safety or general welfare of the public if the variance is granted and the proposed lot sizes of the existing adjacent lots will allow additional land in which to install replacement septic system for these residences if needed in the future. It is the staff's position that the Code would be considered unnecessarily burdensome in this case and therefore would create a hardship on the appellant.

It is the staff's position that the Board will be able to make the findings necessary in order to approve this variance request and recommend approval of a variance to allow the creation of a lot which does not meet the minimum lot width requirements of the Code subject to the following conditions:

1. A 3-lot certified survey map is submitted and approved for parcels A, B and C.
2. The following statement shall appear on the approved certified survey map: "These lots shall not be further divided for the purpose of residential use until after 15 years from the recording date of this certified survey map, unless the Official Dodge County Zoning Map is amended so that the subject parcels are rezoned out of an agricultural zoning district or this restriction has been released in accordance with the provisions of the Dodge County Land Use Code and the Town of Lebanon.";
3. The County rezoning petition for these parcels shall be approved by the County Board of Supervisors prior to the recording of the certified survey map.
4. The following highway/road setback line shall be shown on the certified survey map;
 - Town Road: 75 feet from the centerline or 42 feet from the road right-of-way, whichever distance is greater;
5. The following statement shall be shown on the certified survey map: "The owner and subsequent owners of these non-farm residential lots hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use Code and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations";
6. The site addresses (if one is already assigned to the lot) shall be shown on the certified survey map;
7. The remaining approximate 3.296-acres-acres (parcel D) shall be combined with the adjacent lot (PIN 026-0916-0213-000) prior to the final approval of the minor land division request.
8. The existing septic system for the house on "Parcel A" (W3538) will be replaced with a new septic system that is located along the same side of the road as the house.

Waivers:

- Soil tests for all lots;
- Lot line angles for all lots;

Dodge County Board of Adjustment Decision

County Application / Petition # 2015-0071

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New Frontier Land Surveying, LLC
Attn. Brad
P.O. Box 576
Beaver Dam, WI 53916

Owner:

David Lauersdorf Trust
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Location

The appellant is the owner of the following described property which is the subject of the appeal:

PIN# 026-0916-1121-000; 026-0916-1112-000; 026-0916-1122-000;

Property Location: Part of the NE ¼ NW ¼, and part of the NW ¼, NE ¼, Section 11, Town of Lebanon, the site address being W3538 Davidson Road.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Lebanon has adopted the County's Land Use Code. The site is also located within the County's Subdivision jurisdiction.

Appellants Request

An application for a County Minor Land Division Letter of Intent was submitted with a request to transfer a total of approximately 9.5-acres of land to 3-adjacent land owners at this location. Said land transfers will result in the creation of a 1.496-acre remnant parcel (Parcel A).

This application was denied by the County Land Use Administrator for the following reason:

Section 7.3.7 of the code requires the minimum lot width to be 125 feet of width at the building setback line for lots not served by public sewer. As proposed, "Parcel A" will have a lot width of approximately 107 feet at the building setback line or 18 feet less than the lot width required by the Code and therefore prohibited by the Code.

The appellant is requesting an area variance to Section 7.3.7 of the code;

CONCLUSIONS OF LAW

Based on the facts presented in the application and at the public hearing the Board concludes that:

The appellants request to Subsection 7.3.7 of the Code is an "area" variance.

(Yes / No) _____

1) **Is there a physical limitation that is unique to this property that prevents the appellant from complying with the lot width provisions of the code?**

Explain _____

2) **Does the appellant have other options available to comply with the lot width requirements of the Code?**

(Yes / No)

Explain _____

Is the Code unnecessarily burdensome in this case, thereby creating a hardship?

(Yes / No)

Explain _____

3) **Is this project harmful in any way to the public's interests? (Yes/No)**

(Yes / No)

Explain _____

4) **If the Board can make the findings necessary in order to grant the variance request in this case, are any conditions of approval necessary in this case to mitigate any potential adverse impacts that result from this proposed development project?**

1. A 3-lot certified survey map is submitted and approved for parcels A, B and C.
2. The following statement shall appear on the approved certified survey map: "These lots shall not be further divided for the purpose of residential use until after 15 years from the recording date of this certified survey map, unless the Official Dodge County Zoning Map is amended so that the subject parcels are rezoned out of an agricultural zoning district or this restriction has been released in accordance with the provisions of the Dodge County Land Use Code and the Town of Lebanon.";
3. The County rezoning petition for these parcels shall be approved by the County Board of Supervisors prior to the recording of the certified survey map.

4. The following highway/road setback line shall be shown on the certified survey map;
 - Town Road: 75 feet from the centerline or 42 feet from the road right-of-way, whichever distance is greater;
5. The following statement shall be shown on the certified survey map: "The owner and subsequent owners of these non-farm residential lots hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use Code and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations";
6. The site addresses (if one is already assigned to the lot) shall be shown on the certified survey map;
7. The remaining approximate 3.296-acres-acres (parcel D) shall be combined with the adjacent lot (PIN 026-0916-0213-000) prior to the final approval of the minor land division request.
8. The existing septic system for the house on "Parcel A" (W3538) will be replaced with a new septic system that is located along the same side of the road as the house.
 - Others

5) **Does the Board have sufficient information to make a decision on this request?**

(Yes/No)

6) **Does the Board believe that the variance request meets all of the criteria in Section 2.3.12.E of the Code?**

(Yes/No)

Motion by _____ to (approve / deny) the variance requested based upon the previously mentioned findings and conditions.

Motion second _____

Vote

Harold Hicks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Wayne Uttke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
William Nass	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Leon Schraufnagel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Vacant (1 st Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Ed Premo (2 nd Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Armin Reichow	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter the board

- Granted the variance request as proposed;
- Granted the variance request by the appellant subject to the conditions listed above;
- Denied the variance request as proposed;
- The Land Use Administrator is directed to issue a land use permit incorporating the decision of this Board.

Expiration of Approval. Any order issued by the Board requiring a Zoning official to issue a permit shall become void after one year unless the applicant or appellant shall have filed an application for such permit with the Zoning official within such time, provided, that the time may be extended when so specified by the Board.

Revocation. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The municipality assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

Dodge County Board of Adjustment

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____



**DODGE COUNTY LAND RESOURCES
AND PARKS DEPARTMENT**
127 E. Oak Street • Juneau, WI 53039
PHONE: (920) 386-3700 • FAX: (920) 386-3979
E-MAIL: landresources@co.dodge.wi.us

THIS AREA FOR OFFICE USE ONLY	
Activity No. 150071	Issue Date:
Application Date: 2-26-15	Receipt #: 8910434

Variance Application

Application Fee: \$450 (After the Fact Application Fee: \$900)

Names and Mailing Addresses	Property Description
Applicant (Agent) <i>NEW FRONTIER LAND SERVICES, LLC.</i>	Parcel Identification Number (PIN) <i>112-000</i>
Street Address <i>P.O. Box 576</i>	<i>026-0916 - 1121-000</i>
City • State • Zip Code <i>BEAVER DAM, WI 53916</i>	Town <i>LEBANON</i>
Property Owner (If different from applicant) <i>DAVID L. AND SUE TRUST</i>	Subdivision or CSM #
Street Address <i>W4042 DAVIDSON RD.</i>	Site Address <i>W13538 DAVIDSON RD.</i>
City • State • Zip Code <i>WATERTOWN, WI 53098-4015</i>	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Present property use:

AG/SINGLE FAMILY

List any prior variances that have been granted or denied for this property:

NONE

Describe all nonconforming structures and uses on this property:

MINIMUM LOT FRONTAGE FOR PARCEL "A"

List the terms of the Land Use Code for which you are requesting a variance (section # and code provision requirements):

Section 7.3.7 lot width shall be a minimum of 125' at the building setback line for lots not served by public sewer.

Variance Requested:

MINIMUM LOT FRONTAGE

Address the following variance criteria described in the application materials. (Attach additional sheets if necessary):

What unnecessary hardship is present that prohibits your compliance with the terms of the Land Use Code?

NEIGHBORING LOTS DON'T ALLOW FOR 125' AT BUILDING SETBACK.

What unique features of this property prevent you from complying with the terms of the Land Use Code?

EXISTING LOTS ON EITHER SIDE OF
PARCEL "A" prevent compliance with the lot width
requirements.

Will denial of the variance request prevent you from using this property for a permitted purpose or render conformity with the Code unnecessarily burdensome? Why?

The code is unnecessarily burdensome in this case because the adjacent
lots in this case were created well before the adoption of the 125' lot width
requirements of the code and the existing lot lines and driveway locations for these
lots prevent the creation of a complying lot without creating an unusable lot shape.

How would the interest of the public or neighbors be affected by granting or denying this variance?

NOT AT ALL

CERTIFICATE

I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and members of the Dodge County Board of Adjustment to enter the above described property for purposes of obtaining information pertinent to my application/appeal/variance request.

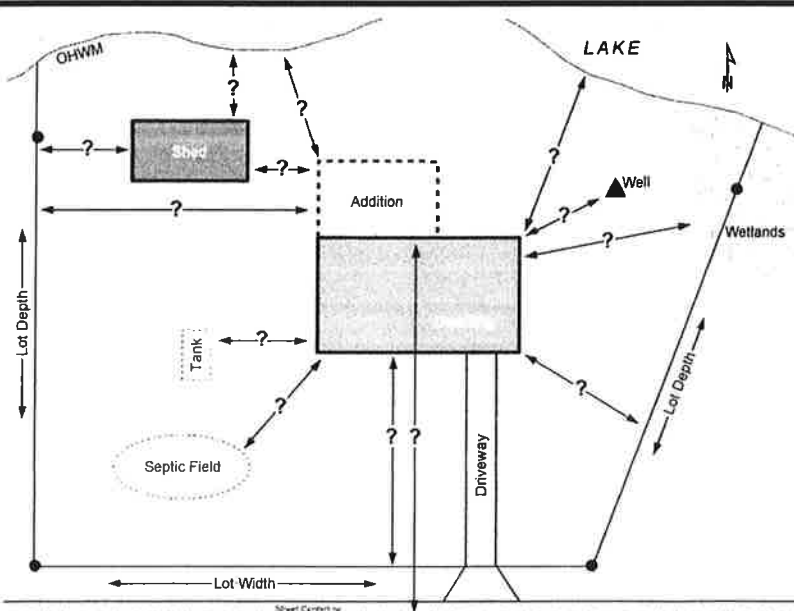
Signature of owner or authorized agent: Mum Th

Date: 3/10/15

Daytime Contact Number (920) 885-3904

SITE PLANS AND BUILDING PLANS

- All applications must be accompanied by a site plan. Figure 1 below is an example of an acceptable plan.



Site plans must be drawn to scale and/or all dimensions given, such as:

- Location and dimensions of the project
- Location and dimensions of existing structures
- Dimensions of the property
- Location and names of abutting roads, lakes & Streams
- North arrow
- Owner's name

Distances must be shown from the project to:

- Lot lines
- Road right-of-ways & centerline
- Water bodies Ordinary High Water Mark (O.H.W.M.)
- Septic & holding tanks
- Soil absorption systems
- Nearby structures (within 50 feet)



DODGE COUNTY
LAND RESOURCES AND PARKS DEPARTMENT
 127 E. OAK STREET • JUNEAU, WI 53039
 PHONE: (920) 386-3700 • FAX: (920) 386-3979
 E-MAIL: landresources@co.dodge.wi.us

THIS AREA FOR OFFICE USE ONLY	
Activity No. 150073	Expiration Date
Application Date: <i>2-26-15</i>	Receipt #: <i>896435</i>

MINOR LAND DIVISION LETTER OF INTENT FORM

Application Fee: \$75 (Non-Refundable)

NAMES & MAILING ADDRESSES		PROPERTY DESCRIPTION				
Applicant (Agent) <i>NEW FRONTIERLAND SAVINGS, LLC.</i>		Parcel Identification Number (PIN) <i>1112-000</i> <i>026-0916-1121-000</i>				
Street Address <i>P.O. Box 576</i>		Town <i>LEBANON</i>	T <i>9</i>	N <i>16</i>	R <i></i>	E <i></i>
City • State • ZipCode <i>BEAVER DAM, WI 53916</i>		NE ^{1/4} <i>NW</i>	NW ^{1/4} <i>NE</i>	Section <i>11</i>	Acreage of Parent Parcel <i>110±</i>	Acreage of Proposed Lot(s) <i>1.476</i>
Property Owner (If different from applicant) <i>DAVID LAWRENDSORE TRUST</i>		Subdivision (Name, lot and block) or CSM # (Volume/Page/Lot)				
Street Address <i>W 4042 DAVIDSON RD.</i>		Site Address Of Property (DO NOT include City/State/ZipCode) <i>W3538 DAVIDSON RD.</i>				
City • State • ZipCode <i>WATERTOWN WI 53098-4015</i>		Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

CONTACT PERSON

Name and daytime phone number (include area code) of a person we can contact if we have any questions about your application.

Name *BRAD JOHNSON* Daytime Phone *(920) 885-3904*

CURRENT PROPERTY USE

- Vacant Property
- Single Family Residential
- Duplex (Two-Family Residential)
- Multi-Family Residential
- Number of residential units: _____
- Active Working Farm Operation
- Recreational / Wetlands / Wooded Parcel
- Business / Industrial / Commercial Use (Describe Below)
- Other (Describe Below)

PROPOSED USE

- Single Family Residential
- Duplex (Two-family Residential)
- Multi-Family Residential
- Number of residential units: _____
- Agricultural Use Only – No residential structures
- Open Space Recreational / Wetlands - No residential structures
- Business / Industrial / Commercial Use (Describe Below)
- Other (Describe Below)

Land transfer results in the creation of a substandard lot (Parcel A) ± 110' lot width

A SKETCH PLAN SHOWING THE PROPOSED LAND DIVISION IS REQUIRED TO BE SUBMITTED WITH THIS APPLICATION.

CERTIFICATE

I, the undersigned, hereby apply for Minor Land Division approval and certify that all the information both above and attached is true and correct to the best of my knowledge. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for purposes of obtaining information pertinent to my request.

Signature *Brad Johnson* Date *FEB. 25, 2015*
 Daytime Contact Number *(920) 296-3905*

OFFICE USE ONLY

- CUP Required (App _____) REZONE Required (App _____) Restriction Release Required

Notes: *Parcel A does not meet the lot width requirements of the Code; (See 7.3.7 LUC)*

APPROVED

DENIED

LAND RESOURCES AND PARKS DEPARTMENT

Joseph Guehl

Date *2/26/15*



Dodge County
Land Resources and Parks Department

COPY

127 East Oak Street · Juneau, WI 53039-1329
PHONE: (920) 386-3700 · FAX: (920) 386-3979
EMAIL: landresources@co.dodge.wi.us

March 2, 2015

New Frontier Land Surveying, LLC
Attn. Brad
P.O. Box 576
Beaver Dam, WI 53916

RE: Notice of Action / Filing of Decision
County Minor Land Division Application 2015-0073
Owner: David Lauersdorf Trust
PIN# 026-0916-1121-000; 026-0916-1112-000; 026-0916-1122-000;
Property Location: Part of the NE ¼ NW ¼, and part of the NW ¼, NE ¼, Section 11, Town of Lebanon, the site address being W3538 Davidson Road.

Dear Brad,

On March 2, 2015, the review of your Minor Land Division/Land Transfer request as agent for the David Lauersdorf Trust was completed. On the basis of the evidence presented in the application the land division/land transfer request has been denied as proposed for the following reason:

1. Section 7.3.7 of the code requires the minimum lot width to be 125 feet of width at the building setback line for lots not served by public sewer. As proposed, "Parcel A" will have a lot width of approximately 107 feet at the building setback line or 18 feet less than the lot width required by the Code and therefore prohibited by the Code.

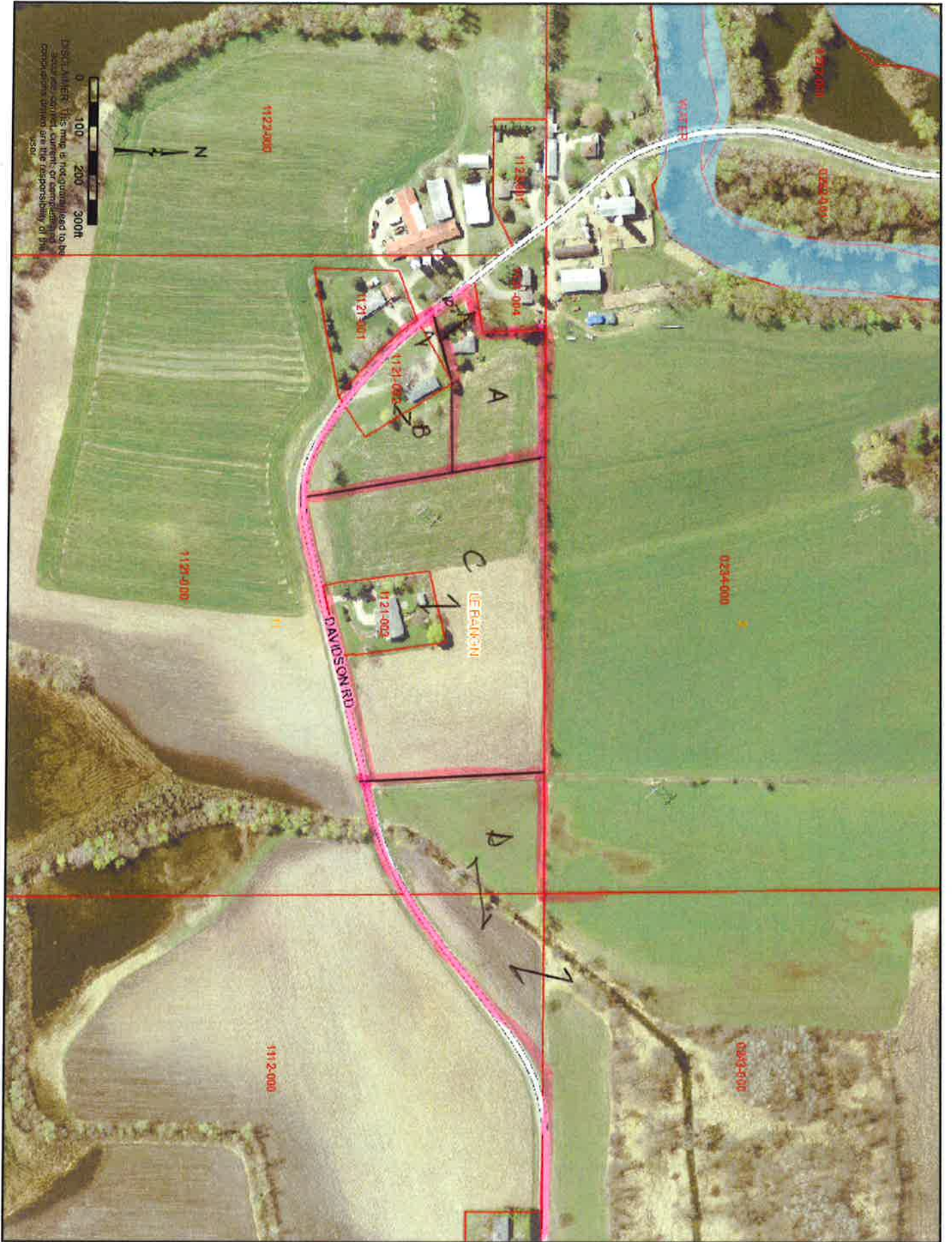
If you have any questions regarding the decision, feel free to contact this office at any time so that we may be of assistance.

Appeals. Appeals from the decision of any review and decision-making body may be made by any person aggrieved or their agent, or by an officer, department, board, or bureau of the County, or by any affected town board. Such appeals shall be filed with the Land Resources and Parks Department or the review and decision-making body from whom the appeal is taken within 30-days after the date of written notice of the decision or order of the review and decision-making body. The County assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

***A variance request was filed on February 26, 2015 and has been forwarded to the Board of Adjustment for scheduling of an on-site inspection and a public hearing. If you have any questions, feel free to give me a call.

Sincerely,

Joseph Giebel
Manager – Code Administration

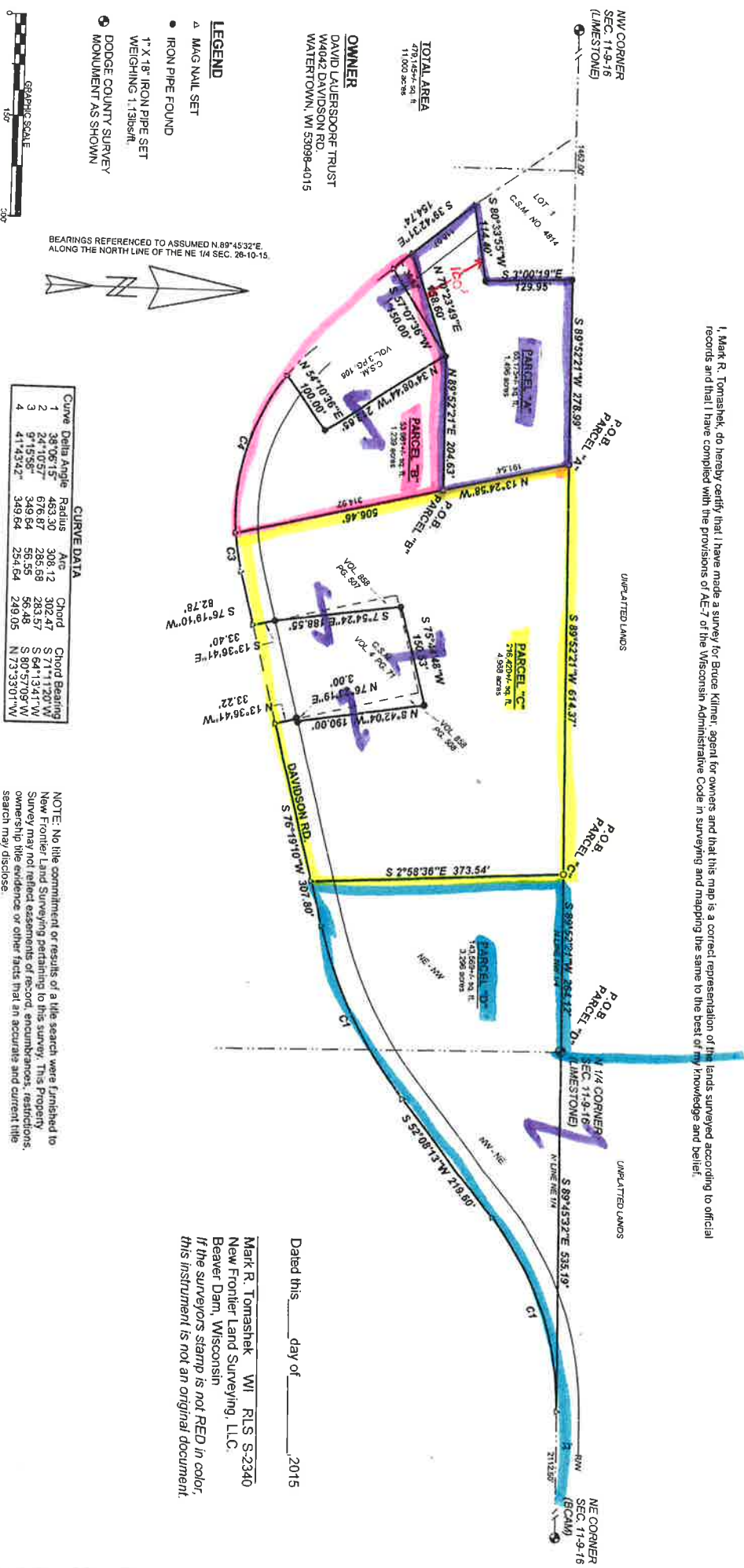


DISCLAIMER: This map is not qualified to be used as a legal document. The accuracy of the information shown on this map is not guaranteed. The user assumes all responsibility for the use of this map.

PROPERTY SURVEY

A survey of the Northeast 1/4 of the Northwest 1/4 and a part of the Northwest 1/4 of Section 11, Town 9 North, Range 16 East, Dodge County, Wisconsin.
 Said parcel contains 227.465 acres or 9,908,399 square feet more or less.

I, Mark R. Tomaszek, do hereby certify that I have made a survey for Bruce Kilmer, agent for owners and that this map is a correct representation of the lands surveyed according to official records and that I have complied with the provisions of Act 7 of the Wisconsin Administrative Code in surveying and mapping the same to the best of my knowledge and belief.



Dated this _____ day of _____, 2015

Mark R. Tomaszek WI RLS S-2340
 New Frontier Land Surveying, LLC.
 Beaver Dam, Wisconsin
 If the surveyors stamp is not RED in color,
 this instrument is not an original document.

DODGE COUNTY BOARD OF ADJUSTMENT MINUTES
February 19, 2015

The Dodge County Board of Adjustment met on this 19th day of February at 7:00 p.m., on the 1st Floor of the Administration Building, in Rooms 1H and 1I, located at 127 East Oak Street, Juneau, Wisconsin.

Chairman Armin Reichow called the meeting of the Dodge County Board of Adjustment to order.

Roll Call was taken.

Members present were as follows: Armin Reichow, Leon Schraufnagel, Harold Hicks, Wayne Uttke and Edward Premo (Alternate 2). Members excused were William Nass.

Chairman Reichow noted that a quorum is present.

Joseph Giebel of the Land Resources and Parks Department was in attendance at the request of the chairman;

The Chairman asked the staff to confirm compliance with the open meeting law and public hearing notice requirements for the hearings before the Board.

Mr. Giebel indicated that the meeting was properly noticed in accord with the open meeting law and noted that each of the public hearings listed on the agenda received a class two notice and the mailing notices were sent in accord with the statute and code requirements.

The agenda was reviewed by the Board.

The minutes from the February 12, 2015 meeting were reviewed by the Board.

Motion by Uttke to approve the minutes as written.

Second by Schraufnagel

Vote: 5-0 Motion carried.

The staff explained the hearing procedures to those in attendance;

PUBLIC HEARING

Ed Gratz, agent for Gratz Development Group LLC – Request for a variance to the terms of the Sanitary Ordinance to allow the installation of a holding tank on this site where there are other types of private sewage systems that can be utilized on this property. The site is located in part of the SE ¼, SE ¼, Section 8, Town of Burnett, the site address being N8984 County Road I.

Motion by Schraufnagel to deny the variance request to allow a holding tank to be installed on this site in lieu of installing a mound type system.

Second by Premo

Vote: 5-0 Motion carried.

The appellant asked for clarification of the vote taken by the Board because the Board answered "no" to the motion to deny.

The motion was re-stated by the Board and the vote was retaken by the Chairman;

Motion by Scraufnagel to deny the variance request to allow a holding tank to be installed on this site in lieu of installing a mound type system.

Second by Premo

Vote: 5-0 to deny the variance request. Motion carried.

PUBLIC HEARING

Howard and Barbara Krohn – Request for a variance to the terms of the Highway Setback Overlay District provisions of the Dodge County Land Use Code to allow the construction of a garage addition where said addition will be located approximately 31 feet within the required road setback from Bay Street. The site is known as Lots 21, 22 and 23, Block 2, Sinissippi Bay Subdivision, which is located in part of the SE ¼, NE ¼, Section 32, Town of Hubbard, the site address being N5194 Wildcat Road.

Motion by Hicks to allow the construction of a garage addition where said addition will be located approximately 31 feet within the required road setback from Bay Street subject to the following condition:

1. The appellant shall sign and record a variance agreement with the Dodge County Register of Deeds prior to the issuance of the County land use permit for this construction.

Second by Premo

Vote: 5-0 Motion carried.

PUBLIC HEARING

Michael Simon Builders, agent for David Pappas - Request for a variance to the terms of the Highway Setback Overlay District provisions of the Dodge County Land Use Code and to the water setback provisions of the Shoreland Protection Ordinance to allow for the construction of a 6 foot high fence and security gate on said lot, where said fence and gate will exceed the allowed height of a fence located in a street yard by 2 feet and where said fence will be located within the required water setback lines. The site is located in part of the NE ¼, SE ¼, Section 15, T13N, R13E, Town of Fox Lake, the site address being W10565 Blackhawk Trail.

Motion by Schraufnagel to approve the variance request to the fence height subject to the following condition:

1. The fence shall be of an open, non-opaque type fence similar to woven wire or wrought iron fencing that is a minimum of 50 percent open for each one foot segment of the fence over the entire length of the fence so as not to obstruct the view through the fence.

Second by Premo

Vote: 5-0 Motion carried.

Motion by Premo to approve the variance to allow the fence to be located within the water setback lines as proposed.

Second by Schraufnagel

Vote: 5-0 Motion carried.

Other Business

1. Review 2014 Board of Adjustment Annual Report.

Motion by Schraufnagel to approve the annual report.

Second by Hicks

Vote: 5-0 Motion carried.

2. Review correspondence from Kay Lutze – Department of Natural Resources Shoreland Policy Coordinator

The correspondence received from Kay Lutze – Department of Natural Resources Shoreland Policy Coordinator, dated February 5, 2015 was reviewed by the Board. The purpose of the letter was to inform the Board that she was concerned that the decision that was made by the Board for the Spiegel variance request on October 16, 2014 did not meet the criteria that are necessary to grant the requested variance to the water setback requirements of the code. Ms. Lutze gave her reasons why she felt the Boards decision did not meet the criteria for granting a variance and informed the Board that her office will be carefully monitoring the future decisions by the Board with the hope that the variance criteria are applied in accordance to the statute. The Board reviewed their reasons for granting the variance and also stated their positions on the letter received by the DNR.

Motion by order of the chair to adjourn the meeting. 9:15 PM

Motion carried.

Respectfully submitted,

Wayne Uttke, Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.

Land Resources and Parks Department Staff Report

County Variance Application No. 2015-0085
County Land Use Permit Application No. 2015-0084

Applicant (Agent):

Sal Okon
P.O. Box 372
Lowell, WI 53557

Owner:

Thomas and Vicki Budzisz
7701 Willow Point Court
Franklin, WI 53132

Filing Date: March 6, 2015

Hearing Date: April 16, 2015

Location

The appellant is the owner of the following described property which is the subject of the appeal:

PIN# 022-1116-3131-018

Lot 16, Arrowhead Shores Subdivision, located in part of the NE ¼, SW ¼, Section 31, Town of Hubbard, the site address being N5090 Arrowhead Trail.

County Jurisdiction

The County has Zoning Jurisdiction over this site as Town of Hubbard has adopted the Highway Setback Overlay District provisions of the Code. The site is also located within the County's Shoreland Jurisdiction.

Review Criteria

Subsections 2.3.12.A through 2.3.12.G of the Dodge County Land Use Code details procedural matters and the approval criteria for the variance process. The Board shall hold a public hearing on each variance application, and following the public hearing, act to approve, approve with conditions, or deny the variance based upon the approval criteria of Section 2.3.12.E.

Appellants Request

On March 6, 2015 an application for a County Land Use Permit was made by the appellant in order they be allowed to construct a replacement 26' X 44' detached garage on this lot where said garage will be located approximately 57' from the centerline of Arrowhead Trail.

This permit was denied by the County Land Use Administrator for the following reason:

Subsection 4.6.4.A and Table 5.1.2-2 of the Highway Setback Overlay District provisions of the Dodge County Land Use Code refers to the distances that all buildings and other structures are required to be setback from all streets and highways. On a Town Road, such as this portion of Arrowhead Trail, the required highway setback is 75 feet from the centerline of the road. As proposed, the garage will be located at approximately 57 feet from the centerline of Arrowhead Trail or 18 feet within the highway setback lines and therefore prohibited by the code

The appellant is requesting an area variance to Section 4.6.4A and Table 5.1.2-2 of the code;

Features

The features of the proposed construction and property that relate to the granting or denial of the appeal are as follows:

The property is presently being used for residential use and has been so used by the owner since December 2, 2005.

The physical features of this approximate 0.426 acre lot include a steep sloping topography with slopes ranging from 0 to 18%. The parcel contains a residence and detached garage.

The general character of the surrounding land use consists of seasonal and year-round residences.

The 24' X 24' existing garage is located in compliance with the water and highway setback requirements of the Code.

The property includes the following a nonconforming structures:

- The residence is located approximately 69' from the centerline of Arrowhead Trail along the north edge of the residence.
- The landing and steps along the west side of the residence are located approximately 62' from the centerline of Arrowhead Trail.

The property has been the subject of the following prior variance requests:

- On May 19, 1971, a variance was granted by the Board to allow the residence to be located 65' from the ordinary highwater mark of Lake Sinissippi and to allow the residence to be located 74' from the centerline of Arrowhead Trail.
- On June 21, 1977, a variance to allow a detached garage to be located 12' within the highway setback lines was denied by the Board.
- On June 21, 1978, a variance was granted by the Board to allow a home addition along the south side of the residence where said addition was located 74' from the centerline of the road and 65' from the ordinary highwater mark of Lake Sinissippi.

Purpose Statement

The highway setback overlay provisions of the County Land Use Code promote a variety of public purposes such as providing for light and air, fire protection, traffic safety, prevention of overcrowding, solving drainage problems, protecting the appearance and character of the neighborhood and for conserving property values. The highway setback provisions also provide for a uniform setback for all structures along all roads within the County in order to provide safe visibility while entering or exiting a site and to save tax payers of Dodge County from having to purchase non-conforming structures located within the highway setback lines, when those structures need to be removed for highway improvement or relocation projects.

Staff Advisory:

This staff advisory is only advice to the Dodge County Board of Adjustment. The Board may or may not consider the advice of the staff and decision making authority is vested in the Board only.

The staff believes that the appellant is requesting an area variance to Section 4.6.4A and Table 5.1.2-2 of the Code.

The staff points out that the Board does not have summary power to ignore the highway setback provisions of the Code or its objectives. The burden also falls on the appellant to convincingly demonstrate to this Board that a literal enforcement of the highway setback provisions of the Code would result in an unnecessary hardship, that the hardship is due to special conditions unique to the property and if granted, the variance would not be contrary to the public interest.

The staff points out that the courts have found that for an area variance, unnecessary hardship exists when compliance with the Code provisions would render conformity with such restrictions "unnecessarily burdensome." The staff also points out that the courts have ruled that the circumstances of the applicant such as a growing family or the desire for a larger garage is not the sole factor in granting a variance. It is the staff's position that the appellant has reasonable use of this property as it currently exists and the construction of the 26' X 44' replacement garage within the highway setback lines is not necessary for the preservation of his property rights. It is the staff's position that the appellant has other options, such as constructing a boathouse on this lot, that could be constructed in compliance with the highway setback provisions of the Code and that could be used to protect and store the appellants boat and water related items.

Furthermore, the staff points out that the purpose of the highway setback provisions of the Code is to provide for a uniform setback for all structures along all roads in order to save tax payers of Dodge County from having to purchase non-conforming structures located within the highway setback lines, when those structures need to be removed for highway improvement or relocation projects. It is the staff's position that to simply ignore the highway setback provisions of the Code and to allow the appellant to construct a garage 18' within the highway setback lines when the appellant may have other options for a compliant location or a smaller garage is contrary to the purpose and spirit of the Code.

It is the staff's position that the Board will not be able to make all of the findings that are necessary in order to grant a variance in this case and therefore recommends denial.

Dodge County Board of Adjustment Decision

County Variance Application No. 2015-0085
County Land Use Permit Application No. 2015-0084

Applicant (Agent):

Sal Okon
P.O. Box 372
Lowell, WI 53557

Owner:

Thomas and Vicki Budzisz
7701 Willow Point Court
Franklin, WI 53132

Filing Date: March 6, 2015

Hearing Date: April 16, 2015

Location

The appellant is the owner of the following described property which is the subject of the appeal:

PIN# 022-1116-3131-018

Lot 16, Arrowhead Shores Subdivision, located in part of the NE ¼, SW ¼, Section 31, Town of Hubbard, the site address being N5090 Arrowhead Trail.

County Jurisdiction

The County has Zoning Jurisdiction over this site as Town of Hubbard has adopted the Highway Setback Overlay District provisions of the Code. The site is also located within the County's Shoreland Jurisdiction.

Appellants Request

On March 6, 2015 an application for a County Land Use Permit was made by the appellant in order they be allowed to construct a replacement 26' X 44' detached garage on this lot where said garage will be located approximately 57' from the centerline of Arrowhead Trail.

This permit was denied by the County Land Use Administrator for the following reason:

Subsection 4.6.4.A and Table 5.1.2-2 of the Highway Setback Overlay District provisions of the Dodge County Land Use Code refers to the distances that all buildings and other structures are required to be setback from all streets and highways. On a Town Road, such as this portion of Arrowhead Trail, the required highway setback is 75 feet from the centerline of the road. As proposed, the garage will be located at approximately 57 feet from the centerline of Arrowhead Trail or 18 feet within the highway setback lines and therefore prohibited by the code

The appellant is requesting an area variance to Section 4.6.4A and Table 5.1.2-2 of the code;

CONCLUSIONS OF LAW

Based on the facts presented in the application and at the public hearing the Board concludes that:

The appellants request to Subsection 4.6.4A and Table 5.1.2-2 of the code is an "area" variance.

(Yes / No) _____

1) **Is there a physical limitation that is unique to this property that prevents the appellant from complying with the highway setback provisions of the code?**

(Yes, No)

If yes, explain what is the physical limitation that is unique to this property that prevents compliance with the highway setback provisions of the Code?

2) **In order to determine whether the Code is unnecessarily burdensome in this case, the Board has considered the following questions:**

Will requiring compliance with the highway setback provisions of the Code unreasonably prevent the owner from using the property for a permitted purpose?

(Yes / No)

Explain _____

Does the appellant have other reasonable options available to construct a complying structure on this lot?

(Yes / No)

Explain _____

Does the Board believe that the highway setback requirements of the Code are unnecessarily burdensome in this case, thereby creating a hardship?

(Yes / No)

If yes, explain how the Code is unnecessarily burdensome in this Case:

3) **Is this project harmful in any way to the safety or general welfare of the appellant, the public or the adjacent neighbors?**

(Yes/No)

Explain _____

4) **Does the Board have sufficient information to make a decision on this request?**

(Yes/No)

5) **Does the Board believe that the variance request meets all of the criteria in Section 2.3.12.E of the County Land Use Code?**

(Yes/No)

6) **If the Board can make the findings necessary in order to grant the variance request in this case, are any conditions of approval necessary in this case to mitigate any potential adverse impacts that result from this proposed development project?**

Not Applicable.

No conditions are required;

The following conditions are required:

- This structure shall not be used for human habitation or overnight accommodations;
- The appellant shall sign and record a variance agreement with the Dodge County Register of Deeds prior to the issuance of the County Land Use Permit for this construction;
- This structure shall not be used for any business, trade or industry and shall not be rented out for storage space;
- Others

Motion by _____ to (approve / deny) the variance requested based upon the previously mentioned findings and conditions.

Motion second _____

Vote

Harold Hicks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Wayne Uttke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
William Nass	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Leon Schraufnagel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Ed Premo (1st Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Armin Reichow	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter the board

- Granted the variance request as proposed;
- Granted the variance request by the appellant subject to the conditions listed above;
- Denied the variance request as proposed;
- The Land Use Administrator is directed to issue a land use permit incorporating the decision of this Board.

Expiration of Approval. Any order issued by the Board requiring a Zoning official to issue a permit shall become void after one year unless the applicant or appellant shall have filed an application for such permit with the Zoning official within such time, provided, that the time may be extended when so specified by the Board.

Revocation. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The municipality assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

Dodge County Board of Adjustment

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____



**DODGE COUNTY LAND RESOURCES
AND PARKS DEPARTMENT**
127 E. Oak Street • Juneau, WI 53039
PHONE: (920) 386-3700 • FAX: (920) 386-3979
E-MAIL: landresources@co.dodge.wi.us

THIS AREA FOR OFFICE USE ONLY	
Activity No. 150085	Issue Date:
Application Date: 3-6-15	Receipt #: 096440

Variance Application

Application Fee: \$450 (After the Fact Application Fee: \$900)

Names and Mailing Addresses	Property Description														
Applicant (Agent) SAL OKON	Parcel Identification Number (PIN) 622-116-3131-018														
Street Address P.O. Box 372	Town HUBBARD														
City • State • Zip Code Lowell, WI 53557	<table border="1"> <tr> <td>¼</td> <td>¼</td> <td>Section</td> <td>T</td> <td>N</td> <td>R</td> <td>E</td> </tr> <tr> <td>NE</td> <td>SW</td> <td>31</td> <td></td> <td>11</td> <td></td> <td>16</td> </tr> </table>	¼	¼	Section	T	N	R	E	NE	SW	31		11		16
¼	¼	Section	T	N	R	E									
NE	SW	31		11		16									
Property Owner (If different from applicant) THOMAS A. BUDZISZ	Subdivision or CSM # ARROWHEAD SHORES														
Street Address 7701 Willow Point Ct.	Site Address NS090 ARROW HEAD TRAIL														
City • State • Zip Code FRANKLIN, WI 53132	Is this property connected to public sewer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No														

Present property use:

RESIDENTIAL

List any prior variances that have been granted or denied for this property:

NONE

Describe all nonconforming structures and uses on this property:

HOUSE IN HIGHWAY SETBACK 1/2 WATER SETBACK.

List the terms of the Land Use Code for which you are requesting a variance (section # and code provision requirements):

SECTION 4.6.2A & TABLE 5.1.2.2.

Variance Requested:

~~Boundary setback from 75'~~

ALLOW GARAGE IN WITH IN THE REQUIRED HIGHWAY SETBACK.

Address the following variance criteria described in the application materials. (Attach additional sheets if necessary):

What unnecessary hardship is present that prohibits your compliance with the terms of the Land Use Code?

OLD GARAGE SIZE IS NOT BIG ENOUGH FOR BOAT & CAR.

What unique features of this property prevent you from complying with the terms of the Land Use Code?

GARAGE SIZE

Will denial of the variance request prevent you from using this property for a permitted purpose or render conformity with the Code unnecessarily burdensome? Why?

GARAGE SIZE

How would the interest of the public or neighbors be affected by granting or denying this variance?

NONE

CERTIFICATE

I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and members of the Dodge County Board of Adjustment to enter the above described property for purposes of obtaining information pertinent to my application/appeal/variance request.

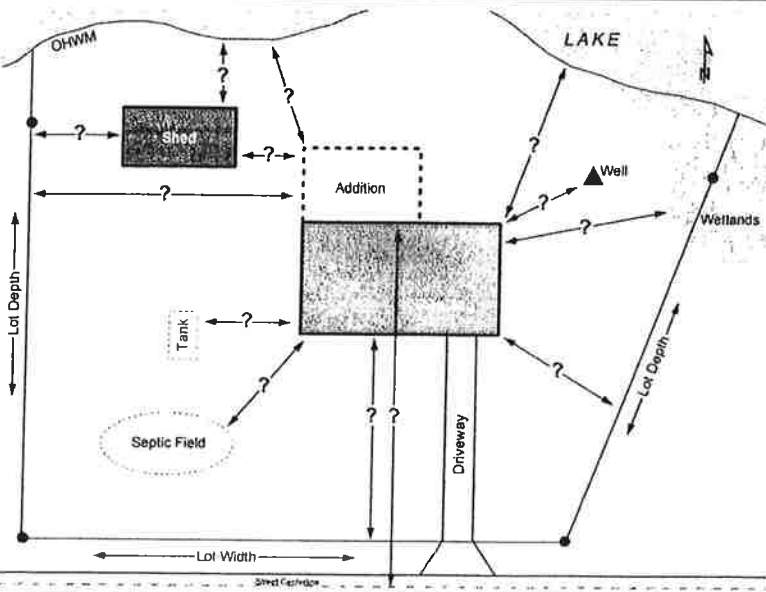
Signature of owner or authorized agent *Paul Okon*

Date: 2/6/15

Daytime Contact Number (920) 210-8089

SITE PLANS AND BUILDING PLANS

All applications must be accompanied by a site plan. Figure 1 below is an example of an acceptable plan.



- Site plans must be drawn to scale and/or all dimensions given, such as:
- Location and dimensions of the project
 - Location and dimensions of existing structures
 - Dimensions of the property
 - Location and names of abutting roads, lakes & Streams
 - North arrow
 - Owner's name

Distances must be shown from the project to:

- Lot lines
- Road right-of-ways & centerline
- Water bodies Ordinary High Water Mark (O.H.W.M.)
- Septic & holding tanks
- Soil absorption systems
- Nearby structures (within 50 feet)



Dodge County Land Resources and Parks Department

127 East Oak Street · Juneau, WI 53039-1329
PHONE: (920) 386-3700 · FAX: (920) 386-3979
EMAIL: landresources@co.dodge.wi.us

COPY

March 18, 2015

Sal Okon
P.O. Box 372
Lowell, WI 53557

RE: Notice of Action / Filing of Decision - County Shoreland Land Use Permit Application 2015-0084
Owner: Thomas Budzisz
Parcel Identification Number 022-1116-3131-018
Property Location: Part of the NE ¼, SW ¼, Section 31, Town of Hubbard, the site address being N5090 Arrowhead Trail.

Dear Mr. Okon:

Your revised application for a Shoreland Land Use permit, as agent for Thomas Budzisz, to construct a detached garage on the property described above is hereby denied for failure to comply with the following County Regulations:

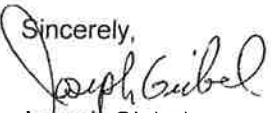
1. Subsection 4.6.4.A and Table 5.1.2-2 of the Highway Setback Overlay District provisions of the Dodge County Land Use Code refers to the distances that all buildings and other structures are required to be setback from all streets and highways. On a Town Road, such as this portion of Arrowhead Trail, the required highway setback is 75 feet from the centerline of the road. As proposed, the garage will be located at approximately 57 feet from the centerline of Arrowhead Trail or 18 feet within the highway setback lines and therefore prohibited by the code.

Therefore, the County is unable to issue a permit for your proposed construction projects unless the construction is modified so as to comply with the highway setback provisions of the Code or unless a variance is granted to the highway setback provisions of the Code.

You have the right to appeal the decision of the Land Use Administrator to the Board of Adjustment. Such appeals shall be filed with the Land Resources and Parks Department within 30 days after the date of written notice of the decision or order of the review and decision making body. If you have any questions, feel free to give me a call.

A variance request was filed on March 6, 2015 and has been forwarded to the Board of Adjustment for scheduling of an on-site inspection on April 9, 2015 and a public hearing on April 16, 2015. If you have any questions, feel free to give me a call.

Sincerely,



Joseph Giebel
Manager – Code Administration

cc: Thomas Budzisz

Shouland

Land Use Permit

Dodge County Land Resources and Parks Department
127 East Oak Street
Juneau, WI 53039-1329
(920) 386-3700
www.co.dodge.wi.us/landresources

This Area For Office Use Only	
COUNTY ID NO. 150084	Receipt No. 8910447
Permit Expiration Date	Application Date 3-6-15
	Sanitary Permit

PERMIT APPLICATION FEE: \$50 plus \$2 per \$1,000 cost of the project (Payable to: Dodge County)

Note: After the fact (i.e., Applying for permit after construction has already started) application fee: \$100 plus \$4 per \$1,000 cost of project

Revised 3/11/15

NAMES & MAILING ADDRESSES	PROPERTY INFORMATION				
Applicant/Agent/Contractor (If Contractor: Please Include State Certification No.) JAL OKON	Parcel Identification Number (PIN) 022-1116-3131-018				
Street Address P.O. Box 372	Town HUBBARD	T 11	N 16	R 16	E
City • State • Zip Code COWELL, WI 53557	1/4 NE	1/4 SW	Section 31	Acreage	Lot (Block)
Property Owner THOMAS A. BUDZISZ	Subdivision or CSM (Volume/Page/Lot) ARROWHEAD STUBS				
Street Address 7701 WILLOW POINTE CT	Address Of Property (DO NOT include City/State/Zip Code) N5090 ARROWHEAD TRAIL				
City • State • Zip Code FRANKLIN, WI 53132	Is this property connected to public sewer? <input type="checkbox"/> No <input type="checkbox"/> Yes Is property located within a sanitary district/accessible to public sewer? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				
CURRENT USE OF PROPERTY	PROPOSED USE OF PROPERTY				
<input type="checkbox"/> Vacant Land <input type="checkbox"/> Working Farm <input type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other _____	<input checked="" type="checkbox"/> Single-Family Residential <input type="checkbox"/> Two-Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other _____				

PROPOSED CONSTRUCTION PROJECT

NEW STRUCTURE/CONSTRUCTION REPLACEMENT OF EXISTING ADDITION TO AN EXISTING

Pool Home Gazebo Sign (Complete additional project information below)
 Deck Porch Attached Garage Barn (Complete additional project information below)
 Shed Fence Detached Garage Home Addition (Complete additional project information below)

Other _____

Width 26 Additional Project Information
 Length 44 Home Addition: Total number of bedrooms? Before _____ After _____
 Total Area 1144 Barn Information: Will it house any animals? If yes, complete Animal Units Worksheet.
 Total Stories 1 Sign Information: Single-Sided Double-Sided
 Height (To roof peak) 18' Located On-Premise Located Off-Premise
 Wall Ground Directional Other _____
 Estimated Cost (w/Labor) \$ 19,000± Will it be lighted and/or have moving/flashing parts? No Yes

CERTIFICATE & CONTACT INFORMATION

I, the undersigned, hereby apply for a Land Use Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that all work performed will be done in accordance with the Dodge County Land Use Ordinance and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for the purpose of conducting an onsite code inspection(s) and to obtain information pertinent to my application request. Furthermore, I also affirm that I have read and understand the DNR notice regarding construction on or near wetlands, lakes or streams.

Contact Person (Print) JAL OKON Daytime Contact Phone (920) 210-8099
Signature [Signature] Date 2/5/15 Call for pickup No Yes

DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.

◆◆◆ PLEASE REMEMBER TO CLEARLY MARK/FLAG/STAKE-OUT THE CORNERS OF YOUR PROJECT ◆◆◆

HAL A 18557 sq ft



1" = 60'

Impervious Surface Area
REVISION
3/11/15

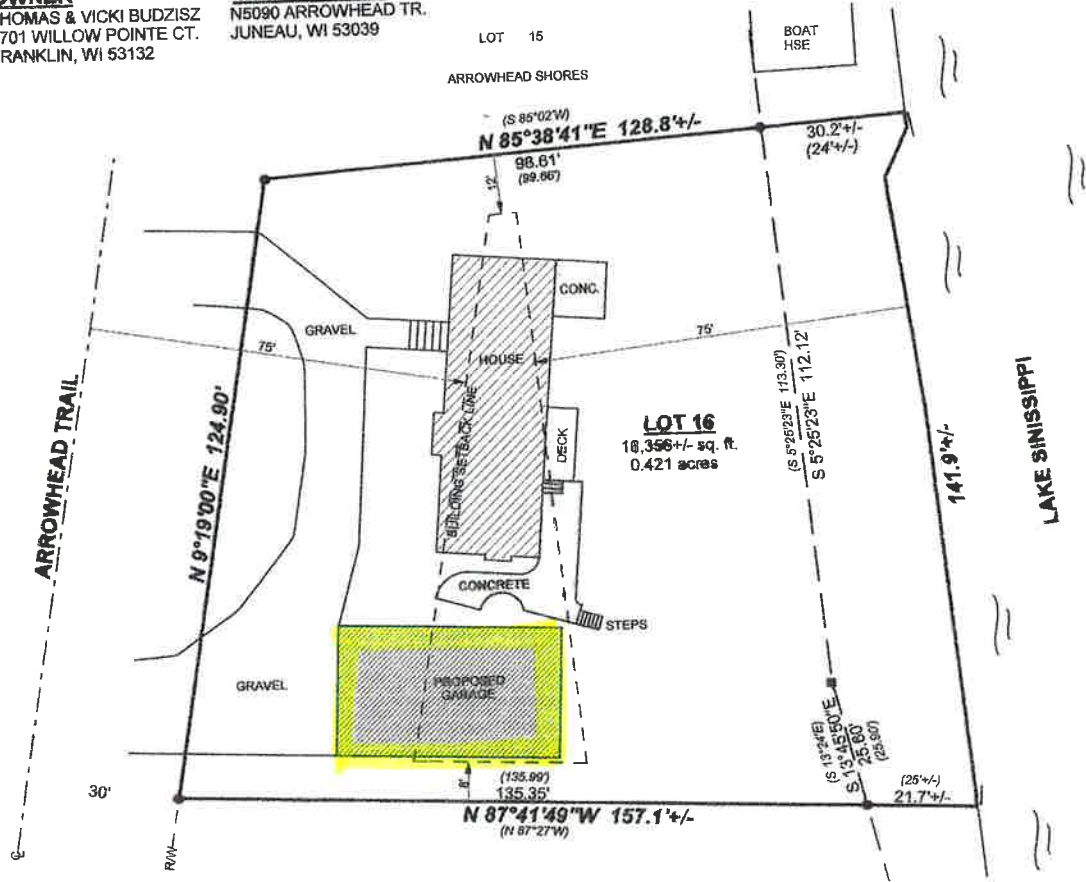
SITE PLAN

LEGAL DESCRIPTION:

A SURVEY OF LOT 16 OF ARROWHEAD SHORES AS RECORDED IN VOLUME K ON PAGE 33, BEING A PART OF GOVERNMENT LOT 5, SECTION 31, TOWN 11 NORTH, RANGE 16 EAST, TOWN OF HUBBARD, DODGE COUNTY, WISCONSIN.

OWNER
THOMAS & VICKI BUDZISZ
7701 WILLOW POINTE CT.
FRANKLIN, WI 53132

SITE ADDRESS
N5090 ARROWHEAD TR.
JUNEAU, WI 53039



PROPOSED IMPERVIOUS SURFACE

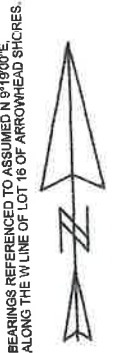
HOUSE/DECK	= 1,233 sq. ft.
PROPOSED GARAGE	= 1,144 sq. ft.
CONCRETE	= 530 sq. ft.
GRAVEL	= 1,800 sq. ft.
STEPS	= 60 sq. ft.
TOTAL	= 4,767 sq. ft.

- LEGEND**
- IRON PIPE FOUND
 - REBAR FOUND

I, Mark R. Tomashek, do hereby certify that I have made a survey for Thomas Budzisz, owner, and that this map is a correct representation of the lands surveyed according to official records and that I have complied with the provisions of AE-7 of the Wisconsin Administrative Code in surveying and mapping the same to the best of knowledge and belief.

Dated this 11 day of March, 2015

Mark R. Tomashek
Mark R. Tomashek WI RLS S-2340
New Frontier Land Surveying, LLC
Beaver Dam, Wisconsin
If the surveyors stamp is not RED in color,
this instrument is not an original document.



NOTE: No title commitment or results of a title search were furnished to New Frontier Land Surveying pertaining to this survey. This Boundary Survey may not reflect easements of record, encumbrances, restrictions, ownership title evidence or other facts that an accurate and current title search may disclose.



THOMAS A BUDZISZ

0 100 Feet


1 inch = 100 Feet 

Land Resources and Parks Department Staff Report

County Variance Application No. 2015-0038

County Land Use Permit Application No. 2014-0378

Owner/Appellant:

Richard and Mollyann Emerson
316 Meadow Lane
Deforest, WI 53532

Filing Date: February 9, 2015

Hearing Date: March 19, 2015

Rescheduled Hearing Date: April 16, 2015

Location

PIN#: 044-1214-1844-021

The site is located in part of the SE ¼, SE ¼, Section 18, T12N, R14E, Town of Trenton, the site address being N8591 Sunset Beach Road.

County Jurisdiction

The County has jurisdiction over this site as the Town has adopted the Dodge County Land Use Code regulations. The property is also located within the County's Shoreland jurisdiction.

Review Criteria

Subsections 2.3.12.A through 2.3.12.G of the Dodge County Land Use Code details procedural matters and the approval criteria for the variance process. The Board shall hold a public hearing on each variance application, and following the public hearing, act to approve, approve with conditions, or deny the variance based upon the approval criteria of Section 2.3.12.E.

Appellants Request

On July 15, 2014 an application for a County Shoreland Land Use Permit (#2014-0378) was made by the appellant in order they be allowed to construct a 24' X 28' attached garage on this site.

The permit was denied by county staff for the following reasons:

Subsection 5.1.2(E) and Table 5.1.2-2 of the Code refers to the distances that all buildings and other structures are required to be setback from public roads/streets/highways. For this section of Sunset Beach Road, the required setback is 60 feet from centerline or 27' from the road right-of-way, which ever distance is greater. As proposed, the garage addition will be located 43 feet from the center of Sunset Beach Rd, or 17 feet within the required setback, thus not in compliance the Code provisions.

The appellant is requesting an area variance to Subsection 5.1.2(E) and Table 5.1.2-2 of the Dodge County Land Use Code.

Features

The features of the proposed construction and property that relate to the granting or denial of the appeal are as follows:

The physical features of this approximate .416-acre lot include a moderate sloping site with slopes ranging from 0 to 12%. The parcel contains a single-family dwelling which is used for residential use.

The general character of the surrounding land use consists of seasonal and year round residences as well as multi-family parcels along the shoreline of Beaver Dam Lake.

The property has not been the subject of a prior variance.

Purpose Statement

The highway setback provisions of the County Land Use Code promote a variety of public purposes such as providing for light and air, fire protection, traffic safety, prevention of overcrowding, solving drainage problems, protecting the appearance and character of the neighborhood and for conserving property values. The highway setback provisions also provide for a uniform setback for all structures along all roads within the County in order to provide safe visibility while entering or exiting a site and to save tax payers of Dodge County from having to purchase non-conforming structures located within the highway setback lines, when those structures need to be removed for highway improvement or relocation projects.

Staff Advisory:

This staff advisory is only advice to the Dodge County Board of Adjustment. The Board may or may not consider the advice of the staff and decision making authority is vested in the Board only.

The staff believes that the appellant is requesting an area variance to Subsection 5.1.2(E) and Table 5.1.2-2 of the Dodge County Land Use Code.

The staff points out that the Board does not have summary power to ignore ordinance provisions or objectives. Granting a variance requires the finding of three conditions: that a literal enforcement of the Code or Ordinance regulations would result in an unnecessary hardship, that the hardship is due to special conditions that are unique to the property and if granted, the variance would not be contrary to the public interest.

The staff notes that the septic system is located along the north side of the lot which will prohibit the location of a garage in this area. The staff also notes that the water setback requirements along the west side of the lot and the minimal space along the south side of the residence would prevent the appellant from constructing a garage on this lot that would meet the setback provisions of the code. The staff has concerns that the construction of this garage addition as proposed may pose a safety hazard for the appellant and the public, as there is only approximately 12' between the front entrance of the garage to the road right-of-way which limits visibility when entering or exiting the garage.

It is the staff's position that the Board will not be able to make the findings necessary in order to approve a variance to allow the construction of a detached garage within the highway setback provisions of the Code and therefore recommend denial.

Dodge County Board of Adjustment Decision

County Variance Application No. 2015-0038
County Land Use Permit Application No. 2014-0378

Owner/Appellant:

Richard and Mollyann Emerson
316 Meadow Lane
Deforest, WI 53532

Filing Date: February 9, 2015
Hearing Date: March 19, 2015
Rescheduled Hearing Date: April 16, 2015

Location

PIN#: 044-1214-1844-021

The site is located in part of the SE ¼, SE ¼, Section 18, T12N, R14E, Town of Trenton, the site address being N8591 Sunset Beach Road.

County Jurisdiction

The County has jurisdiction over this site as the Town has adopted the Dodge County Land Use Code regulations. The property is also located within the County's Shoreland jurisdiction.

Appellants Request

On July 15, 2014 an application for a County Shoreland Land Use Permit (#2014-0378) was made by the appellant in order they be allowed to construct a 24' X 28' attached garage on this site.

The permit was denied by county staff for the following reasons:

Subsection 5.1.2(E) and Table 5.1.2-2 of the Code refers to the distances that all buildings and other structures are required to be setback from public roads/streets/highways. For this section of Sunset Beach Road, the required setback is 60 feet from centerline or 27' from the road right-of-way, which ever distance is greater. As proposed, the garage addition will be located 43 feet from the center of Sunset Beach Rd, or 17 feet within the required setback, thus not in compliance the Code provisions.

The appellant is requesting an area variance to Subsection 5.1.2(E) and Table 5.1.2-2 of the Dodge County Land Use Code.

CONCLUSIONS OF LAW

Based on the facts presented in the application and at the public hearing the Board concludes that:

The appellants request to Subsection 5.1.2(E) and Table 5.1.2-2 of the code is an "area" variance.

(Yes / No) _____

1) **What is the physical limitation that is unique to this property that prevents the appellant from complying with the highway setback provisions of the code?**

Explain _____

2) **In order to determine whether the Code is unnecessarily burdensome in this case, the Board has considered the following questions:**

Will requiring compliance with the highway setback provisions of the Code unreasonably prevent the owner from using the property for a permitted purpose?

(Yes / No)

Explain _____

Does the appellant have other options available to construct a complying garage addition on this lot?

(Yes / No)

Explain _____

Does the Board believe that the highway setback requirements of the Code are unnecessarily burdensome in this case, thereby creating a hardship?

(Yes / No)

Explain _____

3) **Is this project harmful in any way to the safety or general welfare of the appellant, the public or the adjacent neighbors?**

Yes/No)

Explain _____

4) Does the Board have sufficient information to make a decision on this request?

(Yes/No)

5) Does the Board believe that the variance request meets all of the criteria in Section 2.3.12.E of the County Land Use Code?

(Yes/No)

6) If the Board can make the findings necessary in order to grant the variance request in this case, are any conditions of approval necessary in this case to mitigate any potential adverse impacts that result from this proposed development project?

Not Applicable.

No conditions are required;

The following conditions are required:

- The appellant shall sign and record a variance agreement with the Dodge County Register of Deeds prior to the issuance of the County Land Use Permit for this construction;
- Others

Motion by _____ to (approve / deny) the variance requested based upon the previously mentioned findings and conditions.

Motion second _____

Vote

Harold Hicks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Wayne Uttke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
William Nass	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Leon Schraufnagel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Ed Premo (1 st Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Vacant (2 nd Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Armin Reichow	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter the board

- Granted the variance request as proposed;
- Granted the variance request by the appellant subject to the conditions listed above;
- Denied the variance request as proposed;
- The Land Use Administrator is directed to issue a land use permit incorporating the decision of this Board.

Expiration of Approval Any order issued by the Board requiring a Zoning official to issue a permit shall become void after one year unless the applicant or appellant shall have filed an application for such permit with the Zoning official within such time, provided, that the time may be extended when so specified by the Board.

Revocation This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The municipality assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

Dodge County Board of Adjustment

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____



**DODGE COUNTY LAND RESOURCES
AND PARKS DEPARTMENT**
127 E. Oak Street • Juneau, WI 53039
PHONE: (920) 386-3700 • FAX: (920) 386-3979
E-MAIL: landresources@co.dodge.wi.us

τ THIS AREA FOR OFFICE USE ONLY τ	
Activity No. 150038	Issue Date:
Application Date: 2-9-15	Receipt #: 89631e3

Variance Application

Application Fee: \$450 (After the Fact Application Fee: \$900)

Names and Mailing Addresses	Property Description														
Applicant (Agent) Richard & Mollyann Emerson	Parcel Identification Number (PIN) 044-1214-1844-021														
Street Address 316 Meadow Ln	Town Trenton														
City • State • Zip Code DeForest, WI 53532	<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 12.5%;">$\frac{1}{4}$</td> <td style="width: 12.5%;">$\frac{1}{4}$</td> <td style="width: 12.5%;">Section</td> <td style="width: 12.5%;">T</td> <td style="width: 12.5%;">N</td> <td style="width: 12.5%;">R</td> <td style="width: 12.5%;">E</td> </tr> <tr> <td>SE</td> <td>SE</td> <td>18</td> <td></td> <td>12</td> <td></td> <td>14</td> </tr> </table>	$\frac{1}{4}$	$\frac{1}{4}$	Section	T	N	R	E	SE	SE	18		12		14
$\frac{1}{4}$	$\frac{1}{4}$	Section	T	N	R	E									
SE	SE	18		12		14									
Property Owner (If different from applicant)	Subdivision or CSM # John Gutgesell's Plat of Sunset Beach														
Street Address	Site Address N8591 Sunset Beach Road														
City • State • Zip Code	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No														

Present property use:
Single family residential

List any prior variances that have been granted or denied for this property:
None

Describe all nonconforming structures and uses on this property:
None

List the terms of the Land Use Code for which you are requesting a variance (section # and code provision requirements):
Subsection 5.1.2(E) and Table 5.1.2-2

Variance Requested:
Street setback as shown on Exhibit A for new garage

Address the following variance criteria described in the application materials. (Attach additional sheets if necessary):

What **unnecessary hardship** is present that prohibits your compliance with the terms of the Land Use Code?
(See "unnecessarily burdensome" below)

What unique features of this property prevent you from complying with the terms of the Land Use Code?

The existing septic system in front and steep slope to the lake on the side of the house preclude any other location on the lot. Most of our neighbors own land on the east side of the road for their garages, but we do not.

Will denial of the variance request prevent you from using this property for a permitted purpose or render conformity with the Code unnecessarily burdensome? Why?

Compliance with the code would rule out a garage, an unnecessarily burdensome restriction. This is especially the case since of the 24 houses on Sunset Beach Road, we are one of the 4 with no garage, and there are 7 other buildings closer to the road than we would be.

(See Exhibit B)

How would the interest of the public or neighbors be affected by granting or denying this variance?

No adverse impact. Other structures are closer to the road including our 2 nearest neighbors to the south. Also, lake front lot owners generally consider the street side to be the back yard.

CERTIFICATE

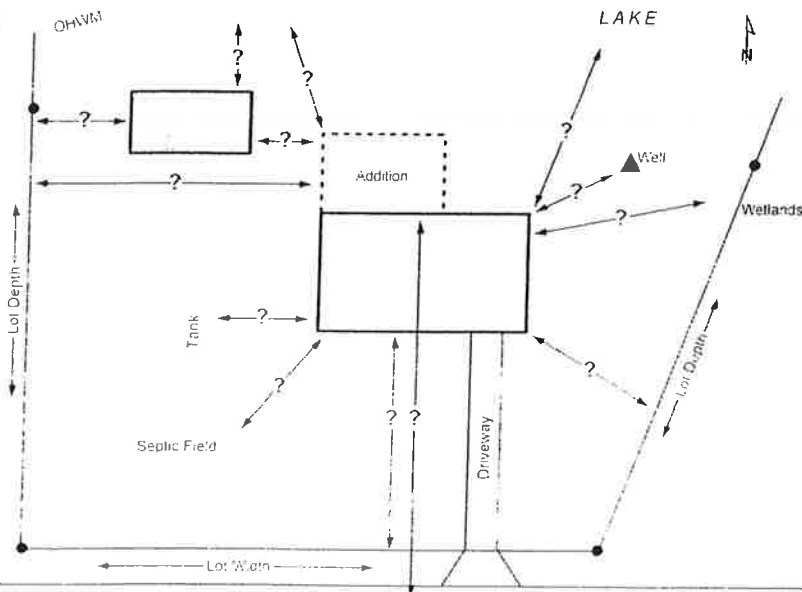
I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and members of the Dodge County Board of Adjustment to enter the above described property for purposes of obtaining information pertinent to my application/appeal/variance request.

Signature of owner or authorized agent: Richard Emerson Date: 2/3/15

Daytime Contact Number (608) 846 - 9664

SITE PLANS AND BUILDING PLANS

- All applications must be accompanied by a site plan. Figure 1 below is an example of an acceptable plan.



Site plans must be drawn to scale and/or all dimensions given, such as:

- Location and dimensions of the project
- Location and dimensions of existing structures
- Dimensions of the property
- Location and names of abutting roads, lakes & Streams
- North arrow
- Owner's name

Distances must be shown from the project to:

- Lot lines
- Road right-of-ways & centerline
- Water bodies Ordinary High Water Mark (O.H.W.M.)
- Septic & holding tanks
- Soil absorption systems
- Nearby structures (within 50 feet)

Exhibit A Site Plan

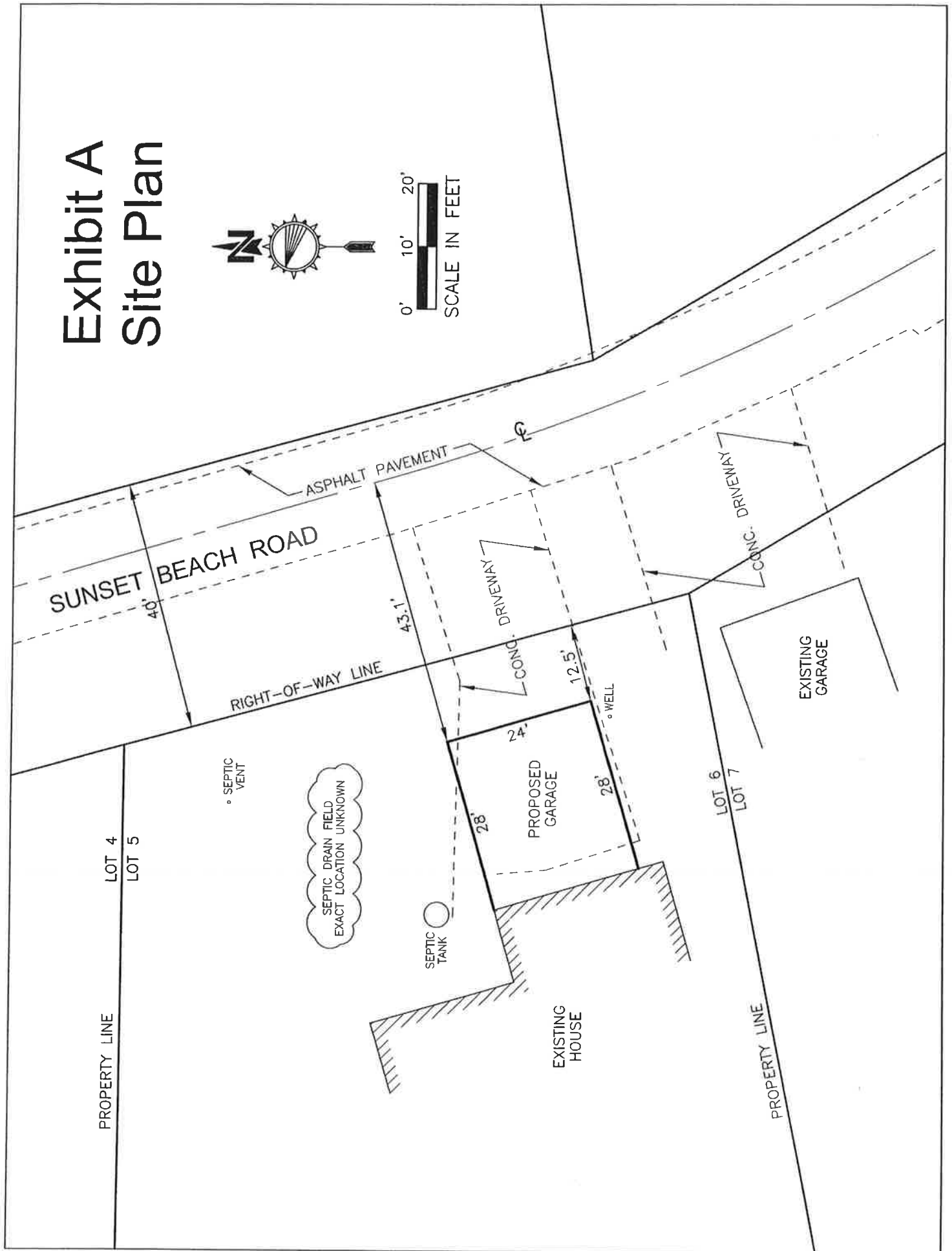
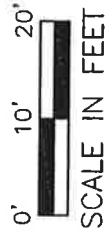
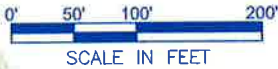


Exhibit B Setbacks from R/W



Shoreland Land Use Permit

Dodge County Land Resources and Parks Department
 127 East Oak Street
 Juneau, WI 53039-1329
 (920) 386-3700
 www.co.dodge.wi.us/landresources

This Area For Office Use Only

COUNTY ID No. 140378	Receipt No. 6741
Permit Expiration Date	Application Date 7-15-14
	Sanitary Permit

PERMIT APPLICATION FEE: \$50 plus \$2 per \$1,000 cost of the project (Payable to: Dodge County)

Note: After the fact (i.e., Applying for permit after construction has already started) application fee: \$100 plus \$4 per \$1,000 cost of project

NAMES & MAILING ADDRESSES		PROPERTY INFORMATION				
Applicant/Agent/Contractor (If Contractor: Please Include State Certification No.) RICHARD EMERSON		Parcel Identification Number (PIN) 044-1214-1844-021				
Street Address N8591 Sunset Beach		Town TRENTON	T	N	R	E
City • State • Zip Code Beaver Dam Wi 53916		1/4 SE 1/4	1/4 SE 1/4	Section 18-12-14	Acreage .4445	Lot (Block) 586
Property Owner Richard Emerson		Subdivision or CSM (Volume/Page/Lot) Lot 506 John Gutgesell's PLAT Sunset Beach				
Street Address 316 Meadow La		Address Of Property (DO NOT include City/State/Zip Code) N8591 Sunset Beach Rd				
City • State • Zip Code DeForest Wi 53532		Is this property connected to public sewer? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Is property located within a sanitary district/accessible to public sewer? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
CURRENT USE OF PROPERTY		PROPOSED USE OF PROPERTY				
<input type="checkbox"/> Vacant Land <input checked="" type="checkbox"/> Single-Family Residential <input type="checkbox"/> Working Farm <input type="checkbox"/> Two-Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other _____		<input type="checkbox"/> Same As Current Use (No Change) <input checked="" type="checkbox"/> Single-Family Residential <input type="checkbox"/> Two-Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other _____				
PROPOSED CONSTRUCTION PROJECT						
<input type="checkbox"/> NEW STRUCTURE/CONSTRUCTION <input type="checkbox"/> REPLACEMENT OF EXISTING <input type="checkbox"/> ADDITION TO AN EXISTING						
<input type="checkbox"/> Pool <input type="checkbox"/> Porch <input type="checkbox"/> Driveway <input type="checkbox"/> Field Tile Installation <input type="checkbox"/> Deck <input type="checkbox"/> Fence <input type="checkbox"/> Boathouse <input type="checkbox"/> Pond (Less than 2 acres in size) <input type="checkbox"/> Patio <input type="checkbox"/> Riprap <input checked="" type="checkbox"/> Attached Garage <input type="checkbox"/> Sign (Complete additional project information below) <input type="checkbox"/> Shed <input type="checkbox"/> Gazebo <input type="checkbox"/> Detached Garage <input type="checkbox"/> Barn (Complete additional project information below) <input type="checkbox"/> Home <input type="checkbox"/> Sidewalk <input type="checkbox"/> Ag Ditch Cleanout <input type="checkbox"/> Home Addition (Complete additional project information below)						
<input type="checkbox"/> Filling, Grading, Ditching, Dredging, Lagooning and/or Excavating (Contact this office for assistance with determining type of permit needed)						
Other Remove concrete drive & attach garage						
Width 28 24 <small>Memorandum 3/18</small>		Additional Project Information				
Length 28		Home Addition: Total number of bedrooms? Before 3 After 3				
Total Area 784		Barn Information: Will it house any animals? If yes, complete Animal Units Worksheet.				
Total Stories 1		Sign Information: <input type="checkbox"/> Single-Sided <input type="checkbox"/> Double-Sided				
Height (To roof peak) 14 ft		<input type="checkbox"/> Located On-Premise <input type="checkbox"/> Located Off-Premise				
Estimated Cost (w/Labor) \$ 20,000.00		<input type="checkbox"/> Wall <input type="checkbox"/> Ground <input type="checkbox"/> Directional Other _____				
		Will it be lighted and/or have moving/flashing parts? <input type="checkbox"/> No <input type="checkbox"/> Yes				
◆◆◆ PLEASE REMEMBER TO CLEARLY MARK/FLAG/STAKE-OUT THE CORNERS OF YOUR PROJECT ◆◆◆						
DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.						

PAGE 2 — SUPPLEMENTAL INFORMATION AND ADDITIONAL REQUIREMENTS

NOTE: Your County Shoreland Land Use Permit will be withheld and will not be processed without the completion and submittal of the required worksheet(s) to this office for departmental review and approval.

PROJECT TYPE

1. Does your project involve construction, reconstruction, expansion, replacement or relocation of any impervious surfaces on your lot (see description below) that are located within 300 feet of the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway?

An impervious surface is defined as an area that releases as runoff all or a majority of the precipitation that falls on it. The following "surfaces" are considered "impervious" under this Ordinance: (building) rooftops; concrete/blacktop/gravel driveways and parking surfaces; sidewalks; covered/uncovered decks; patio surfaces constructed with pavers/concrete/blacktop/flagstone; private road surfaces not specifically listed in the Ordinance or any other material and any other surface that is determined by the Land Use Administrator to be impervious. An impervious surface excludes frozen soil, public road surfaces and certain private roads that are specifically listed in the Ordinance.

YES ⇒ You will need to complete and submit WORKSHEET No 1 (IMPERVIOUS SURFACE AREA CALCULATION) to this office for departmental review and approval. Go to line 2.
NO ⇒ Go to line 2.

2. Will any part of your project be located less than 35 feet from the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway? (NOTE: If your project involves either a boathouse or riprapping — Go to line 3)

NO ⇒ Go to line 3.
YES ⇒ Your project **CAN NOT BE APPROVED** as proposed — Contact this office for assistance. Go to line 3.

3. Will any part of your project be located anywhere between 35-75 feet from the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway?

NO ⇒ Go to line 4.
YES ⇒ You will need to complete and submit WORKSHEET No. 2 (MITIGATIONS OPTION CALCULATIONS) to this office for departmental review and approval. Go to line 4.

4. Does your project involve riprapping?

NO ⇒ Go to line 5.
YES ⇒ You will need to complete and submit WORKSHEET No 3 (RIPRAP PROJECT SUPPLEMENTAL INFORMATION) to this office for departmental review and approval. Go to line 5.

5. Does your project involve the installation of field drain tile?

NO ⇒ Go to line 6.
YES ⇒ You will need to complete and submit WORKSHEET No. 4 (FIELD DRAIN TILE SUPPLEMENTAL INFORMATION) to this office for departmental review and approval. Go to line 6.

6. Does your project involve cleaning-out, dredging, relocating and/or the construction of an agricultural drainage ditch?

NO ⇒ Go to line 7.
YES ⇒ You will need to complete and submit WORKSHEET No. 5 (AGRICULTURAL DRAINAGE DITCH SUPPLEMENTAL INFORMATION) to this office for departmental review and approval. Go to line 7.

7. Does your project involve the filling, grading or disturbing of more than 2000 square feet of land?

NO ⇒ Go to line 8.
YES ⇒ You will need to complete and submit Worksheet No. 6 (Erosion Control Supplemental Information) to this office for departmental review and approval. Go to line 8.

8. Does your project involve the construction or reconstruction of a pond less than 2 acres in size?

NO ⇒ Go to line 9.
YES ⇒ You will need to complete and submit WORKSHEET No. 7 (POND CONSTRUCTION SUPPLEMENTAL INFORMATION) to this office for departmental review and approval. Go to line 9.

9. Does your project involve any filling, grading, dredging or excavating and/or the construction of a pond ≥ 2 acres within a (mapped) wetland, floodplain and/or navigable waterway?

NO ⇒ Sign and date application below.
YES ⇒ A County CONDITIONAL USE PERMIT (CUP) may [also] be needed. Contact this office for assistance regarding the CUP process. Sign and date application below.

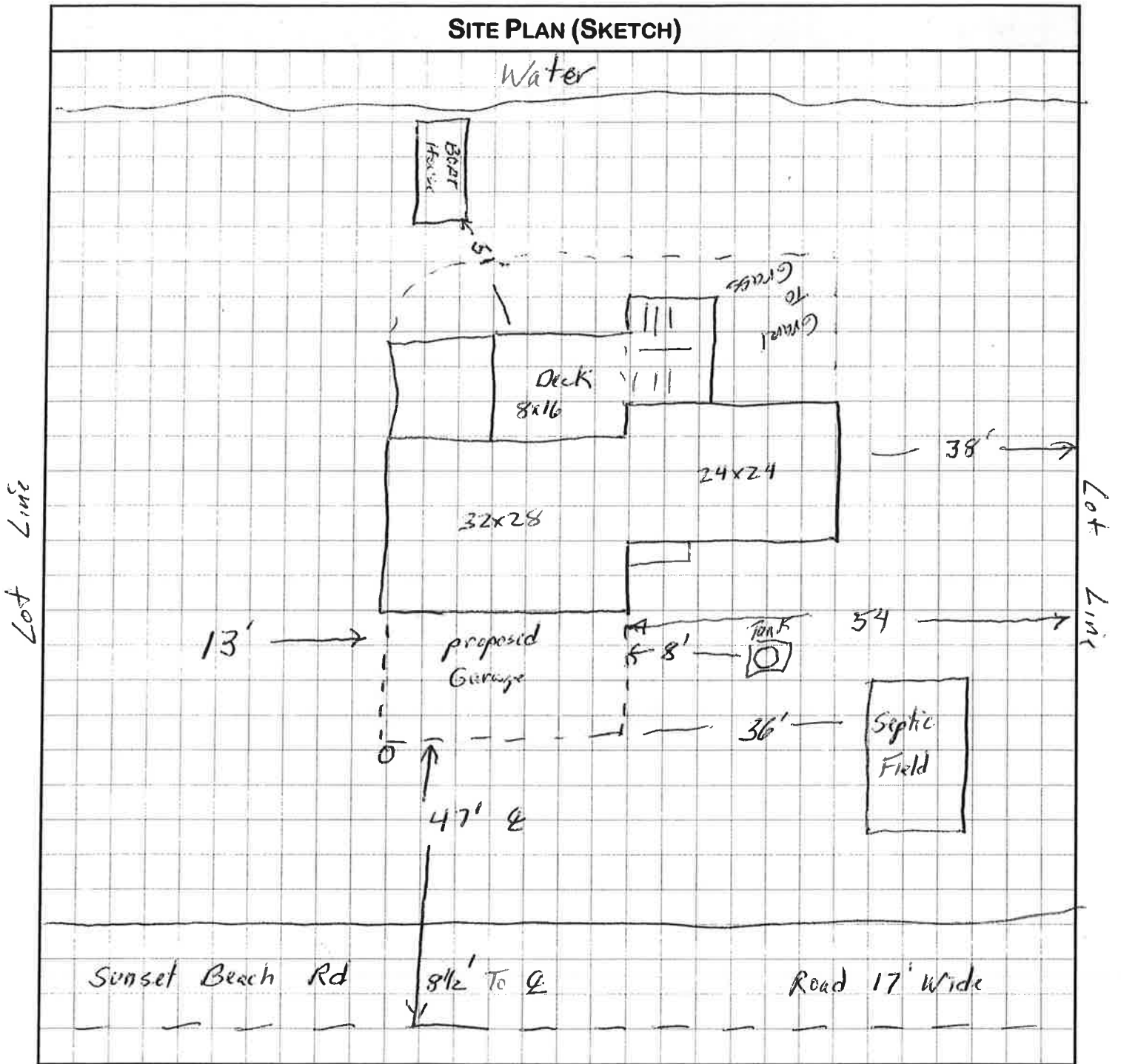
CERTIFICATE & CONTACT INFORMATION

I, the undersigned, hereby apply for a Land Use Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that all work performed will be done in accordance with the Dodge County Land Use Ordinance and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for the purpose of conducting an onsite code inspection(s) and to obtain information pertinent to my application request. Furthermore, I also affirm that I have read and understand the DNR notice regarding construction on or near wetlands, lakes or streams.

Contact Person (Print) Richard Emerson Daytime Contact Phone (605) 346 - 9664

Signature Richard Emerson Date _____ Call for pickup No Yes

SITE PLAN (SKETCH)

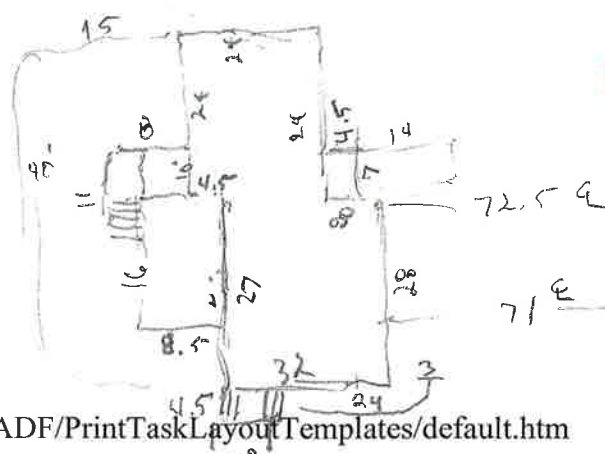
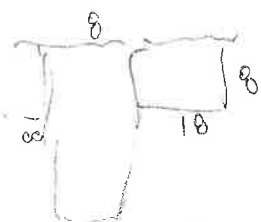


See Attached Site Plan (Sketch)

THIS AREA FOR OFFICE USE ONLY

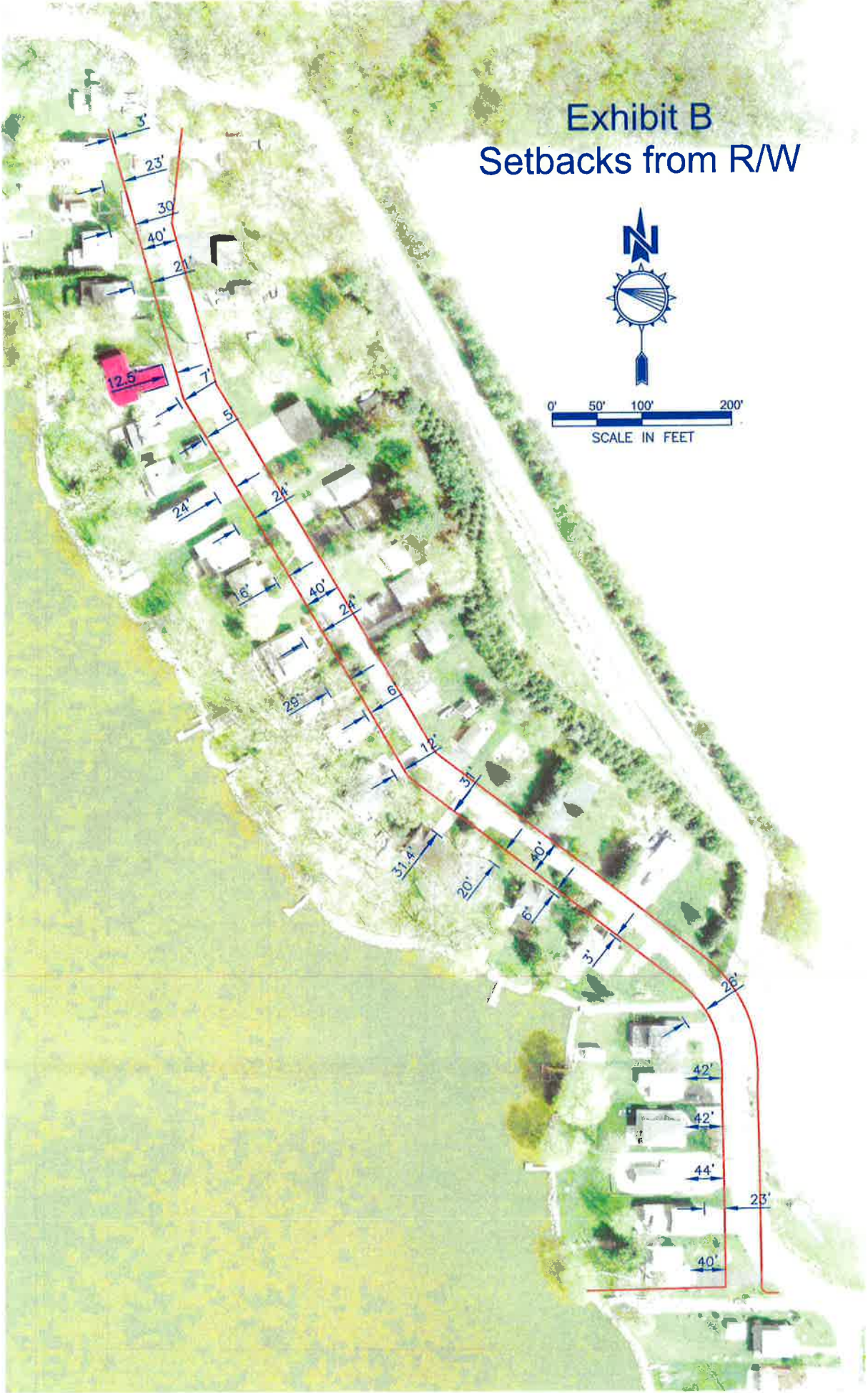
BOA ID No.	BOA Appeal Date	BOA P/H Date	BOA Decision Date	BOA Decision
				<input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied
Notes/Stipulations:				
<input type="checkbox"/> Approved <input type="checkbox"/> Denied			Land Resources and Parks Department	Date

DC Quick Map



NARR
 FRONT LOT
 3479.5
 11/06/14 ON SIDE WITH
 BAR PERMITS
 43' TO E
 12' TO AW
 7/22/2014
 17 4

Exhibit B Setbacks from R/W



Land Resources and Parks Department Staff Report

County Variance Application No. 2015-0106

County Land Use Permit Application No. 2015-0075 & 2015-0094

Owner/Appellant:

Brian and Kayla Igl
W10786 State Road 33
Fox Lake, WI 53933

Filing Date: March 16, 2015

Hearing Date: April 16, 2015

Location

PIN#: 018-1313-2731-002

The site is located in part of the NE ¼, SW ¼, Section 27, T13N, R13E, Town of Fox Lake, the site address being W10786 State Road 33.

County Jurisdiction

The County has jurisdiction over this site as the Town of Fox Lake has adopted the County's Highway Setback Overlay District regulations.

Review Criteria

Subsections 2.3.12.A through 2.3.12.G of the Dodge County Land Use Code details procedural matters and the approval criteria for the variance process. The Board shall hold a public hearing on each variance application, and following the public hearing, act to approve, approve with conditions, or deny the variance based upon the approval criteria of Section 2.3.12.E.

Appellants Request

On February 26, 2015, a land use code violation notice was sent to the owner for the construction of a fence on the property without obtaining the required permits and approvals from the Department. The staff also observed that a deck and pool were constructed on this site without permits or approvals from the Department.

On March 3, 2015, an application for a County Land Use Permit (#2015-0075) was submitted by the appellant in order they be allowed to obtain an after-the-fact permit for a detached deck and pool located on this site without a permit and on March 12, 2015, a County Land Use Permit (#2015-0094) was submitted with a request to be allowed to obtain an after-the-fact permit for an 8 foot high fence and security gate on said lot.

The permit(s) were denied by county staff for the following reasons:

Sections 4.6.2.A, 5.1.2.E and Table 5.1.2-2 of the Dodge County Land Use Code refer to the distances that all buildings and other structures are required to be setback from public roads. For the specific section of STH 33 along the south side of the lot along which the above noted project is to take place, the required setback from the center of STH 33 is 127 feet. As proposed, the deck is to be located 60 feet from centerline of STH "33" or 67 feet within the required setback. The proposed pool is to be located 75' from centerline of STH "33" or 52 feet within the required set back, therefore not in compliance the Code provisions.

Subsection 4.6.4.B.3 of the Dodge County Land Use Code states that fences shall not exceed a height of 4 feet within the street yard setback and shall not be located closer than 2 feet to any public right-of-way. As proposed the fence will be 8 feet in height or 4 feet above the maximum height allowed by the code. The

fence is also located on the front property line or 2' within the required setback and therefore prohibited by the Code.

The appellant is requesting an area variance to Sections 4.6.2.A, 4.6.4.B.3, 5.1.2.E and Table 5.1.2-2 of the Dodge County Land Use Code.

Features

The features of the proposed construction and property that relate to the granting or denial of the appeal are as follows:

The property is located within the County's Highway Setback Overlay District jurisdiction.

The physical features of this approximate .816-acre lot include a level topography with slopes ranging from 0 to 5%. The parcel contains a single-family dwelling and attached garage. The property is currently used for residential use.

The general character of the surrounding land use consists of agricultural use with scattered residences along STH 33.

The property has been the subject of the following variances:

- On November 10, 1995, a variance was granted to allow a 3' x 8' Double faced sign 61' from centerline of STH 33.
- On August 9, 1990, a variance was granted to allow a 10' x 7" ground sign to be located 64' from centerline.

Purpose Statement

The highway setback provisions of the County Land Use Code promote a variety of public purposes such as providing for light and air, fire protection, traffic safety, prevention of overcrowding, solving drainage problems, protecting the appearance and character of the neighborhood and for conserving property values. The fence height provisions of the Code are intended to protect the appearance and character of the neighborhood and to provide safe visibility while entering or exiting a site.

Staff Advisory:

This staff advisory is only advice to the Dodge County Board of Adjustment. The Board may or may not consider the advice of the staff and decision making authority is vested in the Board only.

It is the staff's position that the appellant is requesting an area variance to Sections 4.6.2.A, 4.6.4.B.3, 5.1.2.E and Table 5.1.2-2 of the Dodge County Land Use Code.

The staff points out that the Board does not have summary power to ignore the highway setback provisions of the Code or its objectives. The burden also falls on the appellant to convincingly demonstrate to this Board that a literal enforcement of the highway setback provisions of the Code would result in an unnecessary hardship, that the hardship is due to special conditions that are unique to the property and if granted, the variance would not be contrary to the public interest.

The staff also points out that the appellants requests are for "after-the-fact" construction projects and therefore, the Board should review these proposals as if the fence, deck and pool do not exist yet.

The staff notes that in this case, according to the County records, the State owns 60 feet of road right-of-way at this location and the intersection also has a vision-triangle setback at this location which is intended to provide safe visibility at this intersection.

Variance Request to Subsection 4.6.4.B.3 of the Land Use Code - Fence Height Provisions

It is the staff's position that there are no conditions that are unique to this property that would prevent the appellant from constructing a 4' high fence at this location that would comply with the height and setback requirements of the code. The staff notes that one of the purposes of the fence provisions of the code are to provide safe visibility while entering or exiting the site. Fences that exceed a 4 foot height within the street yard can negatively impact the visibility while entering or exiting this site thereby creating a safety hazard. Therefore, it is the staff's position that the Board will not be able to make all of the findings that will be necessary in order to approve a variance to the fence height provisions of the Code in this case because the owner may have other reasonable options to construct a fence in compliance with the height and setback requirements of the code. The staff therefore recommends denial of the variance request to the fence height and location provisions of the Code.

Variance Request to Subsection 4.6.2.A of the Highway Overlay Setback Provisions for the deck and pool.

It is the staff's position that there are no conditions that are unique to this property that would prevent the appellant from complying with the highway setback provisions of the Code for the deck and pool request. It is the staff's position that the appellant may have other locations on this lot in which to construct a pool and deck that would be in compliance with the highway setback provisions of the Code, such as along the east side of the residence.

It is the staff's position that the Board will not be able to make the findings necessary in order to approve a variance to the highway setback provisions of the Code for the pool and deck as the appellant has other options for complying structures and therefore recommends denial.

Dodge County Board of Adjustment Decision

County Variance Application No. 2015-0106

County Land Use Permit Application No. 2015-0075 & 2015-0094

Owner/Appellant:

Brian and Kayla Igl
W10786 State Road 33
Fox Lake, WI 53933

Filing Date: March 16, 2015

Hearing Date: April 16, 2015

Location

PIN#: 018-1313-2731-002

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Appellants Request

On February 26, 2015, a land use code violation notice was sent to the owner for the construction of a fence on the property without obtaining the required permits and approvals from the Department. The staff also observed that a deck and pool were constructed on this site without permits or approvals from the Department.

On March 3, 2015, an application for a County Land Use Permit (#2015-0075) was submitted by the appellant in order they be allowed to obtain an after-the-fact permit for a detached deck and pool located on this site without a permit and on March 12, 2015, a County Land Use Permit (#2015-0094) was submitted with a request to be allowed to obtain an after-the-fact permit for an 8 foot high fence and security gate on said lot.

The permit(s) were denied by county staff for the following reasons:

Sections 4.6.2.A, 5.1.2.E and Table 5.1.2-2 of the Dodge County Land Use Code refer to the distances that all buildings and other structures are required to be setback from public roads. For the specific section of STH 33 along the south side of the lot along which the above noted project is to take place, the required setback from the center of STH 33 is 127 feet. As proposed, the deck is to be located 60 feet from centerline of STH "33" or 67 feet within the required setback. The proposed pool is to be located 75' from centerline of STH "33" or 52 feet within the required set back, therefore not in compliance the Code provisions.

Subsection 4.6.4.B.3 of the Dodge County Land Use Code states that fences shall not exceed a height of 4 feet within the street yard setback and shall not be located closer than 2 feet to any public right-of-way. As proposed the fence will be 8 feet in height or 4 feet above the maximum height allowed by the code. The fence is also located on the front property line or 2' within the required setback and therefore prohibited by the Code.

The appellant is requesting an area variance to Sections 4.6.2.A, 4.6.4.B.3, 5.1.2.E and Table 5.1.2-2 of the Dodge County Land Use Code.

CONCLUSIONS OF LAW

Based on the facts presented in the application and at the public hearing the Board concludes that:

The appellants request to Subsections 4.6.2.A, 4.6.4.B.3, 5.1.2.E and Table 5.1.2-2 of the Code are "area" variances.

(Yes / No) _____

1) **Is there a physical limitation that is unique to this property that prevents the appellant from complying with the highway setback provisions of the code?**

(Yes/No)

If yes, what is the limitation?

2) **Is there a physical limitation that is unique to this property that prevents the appellant from complying with the fence height provisions of the code?**

(Yes/No)

If yes, what is the limitation?

3) **Does the Committee believe that the highway setback and fence height provisions of the Code are unnecessarily burdensome in this case, thereby creating a hardship?**

(Yes, No)

If yes, how is the code unnecessarily burdensome in this case?

4) **Does the appellant have other options available to construct a complying fence, deck and pool on this lot?**

(Yes / No)

Explain _____

5) **Is this project harmful in any way to the public's interests? (Yes/No)**

Explain _____

6) Does the Board have sufficient information to make a decision on this request?

(Yes/No)

7 Does the Board believe that the variance request meets all three criteria that are necessary to grant a variance request to the fence height provisions of the Code?

(Yes/No)

8) Does the Board believe that the variance request meets all three criteria that are necessary to grant a variance request to the highway setback provisions of the Code for the fence, pool and deck?

(Yes/No)

9) If the Board can make the findings necessary in order to grant the variance request in this case, are any conditions of approval necessary in this case to mitigate any potential adverse impacts that result from this proposed development project?

- The appellant shall sign and record a variance agreement with the Dodge County Register of Deeds prior to the issuance of the County Land Use Permit for this construction;
- Others

Fence Height Provisions

Motion by _____ to (approve / deny) the variance request to the fence height provisions of the Code based upon the previously mentioned findings and conditions.

Motion second _____

Vote

Harold Hicks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Wayne Uttke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
William Nass	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Leon Schraufnagel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Vacant (1 st Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Ed Premo (2 nd Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Armin Reichow	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

Highway Setback Provisions

Motion by _____ to (approve / deny) the variance request to the highway setback provisions for the fence, deck and pool based upon the previously mentioned findings and conditions.

Motion second _____

Vote

Harold Hicks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Wayne Uttke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
William Nass	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Leon Schraufnagel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Ed Premo (2 nd Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Armin Reichow	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter the board

- Granted/Denied the variance request to the fence height provisions as proposed;
- Granted/Denied the variance request to the highway setback provisions for the deck, pool and fence as proposed;
- Granted/Denied the variance request to the fence height provisions subject to the conditions above;
- Granted/Denied the variance request to the highway setback provisions for the deck, pool and fence subject to the conditions listed above.
- The Land Use Administrator is directed to issue a land use permit incorporating the decision of this Board.

Expiration of Approval Any order issued by the Board requiring a Zoning official to issue a permit shall become void after one year unless the applicant or appellant shall have filed an application for such permit with the Zoning official within such time, provided, that the time may be extended when so specified by the Board.

Revocation. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The municipality assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

Dodge County Board of Adjustment

Signed _____ Attest _____
Chairperson Secretary

Dated: _____ Filed: _____



DODGE COUNTY LAND RESOURCES
AND PARKS DEPARTMENT
127 E. Oak Street • Juneau, WI 53039
PHONE: (920) 386-3700 • FAX: (920) 386-3979
E-MAIL: landresources@co.dodge.wi.us

THIS AREA FOR OFFICE USE ONLY	
Activity No. 150106	Issue Date:
Application Date: 3/16/15	Receipt #: 896476

Variance Application

Application Fee: \$450 (After the Fact Application Fee: \$900)

Names and Mailing Addresses	Property Description														
Applicant (Agent) <i>Brian Igl</i>	Parcel Identification Number (PIN) <i>018-1313-2731-002</i>														
Street Address <i>W10786 State Road 33</i>	Town <i>Fox Lake</i>														
City • State • Zip Code <i>Fox Lake, WI 53933</i>	<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 12.5%;">¼</td> <td style="width: 12.5%;">¼</td> <td style="width: 12.5%;">Section</td> <td style="width: 12.5%;">T</td> <td style="width: 12.5%;">N</td> <td style="width: 12.5%;">R</td> <td style="width: 12.5%;">E</td> </tr> <tr> <td></td> <td></td> <td><i>27</i></td> <td><i>13</i></td> <td></td> <td><i>13</i></td> <td></td> </tr> </table>	¼	¼	Section	T	N	R	E			<i>27</i>	<i>13</i>		<i>13</i>	
¼	¼	Section	T	N	R	E									
		<i>27</i>	<i>13</i>		<i>13</i>										
Property Owner (If different from applicant)	Subdivision or CSM #														
Street Address	Site Address														
City • State • Zip Code	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No														
Present property use: <i>Preschool/Residential</i>															
List any prior variances that have been granted or denied for this property: <i>10/10/95 3'x8'x4' Double Faced LIGHTED Ground Sign 6' From E</i> <i>8/09/90 10'x7' Ground Sign 6' From E</i>															
Describe all nonconforming structures and uses on this property:															
List the terms of the Land Use Code for which you are requesting a variance (section # and code provision requirements): <i>4.6.4.B.3 fence setback/height</i> <i>4.6.2.A + section 5.1.2.E Deck/Pool setback</i>															
Variance Requested: <i>Height + Setback</i>															
Address the following variance criteria described in the application materials. (Attach additional sheets if necessary):															
What unnecessary hardship is present that prohibits your compliance with the terms of the Land Use Code? <i>SEE ATTACH 20</i>															

What unique features of this property prevent you from complying with the terms of the Land Use Code?

SEE ATTACHED

Will denial of the variance request prevent you from using this property for a permitted purpose or render conformity with the Code unnecessarily burdensome? Why?

SEE ATTACHED

How would the interest of the public or neighbors be affected by granting or denying this variance?

SEE ATTACHED

CERTIFICATE

I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and members of the Dodge County Board of Adjustment to enter the above described property for purposes of obtaining information pertinent to my application/appeal/variance request.

Signature of owner or authorized agent:

[Handwritten Signature]

Date:

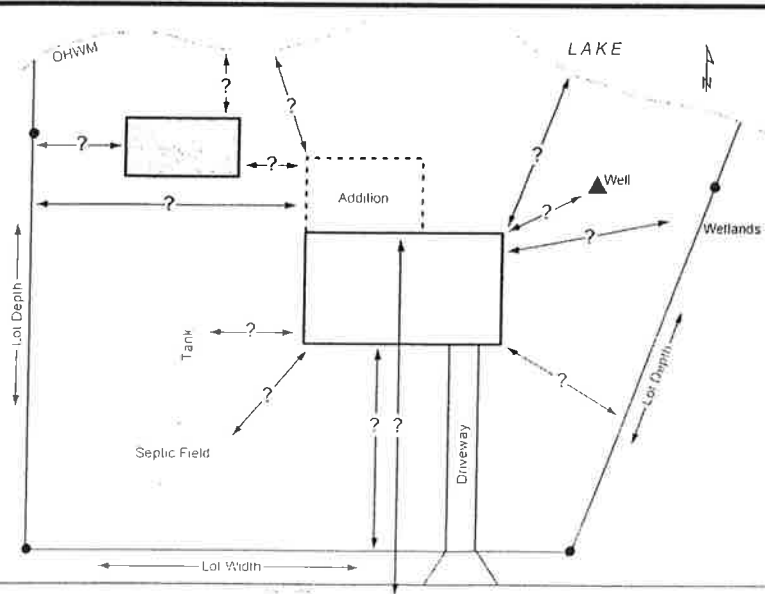
3-16-15

Daytime Contact Number

(708) 475-8539

SITE PLANS AND BUILDING PLANS

All applications must be accompanied by a site plan. Figure 1 below is an example of an acceptable plan.



- Site plans must be drawn to scale and/or all dimensions given, such as:
- Location and dimensions of the project
 - Location and dimensions of existing structures
 - Dimensions of the property
 - Location and names of abutting roads, lakes & Streams
 - North arrow
 - Owner's name

Distances must be shown from the project to:

- Lot lines
- Road right-of-ways & centerline
- Water bodies Ordinary High Water Mark (O.H.W.M.)
- Septic & holding tanks
- Soil absorption systems
- Nearby structures (within 50 feet)

What unnecessary hardship is present that prohibits your compliance with the terms of the Land USE CODE?

The use we are trying to get out of our property is a preschool for young children as well as safety and enjoyment of our property for personal use. Our project has already been completed and permitted by the Town of Fox Lake. We had been told by the Town of Fox Lake that there were no permits needed from the County or State. Inspections are necessary by the state to deem the property safe for a preschool. Without being granted our variances this property creates great hardship in the fact that with great changes to completed projects we will be subject to inspection to be approved for a preschool. Not to mention the fact that parents sending their children will need to feel safe allowing their little loved ones to play on our property. Code 4.6.4.B.3 creates an environment in which many would feel unsafe for children and there for could lead to the destruction of our business.

What unique features of the property prevent you from complying with the terms of the Land Use Code?

Working the Town of Fox Lake they differentiate between commercial and residential and the County Land Use Code will not allow our property which is zoned commercial to take advantage of codes set up to allow business to operate. Also less than half a mile to the east the Dodge County Land Use Code does not exist within the city limits of Fox Lake. However the codes affecting our property were created according to speed limit and traffic counts. The code is stating that even though there are two properties in proximity to one another with the same traffic counts and same speed limit on the same road it is going to create an extreme hardship for one and not regulate the other. (see attachment) We also have our right of way set at 60 feet set by the code from the centerline which is taking away 27 more feet of our property than the standard of 33 feet.

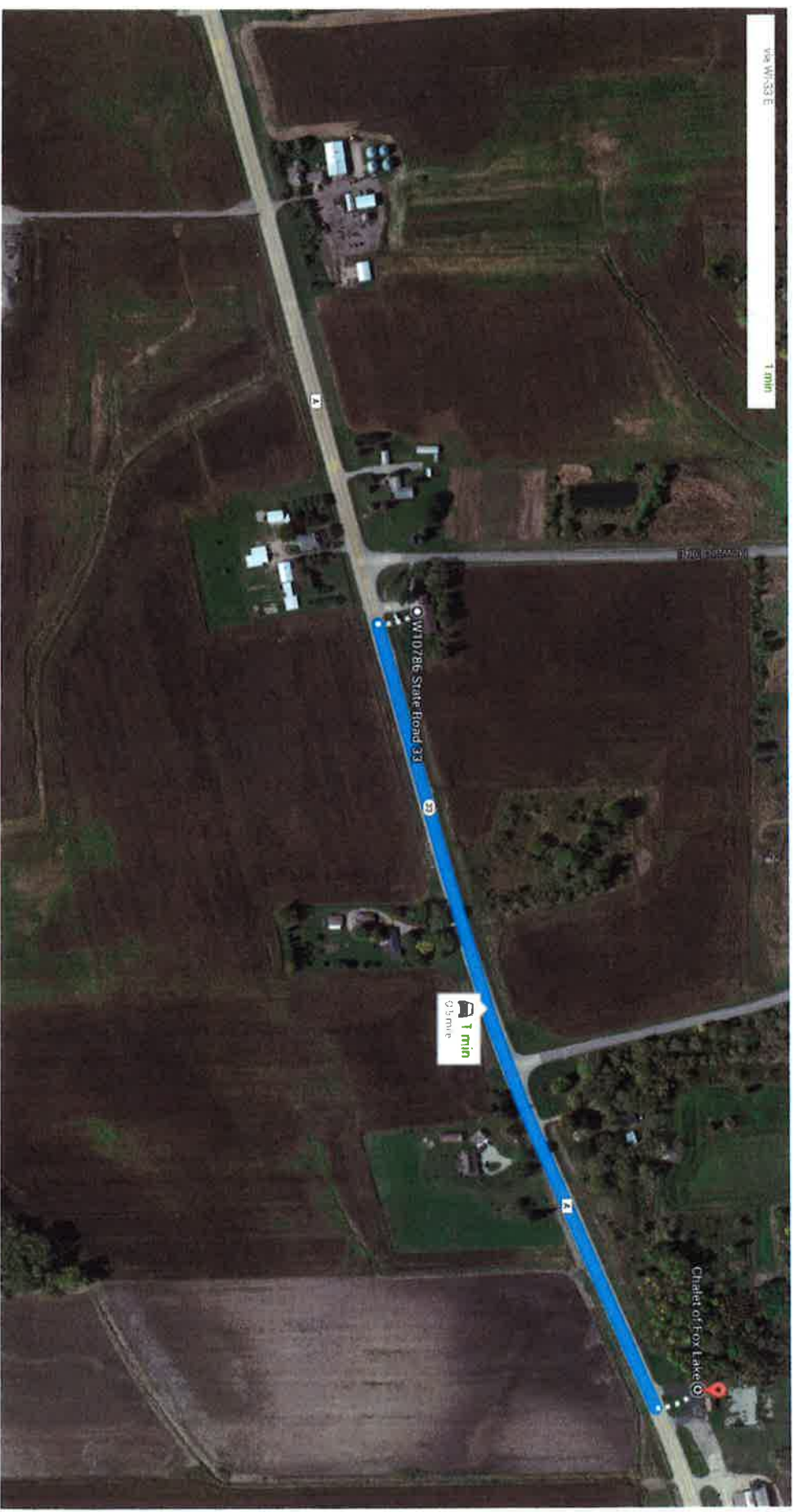
Will denial of the variance request prevent you from using this property for a permitted purpose or render conformity with the Code unnecessarily burdensome? Why?

Yes. As our project is already completed conformity with the Code would be unnecessarily burdensome. Denial of the variance may also prevent us from using this property as a preschool or be able to continue ownership of the property with human safety as a main factor.

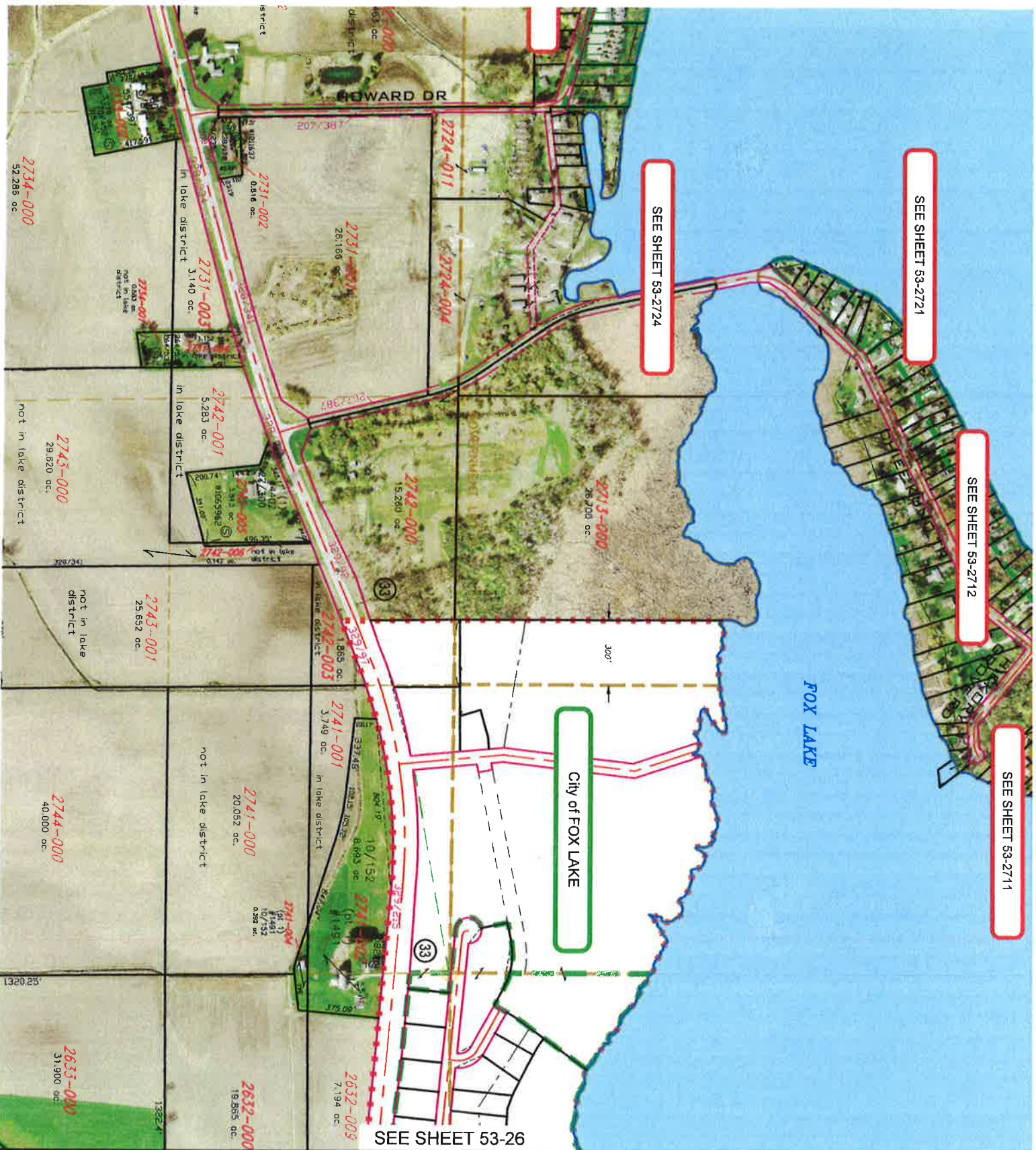
How would the interest of the public or neighbors be affected by granting or denying this variance?

Granting this variance will have a positive impact on Fox Lake and the surrounding area. Having a fully licensed and functioning preschool will allow members of the area communities to have a safe place to bring their children to start schooling. Our project also protects those on the highway from balls, toys, and children from entering the roadway as well as objects entering the property from the roadway which in turn can

prevent injury or death for both those on the road and those on the property. Will granting a variance result in harm to public interest? Our project took place last spring and has received nothing but praise from everyone we have talked with and the only violation complaint was file by the Board of Adjustment for not obtaining a permit. Our projects as currently completed reduce distractions to drivers on the roadway. Would granting this variance have a cumulative impact and an impact of future similar projects? If you look at the attached sheets you can easily see that a nearby property to the East at 814 W State St, Fox Lake, WI the Dodge County Land Use Code does not even apply. To the South and West all properties average over 3 acres which alleviates them from this unnecessary hardship caused by the codes which subsequently create no reasonable use without a variance.



Imagery ©2015 DigitalGlobe, USDA Farm Service Agency, Map data ©2015 Google, 200 ft



018-1313-

- 2713-000 TIMOTHY J NEHLS +
- 2731-001 WILLIAM M SCHMIDT
- 2731-002 BRIAN IGL +
- 2731-003 WILLIAM M SCHMIDT
- 2731-004 JAMES J KIRSHBAUM
- 2732-000 MELVIN E JONAS LE
- 2732-001 WILLIAM M SCHMIDT
- 2732-002 WILLIAM M SCHMIDT
- 2733-000 MELVIN E JONAS LE
- 2733-002 DAVID D POSTHUMA
- 2733-003 WILLIAM M SCHMIDT
- 2734-000 WILLIAM M SCHMIDT
- 2741-000 JAMES J KIRSHBAUM
- 2741-001 WILLIAM M SCHMIDT
- 2741-002 WILLIAM M SCHMIDT
- 2741-004 STEVEN H OHLEWILL
- 2742-000 TIMOTHY J NEHLS +
- 2742-001 WILLIAM M SCHMIDT
- 2742-003 JAMES MEAGHER +
- 2742-006 ROBERT R LIENKE
- 2743-000 WILLIAM M SCHMIDT
- 2743-001 JAMES MEAGHER +
- 2744-000 WILLIAM M SCHMIDT



Dodge County

Land Resources and Parks Department

127 East Oak Street · Juneau, WI 53039-1329
PHONE: (920) 386-3700 · FAX: (920) 386-3979
EMAIL: landresources@co.dodge.wi.us

March 10, 2015

BRIAN IGL
KAYLA IGL
W10786 STATE ROAD 33
FOX LAKE WI 53933

Land Use Permit Denial (2015-0075)

Site Location: NE 1/4 SW 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2731-002
Site Address: W10786 STH 33

Dear Mr. BRIAN IGL:

Your application for a permit to construct a detached deck and pool on the property described above is hereby denied for failure to comply with the following sections of the Dodge County Land Use Code:

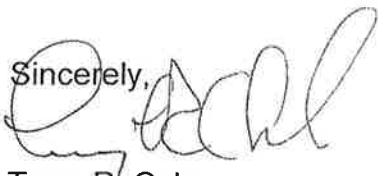
Highway Overlay 4.6.2.A No new structure or part thereof shall be placed, erected or structurally altered within 200 feet of the centerline of any highway without a Land Use Permit and without full compliance with the provisions of this code and all other applicable County regulations. All structures shall be located in accord with the minimum setbacks listed in Section 5.1.2.E and Table 5.1.2-2 of this code except as provided for in Section 4.6.4 B.

Subsection 5.1.2(E) and Table 5.1.2-2 of the Code refers to the distances that all buildings and other structures are required to be setback from public roads/streets/highways. For the specific section of STH 33 along the south side of your lot along which the above noted project is to take place, the required setback from the center of STH 33 is 127 feet. As proposed, the deck is to be located 60 feet from centerline or 67 feet within the required setback and the pool is 75' from centerline and therefore 52 feet from centerline within the required set back, thus not in compliance the Code provisions.

Therefore, the County is unable to issue a permit for this proposed sign unless a variance is applied for and granted by the Dodge County Board of Adjustments. You have the right to appeal the decision of the Land Use Administrator to the Board of Adjustment. If you have any questions, feel free to give me a call.

If you have any questions, feel free to contact the Dodge County Planning and Development office at (920) 386-3700.

Sincerely,



Terry R. Ochs
Senior Land Use / Sanitary Specialist
tochs@co.dodge.wi.us
(920) 386-3270
Dodge County
Land Resources and Parks

Land Use Permit

Dodge County Land Resources and Parks Department
 127 East Oak Street
 Juneau, WI 53039-1329
 (920) 386-3700
 www.co.dodge.wi.us/landresources

680

This Area For Office Use Only

COUNTY ID No. 150075	Receipt No. 89 6437
Permit Expiration Date	Application Date 3/2/15
	Sanitary Permit

PERMIT APPLICATION FEE: \$50 plus \$2 per \$1,000 cost of the project (Payable to: Dodge County)

Note: After the fact (i.e., Applying for permit after construction has already started) application fee: \$100 plus \$4 per \$1,000 cost of project

NAMES & MAILING ADDRESSES	PROPERTY INFORMATION
Applicant/Agent/Contractor (If Contractor: Please Include State Certification No.) Brian Fgl	Parcel Identification Number (PIN) 018-1313-2731-002
Street Address W10786 State Road 33	Town Fox Lake
City • State • Zip Code Fox Lake, WI 53933	T N R E 13 13
Property Owner <input checked="" type="checkbox"/> Same as applicant	Subdivision or CSM (Volume/Page/Lot) 1/4 1/4 Section 27
Street Address	Address Of Property (DO NOT include City/State/Zip Code)
City • State • Zip Code	Is this property connected to public sewer? <input type="checkbox"/> No <input type="checkbox"/> Yes Is property located within a sanitary district/accessible to public sewer? <input type="checkbox"/> No <input type="checkbox"/> Yes

CURRENT USE OF PROPERTY	PROPOSED USE OF PROPERTY
<input type="checkbox"/> Vacant Land <input checked="" type="checkbox"/> Single-Family Residential <input type="checkbox"/> Working Farm <input type="checkbox"/> Two-Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other _____	<input checked="" type="checkbox"/> Same As Current Use (No Change) <input type="checkbox"/> Single-Family Residential <input type="checkbox"/> Two-Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other _____

PROPOSED CONSTRUCTION PROJECT

NEW STRUCTURE/CONSTRUCTION REPLACEMENT OF EXISTING ADDITION TO AN EXISTING

Pool Home Gazebo Sign (Complete additional project information below)
 Deck Porch Attached Garage Barn (Complete additional project information below)
 Shed Fence Detached Garage Home Addition (Complete additional project information below)

Other **WALK WAY 6x40'**

Width **40 + 30' (to Porch)** Additional Project Information

Length **40** Home Addition: Total number of bedrooms? Before _____ After _____

Total Area _____ Barn Information: Will it house any animals? If yes, complete Animal Units Worksheet.

Total Stories _____ Sign Information: Single-Sided Double-Sided

Height (To roof peak) _____ Located On-Premise Located Off-Premise

Estimated Cost (w/Labor) \$ **9,000** Will it be lighted and/or have moving/flashing parts? No Yes

CERTIFICATE & CONTACT INFORMATION

I, the undersigned, hereby apply for a Land Use Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that all work performed will be done in accordance with the Dodge County Land Use Ordinance and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for the purpose of conducting an onsite code inspection(s) and to obtain information pertinent to my application request. Furthermore, I also affirm that I have read and understand the DNR notice regarding construction on or near wetlands, lakes or streams.

Contact Person (Print) **Brian Fgl** Daytime Contact Phone **(920) 475-0539**

Signature **Brian Fgl** Date **3-2-15** Call for pickup No Yes

DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.

◆ ◆ ◆ PLEASE REMEMBER TO CLEARLY MARK/FLAG/STAKE-OUT THE CORNERS OF YOUR PROJECT ◆ ◆ ◆

* CACC
Fox Lake

**NEW FRONTIER
LAND SURVEYING LLC.**
P.O. BOX 576- BEAVER DAM, WI 53916
PH (920-885-3904) FAX (920-885-3905)

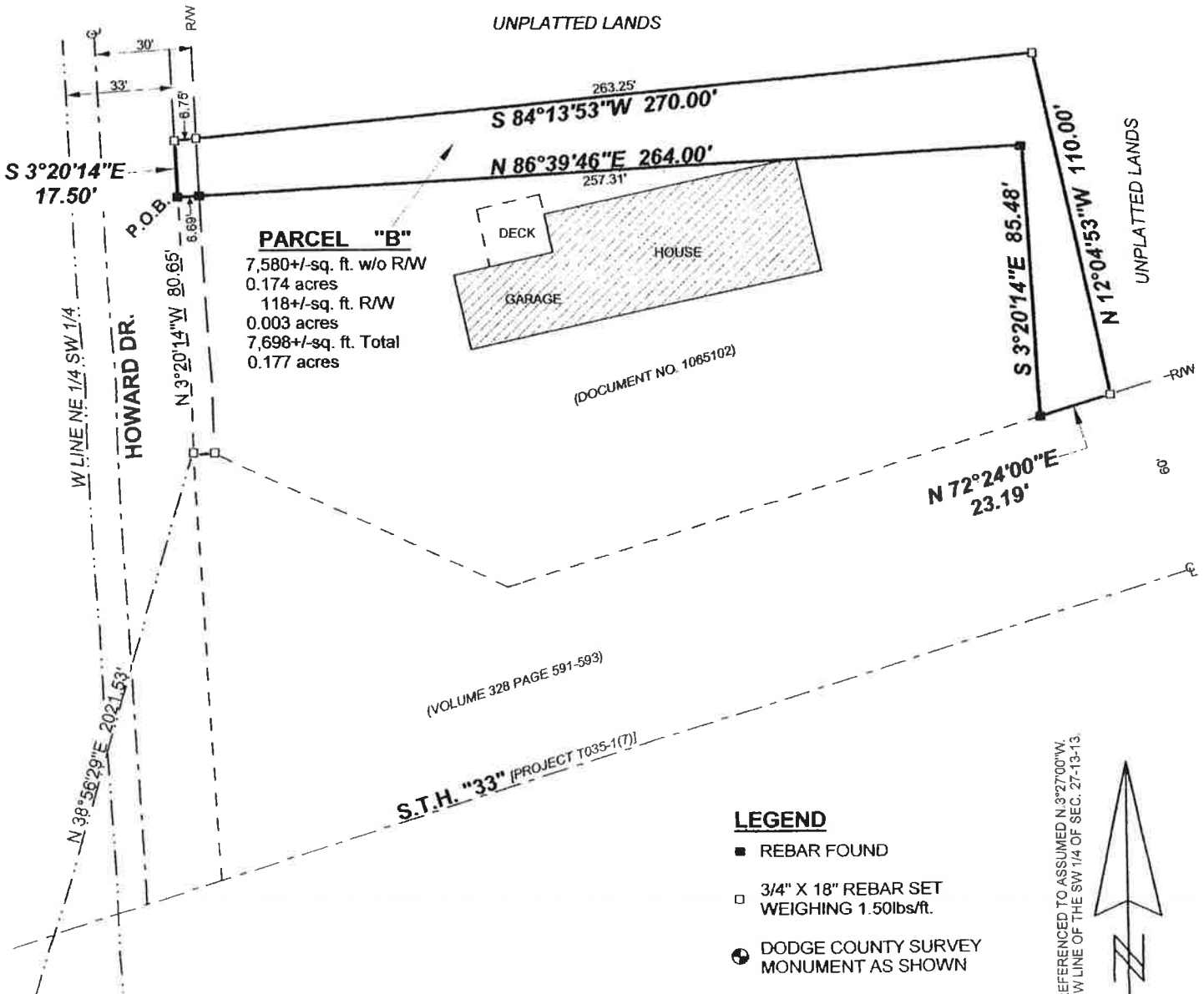
PROPERTY SURVEY

A SURVEY OF A PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27,
TOWN 13 NORTH, RANGE 13 EAST, TOWN OF FOX LAKE, DODGE COUNTY, WISCONSIN.

OWNER
WILLIAM & JOAN SCHMIDT
W10876 S.T.H. "33"
FOX LAKE, WI 53933

BUYER
BRIAN IGL
KAYLA RADTKE
W10786 S.T.H. "33"
FOX LAKE, WI 53933

NOTE: No title commitment or results of a title search were furnished to New Frontier Land Surveying pertaining to this survey. This Property Survey may not reflect easements of record, encumbrances, restrictions, ownership title evidence or other facts that an accurate and current title search may disclose.



ORIGINAL

2731-001

FOX LAKE

2731-002

2731-003

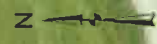
2732-002

HOWARD DR

ROW

33

2732-000



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.





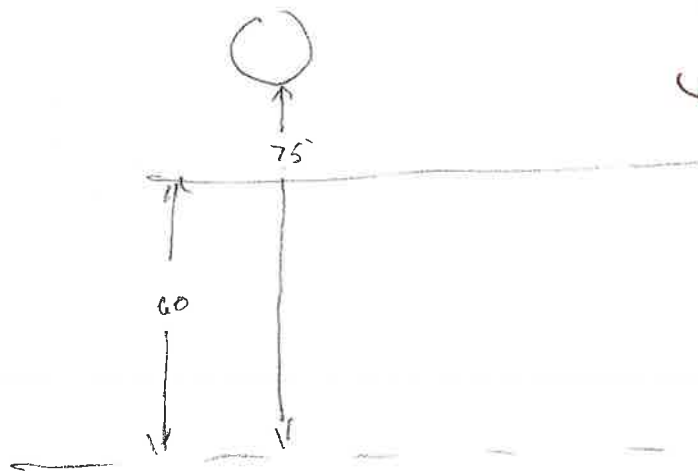
Google earth



ENSP WZCK & POOL

3/05/15

[Handwritten signature]





Dodge County Land Resources and Parks Department

127 East Oak Street · Juneau, WI 53039-1329
PHONE: (920) 386-3700 · FAX: (920) 386-3979
EMAIL: landresources@co.dodge.wi.us

March 17, 2015

BRIAN IGL
KAYLA IGL
W10786 STATE ROAD 33
FOX LAKE WI 53933

Land Use Permit Denial (2015-0094)

Site Location: NE 1/4 SW 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2731-002
Site Address: W10786 STH 33

Dear Mr. BRIAN IGL:

Your application for a permit to construct a fence on the property described above is hereby denied for failure to comply with the following sections of the Dodge County Land Use Code:

4.6.4.B.3 Fences shall not exceed a height of 4 feet within the street yard setback and shall not be located closer than 2 feet to any public right-of-way.

As proposed the fence is 8 feet in height or 4 feet over that which is allowed by the code. The fence is also located on the front property line (Road right of way) or 2 feet within the setback and therefore not in compliance with the code.

Therefore, the County is unable to issue a permit for this proposed sign unless a variance is applied for and granted by the Dodge County Board of Adjustments. If you have any questions, feel free to give me a call.

If you have any questions, feel free to contact the Dodge County Planning and Development office at (920) 386-3700.

Sincerely,

Terry R. Ochs
Senior Land Use / Sanitary Specialist
tochs@co.dodge.wi.us
(920) 386-3270
Dodge County
Land Resources and Parks

Land Use Permit

Dodge County Land Resources and Parks Department
 127 East Oak Street
 Juneau, WI 53039-1329
 (920) 386-3700
 www.co.dodge.wi.us/landresources

This Area For Office Use Only

COUNTY ID No. 150094	Receipt No. 096464
Permit Expiration Date	Application Date 3/12/15
	Sanitary Permit

70.00

PERMIT APPLICATION FEE: \$50 plus \$2 per \$1,000 cost of the project (Payable to: Dodge County)

Note: After the fact (i.e., Applying for permit after construction has already started) application fee: \$100 plus \$4 per \$1,000 cost of project

NAMES & MAILING ADDRESSES		PROPERTY INFORMATION				
Applicant/Agent/Contractor (If Contractor: Please Include State Certification No.) Brian Igl		Parcel Identification Number (PIN) 018-1313-2721-002				
Street Address 6 State Road 33		Town Fox Lake	T 13	N 13	R 13	E
City • State • Zip Code Fox Lake WI 53933		1/4	1/4	Section 27	Acreage	Lot (Block)
Property Owner Brian Igl		<input checked="" type="checkbox"/> Same as applicant				
Street Address W10786 State Road 33		Subdivision or CSM (Volume/Page/Lot)				
City • State • Zip Code Fox Lake WI 53933		Address Of Property (DO NOT include City/State/Zip Code)				
CURRENT USE OF PROPERTY		PROPOSED USE OF PROPERTY				
<input type="checkbox"/> Vacant Land <input checked="" type="checkbox"/> Single-Family Residential <input type="checkbox"/> Working Farm <input type="checkbox"/> Two-Family <input type="checkbox"/> Multi-Family <input checked="" type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other _____		<input type="checkbox"/> Same As Current Use (No Change) <input checked="" type="checkbox"/> Single-Family Residential <input type="checkbox"/> Two-Family <input type="checkbox"/> Multi-Family <input checked="" type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other Proposed Residence				

PROPOSED CONSTRUCTION PROJECT

NEW STRUCTURE/CONSTRUCTION REPLACEMENT OF EXISTING ADDITION TO AN EXISTING

Pool Home Gazebo Sign (Complete additional project information below)
 Deck Porch Attached Garage Barn (Complete additional project information below)
 Shed Fence Detached Garage Home Addition (Complete additional project information below)

Other _____

Width _____ Length _____ Total Area _____ Total Stories _____ Height (To roof peak) _____

Estimated Cost (w/Labor) \$ 10,000

Additional Project Information

Home Addition: Total number of bedrooms? Before _____ After _____

Barn Information: Will it house any animals? If yes, complete Animal Units Worksheet.

Sign Information: Single-Sided Double-Sided

Located On-Premise Located Off-Premise

Wall Ground Directional Other _____

Will it be lighted and/or have moving/flashing parts? No Yes

CERTIFICATE & CONTACT INFORMATION

I, the undersigned, hereby apply for a Land Use Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that all work performed will be done in accordance with the Dodge County Land Use Ordinance and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for the purpose of conducting an onsite code inspection(s) and to obtain information pertinent to my application request. Furthermore, I also affirm that I have read and understand the DNR notice regarding construction on or near wetlands, lakes or streams.

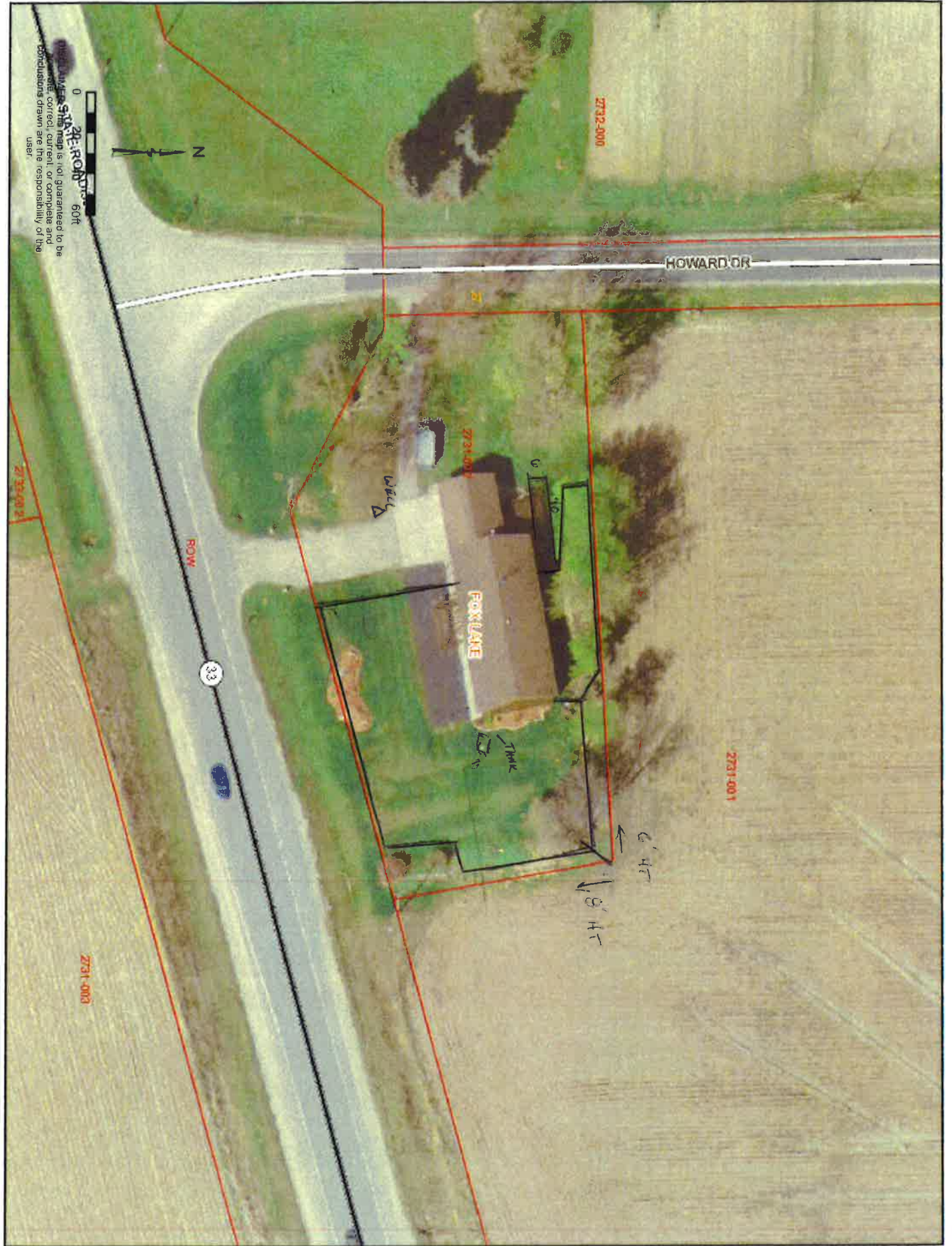
Contact Person (Print) Brian Igl Daytime Contact Phone (920) 475-0539

Signature Brian Igl Date 3-12-15 Call for pickup No Yes

DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.

◆◆◆ PLEASE REMEMBER TO CLEARLY MARK/FLAG/STAKE-OUT THE CORNERS OF YOUR PROJECT ◆◆◆

Brown ISJ
Brown SA
3-12-15



0 24' ROW 60ft
THIS AERIAL SITE MAP IS NOT GUARANTEED TO BE ACCURATE, CORRECT, CURRENT, OR COMPLETE AND CONCLUSIONS DRAWN ARE THE RESPONSIBILITY OF THE USER.

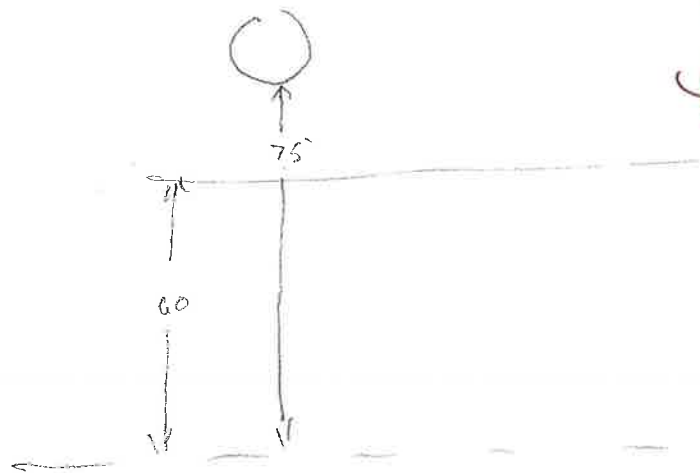


Google earth



ENSP WZK & POOL

3/05/15



DODGE COUNTY BOARD OF ADJUSTMENT MINUTES
April 9, 2015

The Dodge County Board of Adjustment met on this 9th day of April at 9:30 a.m. in Room 302, Land Resources and Parks Conference Room, on the third floor of the Administration Building, Juneau, Wisconsin.

Chairman Armin Reichow called the meeting of the Dodge County Board of Adjustment to order.

Roll Call was taken.

Members present were as follows: Armin Reichow, Leon Schraufnagel, Harold Hicks, Wayne Uttke and William Nass. Members excused were Edward Premo (Alternate 1).

Chairman Reichow noted that a quorum is present.

The Chairman requested confirmation from the staff on whether the meeting was posted in compliance with the open meeting law.

Mr. Giebel from Land Resources and Parks Department noted that the proper meeting notices were posted by the Dodge County Clerk;

The agenda was reviewed by the Board – No changes;

The minutes from the February 19, 2015 meeting were reviewed by the Board.

Motion by Schraufnagel to approve the minutes as written.

Second by Hicks Vote: 5-0 Motion carried.

Chairman Reichow requested Mr. Giebel of the Land Resources & Parks Department to accompany the Board on the following on-site inspections and to attend the Public Hearings on April 16, 2015.

The Board viewed the following sites for facts to be presented at a future public hearing:

- 1) **Sal Okon, agent for Thomas Budzisz** –NE ¼, SW ¼, Section 31, Town of Hubbard, the site address being N5090 Arrowhead Trail.
- 2) **New Frontier Land Surveying LLC, agent for David Lauersdorf Trust** –NE ¼, NW ¼, Section 11, Town of Lebanon, the address being W3538 Davidson Road.
- 3) **Brian and Kayla Igl** –NE ¼, SW ¼, Section 27, T13N, R13E, Town of Fox Lake, the site address being W10786 State Road 33.
- 4) **Richard and Mollyann Emerson** –SE ¼, SE ¼, Section 18, T12N, R14E, Town of Trenton, the site address being N8591 Sunset Beach Road.

Motion by order of the Chair to adjourn the meeting. Motion carried. 11:55 AM

Respectfully Submitted,

Wayne Uttke, Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.