

DODGE COUNTY BOARD OF ADJUSTMENT MINUTES
May 14, 2015

The Dodge County Board of Adjustment met on this 14th day of May 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, and William Nass. Members excused were Edward Premo and Wayne Uttke.

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;

The minutes from the April 16, 2015 meeting were reviewed by the Board.

Motion by Schraufnagel to approve the minutes as written.

Second by Nass Vote: 4-0 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 May 21, 2015.

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

- 1) **Lebanon Historical Society, agent for the Town of Lebanon** - Part of the NW ¼, SW ¼, Section 8, Town of Lebanon, the site address being W4672 Ivy Street.
- 2) **Jesse Groeller, agent for St. Peters Lutheran Church** – Part of the NE ¼, NW ¼, Section 17, Town of Lebanon, the site address being W4661 County Road MM.
- 3) **New Frontier Land Surveying, agent for Emmanuel Lutheran Church** – Part of the NW ¼, NE ¼, Section 14, Town of Herman, the site address being W630 Church Road.
- 4) **Richard Heppard** – Part of the SW ¼, NW ¼, Section 35, Town of Theresa, the site address being N7552 Freedom Road.
- 5) **William Lentscher** - Part of the SE ¼, SE ¼, Section 2, T12N, R13E, Town of Fox Lake, the site address being W10167 Hickory Bay Road.

Motion by order of the Chair to adjourn the meeting. Motion carried. 12:00 PM

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. 2015-0086
County Land Use Permit Application No. 2015-0157

Appellant:

William Lentscher
W10073 Spring Road
Fox Lake, WI 53933

Owner:

Same

Filing Date: April 4, 2015

Hearing Date: May 21, 2015

Location

PIN#: 018-1213-0244-004

The site is located in part of the SE ¼, SE ¼, Section 2, T12N, R13E, Town of Fox Lake, the site address being W10167 Hickory Bay Road.

County Jurisdiction

The County has jurisdiction over this site as the Town has adopted the County's Shoreland Protection Ordinance regulations. The property is also located within the County's Highway Setback Overlay District.

Review Criteria

Subsections 13.71 through 13.77 of the Dodge County Shoreland Protection Ordinance details the 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 13.76.

Appellants Request

On March 11, 2015 an application for a County Shoreland Land Use Permit (#2015-0086) was made by the appellant to allow the construction of a second story addition, front entry addition and a deck addition onto the residence on this site where said deck addition will be located 4 feet within the required water setback requirements and where said projects will exceed the maximum allowed impervious surface area allowed by the Ordinance

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

6.1 SHORELAND SETBACK (NR115.05(1)(b)1.) *Unless exempt under 6.11, or reduced under 6.2, a setback of 75 feet from the OHWM of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.*

As proposed, the deck will be located 71 feet from Ordinary High Water Mark or 4 feet within the water setback lines and therefore prohibited by the code.

9.4 MAXIMUM IMPERVIOUS SURFACE (NR 115.05(1)(e)3.) *Allow more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the OHWM.*

- (1) *A Land Use Permit can be issued for development that exceeds 15% impervious surface but not more than 30% impervious surfaces with a mitigation plan that meets the standards found in section 12.0.*

As proposed the applicant is going from a preconstruction Impervious Surface calculation of 2,632 sqft., or 27% of lot coverage. To an Impervious Surface which comes to a total of 3,192 sqft. or 33% of lot coverage which exceeds that which is allowed by the code and therefore prohibited.

Therefore, the appellant is requesting an area variance to Subsection 6.1 and 9.4 of the Dodge County Shoreland Protection Ordinance.

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 Shoreland Protection jurisdictions.

The physical features of this approximate .22-acre lot include nearly level slopes with gentle rolling topography with slopes ranging from 0 to 3%. 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 seasonal and year round residences as well as some multi-family parcels along the shoreline of Fox Lake.

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

Purpose Statement

The purpose of the water setback and impervious surface provisions of the Ordinance are to enforce a uniform setback and limiting impervious surfaces to control runoff which carries pollutants. Thus, preserving the public interest in shorelands and navigable waters of the State as well as to protect the navigable waters and the public's right therein from degradation and deterioration which results from uncontrolled use and development of the shorelands.

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 6.1 and 9.4 of the Dodge County Shoreland Protection Ordinance.

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 applicant is required to satisfy all three requirements in order to be granted a variance, even in the case of persons with disabilities or special needs.

Variance Request to Subsection 6.1 of the Shoreland Protection Ordinance - Shoreland Setback

The staff points out that the purpose of the water setback provisions of the Ordinance are to enforce a uniform setback for all structures that preserves the public interest in shorelands and navigable waters of the State as well as to protect the navigable waters and the public's right therein from degradation and deterioration which results from uncontrolled use and development of the shorelands. In this case, the Ordinance requires that all structures, including fences, are required to be located 75 feet from the ordinary highwater mark of the lake. It is the staff's position that there are no physical conditions that are unique to this property that would prevent the appellant from complying with the water setback provisions of the Ordinance. Therefore, 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 approve a variance to the water setback provisions of the Ordinance in this case because the owner has other reasonable options to construct a deck that meets the water setback requirements of the code.

Variance Request to Subsection 9.4 of the Shoreland Protection Ordinance – Impervious Surface

The staff points out that the purpose of the impervious surface provisions of the Ordinance are to reduce water run-off (Non-point pollution) which carries high levels of nutrients which have an accumulative detrimental effect to water quality, spawning grounds, and fish and aquatic life. The applicant has several options to reduce his impervious surface total and to mitigate any detrimental effects of impervious surfaces totaling more than 15% but less than 30%. Therefore, 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 approve a variance to the water setback provisions of the Ordinance in this case because the owner has other reasonable options to reduce and mitigate to meet the minimum requirements of the code.



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. 150157	Issue Date:
Application Date: 4-6-15	Receipt #: 896526

Variance Application

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

Names and Mailing Addresses	Property Description							
Applicant (Agent) William Lentscher	Parcel Identification Number (PIN) 018-1213-0244-004							
Street Address W10073 Spring Rd.	Town Fox Lake							
City • State • Zip Code Fox Lake WI 53933	<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> </table>	¼	¼	Section	T	N	R	E
¼	¼	Section	T	N	R	E		
Property Owner (If different from applicant)	Subdivision or CSM #							
Street Address	Site Address W10167 Hickory Bay Rd.							
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 home

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

- None -

Describe all nonconforming structures and uses on this property:

The house is approx 71' from High Water Mark and deck would be attached to house at 71' extending to the south at approx 75' from HWM

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

I would like to put a deck attached to the house extending south to the edge of the house

Variance Requested:

I would like a variance when the deck is attached to the house because I can't move it back 4' due to the exit location from the living room.

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?

The present exit from the living room is very difficult to negotiate due to the height of the concrete stair risers

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

The house + lakeside exit are too close to the lake + require a variance. If the deck is attached to the house it will be 4' too close to the lake on the north + within legal limits on south

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.

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

There would be no affect to neighbors on either side of house by granting or denying the variance

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:

4/6/15

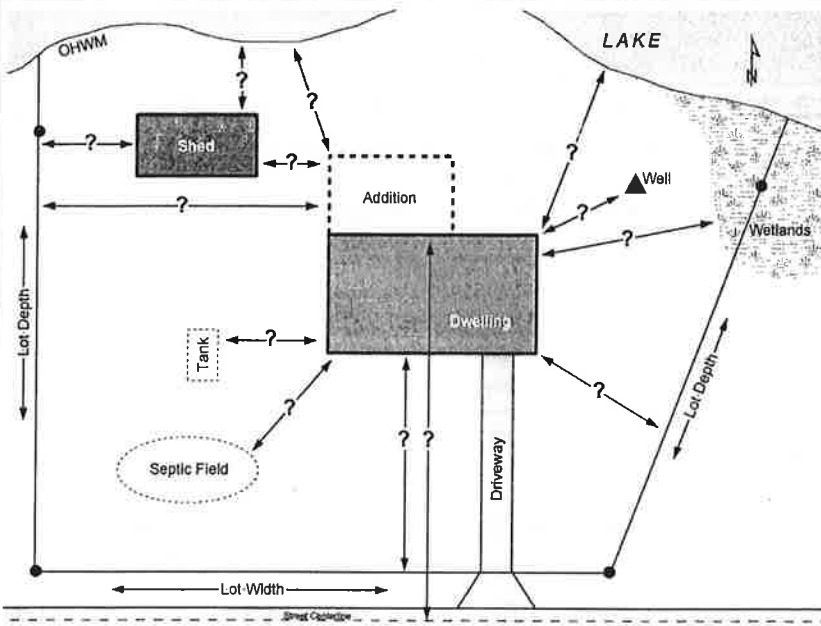
Daytime Contact Number ()

[Blank line for contact number]

SITE PLANS AND BUILDING PLANS

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

Please See Attached Exmpits



- 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)

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. 150086	Receipt No. 896453
Permit Expiration Date	Application Date 3-11-15
	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.) Bill Lentschor		Parcel Identification Number (PIN) 018-1213-0244-004				
Street Address W10073 Spring Rd		Town Fox Lake	T 12	N 13	R 13	E
City • State • Zip Code Fox Lake, WI 53933		1/4 SE	1/4 SE	Section 2	Acreage .22	Lot (Block)
Property Owner Same as applicant		Subdivision or CSM (Volume/Page/Lot) 43-0244				
Street Address		Address Of Property (DO NOT include City/State/Zip Code) W10167 Hickory Bay Rd				
City • State • Zip Code		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 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

<input type="checkbox"/> Pool	<input type="checkbox"/> Porch	<input type="checkbox"/> Driveway	<input type="checkbox"/> Field Tile Installation
<input checked="" 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 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 checked="" type="checkbox"/> Home Addition (Complete additional project information below)

Filling, Grading, Ditching, Dredging, Lagooning and/or Excavating (Contact this office for assistance with determining type of permit needed)

Other House Deck 28 X 15'9"

Width 18'9" 7'

Length 18' 11'

Total Area 412.5 74

Total Stories 2

Height (To roof peak) 20'

Estimated Cost (w/Labor) \$ 9,200.00

Additional Project Information

Home Addition: Total number of bedrooms? Before 3 After 3

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

◆ ◆ ◆ 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.

End Of Page 1

Application Continued On Page 2 ⇨

SITE PLAN (SKETCH)

see attached

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:

Approved Denied

Land Resources and Parks Department

Date

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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.

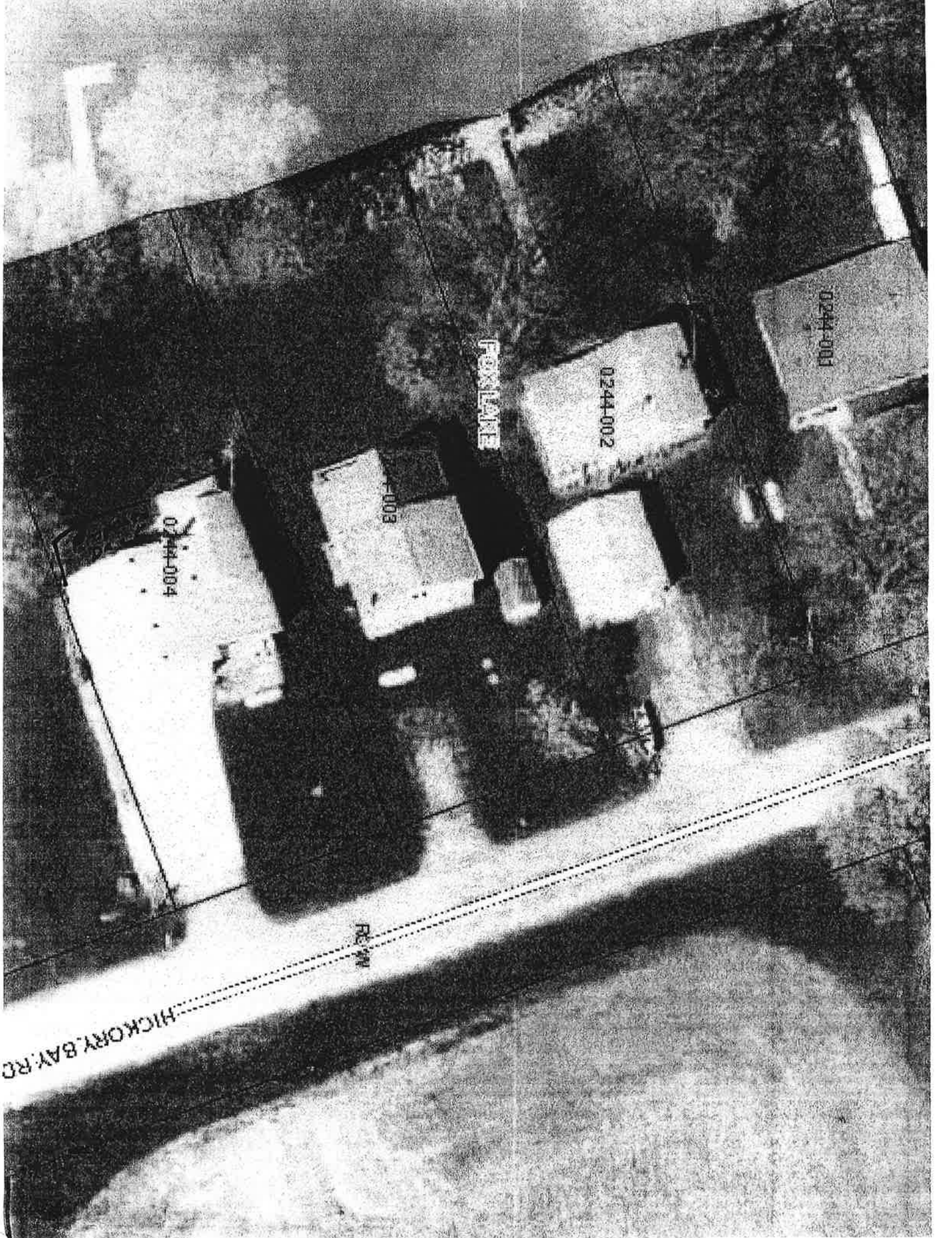
Contact Person (Print) Bill Lentscher

Daytime Contact Phone (920) 382-9136

Signature [Handwritten Signature]

Date 3-11-15

Call for pickup No Yes



0244-001

0244-002

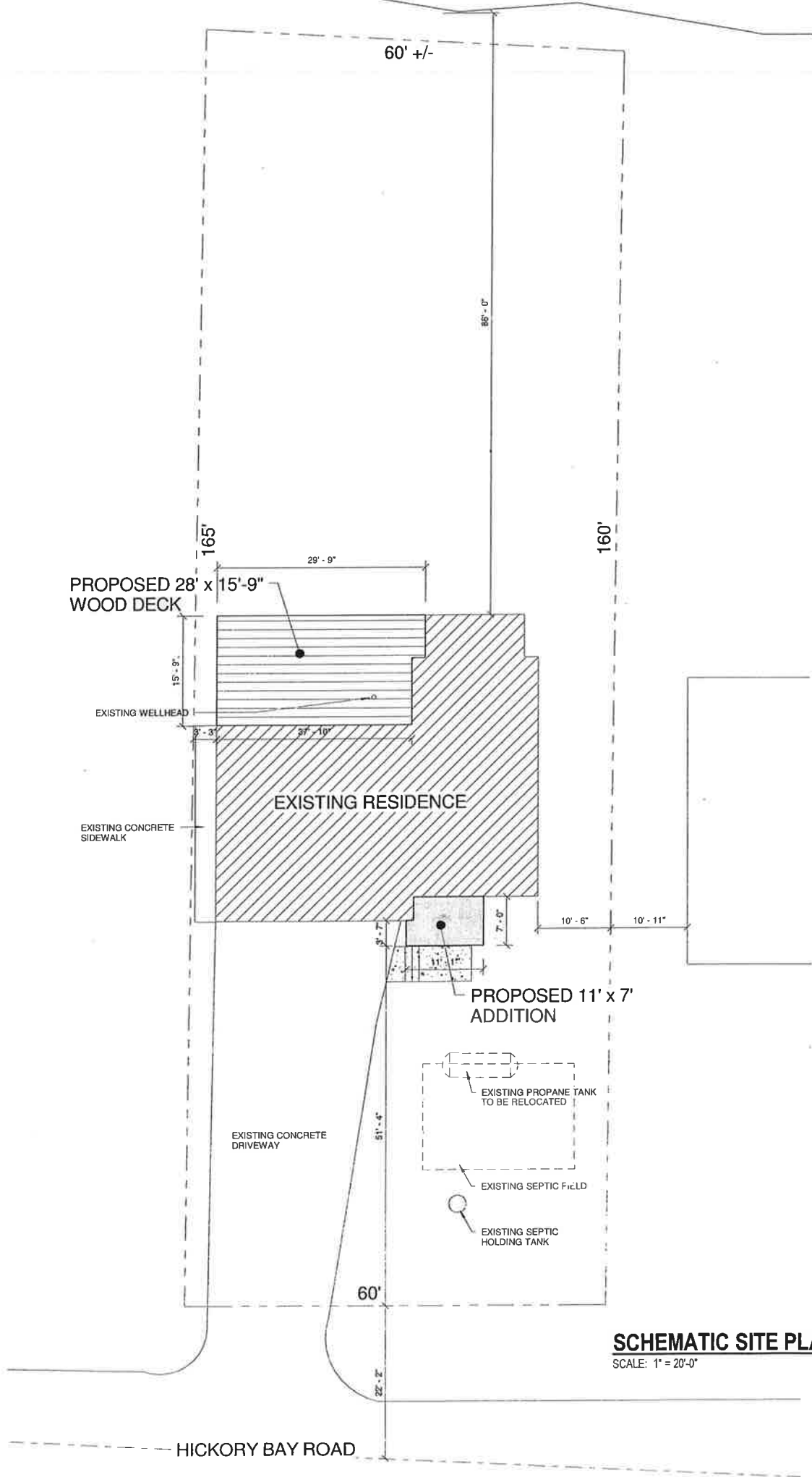
FOX LAKE

0244-003

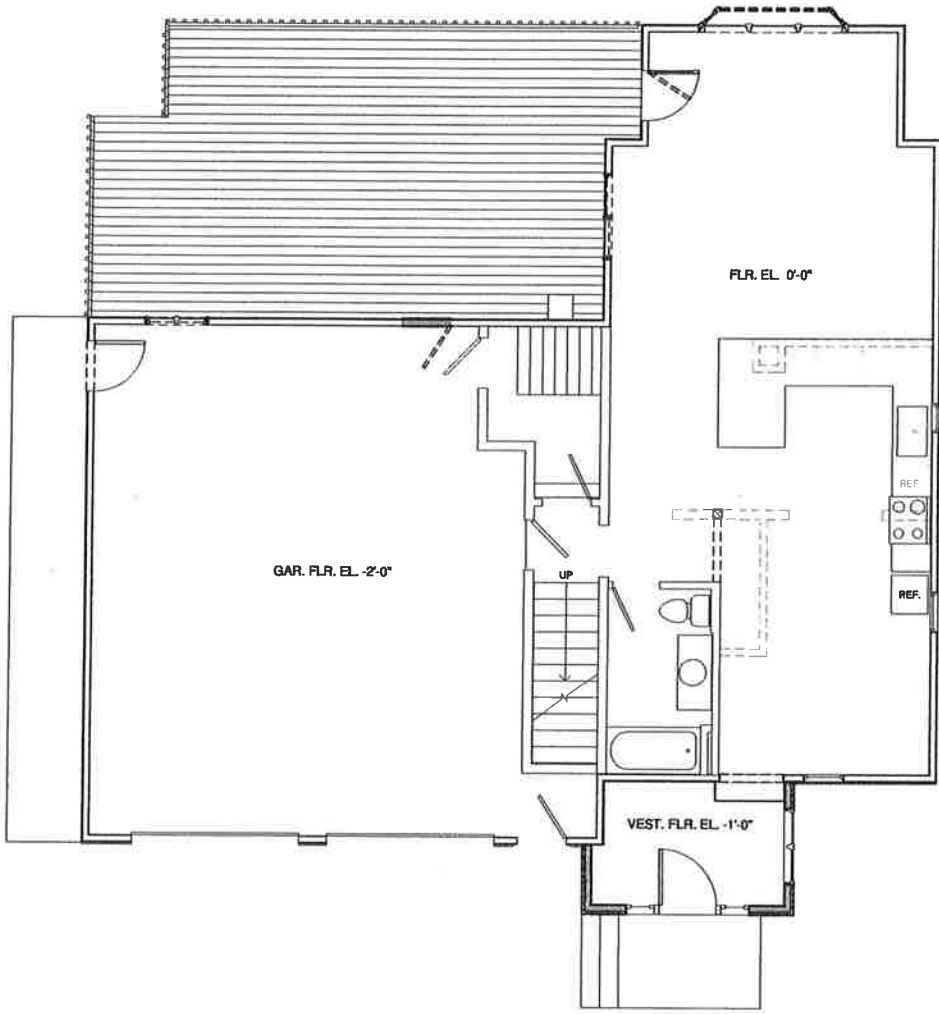
0244-004

FOX LN

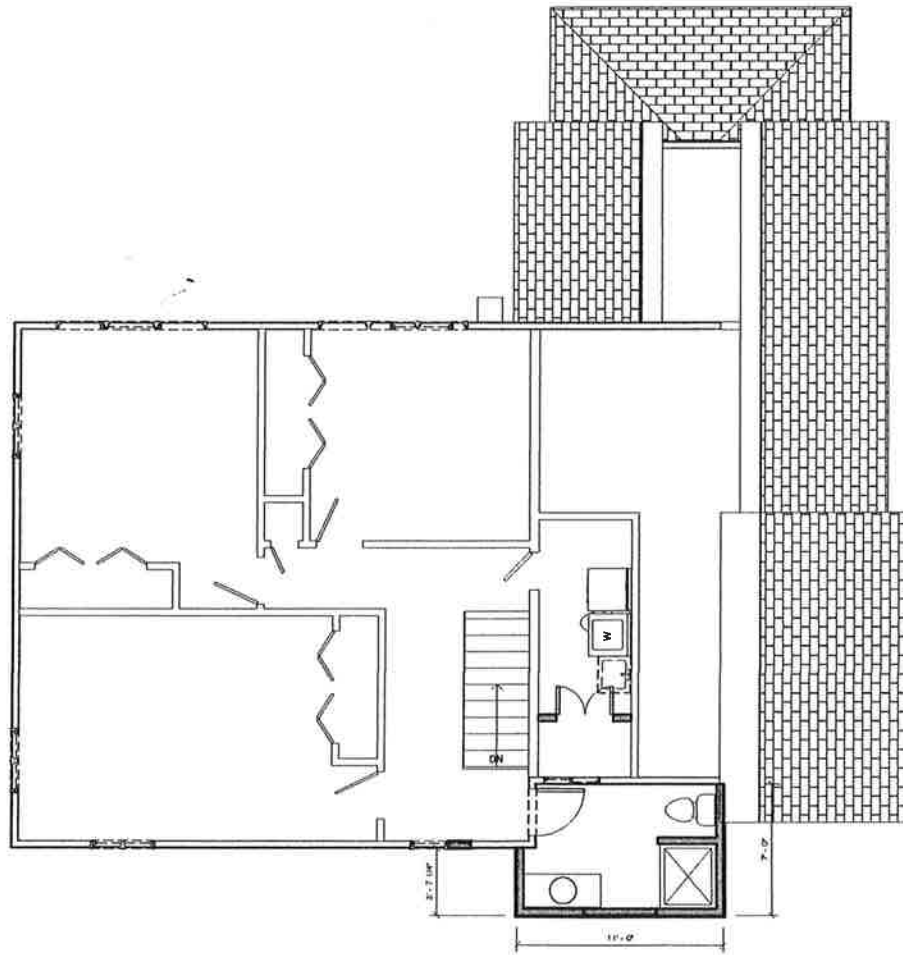
HICKORY BAY RD



SCHEMATIC SITE PLAN
 SCALE: 1" = 20'-0"



Upper floor Add.



WORKSHEET NO. 1

IMPERVIOUS SURFACE AREA CALCULATION

These impervious surface area calculations are required per Section 9.0 of the County Shoreland Ordinance. The County impervious surface standards apply to the construction, reconstruction, expansion, replacement or relocation of **ANY** impervious surface that is located within 300 feet of the ordinary highwater mark of any navigable lake, pond, flowage or waterway. An impervious surface is an area that releases, as runoff, all or a majority of the precipitation that falls on it. Under the County's Shoreland Ordinance, an **IMPERVIOUS SURFACE (AREA)** includes all of the following:

- All Buildings/Structures (homes/garages/sheds/etc.)
- Patios constructed with pavers/stone/concrete/blacktop/etc.
- Driveways, Sidewalks, Walkways and Stairways constructed with wood/stone/pavers/gravel/concrete/blacktop/etc.
- Compacted Parking Areas
- Decks and Porches (covered and uncovered)

plus private road surfaces not specifically listed in the Shoreland Ordinance and any other surface/material that is determined by the County Land Use Administrator to be impervious. An impervious surface (area) excludes grassed and/or other vegetated areas, frozen soil, public road surfaces and certain private roads or other surfaces that are specifically listed as exempted in the Ordinance.

To complete this worksheet you will need to provide the dimensions and area calculations for **ALL** impervious surfaces (see description below) on your lot that are located (or to be located) within 300 feet of the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway. If additional space is required, please attach separate sheet(s) with the applicable dimensions and area calculations shown.

- 1 Is any part of your property located within 300 feet of the "water" (i.e., a lake, river or other navigable waterway/waterbody)?
 NO, go to line 38. YES, go to line 2.

- 2 Will any part of your proposed construction (impervious surface) project be located within 300 feet the water?
 NO, go to line 38. YES, go to line 3.

- 3 Is your property a vacant, undeveloped lot (i.e., no existing impervious surfaces present)?
 NO, go to line 4. YES, enter "0" (zero) on line 15, then go to line 17.

- 4 Complete Table 1: PreConstruction (Existing) Shoreland Impervious Surface Area (lines 5 thru 15) calculations below.

TABLE 1
PRECONSTRUCTION (EXISTING) SHORELAND IMPERVIOUS SURFACE AREA

- Calculate **ONLY** for the impervious surface areas of your property that are located "Within the Shoreland" of your lot.
NOTE: The "Shoreland" area of your property encompasses all of the land area from the water's edge to a point 300 feet landward.
- **DO NOT** include impervious surface areas that are located "Outside of the Shoreland" (i.e., More than 300 feet from the water).

Existing Structure or Surface	Width (ft.)	x	Length (ft.)	=	Area (sq. ft.)	
5 House..... (or other principal structure)...	46	x	44	=	1486	5a
.....		x		=		5b
.....		x		=		5c
.....		x		=		5d
6 Deck.....		x		=		6a
.....		x		=		6b
7 Patio (area).....		x		=		7a
.....		x		=		7b
8 Porch.....		x		=		8a
.....		x		=		8b
9 Garage.....		x		=		9a
.....		x		=		9b
10 Shed.....		x		=		10a
.....		x		=		10b
.....		x		=		10c
11 Sidewalk/Stairway (area).....	3	x	28	=	84	11a
.....		x		=		11b
12 Driveway (area).....	21	x	55	=	1205	12a
.....		x		=		12b
13 Compacted parking area.....		x		=		13a
.....		x		=		13b
14 Other.....		x		=		14a
.....		x		=		14b

15 Add lines 5 thru 14. This is your PreConstruction (Existing) Impervious Surface Area..... 2775 15

16 **Required PreConstruction Site Plan:** Attach, to this worksheet, a site plan of your property (either dimensioned or drawn to scale) showing the preconstruction impervious surface areas listed in Table 1 above. Label this set of plans **PreConstruction** Impervious Surface Area.

WORKSHEET NO. 1 (PAGE 2)

17 Complete Table 2: PostConstruction (New & Existing) Shoreland Impervious Surface Area (lines 18 thru 28) calculations below.

**TABLE 2
POSTCONSTRUCTION (NEW & EXISTING) SHORELAND IMPERVIOUS SURFACE AREA**

- Calculate **ONLY** for the impervious surface areas of your property that are located "*Within the Shoreland*" of your lot.
NOTE: The "Shoreland" area of your property encompasses **all** of the **land area** from the water's edge to a point 300 feet landward.
- **DO NOT** include impervious surface areas that are located "*Outside of the Shoreland*" (i.e., **More than 300 feet** from the water).
- For a totally new structure or surface (e.g., house, deck, patio, etc.) or for an addition to an existing structure or surface, you must enter/calculate the new width, length and area values for that particular structure/surface or addition in their applicable columns below.

New & Existing Structure or Surface	Width (ft.)	x	Length (ft.)	=	Area (sq. ft.)
18 House..... (or other principal structure)...	11	x	7	=	74
.....		x		=	18a
.....		x		=	18b
.....		x		=	18c
.....		x		=	18d
.....		x		=	18e
.....		x		=	18f
19 Deck.....	28	x	15-9	=	448
.....		x		=	19a
.....		x		=	19b
.....		x		=	19c
.....		x		=	19d
20 Patio (area).....		x		=	20a
.....		x		=	20b
.....		x		=	20c
21 Porch.....		x		=	21a
.....		x		=	21b
.....		x		=	21c
22 Garage.....		x		=	22a
.....		x		=	22b
.....		x		=	22c
23 Shed.....		x		=	23a
.....		x		=	23b
.....		x		=	23c
.....		x		=	23d
.....		x		=	23e
24 Sidewalk/Stairway (area).....	11	x	5	=	55
.....		x		=	24a
.....		x		=	24b
.....		x		=	24c
25 Driveway (area).....		x		=	25a
.....		x		=	25b
.....		x		=	25c
26 Compacted parking area.....		x		=	26a
.....		x		=	26b
.....		x		=	26c
27 Other.....		x		=	27a
.....		x		=	27b
.....		x		=	27c
.....		x		=	27d

28 Add lines 18 thru 27. This is your PostConstruction (New & Existing) Impervious Surface Area..... **577** 28

29 **Required PostConstruction Site Plan:** Attach, to this worksheet, a site plan of your property (either dimensioned or drawn to scale) showing the postconstruction impervious surface areas listed in Table 2 above. Label this set of plans **PostConstruction Impervious Surface Area**.

30 Compare line 28 to line 15.

→ If Line 28 is less than or equal to line 15, go to line 35.

If line 28 is greater than line 15, go to line 31.

31 Is your property more than 300 feet deep?

NO, go to line 31a. YES, go to line 32.

31a Enter the acreage of your property.....

	31a
--	-----

31b Multiply line 31a by 43,560. Go to line 33.....

	31b
--	-----

32 Area of your property (in square feet) that is located wholly within 300 feet of the water.....

	32
--	----

Don't Know

NOTE: This is the region of your property that encompasses the land area (in sq. ft.) from the water's edge to a point 300 feet landward.

If you're unsure or you don't know this square footage (value), leave line 32 **Blank** (Do not enter zero),

Also, check the "Don't Know" box on Line 32 above. In order to complete this form, you will need to contact our office [See office contact information below] for assistance. Complete line 33, go to line 38.

33 Multiply line 28 by 100.....

	33
--	----

34 Divide line 33 by the greater of either line 31b or line 32. This is your **PERCENT IMPERIOUS SURFACE** ⇨ ⇨ ⇨

--	--

Round to nearest whole num

LINE 34 IS LESS THAN OR EQUAL TO 15

Go to line 35.

LINE 34 IS GREATER THAN 15 BUT LESS THAN OR EQUAL TO 30

Go to line 36.

LINE 34 IS GREATER THAN 30

Go to line 37.

35 Your proposed project complies with the imperious surface standards of the Dodge County Shoreland Ordinance.

Go to line 38.

36 Your County Shoreland Land Use Permit cannot be issued by this department **Until** the property owner develops, submits, agrees to and records a County-approved **Mitigation Plan** that meets the standards set forth in Section 12.0 of the Dodge County Shoreland Ordinance.

You also need to submit/complete **Worksheet No. 2 (Mitigation Options Calculation)** to this office for departmental review/approval

Go to line 38.

37 Unfortunately, your project exceeds the maximum amount (percent) of impervious surface allowed by the Dodge County Shoreland Ordinance and thus your Shoreland Land Use Permit **Cannot Be Issued** by this department as proposed.

Please contact our office to discuss your options regarding this matter [See office contact information below].

Go to line 38.

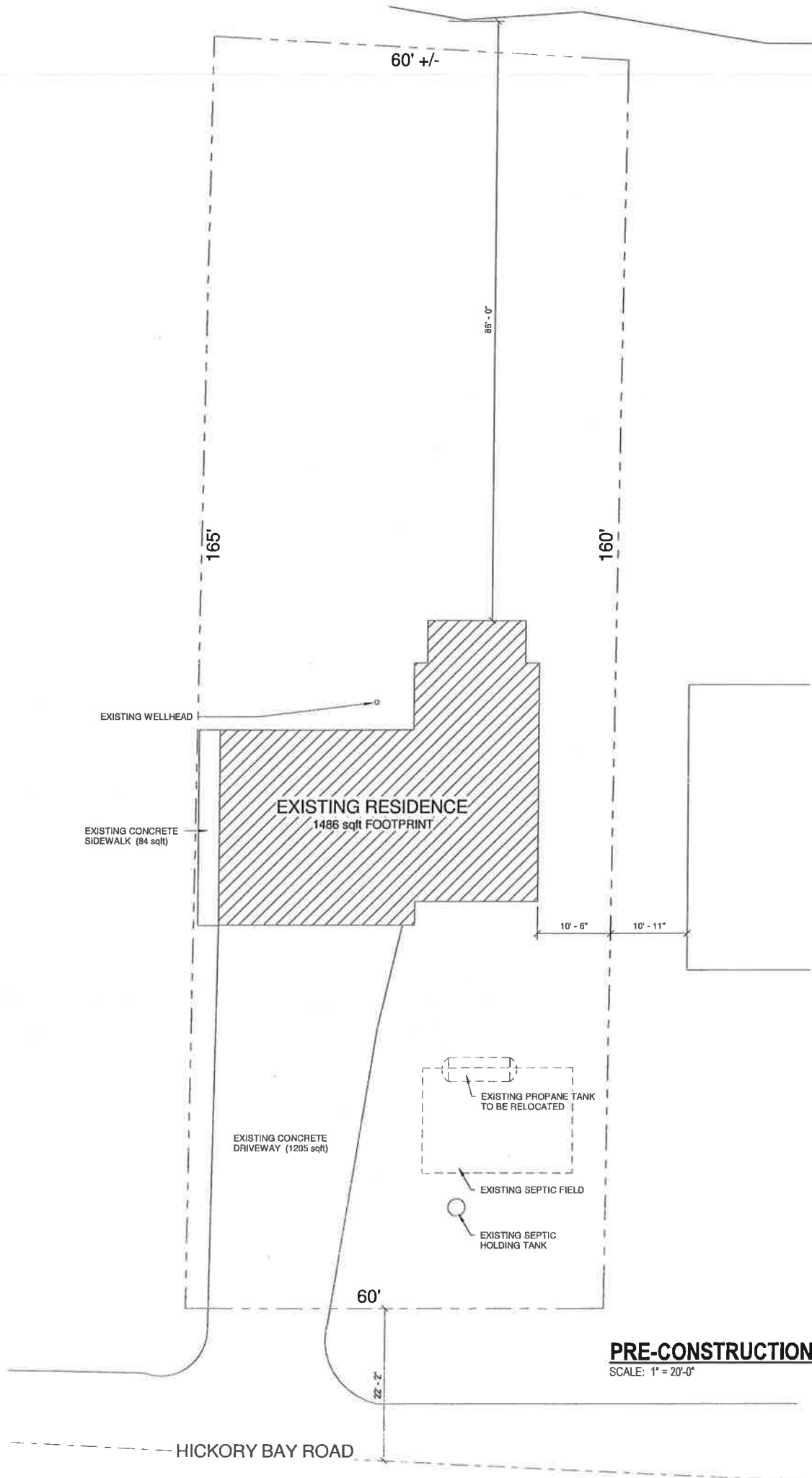
38 Sign and date this form and submit this form along with your Shoreland Land Use Permit application (and any other applicable worksheet(s)) the Dodge County Land Resources and Parks Department for review and approval.

Person completing this form (Print) <u>Archetech = Roger Schregardus</u>	Daytime Phone (<u>920</u>) <u>948</u> - <u>7975</u>
Signature of person completing this form <u>Roger Schregardus</u>	Date <u>3/8/2015</u>

NOTE: THIS FORM/WORKSHEET IS SUBJECT TO REVIEW AND APPROVAL BY THE DODGE COUNTY LAND RESOURCES AND PARKS DEPARTMENT

OFFICE CONTACT INFORMATION

DODGE COUNTY LAND RESOURCES AND PARKS DEPARTMENT
 127 EAST OAK STREET
 JUNEAU, WI 53039-1329
 WEBSITE: WWW.CO.DODGE.WI.US
 EMAIL: LANDRESOURCES@CO.DODGE.WI.US
 PHONE: (920) 386-3700 (MONDAY-FRIDAY 8:00AM TO 4:30PM)
 FAX: (920) 386-3979



PRE-CONSTRUCTION SITE PLAN
SCALE: 1" = 20'-0"

PROPOSED 28' x 15'-9" WOOD DECK (448 sqft)

EXISTING WELLHEAD

EXISTING CONCRETE SIDEWALK

EXISTING RESIDENCE
1486 sqft FOOTPRINT

NEW SIDEWALK / STAIR (55 sqft)

PROPOSED 11' x 7' ADDITION (74 sqft)

EXISTING CONCRETE DRIVEWAY

EXISTING PROPANE TANK TO BE RELOCATED

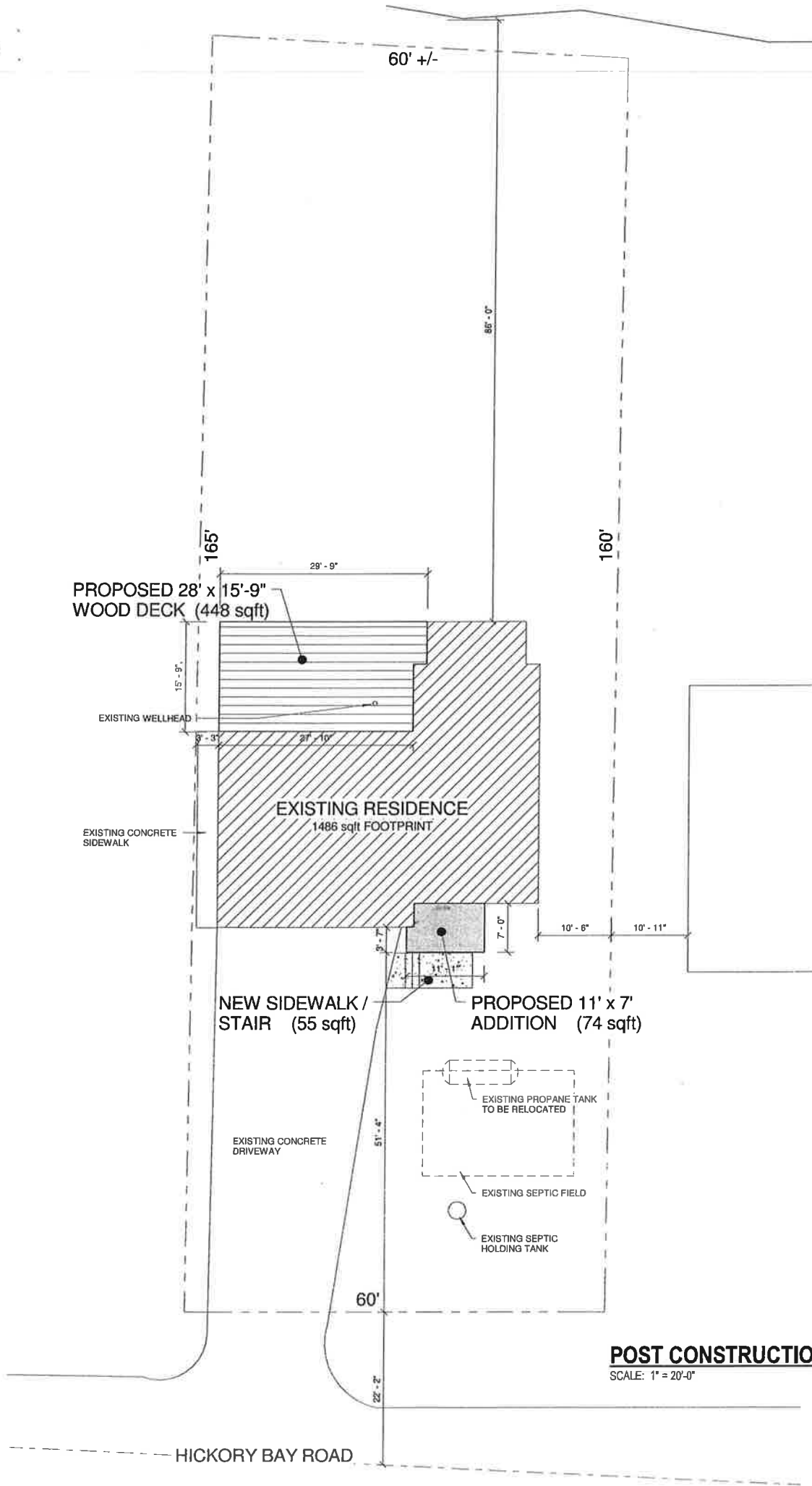
EXISTING SEPTIC FIELD

EXISTING SEPTIC HOLDING TANK

POST CONSTRUCTION SITE PLAN

SCALE: 1" = 20'-0"

HICKORY BAY ROAD





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 23, 2015

Bill Lentscher
W10073 Spring Rd.
Fox Lake WI 53933.

COPY

RE: Notice of Permit Refusal

Site Location: SE 1/4 SE 1/4, Section 02, T12N, R13E,
Township of Fox Lake,
PIN# 018-1213-0244-004
Site Address: W10167 Hickory Bay Rd.

Dear Mr. Lentscher :

Your application for a permit to construct several addition(s) to a principle structure (28'x28' 2nd floor addition, 7'x11' front entry, and a 29'-9"x15'-9' deck) to an existing dwelling on the property described above is hereby denied for failure to comply with the following sections of the Dodge County Land Use Code:

Deck Setback

6.1 SHORELAND SETBACK (NR115.05(1)(b)1.) *Unless exempt under 6.11, or reduced under 6.2, a setback of 75 feet from the OHWM of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.*

As proposed, the deck will be located 71 feet from Ordinary High Water Mark or 4 feet within the water setback lines and therefore prohibited by the code.

Therefore, the County is unable to issue a permit for this proposed project unless a variance is granted by the Dodge County Board of Adjustment. You have the right to appeal the decision of the Land Use Administrator to the Board of Adjustment.

Impervious Surface

Your preconstruction Impervious Surface calculations came in at 2,632 sqft., or 27% of lot coverage. Therefore, per section 9.5 of the Dodge County Shoreland Protection ordinance, only the following activities are allowed;

9.5 EXISTING IMPERVIOUS SURFACES (NR 115.05(1)(e)4.) *For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 9.3 or the maximum impervious surface standard in*

section 9.4, the property owner may do any of the following:

- (1) *Maintain and repair the existing impervious surfaces;*
- (2) *Replace existing impervious surfaces with similar surfaces that meet applicable setbacks;*
- (3) *Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of this ordinance, and the impervious surface meets the applicable setback requirements in s. Wis. Admin. Code NR 115.05 (1) (b).*

9.51 This section of the ordinance shall not be construed to supersede other provisions in this ordinance. Maintenance, reconstruction, relocation and expansion of existing structures must comply with other provisions in this ordinance, the shoreland setback standards in sections 6.1 or 6.2 and the nonconforming structure provisions of Sections 11.0 through 11.8.

Your proposed Impervious Surface come to a total of 3,192 sqft. or 33% of lot coverage which exceeds that which is allowed by the code. Under section 9.4 which reads as follows;

9.4 MAXIMUM IMPERVIOUS SURFACE (NR 115.05(1)(e)3.) *Allow more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the OHWM.*

- (1) *A Land Use Permit can be issued for development that exceeds 15% impervious surface but not more than 30% impervious surfaces with a mitigation plan that meets the standards found in section 12.0.*

Therefore, the County is unable to issue a permit for this proposed project unless a variance is granted by the Dodge County Board of Adjustment. You have the right to appeal the decision of the Land Use Administrator to the Board of Adjustment.

Please be advised that there are some mitigation possibilities under section 12 of the Dodge County Shoreland Ordinance and the proposed Impervious surface must be reduced to 30% or less per section 9.4

Sanitary Setback

Front entry addition as proposed will be located within the required setback to the septic tank per DSPS 383.43-Table 1 which requires a setback of 5' from the outer edge of the septic tank to the closest point of said addition.

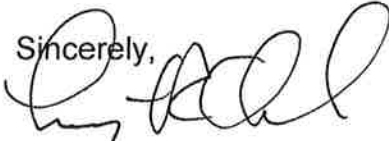
Therefore, a Dodge County Sanitary Permit is required to relocate the septic system or a variance must be granted by the Wisconsin Department of Safety and Professional Services prior to the issuance of a Dodge County Shoreland Permit.

I must also note that during the on-site inspection for the proposed Shoreland Land Use Permit it was noted that vegetation (Tree) removal has taken place within 35' of the Ordinary

High Water Mark of Beaver Dam Lake. Per section 7.2 of the Shoreland Protection Ordinance requires permit and review for such activities. Please contact our office as soon as possible to resolve this issue prior to violations order being issued.

If you have any questions regarding this issue please feel free to contact the office at (920) 386-3270.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry R. Ochs". The signature is fluid and cursive, with the first name being the most prominent.

Terry R. Ochs
Dodge County
Land Use Administrator

Bever Dam Lake 0244-000

0244-015

0244-006

0244-009

0244-001

FOX LAKE

0244-003

TANK

0244-004

SETBACK
0244-005
ARCC

0244-008

0244-010

0244-008

0244-007

HICKORY BAY RD

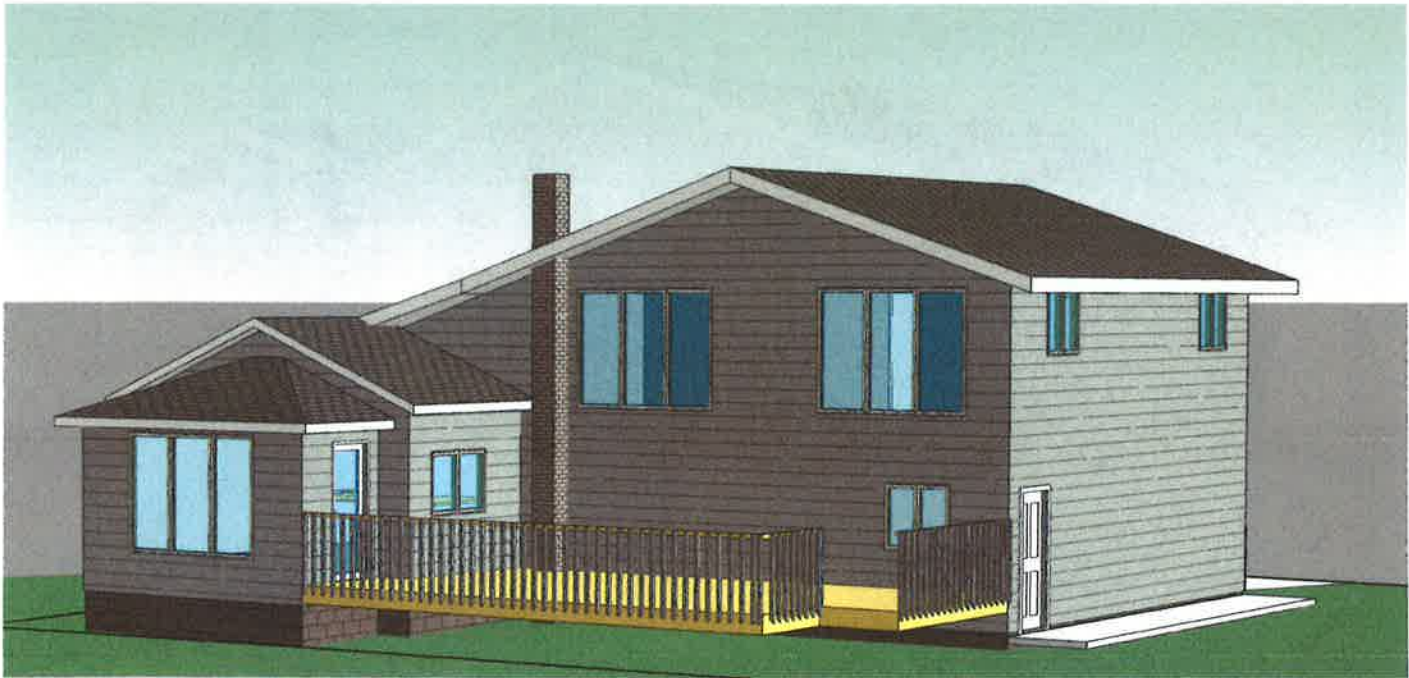
Rd W

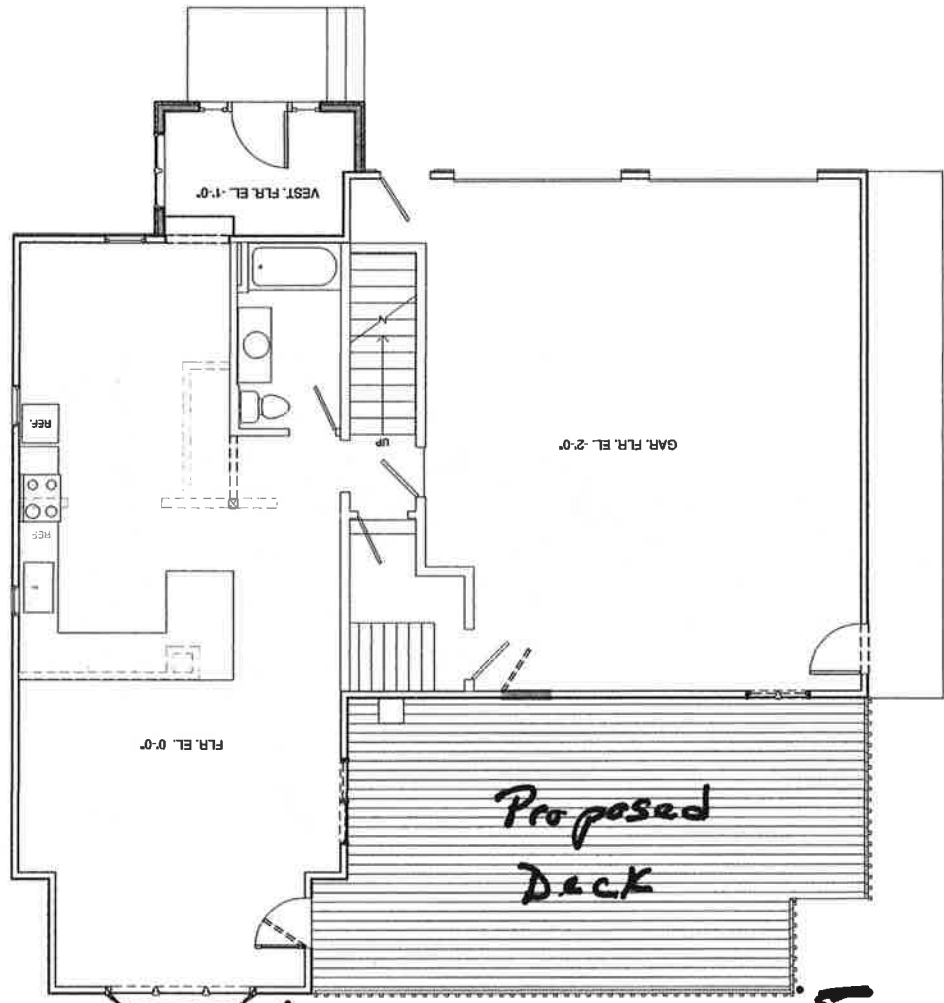


DISCLAIMER: This map is not guaranteed to be accurate, correct, current, complete, and the consequences shown are the responsibility of the user.

2nd Street
Flow + EAVLY







Approx
71'

Approx
75' +



71"

75" from Hum



0244-008

0244-007

HICKORY BAY RD

ROW

FOX LAKE

0244-005

0244-004

0244-003

0244-002

0244-001

0244-007

0244-009

1111-006

Beaver Dam Lake



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

Land Resources and Parks Department Staff Report

County Application / Petition # 2015-0166

Applicant / Owner:

Richard Heppeard
N7464 Freedom Road
Theresa, WI 53091

Filing Date: April 9, 2015

Hearing Date: May 21, 2015

Location

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

PIN# 040-0914-3523-001

Part of the SW ¼, NW ¼, Section 35, Town of Theresa, the site address being N7552 Freedom Road.

County Jurisdiction

The County has jurisdiction over this site as the Dodge County Sanitary Ordinance applies to all lands within the boundaries of Dodge County.

Review Criteria

Subsections 2.3.8.A through 2.3.8 D of the Dodge County Sanitary Ordinance 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 2.3.8.D.

Appellants Request

On April 9, 2015 a variance request was submitted by the applicant with a request to allow for the installation of a holding tank on said property where said property contains an area of soil that is suitable for the installation of a mound type septic system.

According to Subsection 2.3.5.A.of the Dodge County Sanitary Ordinance, an application for a holding tank shall not be approved, if:

- 1) Any other type of private sewage system may be utilized as permitted under SPS 383, Wisconsin Administrative Code; and
- 2) The property contains an area of soil suitable for any other type of private sewage system as permitted under SPS 383, Wisconsin Administrative Code.

Based upon the results of the preliminary soil test conducted on this lot, the property contains sufficient soils in which to install a mound type septic system on this lot. Since another type of system other than a holding tank can be installed on this lot, the code prohibits the installation of a holding tank on this lot.

The appellant is requesting an area variance to Section 2.3.5.A.1 and 2.3.5.A.2 of the Ordinance;

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 agricultural and open space use and the appellant intends to construct/locate a residential structure on said lot.

The physical features of this approximate 2.8 acre lot include a sloping topography with slopes ranging from 6 to 18%.

The general character of the surrounding land use is agricultural with scattered residences along Freedom Road;

On October 23, 2013, a soil test report was submitted to the Department which documents that there is an area on this lot where the soil is suitable for the installation of a mound type septic system.

Purpose Statement

The purpose and intent of the sanitary provisions of the code are to promote the health, safety, prosperity, aesthetics, and general welfare of the people and communities within Dodge County, under the authority granted by Section 59.07(51) of the Wisconsin Statutes.

The purpose and intent of Sections 2.3.5.A.1 and 2.3.5.A.2 of the Ordinance is to prohibit the installation of a holding tank on a property if the property contains an area of soil suitable for any other type of private sewage system as permitted under SPS 383, Wisconsin Administrative Code.

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 2.3.5.A.1 and 2.3.5.A.2 of the Ordinance.

Section SPS 323.32 Wis. Adm. Code allows Counties to prohibit or limit the installation of holding tanks. In addition, in accord with Section 2.3.5.A of the Ordinance, it is the specific intent of the Dodge County Board of Supervisors, to prohibit the installation of a holding tank on a property if the property contains an area of soil suitable for any other type of private sewage system as permitted under SPS 383, Wisconsin Administrative Code. In this case, a soil test report has been filed with the Department documenting that there is an area on this lot that has soil suitable for the installation of a mound type septic system. It is the staff's position that to allow a holding tank to be installed on this lot when a soil test has been submitted that shows that the lot has an area suitable for a mound type septic system would be contrary to the purpose and intent of this ordinance provision.

It is also the staff's position that a mound type system can be designed to work on this site, whether or not the property is used for part time or full time residential use. The staff also points out that there are mound type systems that have been installed throughout the County that are used for residences and cottages that are used on a part time basis and there have been no studies or other evidence submitted that would suggest that these mound type systems do not functioning properly.

The staff has reviewed the variance request for compliance with the criteria listed in Sections 2.3.8 of the Dodge County Sanitary Ordinance and it is the staff's position that the Board will not be able to make the findings necessary in order to grant a variance in this case as there are no physical limitations that are unique to this property that would prohibit the installation of a mound type system on this property and therefore, the variance request does not meet all of the criteria for granting a variance. It is the staff's position that the appellant has the option to install a mound type system on this site and therefore recommends denial of the variance request to allow for the installation of a holding tank on this site.

Dodge County Board of Adjustment Decision

County Application / Petition # 2015-0166

Applicant / Owner:

Richard Heppard
N7464 Freedom Road
Theresa, WI 53091

Filing Date: April 9, 2015

Hearing Date: May 21, 2015

Location

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

PIN# 042-1217-3523-001

Part of the SW ¼, NW ¼, Section 35, Town of Theresa, the site address being N7552 Freedom Road.

County Jurisdiction

The County has jurisdiction over this site as the Dodge County Sanitary Ordinance applies to all lands within the boundaries of Dodge County.

Review Criteria

Subsections 2.3.8.A through 2.3.8 D of the Dodge County Sanitary Ordinance 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 2.3.8.D.

Appellants Request

On April 9, 2015 a variance request was submitted by the applicant with a request to allow for the installation of a holding tank on said property where said property contains an area of soil that is suitable for the installation of a mound type septic system.

According to Subsection 2.3.5.A.of the Dodge County Sanitary Ordinance, an application for a holding tank shall not be approved, if:

- 1) Any other type of private sewage system may be utilized as permitted under SPS 383, Wisconsin Administrative Code; and
- 2) The property contains an area of soil suitable for any other type of private sewage system as permitted under SPS 383, Wisconsin Administrative Code.

Based upon the results of the preliminary soil test conducted on this lot, the property contains sufficient soils in which to install a mound type septic system on this lot. Since another type of system other than a holding tank can be installed on this lot, the code prohibits the installation of a holding tank on this lot.

The appellant is requesting an area variance to Section 2.3.5.A.1 and 2.3.5.A.2 of the Ordinance;

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 2.3.5.A.1 and 2.3.5.A.2 of the Ordinance is an "area" variance.

(Yes / No) _____

1) **Is there a physical limitation that is unique to this property that prevents the appellant from installing a mound type system on this lot?**

(Yes / No)

If yes, what is the physical limitation that prevents the appellant from installing a mound type system on this lot?

2) **Does the Board believe that the sanitary requirements of the Ordinance that only allow a holding tank to be installed as a last resort are unnecessarily burdensome in this case, thereby creating a hardship?**

(Yes / No)

If yes, explain how the Code unnecessarily burdensome in this case, thereby creating a hardship.

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 2.3.8 of the County Sanitary Ordinance?**

(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 owner shall, pursuant to s. COMM 83.54(2) have a water meter installed. The water meter shall be installed by a plumber authorized by the State to conduct such installations, with said installation complying with State regulations and manufacturers specifications. The owner shall be financially responsible for the purchase, installation, maintenance and repair of the water meter, and agrees to allow the County to enter the above described property, as needed, to read and/or inspect the water meter.
 - The owner, except as provided by s. 281.48 (d), Stats, shall contract with a person who is licensed under Ch. NR 113, Wis. Adm. Code, to have the holding tank serviced and to file a copy of the contract or the owner's registration with the County. The owner further shall file a copy of any changes to the servicing contract, or a copy of a new servicing contract, with the County within 10 days from the date of change to the servicing contract.
 - The owner shall contract with a person licensed under Ch. NR 113, Wis. Adm. Code, who shall submit to the County on a semiannual basis a report in accordance with COMM 83.55 Wis. Adm. Code, for the servicing of the holding tank. In the case of licensing under s. 281.48(d) Stats, the owner shall submit the report to the County. The County may enter upon the property to investigate the condition of the holding tank when pumping reports and/or meter readings may indicate that the holding tank is not being properly maintained.
 - These conditions shall remain in effect until the County certifies that the property is served by either a municipal sewer or a POWTS system that complies with COMM 83, Wis. Adm. Code.
 - 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
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. 150166	Issue Date:
Application Date: 4-9-15	Receipt #: 896537

Variance Application

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

Names and Mailing Addresses	Property Description																
Applicant (Agent) Richard K Heppard	Parcel Identification Number (PIN) 042-1217-3523-001																
Street Address N7464 Freedom rd	Town Theresa																
City • State • Zip Code Theresa WI 53091	<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 12.5%;"></td> <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>NW</td> <td>SW</td> <td>35</td> <td>12</td> <td></td> <td></td> <td>17</td> </tr> </table>		¼	¼	Section	T	N	R	E		NW	SW	35	12			17
	¼	¼	Section	T	N	R	E										
	NW	SW	35	12			17										
Property Owner (if different from applicant)	Subdivision or CSM #																
Street Address	Site Address Applied for on Freedom rd																
City • State • Zip Code	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																

Present property use:

Small Cabin + Barn Garden - Residential

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

Land was rezoned by town of Theresa from A-1 to A-2

Describe all nonconforming structures and uses on this property:

Small cabin barn + garden shed

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

Need to do holding tank vs Tank + mound system due to lack of use.

Variance Requested:

Would like to have only a holding tank vs tank + mound system

Sec 2.3.5.A - Sanitary Ord. states: "An application for a holding tank shall not be approved if
Any other type of private sewage system may be utilized as permitted under SPS 383 Adm. Code

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?

Due to little or no use a mound system would not work - Pumps would go bad or it could freeze in winter

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

It is not the property. The soil test is ok for a mound
if the mound would freeze it would be constant excavation
and very troubling

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 it could and would be a constant problem if freezing - My Job take me
out of town from 3-6 months at a time. There would be no one using
it which is hard on a mound system

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

Not at all

CERTIFICATE

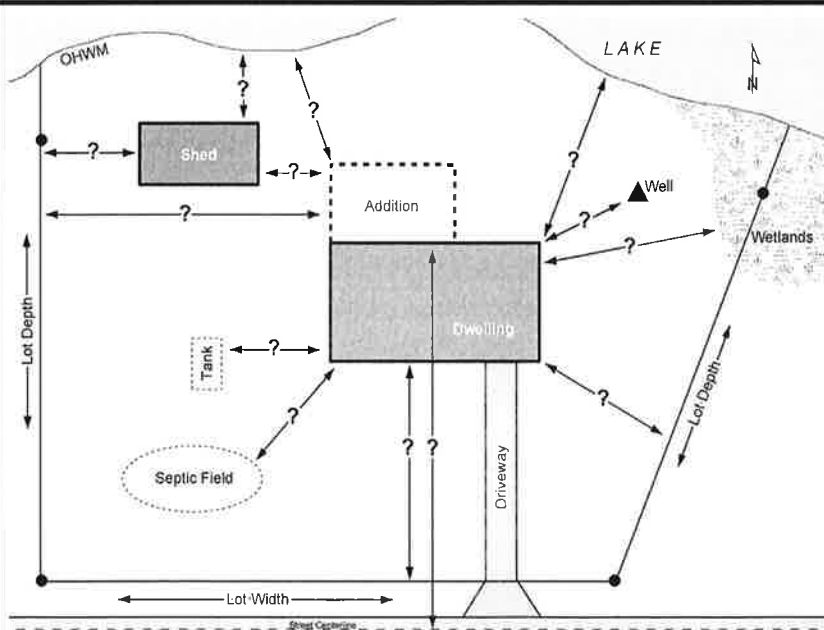
I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and 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: R Heppard Date: 4-7-15

Daytime Contact Number (419) 305 - 5165

SITE PLANS AND BUILDING PLANS

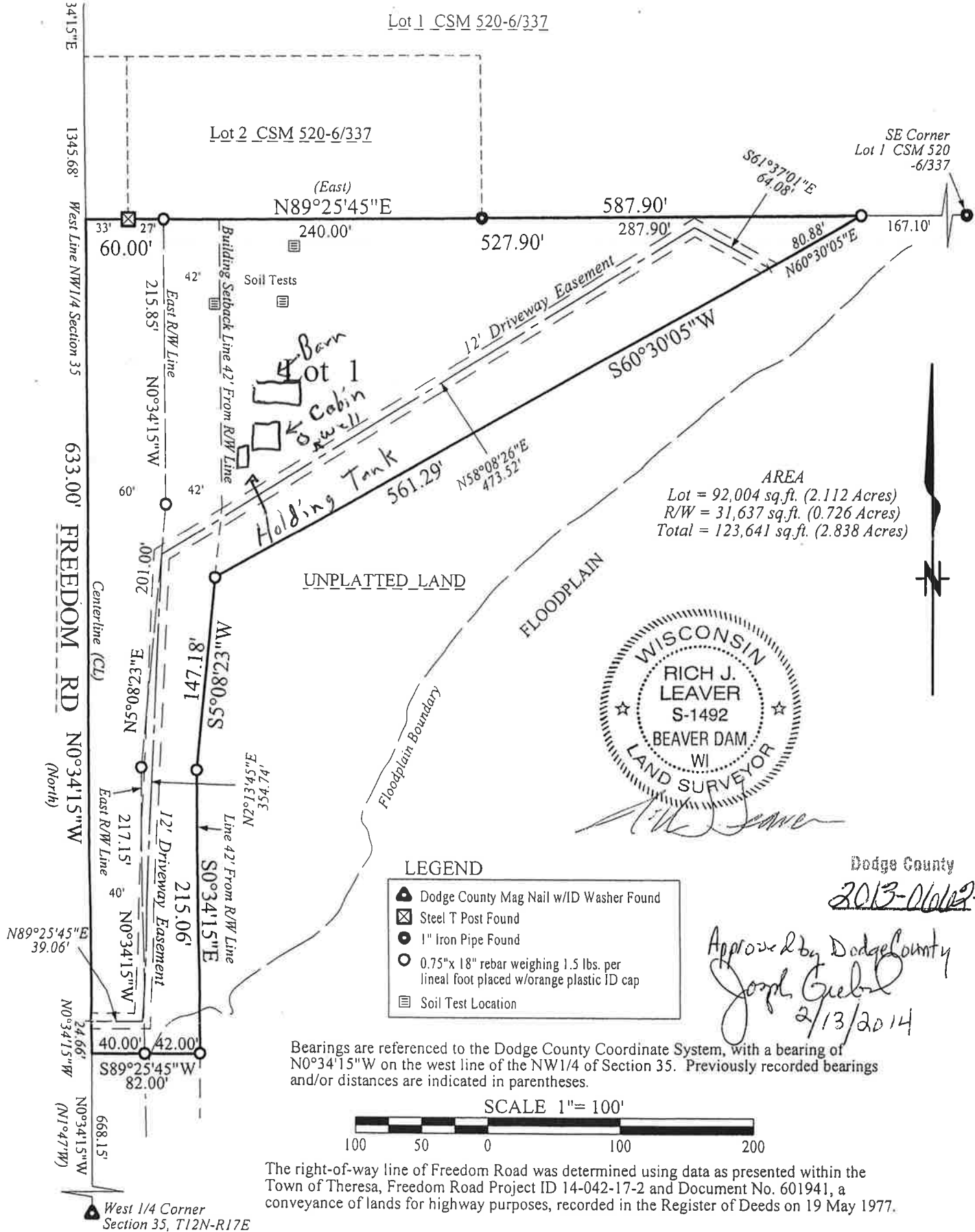
- All applications must be accompanied by a site plan. Figure 1 below is an example of an acceptable plan.



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:

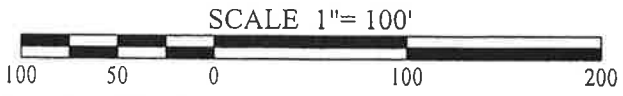
- Lot lines
- Road right-of-ways & centerline
- Water bodies Ordinary High Water Mark (O.H.W.M.)
- Septic & holding tanks
- Soil absorption systems
- Nearby structures (within 50 feet)



LEGEND

- ▲ Dodge County Mag Nail w/ID Washer Found
- ⊠ Steel T Post Found
- 1" Iron Pipe Found
- 0.75"x 18" rebar weighing 1.5 lbs. per lineal foot placed w/orange plastic ID cap
- Soil Test Location

Bearings are referenced to the Dodge County Coordinate System, with a bearing of N0°34'15"W on the west line of the NW 1/4 of Section 35. Previously recorded bearings and/or distances are indicated in parentheses.



The right-of-way line of Freedom Road was determined using data as presented within the Town of Theresa, Freedom Road Project ID 14-042-17-2 and Document No. 601941, a conveyance of lands for highway purposes, recorded in the Register of Deeds on 19 May 1977.

Attach complete site plan on paper not less than 8½ x 11 inches in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and percent slope, scale or dimensions, north arrow, and location and distance to nearest road.

Please print all information.

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.04 (1) (m)).

County	Dodge
Parcel I.D.	042-1217-3523-000
Reviewed By	Date 10-23-13

Property Owner Schellinger, Cherie	Property Location Govt. Lot SW1/4, NW1/4, S35, T12N, R17E		
Property Owner's Mailing Address N7464 Freedom Rd	Lot #	Block #	Subd. Name or CSM#
City Theresa	State WI	Zip Code 53091	Phone Number
City		<input type="checkbox"/> Village	<input checked="" type="checkbox"/> Town
Theresa		Nearest Road Freedom Rd	

New Construction Use: Residential / Number of bedrooms 1 Code derived design flow rate 150 GPD
 Replacement Public or commercial - Describe: _____

Parent material glacial till Flood plain elevation, if applicable _____ ft.

General comments and recommendations: **ACTIVITY #: 130714**
RECEIVED: 10-22-13 RECEIPT #: 88573

1 Boring # Boring Pit Ground surface elev. 90.25 ft. Depth to limiting factor 32 in. Soil Application Rate

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft ²	
									*Eff#1	*Eff#2
1	0-6	10yr3/4	-	sil	2fgr	mfr	cs	2f/1c	0.6	0.8
2	6-18	10yr4/4	-	cl	2fsbk	mfr	cw	2c/1c	0.4	0.6
3	18-25	10yr4/6	-	sil	1fsbk	mfr	cw	1f	0.4c	0.6
4	25-32	10yr6/4	-	sl	om	mfi	cw	-	0.2	0.6
5	32-51	10yr6/4	-	sl	2tpl	mvfi	-	-	0.0	0.2

2 Boring # Boring Pit Ground surface elev. 89.85 ft. Depth to limiting factor 28 in. Soil Application Rate

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft ²	
									*Eff#1	*Eff#2
1	0-6	10yr3/4	-	sil	2fgr	mfr	cs	2f/1c	0.6	0.8
2	6-11	10yr4/4	-	sil	2fsbk	mfr	cw	1f/1c	0.4	0.6
3	11-18	10yr4/6	-	sil	1fsbk	mfr	gw	1f	0.4c	0.6
4	18-28	10yr6/4	-	sl	om	mfi	cw	-	0.2	0.6
5	28-51	10yr6/4	-	sl	2tpl	mvfi	-	-	0.0	0.2

* Effluent #1 = BOD₅ > 30 ≤ 220 mg/L and TSS >30 < 150 mg/L

* Effluent #2 = BOD₅ ≤ 30 mg/L and TSS ≤ 30 mg/L

CST Name (Please Print) Harold Hann	Signature: <i>Harold Hann</i>	CST Number 222706
Address Hann Construction N8203 County Highway O Waterloo, WI 53594	Date Evaluation Conducted 10/4/2013	Telephone Number 920-478-3617

3

Boring # Boring
 Pit

Ground surface elev. 82.5 ft. Depth to limiting factor 38 in.

Soil Application Rate

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft ²	
									*Eff#1	*Eff#2
1	0-10	10yr3/4	-	sil	2fgr	mfr	cs	2f/1c	0.6	0.8
2	10-21	10yr4/4	-	sil	2fsbk	mfr	cw	1f	0.4	0.6
3	21-28	10yr4/6	-	cl	1msbk	mfi	gw	1f	0.2	0.3
4	28-38	10yr6/4	-	sl	om	mfi	cw	1f	0.2	0.6
5	38-58	10yr6/4	-	sl	2tpl	mvfi	-	-	0.0	0.2

* Effluent #1 = BOD₅ > 30 ≤ 220 mg/L and TSS >30 ≤ 150 mg/L

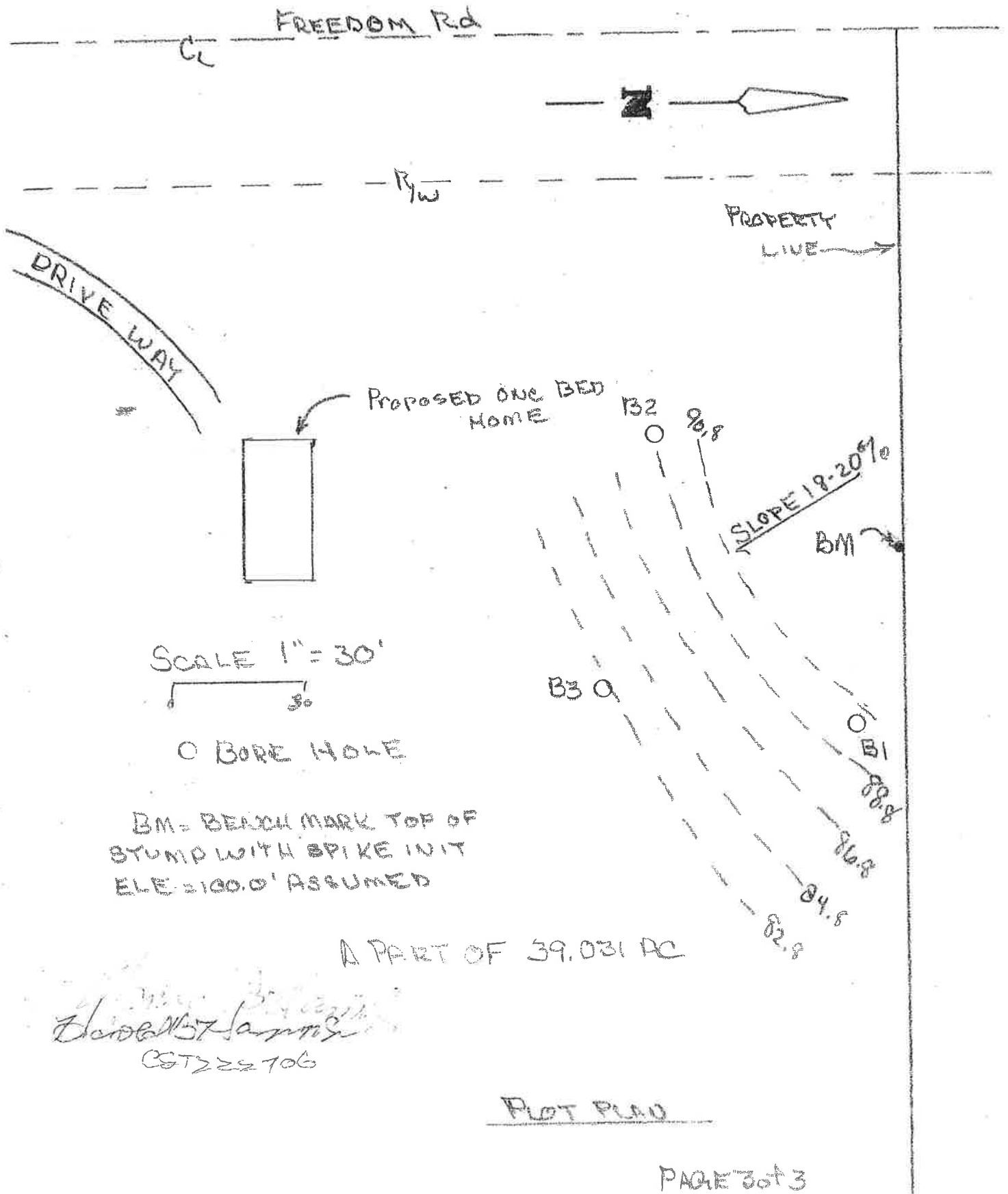
* Effluent #2 = BOD₅ ≤ 30 mg/L and TSS ≤ 30 mg/L

The Department of Commerce is an equal opportunity service provider and employer. If you need assistance to access services or need material in an alternate format, please contact the department at 608-266-3151 or TTY 608-264-8777.

CHERIE SCHELLUGER

SW $\frac{1}{4}$, NW $\frac{1}{2}$, SEC 35, T120, R17E

TWN OF THEDESA, DODGE COUNTY



SCALE 1" = 30'



O BORE HOLE

BM = BENCH MARK TOP OF STUMP WITH SPIKE IN IT ELE = 100.0' ASSUMED

A PART OF 39.031 AC

Doreen St. James
CST 222706

PLOT PLAN

PAGE 3 of 3



Town of THERESA
SECTION 35
T 12N-R17E

47-35
 37

042-1217-

- 3511-000 ROBERT M SELZLER +
- 3511-001 JEFFREY W BUDAHN +
- 3512-000 JEFFREY A BUDAHN +
- 3512-001 KEVIN S RABE +
- 3512-002 PERRY L BILLINGS +
- 3513-000 J M SCHMIDT & SONS INC
- 3514-000 J M SCHMIDT & SONS INC
- 3514-001 JEFFREY W BUDAHN +
- 3521-000 DIANNE BECK 1/4 INT +
- 3521-001 JAMES E RUBUSCH +
- 3521-002 EDWIN L WEDWARD +
- 3522-001 JOHN A SCHMITZLER TRUST +
- 3522-002 DAVID F KRENZ +
- 3522-003 GARY H HECKER +
- 3522-004 GREGORY O KEMP +
- 3523-000 CHERIE L SCHELLINGER
- 3523-001 RICHARD REPPARD LC +
- 3524-000 CHERIE L SCHELLINGER
- 3524-001 EDWARD A REINHEIMER +
- 3524-002 JASON W GUARDUMI
- 3531-000 JOHN A SCHMITZLER TRUST +
- 3531-001 CHERIE L SCHELLINGER
- 3531-002 JOSEPA W SITZBERGER
- 3531-003 DAVID GILDERSLERVE +
- 3532-000 CHERIE L SCHELLINGER
- 3532-001 DEAN KRENZ TRUST +
- 3533-000 JOSEPA W SITZBERGER
- 3534-000 JOSEPA W SITZBERGER
- 3534-001 STEVEN A UNERTL +
- 3541-002 STANLEY J UNERTL +
- 3541-000 KOREEN BREUER 1/8 INT +
- 3542-000 J M SCHMIDT & SONS INC
- 3543-000 J M SCHMIDT & SONS INC
- 3543-001 MARK S BUEBER +
- 3543-002 THOMAS J BUEBER +
- 3544-000 NICHOLAS L EHLERS 1/2 INT +

1" = 600'

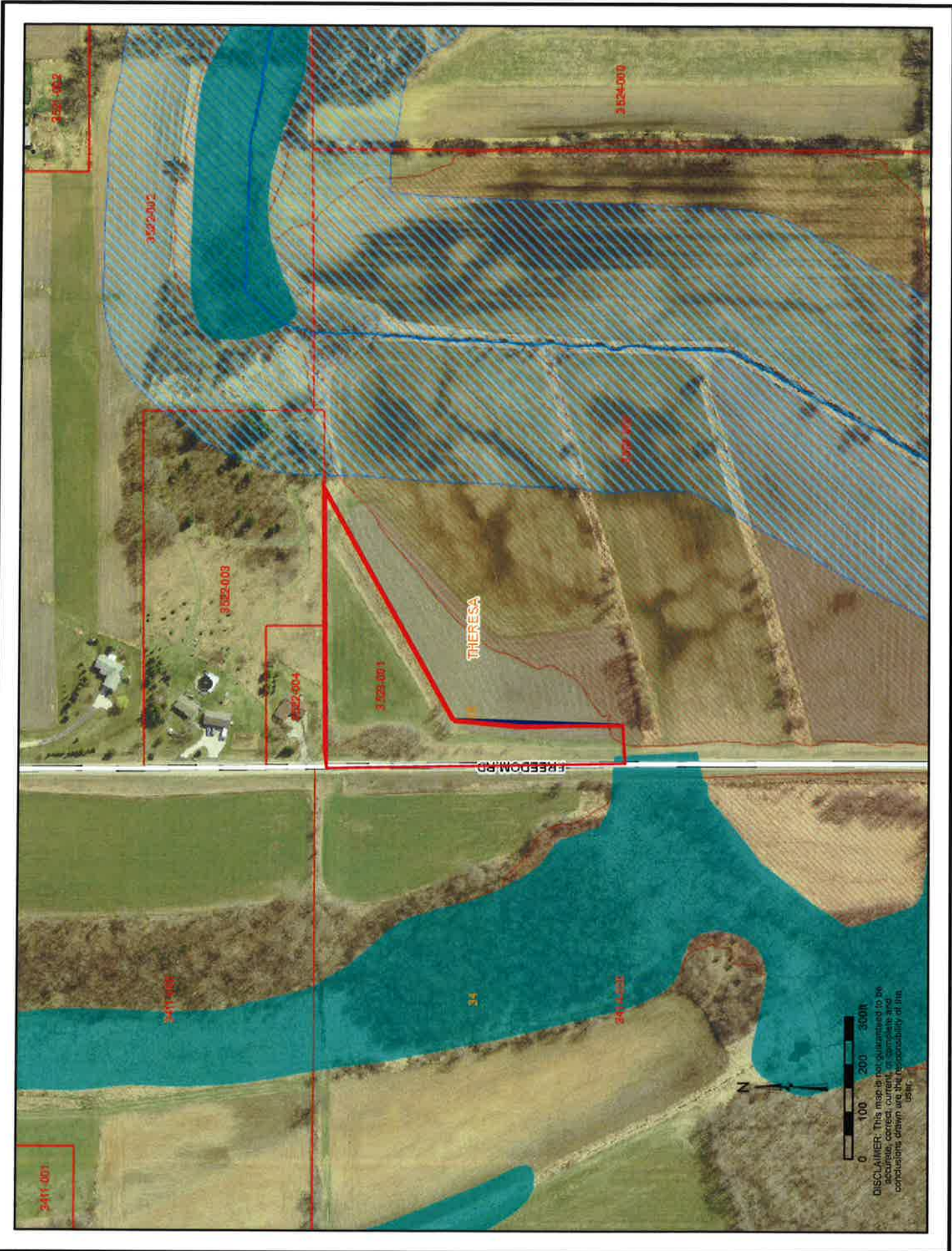


Prepared by
Land Resources & Parks Department
 Mapping Division

JANUARY 2015

This map was prepared for the use of the local taxpayer in accordance with Chapter 19.05 Wisconsin Statutes. All information is advisory only. Also accuracy is limited to the quality of the data obtained from other public records. This map is not a substitute for an accurate field survey.

47-35



THERESA

FREEDOM RD

0 100 200 300ft
DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

Land Resources and Parks Department Staff Report

County Variance Application No. 2015-0171
County Land Use Permit Application No. 2014-0624

Applicant (Agent):
Jesse Groeler
1205 Schiller Street
Watertown, WI 53098

Owner:
St. Peters Lutheran Church
P.O. Box 115
Lebanon, WI 53047

Filing Date: April 10, 2015
Hearing Date: May 16, 2015

Location

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

PIN# 026-0916-1721-000
Part of the NE ¼, NW ¼, Section 17, Town of Lebanon, the site address being W4661 County Road MM.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Lebanon has adopted the County's Land Use Code.

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 October 8, 2014 an application for a County Land Use Permit was made by the appellant in order they be allowed to replace an existing 3' X 5' wooden sign with a new 7' 6" X 12' 8" lighted, double sided, digital message type ground sign on this site. The sign will be constructed with mortar and brick.

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

The proposed sign is considered to be a "Type 7 Sign" per Section 8.9.2.B.2 of the County Land Use Code. A Type 7 on-premise identification sign is allowed for residential subdivisions, Federal, State, County or Town parks, multi-family dwelling units, manufactured home communities, industrial parks, schools, hospitals, churches, municipal buildings, governmental buildings or properties and for community identification purposes provided the sign meets the development standards listed in this subsection (See Exhibit A). According to the Code, any sign or sign supports constructed of concrete, mortar or stone shall comply with the minimum setback distances listed in Section 5.1.2.E of the Land Use Code.

According to the application, the sign will be constructed of a mixture of brick and mortar and therefore the sign will be required to meet the setback distances as listed in Section 5.1.2.E of the Code.

Section 5.1.2.E and Table 5.1.2-2 of the Code refer to the distances that all buildings and other structures are required to be setback from public roads and highways. For the particular section of County Road R along which the above noted sign is to be located, the required setback from the centerline of the road/highway is 107 feet. As proposed, the aforementioned sign is to be located 63 feet from the centerline of the road/highway or 44 feet within the required setback and thus not in compliance the Code provisions.

The appellant is requesting an area variance to Section 5.1.2.E 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 located within the R-1 Single Family Residential zoning district.

The physical features of this approximate 5.362 acre lot include a nearly level topography with slopes ranging from 0 to 6%. The parcel contains a school, church and recreational area.

The general character of the surrounding land use consists of a residence to the south and a residential subdivision to the southwest.

The property has been the subject of the following variances:

- On August 30, 1972, a variance was granted to the highway setback provisions of the code to allow an addition onto the church where said addition is located 36' from the centerline and 7' from the road right-of-way of CTH "MM".
- On May 9, 1991, a variance was granted to the sign and highway setback provisions of the Code to allow the construction of a 3' X 5' ground sign to be located 54' from the centerline of CTH "R" and to allow the sign to exceed the sign size allowed within this district. The variance was approved subject to the condition that there be no flashing lights or moving parts and if the sign was lighted, it must not cause glare or impair visibility. (This is the sign that is proposed to be replaced.)
- On April 30, 2002, a variance was granted to the highway setback provisions of the Code to allow the construction of an addition onto the church and school where said additions were located 40' 6" from the centerline of CTH "MM".

Town Recommendation: No recommendation was received from the Town.

Dodge County Highway Department Recommendation:

Peter Thompson, Dodge County Assistant Highway Commissioner reviewed the proposal and indicated that the Department did not have any concerns. The sign is located beyond the highway clear zone and the speed is reduced at this location.

Purpose Statement

The purpose of the highway setback and the sign development standards in the Code is to promote the public health, safety and general welfare of the people and communities within Dodge County. The setback and development standards of the code are intended to regulate the location, size, lighting and construction materials that are used for signs so as to limit interference with traffic safety and visibility while entering or exiting a site and to limit the adverse impacts that could result from glare or impairment of drivers using public highways.

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 5.1.2.E and Table 5.1.2-2 of the code to allow a sign constructed with bricks and mortar to be located within the required highway setback lines of County Road R.

The staff points out that the Board does not have summary power to ignore ordinance provisions or objectives. The burden also falls on the appellant to convincingly demonstrate to this Board that a literal enforcement of the Land Use Code 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.

It is the staff's position that there are no physical limitations that are unique to this property that would prevent the appellant from constructing a sign on this property in compliance with the sign and setback provisions of the Code.

It is also the staff's position that the Code is not unnecessarily burdensome in this case because the appellant has other reasonable options to construct the sign and sign supports at this location using material other than concrete, mortar or stone in order to comply with the Code. The staff points out that Section 8.9.2.B.2 of the Code would allow the construction of an on-premise identification sign at this location that is a minimum of 40 feet from the centerline of County Road MM provided the sign and the sign supports are not constructed of concrete, mortar, or stone. Furthermore, it is the staff's position that to locate a sign that is constructed with mortar and stone within the required highway setback lines would be considered a safety hazard.

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.

Exhibit A

8.9 SIGNS

8.9.1 General

8.9.1.A Permit Required

No signs shall be located, erected, moved, reconstructed extended, enlarged, converted, or structurally altered without obtaining a Land Use Permit pursuant to the procedures set forth in Section 2.3.5, except those signs allowed without permits under Section 8.9.2(A).

8.9.1.B Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Code may be continued although the use, size, or location does not conform with the provisions of this section. However, such signs shall be deemed nonconforming and the provisions of Chapter 10 shall apply.

8.9.2 Allowed Signs

Table 8.9-1 below sets forth the type of signs that are allowed within the relevant zoning districts. An "A" in a cell indicates that this type of sign is allowed by-right in the respective zoning district. Allowed signs are subject to all other applicable regulations of this Code, including the development standards for signs listed in Section 8.9.3.

(Table 8.9-1)

Uses	Zoning Districts										Description	Reference
	R-1	R-2	R-3	C-1	C-2	I-1	I-2	A-1	A-2	WL		
Signs												8.9
Type (1)	A	A	A	A	A	A	A	A	A			8.9.2.A.1
Type (2)								A	A			8.9.2.A.2
Type (3)	A	A	A	A	A	A	A	A	A			8.9.2.A.3
Type (4)	A	A	A	A	A	A	A	A	A			8.9.2.A.4
Type (5)	A	A	A	A	A	A	A	A	A			8.9.2.A.5
Type (6)				A	A	A	A	A	A			8.9.2.B.1
Type (7)	A	A	A	A	A	A	A	A	A			8.9.2.B.2
Type (8)				A	A	A	A					8.9.2.B.3
Type (9)				A	A	A	A					8.9.2.B.4
Type (10)				A	A	A	A					8.9.2.B.5
Type (11)				A	A	A	A	A	A			8.9.2.B.6

8.9.2.B Signs Allowed With a Land Use Permit

The following signs are allowed in within the relevant zoning districts as shown in Table 8.9-1 provided a County Land Use Permit has been obtained in accord with Section 2.3.5 of this code.

8.9.2.B.2 Type 7: On-Premise Identification Signs for residential subdivisions, Federal, State, County or Town parks, multi-family dwelling units, manufactured home communities, industrial parks, schools, hospitals, churches, municipal buildings, governmental buildings or properties, and for community identification purposes

- The gross area of such sign shall not exceed 32 square feet for a one-sided sign or 64 square feet for a multiple sided sign;
- The sign shall be located a minimum of 35 feet from the centerline or 2 feet behind the road right-of-way whichever distance is greater;
- The sign shall not exceed 10 feet in height;
- Limit of one such sign for each public roadway entrance leading into the development upon which the property has frontage;
- Any sign or sign supports constructed of concrete, mortar or stone shall comply with the minimum setback distances listed in Section 5.1.2.E;
- The sign shall meet the minimum side and rear yard setback requirements of the code.

8.9.3 Development Standards For All Signs

8.9.3.A Traffic

Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or traffic devices.

No signs shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; no sign, except official traffic control signs, shall be located so as to interfere with the visibility or effectiveness of any official traffic sign or signal, or placed within the vision clearance triangle as defined in Section 5.2.3.G of this code; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

8.9.3.B Moving or Flashing Signs

No sign shall be erected which has any flashing or moving parts except those giving public service information such as time, date, temperature, weather, or similar information.

8.9.3.C Signs Not In Use

Signs that advertise or identify a business or similar activity must be removed within 60 days of the date said business or similar activity ceases operation or vacates the premises. The removal of the sign shall be the responsibility of the owner of the property on which the sign is located.

8.9.3.D Sign Location

No sign permitted under this section shall be located in, on or above a public road right-of-way or navigable body of water, except for Official Signs. Any sign or sign supports constructed of concrete, mortar or stone shall comply with the minimum setback distances listed in Section 5.1.2.E;

8.9.3.E Determining gross area for signs.

The gross area of a sign shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign, including the border and trim, but excluding supports. The gross area of a sign includes the area of all sides of a sign on which there is advertising (i.e. a 2 foot X 4 foot one-sided sign has a gross area of 8 square feet; a 2 foot X 4 foot two-sided sign has a gross area of 16 square feet etc.).

8.9.3.F Sign Material

No sign shall make use of any rock, tree or other natural feature for support or for carrying any message, except that legal "no hunting" or trespassing signs or other private regulatory signs may be attached to a tree. Any sign or sign supports constructed of concrete, mortar or stone shall comply with the minimum setback distances listed in Section 5.1.2.E;

Dodge County Board of Adjustment Decision

County Variance Application No. 2015-0171
County Land Use Permit Application No. 2014-0624

Applicant (Agent):

Jesse Groeler
1205 Schiller Street
Watertown, WI 53098

Owner:

St. Peters Lutheran Church
P.O. Box 115
Lebanon, WI 53047

Filing Date: April 10, 2015
Hearing Date: May 16, 2015

Location

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

PIN# 026-0916-1721-000
Part of the NE ¼, NW ¼, Section 17, Town of Lebanon, the site address being W4661 County Road MM.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Lebanon has adopted the County's Land Use Code.

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 October 8, 2014 an application for a County Land Use Permit was made by the appellant in order they be allowed to replace an existing 3' X 5' wooden sign with a new 7' 6" X 12' 8" lighted, double sided, digital message type ground sign on this site. The sign will be constructed with mortar and brick.

CONCLUSIONS OF LAW

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

The appellants request to Section 5.1.2.E and Table 5.1.2-2 of the code 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 for a sign that is constructed with mortar and bricks?**
(Yes / No)

If yes, what is the physical limitation that is unique to this property that would suggest a variance be granted?

2) **Does the Board believe that the appellant has other reasonable options available to construct a compliant sign on this lot in compliance with the Code?**
(Yes / No)

Explain

Does the Board believe that compliance with the Code provisions is unnecessarily burdensome in this case, thereby creating a hardship?

(Yes / No)

Explain

What hardship exists if the variance is denied?

3) **Is this project harmful in any way to the public's interests? (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?**

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
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

τ THIS AREA FOR OFFICE USE ONLY τ	
Activity No. 150171	Issue Date:
Application Date: 4/10/15	Receipt #: 896543

Variance Application

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

Names and Mailing Addresses	Property Description
Applicant (Agent) Jesse Broeler / St Peter's	Parcel Identification Number (PIN) 026 - 0916 - 1721 - 000
Street Address 1205 Schiller St	Town Lebanon
City • State • Zip Code Water Town WI 53098	NE ¹ / ₄ NW ¹ / ₄ Section T N R E 17 09 16
Property Owner (If different from applicant) St Peter's Lutheran Church	Subdivision or CSM #
Street Address PO Box 115 (W4661 Cty Rd MM)	Site Address W4661 Cty Rd. MM, Lebanon
City • State • Zip Code Lebanon WI 53047	Is this property connected to public sewer? <input type="checkbox"/> Yes <input type="checkbox"/> No

Present property use:

Church & School

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

- Jan 10, 2001 - Variance granted for 40.5' from centerline of Hwy MM for addition.
- 1991 - Granted 3x5 sign on STH 109, 1972 setback for entrance on MM

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):

We are requesting that a "Type 7" sign be allowed to be placed at the road right of way for a standard sign. Section 8.9.2.B.2 states that a masonry sign must conform to setbacks for buildings in section 5.1.2.E.

Variance Requested:

We request that a masonry sign be placed approximately 60' from the center-line of Cty. Rd. R as opposed to 100' from the center line

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?

We would like to install a permanent, attractive sign in the same location as the existing wood sign. The additional setback prohibits that.

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

The current location of our sign is the only usable space. The additional 40' setback would place it in the parking lot of the fenced playground, and therefore make it impossible to upgrade the sign.

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?

~~No~~ ~~Yes~~ ~~Not~~

Denial will make it impossible to upgrade our sign. There are also at least two other sites which have similar signage within the setback along Cty. Rd. R.

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

We would remove a large pine tree along the roadway that may increase visibility along the roadway. We also believe it will be a more attractive option.

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:

Date:

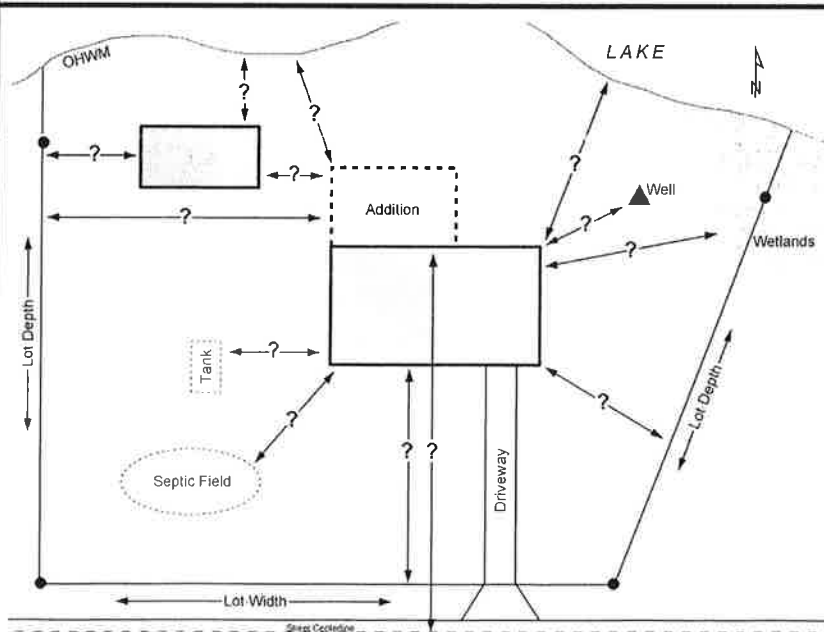
4/5/15

Daytime Contact Number (920)

285-0086

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)

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. 140624	Receipt No. 6980
Permit Expiration Date	Application Date 10-8-14
	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.) St. Peters Luth. Church		Parcel Identification Number (PIN) 026-0916-1721-000			
Street Address PO Box 115		Town Lebanon	T	N	R
City • State • Zip Code Lebanon WI 53047		1/4 NE	1/4 NW	Section 17	Acres 5.362
Property Owner <input checked="" type="checkbox"/> Same as applicant		Subdivision or CSM (Volume/Page/Lot)			
Street Address W4661 CTH MM		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 checked="" 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 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 <u>Church</u>		<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 _____

Width 12' 8" 7' 6" **Additional Project Information**

Length 12' 8" 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) \$ 10,000 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.

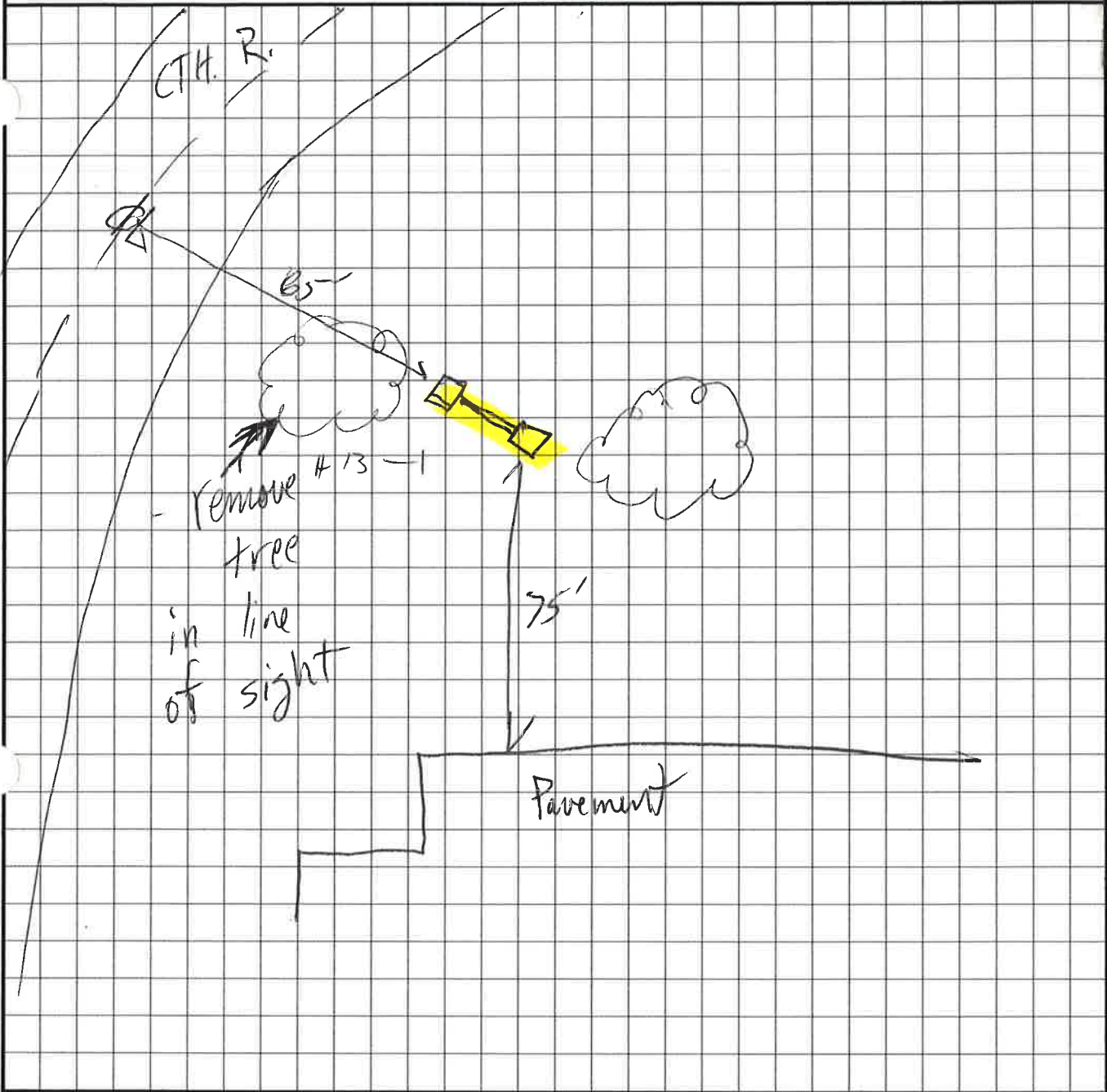
Contact Person (Print) Jesse Groeler Daytime Contact Phone (920) 285 - 0086

Signature [Signature] Date 9/8/14 Call for pickup No Yes

WR 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 ◆ ◆ ◆

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 checked="" type="checkbox"/> Denied			Land Resources and Parks Department	
			Date 10-29-2014	

Please use only blue or black ink to complete the application and site plan (sketch) — **DO NOT USE PENCIL**



Dodge County Land Resources and Parks Department

127 East Oak Street

Juneau, WI 53039-1329

Phone (920) 386-3700

Fax (920) 386-3979

October 29, 2014

PERMIT DENIAL NOTIFICATION

ATTN: Jesse Groeler
St. Peters Lutheran Church
P.O. Box 115
Lebanon, WI 53047

Activity No. 2014-0624
Site Location: PIN 026-0916-1721-000
NE¼, NW¼, Section 17, T09N, R16E
Town of Lebanon, Dodge County, Wisconsin
W4661 County Road MM

Dear Mr. Groeler:

This letter is to inform you that the County Land Use Permit application to place a sign on the above noted property has been denied for failure to comply with the following section(s) of the County Land Use Code:

The proposed sign is considered to be a "Type 7 Sign" per Section 8.9.2.B.2 of the County Land Use Code. Section 8.9.2.B.2 states that (*Type 7: On-Premise Identification Signs for residential subdivisions, Federal, State, County or Town parks, multi-family dwelling units, manufactured home communities, industrial parks, schools, hospitals, churches, municipal buildings, governmental buildings or properties and for community identification purposes*) any sign or sign supports constructed of concrete, mortar or stone shall comply with the minimum setback distances listed in Section 5.1.2.E of the Land Use Code.

As proposed, the sign will be constructed of a mixture of brick, mortar and stone and thus would have to meet the setback distances as listed in Section 5.1.2.E of the Code. Section 5.1.2.E and Table 5.1.2-2 of the Code refer to the distances that all buildings and other structures are required to be setback from public roads and highways. For the particular section of County Road R along which the above noted sign is to be located, the required setback from the centerline of the road/highway is 107 feet. As proposed, the aforementioned sign is to be located 63 feet from the centerline of the road/highway or 44 feet within the required setback and thus not in compliance the Code provisions.

As a result, the County is unable to issue a permit for your project as proposed. Please note that you have the option to either modify your proposal to comply with the Code or alternatively you also have the right to appeal the decision of the County (Land Use Administrator) to the Dodge County Board of Adjustment for a variance. A variance request (appeal) has been enclosed for your use and convenience.

If you have any questions regarding this matter, please contact this office.

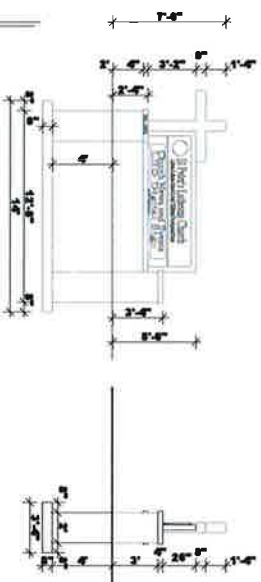
Sincerely,


Roger Schaumburg
Senior Land Use/Sanitation Specialist

Encl.



FLOOR PLAN
1/4" = 1'-0"



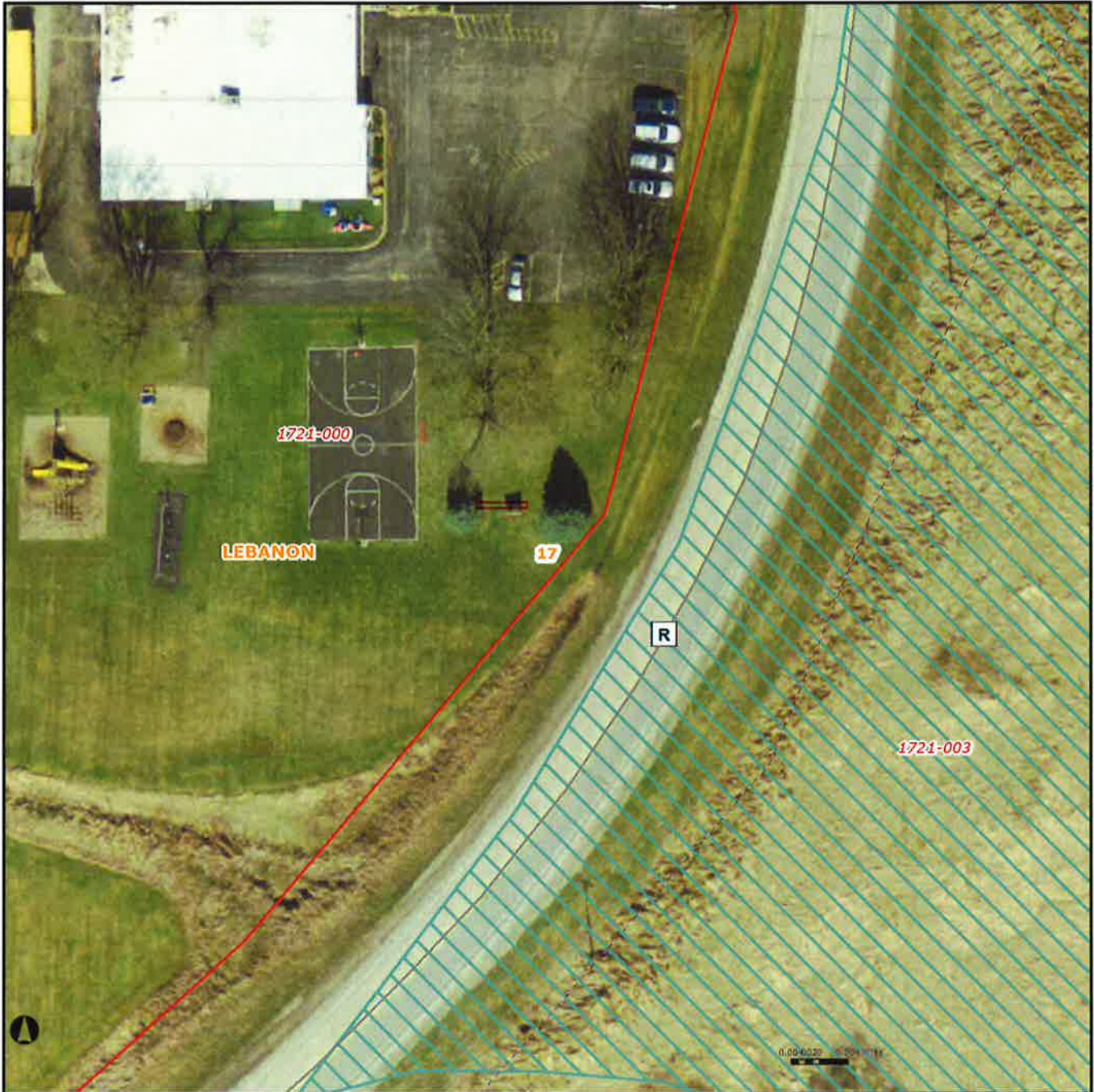
ELEVATIONS
1/4" = 1'-0"

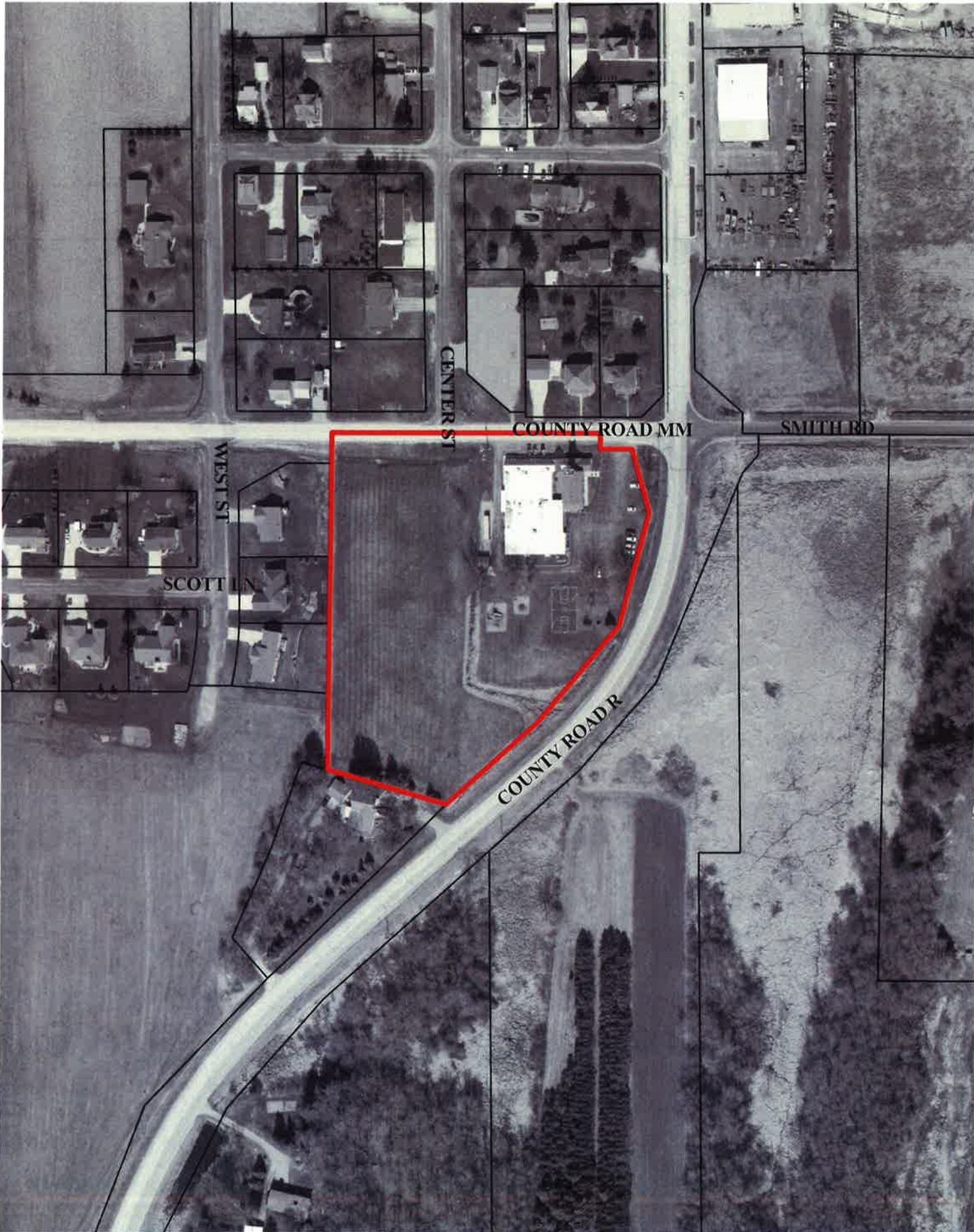
9/23/2014

**LEBANON LUTHERAN CHURCH NEW SIGN
NEW SIGN PLAN, ELEVATIONS, AND 3D RENDERINGS**



DC Quick Map





ST PETER'S LUTHERAN

0 100 Feet



1 inch = 200 Feet



Land Resources and Parks Department Staff Report

County Variance Application No. 2015-0177
County Land Use Permit Application No. 2015-0176

Applicant (Agent):
Lebanon Historical Society
Attn. Edward Raether
P.O. Box 23
Lebanon, WI 53047

Owner:
Town of Lebanon
P.O. Box 24
Lebanon, WI 53047

Filing Date: April 14, 2015
Hearing Date: May 21, 2015

Location

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

PIN#: 026-0916-0832-002

Part of the NW ¼, SW ¼, Section 8, Town of Lebanon, the site address being W4672 Ivy Street.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Lebanon has adopted the County's Land Use Code.

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 April 14, 2015, an application for a County Land Use Permit was made by the appellant in order they be allowed to construct a 16' X 25' historical building and to relocate an existing identification sign on this site. This permit was denied by the County Land Use Administrator for the following reason:

Subsection 5.2.3.F of the Dodge County Land Use Code refers to the distances that all buildings and other structures are required to be setback at railroad grade crossings. According to this subsection, structures shall be located not less than 330 feet from the intersection of the centerlines of the highway and the railroad right-of-ways. As proposed, the building will be located approximately 38' within the setback and the sign will be located approximately 11' within the required setback and therefore prohibited by the Code.

The appellant is requesting an area variance to Section 5.2.3.F 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 located within the R-1 Single Family Residential, A-2 General Agricultural and R-2 Two Family Residential zoning districts.

The physical features of this approximate 5.2 acre lot include a rolling topography with slopes ranging from 0 to 30% . The property is used as a Town Park with wetland scrapes, trails, observation decks and a historical town hall building.

The general character of the surrounding land use consists of the unincorporated Village of Lebanon, large tracks of agricultural land to the northwest and southwest and the rail road property to the north.

There are active warning signs and crossing gates at the intersection of the railroad and CTH R and the building will be located within the shadow of the existing Town Hall.

The property includes the following a nonconforming structures:

- The Town Hall building and the existing identification sign for the park are legal existing, nonconforming structures as they are located within the railroad vision area and they were constructed prior to the adoption of the railroad grade crossing provisions of the Code.

The property has been the subject of a prior appeal / variance described as:

- A variance was granted on May 29, 2002 to allow sanitary facilities and a fence on this site where the sanitary facilities were located within the highway setback lines and the fence exceeded the maximum allowed fence height.

Town Recommendation: Approve;

County Highway Department Comments:

- The proposal has been reviewed by the County Highway Department staff and there are no concerns. There are active warning signs at the railroad and this building will be in the shadow of other buildings that already encroach on the site triangle.

Purpose Statement

The purpose of the railroad grade setback provisions of the Code is to promote and protect the public safety at railroad grade crossings.

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 5.2.3.F of the code;

If there are no public safety objections raised by the Department of Transportation or the railroad company for this site, the staff feels the Board will be able to make the necessary findings in order to grant this variance.

Dodge County Board of Adjustment Decision

County Variance Application No. 2015-0177
County Land Use Permit Application No. 2015-0176

Applicant (Agent):

Lebanon Historical Society
Attn. Edward Raether
P.O. Box 23
Lebanon, WI 53047

Owner:

Town of Lebanon
P.O. Box 24
Lebanon, WI 53047

Filing Date: April 14, 2015
Hearing Date: May 21, 2015

Location

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

PIN#: 026-0916-0832-002
Part of the NW ¼, SW ¼, Section 8, Town of Lebanon, the site address being W4672 Ivy Street.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Lebanon has adopted the County's Land Use Code.

Appellants Request

On April 14, 2015, an application for a County Land Use Permit was made by the appellant in order they be allowed to construct a 16' X 25' historical building and to relocate an existing identification sign on this site. This permit was denied by the County Land Use Administrator for the following reason:

Subsection 5.2.3.F of the Dodge County Land Use Code refers to the distances that all buildings and other structures are required to be setback at railroad grade crossings. According to this subsection, structures shall be located not less than 330 feet from the intersection of the centerlines of the highway and the railroad right-of-ways. As proposed, the building will be located approximately 38' within the setback and the sign will be located approximately 11' within the required setback and therefore prohibited by the Code.

The appellant is requesting an area variance to Section 5.2.3.F 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 5.2.3.F 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 railroad grade setback provisions of the code?**

(Yes/No)

Explain _____

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

(Yes/No)

Explain _____

Does the appellant have other reasonable options available to locate the sign and building in compliance with the Code?

(Yes / No)

Explain _____

What hardship exists if the variance is denied?

Explain _____

3) **Is this project harmful in any way to the public's interests? (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?**

Conditions:

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
Ed Premo (1 st 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. 150177	Issue Date:
Application Date: 4-14-15	Receipt #: 6550

Variance Application

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

Names and Mailing Addresses	Property Description														
Applicant (Agent) Lebanon Historical Society	Parcel Identification Number (PIN) 026-0916-0832-002														
Street Address PO Box 23	Town Lebanon														
City • State • Zip Code Lebanon WI 53047	<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>NW</td> <td>SW</td> <td>8</td> <td>9</td> <td></td> <td>16</td> <td></td> </tr> </table>	¼	¼	Section	T	N	R	E	NW	SW	8	9		16	
¼	¼	Section	T	N	R	E									
NW	SW	8	9		16										
Property Owner (If different from applicant) Town of Lebanon	Subdivision or CSM #														
Street Address PO Box 24	Site Address W4672 Ivy Street														
City • State • Zip Code Lebanon WI 53047	Is this property connected to public sewer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No														

Present property use:

Town Park

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

Variance for sanitary facilities and fence in setback -
Granted in May, 2002.

Describe all nonconforming structures and uses on this property:

Structure within railroad vision triangle.

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

Allow historical buildings and sign within
railroad vision triangle - Code reference 5.2.3.F

Variance Requested:

Allow historical building and relocate sign
within the railroad vision triangle.

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?

Current facilities are located in the vision triangle
and locating the historical building away from other buildings
will cause hardship for maintenance and protection.

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

The vision triangle is very large and encompasses the eastern part of the park which is used by the public.

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, because the other areas contain trail, floodplain and open space for public use.

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

This park is utilized by the citizens since 1999 and it is heavily used.

CERTIFICATE

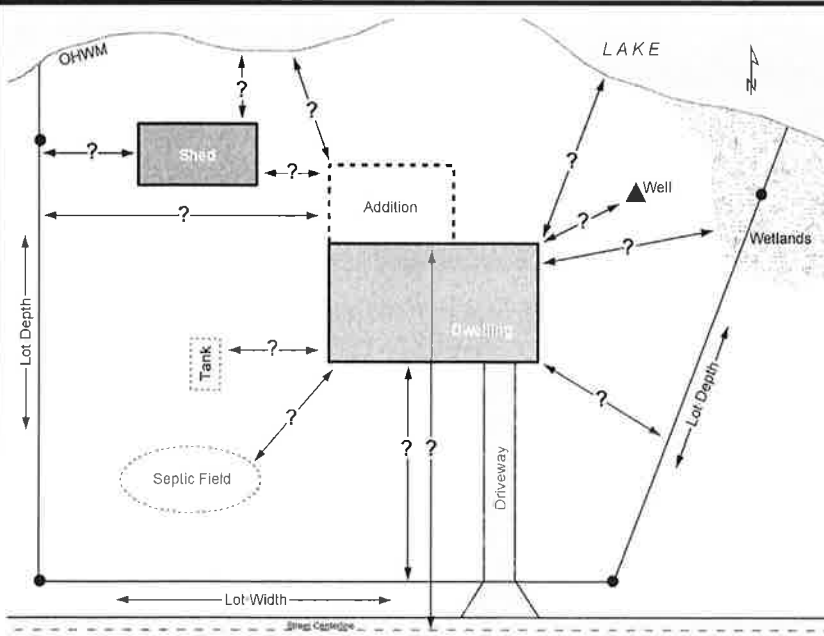
I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and 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: *Edward Kofner* Date: *4/14/2015*

Daytime Contact Number (*262*) *542-7872* cell *262-853-8673*

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 **COPY**

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

April 16, 2015

Lebanon Historical Society
Attn. Edward Raether
P.O. Box 23
Lebanon, WI 53047

RE: Notice of Permit Refusal
Owners: Town of Lebanon
Site Location: PIN# 026-0916-0832-002
NW 1/4 SW 1/4, Section 8, T09N, R16E,
Town of Lebanon, Dodge County, Wisconsin
Site Address: W4672 Ivy Street

Dear Edward:

Your application for a permit to construct a historical building and to relocate the identification sign on this site is hereby denied for failure to comply with the following sections of the Dodge County Land Use Code:

Subsection 5.2.3.F of the Dodge County Land Use Code refers to the distances that all buildings and other structures are required to be setback at railroad grade crossings. According to this subsection, structures shall be located not less than 330 feet from the intersection of the centerlines of the highway and the railroad right-of-ways. As proposed, the building will be located approximately 38' within the setback and the sign will be located approximately 11' within the required setback 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 setback provisions of the code or unless a variance is granted to the setback standards 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.

Your variance request has been received by the Department 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
Dodge County Land Resources and Parks Department

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. 150176	Receipt No. 6550
	Application Date 4-14-15
Permit Expiration Date	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.) <i>Lebanon Historical Society</i>		Parcel Identification Number (PIN) <i>026-0916-0832-002</i>				
Street Address <i>PO Box 23</i>		Town <i>Lebanon</i>	T <i>9</i>	N <i>16</i>	R <i></i>	E <i></i>
City • State • Zip Code <i>Lebanon WI 53047</i>		Section <i>8</i>	Acreage <i>5.186</i>	Lot (Block)		
Property Owner <i>Town of Lebanon</i>		Subdivision or CSM (Volume/Page/Lot) <i>V15 P229</i>				
Street Address <i>PO Box 24</i>		Address Of Property (DO NOT include City/State/Zip Code) <i>W4672 Ivy Street</i>				
City • State • Zip Code		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 type="checkbox"/> No <input checked="" type="checkbox"/> Yes				
CURRENT USE OF PROPERTY		PROPOSED USE OF PROPERTY				
<input type="checkbox"/> Vacant Land <input 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 <i>Town Park</i>		<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 *Project 1: Historical Building Project 2: Relocate Existing Sign*

Width *16'* *Project 2: Additional Project Information*
 Length *25'* *6'*
 Total Area *400'* *5'*
 Total Stories *1* *410'*
 Height (To roof peak) _____

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 _____

Estimated Cost (w/Labor) \$ *20,000.00* 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.

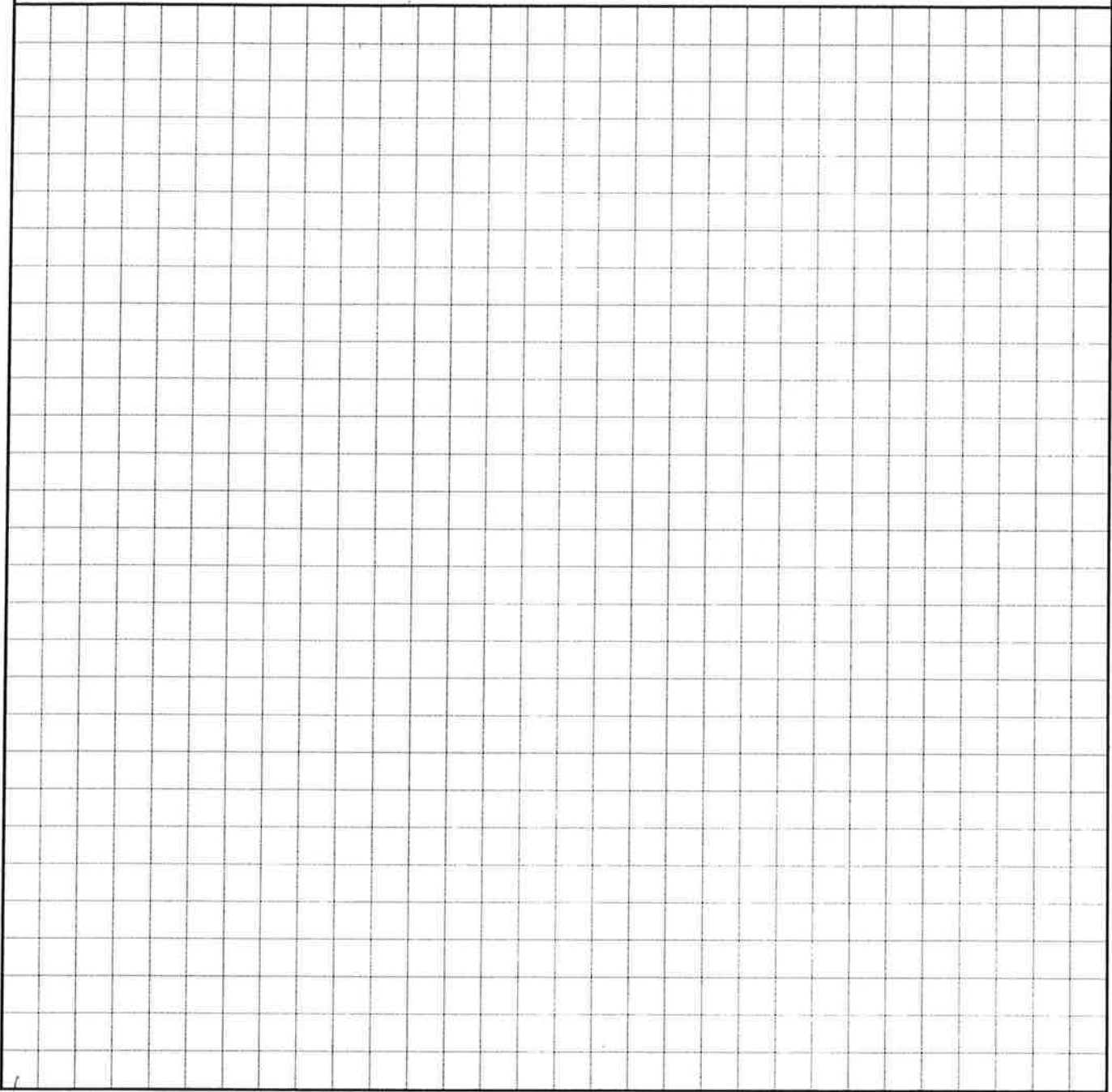
Contact Person (Print) *Edward Raether* Daytime Contact Phone *(262) 542-7872*

Signature *EDWARD RAETHER* Date *4/14/2015* Call for pickup No Yes *Give to Ken*

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 ◆◆◆

SITE PLAN (SKETCH)



See Attached Site Plan (Sketch)

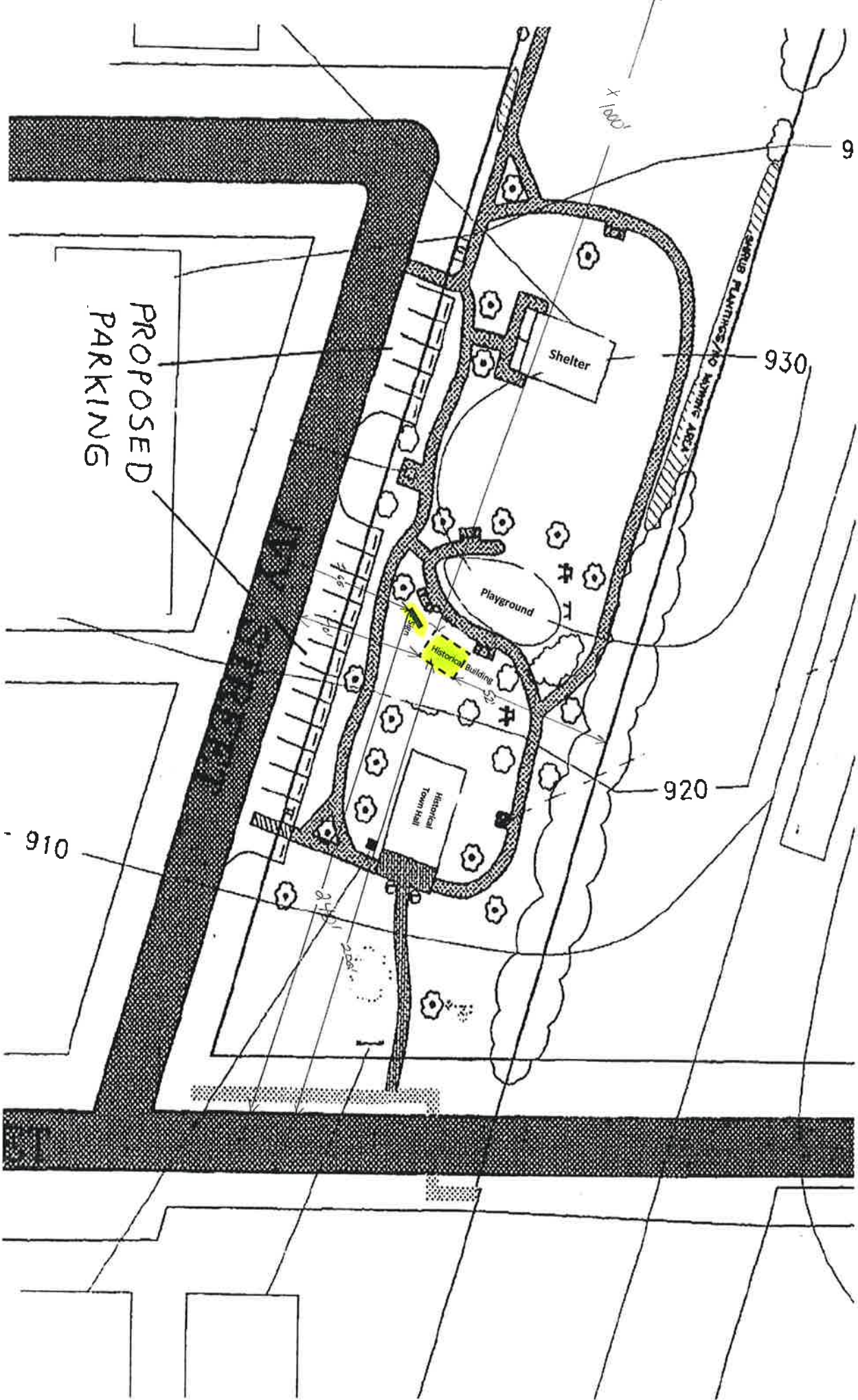
THIS AREA FOR OFFICE USE ONLY

BOA ID No. 15-0177	BOA Appeal Date 4/14/15	BOA P/H Date 3/21/15	BOA Decision Date	BOA Decision <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied
-----------------------	----------------------------	-------------------------	-------------------	----------------------------------------------------------------------------------------------------------------------------------

Notes/Stipulations:
 4/14/15 onsite - within railroad grade crossing setback.

Approved
 Denied
 Land Resources and Parks Department
 Date: 4/16/15

Please use only blue or black ink to complete the application and site plan (sketch) — **DO NOT USE PENCIL**



PROPOSED
PARKING

Shelter

Playground

Historical Building

Historical
Town Hall

930

920

9

910

x 1/800

SERVED PLANTINGS/NO MATURE TREES

DODGE COUNTY INSPECTION SHEET

Property Owner TOWN OF LEBANON	County ID No. 2015-0176
Site Address W4672 IVY STREET	PIN 026-0916-0832-002

Project: **HISTORICAL BLDG & RELOCATE EXISTING SIGN**

ZONING	ANIMAL UNITS	ROAD/HIGHWAY (1)	ROAD/HIGHWAY (2)	SETBACKS	LOT COVERAGE AREA
R-1		<input type="checkbox"/> Town <input checked="" type="checkbox"/> County <input type="checkbox"/> US/State <input type="checkbox"/> Urbanized ROW <u>60</u> 33	Town <input type="checkbox"/> County <input type="checkbox"/> US/State <input checked="" type="checkbox"/> Urbanized ROW _____ □ 33	Front (1) <u>158'</u> ^{812'} _{+200'} Front (2) <u>69'</u> <u>60'</u> Side (1) <u>40'</u> <u>60'</u> Side(2) _____ Rear _____ OHWM _____ Structure <u>50</u> <u>80</u> Septic Tank <u>N/A</u> <u>N/A</u> Septic Field <u>N/A</u> <u>N/A</u>	Existing _____ Proposed _____ Total (E+P) _____ Tot. Lot Area _____ % Coverage _____
<input checked="" type="checkbox"/> BOA <input type="checkbox"/> P&Z <input type="checkbox"/> ETZA <input type="checkbox"/> POWTS <input type="checkbox"/> Sewered	<u>15-0177</u> <input type="checkbox"/> After Fact	ROW Setback <input type="checkbox"/> 27 <input type="checkbox"/> 42 <input type="checkbox"/> 67 <input type="checkbox"/> 200 Centerline Setback <input type="checkbox"/> 75 <input type="checkbox"/> 100 <input type="checkbox"/> Other <u>127'</u>	ROW Setback <input type="checkbox"/> 27 <input type="checkbox"/> 42 <input type="checkbox"/> 67 <input type="checkbox"/> 200 Centerline Setback <input type="checkbox"/> 60 <input type="checkbox"/> 75 <input type="checkbox"/> 100 <input type="checkbox"/> Other _____		

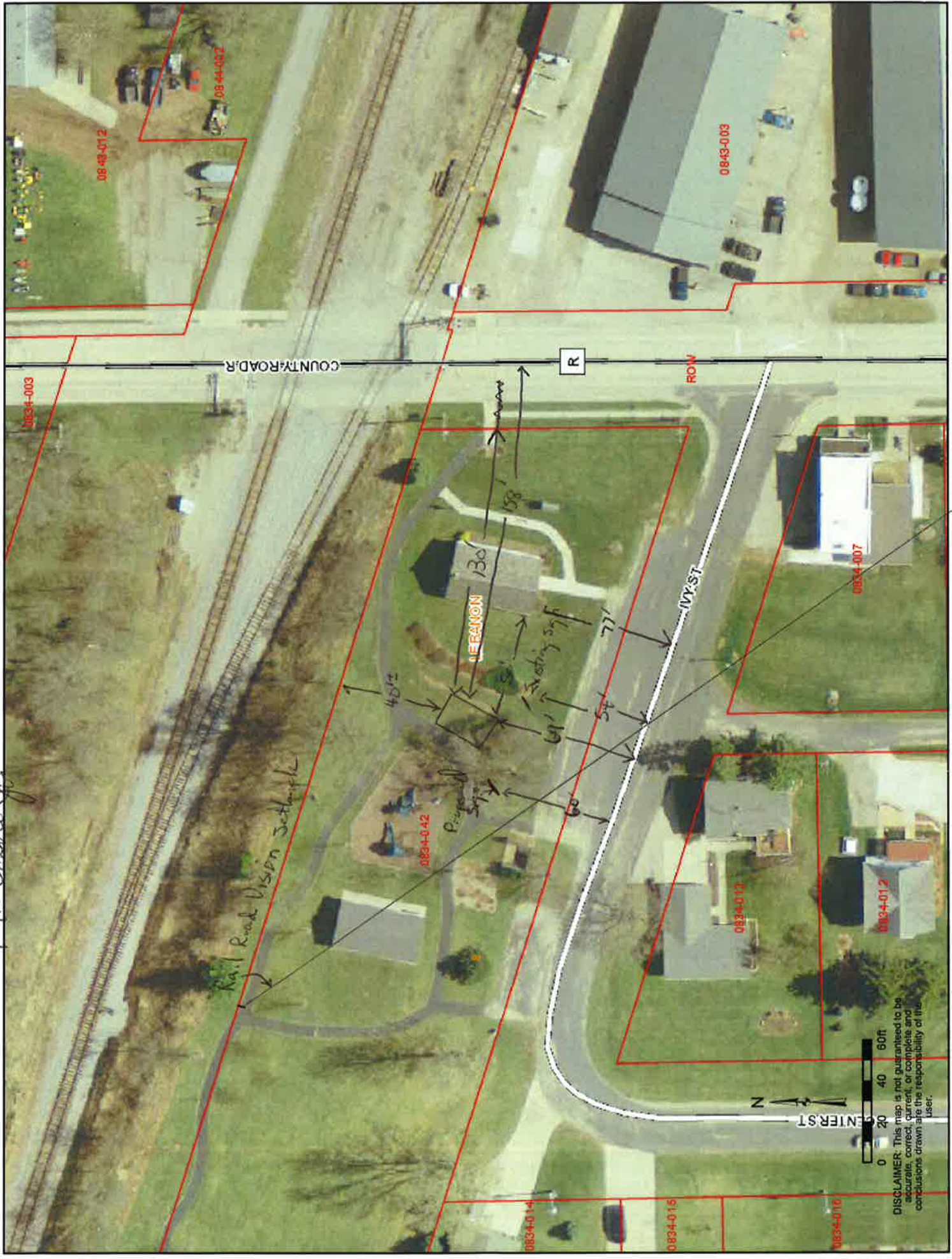
Rail road grade setback. Sec 5.2.3.F
 sign & bld within rail road grade setback

See Attached Site Plan (Sketch)

Notes: 4/14/15 Orinite J. within rail road grade setback

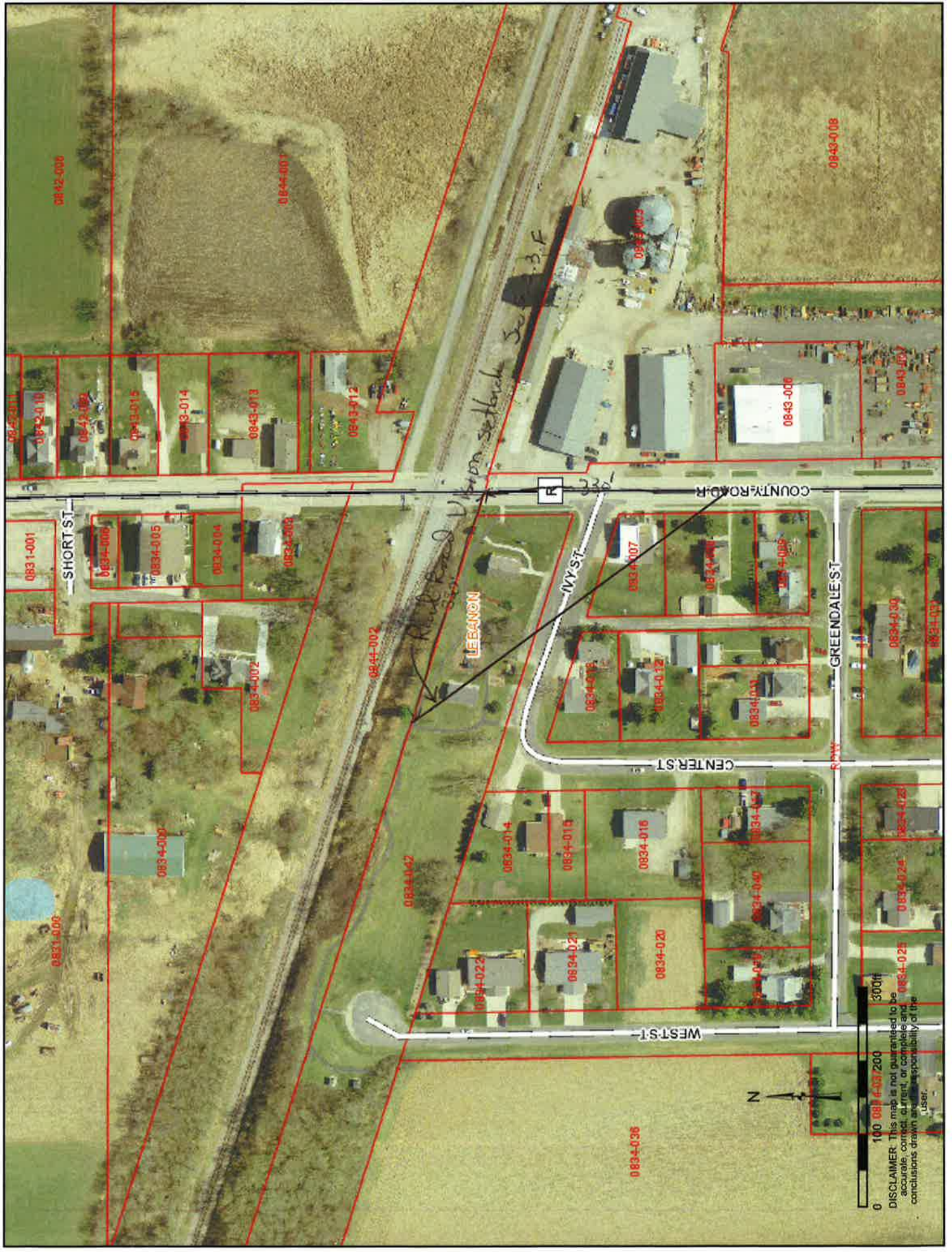
<input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Noncompliant	<input type="checkbox"/> Violation <input type="checkbox"/> Incomplete <input type="checkbox"/> Reinspection Needed	<input checked="" type="checkbox"/> Joe Gebel <input type="checkbox"/> Terry Ochs <input type="checkbox"/> Roger Schaumburg <input type="checkbox"/> Other <u>Joe Gebel</u>	Date <u>4/16/15</u>
----------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------

4/17/15 Omick, Ga



0 20 40 60ft

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



0842-000

0844-001

0843-008

0842-011

0842-010

0842-009

0843-015

0843-014

0843-013

0843-012

0843-011

0843-006

0843-005

0831-001

0834-006

0834-005

0834-004

0834-003

0834-002

0844-002

LEBANON

IVY ST.

R 330

COUNTY ROAD R

GREENDALE ST

CENTER ST

RD

0831-006

0834-000

0834-042

0834-014

0834-015

0834-016

0834-017

0834-022

0834-021

0834-020

0834-019

0834-040

0834-041

0834-030

0834-031

WEST ST

0834-036

0834-025

0834-024

300ft

0 100 200 300ft

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

N

Rd Road Vision setback 300 3.F

Land Resources and Parks Department Staff Report

County Application / Petition # 2015-0211
County Minor Land Division Application: 2015-0212

Applicant (Agent):
New Frontier Land Surveying
P.O. Box 576
Beaver Dam, WI 53916

Owner:
Emmanuel Lutheran Church
W630 Church Road
Hartford, WI 53027

Filing Date: April 24, 2015
Hearing Date: May 21, 2015

Location

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

PIN# 020-1117-1412-001

Property Location: Part of the NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 14, Town of Herman, the site address being W630 Church Road.

County Jurisdiction

The County has land division jurisdiction over this site as the subdivision provisions of the County Land Use Code apply to all land divisions in Dodge County except those lands within the incorporated municipalities.

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 create an approximate 2.224-acre lot, a 0.582-acre lot, a 1.126-acre lot and a 0.092-acre lot from an existing approximate 4.046-acre lot. The proposed 2.24-acre lot (lot 1) contains an existing residence and garage which is intended for residential use. The proposed 0.582-acre lot (lot 2) contains an existing church. The proposed 2.24-acre lot (Outlot 1) contains the Emmanuel Lutheran Cemetery, and the 0.092-acre lot (Outlot 2) contains a school building. Outlot 2 is located along the south side of Church Road and is considered by the County as a legal existing lot of record.

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

Section 7.3.2 of the Code states that in areas where County Zoning is not in force, the minimum size for lots not served by public sewer shall be 40,000 square feet excluding street right-of-ways with 125 feet of width at the building setback line.

According to the application, Lot 2 will have a lot area of approximately 20,200 square feet, therefore not in compliance with the code and therefore prohibited by the code.

The appellant is requesting an area variance to Section 7.3.2 of the code;

Physical Features of Site

The features of the property that relate to the granting or denial of the land division request are as follows:

The proposed lots are not located within the County's Zoning Jurisdiction.

The proposed lots are not located within the wetland or floodplain district.

The topography of the site is gently rolling with slopes ranging from 0 to 6%;

Land Use, Site: Church, School, Cemetery and residential.

Land Use, Area: Agricultural with scattered residences along STH "33" and Church road.

The County's Density Standards do not apply.

There is an existing septic system that serves the church.

There is an existing septic system that serves the residence.

The property includes the following nonconformities:

- Outlot 2 does not meet the lot area requirements of the code as the lot contains 4,022 square feet of area which is 35,978 square feet less than the area required by the code. This lot is considered a legal existing substandard lot of record as the lot is located along the south side of Church Road, the lot does not meet the lot area requirements of the code and the lot was in existence prior to the adoption of the lot size requirements.
- Outlot 2 does not meet the lot width requirements of the code as the lot is only 52.94'. This lot is considered a legal existing substandard lot of record as the lot is located along the south side of Church Road and the lot was in existence prior to the adoption of the lot size requirements.

The property has not been the subject of a prior appeals or variances from the County.

Purpose Statement

The purpose of the subdivision provisions of the Code are to regulate and control the division of land in Dodge County, except those lands within incorporated municipalities, in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the County.

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 the lot area provisions of Section 7.3.2 of the code;

It is the staff's position that there are no other alternative solutions to divide this property other than what has been proposed due to the location of the gravesites, the church, the residence and the septic systems at this location. The cemetery wraps around the north, east and west sides of the church and residence, and the Town road to the south will restrict any other lot configurations.

It is the staff's position that the creation of a substandard lot at this location for the church building will not harm the safety or general welfare of the public if the variance is granted as the proposed lot size would be sufficient to install a replacement septic system for this structure if needed in the future. It is also the staff's position that the Code could be considered unnecessarily burdensome in this case as the appellant has no other reasonable options to create a separate conforming lot for the residence, the cemetery and the church structure.

It is the staff's position that the Board will be able to make the findings necessary in this case in order to grant a variance request to the lot area requirements of the code for Lot 2 as the lot dimensions for the proposed lots are limited because of the existing location of the church, residence and cemetery plots and recommend approval of the 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 4-lot certified survey map is submitted and approved for these lots;
2. The following highway/road setback line shall be shown on the certified survey map;
 - Town Road - Herman: 100 feet from the centerline or 67 feet from the road right-of-way, whichever distance is greater;
3. The location of the existing private septic systems for these lots shall be shown on the certified survey map.
4. The site address (if one is already assigned to the lots) shall be shown on the certified survey map;

Waivers:

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

Dodge County Board of Adjustment Decision

County Application / Petition # 2015-0211
County Minor Land Division Application: 2015-0212

Applicant (Agent):
New Frontier Land Surveying
P.O. Box 576
Beaver Dam, WI 53916

Owner:
Emmanuel Lutheran Church
W630 Church Road
Hartford, WI 53027

Filing Date: April 24, 2015
Hearing Date: May 21, 2015

Location

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

PIN# 020-1117-1412-001

Property Location: Part of the NW ¼, NE ¼, Section 14, Town of Herman, the site address being W630 Church Road.

County Jurisdiction

The County has land division jurisdiction over this site as the Subdivision provisions of the County Land Use Code apply to all land divisions in Dodge County except those lands within the incorporated municipalities.

Appellants Request

An application for a County Minor Land Division Letter of Intent was submitted with a request to create an approximate 2.224-acre lot, a 0.582-acre lot, a 1.126-acre lot and a 0.092-acre lot from an existing approximate 4.046-acre lot. The proposed 2.24-acre lot (lot 1) contains an existing residence and garage which is intended for residential use. The proposed 0.582-acre lot (lot 2) contains an existing church. The proposed 2.24-acre lot (Outlot 1) contains the Emmanuel Lutheran Cemetery, and the 0.092-acre lot (Outlot 2) contains a school building. Outlot 2 is located along the south side of Church Road and is considered by the County as a legal existing lot of record.

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

Section 7.3.2 of the Code states that in areas where County Zoning is not in force, the minimum size for lots not served by public sewer shall be 40,000 square feet excluding street right-of-ways with 125 feet of width at the building setback line. As proposed, Lot 2 will have a lot area of approximately 20,200 square feet, therefore not in compliance with the code and therefore prohibited by the code.

The appellant is requesting an area variance to Section 7.3.2 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 7.3.2 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 lot area provisions of the code?**

(Yes/No)

Explain _____

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

(Yes/No)

Explain _____

Will compliance with the lot area provisions of the Code unreasonably prevent the owner from using the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome?

(Yes / No)

Explain _____

Does the appellant have other options available to create a lot that complies with the lot area requirements of the Code?

(Yes / No)

Explain _____

What hardship exists if the variance is denied?

Explain _____

3) **Is this project harmful in any way to the public's interests? (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 4-lot certified survey map is submitted and approved for these lots;
2. The following highway/road setback line shall be shown on the certified survey map;
 - Town Road - Herman: 100 feet from the centerline or 67 feet from the road right-of-way, whichever distance is greater;
3. The location of the existing private septic systems for these lots shall be shown on the certified survey map.
4. The site address (if one is already assigned to the lots) shall be shown on the certified survey map;

Waivers:

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

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
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. 150211	Issue Date:
Application Date: 4/24/15	Receipt #: 896579

Variance Application

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

Names and Mailing Addresses	Property Description														
Applicant (Agent) <i>NEW FRONTIER LAND SURVEYING</i>	Parcel Identification Number (PIN) <i>020-117-1412-001</i>														
Street Address <i>P.O. Box 576</i>	Town <i>HERMAN</i>														
City • State • Zip Code <i>BEAVER DAM, WI 53916</i>	<table border="1" style="width: 100%; text-align: center;"> <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><i>NW</i></td> <td><i>NE</i></td> <td><i>14</i></td> <td><i>11</i></td> <td></td> <td><i>17</i></td> <td></td> </tr> </table>	¼	¼	Section	T	N	R	E	<i>NW</i>	<i>NE</i>	<i>14</i>	<i>11</i>		<i>17</i>	
¼	¼	Section	T	N	R	E									
<i>NW</i>	<i>NE</i>	<i>14</i>	<i>11</i>		<i>17</i>										
Property Owner (If different from applicant) <i>EMMANUEL LUTHERAN CHURCH</i>	Subdivision or CSM #														
Street Address <i>W1630 Church Rd.</i>	Site Address <i>W1630 Church Rd.</i>														
City • State • Zip Code <i>HARTFORD, WI 53027</i>	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No														
Present property use: <i>CHURCH, CEMETERY, RESIDENCE.</i>															
List any prior variances that have been granted or denied for this property: <i>NONE</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>MINIMUM LOT SIZE & FRONTAGE.</i>															
Variance Requested: <i>MINIMUM LOT SIZE & FRONTAGE.</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>LOCATION OF ROAD AND CEMETERY PLOTS.</i>															

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

LOCATION OF ROAD & CEMETERY PLOTS.

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?

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

CERTIFICATE

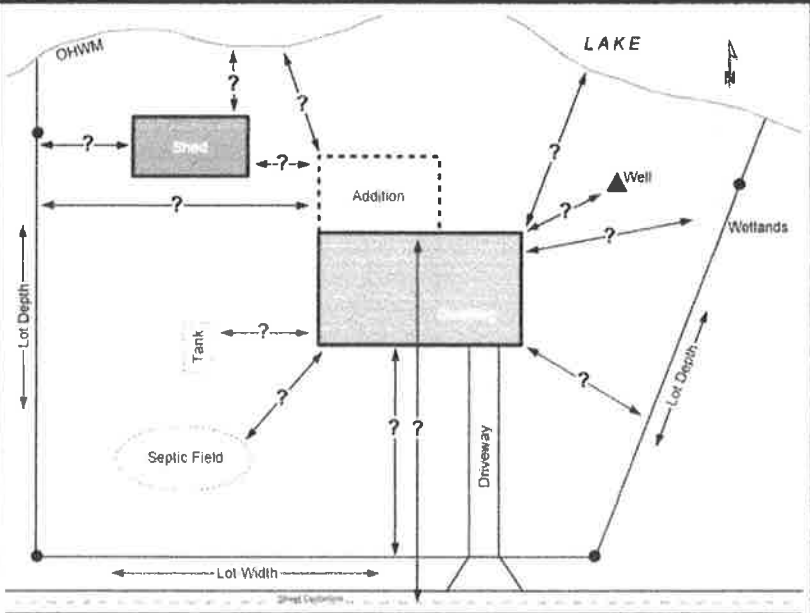
I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and 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: [Signature] Date: 4/24/15

Daytime Contact Number (920) 885 13904

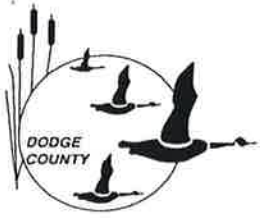
SITE PLANS AND BUILDING PLANS

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

April 27, 2015

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

RE: Notice of Action - Minor Land Division Letter of Intent
Owner: Emmanuel Lutheran Church
Location: PIN 020-1117-1412-001
Part of the NW ¼, NE ¼, Section 14, Town of Herman, the site address being W630 Church Road.

Dear Brad:

Your application for a Minor Land Division as agent for Emmanuel Lutheran Church to create four lots at the location described above is hereby denied for failure to comply with the following sections of the Dodge County Land Use Code:

Section 7.3.2 of the Code states that in areas where County Zoning is not in force, the minimum size for lots not served by public sewer shall be 40,000 square feet excluding street right-of-ways with 125 feet of width at the building setback line. According to your application, Lot 2 will have a lot area of approximately 20,200 square feet, therefore not in compliance with the code.

Therefore, the County is unable to approve the land division application for this land split as requested unless a variance is granted to allow for the creation a lot not meeting the lot area requirements of the code or unless the proposed lot is altered to meet the minimum lot area requirements of the code. You have the right to appeal the decision of the Land Use Administrator to the Board of Adjustment on the enclosed forms. Such appeals shall be filed with the Planning, Development and Parks Department within 30 days after the date of written notice of the decision or order of the review and decision making body.

A variance request was filed on April 24, 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

Cc: Emmanuel Lutheran Church



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

COPY MINOR LAND DIVISION
 LETTER OF INTENT FORM

THIS AREA FOR OFFICE USE ONLY	
Activity No. 150212	Expiration Date
Application Date: 4/24/15	Receipt #: 896579

Application Fee: \$75 (Non-Refundable)

NAMES & MAILING ADDRESSES	PROPERTY DESCRIPTION				
Applicant (Agent) NEW FRONTIER LAND SURVEYING	Parcel Identification Number (PIN) 020-1117-1412-001				
Street Address P.O. Box 576	Town HERMAN	T 11	N 17	R	E
City • State • Zip Code BEAVER DAM, WI 53916	1/4 NW	1/4 NE	Section 14	Acreage of Parent Parcel 4.024	Acreage of Proposed Lot(s) SEE MAP
Property Owner (If different from applicant) EMMANUEL LUTHERAN CHURCH	Subdivision (Name, lot and block) or CSM # (Volume/Page/Lot)				
Street Address W1630 CHURCH RD	Site Address Of Property (DO NOT include City/State/ZipCode) W1630 CHURCH RD.				
City • State • Zip Code HARFORD, WI 53027	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 TOWNSEND Daytime Phone (920) 385-3904

CURRENT PROPERTY USE	PROPOSED USE
<input type="checkbox"/> Vacant Property <input checked="" type="checkbox"/> Single Family Residential <input type="checkbox"/> Duplex (Two-Family Residential) <input type="checkbox"/> Multi-Family Residential • Number of residential units: _____ <input type="checkbox"/> Active Working Farm Operation <input type="checkbox"/> Recreational / Wetlands / Wooded Parcel <input type="checkbox"/> Business / Industrial / Commercial Use (Describe Below) <input checked="" type="checkbox"/> Other (Describe Below) <u>CHURCH / CEMETERY</u>	<input checked="" type="checkbox"/> Single Family Residential <input type="checkbox"/> Duplex (Two-family Residential) <input type="checkbox"/> Multi-Family Residential • Number of residential units: _____ <input type="checkbox"/> Agricultural Use Only – No residential structures <input type="checkbox"/> Open Space Recreational / Wetlands - No residential structures <input type="checkbox"/> Business / Industrial / Commercial Use (Describe Below) <input checked="" type="checkbox"/> Other (Describe Below) <u>CHURCH / CEMETERY</u>

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 [Signature] Date 4/24/15
 Daytime Contact Number (920) 385-3904

OFFICE USE ONLY

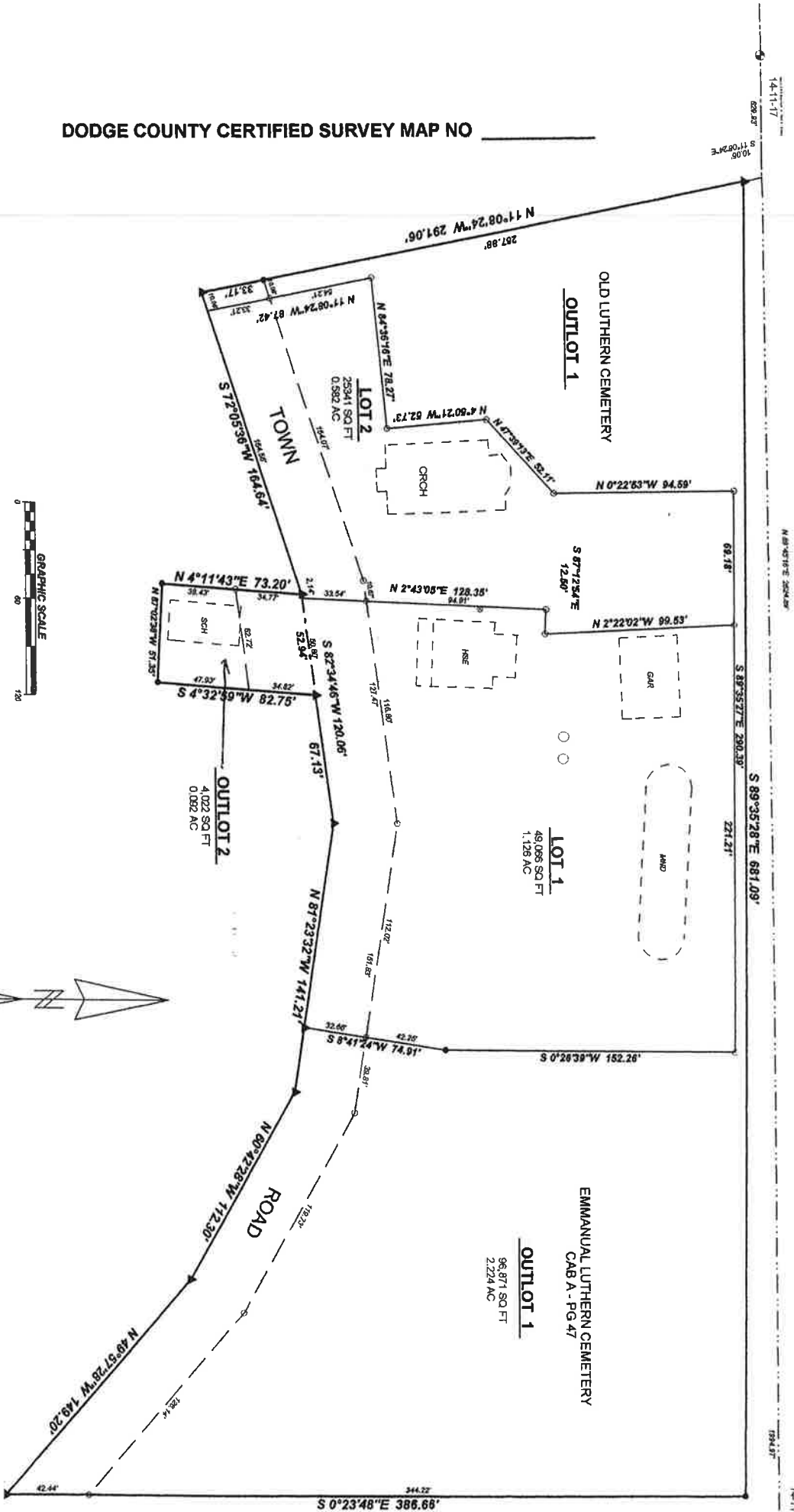
CUP Required (App _____) REZONE Required (App _____) Restriction Release Required

Notes: Lot 2. Does not meet the 1/4 acre requirements.

APPROVED DENIED LAND RESOURCES AND PARKS DEPARTMENT
Joseph Gabriel Date 4/27/15

DODGE COUNTY CERTIFIED SURVEY MAP NO _____

14-11-17



S 89°35'28"E 681.09'

S 11°08'24"E 291.06'

N 0°22'23"W 94.59'

N 2°22'02"W 99.53'

S 87°23'24"E 128.80'

N 2°43'08"E 128.35'

S 82°34'46"W 120.06'

S 4°32'39"W 82.75'

N 4°11'43"E 73.20'

N 87°02'28"W 57.35'

N 87°02'28"W 57.35'

S 11°08'24"E 291.06'

N 11°08'24"W 87.42'

N 64°36'16"E 78.27'

N 4°50'21"W 82.73'

N 0°22'23"W 94.59'

S 87°23'24"E 128.80'

N 2°22'02"W 99.53'

N 2°43'08"E 128.35'

S 82°34'46"W 120.06'

S 4°32'39"W 82.75'

N 4°11'43"E 73.20'

N 87°02'28"W 57.35'

N 87°02'28"W 57.35'

S 87°02'28"W 57.35'

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N 87°02'28"W 57.35'

N 87°02'28"W 57.35'

N 87°02'28"W 57.35'

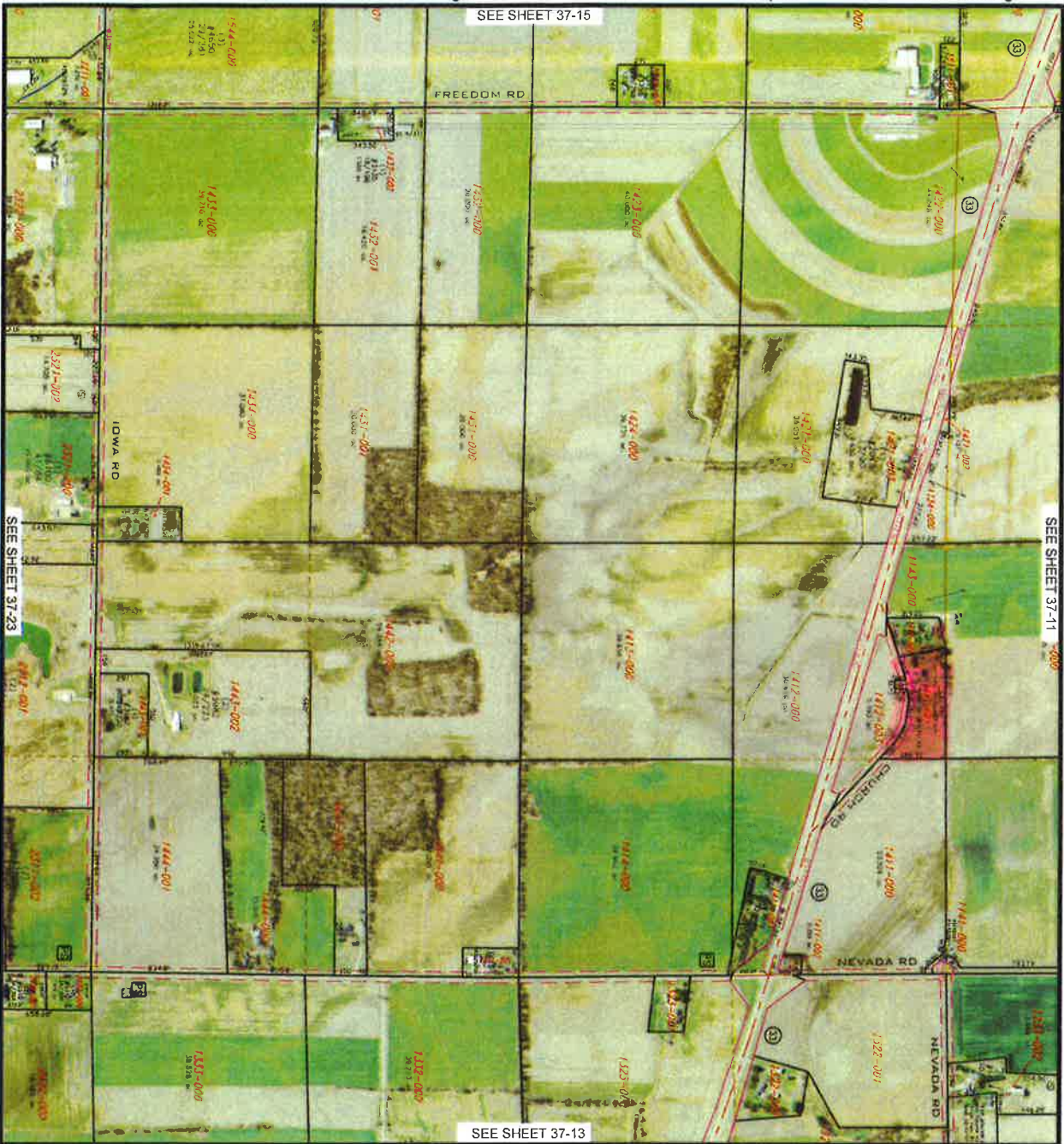
N 87°02'28"W 57.35'

N 87°02'28"W 57.35'

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N 87°02'28"W 57.35'

N 87°02'28"W 57.35'



Town of HERMAN
SECTION 14
T11N-R17E

- 020-117-
- 141-000 SUNSET FARMS INC
 - 141-001 ROGER W. WILLIAMS JR +
 - 141-002 ALEU J GERBER
 - 141-000 SUNSET FARMS INC
 - 141-000 EMMANUEL LUTHERAN CHURCH
 - 141-002 RICHARD L BREITKREUTZ +
 - 141-000 SUNSET FARMS INC
 - 141-000 SUNSET FARMS INC
 - 141-000 SUNSET FARMS INC
 - 141-002 STATE OF WISCONSIN DOT
 - 141-003 MICHAEL J PATRICK +
 - 142-000 MARK PAMPESEN TRUST +
 - 142-000 MARK PAMPESEN TRUST +
 - 143-000 SUNSET FARMS INC
 - 143-001 WILLIAM R LISKO
 - 143-001 JEROME FERHNG +
 - 143-001 JOHN P BREUER +
 - 143-000 JEROME FERHNG +
 - 143-000 JEROME FERHNG +
 - 144-001 JACK SUTHERLAND
 - 144-000 VIRGIL R VERNINGER TRUST
 - 144-001 STUART W WELLEN +
 - 144-002 MAHON L GREEN +
 - 144-000 RANDY LOBRIGAN +
 - 144-001 ROBERT M KUHN +
 - 144-002 BIG TREE PROPERTIES LLC
 - 144-000 ANTHONY A ZIPPERER
 - 144-001 WILLIAM A WAGNER TRUST 1/2 INT +

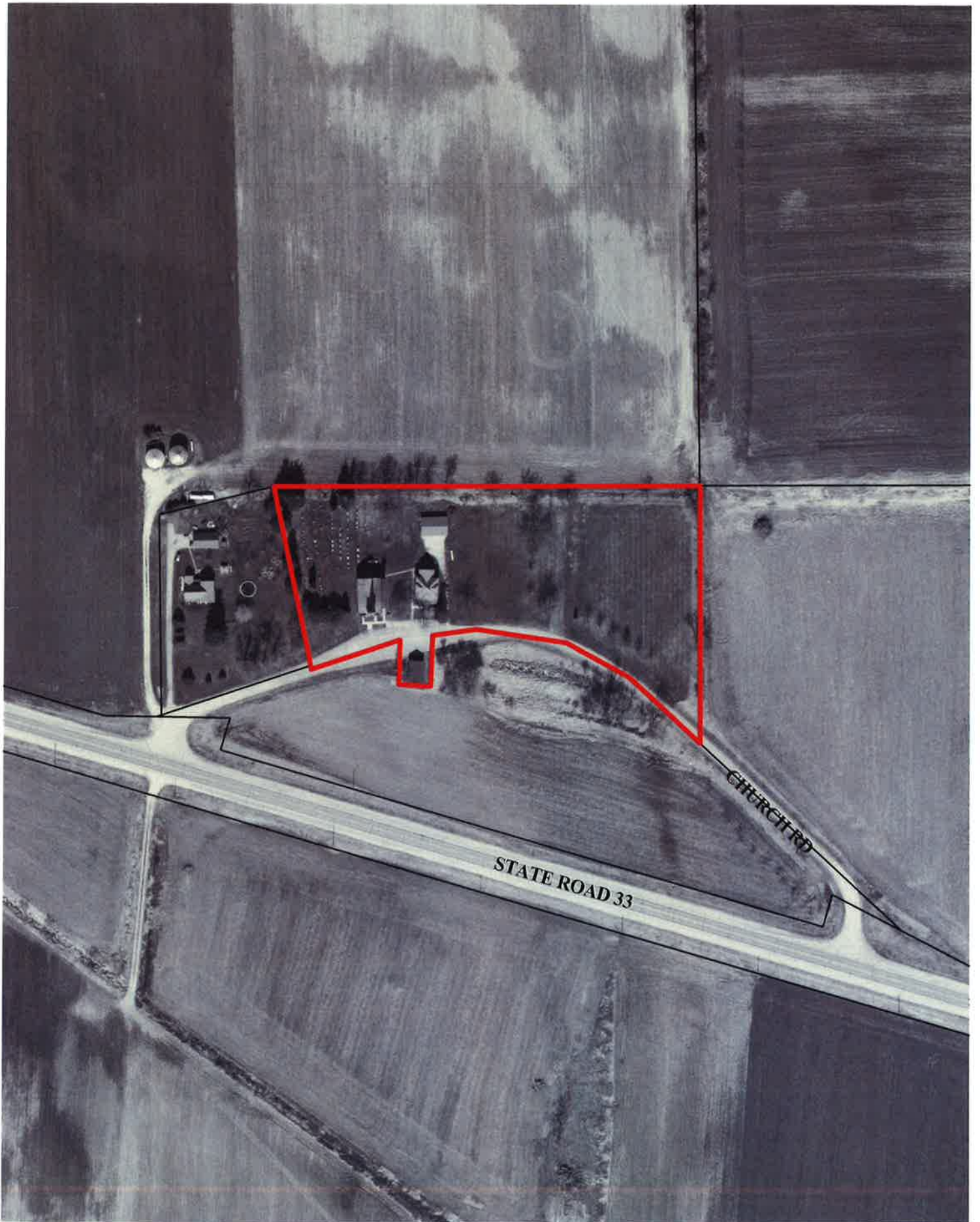


Prepared by
Land Resources & Parks Department
 Mapping Division

This map was prepared by the use of the best available information in accordance with Chapter 70.00, Wisconsin Statutes. All information contained herein is advisory only. Map accuracy is limited to the quality of the data obtained from other public records. This map is not a substitute for an accurate field survey.



JANUARY 2015



EMMANUEL LUTHERAN CHURCH

0 200 Feet


1 Inch = 200 Feet
