

## **DODGE COUNTY TAXATION COMMITTEE**

June 1, 2015, at 8:00 A.M.

ROOM 1A DODGE COUNTY ADMINISTRATION BUILDING  
JUNEAU, WI 53039

The meeting was called to order by Chairman Berres at 8:06 a.m.

Members present: Behl, Berres, Mattson, Nelson, and Schmidt.

Members absent: None.

Others present: James E. Mielke, Dodge County Administrator; Patti K. Hilker, Treasurer; and John F. Corey, Corporation Counsel.

A motion was made by Mattson, and seconded by Behl to approve the agenda and to allow the Chairman to go out of order as needed to efficiently conduct the meeting. Motion carried.

A motion was made by Schmidt, and seconded by Nelson to approve the May 11, 2015 minutes as presented. Motion carried.

A motion was made by Behl, and seconded by Schmidt to approve the May 14, 2015 minutes as presented. Motion carried.

The Committee considered and discussed a proposed Resolution to authorize and approve the sale to Done Right Rentals, LLC, by the Dodge County Taxation Committee, on behalf of Dodge County, Wisconsin, of the former MetalFab property located in the City of Beaver Dam, Wisconsin, and to forward the Resolution to the County Board for consideration at its June 16, 2015, meeting. A motion was made by Nelson, and seconded by Schmidt to authorize and approve the sale to Done Right Rentals, LLC, by the Dodge County Taxation Committee, on behalf of Dodge County, Wisconsin, of the former MetalFab property located in the City of Beaver Dam, Wisconsin, and to forward the Resolution to the County Board for consideration at its June 16, 2015, meeting, however, in the event that the former MetalFab property is conveyed to Mike Fornetti by Dodge County on June 1, 2015, then this Resolution will not be forwarded to the County Board. Motion carried.

The Committee considered and discussed attending and participating in a public hearing which will be held by the Dodge County Board of Adjustment on June 18, 2015, at 7:00 p.m. The Committee scheduled a Special Taxation Committee meeting for June 18, 2015, at 5:00 p.m.

The next regular meeting of the Taxation Committee is scheduled for June 15, 2015, at 8:30 a.m., in Room 1A of the Dodge County Administration Building.

A motion was made by Nelson, and seconded by Mattson to adjourn the meeting at 8:25 a.m. Motion carried.

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Rodger Mattson, Secretary

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

**DODGE COUNTY JOINT EXECUTIVE COMMITTEE AND TAXATION COMMITTEE  
AND DODGE COUNTY EXECUTIVE COMMITTEE**

June 1, 2015, 8:30 A.M.

FIRST FLOOR AUDITORIUM – ROOMS H and I

DODGE COUNTY ADMINISTRATION BUILDING, JUNEAU, WI 53039

The joint meeting was called to order by Dodge County Executive Committee Chairman, Russell Kottke, at 8:30 a.m.

Members present from the Executive Committee: Berres, Frohling, Johnson, Kottke, Maly, Marsik, and Miller.

Members present from the Taxation Committee: Behl, Berres, Mattson, Nelson, and Schmidt.

Members absent and excused from the Executive Committee: None.

Members absent and excused from the Taxation Committee: None.

Others present: Jim Mielke, County Administrator; John F. Corey, Corporation Counsel, and Patti K. Hilker, Dodge County Treasurer.

Motion by Miller, seconded by Marsik, to convene in closed session. Before voting on the motion, Executive Committee Chairman Kottke announced to all present that the purpose of the closed session will be to conduct specified public business which, because of competitive and bargaining reasons, requires a closed session, namely, considering and discussing and deliberating on an Offer to Purchase Lot 7 of the Plat of Monarch Development, in the City of Beaver Dam, made to Dodge County by the City of Beaver Dam, and that Section 19.85(1)(e), of the *Wisconsin Statutes*, authorizes the closed session. A roll call vote was taken. Motion carried by a vote of 6 yes and 1 abstention (Maly) of all members of the Executive Committee present, and by unanimous vote of all members of the Taxation Committee present, at 8:31 a.m.

There was consideration, discussion, and deliberation concerning an Offer to Purchase Lot 7 of the Plat of Monarch Development, in the City of Beaver Dam, made to Dodge County by the City of Beaver Dam.

Motion by Frohling, seconded by Miller, to reconvene in open session. A roll call vote was taken. Motion carried by a vote of 6 yes and 1 abstention (Maly) of all members of the Executive Committee present, and by unanimous vote of all members of the Taxation Committee present, at 8:50 a.m.

Motion by Johnson, seconded by Berres to submit a counter offer to the City of Beaver Dam to the Offer to Purchase Lot 7 of the Plat of Monarch Development, in the City of Beaver Dam, made to Dodge County by the City of Beaver Dam. Motion carried by a vote of 6 yes and 1 abstention (Maly) of all members of the Executive Committee present, and by unanimous vote of all members of the Taxation Committee present.

The Taxation Committee adjourned its part of the joint meeting at 8:52 a.m., by order of Chairman Berres.

The Executive Committee meeting continued as follows, at 8:53 a.m.:

Members present: Berres, Frohling, Johnson, Kottke, Maly, Marsik, and Miller.

Members absent: None.

**DODGE COUNTY JOINT EXECUTIVE COMMITTEE AND TAXATION COMMITTEE  
AND DODGE COUNTY EXECUTIVE COMMITTEE**

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Others present: County Administrator Jim Mielke, County Clerk Karen Gibson, Deputy County Clerk Christine Kjornes, Corporation Counsel John F. Corey, UW-Extension Director Jeff Hoffman, County Board Supervisor Allen Behl, Daily Citizen Reporter Terri Pederson, and WBEV Radio Station Reporter John Muir.

Motion by Maly, seconded by Miller to approve the May 4, 2015 minutes as presented. Motion carried.

County Clerk Karen Gibson reviewed agenda items for the Tuesday, June 16, 2015 County Board meeting. Ms. Gibson reported that the meeting will include Resolutions from the Executive Committee, the Human Services and Health Board, the Law Enforcement Committee, and claims for damages from the Executive Committee. Ms. Gibson further reported that the agenda will include a presentation by Veteran Service Officer Mark Grams, a presentation by UW-Extension Education Youth and Dairy Livestock Agent Bonnie Borden, and ice cream will be served by the Dodge County Dairy Youth Recognition Auction Committee to celebrate June Dairy Month. Corporation Counsel John Corey reported that the agenda will also include a Resolution from the Planning, Development, and Parks Committee.

UW-Extension Director Jeff Hoffman requested that the ice cream break at the June 16, 2015 County Board meeting occur as soon as possible after the start of the meeting so that the Dodge County Dairy Youth Recognition Auction Committee does not need to be present for the entire County Board meeting.

Jeff Hoffman provided an oral report to the Committee regarding the request by County Board Supervisor Allen Behl and County Board Supervisor Ed Nelson to attend the Wisconsin Counties Association Annual Conference to be held in La Crosse, Wisconsin, on September 20-22, 2015. Jeff Hoffman reported that the 2015 Wisconsin Associated County Extension Committee Conference (WACEC) is scheduled at the same time as the Wisconsin Counties Association Annual Conference, and there are funds available in the 2015 Dodge County UW-Extension budget sufficient to cover the cost for Supervisor Behl and Supervisor Nelson to attend the conferences. Supervisor Behl reported that the WACEC conference will be scheduled, in odd-numbered years, to take place at the same time as the Wisconsin Counties Association Annual Conference. Motion by Frohling, seconded by Johnson to authorize County Board Supervisor Allen Behl and County Board Supervisor Ed Nelson to attend the Wisconsin Counties Association Annual Conference in La Crosse, Wisconsin, on September 20-22, 2015. Motion carried.

Administrator Mielke provided an oral update to the Committee regarding county projects. Mr. Mielke reported that the air barrier remediation project in the Administration Building is progressing very well, and some issues pertaining to window moisture on the east side of the building are being addressed. Mr. Mielke reported that the replacement of a new air cooled glycol chiller unit in the Henry Dodge Office Building has an estimated start date of late summer because there is a 12-week lead time from time of order to time of delivery of the new chiller unit. Supervisor Maly asked whether or not Dodge County will incur additional costs in making repairs that are required in order to correct the window moisture issues on the east side of the Administration Building. Mr. Mielke reported that Dodge County will incur additional costs in making repairs that are required in order to correct the window moisture issues on the east side of the Administration Building and that these additional costs will be covered by funds from the construction contingency.

**DODGE COUNTY JOINT EXECUTIVE COMMITTEE AND TAXATION COMMITTEE  
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Mr. Mielke provided an oral update to the Committee regarding the Baker Tilly Operational Review Project. Mr. Mielke reported that two kick-off meetings were held on May 29, 2015, to discuss the Operational Review Project, and Heather S. Acker, a certified public accountant employed by Baker Tilly, Finance Director Julie Kolp, Chairman Kottke, Supervisor Maly, Supervisor Frohling, Supervisor Gohr, Supervisor Stousland, and he, attended these meetings. Mr. Mielke further reported that project field work will begin the last week in June, and Baker Tilly will issue a report in the fall of 2015.

Mr. Mielke provided an oral report to the Committee regarding two separate claims for money damages to repair vehicles that were submitted by Chad Voll and Mayville Motors, Inc. Motion by Johnson, seconded by Miller to recommend to the County Board that it disallow claims for damages submitted by Chad Voll and Mayville Motors, Inc. Motion carried.

Corporation Counsel John Corey provided an oral update to the Committee regarding a proposed Resolution to create a new county board rule, specifically Rule No. 41, to require that the Dodge County Administrator and the Dodge County Corporation Counsel review all proposed contracts for services in which Dodge County is a vendee and to negotiate the terms and conditions of those contracts. Mr. Corey reported that on May 29, 2015, he sent an email to Janet Wimmer, Human Services and Health Director, Jane Hooper, Clearview Administrator, Brian Field, Highway Commissioner, and Dale Schmidt, Sheriff, wherein he requested each of them to send him a list of contracts that his or her respective department uses to purchase services, and to include in the list, other pertinent information about the contracts.

Mr. Corey provided an oral report to the Committee regarding adopting an official seal for Dodge County. Mr. Corey reported that some documents require the use of an official seal, and that Dodge County does not have an official seal. Mr. Corey further reported that he worked with Schwaab, Inc. to create an official seal for Dodge County. Supervisor Maly stated that she would like the year “1836” added to the seal, because Dodge County became a county in the year 1836. Motion by Maly, seconded by Marsik to approve and forward to the County Board for consideration at its June 16, 2015 meeting, a Resolution to adopt an official seal of Dodge County, Wisconsin. Motion carried.

Mr. Corey provided an oral update to the Committee regarding the former MetalFab property located at 401 Madison Street, in the City of Beaver Dam. Mr. Corey reported that on May 19, 2015, the Dodge County Board of Supervisors adopted Resolution No. 15-14, wherein it authorized and directed the Dodge County Clerk to convey the former MetalFab property to Mike Fornetti, but, on May 21, 2015, Mr. Corey was informed by an Attorney at Law who represented Mike Fornetti, that Mike Fornetti wanted Dodge County to sell and convey the former MetalFab property to Done Right Rentals, LLC, a Wisconsin Domestic Limited Liability Company, rather than to Mike Fornetti. Mr. Corey further reported that it now appears to him that Mr. Fornetti and the Attorney at Law who represents Mr. Fornetti, are willing to accept a Quit Claim Deed from Dodge County which will convey the former MetalFab property to Mr. Fornetti, rather than to Done Right Rentals, LLC. Mr. Corey further reported that the closing of the sale and purchase transaction has been scheduled to occur on June 1, 2015, at 3:00 p.m. in his office. Motion by Maly, seconded by Johnson to approve and forward to the County Board for consideration at its June 16, 2015 meeting, a Resolution to authorize and approve the sale of the former MetalFab property to Done Right Rentals, LLC, a Wisconsin Domestic Limited Liability Company, however, in the event that Dodge County will convey the former MetalFab property to Mike

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Fornetti on June 1, 2015, this Resolution will not be forwarded to the County Board for consideration at its June 16, 2015 meeting. Motion carried.

Mr. Mielke provided an oral report to the Committee regarding repairs to the Ashippun Communications Tower. Mr. Mielke reported that one of the dishes owned by Dodge County and located on the Ashippun Communications Tower required repair. Mr. Mielke further reported that the dish is currently in the process of being repaired, that no cause of the need for repair has been determined, and the cost to repair the dish is unknown.

Mr. Mielke provided an oral report to the Committee regarding changes to the Mid-Wisconsin Federated Library System. Mr. Mielke reported that Jefferson County will leave the Mid-Wisconsin Federated Library System effective January 1, 2016, and it appears that it is the consensus of the Dodge County librarians to continue through the year 2016, to operate a two-county system, which will include Dodge County and Washington County. Mr. Mielke further reported that libraries are required to submit to Karen Gibson, Dodge County Clerk, by July 1, 2015, the 2014 Wisconsin Department of Public Instruction Annual Report, along with a report listing the number of non-resident circulations, and that Dodge County is responsible for reimbursing the libraries for non-resident circulations. Mr. Mielke further reported that he and Supervisor Bischoff have been invited to attend a meeting of the Hustisford Library Board, the Hustisford Village Board, and the Hustisford Town Board, but, at this time, no date has been set for that meeting. Mr. Mielke further reported that in order for a municipal library to receive state aid, a municipal library is required to be part of a library system, and if there is a decrease in state aid to a library system, there will be a corresponding decrease in expenditures by that library system. Mr. Corey asked how state aids to libraries will be affected by the proposed 2015-2017 State Biennial Budget. Mr. Mielke responded by stating that there are no known proposed changes to state aids to libraries included in the proposed 2015-2017 State Biennial Budget.

Supervisor Maly reported that on May 13, 2015, she attended a meeting of the County Organization and Personnel Steering Committee of the Wisconsin Counties Association in Stevens Point, Wisconsin.

The Committee briefly discussed the Wisconsin sales tax and various proposals that have been made to change it.

Supervisor Miller asked about the status of the Dodge County Strategic Plan. Chairman Kottke responded that it has been put on hold until after Baker Tilly has completed the Operational Review project.

Meeting adjourned at 9:38 a.m. by the order of the Chairman.

The next regular meeting is scheduled for Monday, **July 6, 2015 at 8:30 a.m.**

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David Frohling, Secretary

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





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## Notice of Joint meeting of the Dodge County Board of Adjustment and the Taxation Committee of the Dodge County Board of Supervisors.

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There will be a joint meeting of the Dodge County Board of Adjustment and the Taxation Committee of the Dodge County Board of Supervisors on Thursday, June 18, 2015, at 7:00 P.M. in Rooms 1H and 1I located on the first floor of the Administration Building, located at 127 East Oak Street, Juneau, Wisconsin.

The joint meeting of the Board of Adjustment and the Taxation Committee will be for only Agenda Items numbered 1 through 7 below.

After the Board of Adjustment and the Taxation Committee complete Agenda items numbered 1 through 7 below, (1) the Taxation Committee will adjourn the meeting of the Taxation Committee and will leave rooms 1H and 1I; and (2) the Board of Adjustment will consider Agenda item numbered 8 below.

The Agenda for this Meeting is as follows:

1. Call meeting to order;
2. Roll Call – Confirm a quorum is present;
3. Confirm compliance with open meeting law and public hearing notice requirements;
4. Approve agenda;
5. Approval of the Minutes of the June 11, 2015 meeting;
6. Inform public in attendance of hearing procedures;

7. PUBLIC HEARING – 7:00 P.M.

**Dodge County Corporation Counsel, agent for Dodge County** – Request for a variance to the terms of the Dodge County Land Use Code to allow the construction of a single family dwelling on a vacant legal lot of record in the single family residential zoning district where said lot does not meet the lot width requirements of the Code as measured at the building setback line. The site is known as Lot 1 CSM 6999, and is located in part of the SE ¼, SW ¼, Section 20, Town of Rubicon. A copy of the proposed petition is available for review in the County Land Resources and Parks Department between the hours of 8:00 a.m. and 4:30 p.m., Monday-Friday (920-386-3700).

8. PUBLIC HEARING – 7:05 P.M.

**Carlton Schley**- Request for a variance to the terms of the Highway Setback Overlay provisions of the Dodge County Land Use Code to allow the construction of a grain storage bin on this site where said grain bin will be located approximately 10 feet within the required setback from County Road F. The site is located in part of the SE ¼, SW ¼, Section 10, Town of Fox Lake, the site address being W10780 County Road F. A copy of the proposed petition is available for review in the County Land Resources and Parks Department between the hours of 8:00 a.m. and 4:30 p.m., Monday-Friday (920-386-3700).

### Future Meeting Schedule

1. Thursday, July 9, 2015 • 9:30 a.m. • 3<sup>rd</sup> Floor Land Resources and Parks Conference Room • Administration Building • Juneau, Wisconsin – On Site Inspections

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**Any person wishing to attend who, because of a disability, requires special accommodation, should contact the Dodge County Clerk's Office at (920) 386-3600, at least 24 hours before the scheduled meeting time so appropriate arrangements can be made. The building entrance which is accessible by a person with a disability is located on the east side of the building off of Miller Street**

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## Land Resources and Parks Department Staff Report

County Variance Application No. 2015-0293

**Applicant (Agent):**

Dodge County Corporation Counsel  
Agent for the Dodge County Taxation Committee  
127 E. Oak St.  
Juneau, WI 53039

RECEIVED  
IN THE OFFICE OF  
CORPORATION COUNSEL

JUN - 4 2015

DODGE COUNTY, WIS.

**Owner:**

Dodge County  
127 East Oak St.  
Juneau, WI 53039

**Filing Date: May 18, 2015**

**Hearing Date: June 18, 2015**

**Location**

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

PIN# 038-1017-2034-014

Lot 1 CSM 6999, being located in part of the SE ¼, SW ¼, Section 20, Town of Rubicon.

**County Jurisdiction**

The County has Zoning Jurisdiction over this site as the Town of Rubicon has adopted the County's Land Use Code. The site is also located within the County's Shoreland Jurisdiction and a portion of the property is located within the County's Floodplain Jurisdiction.

**Review Criteria**

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

**Appellants Request**

On May 18, 2015 an application for a variance to Sections 10.5.1 and 10.5.1.B.2 of the Dodge County Land Use Code was submitted by the appellant to allow for the future construction of a residential dwelling on a vacant legal lot of record in the single family residential zoning district where said lot does not meet the minimum lot width requirements of the Code as measured at the building setback line.

**Land Use Code Provisions**

**Section 5.1 and Table 5.1.1-1 of the Dodge County Land Use Code deals with lot size:** The minimum lot size for a lot not served by public sewer is 40,000 square feet in area and a minimum lot width of 125' as measured at both the road setback line and the ordinary highwater mark.

**Section 10.5.1 of the Land Use Code deals with vacant substandard lots:** In any residential or agricultural district, a single-family detached dwelling and its accessory structures may be erected on any vacant legal lot or parcel of record recorded in the County Register of Deeds Office before the effective date or amendment of this Code, subject to the requirements set forth below.

### **Section 10.5.1.B Substandard Lots Less Than 20,000 Square Feet in Lot Area or 100 Feet in Lot Width**

- **Section 10.5.1.B.1** Such lot must be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the area requirements of this Code.
- **Section 10.5.1.B.2** Such lot must be at least 50 feet wide and 7,500 square feet in area.
- **Section 10.5.1.B.3** All other dimensional requirements of this Code shall be complied with in so far as practicable, as determined by the Land Use Administrator.

### **Features**

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

The County obtained ownership of the property on April 7, 2015 as part of a Judgement of Foreclosure of Tax Lien.

The County has Zoning Jurisdiction over this site as the Town of Rubicon has adopted the County's Land Use Code. The site is located within the R-1 Single Family Residential Zoning District. The County also has Shoreland and Floodplain Jurisdiction over this site. A small portion of the property along the shoreline is located within the floodplain district.

The physical features of this approximate 1.383-acre (60,265 square feet) lot include a rolling topography with steep slopes ranging from 0 to 18 %. The lot depth is approximately 868' deep. The lot width varies from 43.7' at the centerline of Pond Road to approximately 280' at the ordinary highwater mark of Neosho Pond. According to the certified survey map, the lot width as measured at the road setback line ( 75' from the centerline of the road) is approximately 46.5'.

The lot is considered by the County as a legal existing substandard lot of record as the lot was created prior to the adoption of the current lot size requirements of the Code and the lot does not meet the minimum lot width standards of the Code.

The lot does not qualify for a land use permit under Section 10.5.1.B.2 of the Code to allow the construction of a dwelling on this lot because the lot does not meet the 50' minimum lot width requirements at the road setback line.

The property is presently being used for open space recreational use.

The appellant is requesting an area variance to Sections 10.5.1 and 10.5.1.B.2 of the Code in order to allow for the future construction of a residential dwelling on this lot.

### **Purpose Statement**

The purpose and intent of the non-conforming use and lot provisions of the Code is generally to allow uses, structures, and lots that came into existence legally in conformance with then-applicable requirements to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible. The regulations are intended to recognize the interests of property owners in continuing to use their property, to allow the residential use of a vacant substandard lot that was created before the adoption the Code, to promote reuse and rehabilitation of existing buildings and to place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

**Town Recommendation:** No recommendation has been received from the Town as of June 4, 2015.

**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 Sections 10.5.1 and 10.5.1.B.2 of the Code of the code;

It is the staff's position that purpose and intent of the non-conforming lot provisions of the code is generally to allow lots that came into existence legally in conformance with then-applicable requirements to continue to exist and be put to productive use provided the lot contains sufficient area to construct a structure that will comply with all other dimensional requirements of this Code in so far as practicable. In this case, the steep topography and the long narrow shape of this lot will limit the options that will be available to construct a dwelling and to construct a driveway access on this lot in compliance with the Code requirements; however, if a dwelling can be designed in accord with the development and setback provisions of the Code, the project would be consistent with the purpose and intent of the non-conforming lot provisions of the Code.

Based on the information provided in the application, 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 to Sections 10.5.1 and 10.5.1.B.2 of the Code.

**Dodge County Board of Adjustment Decision**

**County Variance Application No. 2015-0293**

**Applicant (Agent):**

Dodge County Corporation Counsel  
Agent for the Dodge County Taxation Committee  
127 E. Oak St.  
Juneau, WI 53039

**Owner:**

Dodge County  
127 East Oak St.  
Juneau, WI 53039

**Filing Date: May 18, 2015**

**Hearing Date: June 18, 2015**

**Location**

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

PIN# 038-1017-2034-014

Lot 1 CSM 6999, being located in part of the SE ¼, SW ¼, Section 20, Town of Rubicon.

**County Jurisdiction**

The County has Zoning Jurisdiction over this site as the Town of Rubicon has adopted the County's Land Use Code. The site is also located within the County's Shoreland Jurisdiction and a portion of the property is located within the County's Floodplain Jurisdiction.

**Appellants Request**

On May 18, 2015 an application for a variance to Sections 10.5.1 and 10.5.1.B.2 of the Dodge County Land Use Code was submitted by the appellant to allow for the future construction of a residential dwelling on a vacant legal lot of record in the single family residential zoning district where said lot does not meet the minimum lot width requirements of the Code as measured at the building setback line.

**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 10.5.1 and 10.5.1.B.2 of the Code is an "area" variance.**

(Yes / No) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Is there a physical limitation that is unique to this property that prevents the appellant from complying with the substandard lot width provisions of the code and suggests that a variance should be granted?**

(Yes / No)

Explain \_\_\_\_\_  
\_\_\_\_\_

**Will compliance with the substandard lot width provisions of the Ordinance unreasonably prevent the owner from using the property for a permitted purpose thereby leaving the property owner without a reasonable use that is permitted for the property?**

(Yes / No)

Explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Does the Board believe that the appellant has other reasonable options available to bring the lot width into compliance with the lot width requirements of the Code?**

(Yes / No)

Explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Does the Board believe that the substandard lot width provisions of the Code are unnecessarily burdensome in this case, thereby creating a hardship?**

(Yes / No)

Explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Will the construction of a dwelling on this lot be harmful in any way to the public's interests?**

(Yes/No)

Explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

(Yes/No)

\_\_\_\_\_  
\_\_\_\_\_

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

(Yes/No)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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?

- N/A
- All structures located on this lot shall be designed and constructed in compliance with the setback and development provisions of the Code.
- Others

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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 (2 <sup>nd</sup> 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.

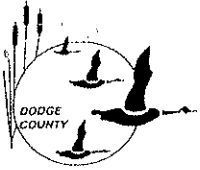
Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The municipality assumes no 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. <b>150293</b>	Issue Date:
Application Date: <b>3-18-15</b>	Receipt #: <i>Journal Entry</i>

## Variance Application

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

Names and Mailing Addresses	Property Description																
Applicant (Agent) Dodge County	Parcel Identification Number (PIN) 038-1017-2034-014																
Street Address 127 E Oak Street	Town Rubicon																
City • State • Zip Code Juneau, WI 53039	<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"><math>\frac{1}{4}</math></td> <td style="width: 12.5%;"><math>\frac{1}{4}</math></td> <td style="width: 12.5%;">Section</td> <td style="width: 12.5%;">T</td> <td style="width: 12.5%;">N</td> <td style="width: 12.5%;">R</td> <td style="width: 12.5%;">E</td> </tr> <tr> <td>SE</td> <td></td> <td>SW</td> <td>20</td> <td>10</td> <td></td> <td>17</td> <td></td> </tr> </table>		$\frac{1}{4}$	$\frac{1}{4}$	Section	T	N	R	E	SE		SW	20	10		17	
	$\frac{1}{4}$	$\frac{1}{4}$	Section	T	N	R	E										
SE		SW	20	10		17											
Property Owner (If different from applicant) Same	Subdivision or CSM # Dodge County Certified Survey Map No. 6999																
Street Address	Site Address Pond Road																
City • State • Zip Code	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																

Present property use:

Agricultural and Open Space Recreational

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

No prior variances have been granted for this property.

Describe all nonconforming structures and uses on this property:

There are no nonconforming structures or nonconforming uses on this property.

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

Section 10.5.1 and 10.5.1.B.2 of the Code allows the construction of a single family dwelling on a vacant legal lot or parcel of record in the single family residential zoning district provided the lot width is at least 50' wide and the lot area is at least 7,500 square feet in area. Since this lot does not meet the lot width requirements for substandard lots, a residential dwelling cannot be constructed on this lot without a variance.

Variance Requested:

To allow the construction of a residential dwelling on a legal existing substandard lot of record where said lot does not meet the minimum lot width requirements of the code at the building setback 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?

This existing lot of record does not meet the minimum lot width requirements for a substandard lot and therefore, the County is prohibited from issuing any permits on this property, leaving the property owner with no reasonable use of the property without a variance, thereby creating an unnecessary hardship.



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

This existing lot of record was created in compliance with the then applicable requirements of the Code, however the shape of the existing lot prevents compliance with the current provisions of the Code. This approximate 1.3-acre lot meets the minimum lot frontage and lot area requirements of the Code and the lot meets the lot width requirements at the water's edge, however, due to the existing lot line angles, the lot does not meet the lot width requirements of the Code at the building setback line (75' from the centerline of Pond Road) which is unique to this property.

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

The intent of the non-conforming lot provisions of the code is to allow the owner to use a lot that came into existence legally in conformance with the then-applicable requirements for residential use, provided the lot contains sufficient area in which to construct a residence in compliance with the setback requirements of the Code. In this case, the 1.3-acre lot contains sufficient area and lot width in which to construct a residence and accessory dwellings in compliance with the setback provisions of the Code. If this variance is denied, the use of the property will be limited to open space or agricultural use only which is unnecessarily burdensome and unreasonable in this case.

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

The general public and the adjacent land owners would not be affected by this variance because the proposed residential use of the property is consistent with the uses allowed within the Single Family Residential Zoning District.

### 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:

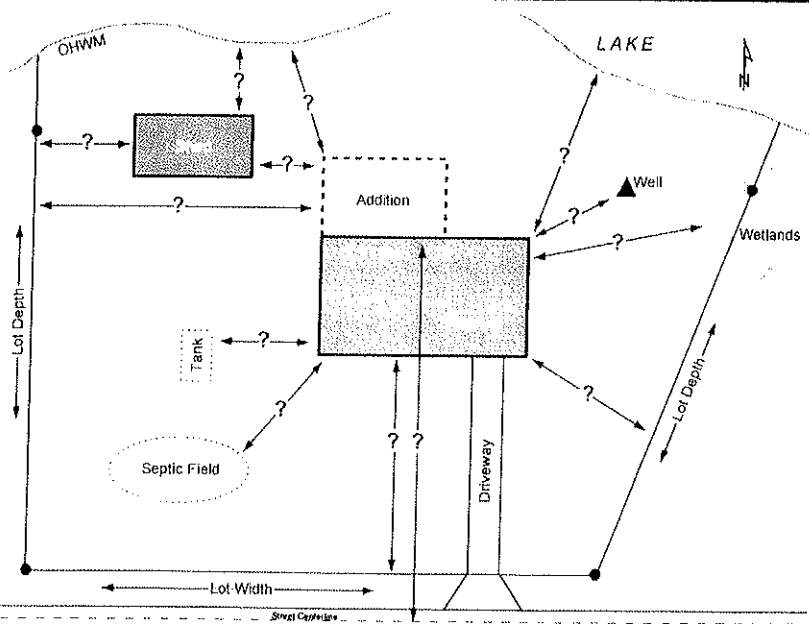
*John F. Corey*  
John F. Corey, Corporation Counsel for Dodge County, Wisconsin

Date: 5/18/15

Daytime Contact Number: (920) 386-3592

### SITE PLANS AND BUILDING PLANS

- All applications must be accompanied by a site plan. Figure 1 below is an example of an acceptable plan. See attached copy of Dodge County Certified Survey Map No. 6999



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 CERTIFIED SURVEY MAP NO. **6999**

A Survey of a part of the Southeast 1/4 of the Southwest 1/4 of Section 20,  
Town 10 North, Range 17 East, Town of Rubicon, Dodge County, Wisconsin.

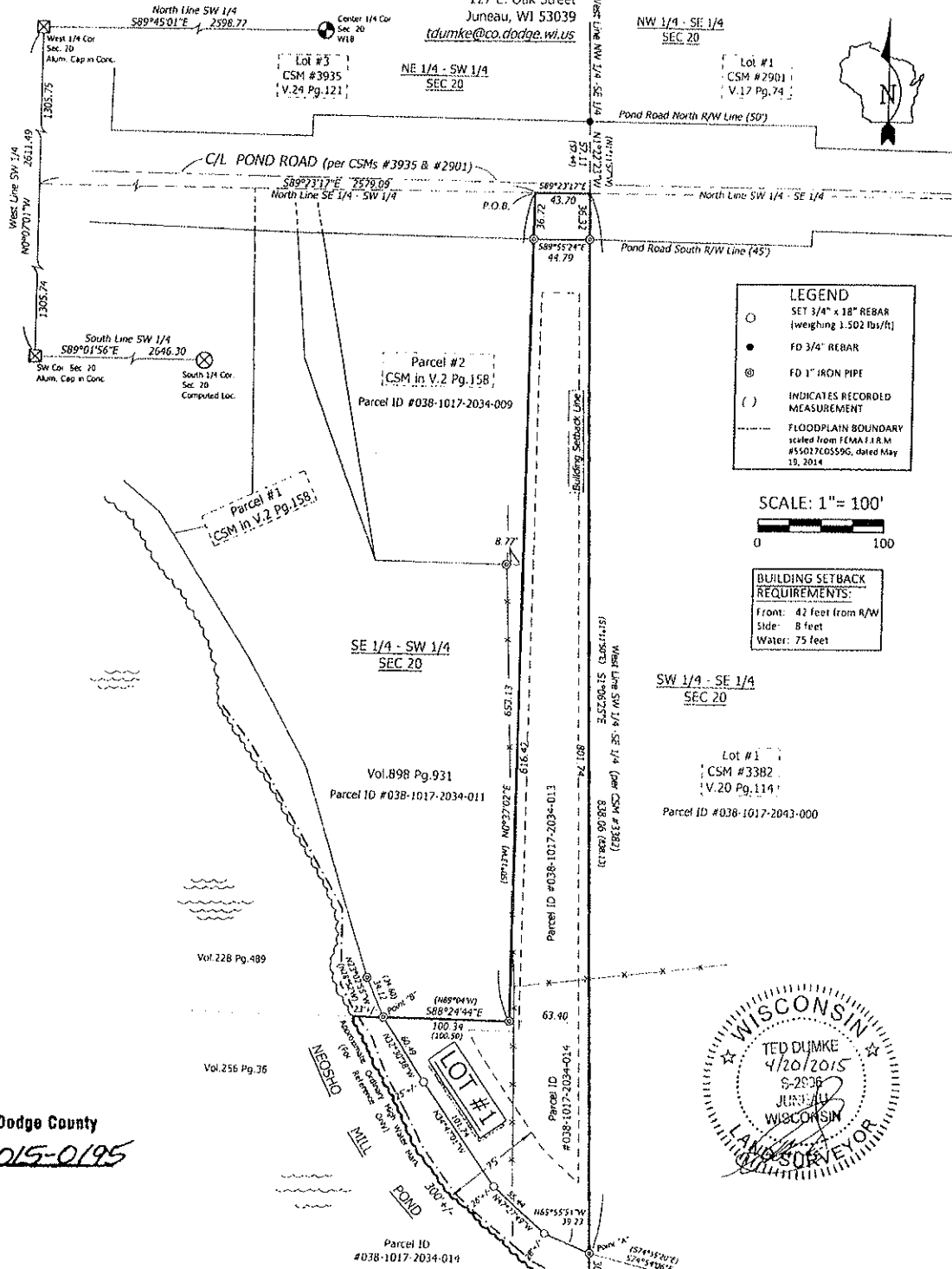
**LOT #1 Area excluding R/W:**  
1.346 Acres or 58,650 sq ft

**LOT #1 Area within R/W of Pond Road:**  
0.037 Acres or 1,615 sq ft

**TOTAL AREA:** 1.383 Acres or 60,265 sq ft

**Owner:**  
Dodge County  
127 E. Oak Street  
Juneau, WI 53039

**Surveyor:**  
Ted Dumke  
PLS #2996  
127 E. Oak Street  
Juneau, WI 53039  
[tdumke@co.dodge.wi.us](mailto:tdumke@co.dodge.wi.us)



**LEGEND**

- SET 3/4" x 18" REBAR (weighing 1.502 lbs/ft)
- FD 3/4" REBAR
- ⊙ FD 1" IRON PIPE
- ( ) INDICATES RECORDED MEASUREMENT
- - - FLOODPLAIN BOUNDARY scaled from FEMA 1-R.M. #5027C0559G, dated May 19, 2014

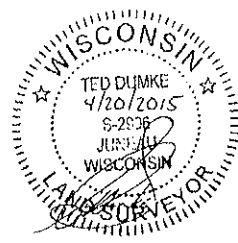
**SCALE: 1" = 100'**

**BUILDING SETBACK REQUIREMENTS:**

- Front: 42 feet from R/W
- Side: 8 feet
- Water: 75 feet

SW 1/4 - SE 1/4  
SEC 20

Lot #1  
CSM #3382  
V.20 Pg.114  
Parcel ID #038-1017-2043-000



Dodge County  
**2015-0195**

Bearings are referenced to the Dodge County Coordinate System (NAD83/91) with a bearing of N0°07'01"W along the West Line of the SW 1/4 of Section 20, T.10N - R.17E.

**Y439058**

DODGE COUNTY CERTIFIED SURVEY MAP NO. 6999

A Survey of a part of the Southeast 1/4 of the Southwest 1/4 of Section 20, Town 10 North, Range 17 East, Town of Rubicon, Dodge County, Wisconsin.

A part of the Southeast 1/4 of the Southwest 1/4 of Section 20, Town 10 North, Range 17 east, Town of Rubicon, Dodge County, Wisconsin, more particularly described as:

Commencing at the Southwest corner of Section 20, thence N0°07'01"W along the West line of the Southwest 1/4 of Section 20, 1305.74 feet;

thence S89°23'17"E along the North line of the Southeast 1/4 of the Southwest 1/4 of Section 20, 2579.09 feet to the Northeast corner of Parcel 2 of CSM recorded in Volume 2 Page 158, and to the point of beginning;

thence continuing along said North line S89°23'17"E, 43.70 feet to the Northwest corner of Lot 1 of CSM number 3382;

thence S1°06'25"E along the West line of said Lot 1 and along the West line of the Southwest 1/4 of the Southeast 1/4 of Section 20, 838.06 feet to a 1" iron pipe herein designated as point "A";

thence continuing along said West lines, 30 feet more or less to the Northerly shoreline of the Neosho Mill Pond;

thence Northwesterly along said shoreline, 300 feet more or less to the South line of Parcel 1 of CSM recorded in Volume 2 Page 158;

thence S88°24'44"E along said South line, 23 feet more or less to a 1" iron pipe herein designated as point "B".

(Point "B" being N65°55'51"W, 39.23 feet; thence N47°27'49"W, 55.44 feet; thence N34°47'01"W, 101.74 feet; thence N32°30'38"W, 60.49 feet from aforementioned point "A")


Thence continuing from point "B", S88°24'44"E along the South line of Parcel 1 in CSM recorded in Volume 2 Page 158, 100.34 feet to the Southeast corner of said Parcel 1;

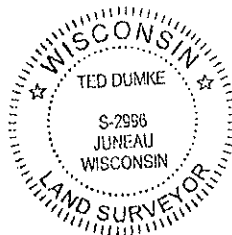
thence N0°37'02"E along the East line of CSM recorded of Volume 2 Page 158, 653.13 feet to the North line of the Southeast 1/4 of the Southwest 1/4 of Section 20, and to the Northeast corner of Parcel 2 of said CSM, and to the point of beginning.

Parcel contains 60,265 square feet or 1.383 acres more or less, including all lands lying between the meander line and the Northerly shoreline of the Neosho Mill Pond.

I, Ted Dumke, Wisconsin Professional Land Surveyor, do hereby certify that by the order of John F. Corey, Corporation Counsel for Dodge County, I have surveyed, monumented, and mapped the above described property. I further certify that the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures, and roadways and that I have complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the Land Use Code for Dodge County, in surveying and mapping the same to the best of my knowledge and belief.

Dated this 20<sup>th</sup> day of April, 2015.

  
Ted Dumke  
Dodge County Senior Land Surveyor  
127 E Oak Street  
Juneau, Wisconsin 53039



Dodge County  
2015-0195

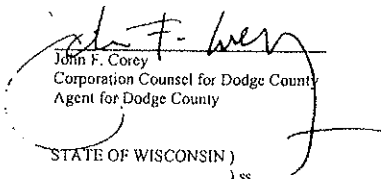
DODGE COUNTY CERTIFIED SURVEY MAP NO. 6999

A Survey of a part of the Southeast 1/4 of the Southwest 1/4 of Section 20, Town 10 North, Range 17 East, Town of Rubicon, Dodge County, Wisconsin.

OWNER'S CERTIFICATE (LOT 1)

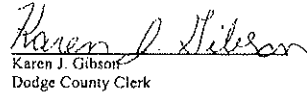
As Owner, the undersigned hereby certifies that it has caused the land described in this Certified Survey Map to be surveyed, monumented, and mapped as represented on this Certified Survey Map, and that pursuant to Section 236.10, Wis. Stats., this Certified Survey Map is required to be submitted to the following for approval or objection: Town of Rubicon, and Dodge County Planning, Development and Parks Committee.

Witness the Hand and Seal of said owner, this 21st day of April, 2015.

  
John F. Corey  
Corporation Counsel for Dodge County  
Agent for Dodge County

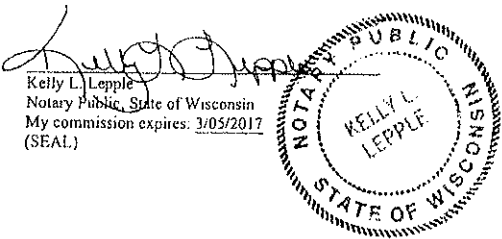
STATE OF WISCONSIN )  
                                  ) ss.  
COUNTY OF DODGE )

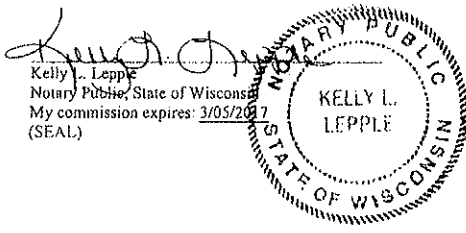
Personally came before me this 21st day of April, 2015, the above named John F. Corey, Corporation Counsel for Dodge County, Agent for Dodge County, to me known to be the person who executed the foregoing instrument and acknowledged the same.

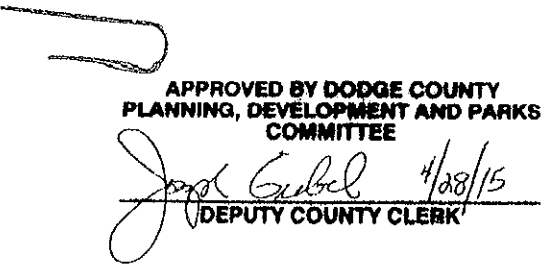
  
Karen J. Gibson  
Dodge County Clerk

STATE OF WISCONSIN )  
                                  ) ss.  
COUNTY OF DODGE )

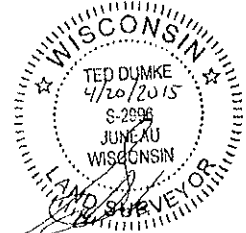
Personally came before me this 21st day of April, 2015, the above named Karen J. Gibson, Dodge County Clerk, to me known to be the person who executed the foregoing instrument and acknowledged the same.

  
Kelly L. Lepple  
Notary Public, State of Wisconsin  
My commission expires: 3/05/2017  
(SEAL)

  
Kelly L. Lepple  
Notary Public, State of Wisconsin  
My commission expires: 3/05/2017  
(SEAL)

  
**APPROVED BY DODGE COUNTY  
PLANNING, DEVELOPMENT AND PARKS  
COMMITTEE**  
4/28/15  
**DEPUTY COUNTY CLERK**

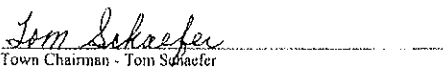
Dodge County  
2015-085

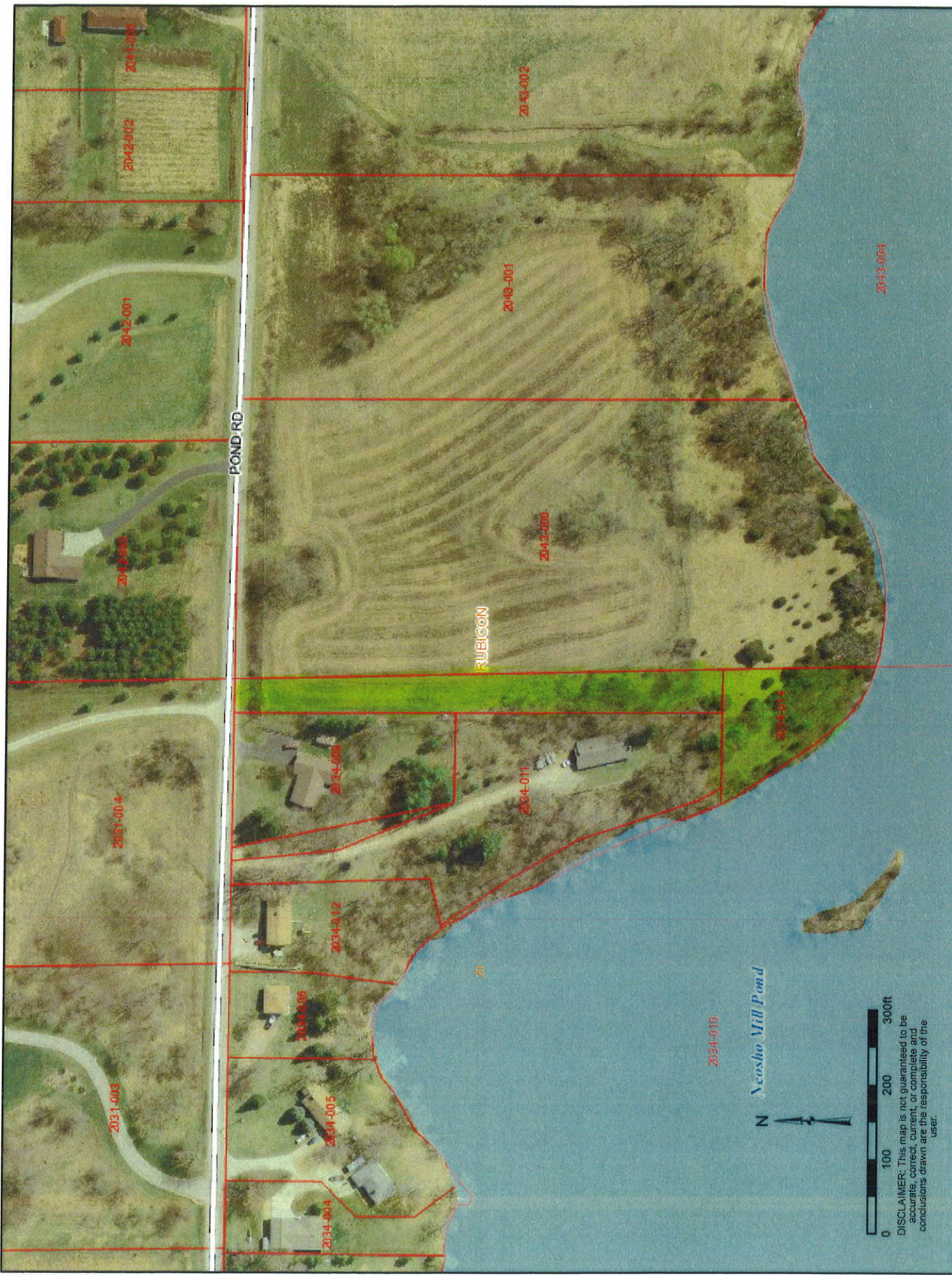
  
WISCONSIN  
TED DUMKE  
4/20/2015  
S-2998  
JUNEAU  
WISCONSIN  
LAND SURVEYOR

TOWN OF RUBICON APPROVAL

This Certified Survey Map is hereby approved by the Town Board of the Town of Rubicon this 21 day of April, 2015

Approved By:

  
Town Chairman - Tom Schaefer



POND RD

RUBICON

Necosho Mill Pond



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