

DODGE COUNTY BOARD OF ADJUSTMENT MINUTES
March 15, 2018

The Dodge County Board of Adjustment met on this 15th day of March, 2018 at 7:00 p.m., in Rooms 1H and 1I on the 1st Floor of the Administration Building, located at 127 East Oak Street, Juneau, Wisconsin.

Vice Chairman Jon Schoenike called the meeting of the Dodge County Board of Adjustment to order.

Roll Call was taken.

Members present were as follows: Harold Hicks, Jon Schoenike and Sharon Schumann. Members excused were Larry Dogs, William Nass and Edward Premo (Alternate 1).

Vice-Chairman Schoenike noted that a quorum is present.

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

The chairman asked the staff to confirm compliance with the open meeting laws and the public hearing notice requirements.

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

The agenda was reviewed by the Board.

The minutes from the March 8, 2018 meeting were reviewed by the Board.

Motion by Sharon Schumann to approve the minutes as written.

Second by Harold Hicks Vote: 3-0 Motion carried.

The minutes from the December 14, 2017 meeting were reviewed by the Board.

Motion by Harold Hicks to approve the minutes as written.

Second by Sharon Schumann Vote: 3-0 Motion carried.

The staff explained the hearing procedures to those in attendance;

PUBLIC HEARING

Greg and Kari Pargeter – Request for a variance to the terms of the highway setback provisions of the Dodge County Land Use Code to allow the construction of a detached garage to be located 8 feet within the required highway setback from County Road C. The property is located in part of the SW ¼ of the SE ¼, Section 25, T13N, R14E, Town of Trenton, the site address being W7412 County Road C.

Motion by Harold Hicks to grant the variance request to allow the construction of a detached garage to be located 8 feet within the required highway setback from County Road C subject to the following condition:

1. The appellant shall sign and record a variance agreement with the Dodge County Register of Deeds prior to the approval of the variance for this construction;

Second by Sharon Schumann Vote: 3-0 Motion carried.

Motion by Harold Hicks to adjourn the meeting.

Second by Sharon Schumann

Motion carried.

Respectfully submitted,

Jon Schoenike, Vice Chairman

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. 2018-0181
County Land Use Permit Application No. 2018-0164

Owner:

Gault Properties LLC
W1970 Adams Road
Neosho, WI 53039

Filing Date: April 6, 2018
Hearing Date: May 17, 2018

Location

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

PIN#: 038-1017-3333-000

Part of the SW ¼ of the SW ¼, Section 33, Town of Rubicon, the site address being W1970 Adams Road.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Rubicon 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 4, 2018 an application for a County Land Use Permit was made by the appellant in order they be allowed to construct a milking center barn addition along the east side of the barn on this site.

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

According to Section 5.1.2.K, structures to be used for the housing of animals shall be located a distance equal to not less than ½ the structure height from the side and rear lots lines. In this case, the required side yard setback for the proposed addition is 16 feet. As proposed, the addition will begin at approximately 4.6 feet from the side yard or approximately 11.4 feet within the required side yard setback line and therefore prohibited by the code.

The appellant is requesting an area variance to Section 5.1.2.K 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 A-2 General Agricultural zoning district;

The property is presently being used for agricultural and residential use.

The appellants own approximately 175-acres of land in this area. The physical features of this lot include a rolling topography with slopes ranging from 0 to 12%. The parcel contains a residence and agricultural facilities.

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

Town Recommendation: No response from Town

Purpose Statement

The County's side yard provisions of the Code promote a variety of public purposes such as providing for light and air, fire protection, traffic safety, prevention of overcrowding, solving drainage problems, protecting the appearance and character of the neighborhood, conserving property values and may in particular cases promote a variety of aesthetic and psychological values as well as ecological and environmental interests.

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.K of the code;

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 unique to the property and if granted, the variance would not be contrary to the public interest.

If the Board can make the findings necessary in order to grant a variance in this case, the staff recommends the following conditions of approval:

1. The owner shall have the lot line location and proposed building location marked by a licensed surveyor prior to issuance of the land use permit for this project so that the setback distances can be verified. The owner shall contact the Department after the structure and lot lines are marked so that an inspection can be conducted by the Department staff.

Dodge County Board of Adjustment Decision

County Variance Application No. 2018-0181
County Land Use Permit Application No. 2018-0164

Owner:
Gault Properties LLC
W1970 Adams Road
Neosho, WI 53039

Filing Date: April 6, 2018
Hearing Date: May 17, 2018

Location

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

PIN#: 038-1017-3333-000
Part of the SW ¼ of the SW ¼, Section 33, Town of Rubicon, the site address being W1970 Adams Road.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Rubicon 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 4, 2018 an application for a County Land Use Permit was made by the appellant in order they be allowed to construct a milking center barn addition along the east side of the barn on this site.

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

According to Section 5.1.2.K, structures to be used for the housing of animals shall be located a distance equal to not less than ½ the structure height from the side and rear lots lines. In this case, the required side yard setback for the proposed addition is 16 feet. As proposed, the addition will begin at approximately 4.6 feet from the side yard or approximately 11.4 feet within the required side yard setback line and therefore prohibited by the code.

The appellant is requesting an area variance to Section 5.1.2.K 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 5.1.2.K 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 side yard setback provisions of the code?

(Yes / No) _____

Are the side yard setback provisions of the Code unnecessarily burdensome in this case, thereby creating a hardship?

(Yes / No) _____
Explain: _____

Does the appellant have other options available to construct a complying milking center addition in compliance with the side yard setback provisions of the code on this lot?

(Yes / No) _____
Explain _____

What hardship exists if the variance is denied?

Explain _____

Is this project 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 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?

- The owner shall have the lot line location and proposed building location marked by a licensed surveyor prior to issuance of the land use permit for this project so that the setback distances can be verified. The owner shall contact the Department after the structure and lot lines are marked so that an inspection can be conducted by the Department staff.
- 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
Jon Schoenike	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Sharon Schumann	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Larry Dogs	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Ed Premo (1 st Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Vacant (2 nd Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
William Nass	<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. 180181	Issue Date:
Application Date: 01/06/2018	Receipt #: 993930

Variance Application

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

Names and Mailing Addresses	Property Description														
Applicant (Agent) Ken Gault	Parcel Identification Number (PIN) 038-1017-3333-000														
Street Address W1970 Adams Rd	Town Rubicon														
City • State • Zip Code Neosho WI 53059	<table border="1"> <tr> <td>SW $\frac{1}{4}$</td> <td>SW $\frac{1}{4}$</td> <td>Section</td> <td>T</td> <td>N</td> <td>R</td> <td>E</td> </tr> <tr> <td></td> <td></td> <td>33</td> <td>10</td> <td></td> <td>17</td> <td></td> </tr> </table>	SW $\frac{1}{4}$	SW $\frac{1}{4}$	Section	T	N	R	E			33	10		17	
SW $\frac{1}{4}$	SW $\frac{1}{4}$	Section	T	N	R	E									
		33	10		17										
Property Owner (If different from applicant) Gault Properties LLC	Subdivision or CSM # -														
Street Address W1970 Adams Rd	Site Address W1970 Adams Rd														
City • State • Zip Code Neosho WI 53059	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No														
Present property use: Dairy Farm															
List any prior variances that have been granted or denied for this property: None Known															
Describe all nonconforming structures and uses on this property: None Known															
List the terms of the Land Use Code for which you are requesting a variance (section # and code provision requirements): 5.1.2.K															
Variance Requested: To reduce the side lot set back from half the height of the structure, which would be 16 feet, to 6 feet															
Address the following variance criteria described in the application materials. (Attach additional sheets if necessary):															
What unnecessary hardship is present that prohibits your compliance with the terms of the Land Use Code? See Attached #1															

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

See Attached #2

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

See Attached #3

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

See Attached #4

CERTIFICATE

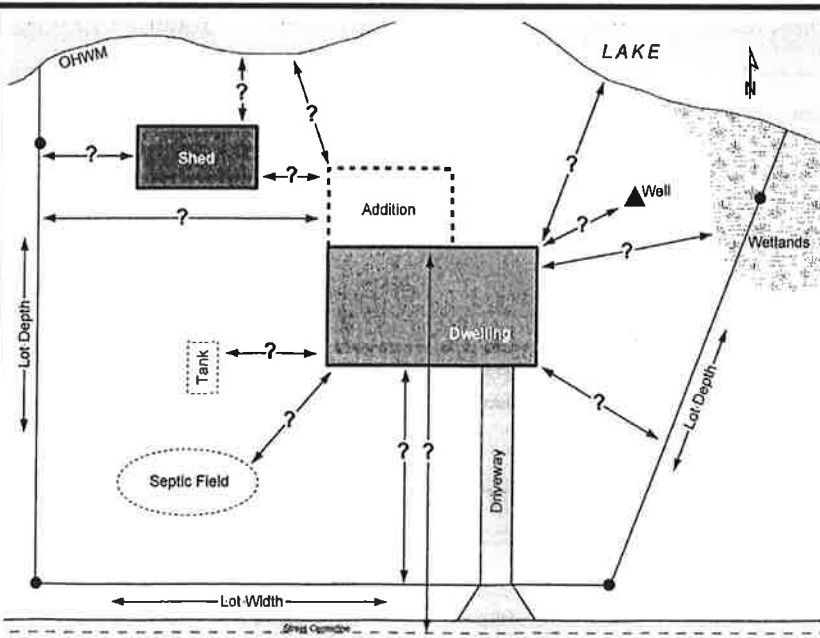
I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and 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: Phred J. Daw Date: 4-4-18

Daytime Contact Number (920) 285 - 1987

SITE PLANS AND BUILDING PLANS

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

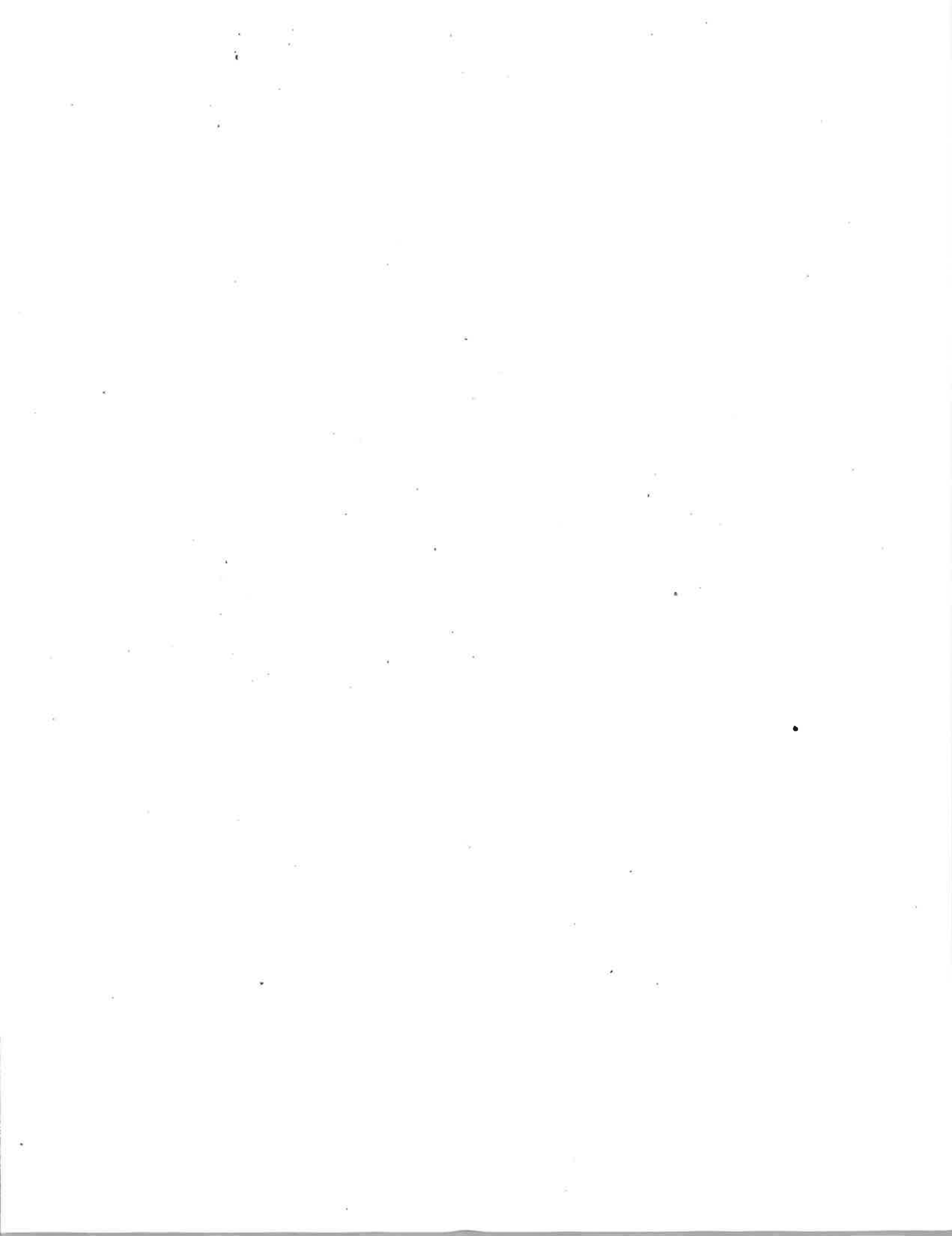


Site plans must be drawn to scale and/or all dimensions given, such as:
Location and dimensions of the project
Location and dimensions of existing structures
Dimensions of the property
Location and names of abutting roads, lakes & Streams
North arrow
Owner's name

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)

- #1 The existing barn was built in 2009. In order to make use of the existing manure storage facility it was located in close proximity to the lot line, but still within the limits of the land use code. Compliance with the land use code would require purchase of additional land from the neighboring farm field or restructuring of the project to the point where it is no longer feasible.
- #2 The slope of property, however small, meant the existing buildings and original manure storage facility were located in an area where slope would not be a hindrance to the project. The location of one of these existing adjacent buildings now prevents us from redesigning the project to avoid needing to reduce the setback requirements.
- #3 Yes, when we built the existing building in 2009 our current milking facilities were satisfactory and the technology that will be housed in the new structure wasn't reliable enough to be considered for us. Things have come a long way in 10 years. Our milking parlor which is now 40 years old is beginning to become unsafe for both the cattle and the workers. With the labor situation in our industry it's not reasonable to consider other milking systems that require a large amount of manual labor. Redesigning the project to avoid putting a structure on the east side of the barn would make the project unfeasible and eventually the facility would have to be abandoned and we would have to exit a three generation family business.
- #4 The neighboring property is a farm field with a field access lane running along the side of it. Our proposed project is 14 feet from this lane as there is a grass strip between our barn and the lane. This means the new structure will not impede the movement of machinery along the lane. We have already discussed purchasing land from the neighbor, which would be a stress and a burden on her. She has already mentioned in conversations that she would be hesitant to break up her late husband's multi-generational farm in this manner. Irregular lot lines also make future land transfers more complicated and can lead to increased disputes among neighbors. Further, granting the variance would secure the future of our farm maintaining our tradition as a farming community.



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.

180164

Receipt No.

993918

Application Date

09/09/2018

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.) Ken Gault	Parcel Identification Number (PIN) 03810173333000																				
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CURRENT USE OF PROPERTY	PROPOSED USE OF PROPERTY																				
<input type="checkbox"/> Vacant Land <input type="checkbox"/> Single-Family Residential <input checked="" 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																					
<input checked="" type="checkbox"/> NEW STRUCTURE/CONSTRUCTION <input type="checkbox"/> REPLACEMENT OF EXISTING <input type="checkbox"/> ADDITION TO AN EXISTING																					
<table border="0" style="width:100%;"> <tr> <td><input type="checkbox"/> Pool</td> <td><input type="checkbox"/> Porch</td> <td><input type="checkbox"/> Driveway</td> <td><input type="checkbox"/> Field Tile Installation</td> </tr> <tr> <td><input type="checkbox"/> Deck</td> <td><input type="checkbox"/> Fence</td> <td><input type="checkbox"/> Boathouse</td> <td><input type="checkbox"/> Pond (Less than 2 acres in size)</td> </tr> <tr> <td><input type="checkbox"/> Patio</td> <td><input type="checkbox"/> Riprap</td> <td><input type="checkbox"/> Attached Garage</td> <td><input type="checkbox"/> Sign (Complete additional project information below)</td> </tr> <tr> <td><input type="checkbox"/> Shed</td> <td><input type="checkbox"/> Gazebo</td> <td><input type="checkbox"/> Detached Garage</td> <td><input checked="" type="checkbox"/> Barn (Complete additional project information below) Milking Center</td> </tr> <tr> <td><input type="checkbox"/> Home</td> <td><input type="checkbox"/> Sidewalk</td> <td><input type="checkbox"/> Ag Ditch Cleanout</td> <td><input type="checkbox"/> Home Addition (Complete additional project information below)</td> </tr> </table>		<input type="checkbox"/> Pool	<input type="checkbox"/> Porch	<input type="checkbox"/> Driveway	<input type="checkbox"/> Field Tile Installation	<input type="checkbox"/> Deck	<input type="checkbox"/> Fence	<input type="checkbox"/> Boathouse	<input type="checkbox"/> Pond (Less than 2 acres in size)	<input type="checkbox"/> Patio	<input type="checkbox"/> Riprap	<input 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 checked="" type="checkbox"/> Barn (Complete additional project information below) Milking Center	<input type="checkbox"/> Home	<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Ag Ditch Cleanout	<input type="checkbox"/> Home Addition (Complete additional project information below)
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<input type="checkbox"/> Filling, Grading, Ditching, Dredging, Lagooning, and/or Excavating- Contact this office for assistance with determining type of permit needed Other _____																					
Width 18' Length 74' Total Area 1,332.2' Total Stories 1 Height (To roof peak) 14'	Additional Project Information Home Addition: Total number of bedrooms? Before _____ After _____ Barn Information: Will it house any animals? If yes, complete Animal Units Worksheet Yes Sign Information: <input type="checkbox"/> Single-Sided <input type="checkbox"/> Double-Sided <input type="checkbox"/> Located On-Premise <input type="checkbox"/> Located Off-Premise <input type="checkbox"/> Wall <input type="checkbox"/> Ground <input type="checkbox"/> Directional Other _____ Will it be lighted and/or have moving/flashing parts? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes																				
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> PLEASE REMEMBER TO CLEARLY MARK/FLAG/STAKE-OUT THE CORNERS OF YOUR PROJECT <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>																					

PAGE 2 — SUPPLEMENTAL INFORMATION AND ADDITIONAL REQUIREMENTS

NOTE: Your County 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. Worksheets can be found at <http://www.co.dodge.wi.gov/government/departments-e-m/land-resources-and-parks/zoning-permits-and-ordinance/land-use-permit>

Is your project located within 1000 feet of a lake, pond or flowage, within 300 feet of the ordinary highwater mark (edge of the water) of a navigable waterway stream or creek or within a wetland or a floodplain? If you are uncertain, please contact this office for assistance.

- YES Go to question 1.
 NO Go to question 4.

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 question 2.
 NO Go to question 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 question 3.
 YES Your project **CAN NOT BE APPROVED** as proposed — Contact this office for assistance. Go to question 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 question 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 question 4.

4. Does your project involve riprapping?

- NO Go to question 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 question 5.

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

- NO Go to question 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 question 6.

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

- NO Go to question 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 question 8.

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

- NO Go to question 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 question 8.

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

- NO Go to question 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 question 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) Ken Gault Daytime Contact Phone (920) 285-1987
 Signature Ken J Gault Date 4-1-18 Call for pickup No Yes

Untitled Map

Write a description for your map.



Google Earth

© 2018 Google


Legend



200 ft

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

arm-lwr-11/04 January 2006



Wisconsin Department of Agriculture, Trade and Consumer Protection
 2811 Agriculture Drive, PO Box 8911, Madison WI 53708-8911
 Phone: (608) 224-4622 or (608) 224-4500

Worksheet 1 - Animal Units

Instructions: Use this worksheet to determine the number of *animal units* for which you request approval. You may request approval for a number that is large enough to accommodate current and potential future expansions. If the local government approves the requested number of *animal units*, that is the maximum number that you may keep for 90 days or more in any 12-month period. You may not exceed that number without additional approval.

To complete this worksheet:

1. Identify each type of *livestock* that you might keep at the proposed facility. Enter the maximum number of animals of each type that you might keep for at least 90 days in any 12-month period.
2. Multiply the number of animals of each type by the relevant Animal Unit Factor to obtain *animal units* of each type.
3. Sum the *animal units* for all *livestock* types to obtain the Total *Animal Units* for which you request approval.

	Livestock Type	Animal Unit Factor	Animal Units For Proposed Facility		
<i>Example - Milking & Dry Cows</i>			1.4 x	800	= 1120 AU
Dairy	Milking and Dry Cows	1.4	1.4 x	280	= 392
	Heifers (800 lbs. to 1200 lbs.)	1.1	1.1 x	70	= 77
Cattle	Heifers (400 lbs. to 800 lbs.)	0.6	0.6 x	40	= 24
	Calves (up to 400 lbs.)	0.2	0.2 x	25	= 5
Beef	Steers or Cows (600 lbs. to market)	1.0	1.0 x		=
	Calves (under 600 lbs.)	0.5	0.5 x		=
	Bulls (each)	1.4	1.4 x		=
Swine	Pigs (55 lbs. to market)	0.4	0.4 x		=
	Pigs (up to 55 lbs.)	0.1	0.1 x		=
	Sows (each)	0.4	0.4 x		=
	Boars (each)	0.5	0.5 x		=
Poultry	Layers (each)	0.01	0.01 x		=
	Broilers (each)	0.005	0.005 x		=
	Broilers - continuous overflow watering	0.01	0.01 x		=
	Layers or Broilers - liquid manure system	0.033	0.033 x		=
	Ducks - wet lot (each)	0.2	0.2 x		=
	Ducks - dry lot (each)	0.01	0.01 x		=
	Turkeys (each)	0.018	0.018 x		=
	Sheep (each)	0.1	0.1 x		=
	Goats (each)	0.1	0.1 x		=
Total Animal Units for Which Applicant Requests Approval					= 498


 Signature of Applicant or Authorized Representative

4-4-18
 Date



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 04, 2018

Ken Gault
c/o Gault Properties, LLC
W1970 Adams Road
Neosho, WI 53059

RE: Notice of Permit Refusal
PIN# 038-1017-3333-000
Being part of the SW ¼ in the SW ¼ in Section 33, T10N, R17E,
Township of Rubicon, Dodge County, Wisconsin
Site address: W1970 Adams Road

Dear Gault Properties, LLC:

Your application for a Land Use Permit to construct a Barn Addition on the property described above is hereby denied for failure to comply with the following sections of the Dodge County Codes:

Land Use Code Provisions:

5.1.2.K Structures to be used for the housing of animals shall be located a distance equal to not less than ½ the structure height from the side and rear lots lines;

According to County records, the required side yard setback for the Barn Addition is 16 feet. As proposed, the Barn Addition will begin at approximately 6 feet from the side yard or approximately 10 feet within the required side yard setback line and therefore prohibited by the code.

Therefore, the County is unable to issue a permit for your proposed construction project unless the construction is modified so as to comply with the code provisions mentioned above or unless a Variance is granted to allow the addition to be located within the minimum standards of the code. A Variance application form has been enclosed for your review.

You have the right to appeal this decision 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.

Take Care,

Wade B. Osterholz

Senior Land Use/Sanitation Specialist

DODGE COUNTY INSPECTION SHEET

Property Owner GAULT PROPERTIES LLC	County ID No. 2018-0164
Site Address W1970 ADAMS RD	PIN 038-1017-3333-000
Project BARN ADDITION	

ZONING	ANIMAL UNITS	ROAD/HIGHWAY (1)	ROAD/HIGHWAY (2)	SETBACKS	LOT COVERAGE AREA
A-2	498	<input checked="" type="checkbox"/> Town <input type="checkbox"/> County <input type="checkbox"/> US/State <input type="checkbox"/> Urbanized ROW _____ <input checked="" type="checkbox"/> 33	<input type="checkbox"/> Town <input type="checkbox"/> County <input type="checkbox"/> US/State <input type="checkbox"/> Urbanized ROW _____ <input type="checkbox"/> 33	Front (1) <u>+300</u> Front (2) <u>-</u> Side (1) <u>W +300</u> Side (2) <u>E 6</u> Rear <u>+300</u> OHWM <u>-</u> Structure <u>+100</u> Septic Tank <u>-</u> Septic Field <u>-</u>	Existing _____ Proposed _____ Total (E+P) _____ Tot. Lot Area <u>65 acres</u> % Coverage <u><10</u>
<input type="checkbox"/> BOA <input type="checkbox"/> P&Z <input type="checkbox"/> ETZA <input type="checkbox"/> POWTS <input type="checkbox"/> Sewered	<input type="checkbox"/> After Fact	ROW Setback <input type="checkbox"/> 27 <input checked="" type="checkbox"/> 42 <input type="checkbox"/> 67 <input type="checkbox"/> 200 Centerline Setback <input type="checkbox"/> 60 <input checked="" type="checkbox"/> 75 <input type="checkbox"/> 100 <input type="checkbox"/> Other _____	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 _____		

03/28/2018 - Onsite Inspection: Conducted prior to submittal of LUR #2018-0164 while onsite for LUR #2018-0137.

LUC 5.1.2.k - structures to be used for the housing of animals shall be located a distance equal to not less than 1/2 the structure height from the side and rear lot lines.

Existing barn height to roof peak is 32'. Minimum side lot line setback is 16'. Proposed barn addition is located 6' from the side (east) lot line.

01/04/2018 - Notice of Permit Refusal sent

See Attached Site Plan (Sketch)

Notes:

<input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Noncompliant	<input type="checkbox"/> Violation <input type="checkbox"/> Incomplete <input type="checkbox"/> Reinspection Needed	<input type="checkbox"/> Joe Giebel <input type="checkbox"/> Terry Ochs <input checked="" type="checkbox"/> Wade Osterholz WBO	Date 03/28/2018
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VARIANCE SURVEY

For Gault Properties LLC

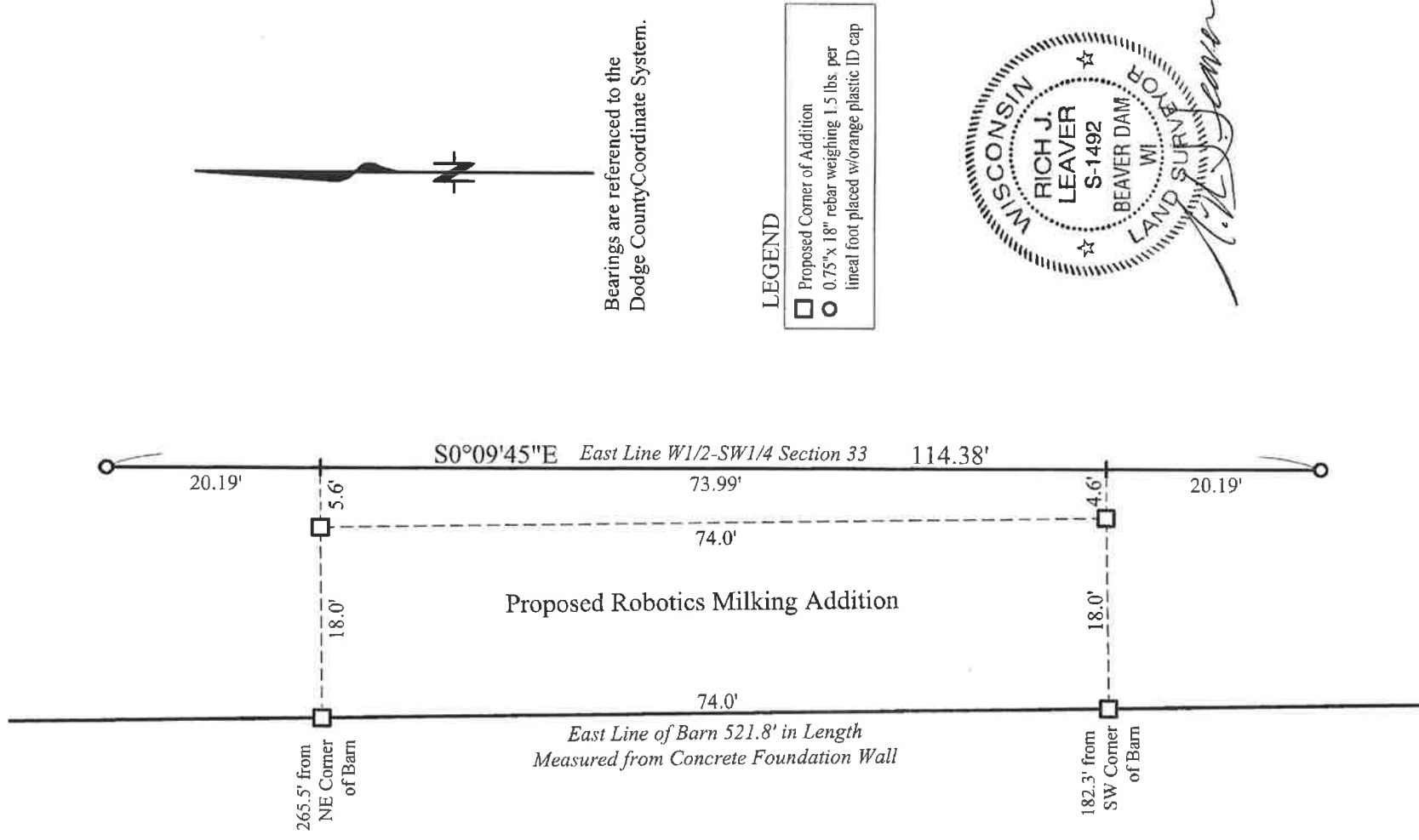
Along the East Side of a Large Barn

Located in the SW1/4-SW1/4 of Section 33, T10N-R17E

Town of Rubicon, Dodge County, Wisconsin

W1970 Adams Rd.

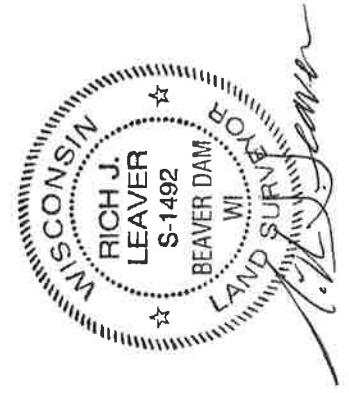
Parcel No. 038-1017-3333-000



Bearings are referenced to the Dodge County Coordinate System.

LEGEND

- Proposed Corner of Addition
- 0.75"x 18" rebar weighing 1.5 lbs. per lineal foot placed w/orange plastic ID cap



VARIANCE SURVEY

For Gault Properties LLC

Along the East Side of a Large Barn

Located in the SW1/4-SW1/4 of Section 33, T10N-R17E

Town of Rubicon, Dodge County, Wisconsin

W1970 Adams Rd.

Parcel No. 038-1017-3333-000

SURVEYOR'S CERTIFICATE

I, Rich J. Leaver, Wisconsin Licensed Land Surveyor, hereby certify that I have surveyed and mapped a proposed robotics milking addition near the east line of the W1/2-SW1/4 of Section 33, by the direction of Kenneth Gault, representing Gault Properties LLC, as the owner. This survey is for a setback variance from the east property line.

I further certify that all aspects of the land surveying work, including client contact, records research, field work including searching for historical survey markers and staking new markers, field data collection and measurements, computations, drafting the plat of survey, and all other aspects of this land survey were performed by a Wisconsin Licensed Land Surveyor.

I further certify that the information contained herein is a correct representation of the proposed addition and the subject 1/16 line, and that I have fully complied with or exceeded the provisions of Chapter AE 7 of the Wisconsin Administrative Code in surveying and mapping the same, to the best of my knowledge and belief.



Rich J. Leaver, WI_LS-1492
Leaver Land Surveying LLC
W8871 Gossfeld Ln.
Beaver Dam, WI 53916
920-887-2401



Owner of Record

Gault Properties LLC
Kenneth Gault
W1970 Adams Rd.
Neosho, WI 53059