

Land Resources and Parks Department Staff Report

County Variance Application No. 2021-0228
County Land Use Permit Application No. 2021-0184
Filing Date: March 30, 2021
Hearing Date: May 20, 2021

Applicant (Agent):
Steve Hasselberger
P.O. Box 327
Pardeeville, WI 53954

Owner:
DonEve Inc.
P.O. Box 327
Pardeeville, WI 53954

Location

PIN #: 022-1116-2021-000
Property Location: NE ¼ of the NW ¼, Section 20, Town of Hubbard, the site address being W4337 County Road S, Lot #2.

Appellants Request

An application for a variance to the terms of the Highway Setback Overlay District provisions of the Dodge County Land Use Code has been submitted by the applicant to allow the location of a manufactured home and foundation pad on this lot approximately 3 feet within the required highway setback lines of Nobel Road.

County Jurisdiction

The County has highway setback jurisdiction over this site as the Town of Hubbard has adopted the Highway Setback Overlay District provisions of 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.

Features

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

The County has highway setback jurisdiction over this site as the Town of Hubbard has adopted the Highway Setback Overlay District provisions of the County's Land Use Code.

The property is presently being used for residential use as a Manufactured Home Community.

The physical features of this approximate 73.8-acre lot include a rolling topography with slopes ranging from 0 to 12% . The parcel contains a Manufactured Home Community;

The general character of the surrounding land use consists of agricultural and open space wetlands and scattered residences along County Road S.

On March 19, 2021, an "after the fact" application for a County Land Use Permit was made by the appellant in order they be allowed to construct/locate a new manufactured home and foundation pad on this lot.

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

Subsection 4.6.4.A and Table 5.1-1 of the Land Use Code refer to the required setbacks from public roads, streets and highways, within the Highway Setback Overlay District. For the specific section of Nobel Road, along which the above noted project is to take place, the required setback is 60 feet from the centerline or 27 feet from the road right-of-way, whichever distance is greater. According to County records the required setback at this location is 60' from the centerline of Nobel Road. As proposed, the residence and foundation pad are located approximately 57' 6" feet from the centerline of Nobel Road or approximately 2' 6" within the required setback, therefore not in compliance the highway setback provisions of the Code and therefore prohibited by the Code.

The appellant is requesting an area variance to Subsection 4.6.4.A and Table 5.1-1 of the code;

Town Recommendation: No response from Town

Purpose Statement

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

Staff Advisory:

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

The staff believes that the appellant is requesting an area variance to Subsection 4.6.4.A and Table 5.1-1 of the code;

The staff points out that this is an after the fact variance request and the Board must look at the situation as if the home and foundation pad does not yet exist.

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.

It is the staff's position that the request does not meet all three criteria that is necessary to grant a variance in this case.

It is the staff's position that ignoring the required highway setback provisions of the Code and allowing the construction/location of a manufactured home and pad on this site within the required setback lines of Nobel Road is not consistent with the purpose of the code which is to provide a uniform setback from public roads and within the County in order to provide safe visibility while entering or exiting a site and to save tax payers of Dodge County from having to purchase non-conforming structures located within the highway setback lines, when those structures need to be removed for highway improvement or relocation projects. It is the staff's position that the cumulative effect of allowing construction to occur within the required highway setback is not in the best interest of the adjacent land owners, the public or the community.

It is also the staff's position that in this case, there are no conditions that are unique to this property that would suggest a variance be granted. The applicant has reasonable options available to move/locate the manufactured home 3' to the west in order to comply with the County Highway Setback Overlay District requirements of the Code and therefore the Code is not unnecessarily burdensome in this case and does not create a hardship. It is the staff's position that applicant cannot claim there is a hardship due to conditions which are self-imposed. In this case, the applicant installed the foundation pad and located the manufactured home on this site without first obtaining the required County permits and then it was determined by the County that portions of the foundation and residential structure were located within the highway setback lines. It is also the staff's position that economic loss or financial hardship that is due to self-imposed circumstances do not justify a variance.

It is the staff's position that that the Board will be unable to make the findings that are necessary in order to grant a variance in this case and therefore the variance request should be denied.

Dodge County Board of Adjustment Decision

County Variance Application No. 2021-0228
County Land Use Permit Application No. 2021-0184
Filing Date: March 30, 2021
Hearing Date: May 20, 2021

Applicant (Agent):
Steve Hasselberger
P.O. Box 327
Pardeeville, WI 53954

Owner:
DonEve Inc.
P.O. Box 327
Pardeeville, WI 53954

Location
PIN #: 022-1116-2021-000
Property Location: NE ¼ of the NW ¼, Section 20, Town of Hubbard, the site address being W4337 County Road S, Lot #2.

Appellants Request
An application for a variance to the terms of the Highway Setback Overlay District provisions of the Dodge County Land Use Code has been submitted by the applicant to allow the location of a manufactured home and foundation pad on this lot approximately 3 feet within the required highway setback lines of Nobel Road.

CONCLUSIONS OF LAW

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

The appellants request to Subsection 4.6.4.A and Table 5.1-1 of the Code are “area” variances.

(Yes / No) _____

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

(Yes / No) _____

Are the highway 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 locate a home on this lot that complies with the highway setback provisions of the code?

(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 appellant's variance request meets the criteria that is necessary in order to grant the variance requests?

(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?

1. A variance agreement shall be required to be recorded with the Register of Deeds Office in the amount of the proposed construction project prior to the approval of the land use permit.

Others

Motion by _____ to (approve / deny) the variance to the highway setback requirements of the code based upon the previously mentioned findings and conditions.

Motion second _____

Vote

Harold Hicks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
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
Rodney Justman	<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
Dan Siegmann (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: _____

The data used to create this map is a compilation of records, information, and data from various city, county, and state offices, and other sources. This map is only advisory, does not replace a survey, and may not be used for a legal purpose. Dodge County assumes no liability for any use or misuse of this information.



2021-000
39.311 ac.

TOWN OF HUBBARD

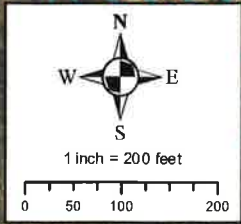
NOBLE RD

2012-001
19.233 ac.

2024-000
34.523 ac.

2013-000
20.459 ac.

Dodge County Land Resources & Parks



General	WI Historical Society	Floodplain / Wetland	County Zoning
Urbanized Roads	Historic Structures	FEMA Floodplain/Storage/Dam Shadow	General Commercial
Soils	Archaeological Sites	DNR Wetland Areas/Points	Extensive Commercial
Airport Ordinance 3-Mile Buffer	Survey Areas	Shoreland Zoning	Light Industrial
Sewer Service Areas	Non-Metallic Mining	Shoreland Zoning Buffer	General Agricultural
Highly Developed Shoreline	Active Mining Area	Lakes/Ponds/Sloughs	Prime Agricultural
Elevation Contours	Approved Mining Area	Rivers/Streams/Creeks	One Family Residential
	Mine Property Boundaries		Two Family Residential
			Multi-Family Residential
			General Commercial
			Extensive Commercial
			Light Industrial
			Industrial
			Waterbody
			ROW/City/Village



**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. 210228	Issue Date:
Application Date: 3/30/2021	Receipt #: 2533-0009

Variance Application

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

Names and Mailing Addresses	Property Description														
Applicant (Agent) Steve Hasselberger	Parcel Identification Number (PIN) 022-1116-2021-000														
Street Address PO Box 327	Town Hubbard														
City • State • Zip Code Pardeeville, WI 53954	<table border="1"> <tr> <td>$\frac{1}{4}$</td> <td>$\frac{1}{4}$</td> <td>Section</td> <td>T</td> <td>N</td> <td>R</td> <td>E</td> </tr> <tr> <td>NE 1/4</td> <td>NW 1/4</td> <td>20</td> <td>T11N</td> <td></td> <td>R16E</td> <td></td> </tr> </table>	$\frac{1}{4}$	$\frac{1}{4}$	Section	T	N	R	E	NE 1/4	NW 1/4	20	T11N		R16E	
$\frac{1}{4}$	$\frac{1}{4}$	Section	T	N	R	E									
NE 1/4	NW 1/4	20	T11N		R16E										
Property Owner (If different from applicant) DonEve Inc	Subdivision or CSM #														
Street Address PO Box 327	Site Address W4337 County Rd S Lot # 2														
City • State • Zip Code Pardeeville, WI 53954	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No														

Present property use:

Mobile Home Community

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

None That I am aware of

Describe all nonconforming structures and uses on this property:

One replacement mobile home

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

Section 5.1.1 of the County Code

Variance Requested:

Allow replacement mobile home to be 57 feet from the centerline of Noble insted of the 60 feet required by the 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?

Removed an old mobile home that wasn't inhabitable for a new mobile home

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

We placed the new mobile home in the same location as the old mobile home

Modern mobile home is slightly larger
dead end road. Code is ~~burden~~

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 would. The mobile home that we replaced was put there in 1971 and the new mobile homes are larger now.

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

No affect to the public or neighbors

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:

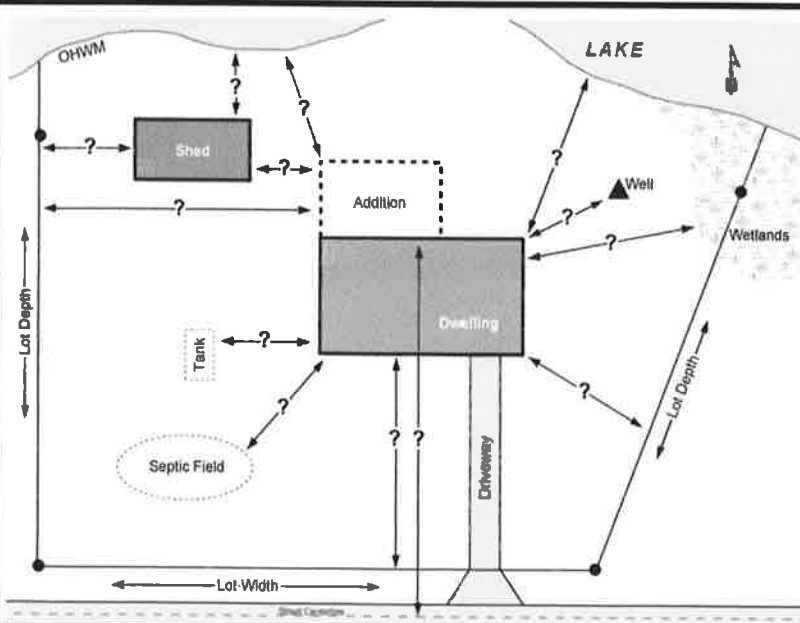
03/30/2021

Daytime Contact Number

(920) 296-4150

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)

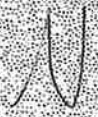
43	42	27		61
44	41	28		62
45	40	29	52	74
46	39	30	53	73
47	38	31	54	72
48	37	32	55	71
49	36	33	56	70
50	35	34	57	69
			58	68
			59	
			60	

House

Barh

Barh

76
75
51



Not to scale

24	1
23	2
22	3
21	4
20	5
19	6
18	7
17	8
16	9
15	10
14	11
12	11A
25	13
26	

Country Acres
Mobile Homecourt

Go gle



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 26, 2021

DonEve Inc.
PO Box 327
Pardeeville, WI 53954

COPY

RE: Notice of Permit Refusal
PIN# 022-1116-2021-000

Location: NE ¼, NW ¼, Section 20, T11N, R16E, Town of Hubbard, Dodge County, Wisconsin the site address being W4337 County Road S, Lot #2

Dear Applicant:

Your **after-the-fact** application for a permit to construct a concrete pad and place a mobile home on the property described above is hereby denied for failure to comply with the following sections of the Dodge County Codes:

5.1. DWELLINGS AND OTHER PRINCIPAL STRUCTURES

- 5.1.1 **Street/highway/road/front yard setback for dwellings and other principal structures**
Highway, street, road and front yard setbacks are measured from the centerline of the highway, street or road and/or from the highway, street and road right-of-ways whichever is greater.

Minimum setback distances for dwellings and other principal structures are provided in Table 5.1-1.

Table 5.1-1: Minimum Setback Distances

Type of Abutting Roadway	Minimum Setback Distances (feet)	
	From Centerline	From Right-of-Way
Streets and Town Roads (designated) (See appendix 1)	60	27
Streets and Town Roads (undesignated)	75	42
Federal, State, and County Trunk Highways	100	67
Expressways and Freeways		
- Residential Uses	---	200
- Nonresidential Uses	---	67

As placed, the mobile home is located 57 feet from the centerline of Noble Road, thus not in compliance with section 5.1.1 of the County Code. **Additionally, the permit needs to be revised to show the price of the mobile home and the fee is to be paid to reflect it being after-the-fact. Therefore, additional fees are required to be paid to Dodge County.**

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 code provisions mentioned above or unless a variance is granted to the current 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.

Sincerely,

Kristopher Pasewald
Land Use Sanitation Specialist II

Land Use Permit

Dodge County Land Resources and Parks Department
 127 East Oak Street
 Juneau, WI 53039-1329
 (920) 386-3700 x2 or landresources@co.dodge.wi.us
 www.co.dodge.wi.gov

This Area For Office Use Only

COUNTY ID No.	Receipt No.
210184	2454-0023
Permit Expiration Date	Application Date
	3-19-2021
	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.) DonEve Inc.		Parcel Identification Number (PIN) 022-1116-2021-000	
Street Address PO Box 327		Town Hubbard	T N R E T11N R16E
City • State • Zip Code Pardeeville, WI 53954		1/4 1/4 Section NE 1/4 NW 1/4 20	Acreage Lot (Block)
Property Owner <input checked="" type="checkbox"/> Same as applicant DonEve Inc.		Subdivision or CSM (Volume/Page/Lot)	
Street Address PO Box 327		Address Of Property (DO NOT include City/State/Zip Code) W4337 County Road S Lot # 2	
City • State • Zip Code Pardeeville, WI 53954		Is this property connected to public sewer? <input type="checkbox"/> No <input type="checkbox"/> Yes Is property located within a sanitary district/accessible to public sewer? <input type="checkbox"/> No <input type="checkbox"/> Yes	
CURRENT USE OF PROPERTY		PROPOSED USE OF PROPERTY	
<input type="checkbox"/> Vacant Land <input 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>Mobile Home Community</u>		<input 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 <u>Mobile Home Community</u>	

PROPOSED CONSTRUCTION PROJECT

(CHECK ALL THAT APPLY)

*** (Building plans are required for new/replacement Homes) ***

<input type="checkbox"/> Pool <input type="checkbox"/> Deck <input type="checkbox"/> Patio <input type="checkbox"/> Shed <input type="checkbox"/> Home	<input type="checkbox"/> Porch <input type="checkbox"/> Fence <input type="checkbox"/> Riprap <input type="checkbox"/> Gazebo <input type="checkbox"/> Sidewalk	<input type="checkbox"/> NEW STRUCTURE/CONSTRUCTION <input type="checkbox"/> Driveway <input type="checkbox"/> Boathouse <input type="checkbox"/> Attached Garage <input type="checkbox"/> Detached Garage <input type="checkbox"/> Ag Ditch Cleanout	<input type="checkbox"/> REPLACEMENT OF EXISTING <input type="checkbox"/> ADDITION TO AN EXISTING <input type="checkbox"/> Field Tile Installation <input type="checkbox"/> Pond (Less than 2 acres in size) <input type="checkbox"/> Sign (Complete additional project information below) <input type="checkbox"/> Barn (Complete additional project information below) <input type="checkbox"/> Home Addition (Complete additional project information below)
<input type="checkbox"/> Filling, Grading, Ditching, Dredging, Lagooning, and/or Excavating- Contact this office for assistance with determining type of permit needed Other <u>Concrete pad for replacement mobile home</u>			
Width <u>N/A</u> Length <u>N/A</u> Total Area <u>N/A</u> Total Stories <u>N/A</u> Height (To roof peak) <u>N/A</u>	Additional Project Information Home Addition: Total number of bedrooms? Before <u>N/A</u> After <u>N/A</u> Barn Information: Will it house any animals? If yes, complete Animal Units Worksheet. 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 type="checkbox"/> Yes		
Estimated Cost (w/Labor) \$ <u>8,000</u>			

◆ ◆ ◆ CLEARLY MARK/FLAG/STAKE-OUT THE CORNERS OF YOUR PROJECT & PROPERTY LINES ◆ ◆ ◆

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

PAGE 2 — SUPPLEMENTAL INFORMATION AND ADDITIONAL REQUIREMENTS

NOTE: Your County 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.

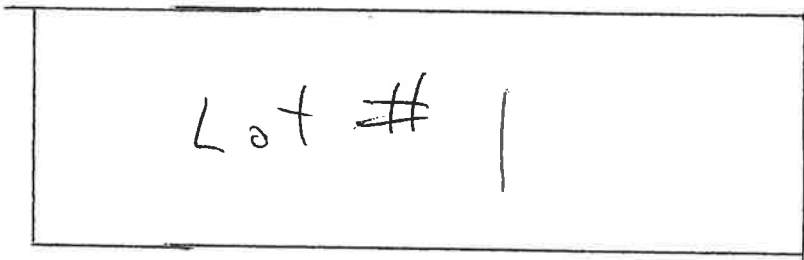
Contact Person (Print) Steve Hasselberger Daytime Contact Phone (920) 296 4150 or Email: _____

Signature [Signature] Date 03/17/2021 Call for pickup No Yes

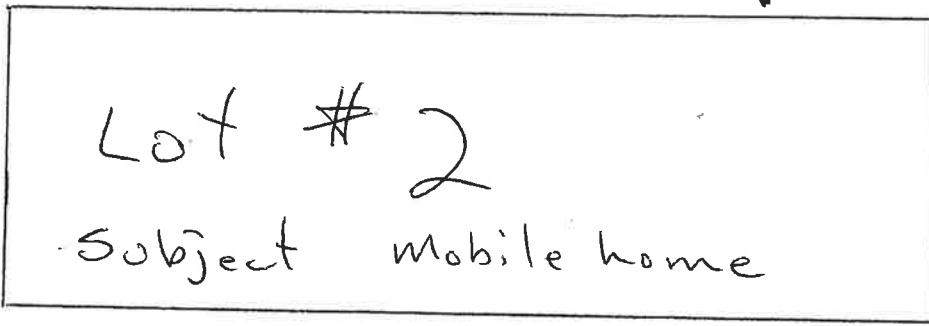


Not to scale

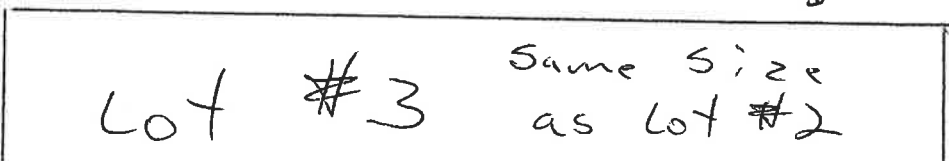
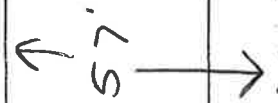
Private Driveway



Lot # 1



Lot # 2
Subject mobile home



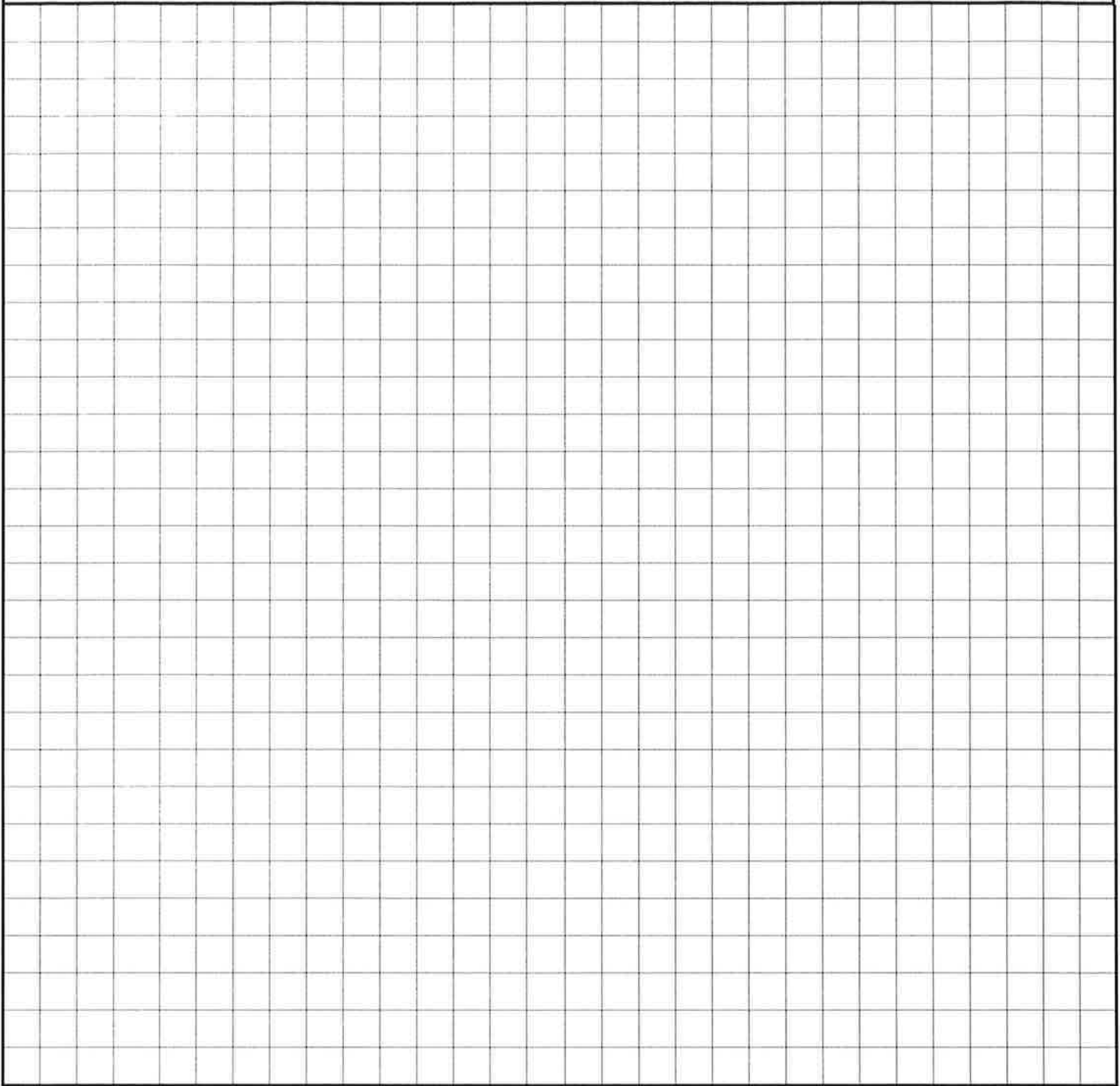
Lot # 3 Same size as Lot # 2

Private Driveway

Mobile Rd

center of Road - - - - -

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: <i>3/19/2021 KR - Denied, 3' within setback of Noble Rd - installed 57' from the centerline - 60' required by code</i>				
<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied	Land Resources and Parks Department <i>[Signature]</i>			Date <i>3/19/2021</i>

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

43	42	27		61	
44	41	28		62	74
45	40	29	52	63	73
46	39	30	53	64	72
47	38	31	54	65	71
48	37	32	55	66	70
49	36	33	56	67	69
50	35	34	57	68	
			58		
			59		
			60		

House

Barn	76
Drop	75
	51

24	1
23	2
22	3
21	4
20	5
19	6
18	7
17	8
16	9
15	10
14	11
12	11A
25	13
26	

Country Acres Mobile Homecourt



DODGE COUNTY INSPECTION SHEET

Property Owner DONEVE INC.	County ID No. 2021-0184
Site Address W4337 COUNTY ROAD S – LOT 2	PIN 022-1116-2021-000
Project CONCRETE PAD	

ZONING <i>n/a</i>	ANIMAL UNITS —	County Jurisdiction <input type="checkbox"/> Land Use Code; <input type="checkbox"/> Shoreland; <input type="checkbox"/> Wetland; <input type="checkbox"/> Floodplain; <input checked="" type="checkbox"/> Hwy Setback; <input type="checkbox"/> Airport; <input type="checkbox"/> Sanitary; <input type="checkbox"/> Stormwater Management; <input type="checkbox"/> Erosion Control; <input checked="" type="checkbox"/> After the Fact			
ROAD/HIGHWAY (1) <input type="checkbox"/> Town <input checked="" type="checkbox"/> County <input type="checkbox"/> US/State <input type="checkbox"/> Urbanized ROW _____ <input checked="" type="checkbox"/> 33 ROW Setback <input type="checkbox"/> 27 <input type="checkbox"/> 42 <input checked="" type="checkbox"/> 67 <input type="checkbox"/> 200 Centerline Setback <input type="checkbox"/> 60 <input type="checkbox"/> 75 <input checked="" type="checkbox"/> 100 <input type="checkbox"/> Other _____	ROAD/HIGHWAY (2) <input checked="" type="checkbox"/> Town <input type="checkbox"/> County <input type="checkbox"/> US/State <input type="checkbox"/> Urbanized ROW _____ <input checked="" type="checkbox"/> 33 ROW Setback <input checked="" type="checkbox"/> 27 <input type="checkbox"/> 42 <input type="checkbox"/> 67 <input type="checkbox"/> 200 Centerline Setback <input checked="" type="checkbox"/> 60 <input type="checkbox"/> 75 <input type="checkbox"/> 100 <input type="checkbox"/> Other _____	SETBACKS/ HEIGHT Front (1) <u>+500'</u> Front (2) <u>57'</u> Side (1) <u>n/a</u> Side(2) <u>n/a</u> Rear <u>+50'</u> OHWM <u>—</u> Structure <u>+50</u> Structure <u>—</u> Septic Tank <u>+25</u> Septic Field <u>+50'</u> Height _____	LOT COVERAGE AREA Zoning District: <u>n/a</u> % coverage allowed <u>—</u> Existing (sq. ft.) _____ Proposed (sq. ft.) _____ Total lot coverage area (sq. ft.) _____ % Lot Coverage _____	IMPERVIOUS SURFACE AREA <input type="checkbox"/> Riparian Lot <input checked="" type="checkbox"/> Non-riparian Lot <input type="checkbox"/> Highly Developed Shoreland Existing Imp. Surface (sq. ft.) <u>+300</u> Final Imp. Surface Area (sq. ft.) _____ Lot Size (sq. ft.) _____ % Imp. Surface area _____	

Is the "use" in compliance with the applicable Ordinances? Yes No N/A

Do any Ordinance exemptions apply? Yes No Sections: _____

Are other permits or approvals required? No Yes:

CUP Rezoning Variance POWTS Review POWTS Reconnection State Plan Approvals Stormwater Management Plans

Erosion Control Plans Lot Restrictions Other _____

mobile home is 57' from the centerline of Noble rd

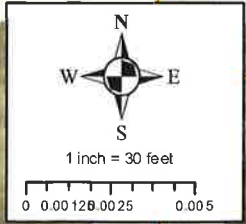
•Need: 1. revised permit to include mobile home w/site plan
2. 2x fees as it is after-the-fact - based on mobile home cost
3. need to correct violation, move back 3' minimum from Noble rd
as to comply with highway setback regulations

See Attached Site Plan (Sketch)

Notes:
3/19/21 KR-Denial, ATF, 3' within ROW setback

<input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Noncompliant	<input checked="" type="checkbox"/> Violation <input type="checkbox"/> Incomplete <input type="checkbox"/> Reinspection Needed	<input type="checkbox"/> Joe Giebel <input type="checkbox"/> Terry Ochs <input type="checkbox"/> Wade Osterholz <input checked="" type="checkbox"/> Kris Pasewald <input type="checkbox"/> Other	Date <u>3/19/21</u>
--	--	---	------------------------

The data used to create this map is a compilation of records, information, and data from various city, county and state offices and other sources. This map is only advisory, does not replace a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.



<p>General</p> <ul style="list-style-type: none"> Urbanized Roads Soils Airport Ordinance 3-Mile Buffer Sewer Service Areas Highly Developed Shoreline Elevation Contours 	<p>WI Historical Society</p> <ul style="list-style-type: none"> Historic Structures Archaeological Sites Survey Areas <p>Non-Metallic Mining</p> <ul style="list-style-type: none"> Active Mining Area Approved Mining Area Mine Property Boundaries 	<p>Floodplain / Wetland</p> <ul style="list-style-type: none"> FEMA Floodplain/Storage/Dam Shadow DNR Wetland Areas/Points <p>Shoreland Zoning</p> <ul style="list-style-type: none"> Shoreland Zoning Buffer Lakes/Ponds/Sloughs Rivers/Streams/Creeks 	<p>County Zoning</p> <ul style="list-style-type: none"> Planned Unit Development Hartford Extraterritorial General Agricultural Prime Agricultural One Family Residential Two Family Residential Multi-Family Residential 	<ul style="list-style-type: none"> General Commercial Extensive Commercial Light Industrial Industrial Waterbody ROW/City/Village
--	--	---	--	---

Land Resources and Parks Department Staff Report

County Variance Application No. 2021-0271
County Land Use Permit Application No. 2021-0272
Filing Date: April 12, 2021
Hearing Date: May 20, 2021

Applicant Owner
Matthew and Deana Binkelman
N11329 State Road 175
Brownsville, WI 53006

Location
PIN# 030-1317-1034-001
Location: Part of the SE ¼ of the SW ¼, Section 10, Town of Lomira, the site address being N11329 State Road 175.

County Jurisdiction
The County has Zoning Jurisdiction over this site as the Town of Lomira 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
An application for a variance request was submitted by the appellant with a request to allow the construction of a porch addition on this site where said addition is located approximately 27 feet within the required highway setback of STH 175 and where said addition is considered by the County as an expansion of a non-conforming structure.

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 residential use;

The physical features of this approximate 7-acre lot include a rolling topography with slopes ranging from 0 to 12%. The parcel contains a residence and accessory structures;

The general character of the surrounding land use consists of Agricultural with scattered residences along STH 175 and the Village of Lomira to the south;

The residence is listed by the County as a legal existing non-conforming structure as the residence is located within the highway setback lines of STH 175, and the residence was constructed prior to the adoption of the Dodge County Land Use Code by the Town of Lomira.

According to County Records, the State owns approximately 65.05' of road right-of-way at this location. Therefore, the required highway setback at this location for all structures will be 132.05' from the centerline of STH 175.

On April 12, 2021, an application for a County Land Use Permit was made by the appellant in order they be allowed to construct an approximate 10' and 19.25' attached porch and stairway along the north side of the residence on this site.

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

Subsection 5.1 and Table 5.1 -1 of the Land Use Code refer to the required setbacks from public roads, streets and highways under the Dodge County Land Use Code. For the specific section of State Road 175 along which the above noted project is to take place, the required setback is 100 feet from the centerline or 67 feet from the road right-of-way, whichever distance is greater. According to the County records, the state owns approximately 65' of road right-of-way at this location. Therefore, the required setback for any construction at this location is 132' from the centerline of State Road 175. As proposed, the porch addition will be located approximately 105' feet from the centerline of State Road 175 or approximately 27' within the required setback, therefore not in compliance the Code provisions and therefore prohibited by the Code.

Subsection 10.3.1 of the Code states: "Lawfully existing nonconforming structures existing at the time of the adoption or amendment of this Code may be continued, although their size or location does not conform with the provisions of this Code." Subsection 10.3.2.B states: "No new basements, additional stories, lateral expansion or accessory construction outside of the perimeter of the existing structure or building, except as allowed under this subsection, shall be permitted unless the proposed construction complies with all applicable provisions of this code."

In this case, the County considers the residence as a lawful existing non-conforming structure as it is presently located within the required setback lines and said structure was in existence prior to the adoption of the County Land Use Code. The proposed porch addition will extend laterally beyond the existing footprint of the nonconforming structure and the proposed porch addition will be located within the required highway setback line and therefore is prohibited by the Code.

The appellant is requesting an area variance to Section 5.1, 10.3.1 and Table 5.1-1 of the code;

Town Recommendation:

No recommendation submitted by the Town;

Purpose Statement

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

The purpose and intent of the nonconforming structure provisions of the Land Use 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, 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.

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, 10.3.1 and Table 5.1-1 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 that are unique to the property and if granted, that the variance would not be contrary to the public interest.

The Board should determine if the highway setback provisions of the code are unnecessarily burdensome in this case and if the location of the proposed porch addition will create a safety hazard for people entering or exiting the driveway or when using the road. The Board should also consider the costs to the Town and the public of having to purchase this structure in the future if this structure would need to be removed for highway improvement or relocation projects.

If the Board can make the findings that are necessary in order to grant a variance in this case, the staff recommends the following conditions of approval in order to save the tax payers the cost of having to purchase this non-conforming structure in the future if this structure needs to be removed for highway improvement or relocation projects:

1. A variance agreement shall be required to be recorded with the Register of Deeds Office in the amount of the proposed construction project prior to the approval of the land use permit.



Dodge County Board of Adjustment Decision

County Variance Application No. 2021-0271
County Land Use Permit Application No. 2021-0272
Filing Date: April 12, 2021
Hearing Date: May 20, 2021

Applicant Owner
Matthew and Deana Binkelman
N11329 State Road 175
Brownsville, WI 53006

Location
PIN# 030-1317-1034-001
Location: Part of the SE ¼ of the SW ¼, Section 10, Town of Lomira, the site address being N11329 State Road 175.

County Jurisdiction
The County has Zoning Jurisdiction over this site as the Town of Lomira 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
An application for a variance request was submitted by the appellant with a request to allow the construction of a porch addition on this site where said addition is located approximately 27 feet within the required highway setback of STH 175 and where said addition is considered by the County as an expansion of a non-conforming structure.

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, 10.3.1 and Table 5.1-1 of the Code are "area" variances.

(Yes / No) _____

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

(Yes / No) _____

Are the highway 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 porch addition on this lot that will be in compliance with the highway setback provisions of the Code?

(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 appellant's variance request meets the criteria that is necessary in order to grant the variance requests?

(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?

- A variance agreement shall be required to be recorded with the Register of Deeds Office in the amount of the proposed construction project prior to the approval of the land use permit.
- Others

Motion by _____ to (approve / deny) the variance to the highway setback requirements of the code based upon the previously mentioned findings and conditions.

Motion second _____

Vote

Harold Hicks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
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
Rodney Justman	<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
Dan Siegmann (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. 210271	Issue Date:
Application Date: 4-12-2021	Receipt #: 2592-0010

Variance Application

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

Names and Mailing Addresses		Property Description				
Applicant (Agent) <i>Matt + Deana Binkelman</i>		Parcel Identification Number (PIN) <i>030-1317-1034-001</i>				
Street Address <i>N11329 State Road 175</i>		Town <i>Lomira</i>				
City • State • Zip Code <i>Brownsville, WI 53006</i>		¼ <i>SE</i>	¼ <i>SW</i>	Section <i>10</i>	T <i>13</i>	N <i>17</i>
Property Owner (If different from applicant)		Subdivision or CSM #				
Street Address		Site Address <i>N11329 State Road 175</i>				
City • State • Zip Code		Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

Present property use:
residential / agriculture

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

Describe all nonconforming structures and uses on this property:
No known nonconforming structures or uses.

List the terms of the Land Use Code for which you are requesting a variance (section # and code provision requirements):
5.1.1 minimum setback distance from a federal, state and county trunk highways

Variance Requested:
Build within the minimum setback

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

What unnecessary hardship is present that prohibits your compliance with the terms of the Land Use Code?
Existing entrance structure is not attached to the house heavy wind cause the steps to move away from the house causing that exit to become unusable and creating a safety hazard -see attached pictures of steps moving-

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

Entire house sits within the setback area of Hwy 175

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, House will not conform to construction standards
SPS 321.03 Exits 1. From 1st floor subsection a and b

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

Neither would be affected by the proposed 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.

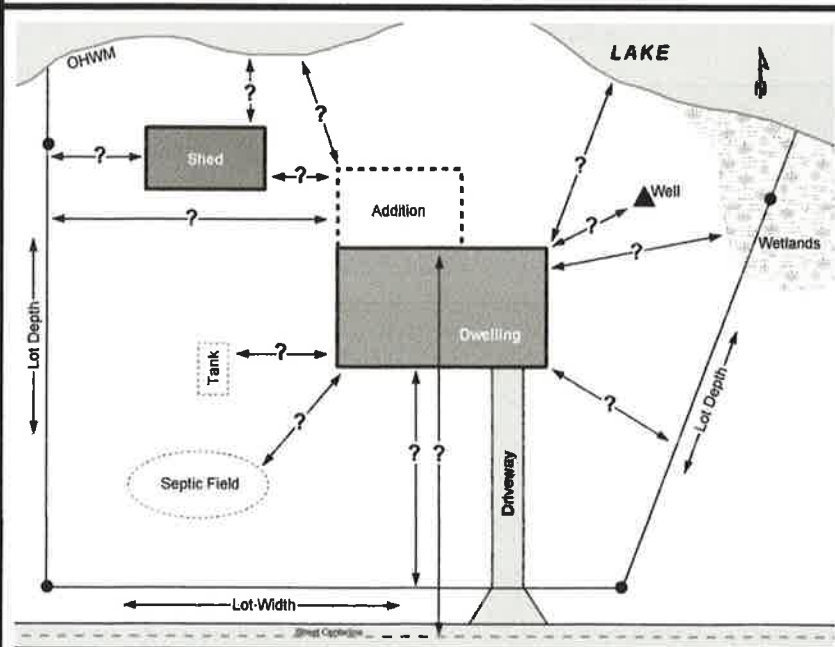
Signature of owner or authorized agent: Matt Bachelard

Date: 4/12/2021

Daytime Contact Number (262) 719 - 3563

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

April 13, 2021

Matthew and Deana Binkelman
N11329 State Road 175
Brownsville, WI 53006

RE: Notice of Permit Refusal

PIN# 030-1317-1034-001

Location: Part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 10, Town of Lomira, the site address being N11329 State Road 175.

Dear Matthew and Deana Binkelman:

Your application for a permit to construct a porch addition onto the house 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:

Subsection 5.1 and Table 5.1 -1 of the Land Use Code refer to the required setbacks from public roads, streets and highways under the Dodge County Land Use Code. For the specific section of State Road 175 along which the above noted project is to take place, the required setback is 100 feet from the centerline or 67 feet from the road right-of-way, whichever distance is greater. According to the County records, the state owns approximately 65' of road right-of-way at this location. Therefore, the required setback for any construction at this location is 132' from the centerline of State Road 175. As proposed, the porch addition will be located approximately 105' feet from the centerline of State Road 175 or approximately 27' within the required setback, therefore not in compliance the Code provisions and therefore prohibited by the Code.

Subsection 10.3.1 of the Code states: "Lawfully existing nonconforming structures existing at the time of the adoption or amendment of this Code may be continued, although their size or location does not conform with the provisions of this Code." Subsection 10.3.2.B states: "No new basements, additional stories, lateral expansion or accessory construction outside of the perimeter of the existing structure or building, except as allowed under this subsection, shall be permitted unless the proposed construction complies with all applicable provisions of this code."

In this case, the County considers the residence as a lawful existing non-conforming structure as it is presently located within the required setback lines and said structure was in existence prior to the adoption of the County Land Use Code. The proposed porch addition will extend laterally beyond the existing footprint of the nonconforming structure and the proposed porch addition will be located within the required setback line and therefore is prohibited by the Code.

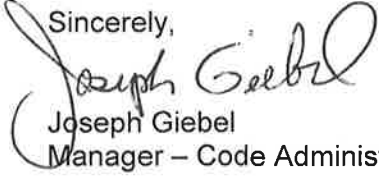
Therefore, the County is unable to issue a permit for your proposed construction projects unless the construction is modified so as to comply with the code provisions mentioned above or unless a variance is granted to the highway setback standards of the code.

According to County records, a variance request was filed on April 12, 2021 and has been forwarded to the Board of Adjustment for scheduling of an on-site inspection and a public hearing.

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.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Giebel". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Joseph Giebel

Manager – Code Administration

Land Use Permit

Dodge County Land Resources and Parks Department
 127 East Oak Street
 Juneau, WI 53039-1329
 (920) 386-3700 x2 or landresources@co.dodge.wi.us
 www.co.dodge.wi.gov

This Area For Office Use Only

COUNTY ID No. 210272	Receipt No. 2592-0011
Permit Expiration Date	Application Date 4-12-2021
	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.) Matt & Deana Binkelman		Parcel Identification Number (PIN) 030-1317-1034-001				
Street Address N11329 State Road 175		Town Lomira		T	N	R
City • State • Zip Code Brownsville, WI 53006		1/4	1/4	Section 10	Acreage 7.07	Lot (Block)
Property Owner <input checked="" type="checkbox"/> Same as applicant		Subdivision or CSM (Volume/Page/Lot)				
Street Address		Address Of Property (DO NOT include City/State/Zip Code) N11329 State Road 175				
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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
CURRENT USE OF PROPERTY		PROPOSED USE OF PROPERTY				
<input type="checkbox"/> Vacant Land <input type="checkbox"/> Working Farm <input type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other _____		<input checked="" type="checkbox"/> 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 _____				
<input checked="" type="checkbox"/> Single-Family Residential						
<input type="checkbox"/> Two-Family						
<input type="checkbox"/> Multi-Family						

PROPOSED CONSTRUCTION PROJECT

(CHECK ALL THAT APPLY)

*** (Building plans are required for new/replacement Homes) ***

- | | | | |
|--------------------------------|---|--|--|
| <input type="checkbox"/> Pool | <input checked="" 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 type="checkbox"/> Barn (Complete additional project information below) |
| <input type="checkbox"/> Home | <input type="checkbox"/> Sidewalk | <input type="checkbox"/> Ag Ditch Cleanout | <input type="checkbox"/> Home Addition (Complete additional project information below) |
- Filling, Grading, Ditching, Dredging, Lagooning, and/or Excavating- Contact this office for assistance with determining type of permit needed

Other _____

Width **10'**

Length **19.25'**

Total Area **192.5 ft²**

Total Stories **1**

Height (To roof peak) _____

Estimated Cost (w/Labor) \$ **4,000.00**

Additional Project Information

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

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

Sign Information: Single-Sided Double-Sided

Located On-Premise Located Off-Premise

Wall Ground Directional Other _____

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

◆ ◆ ◆ CLEARLY MARK/FLAG/STAKE-OUT THE CORNERS OF YOUR PROJECT & PROPERTY LINES ◆ ◆ ◆

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

PAGE 2 — SUPPLEMENTAL INFORMATION AND ADDITIONAL REQUIREMENTS

NOTE: Your County 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) Matt Binkelman Daytime Contact Phone (262) 719 - 3563 or Email: mattbink@gmail.com

Signature Matt Binkelman Date 4/21/2021 Call for pickup No Yes

7 Oct 31 9 23 AM
556.62' 556

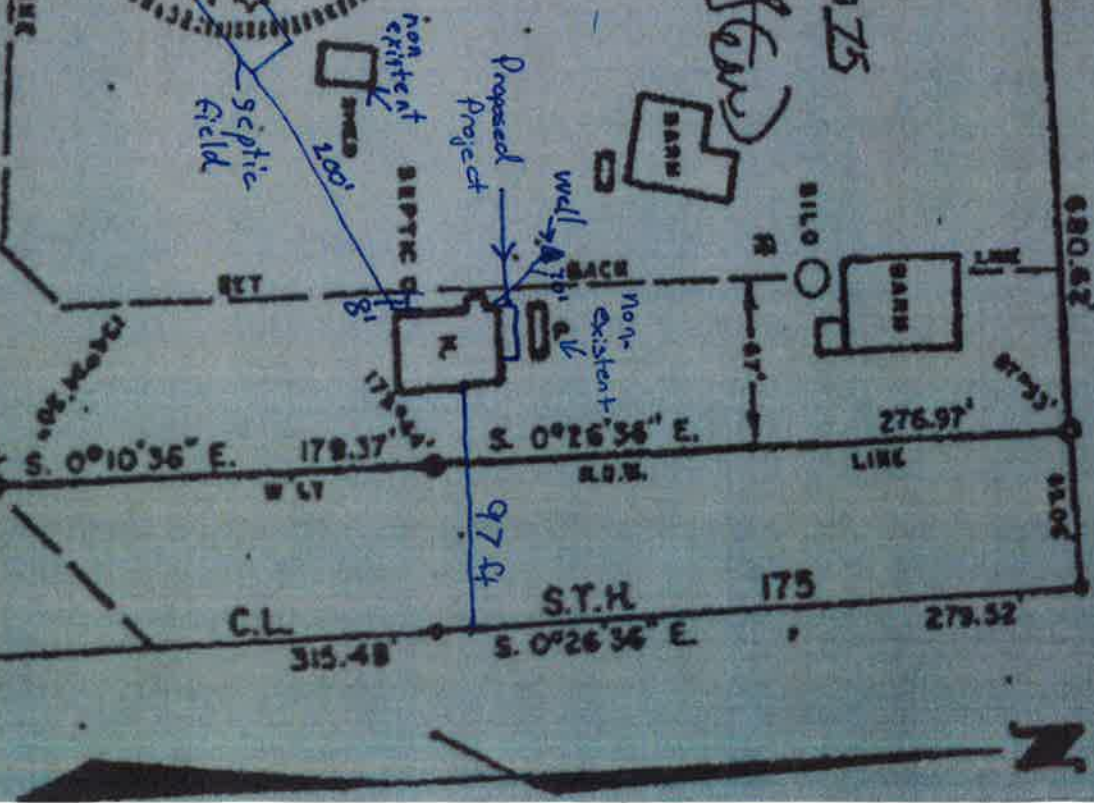
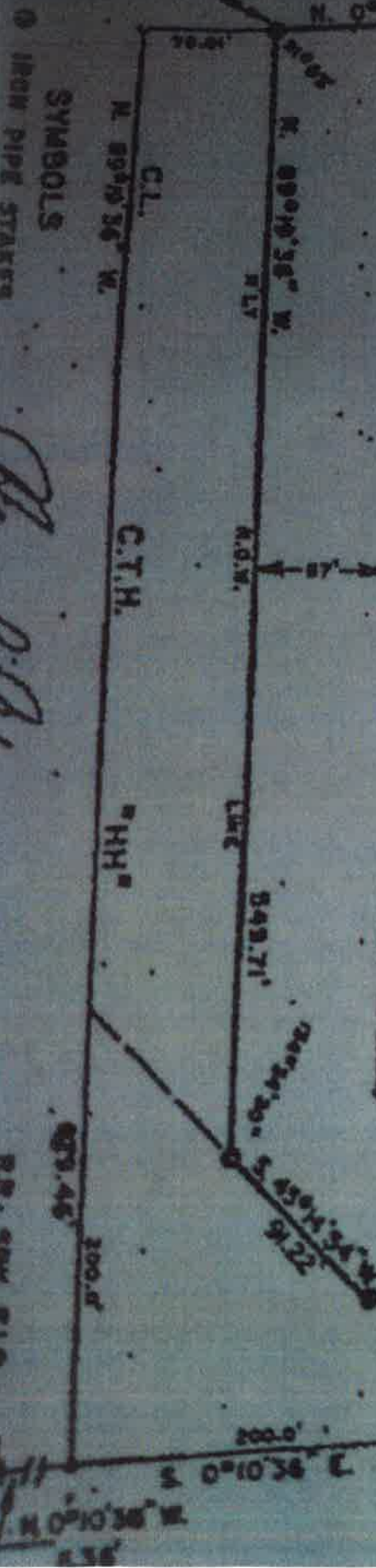
Register of Deeds

Approved by the Dodge County
Planning and Development Committee

Certified this 31st day of October 1975

*Steward of Richberg
Dodge County Clerk Steward*

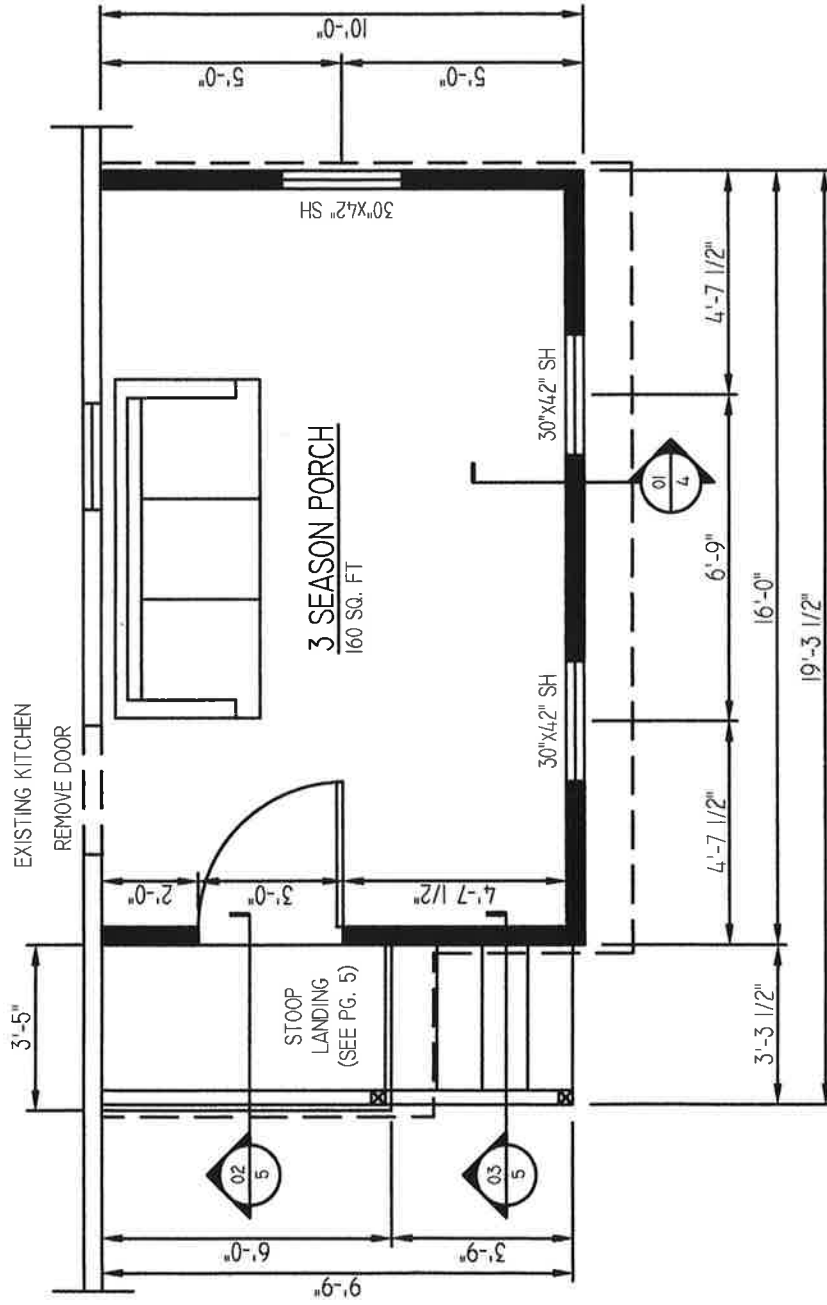
THIS PARCEL
7.07 ACRES



SYMBOLS
IRON PIPE STAKES

Handwritten scribbles and initials

RR. 50W 81E

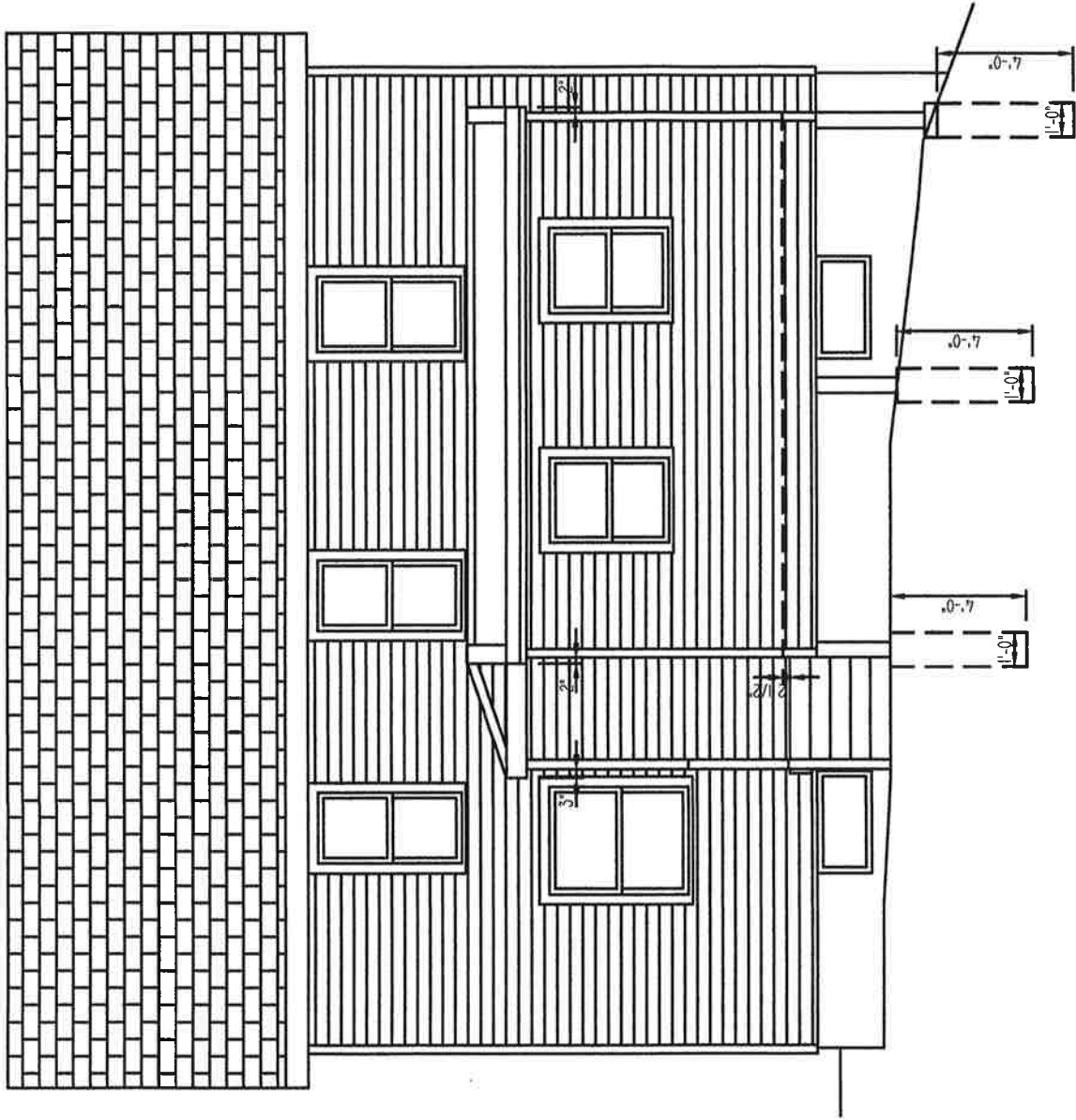


PROPOSED 3-SEASON PORCH PLAN

SCALE: 1/4" = 1'-0"

NEW WALLS

BINKLEMAN RESIDENCE
 N11329 STATE ROAD 175
 BROWNSVILLE, WI 53006
 2-14-21 PG. 1 OF 5

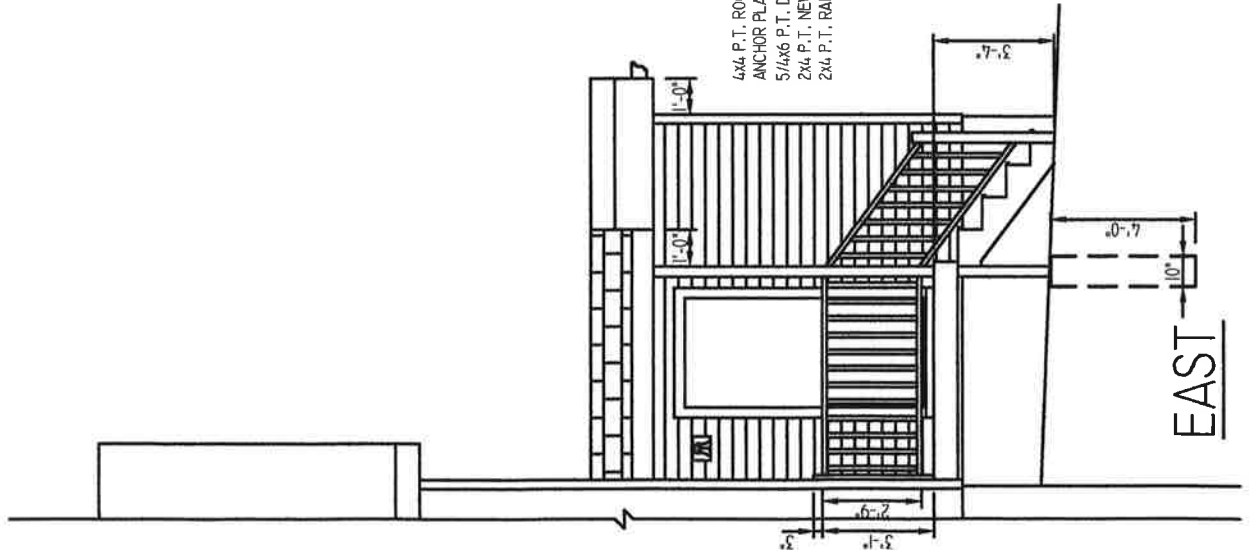
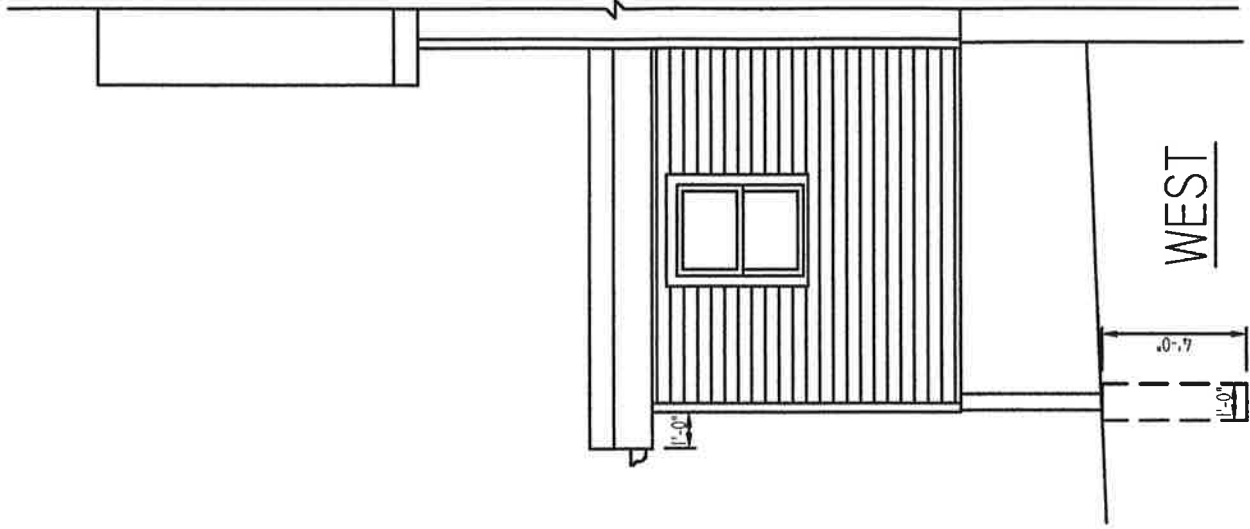


PORCH NORTH ELEVATION

SCALE: 3/16" = 1'-0"

BINKLEMAN RESIDENCE
 N11329 STATE ROAD 175
 BROWNSVILLE, WI 53006
 2-14-21 PG. 2 OF 5

BINKLEMAN RESIDENCE
N11329 STATE ROAD 175
BROWNSVILLE, WI 53006
2-14-21 PG. 3 OF 5

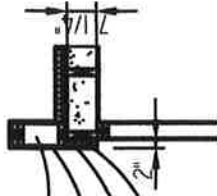


4x4 P.T. ROOF POST W/
ANCHOR PLATE @ DECK
5/16x6 P.T. DECK BOARDS
2x4 P.T. NEWEL POST
2x4 P.T. RAILINGS TYP.

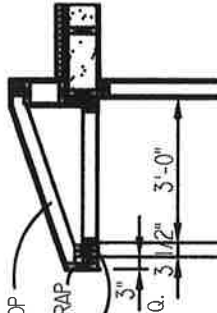
PORCH ELEVATIONS

SCALE: 3/16" = 1'-0"

2X6 PARAPET FRAMING-
LEVEL @ TOP AND ANGLE
@ BOTTOM TO FOLLOW
RAFTER SLOPE
WRAP IN ALUM.
2X4 SLOPED BLOCKING
2X4 LEVEL BLOCKING



2X4 RAFTER
FRAMING @ STOOP
2X8 W/ ALUM. WRAP
(2) 2X6 HEADER
BLOCKING AS REQ. 3'-0"



2X8 P.T. LEDGER BOLTED
TO HOUSE FRAMING

2X8 P.T. JOISTS W/
HANGERS TYP.

(2) 10" DIA. CONC. PIER FOR
POSTS W/ BRACKETS

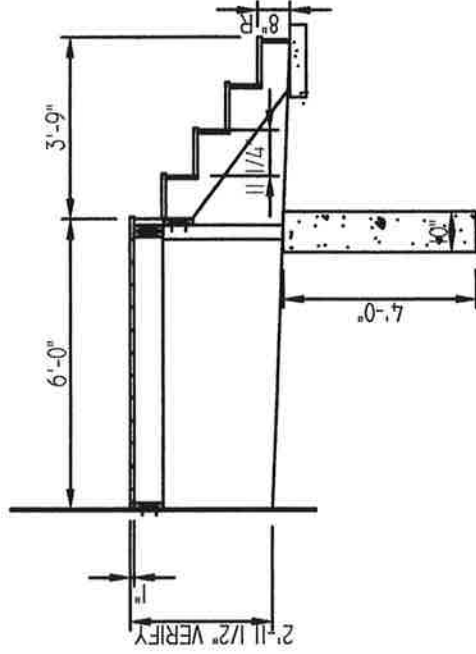
(2) 2X8 P.T. HEADER
1/2"x7 1/2" HIGH
WRAP-AROUND SKIRT

2X12 P.T. STRINGERS TYP.
W/ 2X8 P.T. SUPPORT FOR
STRINGERS BELOW SKIRT

ROOF SECTION
1/4" = 1'-0"



ROOF SECTION
1/4" = 1'-0"



-2X8 P.T. JOISTS IN HANGERS
-2X8 P.T. LEDGER W/ BOLTS
-(2) 2X8 P.T. HEADER
-2X12 P.T. STRINGERS TYP.
W/ 2X8 P.T. SUPPORT FOR
STRINGERS BELOW SKIRT
-1X8 P.T. RISERS RIPPED
-5/4x12 P.T. TREADS
-4X4 P.T. HANDRAIL POST
SECURED TO STRINGER
-(2) 8" DIA. CONC. PIERS
FOR POSTS W/ BRACKETS
-4" THICK CONC. PAD AS
REQ. FOR STAIRS - VERIFY
LOCATION

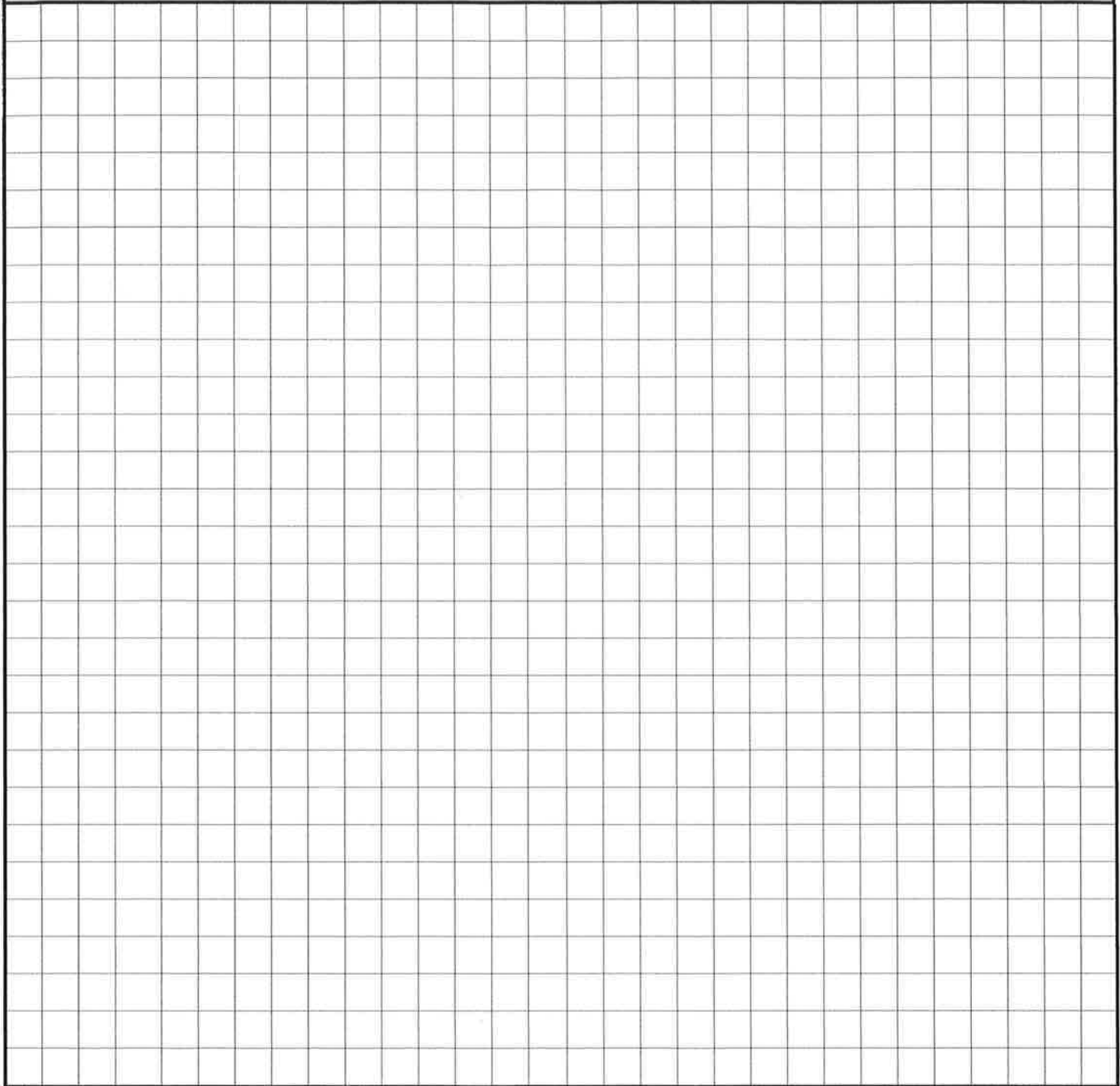
STOOP SECTION
1/4" = 1'-0"



STOOP FRAMING PLAN

SCALE: 1/4" = 1'-0"

SITE PLAN (SKETCH)



See Attached Site Plan (Sketch)

THIS AREA FOR OFFICE USE ONLY

BOA ID No. <i>2021-0271</i>	BOA Appeal Date <i>4/12/2021</i>	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:				
<i>4/13/2021 Aminta J. Lopez Denied Project within highway setback lines Variance Application filed 2021-0271</i>				
<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied		Land Resources and Parks Department		Date

Thursday
March 18,
2021



The data used to create this map is a compilation of records, information, and data from various city, county and state offices, and other sources. This map is only advisory, does not replace a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.

1034-000
29.968 ac.

615.57'

486.61'

#10
5/12

1034-001
7.07 ac.

TOWN OF LOMIRA

276.97'

N1132'

179.37'

STATE ROAD 175

175

ROW

549.71'

329/14

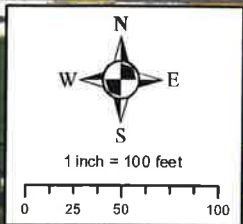
COUNTY ROAD HH - HH

57101

VILLAGE OF LOMIRA

460.22' 1521-002
4.906 ac.

Dodge County Land Resources & Parks



General	WI Historical Society	Floodplain / Wetland	County Zoning
Urbanized Roads	Historic Structures	FEMA Floodplain/Storage/Dam Shadow	Planned Unit Development
Soils	Archaeological Sites	DNR Wetland Areas/Points	Hartford Extraterritorial
Airport Ordinance 3-Mile Buffer	Survey Areas	Shoreland Zoning	General Commercial
Sewer Service Areas	Non-Metallic Mining	Shoreland Zoning Buffer	Extensive Commercial
Highly Developed Shoreline	Active Mining Area	Lakes/Ponds/Sloughs	Light Industrial
Elevation Contours	Approved Mining Area	Rivers/Streams/Creeks	Industrial
	Mine Property Boundaries		Waterbody
			ROW/City/Village
			Multi-Family Residential
			Prime Agricultural
			One Family Residential
			Two Family Residential

Land Resources and Parks Department Staff Report

County Variance Application No. 2021-0290
County Land Use Permit Application No. 2021-0204
Filing Date: April 16, 2021
Hearing Date: May 20, 2021

Applicant / Owner:
Patrick and Kristen Ploc
1107 Carter Court
Verona, WI 53593

Location

PIN#: 024-1016-0414-019

Property Location: Part of the SE ¼ of the NE ¼, Section 4, Town of Hustisford, the site address being N4739 Lake Drive.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Hustisford has adopted the County's Land Use Code. The site is also located within the County's Shoreland and Floodplain Jurisdiction as the site is located within 1000 feet of the Ordinary High Water Mark of a navigable body of water (Lake Sinissippi) and a portion of the site is designated as floodway on maps listed in Section 1.5(2)a of the Dodge County Floodplain Zoning Ordinance.

Appellants Request

An application for a variance request was submitted by the appellant with a request for a variance to the terms of the Dodge County Shoreland Protection Ordinance to allow the replacement of a boathouse on this site where said boathouse exceeds the maximum number of boathouses that can be located on a lot within the water setback lines and for a variance to the terms of the Dodge County Floodplain Zoning Ordinance to allow the replacement of a boathouse that is located within a floodplain where the value of the replacement boathouse will exceed 50% of its present equalized assessed value and where said replacement boathouse will not be brought into compliance with the Floodplain Zoning Ordinance requirements.

Review Criteria

Subsections 14.7(1) through 14.7(7) 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 14.7(6).

Subsections 7.3(1) through 7.3(4) of the Dodge County Floodplain Zoning 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 7.3(4).

Features

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

The County has Zoning Jurisdiction over this site as the Town of Hustisford has adopted the County's Land Use Code. The site is also located within the County's Shoreland and Floodplain Jurisdiction as the site is located within 1000 feet of the Ordinary High Water Mark of a navigable body of water (Lake Sinissippi) and a portion of the site is designated as floodway on maps listed in Section 1.5(2)a of the Dodge County Floodplain Zoning Ordinance.

The property is presently being used for residential use.

The physical features of this approximate 0.363-acre lot include a rolling topography with slopes ranging from 0 to 6%. The parcel contains a residence, detached garage and two boathouses;

The general character of the surrounding land use consists of seasonal and year-round residential homes along the shoreline of Lake Sinissippi;

The property includes the following a nonconforming structures:

- The existing residence and detached garage are located within the required highway setback lines.
- There are two boathouses located on this lot that are located within the floodway district and are considered nonconforming structures under the Floodplain Zoning Ordinance.
- The two existing boathouses are both located within the required water setback lines and they exceed the maximum number of structures that are allowed within the water setback lines.

On March 25, 2021, an application for a County Land Use Permit was made by the appellant in order they be allowed to replace an approximate 14' X 19' 8" boathouse on their property.

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

Shoreland Ordinance Provisions:

According to Section 6.1 SHORELAND SETBACK (NR115.05(1)(b)1.) Unless exempt under 6.1(1), 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.

(1) EXEMPT STRUCTURES (NR 115.05(1)(b)1m.) and s. 59.692(1k)(a)(6). All of the following structures are exempt from the shoreland setback standards in Section 6.1:

- (a)** Boat houses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing, that are not used for human habitation, and that satisfy the following requirements:
1. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
 2. A boathouse shall not extend forward of the ordinary highwater mark of the adjacent navigable water.
 3. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
 4. One boathouse is permitted on a lot as an accessory structure.
 5. Boathouses shall be constructed in conformity with local floodplain standards.
 6. Boathouses shall not exceed one story.
 7. Earth toned color shall be required for all exterior surfaces of a boat house.
 8. A boathouse shall have its largest door or opening facing the water and such door or opening shall be adequately in size to accommodate a boat directly from the water.

9. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are prohibited.
10. The roof of an existing boathouse may be used as a deck provided that:
 - i. The existing boathouse has a flat roof;
 - ii. The roof has no sidewalls or screens;
 - iii. The roof may have a railing that meets the Department of Safety and professional Services standards.

According to County records, there are two existing boathouses located on this site. Both boathouses are located within the required 75' water setback line and both boathouses are located within an area designated as a floodway. As proposed, the replacement boathouse will not meet the required 75' setback requirement, the replacement boathouse will be located within the floodway district and the replacement boathouse exceeds the maximum number of structures that can be located within the water setback lines. The replacement boathouse therefore does not qualify as an exempt structure and is therefore required to meet the 75' setback requirement and therefore is prohibited by the Ordinance.

Floodplain Ordinance Provisions:

According to Section 6.1(2) of the Floodplain Zoning Ordinance:

The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

According to County records, the boathouses on this site are considered legal existing, non-conforming structures as they are located within the floodway district and said boathouses were constructed prior to the adoption of the current Floodplain Ordinance Maps. As proposed, one of the existing boathouses will be removed and is proposed to be replaced with a new boathouse. Since the cost of replacing the boathouse will exceed 50% of its present value the Ordinance requires the replacement boathouse to be constructed into compliance with the applicable requirements of the Ordinance. In accord with Section 2.1(1)(a) of the Ordinance, no floodplain development shall obstruct flow and shall not cause any increase in the regional flood height due to floodplain storage area lost. Therefore, the replacement boathouse is required to be located outside of the floodplain. As proposed the replacement boathouse will be partially located within the floodway district according to the Dodge County Floodplain maps which is an obstruction to flow and is therefore prohibited by the Ordinance.

The appellant is requesting an area variance to Section 6.1.(1)(a)4 and 6.1(1)(a)5 of the Shoreland Protection Ordinance. The appellant is also requesting an area variance to Section 6.1(2)(d) of the Floodplain Zoning Ordinance.

Purpose Statement

The purpose of the water setback provisions of the Shoreland Ordinance are to enforce a uniform setback 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.

The purpose of the Floodplain Zoning Ordinance is to regulate floodplain development to protect life, health and property, to prevent increases in flood heights and that could increase flood damage and result in conflicts between property owners and to discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

Town Recommendation:	Approve <input type="checkbox"/>	Deny <input type="checkbox"/>	No recommendation submitted <input type="checkbox"/>
DNR Recommendation:	Approve <input type="checkbox"/>	Deny <input type="checkbox"/>	No recommendation submitted <input type="checkbox"/>

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 appellant is requesting an area variance to Section 6.1.(1)(a)4 and 6.1(1)(a)5 of the Shoreland Protection Ordinance. The appellant is also requesting an area variance to Section 6.1(2)(d) of the Floodplain Zoning Ordinance.

The staff points out that the Board does not have summary power to ignore the water setback provisions of the Shoreland Ordinance or to ignore the nonconforming structure provisions of the Floodplain Zoning Ordinance. The Board can only grant a variance to the Shoreland Ordinance if the request meets the approval criteria listed in Section 14.7(6) of the Code and can only grant a variance to the Floodplain Zoning Ordinance if the request meets the approval criteria in Section 7.3(4) of the Floodplain Ordinance. The staff also points out that the burden falls on the appellant to convincingly demonstrate to this Board that a literal enforcement of the Shoreland Ordinance and Floodplain regulations would result in an unnecessary hardship, that the hardship is due to special conditions that are unique to the property rather than considerations personal to the property owner, that the unnecessary hardship was not created by the property owner and if granted, that the variance would not be contrary to the public interest.

Floodplain Zoning Ordinance

The purpose of the Floodplain Zoning Ordinance is to regulate floodplain development to protect life, health and property, to prevent increases in flood heights and that could increase flood damage and result in conflicts between property owners and to discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

It is the staff's position that in this case, there are no conditions that are unique to this property that suggest a variance be granted to the Floodplain Zoning Ordinance. It is the staff's position that the appellant has reasonable options available to comply with the floodplain provisions of the ordinance by locating the replacement boathouse in compliance with the floodplain requirements and therefore the Ordinance is not unnecessarily burdensome in this case and does not create a hardship. It is the staff's position that ignoring the non-conforming structure provisions of the Ordinance and allowing the replacement of a boathouse within the floodplain when there are reasonable options to relocate the replacement boathouse out of the floodplain is not consistent with the purpose and intent of the Ordinance and that could increase flood damage and result in conflicts between property owners which is not in the best interest of the adjacent land owners, the public or the community.

It is the staff's position that that the request does not meet all of the standards for granting a variance and that the Board will be unable to make the findings that are necessary in order to grant a variance to the Floodplain Zoning Ordinance in this case and therefore the variance request to the Floodplain Zoning Ordinance should be denied.

Shoreland Protection Ordinance

The purpose of the water setback provisions of the Shoreland Protection Ordinance is to require a uniform setback distance from the water in order to preserve the public interest in shorelands and navigable waters of the State and every property owner that has frontage on a body of water is required to comply with this uniform water setback requirement. The Ordinance provides an exemption to the water setback provisions for structures such as boathouses provided they meet all of the criteria listed in Section 6.1(1) of the Ordinance. According to the criteria listed in Section 6.1(1), only one boathouse is permitted on a lot and boathouses shall be required to be constructed in conformity with local floodplain standards. In this case, the replacement boathouse will be located within the floodplain and the replacement boathouse will be the second boathouse located on this lot and therefore, prohibited by the code.

It is the staff's position that in this case, there are no conditions that are unique to this property that suggest a variance be granted to the Shoreland Protection Ordinance. It is the staff's position that the appellant has reasonable options available to comply with the water setback and floodplain provisions of the ordinance by locating the replacement boathouse in compliance with the water setback and floodplain requirements and therefore the Code is not unnecessarily burdensome in this case and does not create a hardship. It is the staff's position that ignoring the required water setback provisions of the Ordinance and allowing the construction of a second boathouse on this site within the floodplain is not consistent with the purpose of the code and the cumulative effect of allowing construction to occur within the required water setback will result in the degradation and deterioration of the waterbody and the shoreland which is not in the best interest of the adjacent land owners, the public or the community.

It is the staff's position that that the Board will be unable to make the findings that are necessary in order to grant a variance to the Shoreland Protection Ordinance in this case and therefore the variance request should be denied.

Dodge County Board of Adjustment Decision

County Variance Application No. 2021-0290
County Land Use Permit Application No. 2021-0204
Filing Date: April 16, 2021
Hearing Date: May 20, 2021

Applicant / Owner:
Patrick and Kristen Ploc
1107 Carter Court
Verona, WI 53593

Location

PIN#: 024-1016-0414-019
Property Location: Part of the SE ¼ of the NE ¼, Section 4, Town of Hustisford, the site address being N4739 Lake Drive.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Hustisford has adopted the County's Land Use Code. The site is also located within the County's Shoreland and Floodplain Jurisdiction as the site is located within 1000 feet of the Ordinary High Water Mark of a navigable body of water (Lake Sinissippi) and a portion of the site is designated as floodway on maps listed in Section 1.5(2)a of the Dodge County Floodplain Zoning Ordinance.

Appellants Request

An application for a variance request was submitted by the appellant with a request for a variance to the terms of the Dodge County Shoreland Protection Ordinance to allow the replacement of a boathouse on this site where said boathouse exceeds the maximum number of boathouses that can be located on a lot within the water setback lines and for a variance to the terms of the Dodge County Floodplain Zoning Ordinance to allow the replacement of a boathouse that is located within a floodplain where the value of the replacement boathouse will exceed 50% of its present equalized assessed value and where said replacement boathouse will not be brought into compliance with the Floodplain Zoning Ordinance requirements.

CONCLUSIONS OF LAW

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

Floodplain Ordinance Variance Request

The appellants request to Subsection 6.1(2)(d) of the Floodplain Zoning Ordinance is an "area" variance.

(Yes / No) _____

Section 6.1(2) of the Floodplain Zoning Ordinance - The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

Does the Board believe that the value of the proposed replacement boathouse project will exceed 50% of the equalized assessed value of the present boathouse?

(Yes / No)

Is there a physical limitation that is unique to this property that prevents the appellant from locating the replacement boathouse out of the floodplain district and in compliance with the Ordinance?

(Yes / No)

Does the appellant have other reasonable options available to construct a replacement boathouse on this lot in compliance with the Floodplain Ordinance Provisions?

(Yes / No)

Would literal enforcement of the non-conforming structure provisions of the Ordinance be unnecessarily burdensome in this case, thereby creating a hardship?

(Yes / No)

Will approval of the variance and the construction as proposed, cause any increase in the regional flood elevation?

(Yes/No)

Explain _____

Will approval of the variance and the construction project as proposed cause an obstruction to flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height?

(Yes/No)

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 appellant's variance request meets the criteria that is necessary in order to grant the variance requests?

(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?

- This boathouse structure shall not be used for human habitation or overnight accommodations;
- There shall be no generation of wastewater from this structure;
- The boathouse shall be designed and constructed solely for the storage of boats and related equipment;
- The boathouse shall not exceed 1 story;
- The boathouse shall have its largest door or opening facing the water and such door or opening shall be adequately in size to accommodate a boat directly from the water;
- Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are prohibited;
- The roof of the replacement boathouse shall not have side walls, screens or railings and shall not be used as a deck.
- The replacement boathouse shall be floodproofed in accord with the Ordinance;
- The project shall comply with the Flood Storage District requirements of the Ordinance.

- Others

Motion by _____ to (approve / deny) the variance to the non-conforming structure provisions of the Floodplain Zoning Ordinance 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
Rodney Justman	<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
Dan Siegmann (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. The appellant is hereby notified that the granting of this variance request may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage.
- Granted the variance request by the appellant subject to the conditions listed above. The appellant is hereby notified that the granting of this variance request may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage.
- 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 Board of Adjustment Decision

County Variance Application No. 2021-0290
County Land Use Permit Application No. 2021-0204
Filing Date: April 16, 2021
Hearing Date: May 20, 2021

Applicant / Owner:
Patrick and Kristen Ploc
1107 Carter Court
Verona, WI 53593

Location

PIN#: 024-1016-0414-019
Property Location: Part of the SE ¼ of the NE ¼, Section 4, Town of Hustisford, the site address being N4739 Lake Drive.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Hustisford has adopted the County's Land Use Code. The site is also located within the County's Shoreland and Floodplain Jurisdiction as the site is located within 1000 feet of the Ordinary High Water Mark of a navigable body of water (Lake Sinissippi) and a portion of the site is designated as floodway on maps listed in Section 1.5(2)a of the Dodge County Floodplain Zoning Ordinance.

Appellants Request

An application for a variance request was submitted by the appellant with a request for a variance to the terms of the Dodge County Shoreland Protection Ordinance to allow the replacement of a boathouse on this site where said boathouse exceeds the maximum number of boathouses that can be located on a lot within the water setback lines and for a variance to the terms of the Dodge County Floodplain Zoning Ordinance to allow the replacement of a boathouse that is located within a floodplain where the value of the replacement boathouse will exceed 50% of its present equalized assessed value and where said replacement boathouse will not be brought into compliance with the Floodplain Zoning Ordinance requirements.

CONCLUSIONS OF LAW

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

Shoreland Ordinance Request

The appellants request to Subsection 6.1(1) of the Shoreland Protection Ordinance (Water setback Provisions) is an "area" variance.

(Yes / No) _____

1) Does the Board believe that the proposed replacement boathouse qualifies under Section 6.1(1) of the Shoreland Ordinance for an exemption to the water setback provisions of the Ordinance?

According to Section 6.1 SHORELAND SETBACK (NR115.05(1)(b)1.) Unless exempt under 6.1(1), 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.

(1) EXEMPT STRUCTURES (NR 115.05(1)(b)1m.) and s. 59.692(1k)(a)(6). All of the following structures are exempt from the shoreland setback standards in Section 6.1:

(a) Boat houses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing, that are not used for human habitation, and that satisfy the following requirements:

1. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
2. A boathouse shall not extend forward of the ordinary highwater mark of the adjacent navigable water.
3. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
4. One boathouse is permitted on a lot as an accessory structure.
5. Boathouses shall be constructed in conformity with local floodplain standards.
6. Boathouses shall not exceed one story.
7. Earth toned color shall be required for all exterior surfaces of a boat house.
8. A boathouse shall have its largest door or opening facing the water and such door or opening shall be adequately in size to accommodate a boat directly from the water.
9. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are prohibited.
10. The roof of an existing boathouse may be used as a deck provided that:
 - i. The existing boathouse has a flat roof;
 - ii. The roof has no sidewalls or screens;
 - iii. The roof may have a railing that meets the Department of Safety and professional Services standards.

(Yes / No)

2) Is there a physical limitation that is unique to the property that prevents the appellant from complying with the water setback provisions of the Ordinance?

(Yes / No)

3) **Are the water setback provisions of the Shoreland Ordinance unnecessarily burdensome in this case, thereby creating a hardship?**

(Yes / No)

Explain _____

Does the appellant have other reasonable options available to construct a replacement boathouse in compliance with the Ordinance provisions?

(Yes / No)

Explain _____

What hardship exists if the variance is denied?

Explain _____

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

Explain _____

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

(Yes/No)

7) **Does the Board believe that the variance request meets all of the criteria in Section 14.76 of the County Shoreland Protection Ordinance in order to grant the variance request in this case?**

(Yes/No)

8) **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
- This boathouse structure shall not be used for human habitation or overnight accommodations;
- The applicant shall submit a vegetative buffer zone plan for review and approval by the Land Use Administrator prior to the issuance of the County Land Use Permit;
- The replacement boathouse shall be located outside of and in compliance with the Dodge County Floodplain Ordinance Provisions.
- There shall be no generation of wastewater from this structure;
- The boathouse shall be designed and constructed solely for the storage of boats and related equipment;
- The boathouse shall not exceed 1 story;
- The boathouse shall have its largest door or opening facing the water and such door or opening shall be adequately in size to accommodate a boat directly from the water;
- Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are prohibited;
- The roof of the replacement boathouse shall not have side walls, screens or railings and shall not be used as a deck.
- 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
Rodney Justman	<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
Dan Siegmann (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. 210290	Issue Date:
Application Date: 4-16-21	Receipt #: <i>Credit Card</i>

Variance Application

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

Names and Mailing Addresses		Property Description						
Applicant (Agent) Patrick Ploc		Parcel Identification Number (PIN) 024-1016-0414-019						
Street Address 1107 Carter Ct.		Town Hustisford						
City • State • Zip Code Verona, WI 53593		SE ^¼	NE ^¼	Section 04	T 10	N	R	E 16
Property Owner (If different from applicant)		Subdivision or CSM #						
Street Address		Site Address N4739 Lake Dr., WI. 53034						
City • State • Zip Code		Is this property connected to public sewer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
Present property use: Residential								
List any prior variances that have been granted or denied for this property: <input type="checkbox"/> No known prior variances granted or denied								
Describe all nonconforming structures and uses on this property: 1. One boathouse is permitted on a lot as an accessory structure whereas there are two previously existing boathouses. 2. The value of modifications cannot exceed 50% of the current assessed value								
List the terms of the Land Use Code for which you are requesting a variance (section # and code provision requirements): Shoreland ordinance provisions 6.1 (1)(a)4 - Shoreland Setback, Exempt Structures, Boat House Floodplain Ordinance Provisions 6.1 (2)(d) - General - Applicability								
Variance Requested: Requesting variance to allow the repair and costs to repair and renovate the southernmost boathouse in the presence of a total of two previously existing boathouses on a single property.								
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? Once the cracked foundation of the boathouse collapses, the structure and immediate surrounding area will no longer be accessible and erode the property shoreline. (refer to addendum)								

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

Both boathouses existed prior to the effective date of any ordinances.

A variance allowing for the repair of the boathouse will allow for reasonable and continued use of the existing boathouse.

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?

Once the cracked foundation of the boathouse collapses, the structure and immediate surrounding area will no longer be accessible and erode the property shoreline. (refer to addendum)

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

A failed and collapsed boathouse will lead to unnecessary washout of property into Lake Sinissippi.

Washout and collapsed boathouse materials will disrupt property and create an unsightly shoreline.

CERTIFICATE

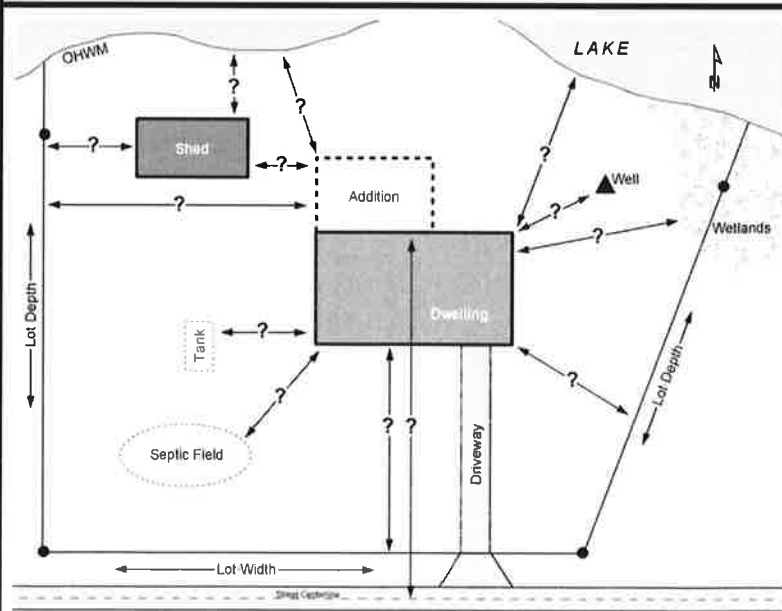
I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and 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: April 15, 2021

Daytime Contact Number (608) 692 - 0844

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)

Addendum – Ploc Variance Request

To address the two non-conformities were highlighted in the denial letter dated April 7, 2021.

The first denial of shoreland ordinance provision 6.1 (1)(a)4 was due to the property containing more than one boathouse. Both boathouses have been on the property prior to the ordinance being established supporting both boathouses are legal (non-conforming) structures. We do not believe the intent of the land use ordinance is to restrict property owners, such as ourselves and others, from being able to save a preexisting boathouse in the event of damage when they are both considered pre-existing and legal structures.

The second highlighted non-conformity of floodplain ordinance provision 6.1 92)(d) was due to the estimated expenses exceeding 50% of the boathouse value. The cost to repair the boathouse will most certainly exceed the current and future value of the boathouse. It is our desire and request to save the boathouse regardless of the financial costs noting the cost to repair the boathouse will be above any value added to the existing boathouse.

We thank you for your time and believe the intent and spirit behind the variance process is aligned with our desire to protect and save our boathouse.

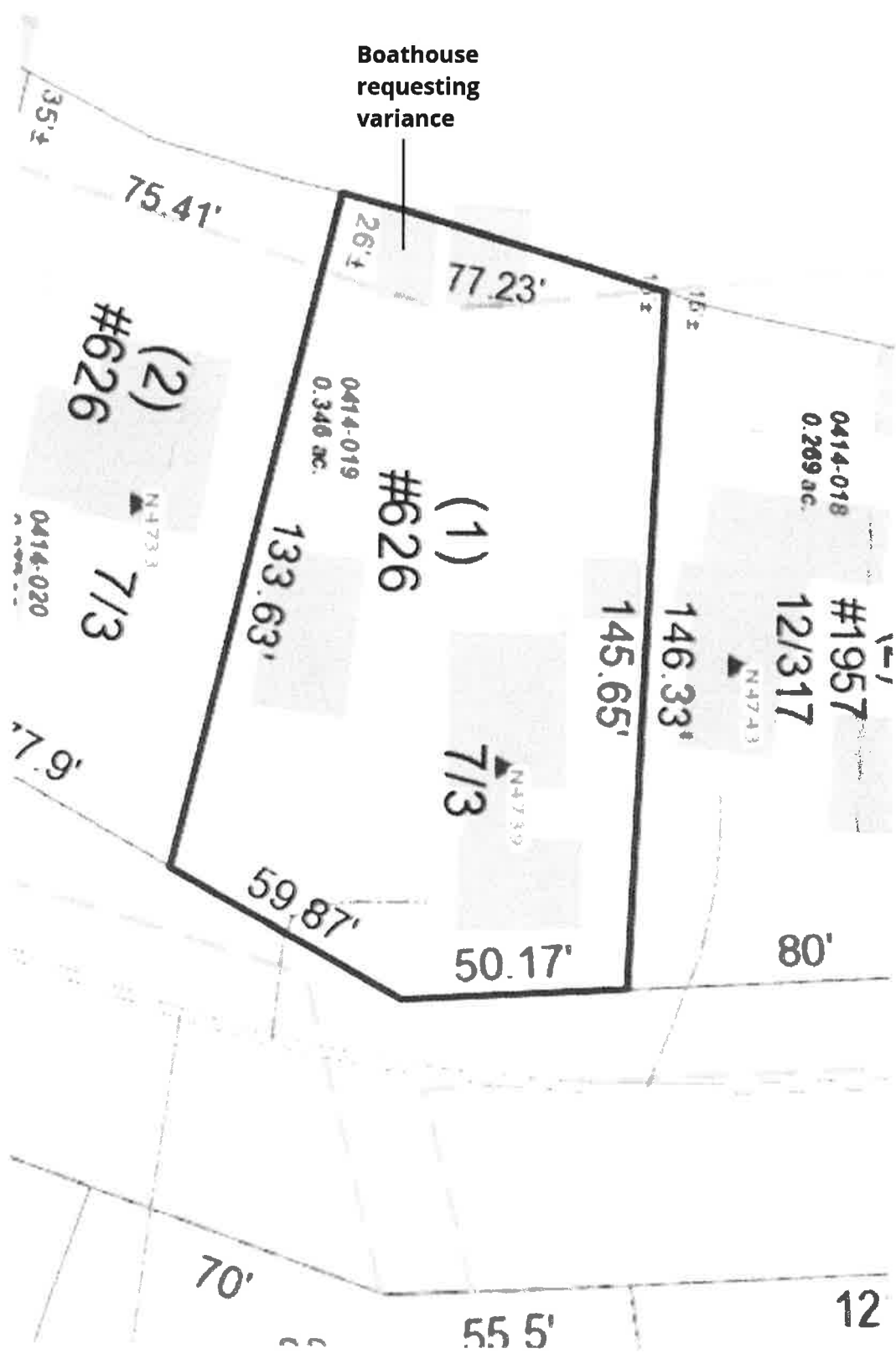
“The Board of Adjustment shall be responsible for authorizing upon appeal in specific cases variances from the terms of the Code that will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Code will result in unnecessary hardship, and so that the spirit of the Code shall be observed and substantial justice done.”*

Thank you for your time and support to work together in this matter.

Pat and Kristen Ploc

Addendum – Ploc Variance Request

*<https://www.co.dodge.wi.gov/departments/departments-e-m/land-resources-and-parks/zoning-permits-and-ordinance>



Addendum – Ploc Variance Request

The purpose of this addendum is to provide additional information and background for this variance request. It may not be obvious from the initial permit request nor the variance form the reason for this request is to save a boathouse from collapsing into Lake Sinissippi.

The photos below tell much of the background. Taken April 11, 2021.



Foundation failure East wall



Foundation failure South wall



Foundation Southeast corner



Falling below sill plate

Summary: The photos show the foundation of this boathouse is in dire and timely need of restoration before the foundation collapses beyond repair. Without intervention, the foundation collapse will render the boathouse and surrounding property unusable and a potential hazard for the lake.



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

April 07, 2021

Patrick Ploc
1107 Carter Court
Verona, WI 53593

RE: Notice of Permit Refusal

PIN# 024-1016-0414-019
Being part of the SE ¼ in the NE ¼ in Section 04, T10N, R16E
Township of Hustisford, Dodge County, Wisconsin
Site Address: N4739 Lake Drive

Greetings Patrick Ploc,

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

Shoreland Ordinance Provisions:

6.1 SHORELAND SETBACK (NR115.05(1)(b)1.) Unless exempt under 6.1(1), 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.

(1) EXEMPT STRUCTURES (NR 115.05(1)(b)1m.) and s. 59.692(1k)(a)(6). All of the following structures are exempt from the shoreland setback standards in Section 6.1:

- (a)** Boat houses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing, that are not used for human habitation, and that satisfy the following requirements:
1. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
 2. A boathouse shall not extend forward of the ordinary highwater mark of the adjacent navigable water.
 3. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
 4. One boathouse is permitted on a lot as an accessory structure.
 5. Boathouses shall be constructed in conformity with local floodplain standards.
 6. Boathouses shall not exceed one story.
 7. Earth toned color shall be required for all exterior surfaces of a boat house.
 8. A boathouse shall have its largest door or opening facing the water and such door or opening shall be adequately in size to accommodate a boat directly from the water.
 9. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are prohibited.
 10. The roof of an existing boathouse may be used as a deck provided that:
 - i. The existing boathouse has a flat roof;
 - ii. The roof has no sidewalls or screens;
 - iii. The roof may have a railing that meets the Department of Safety and professional Services standards.

Floodplain Ordinance Provisions:

6.1 GENERAL

(1) APPLICABILITY

If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

(d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

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 construction of the nonconforming structure on this site. 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

Wade B. Osterholz
Senior Land Use/Sanitation Specialist

Land Use Permit

Dodge County Land Resources and Parks Department
 127 East Oak Street
 Juneau, WI 53039-1329
 (920) 386-3700 x2 or landresources@co.dodge.wi.us
 www.co.dodge.wi.gov

This Area For Office Use Only

COUNTY ID No. 210204	Receipt No. CC
Permit Expiration Date	Application Date 3-25-2021
	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.) Patrick Ploc		Parcel Identification Number (PIN) 024-1016-0414-019	
Street Address 1107 Carter Ct.		Town Hustisford	T N R E 10 16
City • State • Zip Code Verona WI 53593		1/4 Section SE NE 04	Acreage Lot (Block) 0.346
Property Owner <input checked="" type="checkbox"/> Same as applicant Patrick Ploc		Subdivision or CSM (Volume/Page/Lot)	
Street Address N4739 Lake Dr.		Address Of Property (DO NOT include City/State/Zip Code) N4739 Lake Dr.	
City • State • Zip Code Hustisford, WI 53034		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 checked="" 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			
(CHECK ALL THAT APPLY)			
*** (Building plans are required for new/replacement Homes) ***			
<input type="checkbox"/> NEW STRUCTURE/CONSTRUCTION		<input checked="" type="checkbox"/> REPLACEMENT OF EXISTING <input checked="" type="checkbox"/> ADDITION TO AN EXISTING	
<input type="checkbox"/> Pool <input type="checkbox"/> Deck <input type="checkbox"/> Patio <input type="checkbox"/> Shed <input type="checkbox"/> Home	<input type="checkbox"/> Porch <input type="checkbox"/> Fence <input type="checkbox"/> Riprap <input type="checkbox"/> Gazebo <input type="checkbox"/> Sidewalk	<input type="checkbox"/> Driveway <input checked="" type="checkbox"/> Boathouse <input type="checkbox"/> Attached Garage <input type="checkbox"/> Detached Garage <input type="checkbox"/> Ag Ditch Cleanout	<input type="checkbox"/> Field Tile Installation <input type="checkbox"/> Pond (Less than 2 acres in size) <input type="checkbox"/> Sign (Complete additional project information below) <input type="checkbox"/> Barn (Complete additional project information below) <input type="checkbox"/> Home Addition (Complete additional project information below)
<input type="checkbox"/> Filling, Grading, Ditching, Dredging, Lagooning, and/or Excavating- Contact this office for assistance with determining type of permit needed Other _____			
Width <u>14'</u> Length <u>19' 8"</u> Total Area <u>275.4</u> Total Stories <u>2</u> Height (To roof peak) <u>18'</u>	Additional Project Information Home Addition: Total number of bedrooms? Before _____ After _____ Barn Information: Will it house any animals? If yes, complete Animal Units Worksheet. Sign Information: <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 type="checkbox"/> Yes		
Estimated Cost (w/Labor) \$ <u>30,000</u>			
◆ ◆ ◆ CLEARLY MARK/FLAG/STAKE-OUT THE CORNERS OF YOUR PROJECT & PROPERTY LINES ◆ ◆ ◆			
DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.			

PAGE 2 — SUPPLEMENTAL INFORMATION AND ADDITIONAL REQUIREMENTS

NOTE: Your County 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.

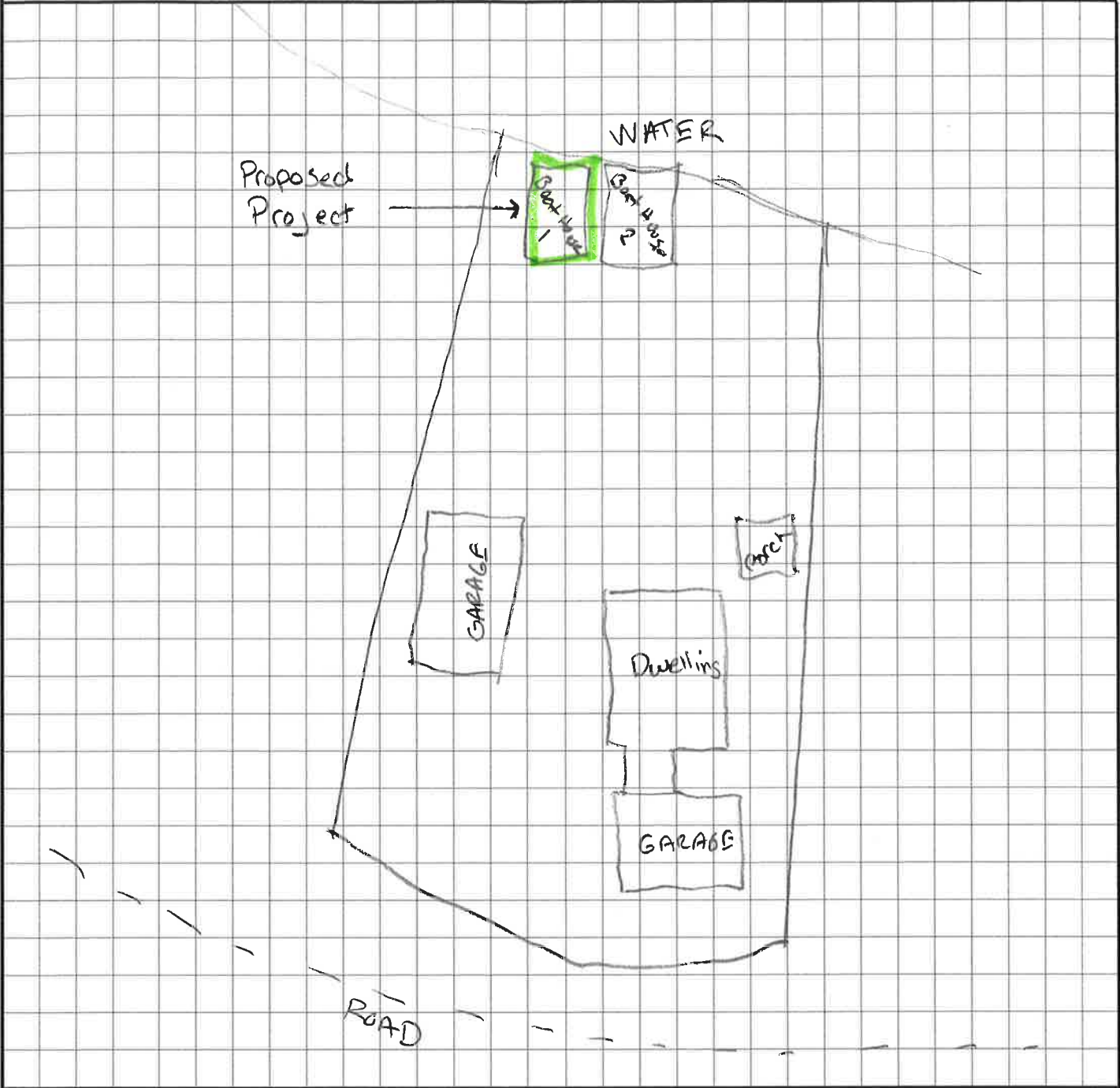
CERTIFICATE & CONTACT INFORMATION

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) PATRICK PLOC Daytime Contact Phone (608) 692-0844 or Email: PATPLOC@PATPLOC7@gmail.com

Signature [Signature] Date March 25, 2021 Call for pickup No Yes

SITE PLAN (SKETCH)



See Attached Site Plan (Sketch)

THIS AREA FOR OFFICE USE ONLY

BOA ID No.	BOA Appeal Date	BOA P/H Date	BOA Decision Date	BOA Decision
				<input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied

Notes/Stipulations:

<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied	Land Resources and Parks Department <i>Wade B. Ostwalt</i>	Date <i>04/07/2021</i>
--	---	---------------------------

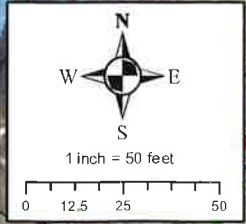


03/26/2021

1/1

02410160414019

The data used to create this map is a compilation of records, information, and data from various city, county, and state offices and other sources. This map is only advisory, does not replace a survey, and may not be used for a legal purpose. Dodge County assumes no liability for any use or misuse of this information.



<p>General</p> <ul style="list-style-type: none"> Urbanized Roads Soils Airport Ordinance 3-Mile Buffer Sewer Service Areas Highly Developed Shoreline Elevation Contours 	<p>WI Historical Society</p> <ul style="list-style-type: none"> Historic Structures Archaeological Sites Survey Areas <p>Non-Metallic Mining</p> <ul style="list-style-type: none"> Active Mining Area Approved Mining Area Mine Property Boundaries 	<p>Floodplain / Wetland</p> <ul style="list-style-type: none"> FEMA Floodplain/Storage/Dam Shadow DNR Wetland Areas/Points <p>Shoreland Zoning</p> <ul style="list-style-type: none"> Shoreland Zoning Buffer Lakes/Ponds/Sloughs Rivers/Streams/Creeks 	<p>County Zoning</p> <ul style="list-style-type: none"> Planned Unit Development Hartford Extraterritorial General Agricultural Prime Agricultural One Family Residential Two Family Residential Multi-Family Residential 	<ul style="list-style-type: none"> General Commercial Extensive Commercial Light Industrial Industrial Waterbody ROW/City/Village
--	--	--	---	---

Date: 3/30/2021

Dodge County Land Resources & Parks

Land Resources and Parks Department Staff Report

County Variance Application No. 2021-0266
County Land Use Permit Application No. 2021-0265
Filing Date: April 12, 2021
Hearing Date: May 20, 2021

St Olaf Lutheran Church
Attn. John Christenson
W653 Roosevelt Rd
Rubicon, WI 53078

PIN# 002-0917-2521-003

Location: Part of the NE ¼ of the NW ¼, Section 25, Town of Ashippun, Dodge County, Wisconsin, the site address being W653 Roosevelt Rd.

Appellants Request

An application for a variance request was submitted by the appellant to allow the construction of an electronic messaging sign on this site where said sign will be located approximately 30 feet within the required highway setback line from Roosevelt Road.

County Jurisdiction

The County has Zoning Jurisdiction over this site as the Town of Ashippun 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.

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-1 Prime Agricultural zoning district;

Land Use on the site: Residence and Church

Land use in the area: Cemetery to the north, open space and agricultural areas to the east and south and residences to the east and west.

The physical features of this approximate 13-acre lot include a rolling topography with slopes ranging from 0 to 12%.

The property includes the following a nonconforming structure:

- The church is considered by the County as a legal existing non-conforming structure as a portion of the church is located within the required highway setback lines of Roosevelt Road and the church was in existence prior to the adoption of the Land Use Code.
- The existing church sign is also considered a legal existing nonconforming sign as the sign is located within the highway setback lines of Roosevelt Road.

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

- A variance was granted by the Board of Adjustment on May 14, 2003 to allow the church and residential buildings to exceed the maximum allowed lot coverage for the property.

On April 12, 2021 an application for a County Land Use Permit was made by the appellant in order they be allowed to construct an 4' X 8' X 8' high electronic messaging sign that is constructed with brick supports;

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

1. Section 8.9.4.F(1) of the code requires any sign or sign supports that are constructed of concrete, mortar or stone to comply with the minimum highway and road setback distances listed in Table 5.1-1.
2. Subsection 5.2.3 and Table 5.1.-1 of the Dodge County Land Use Code refers to the distances that all buildings and other structures are required to be setback from all streets and highways. On a Town road, the required highway setback is 75 feet from its centerline or 42 feet from its right of way, whichever is the greatest distance of the two. The required highway setback at this location is 75 feet from the centerline of Roosevelt Road. According to the application, the sign will begin approximately 45 from the centerline or 30 feet within the required highway setback lines and therefore is prohibited by the code.

The appellant is requesting an area variance to Sections 8.9.4 F(1), 5.2.3 and Table 5.1-1 of the code;

Town Recommendation: No response from Town

Purpose Statement

The purpose of the sign provisions of the Code are to balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising.

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

Staff Advisory:

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

The staff believes that the appellant is requesting an area variance to Sections 8.9.4 F(1), 5.2.3 and Table 5.1-1 of the code 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 that are unique to the property and if granted, the variance would not be contrary to the public interest.

The Board should determine if the highway setback provisions of the code are unnecessarily burdensome in this case and if the location of the proposed sign will create a safety hazard for people entering or exiting the property or those using Roosevelt Road. The Board should also consider the costs to the Town and the public of having to purchase the sign in the future if the sign would need to be removed for highway improvement, relocation or safety reasons.



Dodge County Board of Adjustment Decision

County Variance Application No. 2021-0266
County Land Use Permit Application No. 2021-0265
Filing Date: April 12, 2021
Hearing Date: May 20, 2021

St Olaf Lutheran Church
Attn. John Christenson
W653 Roosevelt Rd
Rubicon, WI 53078

PIN# 002-0917-2521-003

Location: Part of the NE ¼ of the NW ¼, Section 25, Town of Ashippun, Dodge County, Wisconsin, the site address being W653 Roosevelt Rd.

Appellants Request

An application for a variance request was submitted by the appellant to allow the construction of an electronic messaging sign on this site where said sign will be located approximately 30 feet within the required highway setback line from Roosevelt Road.

CONCLUSIONS OF LAW

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

The appellants request to Sections 8.9.4 F(1), 5.2.3 and Table 5.1-1 of the code of the Code are “area” variances.

(Yes / No) _____

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

(Yes / No) _____

Are the highway 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 locate a sign in compliance with the highway 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 safety or 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 appellant's variance request meets the criteria that is necessary in order to grant the variance requests?

(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?

- A variance agreement shall be required to be recorded with the Register of Deeds Office in the amount of the proposed construction projects prior to the approval of the land use permit.
- Others

Motion by _____ to (approve / deny) the variance to the **highway setback provisions** of the code based upon the previously mentioned findings and conditions.

Motion second _____

Vote

Harold Hicks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
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
Rodney Justman	<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
Dan Siegmann (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. 210266	Issue Date:
Application Date: 4-12-2021	Receipt #: 2592-0005

Variance Application

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

Names and Mailing Addresses	Property Description				
Applicant (Agent) St Olaf Lutheran Church	Parcel Identification Number (PIN) 002-0917-2521-003				
Street Address W653 Roosevelt Road	Town Ashippun				
City • State • Zip Code Rubicon, WI 53078	NE $\frac{1}{4}$	NW $\frac{1}{4}$	Section 25	T 09	R 17
Property Owner (if different from applicant) ST. OLAF LUTHERAN CHURCH	Subdivision or CSM #				
Street Address W653 ROOSEVELT RD	Site Address W653 Roosevelt Road				
City • State • Zip Code RUBICON WI 53078	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Present property use: Worship & community events center.					
List any prior variances that have been granted or denied for this property: N/A					
Describe all nonconforming structures and uses on this property: There is a current sign within 30' of the centerline that sits between the church and the roadway					
List the terms of the Land Use Code for which you are requesting a variance (section # and code provision requirements): 5.1.1 Minimum Setback distances for dwellings and other principal structures					
Variance Requested: We would like to place a 32 sq.ft display area sign to show church name and advertise church & community events. The sign would be aesthetically pleasing with supporting brick columns holding the sign between. To be in an adequate visual location it should be 45 ft. from the township road center					
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? Being 75 ft. from the road center does not allow adequate visibility.					

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

The church building is close to the road preventing good sightline visibility.

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?

St Olaf Lutheran Church has been a part of the community for over 175 years providing worship opportunities along with events for the community. We are looking to continue events that we are already doing and expand opportunities to members of our community. Adequate signage would benefit the use of the facility for the community.

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

The sign would allow for communicating to our community without any adverse effect on any of our neighbors.

CERTIFICATE

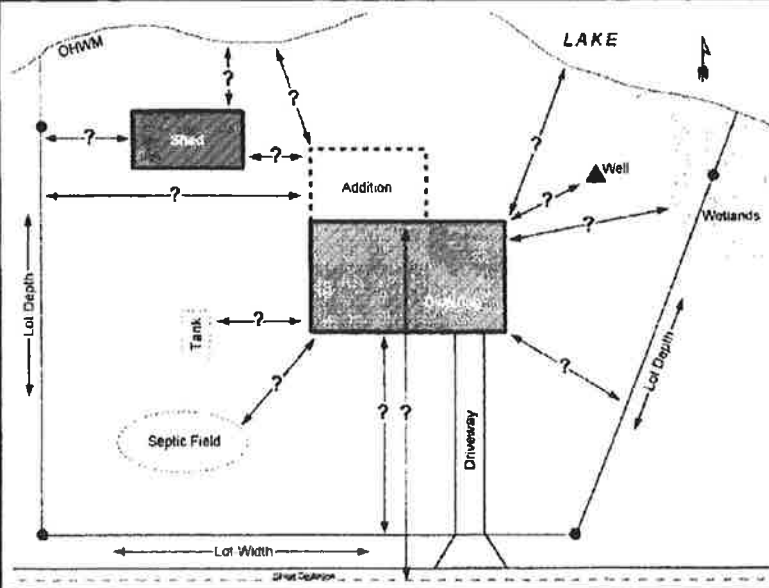
I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and 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 P. L. Date: 4-9-21

Daytime Contact Number (414) 412 - 5530

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 x2 or landresources@co.dodge.wi.us
 www.co.dodge.wi.gov

This Area For Office Use Only

COUNTY ID No. 210265	Receipt No. 2592-0004
Permit Expiration Date	Application Date 4-12-2021
	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. Olaf Lutheran Church		Parcel Identification Number (PIN) 002-0917-2521-003			
Street Address W1653 Roosevelt Rd.		Town ASHIPPUN	T 9	N 17	R 17
City • State • Zip Code Rubicon WI 53078		1/4 NE	1/4 NW	Section 25	Acreage 09
Property Owner ST. OLAF LUTHERAN CHURCH		Subdivision or CSM (Volume/Page/Lot) 17			
Street Address W1653 ROOSEVELT RD.		Address Of Property (DO NOT include City/State/Zip Code) W1653 Roosevelt Rd.			
City • State • Zip Code RUBICON WI 53078		Is this property connected to public sewer? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Is property located within a sanitary district/accessible to public sewer? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
CURRENT USE OF PROPERTY		PROPOSED USE OF PROPERTY			
<input type="checkbox"/> Vacant Land <input 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 Church		<input 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 Church			
PROPOSED CONSTRUCTION PROJECT					
(CHECK ALL THAT APPLY)					
*** (Building plans are required for new/replacement Homes) ***					
<input type="checkbox"/> Pool <input type="checkbox"/> Porch <input type="checkbox"/> Driveway <input type="checkbox"/> Deck <input type="checkbox"/> Fence <input type="checkbox"/> Boathouse <input type="checkbox"/> Patio <input type="checkbox"/> Riprap <input type="checkbox"/> Attached Garage <input type="checkbox"/> Shed <input type="checkbox"/> Gazebo <input type="checkbox"/> Detached Garage <input type="checkbox"/> Home <input type="checkbox"/> Sidewalk <input type="checkbox"/> Ag Ditch Cleanout		<input type="checkbox"/> NEW STRUCTURE/CONSTRUCTION <input type="checkbox"/> REPLACEMENT OF EXISTING <input type="checkbox"/> ADDITION TO AN EXISTING <input type="checkbox"/> Field Tile Installation <input type="checkbox"/> Pond (Less than 2 acres in size) <input checked="" type="checkbox"/> Sign (Complete additional project information below) <input type="checkbox"/> Barn (Complete additional project information below) <input type="checkbox"/> Home Addition (Complete additional project information below)			
<input type="checkbox"/> Filling, Grading, Ditching, Dredging, Lagooning, and/or Excavating- Contact this office for assistance with determining type of permit needed Other _____					
Width 4' Length 8' Total Area 32 FT² Total Stories _____ Height (To roof peak) _____ Estimated Cost (w/Labor) \$ 15,000.00		Additional Project Information Home Addition: Total number of bedrooms? Before _____ After _____ Barn Information: Will it house any animals? If yes, complete Animal Units Worksheet. Sign Information: <input type="checkbox"/> Single-Sided <input checked="" type="checkbox"/> Double-Sided <input checked="" type="checkbox"/> Located On-Premise <input type="checkbox"/> Located Off-Premise <input type="checkbox"/> Wall <input checked="" 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			
◆ ◆ ◆ CLEARLY MARK/FLAG/STAKE-OUT THE CORNERS OF YOUR PROJECT & PROPERTY LINES ◆ ◆ ◆					
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 ⇨

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?

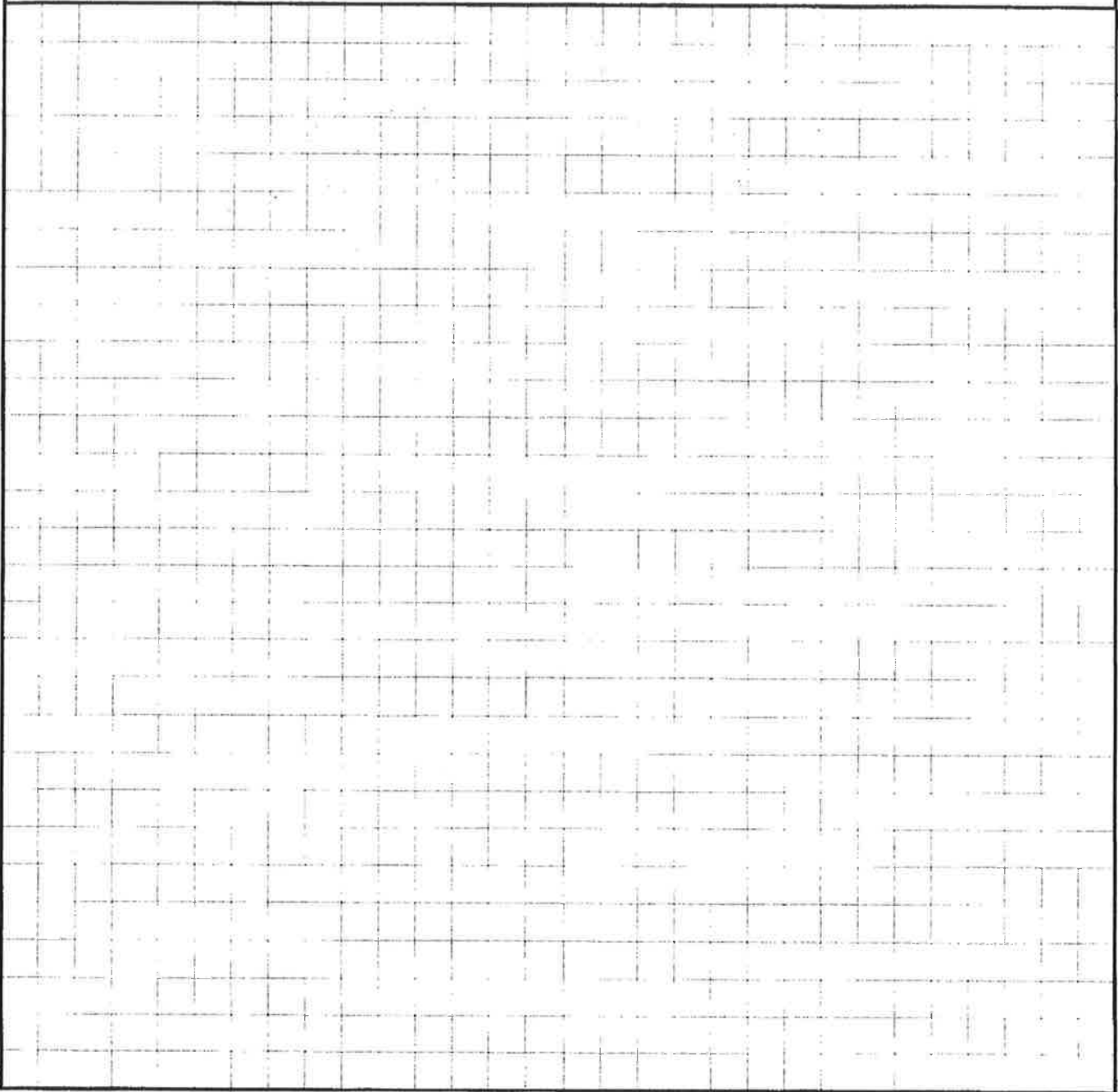
- NO ⇒ Sign and date application below.
 YES ⇒ A County **CONDITIONAL USE PERMIT (CUP)** may [also] be needed. Contact this office for assistance regarding the CUP process. Sign and date application below.

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) John Christenson Daytime Contact Phone (414) 412-5530 or Email: johnchristenson435@gmail.com
 Signature [Signature] Date 4-9-21 Call for pickup No Yes

SITE PLAN (SKETCH)

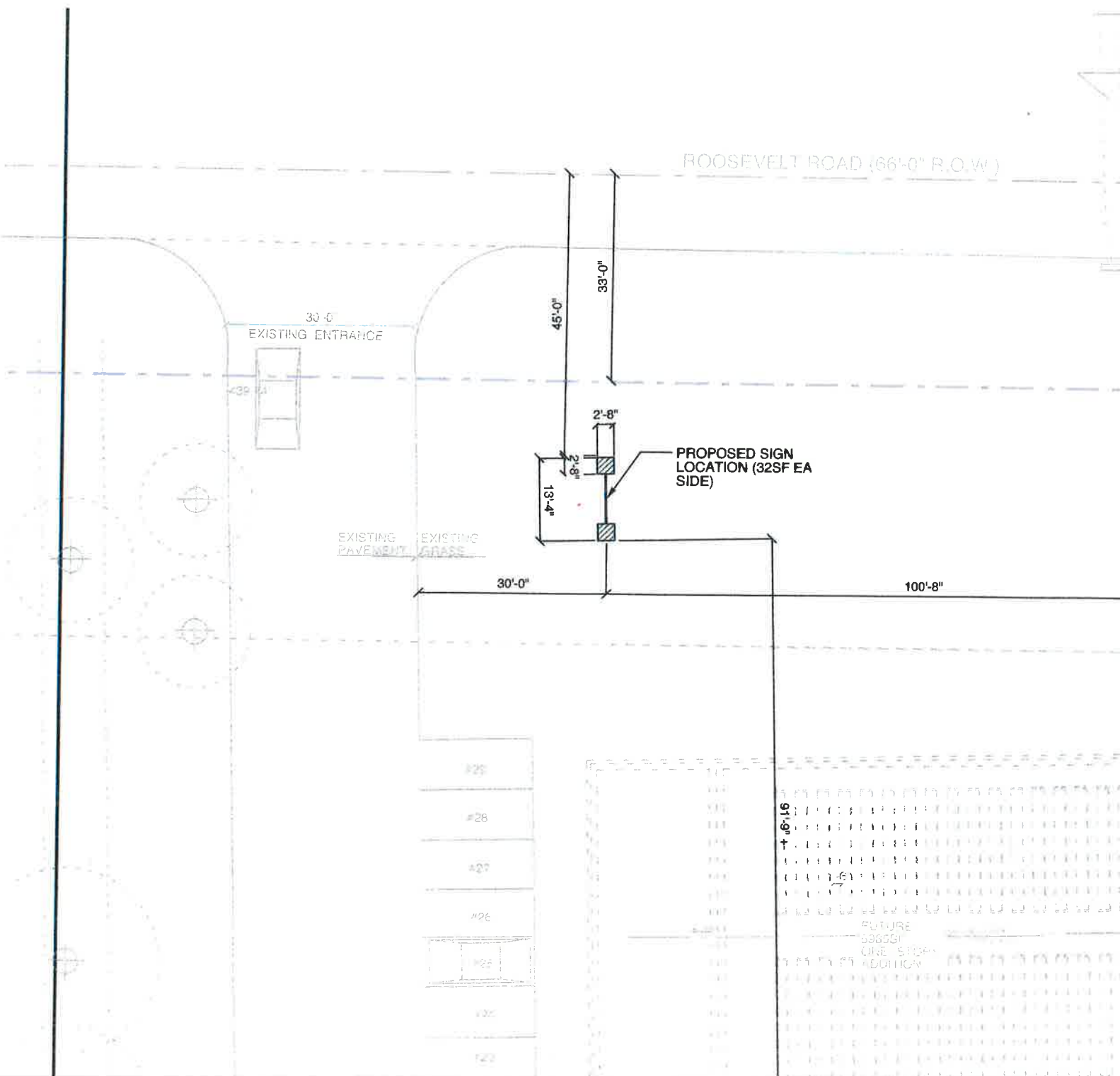


See Attached Site Plan (Sketch)

THIS AREA FOR OFFICE USE ONLY

BOA ID No.	BOA Appeal Date	BOA P/H Date	BOA Decision Date	BOA Decision
2021-0266	4/12/2021			<input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied
Notes/Stipulations: 4/13/2021 <i>Orinette Jr</i> Denial - within highway setback				
<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied			Land Resources and Parks Department <i>Joseph Guehl</i>	
			Date 4/13/2021	

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



ROOSEVELT ROAD (66'-0" R.O.W.)

30'-0"
EXISTING ENTRANCE

PROPOSED SIGN
LOCATION (32SF EA
SIDE)

EXISTING PAVEMENT
EXISTING GRASS

30'-0"

100'-8"

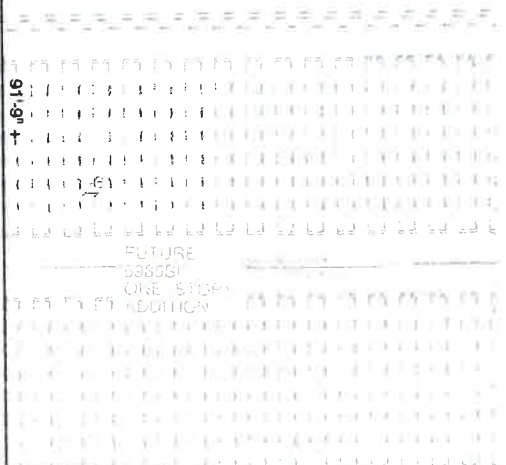
45'-0"

33'-0"

13'-4"

2'-8"

2'-8"



PROPOSED FUTURE LOT LINE

H.C.#3
#22

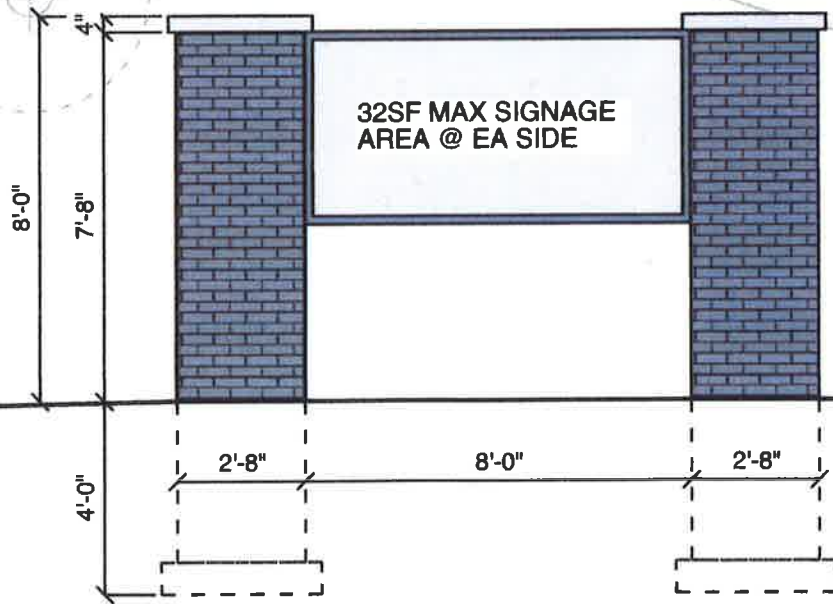
#21

#20

#19

#18

#17



32SF MAX SIGNAGE
AREA @ EA SIDE

8'-0"

7'-8"

4'-0"

2'-8"

8'-0"

2'-8"

10'-0"

SIDE YARD
SETBACK

1
SP1

PROPOSED SIGNAGE ELEVATION

SCALE: 1/4" =



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

April 14, 2021

St Olaf Lutheran Church
Attn. John Christenson
W653 Roosevelt Rd
Rubicon, WI 53078

RE: Notice of Permit Refusal
PIN# 002-0917-2521-003

Location: Part of the NE ¼ of the NW ¼, Section 25, Town of Ashippun, Dodge County, Wisconsin, the site address being W653 Roosevelt Rd.

Dear Mr. Christenson:

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

1. Section 8.9.4.F(1) of the code requires any sign or sign supports that are constructed of concrete, mortar or stone to comply with the minimum highway and road setback distances listed in Table 5.1-1.
2. Subsection 5.2.3 and Table 5.1.-1 of the Dodge County Land Use Code refers to the distances that all buildings and other structures are required to be setback from all streets and highways. On a Town road, the required highway setback is 75 feet from its centerline or 42 feet from its right of way, whichever is the greatest distance of the two. The required highway setback at this location is 75 feet from the centerline of Roosevelt Road. According to the application, the sign will begin approximately 45 from the centerline or 30 feet within the required highway setback lines and therefore is prohibited by the code.

Therefore, the County is unable to issue a permit for your proposed sign unless the construction is modified so as to comply with the highway setback provisions mentioned above or unless a variance is granted to the setback standards of the code. A variance request was filed on April 14, 2021 and has been forwarded to the Board of Adjustment for scheduling of an on-site inspection and a public hearing.

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.

Sincerely,

Joseph Giebel
Manager – Code Administration



Dodge County Land Resources & Parks

General	WI Historical Society	Floodplain / Wetland	County Zoning
Urbanized Roads	Historic Structures	FEMA Floodplain/Storage/Dam Shadow	Planned Unit Development
Soils	Archaeological Sites	DNR Wetland Areas/Points	Hartford Extraterritorial
Airport Ordinance 3-Mile Buffer	Survey Areas	Shoreland Zoning	General Agricultural
Sewer Service Areas	Non-Metallic Mining	Shoreland Zoning Buffer	Prime Agricultural
Highly Developed Shoreline	Active Mining Area	Lakes/Ponds/Sloughs	One Family Residential
Elevation Contours	Approved Mining Area	Rivers/Streams/Creeks	Two Family Residential
	Mine Property Boundaries		Multi-Family Residential
			General Commercial
			Extensive Commercial
			Light Industrial
			Industrial
			Waterbody
			ROW/City/Village