

DODGE COUNTY BOARD OF ADJUSTMENT MINUTES
July 8, 2021

The Dodge County Board of Adjustment met on this 8th day of July at 9:30 a.m. in Room 302, Land Resources and Parks Conference Room, on the third floor of the Administration Building, Juneau, Wisconsin.

Chairman William Nass called the meeting of the Dodge County Board of Adjustment to order.

Roll Call was taken.

Members present were as follows: Harold Hicks, Rodney Justman, William Nass and Sharon Schumann, Jon Schoenike met the Board at the onsite location. Members excused were Edward Premo (Alternate 1) and Dan Siegmann (Alternate2).

Terry Ochs of the Land Resources and Parks Department was in attendance at the request of the chairman;

Non-Committee Member County Board Attendance: None

Chairman Nass noted that a quorum is present.

The Chairman asked the staff to confirm compliance with the open meeting requirements. Terry Ochs noted that the meeting was properly noticed in accord with the open meeting law in accord with the statute and code requirements.

The minutes from the May 20, 2021 meeting were reviewed by the Board.

Motion by Sharon Schumann to approve the minutes as written.

Second by Rodney Justman

Vote: 5-0 Motion carried.

Chairman Nass requested Terry Ochs of the Land Resources & Parks Department to accompany the Board on the following on-site inspections and to attend the Public Hearings on July 15, 2021.

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

- 1) **Andrew and Julie Notbohm** - Lot 3 Assessors Plat No 1, Village of Old Ashippun, located in part of the SE ¼ of the SE ¼, Section 19, Town of Ashippun, the site address being W2504 Roosevelt Road.

Motion by order of the Chair to adjourn the meeting. Motion carried. 11:30 AM

Respectfully Submitted,

Secretary

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

Land Resources and Parks Department Staff Report

County Variance Application No. 2021-0290
County Land Use Permit Application No. 2021-0204
Filing Date: April 16, 2021
Hearing Date: May 20, 2021
Rescheduled Hearing Date: July 15, 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 Deny No recommendation submitted
DNR Recommendation: Approve Deny No recommendation submitted
 • Letter attached.

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 outside of the floodplain or by designing a replacement boathouse that is in compliance with the Floodplain regulations, 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 Floodplain 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 and/or to design a replacement boathouse structure in compliance with the floodplain regulations is not consistent with the purpose and intent of the Ordinance, which may increase the flood damage potential for this structure and which could result in conflicts between property owners which is not in the best interest of the adjacent land owners, the public or the community.

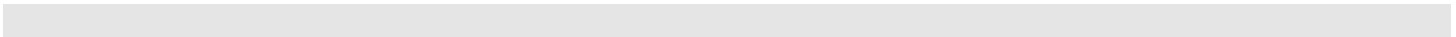
It is the staff's position that that the request does not meet all of the standards for granting a variance and that the Board will be unable to make the findings that are necessary in order to grant a variance to the Floodplain Zoning Ordinance in this case and therefore the variance request to the 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 within the water setback lines 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 or by designing a replacement boathouse that is in compliance with the Floodplain Ordinance provisions and that is located within the same footprint of the existing boathouse, thereby allowing the replacement structure to be in compliance with the Shoreland and Floodplain Ordinance provisions 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 replacement 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
Re-Scheduled Hearing Date: July 15, 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)

Is there a physical limitation that is unique to this property that prevents the appellant from designing a replacement boathouse that will be constructed 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.

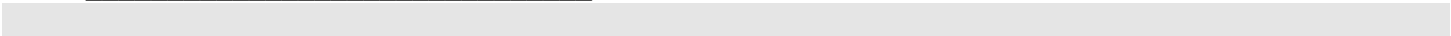
Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The municipality assumes no 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
Rescheduled Hearing Date: July 15, 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.

(2) **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:

(b) 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:

- 11. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
- 12. A boathouse shall not extend forward of the ordinary highwater mark of the adjacent navigable water.
- 13. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
- 14. One boathouse is permitted on a lot as an accessory structure.
- 15. Boathouses shall be constructed in conformity with local floodplain standards.
- 16. Boathouses shall not exceed one story.
- 17. Earth toned color shall be required for all exterior surfaces of a boat house.
- 18. 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.
- 19. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are prohibited.
- 20. The roof of an existing boathouse may be used as a deck provided that:
 - iv. The existing boathouse has a flat roof;
 - v. The roof has no sidewalls or screens;
 - vi. 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

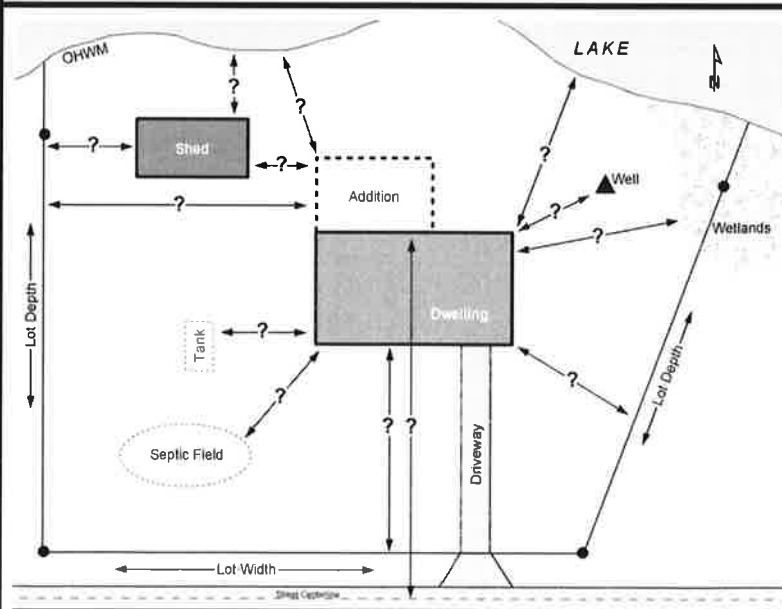
I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and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

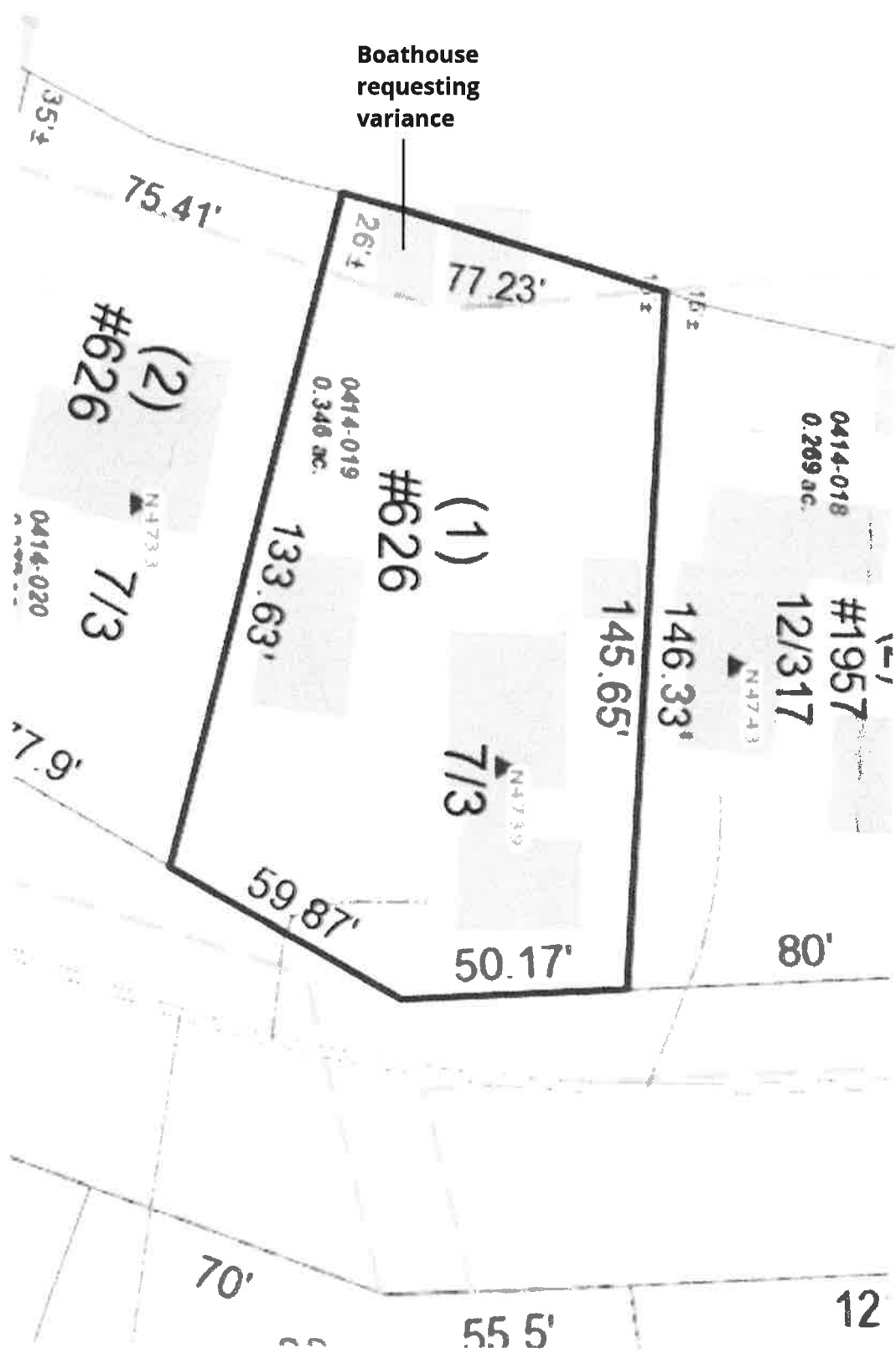
“The Board of Adjustment shall be responsible for authorizing upon appeal in specific cases variances from the terms of the Code that will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Code will result in unnecessary hardship, 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>



Boathouse
requesting
variance

(2)
#626

(1)
#626

#1957
#12/317

0414-019
0.346 ac.

0414-018
0.269 ac.

0414-020

7/13

7/13

N4743

N4733

N4739

35.4'

75.41'

26.4'

77.23'

16.2'

133.63'

145.65'

146.33'

7.9'

59.87'

50.17'

80'

70'

55.5'

12'

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"/> Pool <input type="checkbox"/> Porch <input type="checkbox"/> Driveway <input type="checkbox"/> Deck <input type="checkbox"/> Fence <input checked="" 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 checked="" type="checkbox"/> NEW STRUCTURE/CONSTRUCTION <input checked="" type="checkbox"/> REPLACEMENT OF EXISTING <input checked="" 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 _____			
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 _____	
Estimated Cost (w/Labor) \$ <u>30,000</u>		Will it be lighted and/or have moving/flashing parts? <input type="checkbox"/> No <input 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.			

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.

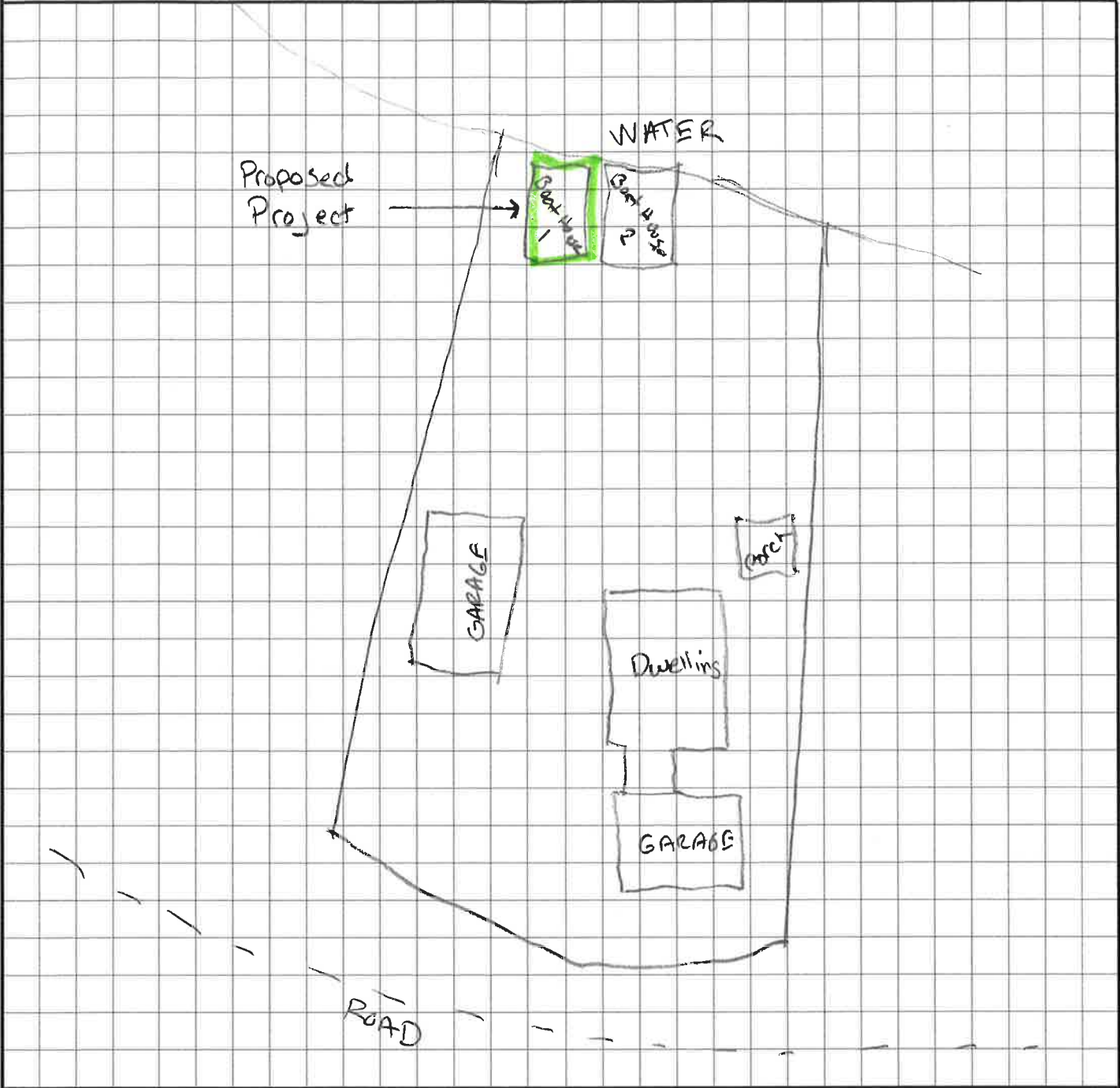
CERTIFICATE & CONTACT INFORMATION

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>
------------------------------------------------------------------------------	---------------------------------------------------------------	---------------------------

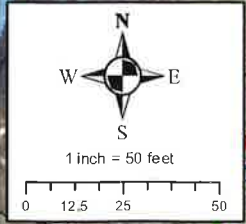


03/26/2021

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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.



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

Date: 3/30/2021



**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. 210496	Issue Date:
Application Date: <i>6/8/2021</i>	Receipt #: <i>2899-0005</i>

Variance Application

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

Names and Mailing Addresses		Property Description				
Applicant (Agent) <i>Andrew & Julie Notbohm</i>	Parcel Identification Number (PIN) <i>007-0917-1944-012</i>					
Street Address <i>W2504 Roosevelt Rd</i>	Town <i>Ashippun</i>					
City • State • Zip Code <i>Ixonia, WI 53036</i>	SE ¹ / ₄ SE ¹ / ₄ Section <i>19</i>	T	N	R	E	
Property Owner (If different from applicant) <i>Same as above</i>	Subdivision or CSM #					
Street Address	Site Address <i>W2504 Roosevelt Rd.</i>					
City • State • Zip Code	Is this property connected to public sewer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					

Present property use:

single family residence

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

none

Describe all nonconforming structures and uses on this property:

The home itself is within the setback. See diagram. The home (existing) is 44' from the center line of Roosevelt Rd.

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

*Subsection 5.1.1 and Table 5.1-1
Section 10.3.2.B.1*

Variance Requested:

variance to allow increasing the deck in size from its previous dimensions. Will not build closer to the road than the current existing home.

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?

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

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

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

CERTIFICATE

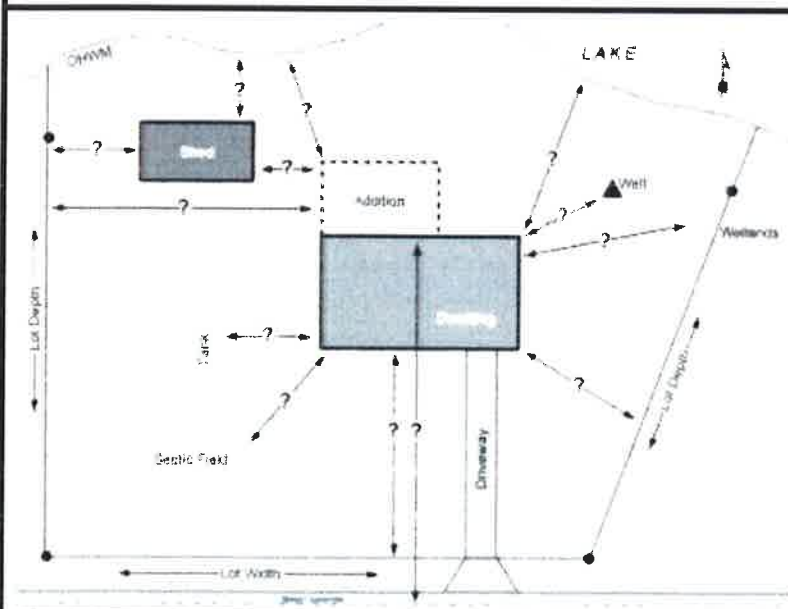
I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and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

Signature of owner or authorized agent: Julie D. Notbohm Date: 6.8.21

Daytime Contact Number (920) 607 - 1754 Andrew Notbohm
408.334.7542

SITE PLANS AND BUILDING PLANS

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



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

Distances must be shown from the project to:

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

What unnecessary hardship is present that prohibits your compliance with the terms of the land use code?

Currently, the home sits inside the required setback. The door currently exits to a small, free standing concrete staircase, which is very small, old and is starting to become structurally unsound. We would like to replace that staircase with a slightly larger 10' x 10' deck that will serve our needs better as a stronger, more permanent entry to our home. The expanded deck will not sit closer to the road than the house currently sits. This is a more useful, and safer option than the current stairs, which are cracked and are not attached to the house in any way. The new deck will not obstruct any sight lines for traffic or pedestrians.

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

The home is built within the setback from the road and the exit is existing, so there is no option to place this deck in another location.

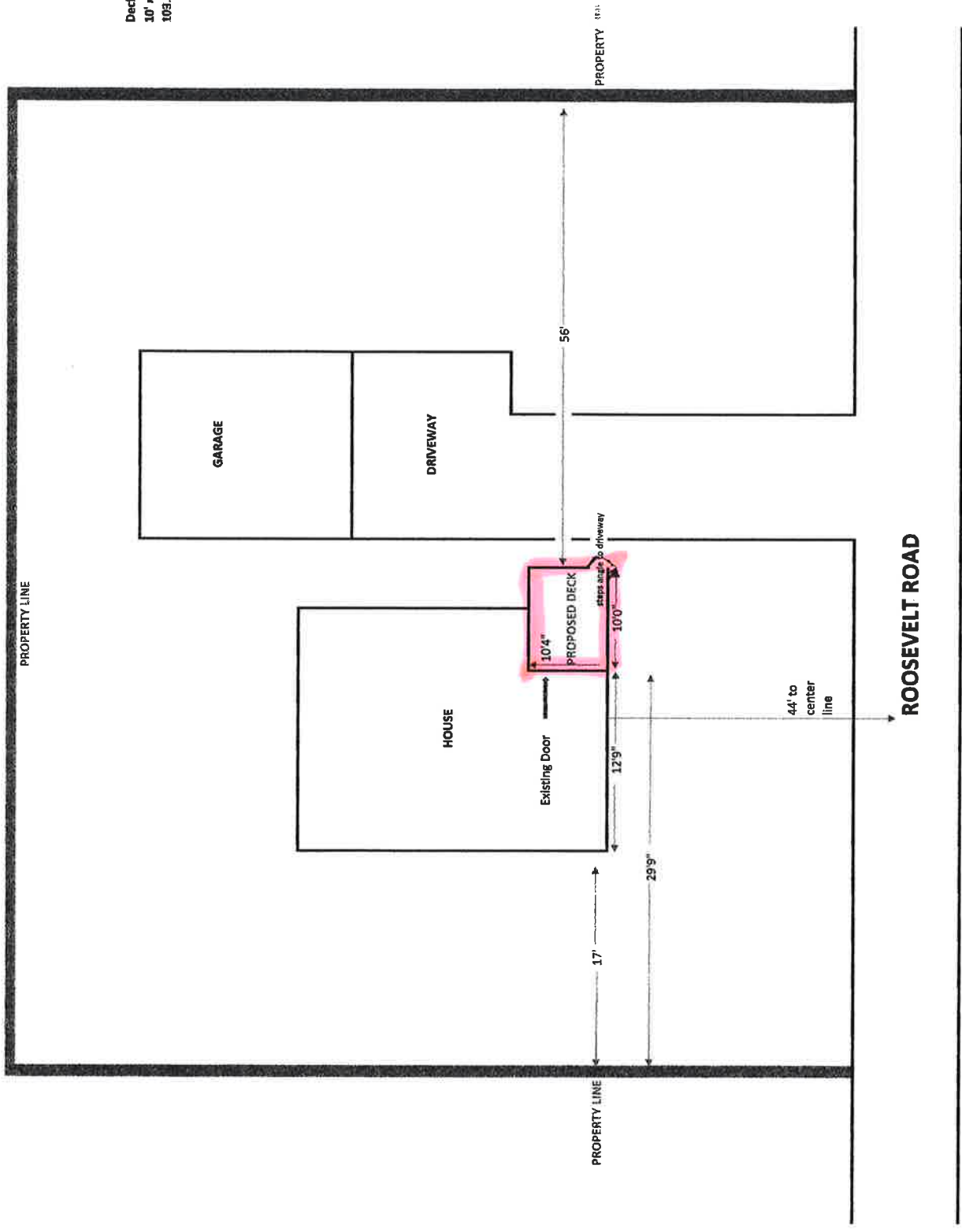
Will denial of the variance request prevent you from using this property for a permitted purpose or render conformity with the Code unnecessarily burdensome? Why?

Denial of the variance will not allow for the exit of our home to be a useable space.

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

This would not have a negative effect on any of our neighbors. In fact, we believe it will have a positive effect on the aesthetics of the neighborhood. The new deck will not obstruct any sight lines for traffic or pedestrians.

Deck Specifications:
10' x 10'4"
108.3 Sq Ft



PROPERTY LINE

PROPERTY LINE

ROOSEVELT ROAD

Land Use Permit

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

This Area For Office Use Only

COUNTY ID No.

210388

Receipt No.

Application Date

5-12-2021

Permit Expiration Date

Sanitary Permit

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

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

NAMES & MAILING ADDRESSES		PROPERTY INFORMATION			
Applicant/Agent/Contractor (If Contractor: Please include State Certification No.) Andrew Notbohm		Parcel Identification Number (PIN) 002-0917-1944-012			
Street Address W2504 Roosevelt Rd		Town Ashippun	T 09	N 17	R E
City • State • Zip Code Ixonia WI 53036		1/4 SE	1/4 SE	Section 19	Lot (Block)
Property Owner Julie Notbohm (Guenther)		Subdivision or CSM (Volume/Page/Lot) <input type="checkbox"/> Same as applicant			
Street Address W2504 Roosevelt Rd		Address Of Property (DO NOT include City/State/Zip Code) W2504 Roosevelt Rd			
City • State • Zip Code Ixonia WI 53036		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 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 _____			

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"/> Field Tile Installation |
| <input checked="" type="checkbox"/> Deck | <input type="checkbox"/> Fence | <input type="checkbox"/> Boathouse | <input type="checkbox"/> Pond (Less than 2 acres in size) |
| <input type="checkbox"/> Patio | <input type="checkbox"/> Riprap | <input type="checkbox"/> Attached Garage | <input type="checkbox"/> Sign (Complete additional project information below) |
| <input type="checkbox"/> Shed | <input type="checkbox"/> Gazebo | <input type="checkbox"/> Detached Garage | <input type="checkbox"/> Barn (Complete additional project information below) |
| <input type="checkbox"/> Home | <input type="checkbox"/> Sidewalk | <input type="checkbox"/> Ag Ditch Cleanout | <input 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 10' 4"

Total Area 103.3 sq ft

Total Stories na

Height (To roof peak) 32"

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.

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/limestone; 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 6.

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) welland, floodplain and/or navigable waterway?

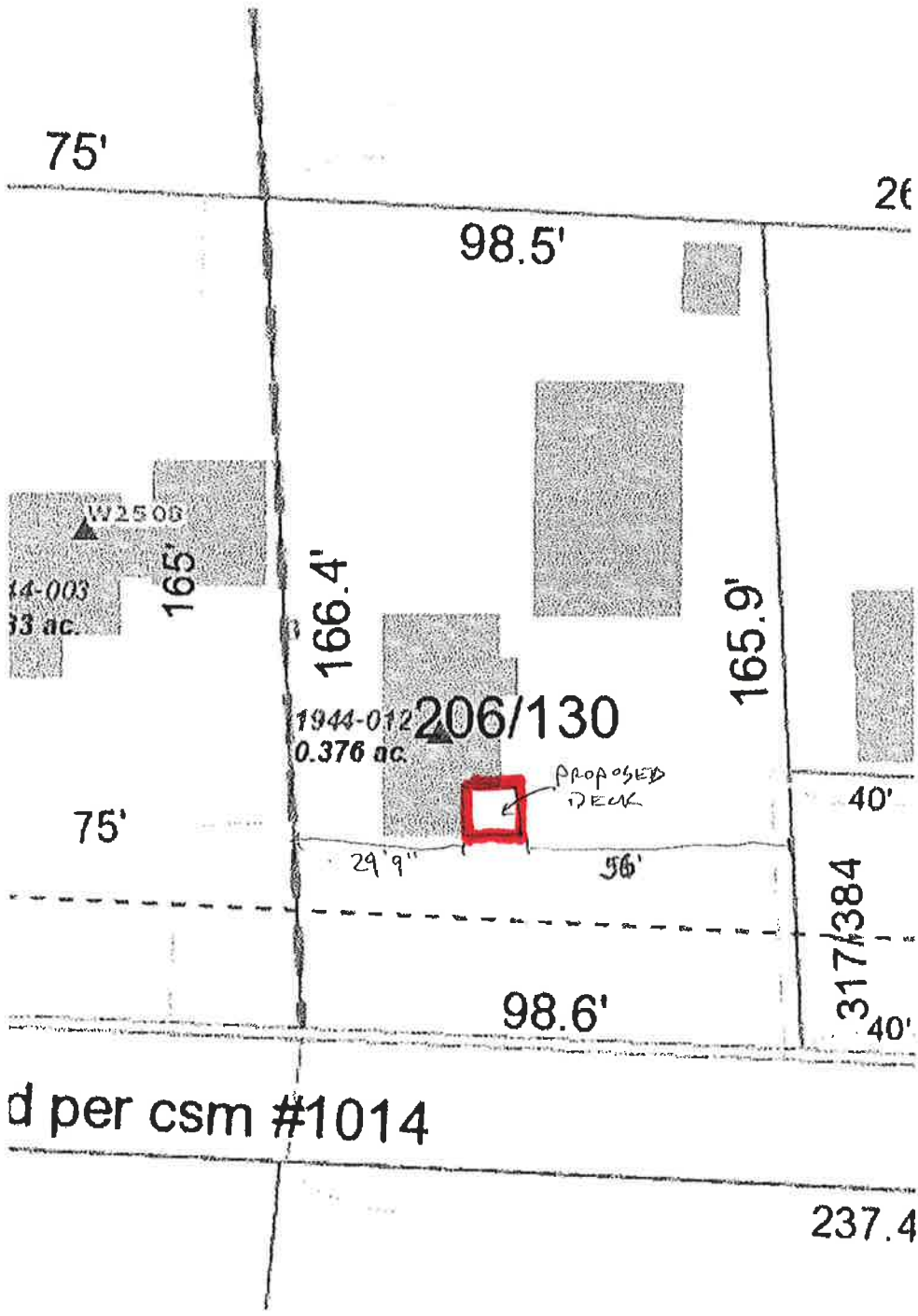
- NO → Sign and date application below.
 YES → A County **CONDITIONAL USE PERMIT (CUP)** may [also] be needed. Contact this office for assistance regarding the CUP process. Sign and date application below.

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) Andrew Nolbohm Daytime Contact Phone (608) 334 7542 or Email: anolbohm@gmail.com

Signature  Date 5-11-21 Call for pickup No Yes



75'

26

98.5'

14-003
33 ac.

W2508

165'

166.4'

1944-012
0.376 ac.

206/130

PROPOSED
DECK

165.9'

75'

29'9"

56'

40'

317/384

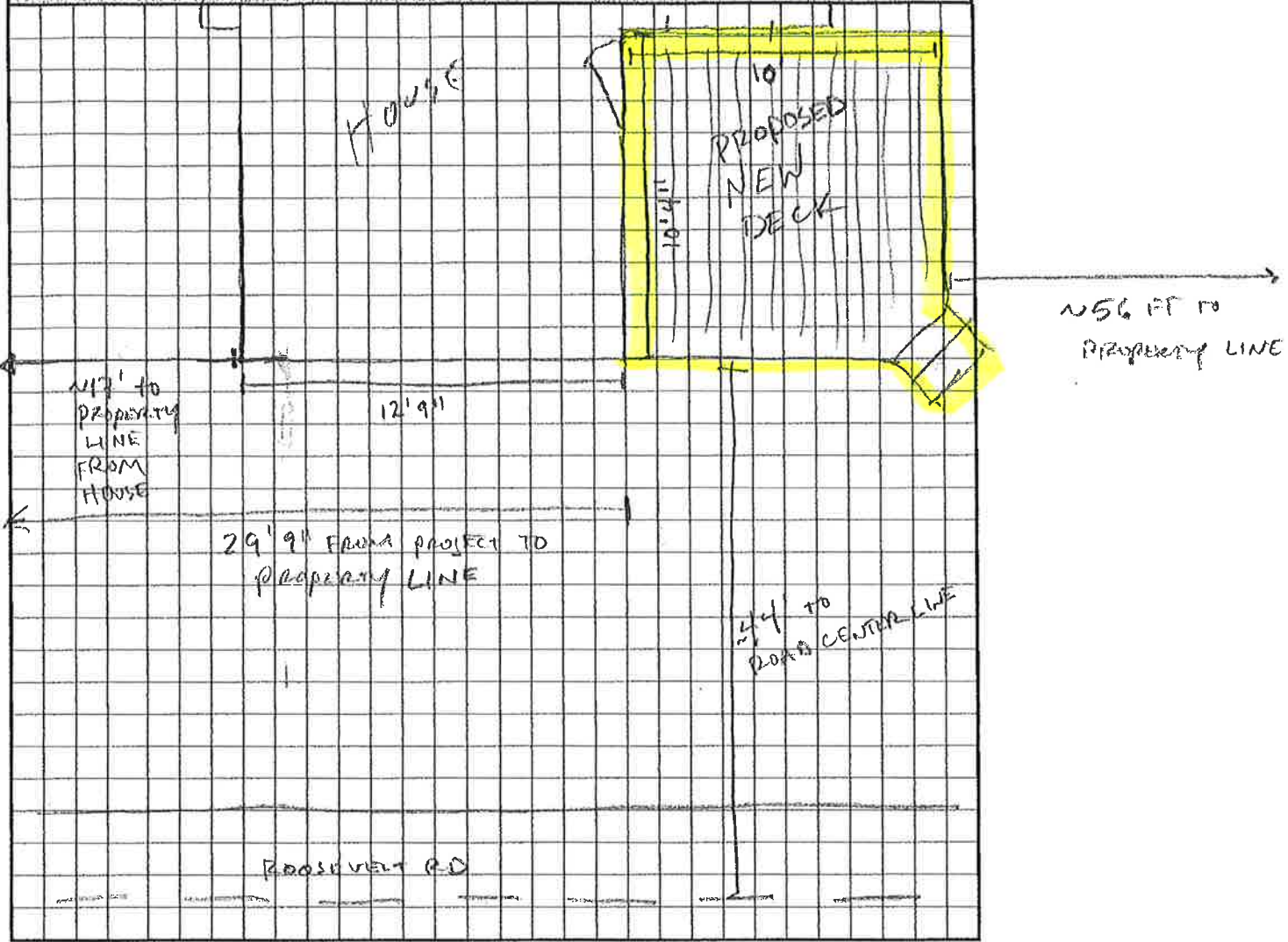
40'

98.6'

d per csm #1014

237.4

SITE PLAN (SKETCH)



See Attached Site Plan (Sketch)

THIS AREA FOR OFFICE USE ONLY

BOA ID No. 2021-0496	BOA Appeal Date	BOA PAH Date	BOA Decision Date	BOA Decision <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input checked="" type="checkbox"/> Denied
Notes/Suppletions: 5/25/2021 Denied - within highway setbacks and considered expansion of non-conforming structure				
<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied	Land Resources and Parks Department WD			Date 5/25/21

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



Dodge County

Land Resources and Parks Department

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

COPY

May 25, 2021

Andrew & Julie Notbohm
W2504 Roosevelt Road
Ixonla, WI 53036

RE: Notice of Permit Refusal

PIN# 002-0917-1944-012
Being part of the SE ¼ in the SE ¼ in Section 19, T09N, R17E
Township of Ashippun, Dodge County, Wisconsin
Site Address: W2504 Roosevelt Road

Greetings Andrew & Julie Notbohm,

Your application for a Land Use Permit to construct a **Deck** 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 5.1.1 and **Table 5.1-1** of the County Land Use Code refer to the distances that all buildings and other structures are required to be setback from all roads. On an Urbanized Road, the required setback is 60 feet from its centerline or 27 feet from its right-of-way, whichever is the greatest distance of the two. According to County records, the required highway setback at this location is 60 feet from the centerline of Roosevelt Road. As proposed, the **Deck** will begin at approximately 44 feet from the centerline or approximately 16 feet within the required highway setback lines and therefore prohibited by the code.

According to Section 10.3.2.B.1 of the County Land Use Code, rebuilding, repair or remodeling of a legal existing nonconforming structure is permitted provided the rebuilt, remodeled or repaired structure is confined to the existing three dimensional footprint of the legal existing nonconforming structure.

As proposed, the **Deck** has increased in size from the previously existing dimensions and therefore prohibited by the code.

Therefore, the County is unable to issue a permit for your proposed construction project unless the construction is modified so as to comply with the applicable code provisions mentioned above or unless a Variance is granted to allow the expansion of the nonconforming structure on this site. A Variance Application form has been enclosed for your review.

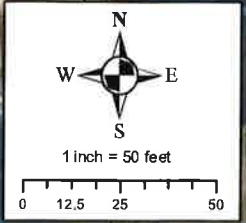
You have the right to appeal this decision to the Board of Adjustment. Such appeals shall be filed with the Land Resources and Parks Department within 30 days after the date of written notice of the decision or order of the review and decision making body. If you have any questions, feel free to give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

Take Care,

Wade B. Osterholz

Wade B. Osterholz
Senior Land Use/Sanitation Specialist

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.



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

Land Resources and Parks Department Staff Report

County Variance Application No. 2021-0496
County Land Use Permit Application No. 2021-0388
Filing Date: June 8, 2021
Hearing Date: July 15, 2021

Applicant / Owners:
Andrew and Julie Notbohm
W2504 Roosevelt Road
Ixonia, WI 53036

Location

PIN#: 002-0917-1944-012

Property Location: Lot 3 Assessors Plat No 1 Village of Old Ashippun, located in part of the SE ¼ of the SE ¼, Section 19, Town of Ashippun, the site address being W2504 Roosevelt Road.

Appellants Request

An application for a variance request was submitted by the appellant with a request to allow the construction of an approximate 10' X 10' 4" deck on the southeast corner of the residence on this site where said deck will be located approximately 16 feet within the required setback from Roosevelt Road and where said deck is considered by the County as an expansion of a nonconforming structure.

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 C-1 General Commercial zoning district;

The property is presently being used for residential use;

The physical features of this approximate 0.368 acre lot include a nearly level topography with slopes ranging from 0 to 2%. The parcel contains a residence, detached garage and a shed;

The general character of the surrounding land use consists of a mixture of residential and commercial uses;

The property includes the following a nonconforming structure:

- The existing residence is located within the required highway setback of Roosevelt road.

On May 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' X 10' 4" deck along the southeast corner of the residence to replace the existing landing and steps at this location.

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

Subsection 5.1.1 and Table 5.1-1 of the County Land Use Code refer to the distances that all buildings and other structures are required to be setback from all roads. On an Urbanized Road, the required setback is 60 feet from its centerline or 27 feet from its right-of-way, whichever is the greatest distance of the two. According to County records, the required highway setback at this location is 60 feet from the centerline of Roosevelt Road. As proposed, the deck will begin at approximately 44 feet from the centerline or approximately 16 feet within the required highway setback lines 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 deck addition will extend laterally beyond the existing footprint of this nonconforming structure and the proposed deck 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 5.1.1, Table 5.1-1 and Section 10.3.2.B.1 of the code;

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.

Town Recommendation:

No Recommendation has been submitted.

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 5.1.1, 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 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 deck 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 deck 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. 2021-0496
County Land Use Permit Application No. 2021-0388
Filing Date: June 8, 2021
Hearing Date: July 15, 2021

Applicant / Owners:
Andrew and Julie Notbohm
W2504 Roosevelt Road
Ixonia, WI 53036

Location

PIN#: 002-0917-1944-012
Property Location: Lot 3 Assessors Plat No 1 Village of Old Ashippun, located in part of the SE ¼ of the SE ¼, Section 19, Town of Ashippun, the site address being W2504 Roosevelt Road.

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CONCLUSIONS OF LAW

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

The appellants request to Subsections 5.1.1, 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 replacement deck on this lot in compliance with the highway setback lines?

(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

