

Land Resources and Parks Department Staff Report

County Variance Application No. 2021-0588
County Land Use Permit Application No. 2021-0429
Filing Date: July 2, 2021
Hearing Date: August 19, 2021

Applicant / Owner:

Allen and Lynette Hackbarth
N4425 County Road R
Iron Ridge, WI 53035

Location

PIN#: 024-1016-1012-001

Property Location: Part of the NW ¼ of the NE ¼, Section 10, Town of Hustisford, the site address being N4425 County Road R.

Appellants Request

On July 2, 2021 an application for a variance request was submitted by the appellant with a request to for a variance to the terms of the side yard setback provisions of the Dodge County Land Use Code to allow the construction of a detached garage on this lot where said garage will be located approximately 6 feet within the required setback between a residential structure and a detached accessory structure.

Review Criteria

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

Features

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

The County has Zoning Jurisdiction over this site as the Town of Hustisford has adopted the County's Land Use Code. The property is located within the A-2 General Agricultural zoning district.

A portion of the property is also located within the County's Shoreland jurisdiction and a portion of this lot is designated as a wetland. The proposed garage is not located within the wetland designated area.

The property is presently being used for residential use;

The physical features of this approximate 4.4-acre lot include a rolling topography with slopes ranging from 0 to 20%. The parcel contains a residence with an attached garage.

The general character of the surrounding land use is agricultural with scattered residences along County Road R.

On May 20, 2021, an application for a County Land Use Permit was made by the appellant in order they be allowed to construct a 24' X 32' detached garage on this site.

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

Per Section 5.2.4 of the Code, the minimum setback between an accessory structure and a dwelling or other principal structure shall be 10 feet. As proposed, the detached garage will be located approximately 4' from an uncovered landing or 6' within the required setback line and therefore prohibited by the Code.

The appellant is requesting an area variance to Section 5.2.4 of the code;

Purpose Statement

The side yard 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.

Town Recommendation: No Recommendation 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 5.2.4 of the code;

The staff points out that the Board does not have summary power to ignore ordinance provisions or objectives. The burden also falls on the appellant to convincingly demonstrate to this Board that a literal enforcement of the Land Use Code regulations would result in an unnecessary hardship, that the hardship is due to special conditions that are unique to the property and if granted, the variance would not be contrary to the public interest.

It is the staff's position that the appellant may have other options to locate the detached garage in compliance with the code by moving the garage closer to the property line or by moving the garage to a different location on the lot. The code requires a detached accessory structure to be located a minimum of 3 feet from the rear lot line provided the structure height is less than 20' to the peak of the structure. It is the staff's position that there is sufficient room to locate the detached structure a minimum of 10' from the patio landing and 3' from the property line, therefore in compliance with the code. Therefore, it is the staff's position that there are no conditions that are unique to this property that would result in a hardship if the variance request was denied.

If the Board can make the required findings in order to grant the variance request, the staff recommends the following condition of approval in order to mitigate the potential fire hazard that will be created if the detached garage is located less than 10' to the landing:

1. Architecturally designed plans for the garage shall be submitted to the Department documenting the required fire protection materials exist between the residence and the garage.

Dodge County Board of Adjustment Decision

County Variance Application No. 2021-0588
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Applicant / Owner:
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PIN#: 024-1016-1012-001
Property Location: Part of the NW ¼ of the NE ¼, Section 10, Town of Hustisford, the site address being N4425 County Road R.

Appellants Request

On July 2, 2021 an application for a variance request was submitted by the appellant with a request to for a variance to the terms of the side yard setback provisions of the Dodge County Land Use Code to allow the construction of a detached garage on this lot where said garage will be located approximately 6 feet within the required setback between a residential structure and a detached accessory structure.

CONCLUSIONS OF LAW

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

The appellants request to Subsection 5.2.4 of the Code is an “area” variance.

(Yes / No) _____

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

(Yes / No) _____

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

(Yes / No) _____
Explain: _____

Does the appellant have other options available to construct a detached garage on this lot in compliance with the code?

(Yes / No)

Explain _____

What hardship exists if the variance is denied?

Explain _____

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

Explain _____

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

(Yes/No)

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

(Yes/No)

If the Board can make the findings necessary in order to grant the variance request in this case, are any conditions of approval necessary in this case to mitigate any potential adverse impacts that result from this proposed development project?

Architecturally designed plans for the garage shall be submitted to the Department documenting the required fire protection materials exist between the residence and the garage.

Others

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

Motion second _____

Vote

Harold Hicks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Jon Schoenike	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Sharon Schumann	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Rodney Justman	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Ed Premo (1 st Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Dan Siegmann (2 nd Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
William Nass	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter the board

- Granted the variance request as proposed;
- Granted the variance request by the appellant subject to the conditions listed above;
- Denied the variance request as proposed;
- The Land Use Administrator is directed to issue a land use permit incorporating the decision of this Board.

Expiration of Approval. Any order issued by the Board requiring a Zoning official to issue a permit shall become void after one year unless the applicant or appellant shall have filed an application for such permit with the Zoning official within such time, provided, that the time may be extended when so specified by the Board.

Revocation. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The municipality assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

Dodge County Board of Adjustment

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____



**DODGE COUNTY LAND RESOURCES
AND PARKS DEPARTMENT**
127 E. Oak Street • Juneau, WI 53039
PHONE: (920) 386-3700 • FAX: (920) 386-3979
E-MAIL: landresources@co.dodge.wi.us

THIS AREA FOR OFFICE USE ONLY	
Activity No. 210588	Issue Date:
Application Date: 7-2-2021	Receipt #: 3034-0020

Variance Application

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

Names and Mailing Addresses		Property Description				
Applicant (Agent) <i>Allen H. Hackbarth</i>		Parcel Identification Number (PIN) <i>024-1016-1012-001</i>				
Street Address <i>N4425 County Road R</i>		Town <i>Hustisford</i>				
City • State • Zip Code <i>Iron Ridge WI 53055</i>		<i>N</i> ^{1/2}	<i>NE</i> ^{1/4}	Section <i>10</i>	T <i>10</i>	N <i>16</i>
Property Owner (If different from applicant) <i>Same</i>		Subdivision or CSM # <i>#615 V6 P486</i>				
Street Address		Site Address <i>N4425 County Road R</i>				
City • State • Zip Code		Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Present property use: <i>Residential</i>						
List any prior variances that have been granted or denied for this property: <i>None</i>						
Describe all nonconforming structures and uses on this property: <i>None in present use Back Step/patio in setback area for proposed use.</i>						
List the terms of the Land Use Code for which you are requesting a variance (section # and code provision requirements): <i>Subsection 5.2.4 Accessory Structures and Dimensions Chapter 5 - Measurements and Exceptions</i>						
Variance Requested: <i>Allow rear entry "Step/patio" to remain in place.</i>						
Address the following variance criteria described in the application materials. (Attach additional sheets if necessary):						
What unnecessary hardship is present that prohibits your compliance with the terms of the Land Use Code? <i>Please see attached page</i>						

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

Grade of rear (West) lot line prohibits moving garage farther from house. Grade to North end of lot and distance to North lot line makes it impractical to move garage North. We don't want to reduce size of garage-it's not huge to start with, but should serve our needs.

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

Yes- We have lived here over 42 years and would like to have garage more convenient. Proposed plan leaving step in place is a very practical way for us to improve our property for our benefit. Removing the step would be costly and harm the integrity of the basement wall.

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

Slight increase in assessed value- No negative impact on public or neighbors.

CERTIFICATE

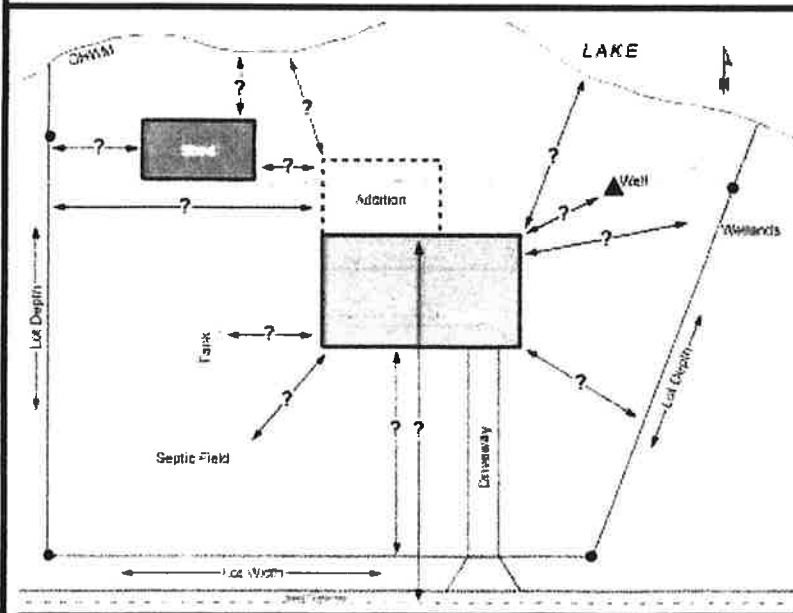
I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and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

Signature of owner or authorized agent: Allen H. Hurlbath Date: 7-2-21

Daytime Contact Number (920) 319-1842

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)

Allen Hackbarth- Variance Application

Unnecessary Hardship-

We need to build a garage in rear of house to eliminate climbing stairs from basement when using vehicles. We have room to extend the driveway around North end of house. The non-compliant "step" in question is 9 inches thick and is poured on wings of the poured basement wall. It is impractical to remove it, and furthermore, some other step would be needed to replace it. The existing step can be utilized to access the garage quite easily.



North Lot Line

200'
D.H.W.M. of Marsh to East

County Road 'R'

750'

Well

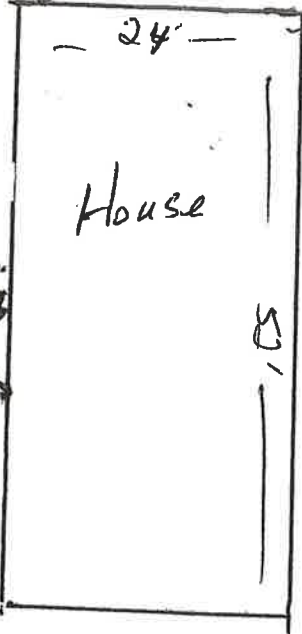
Tree
Drive Way
Extension

55'

18'

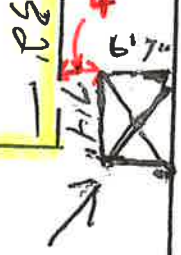


10'6"



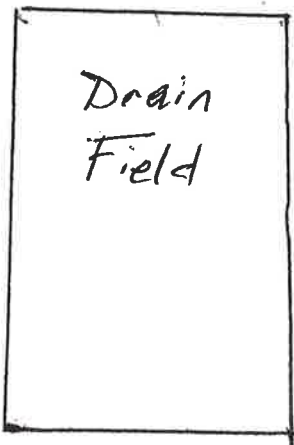
Existing
Drive Way

16'



Twelve (12)
Trees on
West Property
line to be
Removed

(2) Trees in
Garage Footprint
and approach to
be Removed



Scale 1" = 16'
16'

owner -
Allen Heckbauth

Land Use Permit

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

12000

This Area For Office Use Only	
COUNTY ID NO. 210429	Receipt No. 2787-0021
	Application Date 5-20-2021
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.) Allen Hackbarth	Parcel Identification Number (PIN) 024-1016-1012-001								
Street Address N4425 County Road R	Town Hustisford								
City • State • Zip Code Iron Ridge WI 53035	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">T</td> <td style="text-align: center;">N</td> <td style="text-align: center;">R</td> <td style="text-align: center;">E</td> </tr> <tr> <td style="text-align: center;">10</td> <td style="text-align: center;">16</td> <td></td> <td></td> </tr> </table>	T	N	R	E	10	16		
T	N	R	E						
10	16								
Property Owner <input checked="" type="checkbox"/> Same as applicant	Subdivision or CSM (Volume/Page/Lot) #615 V6 P786								
Street Address	Address Of Property (DO NOT include City/State/Zip Code) N4425 County Road R								
City • State • Zip Code	Is this property connected to public sewer? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Is property located within a sanitary district/accessible to public sewer? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes								

CURRENT USE OF PROPERTY	PROPOSED USE OF PROPERTY
<input type="checkbox"/> Vacant Land <input 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 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 checked="" type="checkbox"/> Detached Garage <input type="checkbox"/> Home <input type="checkbox"/> Sidewalk <input type="checkbox"/> Ag Ditch Cleanout	<input type="checkbox"/> REPLACEMENT OF EXISTING <input type="checkbox"/> ADDITION TO AN EXISTING <input type="checkbox"/> Field Tile Installation <input type="checkbox"/> Pond (Less than 2 acres in size) <input type="checkbox"/> Sign (Complete additional project information below) <input type="checkbox"/> Barn (Complete additional project information below) <input type="checkbox"/> Home Addition (Complete additional project information below)
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Filling, Grading, Ditching, Dredging, Lagooning, and/or Excavating- Contact this office for assistance with determining type of permit needed

Other _____

Width <u>24'</u> Length <u>32'</u> Total Area <u>768 sq ft</u> Total Stories <u>1</u> Height (To roof peak) <u>12 ft</u> Estimated Cost (w/Labor) \$ <u>35,500</u>	Additional Project Information <u>Home Addition:</u> Total number of bedrooms? Before _____ After _____ <u>Barn Information:</u> Will it house any animals? If yes, complete Animal Units Worksheet. <u>Sign Information:</u> <input type="checkbox"/> Single-Sided <input type="checkbox"/> Double-Sided <input type="checkbox"/> Located On-Premise <input type="checkbox"/> Located Off-Premise <input type="checkbox"/> Wall <input type="checkbox"/> Ground <input type="checkbox"/> Directional Other _____ Will it be lighted and/or have moving/flashing parts? <input type="checkbox"/> No <input type="checkbox"/> Yes
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◆ ◆ ◆ 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-6-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.

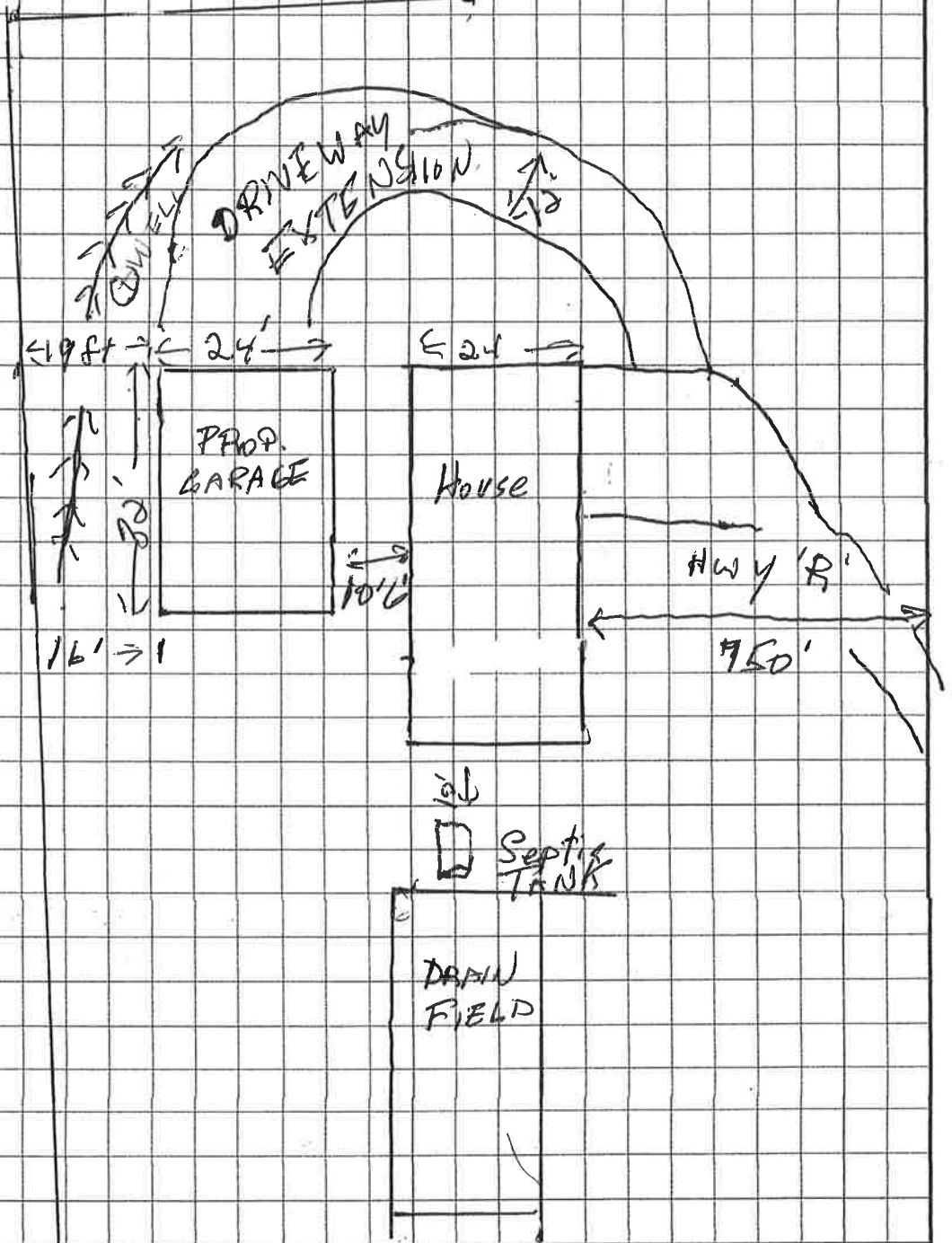
CERTIFICATE & CONTACT INFORMATION

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) Allen Hackbart Daytime Contact Phone (920) 319-1842

Signature Allen H. Hackbart Date 5-20-21 Call for pickup No Yes

SITE PLAN (SKETCH)



See Attached Site Plan (Sketch)

THIS AREA FOR OFFICE USE ONLY

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

Notes/Stipulations:

<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Land Resources and Parks Department	Date
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Dodge County

Land Resources and Parks Department

COPY

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

June 03, 2021

Allen Hackbarth
N4425 County Road R
Iron Ridge, WI 53035

RE: Notice of Permit Refusal

PIN# 024-1016-1012-001
Being part of the NW ¼ in the NE ¼ in Section 10, T10N, R16E
Township of Hustisford, Dodge County, Wisconsin
Site Address: N4425 County Road R

Greetings Allen Hackbarth,

The Land Use Permit application that you submitted to construct a **Detached Garage** 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 5.2.4 of the County Land Use Code refers to the setbacks for accessory structures of the development intensity and dimensional standards set forth in **Chapter 5 – Measurements and Exceptions**. The required minimum setback for a Dwelling or other Principal Structure to an Accessory Structure is 10 feet. As proposed, the closest part of the **Detached Garage** is located approximately 4 feet from the House (Back Patio/Step) or approximately 6 feet within this required minimum setback distance and therefore prohibited by the Code.

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

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

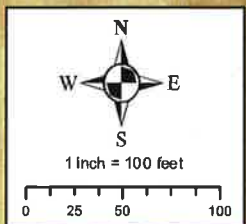
Take Care,

Wade B. Osterholz

Wade B. Osterholz
Senior Land Use/Sanitation Specialist

Dodge County Quick Mapper

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 constitute a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.



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	General Commercial
Airport Ordinance 3-Mile Buffer	Survey Areas	Shoreland Zoning	Extensive Commercial
Sewer Service Areas	Non-Metallic Mining	Shoreland Zoning Buffer	Light Industrial
Highly Developed Shoreline	Active Mining Area	Lakes/Ponds/Sloughs	Industrial
Elevation Contours	Approved Mining Area	Rivers/Streams/Creeks	Waterbody
	Mine Property Boundaries		ROW/City/Village
			Multi-Family Residential

DODGE COUNTY BOARD OF ADJUSTMENT MINUTES

July 15, 2021

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

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, Jon Schoenike and Sharon Schumann. 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 laws and the public hearing notice requirements. Terry Ochs noted that the meeting was properly noticed in accord with the open meeting law and noted that the required notices for the public hearings listed on the agenda were posted, mailed and published in accord with the statute and code requirements.

The minutes from the July 8, 2021 meeting were reviewed by the Board.

Motion by Sharon Schumann to approve the minutes as written.

Second by Harold Hicks

Vote: 5-0 Motion carried.

The staff explained the hearing procedures to those in attendance;

Election of Officers: Chairman, Vice-Chairman and Secretary;

Chairman

The Chairman opened the floor for nominations to the office of the Chairman

Motion Jon Schoenike to nominate William Nass for Chairman,

Second Rodney Justman;

William Nass accepted the nomination; No other nominations entered;

Motion William Nass to close nominations,

Second by Rodney Justman Motion Carried;

Vote: 5-0 to approve William Nass as Chairman

Vice Chairman

The Chairman opened the floor for nominations to the office of the Vice-Chairman

Motion Rodney Justman to nominate Jon Schoenike for Vice-Chairman,

Second Sharon Schumann

Jon Schoenike accepted the nomination; No other nominations entered;

Motion William Nass to close nominations,

Second by Rodney Justman Motion Carried;

Vote: 5-0 to approve Jon Schoenike as Vice-Chairman

Secretary

The Chairman opened the floor for nominations to the office of the Secretary

Motion Sharon Schumann to nominate Jon Schoenike for Secretary,

Second Rodney Justman;

Jon Schoenike accepted the nomination; No other nominations entered;

Motion William Nass to close nominations,

Second by Rodney Justman Motion Carried;

Vote: 5-0 to approve Jon Schoenike as Secretary

PUBLIC HEARING

Patrick and Kristen Ploc – 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 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. The property is located in part of the SE ¼ of the NE ¼, Section 4, Town of Hustisford, the site address being N4739 Lake Drive.

Application was withdrawn by applicant.

PUBLIC HEARING

Andrew and Julie Notbohm – Request for a variance to the terms of the highway setback provisions of the Dodge County Land Use Code to allow the construction of a deck 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. The property is known as 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 Sharon Schumann to approve a variance to the terms of the highway setback provisions of the Dodge County Land Use Code to allow the construction of a deck 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 subject to the following conditions:

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.

Second by Harold Hicks.

Vote: 5-0 Motion carried.

Motion by Harold Hicks to adjourn the meeting. TIME: 7:40 pm

Second by Sharon Schumann

Motion carried.

Respectfully submitted,

Secretary

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