

## Land Resources and Parks Department Staff Report

**County Variance Application No. 2021-0803**  
**County Land Use Permit Application No. 2021-0703**  
**Filing Date: August 27, 2021**  
**Hearing Date: October 21, 2021**

**Applicant (Agent):**  
Steve and Kim Engmann  
N10697 Chief Kuno Trail  
Fox Lake, WI 53933

**Owner:**  
Steve and Kim Engmann  
W2852 Crestwood Court  
Appleton, WI 54915

### **Location**

PIN #: 018-1313-2332-015

Property Location: Part of the NW ¼ of the SW ¼, Section 23, Town of Fox Lake, the site address being N10697 Chief Kuno Trail.

### **Appellants Request**

An application for a variance request to the terms of the highway setback provisions of the Dodge County Land Use Code and to the water setback provisions of the Dodge County Shoreland Protection Ordinance was submitted by the applicant to allow the construction of an approximate 24' X 30' detached garage where said garage will be located approximately 24' within the required highway setback line and within approximately 56.5' within the required water setback line.

### **County Jurisdiction**

The County has Zoning Jurisdiction over this site as the Town of Fox Lake has adopted the County's Land Use Code.

The County has Shoreland Jurisdiction over this site as the site is located within 1000 feet of the Ordinary High Water Mark of a navigable body of water (Fox Lake).

The County has Floodplain jurisdiction over this site as the site or portions of the site are designated as floodplains on the maps listed in Section 1.5(2)a of the Dodge County Floodplain Zoning Ordinance.

### **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.

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).

## 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 Fox Lake has adopted the County's Land Use Code. The property is located within the R-1 Single Family Residential Zoning District.

The County has Shoreland Jurisdiction over this site as the site is located within 1000 feet of the Ordinary High Water Mark of a navigable body of water (Fox Lake).

The County has Floodplain jurisdiction over this site as the site or portions of the site are designated as floodplains on the maps listed in Section 1.5(2)a of the Dodge County Floodplain Zoning Ordinance. A portion of the property is designated as a floodplain, however, the proposed detached garage, the driveway and the sidewalk will be located outside of the floodplain per the application.

The property is the last lot on the end of Chief Kuno Trail and is situated on a peninsula which juts out into Fox Lake. Being the last lot on this peninsula, it is surrounded on two sides by water. The physical features of this approximate 0.362-acre lot include a nearly level topography with slopes ranging from 0 to 3%. The parcel contains a residential structure, a gravel driveway and a boat ramp;

The general character of the surrounding land use consists of a mixture of year-round and seasonal residences and resorts along Chief Kuno Trail.

The property has been the subject of the following variance:

- On June 18, 1985, the Board granted a variance to allow the construction of two home additions onto the residential structure on this site where said additions were allowed to be located approximately 17' and 24' from the OHWM.

On August 4, 2021, an application for a County Land Use Permit was made by the appellant in order they be allowed to construct a 24' X 30' detached garage, driveway and sidewalk at this location.

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

**Subsection 5.2.3 and Table 5.1.2-2 of the Dodge County Land Use Code** refers to the distances that all buildings and other structures are required to be setback from public roads/streets/highways. For the specific section of Chief Kuno Trail the required setback is 60' from centerline or 27' from the road right-of-way of whichever distance is greater. As proposed, the detached garage is to be located approximately 36' from centerline of Chief Kuno Trail and approximately 15 feet from the road right-of-way line or 24' within the required setback line from the centerline of the road and 12' within the road right-of-way setback line and therefore prohibited by the Code.

**Section 6.1 of the Shoreland Protection Ordinance** refers to the shoreland setback distances that all structures are to be set back from the ordinary high water mark (OHWM) of a lake. According to this provision, unless exempt under 6.11, 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. As proposed, the detached garage will be located approximately 18.5' feet from OHWM of Fox Lake or 56.5' within the water setback lines and therefore prohibited by the Ordinance.

The proposed detached garage is not exempt under Section 6.11 of the Ordinance and does not qualify for a reduced water setback under Section 6.2 of the Ordinance.

The appellant is requesting an area variance to 5.2.3 and Table 5.1.2-2 of the Land Use Code and an area variance to Section 6.1 of the Shoreland Protection Ordinance.

**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 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.

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

**Staff Advisory:**

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

The staff believes that the appellant is requesting an area variance to Section 5.1.1, and Table 5.1-1 of the Dodge County Land Use Code and an area variance to Section 6.1 of the Shoreland Protection Ordinance.

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 and the Shoreland Protection Ordinance 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.

**Highway Setback Provisions – Land Use Code**

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 garage 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 garage 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 to the highway setback provisions of the Land Use Code 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:

- 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.

### **Shoreland Protection Ordinance**

The purpose of the water setback provisions of the Code are 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. In this case, the required water setback for an accessory structure (such as the proposed detached garage) for this site is 75' from the ordinary highwater mark of Fox Lake.

The staff points out that the Board does not have summary power to ignore the water setback provisions of the code and the Board can only grant a variance if the request meets the approval criteria listed in Section 14.7(6) of the Code. 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 Protection Ordinance 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 and if granted, that the variance would not be contrary to the public interest.

It is the staff's position that the request does not meet all three criteria that is necessary to grant a variance to the water setback provisions of the Ordinance in this case. It is the staff's position that ignoring the required water setback provisions of the Code and allowing the construction of a detached garage on this site is not consistent with the purpose of the code and the cumulative effect of allowing construction to occur within the required water setback lines 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 in this case and therefore the variance request should be denied.

If the Board can make the findings that are necessary in order to grant a variance to the water setback provisions of the Ordinance in this case, the staff recommends the following conditions of approval in order to mitigate the potential adverse impacts the proposed project may have on the waterbody:

1. A mitigation plan in accord with Section 13.0 of the Shoreland Protection Ordinance to restore a native primary vegetative buffer area to county vegetative buffer standards along the shoreline on the north side of the garage and sidewalk shall be submitted to the Department for review and approval.
2. The garage shall utilize exterior natural or earth tone colors excluding trim.
3. An implementation schedule and enforceable obligation instrument for the mitigation plan shall be recorded in the office of the Register of Deeds prior to issuance of the Land Use Permit.

**Dodge County Board of Adjustment Decision**

**Highway Setback Provisions of the Land Use Code**

**County Variance Application No. 2021-0803**  
**County Land Use Permit Application No. 2021-0703**  
**Filing Date: August 27, 2021**  
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**Applicant (Agent):**  
Steve and Kim Engmann  
N10697 Chief Kuno Trail  
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**Owner:**  
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W2852 Crestwood Court  
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**Appellants Request**  
An application for a variance request to the terms of the highway setback provisions of the Dodge County Land Use Code and to the water setback provisions of the Dodge County Shoreland Protection Ordinance was submitted by the applicant to allow the construction of an approximate 24' X 30' detached garage where said garage will be located approximately 24' within the required highway setback line and within approximately 56.5' within the required water setback line.

**CONCLUSIONS OF LAW**  
Based on the facts presented in the application and at the public hearing the Board concludes that:

**The appellants request to Subsection 5.2.3 and Table 5.1.2-2 of the Dodge County Land Use 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 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 garage on this lot in compliance with the highway setback provisions of the Code?**

(Yes / No)

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

**What hardship exists if the variance is denied?**

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

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

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

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

(Yes/No)

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

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

(Yes/No)

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

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

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

\_\_\_\_\_

\_\_\_\_\_

Motion by \_\_\_\_\_ to (approve / deny) the variance to the \_\_\_\_\_ 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 <sup>st</sup> Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Vacant (2 <sup>nd</sup> 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 Board of Adjustment Decision**

**Water setback provisions of the Shoreland Protection Ordinance**

**County Variance Application No. 2021-0803**  
**County Land Use Permit Application No. 2021-0703**  
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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 Subsection 6.1 of the Ordinance is an "area" variance.**  
(Yes / No) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1) **Is there a physical limitation that is unique to this property that prevents the appellant from complying with the water setback provisions of the code?**  
(Yes / No)  
Explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2) **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 options available to construct garage on this lot in compliance with the water setback lines?**

(Yes / No)

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

**Does the Board believe that a garage is necessary for the preservation of the owner's property rights?**

(Yes / No)

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

**What hardship exists if the variance is denied?**

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

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

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

4) **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 mitigation plan in accord with Section 13.0 of the Shoreland Protection Ordinance to restore a native primary vegetative buffer area to county vegetative buffer standards along the shoreline on the north side of the garage and sidewalk shall be submitted to the Department for review and approval.
- The garage shall utilize exterior natural or earth tone colors excluding trim.

- An implementation schedule and enforceable obligation instrument for the mitigation plan shall be recorded in the office of the Register of Deeds prior to issuance of the Land Use Permit.
- Others

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

(Yes/No)

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6) **Does the Board believe that the variance request meets all of the criteria in Section 14.76 of the County Shoreland Protection Ordinance?**

Section 14.7(6) Approval criteria

1. That literal enforcement of the provisions of the ordinance will result in an unnecessary hardship on the applicant,
2. That the hardship is due to special conditions that are unique to the property, and
3. That the variance is not contrary to the public interest.

(Yes/No)

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Motion by \_\_\_\_\_ to (approve / deny) the variance requested based upon the previously mentioned findings and conditions.

Motion second \_\_\_\_\_

**Vote**

Harold Hicks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Jon Schoenike	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
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**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: \_\_\_\_\_



**STEVEN D ENGMANN**

0 100 Feet



1 inch = 100 Feet





**STEVEN D ENGMANN**

0 100 Feet



1 inch = 100 Feet







**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	
<b>Activity No.</b> <b>210803</b>	<b>Issue Date:</b>
<b>Application Date:</b> <b>8-27-2021</b>	<b>Receipt #:</b> <b>3351-0020</b>

## Variance Application

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

Names and Mailing Addresses		Property Description																
Applicant (Agent) Steve & Kim Engmann	Parcel Identification Number (PIN) 018-1313-2332-015																	
Street Address N10697 Chief Kuno Trail	Town Fox Lake																	
City • State • Zip Code Fox Lake, WI 53933	<table border="1"> <tr> <td>¼</td> <td>¼</td> <td>Section</td> <td>T</td> <td>N</td> <td>R</td> <td>E</td> </tr> <tr> <td>NW</td> <td>SW</td> <td>23</td> <td>13</td> <td></td> <td>13</td> <td></td> </tr> </table>	¼	¼	Section	T	N	R	E	NW	SW	23	13		13				
¼	¼	Section	T	N	R	E												
NW	SW	23	13		13													
Property Owner (If different from applicant)	Subdivision or CSM # 3756 IN V23 P12 Being Pt																	
Street Address W2852 Crestwood Court	Site Address N10697 Chief Kuno Trail																	
City • State • Zip Code Appleton, WI 54915	Is this property connected to public sewer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																	
Present property use: Late spring to early fall use by owners on some weekends. VRBO rental during several weeks in summer.																		
List any prior variances that have been granted or denied for this property: None that we are aware of.																		
Describe all nonconforming structures and uses on this property: East side of cabin is currently 12' from the OHWM since there is water on two sides of the property. Boat ramp is partially in the road right of way. Would like to remove boat ramp to reduce runoff from Chief Kuno Trail and replace with a rain garden.																		
List the terms of the Land Use Code for which you are requesting a variance (section # and code provision requirements): Subsection 5.2.3 and Table 5.1.2-2 of Dodge County Land Use Code. Required setback from road right of way line is 27'. Proposed Garage is 15'. 6.1 Shoreland Setback (NR115.05(1)(b)1.) requires a setback of 75' from the OHWM. Proposed structure is 18.5' from Ordinary High Water Mark.																		
Variance Requested: Variance for required set back from road right of way line. Variance for set back from Ordinary High Water Mark.																		
<b>Address the following variance criteria described in the application materials. (Attach additional sheets if necessary):</b>																		
What <b>unnecessary hardship</b> is present that prohibits your compliance with the terms of the Land Use Code? No reasonable year round use of this property as a primary home without a variance to construct shelter for a vehicle(s) and maintenance equipment such as lawn mower, snow blower and tools.																		

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

On the end of a peninsula with water on two sides. Home is currently 12' from OHWM on the east side.

Adjoining neighbors home is on the lot line so the entire 15' sewer easement is on our property preventing further set back from OHWM.

Chief Kuno Trail ends at our property and part of the road right away extends through current boat ramp.

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 this variance would prohibit us from using the property as a year round home. There is very limited storage inside the cabin. Not having adequate year round protection from high winds, storms and snow for vehicles, lawn equipment and personal items would prevent year round use.

We would need to continue to rent out the cabin to cover expenses and taxes that are assessed based upon use as a year round home.

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

Positive impact for neighbors and lake by replacing the boat ramp with a rain garden to reduce runoff.

Neighbors have not expressed any concerns. This is at the end of the road with other structures close to the road and lake.

### 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: \_\_\_\_\_

*Steve Engmann*

Date: \_\_\_\_\_

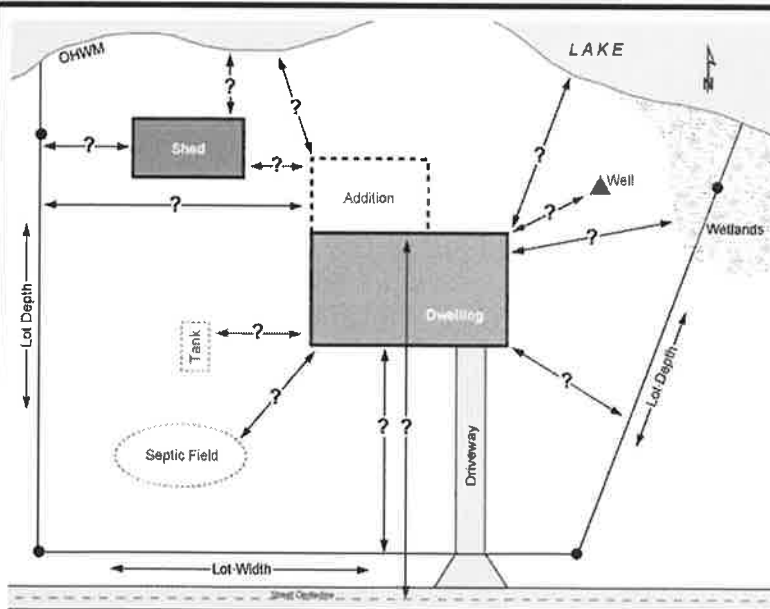
8/24/2021

Daytime Contact Number (\_\_\_\_\_) \_\_\_\_\_

920 428 2806

### 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)

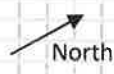


# Site Plan

## PostConstruction Impervious Surface Area

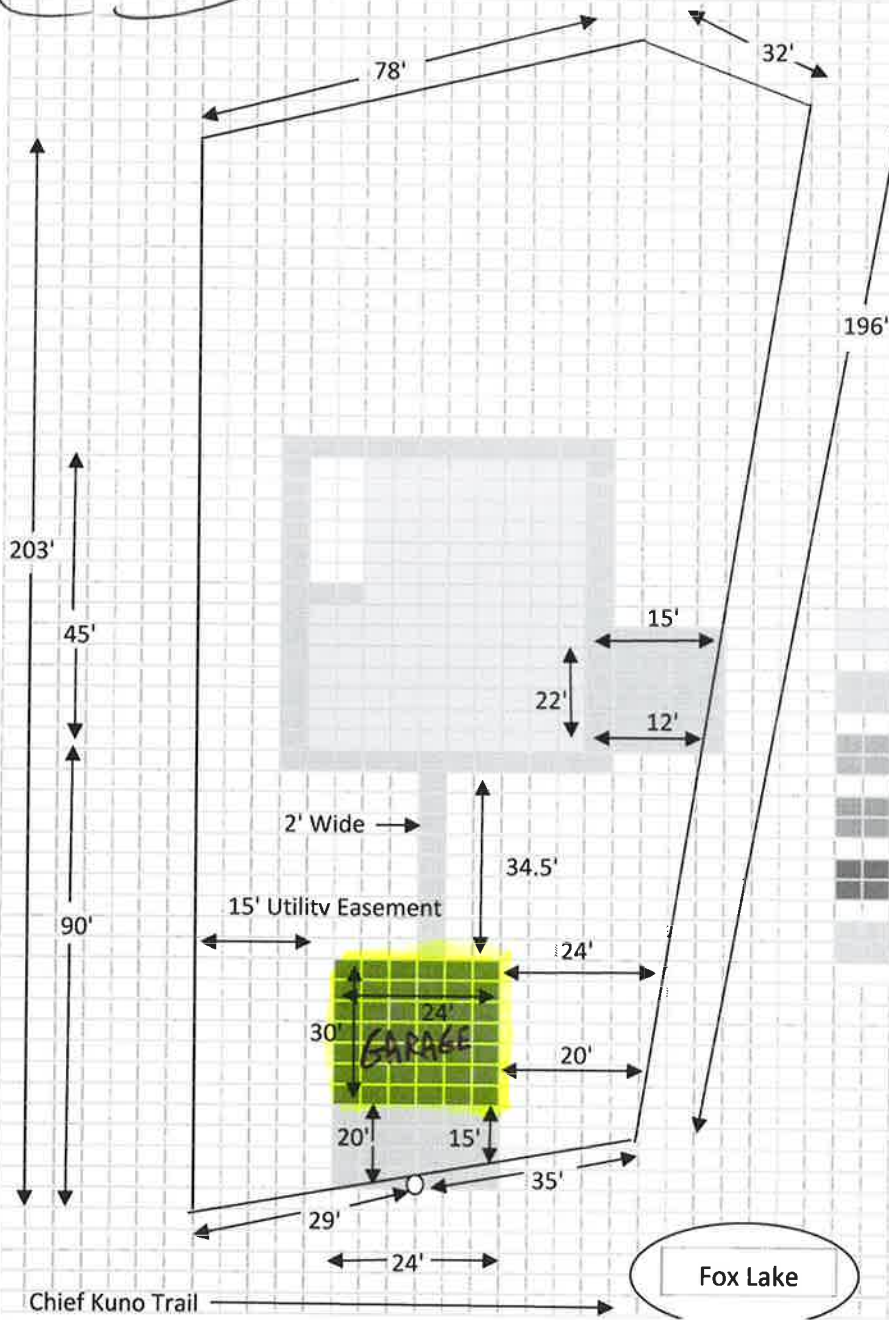
Steve & Kim Engmann  
 N10697 Chief Kuno Trail  
 Fox Lake, WI  
 920-428-2806

- Proposed
- Remove boat ramp and replace with grass and rip rap.
  - Build 2 car garage 24' x 30'
  - Eliminate compacted gravel.



Lot = 0.362 Acres 15,758 Sq Ft

Scale: Each Square = 4' x 4'

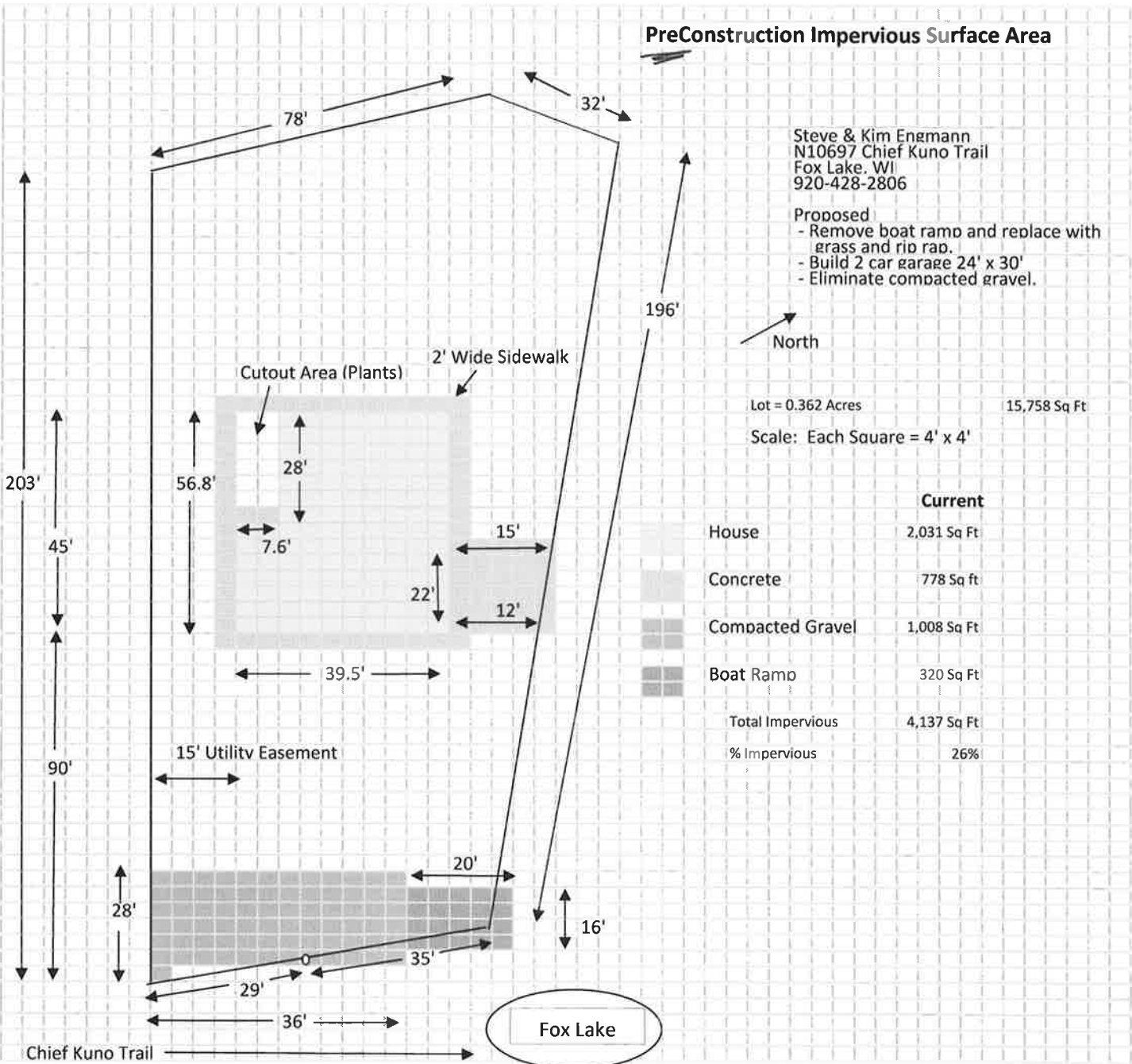


	Pre Const.	Post Const.
House	2,031 Sq Ft	2,031 Sq Ft
Concrete Around House	778 Sq ft	778 Sq ft
Compacted Gravel	1,008 Sq Ft	Removed
Boat Ramp	320 Sq Ft	Removed
Garage (new)	N/A	720 Sq Ft
Concrete (new) Driveway & Sidewalk	N/A	549 Sq ft
<b>Total Impervious</b>	<b>4,137 Sq Ft</b>	<b>4,078 Sq Ft</b>
<b>% Impervious</b>	<b>26%</b>	<b>26%</b>

**PreConstruction Impervious Surface Area**

Steve & Kim Engmann  
 N10697 Chief Kuno Trail  
 Fox Lake, WI  
 920-428-2806

- Proposed**
- Remove boat ramp and replace with grass and rip rap.
  - Build 2 car garage 24' x 30'
  - Eliminate compacted gravel.



# Land Use Permit

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

### This Area For Office Use Only

COUNTY ID No.	Receipt No.
<b>210703</b>	<b>3242-0011</b>
Permit Expiration Date	Application Date
	<b>8-4-2021</b>
	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.) <b>Steve &amp; Kim Engmann</b>		Parcel Identification Number (PIN) <b>018-1313-2332-015</b>	
Street Address <b>N10697 Chief Kuno Trail</b>		Town <b>Fox Lake</b>	T 13 N R 13 E
City • State • Zip Code <b>Fox Lake, WI 53933</b>		NW <sup>1/4</sup> SW <sup>1/4</sup> Section <b>NW SW 23</b>	Acreage Lot (Block) <b>.362 1</b>
Property Owner <input type="checkbox"/> Same as applicant <b>Steve &amp; Kim Engmann</b>		Subdivision or CSM (Volume/Page/Lot) <b>3756 IN V23 P12 Being Pt</b>	
Street Address <b>W2852 Crestwood Court</b>		Address Of Property (DO NOT include City/State/Zip Code) <b>N10697 Chief Kuno Trail</b>	
City • State • Zip Code <b>Appleton, WI 54915</b>		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 checked="" type="checkbox"/> NEW STRUCTURE/CONSTRUCTION <input type="checkbox"/> REPLACEMENT OF EXISTING <input type="checkbox"/> ADDITION TO AN EXISTING			
<input type="checkbox"/> Pool <input type="checkbox"/> Deck <input type="checkbox"/> Patio <input type="checkbox"/> Shed <input type="checkbox"/> Home	<input type="checkbox"/> Porch <input type="checkbox"/> Fence <input type="checkbox"/> Riprap <input type="checkbox"/> Gazebo <input checked="" type="checkbox"/> Sidewalk	<input checked="" type="checkbox"/> Driveway <input type="checkbox"/> Boathouse <input type="checkbox"/> Attached Garage <input checked="" type="checkbox"/> Detached Garage <input type="checkbox"/> Ag Ditch Cleanout	<input type="checkbox"/> Field Tile Installation <input type="checkbox"/> Pond (Less than 2 acres in size) <input type="checkbox"/> Sign (Complete additional project information below) <input type="checkbox"/> Barn (Complete additional project information below) <input type="checkbox"/> Home Addition (Complete additional project information below)
<input type="checkbox"/> Filling, Grading, Ditching, Dredging, Lagooning, and/or Excavating- Contact this office for assistance with determining type of permit needed			
Other _____			
Width <u>24'</u> Length <u>30'</u> Total Area <u>720 Sq Ft</u> Total Stories <u>1</u> Height (To roof peak) <u>14' 1"</u>	<b>Additional Project Information</b> <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		
Estimated Cost (w/Labor) \$ <u>30,000</u>			
◆ ◆ ◆ CLEARLY MARK/FLAG/STAKE-OUT THE CORNERS OF YOUR PROJECT & PROPERTY LINES ◆ ◆ ◆			
<b>DNR NOTICE:</b> You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.			

End Of Page 1

Application Continued On Page 2 ⇨

**PAGE 2 — SUPPLEMENTAL INFORMATION AND ADDITIONAL REQUIREMENTS**

**NOTE:** Your County Land Use Permit will be withheld and will not be processed without the completion and submittal of the required worksheet(s) to this office for departmental review and approval. Worksheets can be found at <http://www.co.dodge.wi.gov/government/departments-e-m/land-resources-and-parks/zoning-permits-and-ordinance/land-use-permit>

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

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

**1. Does your project involve construction, reconstruction, expansion, replacement or relocation of any impervious surfaces on your lot (see description below) that are located within 300 feet of the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway?**

*An impervious surface is defined as an area that releases as runoff all or a majority of the precipitation that falls on it. The following "surfaces" are considered "impervious" under this Ordinance: (building) rooftops; concrete/blacktop/gravel driveways and parking surfaces; sidewalks; covered/uncovered decks; patio surfaces constructed with pavers/concrete/blacktop/flagstone; private road surfaces not specifically listed in the Ordinance or any other material and any other surface that is determined by the Land Use Administrator to be impervious. An impervious surface excludes frozen soil, public road surfaces and certain private roads that are specifically listed in the Ordinance.*

- YES ⇒ You will need to complete and submit **WORKSHEET NO. 1 (IMPERVIOUS SURFACE AREA CALCULATION)** to this office for departmental review and approval. Go to question 2.
- NO ⇒ Go to question 2.

**2. Will any part of your project be located less than 35 feet from the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway? (NOTE: If your project involves either a boathouse or riprapping — Go to line 3)**

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

**3. Will any part of your project be located anywhere between 35-75 feet from the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway?**

- NO ⇒ Go to question 4.
- YES ⇒ You will need to complete and submit **WORKSHEET NO. 2 (MITIGATIONS OPTION CALCULATIONS)** to this office for departmental review and approval. Go to question 4.

*\* Highly Developed Shoreline*

**4. Does your project involve riprapping?**

- NO ⇒ Go to question 5.
- YES ⇒ You will need to complete and submit **WORKSHEET NO. 3 (RIPRAP PROJECT SUPPLEMENTAL INFORMATION)** to this office for departmental review and approval. Go to question 5.

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

- NO ⇒ Go to question 6.
- YES ⇒ You will need to complete and submit **WORKSHEET NO. 4 (FIELD DRAIN TILE SUPPLEMENTAL INFORMATION)** to this office for departmental review and approval. Go to question 6.

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

- NO ⇒ Go to question 7.
- YES ⇒ You will need to complete and submit **WORKSHEET NO. 5 (AGRICULTURAL DRAINAGE DITCH SUPPLEMENTAL INFORMATION)** to this office for departmental review and approval. Go to question 8.

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

- NO ⇒ Go to question 8.
- YES ⇒ You will need to complete and submit **Worksheet No. 6 (Erosion Control Supplemental Information)** to this office for departmental review and approval. Go to question 8.

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

- NO ⇒ Go to question 9.
- YES ⇒ You will need to complete and submit **WORKSHEET NO. 7 (POND CONSTRUCTION SUPPLEMENTAL INFORMATION)** to this office for departmental review and approval. Go to question 9.

**9. Does your project involve any filling, grading, dredging, or excavating and/or the construction of a pond ≥ 2 acres within a (mapped) wetland, floodplain and/or navigable waterway?**

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

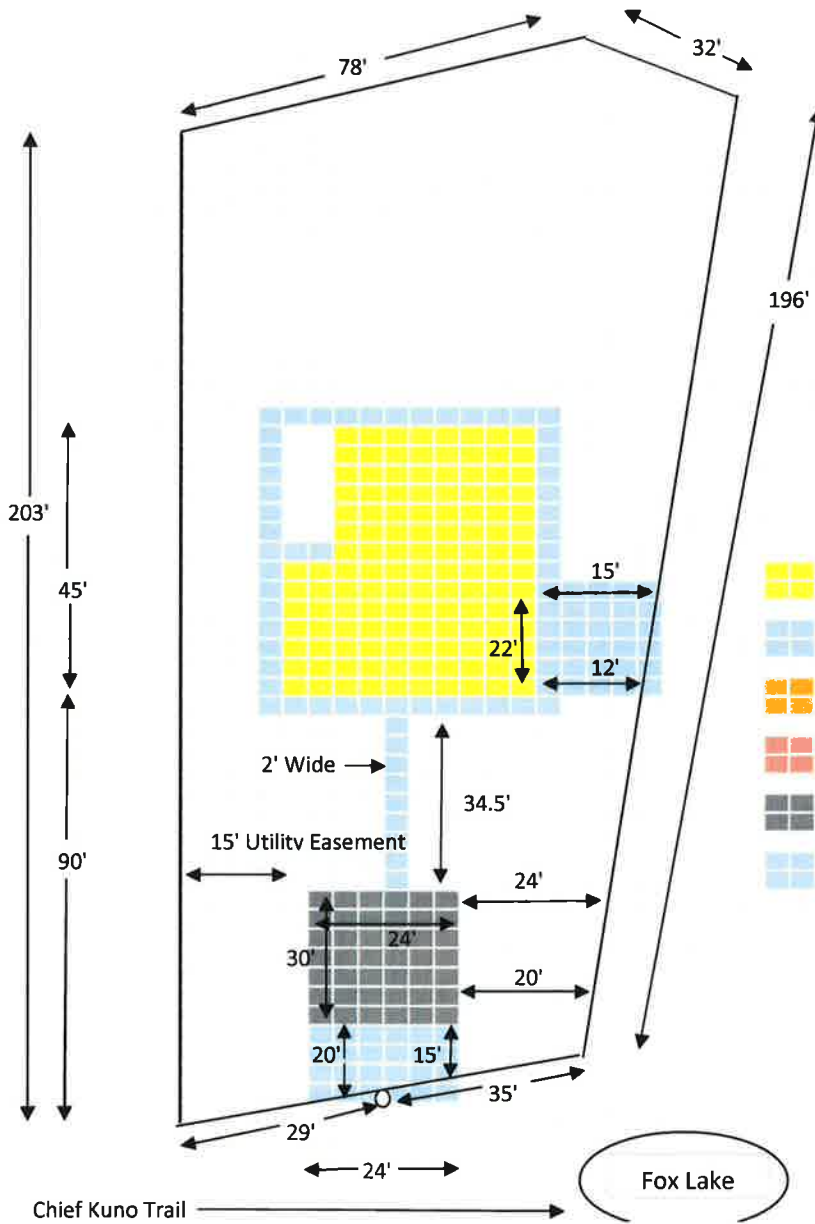
**CERTIFICATE & CONTACT INFORMATION**

I, the undersigned, hereby apply for a Land Use Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that all work performed will be done in accordance with the Dodge County Land Use Ordinance and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for the purpose of conducting an onsite code inspection(s) and to obtain information pertinent to my application request. Furthermore, I also affirm that I have read and understand the DNR notice regarding construction on or near wetlands, lakes or streams.

Contact Person (Print) Steve Engmann Daytime Contact Phone (920) 428 - 2806 or Email: sdc@vbe.com

Signature Steve Engmann Date 8/2/2021 Call for pickup  No  Yes

## PostConstruction Impervious Surface Area



Steve & Kim Engmann  
 N10697 Chief Kuno Trail  
 Fox Lake, WI  
 920-428-2806

- Proposed
- Remove boat ramp and replace with grass and rip rap.
  - Build 2 car garage 24' x 30'
  - Eliminate compacted gravel.

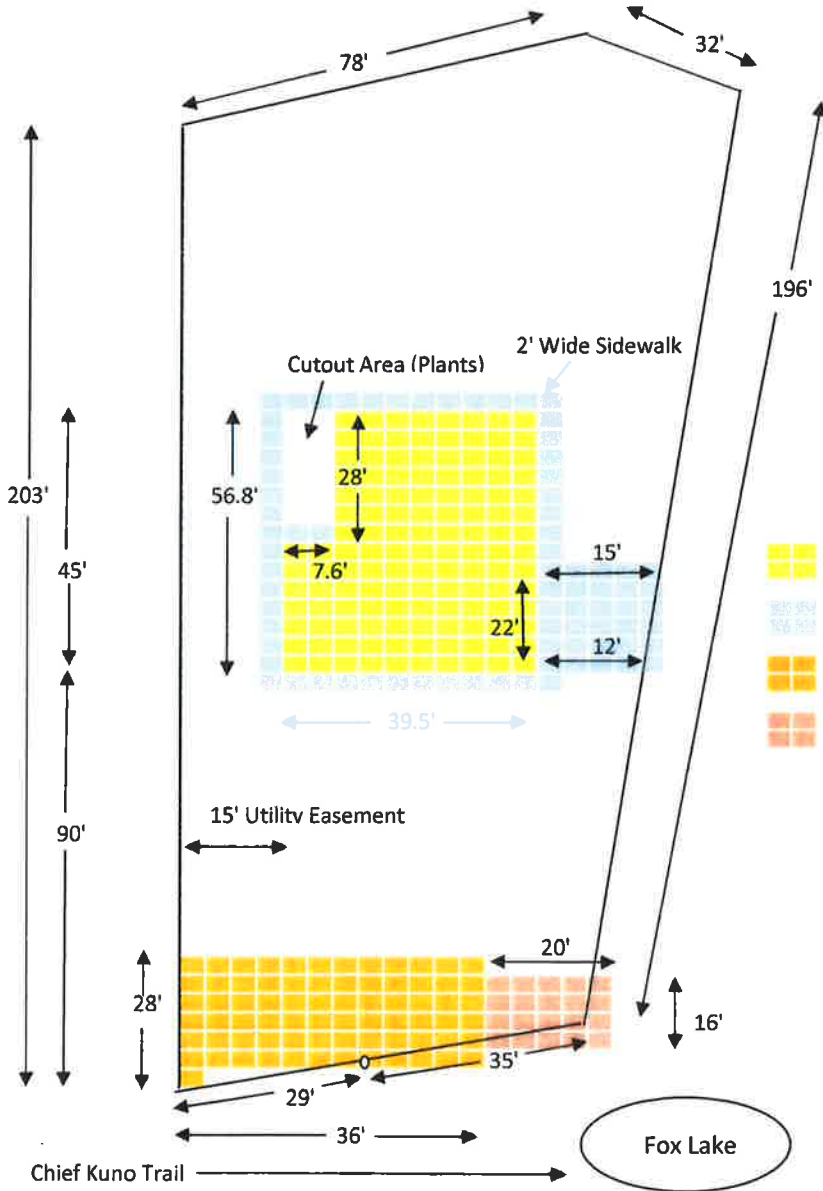
Lot = 0.362 Acres 15,758 Sq Ft

Scale: Each Square = 4' x 4'

	Pre Const.	Post Const.
House	2,031 Sq Ft	2,031 Sq Ft
Concrete Around House	778 Sq ft	778 Sq ft
Compacted Gravel	1,008 Sq Ft	Removed
Boat Ramp	320 Sq Ft	Removed
Garage (new)	N/A	720 Sq Ft
Concrete (new) Driveway & Sidewalk	N/A	549 Sq ft
<b>Total Impervious</b>	<b>4,137 Sq Ft</b>	<b>4,078 Sq Ft</b>
<b>% Impervious</b>	<b>26%</b>	<b>26%</b>



### PreConstruction Impervious Surface Area



Steve & Kim Engmann  
 N10697 Chief Kuno Trail  
 Fox Lake, WI  
 920-428-2806

- Proposed
- Remove boat ramp and replace with grass and rip rap.
  - Build 2 car garage 24' x 30'
  - Eliminate compacted gravel.

Lot = 0.362 Acres

15,758 Sq Ft

Scale: Each Square = 4' x 4'

	Current
House	2,031 Sq Ft
Concrete	778 Sq ft
Compacted Gravel	1,008 Sq Ft
Boat Ramp	320 Sq Ft
<b>Total Impervious</b>	<b>4,137 Sq Ft</b>
<b>% Impervious</b>	<b>26%</b>

**Design Name: Garage Design-Basic**  
**Design ID: 322459247542**  
**Estimate ID: 87622**



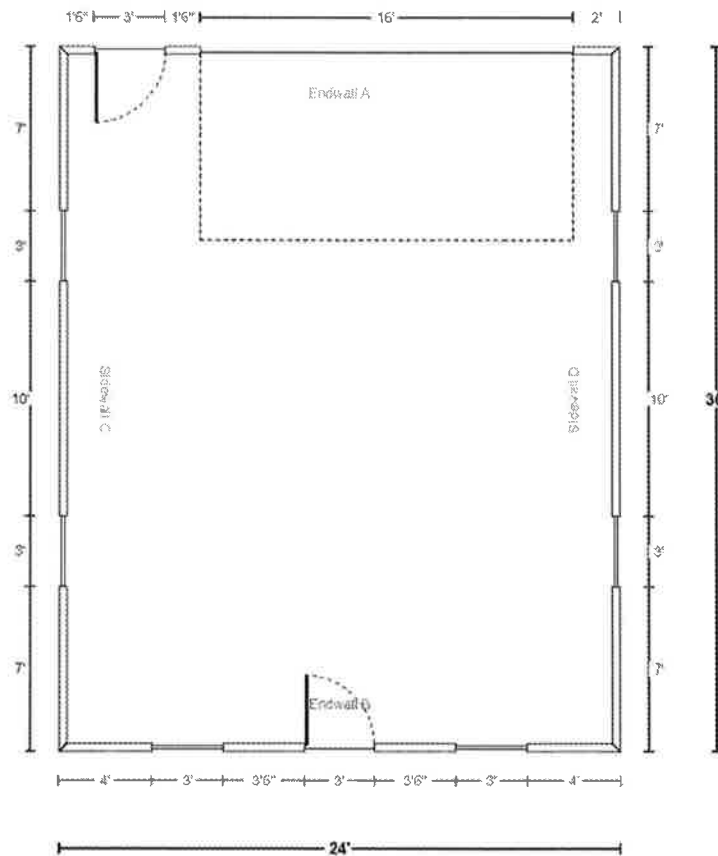
**How to purchase at the store**

1. Take this packet to any Menards store.
2. Have a building materials team member enter the design number into the Garage Estimator Search Saved Designs page.
3. Apply the design to System V to create the material list.
4. Take the purchase documents to the register and pay.

**How to recall and purchase a saved design at home**

1. Go to Menards.com.
2. Select the Garage Estimator from the Project Center.
3. Select Search Saved Design.
4. Log into your account.
5. Select the saved design to load back into the estimator.
6. Add your Garage to the cart and purchase.

**Garage Image**



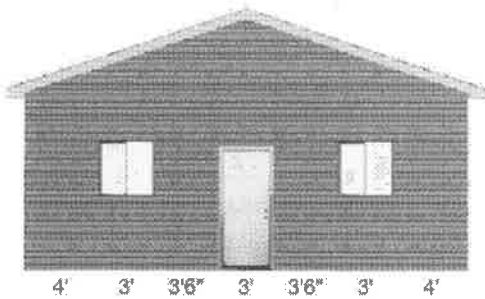
**Design Name: Garage Design-Basic**  
**Design ID: 322459247542**  
**Estimate ID: 87622**



**Dimensions**

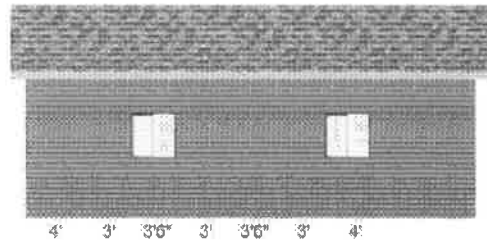
**Wall Configurations**

\*Illustration may not depict all options selected.



**ENDWALL B**

Mastercraft®; 36"W x 80"H Primed Steel 6-Panel  
36"W x 36"H JELD-WEN Vinyl Slider  
36"W x 36"H JELD-WEN Vinyl Slider



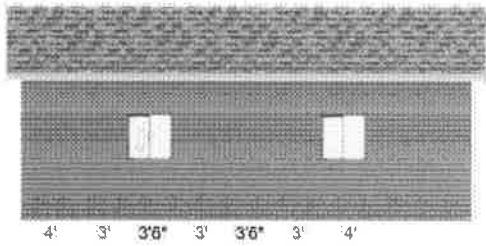
**SIDEWALL D**

36"W x 36"H JELD-WEN Vinyl Slider  
36"W x 36"H JELD-WEN Vinyl Slider



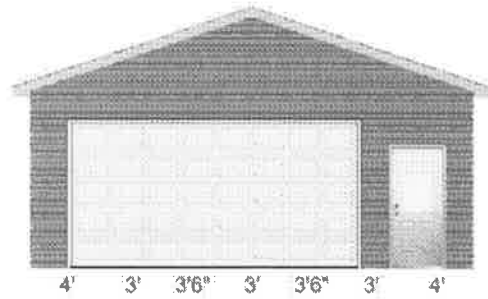
**Design Name: Garage Design-Basic**  
**Design ID: 322459247542**  
**Estimate ID: 87622**

**MENARDS**  
**Design & Buy™ GARAGE**



**SIDEWALL C**

36"W x 36"H JELD-WEN Vinyl Slider  
36"W x 36"H JELD-WEN Vinyl Slider



**ENDWALL A**

Mastercraft®; 36"W x 80"H Primed Steel Half Lite  
Ideal Door®; Traditional 16' x 8' White Non-Insulated

\*Some items like wainscot, gutter, gable accents, are not displayed if selected.

# SITE PLAN (SKETCH)

See Separate Attachments

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:

Approved    Denied

Land Resources and Parks Department

Date

## WORKSHEET NO. 1 - IMPERVIOUS SURFACE AREA CALCULATION

These impervious surface area calculations are required per Section 9.0 of the County Shoreland Ordinance. The County impervious surface standards apply to the construction, reconstruction, expansion, replacement or relocation of **ANY** impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary highwater mark of any navigable lake, pond, flowage or waterway. An impervious surface is an area that releases, as runoff, all or a majority of the precipitation that falls on it. Under the County's Shoreland Ordinance, an **IMPERVIOUS SURFACE (AREA)** includes all of the following:

- All Buildings/Structures (homes/garages/sheds/etc.)
- Patios constructed with pavers/stone/concrete/blacktop/etc.
- Driveways, Sidewalks, Walkways and Stairways constructed with wood/stone/pavers/gravel/concrete/blacktop/etc.
- Compacted Parking Areas
- Decks and Porches (covered and uncovered)

plus private road surfaces not specifically listed in the Shoreland Ordinance and any other surface/material that is determined by the County Land Use Administrator to be impervious. An impervious surface (area) excludes grassed and/or other vegetated areas, frozen soil, public road surfaces and certain private roads or other surfaces that are specifically listed as exempted in the Ordinance.

To complete this worksheet you will need to provide the dimensions and area calculations for **ALL** impervious surfaces (see description below) on your lot that are located (or to be located) within 300 feet of the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway. If additional space is required, please attach separate sheet(s) with the applicable dimensions and area calculations shown.

- 1 Is any part of your property located within 300 feet of the "water" (i.e., a lake, river or other navigable waterway/waterbody)?  
 NO, go to line 43.      YES, go to line 2.

---

- 2 Will any part of your proposed construction (impervious surface) project be located within 300 feet of the water?  
 NO, go to line 43.      YES, go to line 3.

---

- 3 Is your property a vacant, undeveloped lot (i.e., no existing impervious surfaces present)?  
 NO, go to line 4.      YES, enter "0" (zero) on line 15, then go to line 17.

---

- 4 Complete Table 1: PreConstruction (Existing) Shoreland Impervious Surface Area (lines 5 thru 15) calculations below.

TABLE 1 PRECONSTRUCTION (EXISTING) SHORELAND IMPERVIOUS SURFACE AREA						
<ul style="list-style-type: none"> <li>• Calculate <b>ONLY</b> for the impervious surface areas of your property that are located "<i>Within the Shoreland</i>" of your lot.  <b>NOTE: The "Shoreland" area of your property encompasses all of the land area from the water's edge to a point 300 feet landward.</b></li> <li>• <b>DO NOT</b> include impervious surface areas that are located "<i>Outside of the Shoreland</i>" (i.e., <b>More than 300 feet from the water</b>).</li> </ul>						
Existing Structure or Surface	Width (ft.)	x	Length (ft.)	=	Area (sq. ft.)	
5 House.....	39.5	x	56.8	=	2,244	5a
(or other principal structure)...		x		=		5b
Less: Cutout Area.....	7.6	x	28.0	=	-213	5c
.....		x		=		5d
6 Deck.....		x		=		6a
.....		x		=		6b
7 Patio (area) Side by Lake.....	15.0	x	22.0	=	330	7a
.....		x		=		7b
8 Porch.....		x		=		8a
.....		x		=		8b
9 Garage.....		x		=		9a
.....		x		=		9b
10 Shed.....		x		=		10a
.....		x		=		10b
.....		x		=		10c
11 Sidewalk/Stairway (area).....	2.0	x	203.0	=	406	11a
Left Side Entry.....	4.0	x	10.5	=	42	11b
12 Driveway (area).....		x		=		12a
.....		x		=		12b
13 Compacted parking area.....	36.0	x	28.0	=	1,008	13a
.....		x		=		13b
14 Other..... Boat Ramp.....	16.0	x	20.0	=	320	14a
.....		x		=		14b
15 Add lines 5 thru 14. This is your PreConstruction (Existing) Impervious Surface Area.....					4,137	15
16 <b>Required PreConstruction Site Plan:</b> Attach, to this worksheet, a site plan of your property (either dimensioned or drawn to scale) showing the preconstruction impervious surface areas listed in Table 1 above. Label this set of plans <b>PreConstruction</b> Impervious Surface Area.						

**WORKSHEET NO. 1 (PAGE 2)**

17 Complete Table 2: PostConstruction (New & Existing) Shoreland Impervious Surface Area (lines 18 thru 28) calculations below.

**TABLE 2  
POSTCONSTRUCTION (NEW & EXISTING) SHORELAND IMPERVIOUS SURFACE AREA**

- Calculate **ONLY** for the impervious surface areas of your property that are located *"Within the Shoreland"* of your lot.  
**NOTE:** The "Shoreland" area of your property encompasses all of the land area from the water's edge to a point 300 feet landward.
- **DO NOT** include impervious surface areas that are located *"Outside of the Shoreland"* (i.e., **More than 300 feet from the water**).
- For a totally new structure or surface (e.g., house, deck, patio, etc.) or for an addition to an existing structure or surface, you must enter/calculate the new width, length and area values for that particular structure/surface or addition in their applicable columns below

New & Existing Structure or Surface	Width (ft.)	x	Length (ft.)	=	Area (sq. ft.)	
18 House.....	39.5	x	56.8	=	2,244	18a
(or other principal structure)...		x		=		18b
Less: Cutout area.....	7.6	x	28.0	=	-213	18c
.....		x		=		18d
.....		x		=		18e
.....		x		=		18f
19 Deck.....		x		=		19a
.....		x		=		19b
.....		x		=		19c
.....		x		=		19d
20 Patio (area) Side by Lake	15.0	x	22.0	=	330	20a
.....		x		=		20b
.....		x		=		20c
21 Porch.....		x		=		21a
.....		x		=		21b
.....		x		=		21c
22 Garage.....	24.0	x	30.0	=	720	22a
.....		x		=		22b
.....		x		=		22c
23 Shed.....		x		=		23a
.....		x		=		23b
.....		x		=		23c
.....		x		=		23d
.....		x		=		23e
24 Sidewalk/Stairway (area).....	2.0	x	203.0	=	406	24a
Left Side Entry.....	4.0	x	10.5	=	42	24b
.....		x		=		24c
25 Driveway (area).....	20.0	x	24.0	=	480	25a
.....		x		=		25b
.....		x		=		25c
26 Compacted parking area.....		x		=		26a
.....		x		=		26b
.....		x		=		26c
27 Other Sidewalk to House	2.0	x	34.5	=	69	27a
.....		x		=		27b
.....		x		=		27c
.....		x		=		27d

SITE PLAN REQUIRED

420

3988

28 Add lines 18 thru 27. This is your **PostConstruction** (New & Existing) Impervious Surface Area..... 4,048 28

29 **Required PostConstruction Site Plan:** Attach, to this worksheet, a site plan of your property (either dimensioned or drawn to scale) showing the postconstruction impervious surface areas listed in Table 2 above. Label this set of plans **PostConstruction** Impervious Surface Area.

⇒ ⇒ ⇒ **PROCEED TO PAGE 3** ⇒ ⇒ ⇒

**WORKSHEET NO. 1 (PAGE 3)**

30 Compare line 28 to line 15.  
 If Line 28 is less than or equal to line 15, go to line 40.  
 If line 28 is greater than line 15, go to line 31.

31 Enter the acreage of your property (If you unsure of the acreage of your property, please contact the Land Resources and Parks Department for assistance.)		31	.362
32 Area of your property (in square feet) Multiply line 31 by 43,560.		32	15769
33 Multiply line 28 by 100		33	
34 Divide line 33 by line 32. This is your <b>PERCENT IMPERVIOUS SURFACE</b> ⇨ ⇨ ⇨		34	25.29

*Round to nearest whole number*

**Go to line 35**

35. Is your lot located within an area designated as a highly developed shoreline? (If you are unsure if your lot is located within an area designated as a highly developed shoreline, please contact the Land Resources and Parks Department for assistance.)

- Yes – go to line 36
- No – go to line 39
- Don't know – Contact the Land Resources and Parks Department for assistance (920) 386-3700

36. If the use of the property is for residential use, go to line 37.  
 If the use of the property is for commercial or industrial use, go to line 38.

- 37.  LINE 34 IS LESS THAN OR EQUAL TO 30% - Go to line 40.
- LINE 34 IS GREATER THAN 30% BUT LESS THAN OR EQUAL TO 40% - Go to line 41.
- LINE 34 IS GREATER THAN 40% - Go to line 42.

- 38.  LINE 34 IS LESS THAN OR EQUAL TO 40% - Go to line 40.
- LINE 34 IS GREATER THAN 40% BUT LESS THAN OR EQUAL TO 60% - Go to line 41.
- LINE 34 IS GREATER THAN 60% - Go to line 42.

- 39.  LINE 34 IS LESS THAN OR EQUAL TO 15% - Go to line 40.
- LINE 34 IS GREATER THAN 15% BUT LESS THAN OR EQUAL TO 30% - Go to line 41.
- LINE 34 IS GREATER THAN 30% - Go to line 42.

40. Your proposed project complies with the impervious surface standards of the Dodge County Shoreland Ordinance – Go to line 43

41 Your County Land Use Permit cannot be issued by this department **Until** the property owner develops, submits, agrees to and records a County –approved **Mitigation Plan** that meets the standards set forth in Section 13.0 of the Dodge County Shoreland Ordinance. **You also need to submit/complete Worksheet No. 2 (Mitigation Options Calculation) to this office for departmental review and approval.**  
 Go to line 43

42. Unfortunately, your project exceeds the maximum amount (percent) of impervious surface area allowed by the Dodge County Shoreland Ordinance and thus your Land Use Permit **Cannot Be Issued** by this department as proposed. Please contact our office to discuss your options regarding this matter [See office contact information below].  
 Go to line 43

43. Sign and date this form and submit this form along with your Land Use Permit application (and any other applicable worksheet to the Dodge County Land Resources and Parks Department for review and approval.

Person completing this form (Print) <u>Steve Engmann</u>	Daytime Phone ( <u>920</u> ) <u>428</u> - <u>2806</u>
Signature of person completing this form <u>Steve Engmann</u>	Date <u>8/2/2024</u>

**NOTE: THIS FORM/WORKSHEET IS SUBJECT TO REVIEW AND APPROVAL BY THE DODGE COUNTY LAND RESOURCES AND PARKS DEPARTMENT.**  
 DODGE COUNTY LAND RESOURCES AND PARKS DEPARTMENT, 127 EAST OAK STREET, JUNEAU, WI 53039-1329  
 WEBSITE: WWW.CO.DODGE.WI.US  
 EMAIL: LANDRESOURCES@CO.DODGE.WI.US  
 PHONE: (920) 386-3700 (MONDAY-FRIDAY 8:00AM TO 4:30PM)







# 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

August 18, 2021

Steve & Kim Engmann  
W2852 Crestwood Court  
Appleton WI 54915

RE: Notice of Permit Refusal

Site Location: NW 1/4 SW 1/4, Section 23, T13N, R13E,  
Township of Fox Lake,  
PIN# 018-1313-2332-015  
Site Address: N10697 Chief Kuno Trail

Dear Steve & Kim Engmann:

Your application for a permit to construct a 24' x 32' Detached Accessory Structure (Garage) on the property described above is hereby denied for failure to comply with the following sections of the Dodge County Land Use Code:

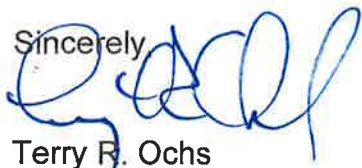
Subsection 5.2.3 and Table 5.1.2-2 of the Code refers to the distances that all buildings and other structures are required to be setback from public roads/streets/highways. For the specific section of Chief Kuno Trail along the east side of your lot along which the above noted project is to take place, the required setback from the road right-of-way of Chief Kuno Trail is 27 feet or 60' from centerline whichever is greater. As proposed, the aforementioned project is to be located 15 feet from the road right-of-way line or approximately 36' from centerline abutting Chief Kuno Trail, thus not in compliance the Code provisions.

This proposal also falls under the Dodge County Shoreland Protection Ordinance and does not meet the requirements under 6.1

**6.1 SHORELAND SETBACK** (NR115.05(1)(b)1.) Unless exempt under 6.11, 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. As proposed, the 32' Detached Accessory Structure will be located 18.5 feet from Ordinary High Water Mark or 56.5 feet within the water setback lines and therefore prohibited by the code.

Therefore, the County is unable to issue a permit for this proposed project unless a variance is granted by the Dodge County Board of Adjustment. You have the right to appeal the decision of the Land Use Administrator to the Board of Adjustment. For your convenience I have enclosed the required Variance application. If you have any questions regarding this issue please feel free to contact the office at (920) 386-3270.

Sincerely,



Terry R. Ochs  
Senior Land Use / Sanitary Specialist  
tochs@co.dodge.wi.us  
(920) 386-3270  
Dodge County  
Land Resources and Parks



# DODGE COUNTY INSPECTION SHEET

Property Owner  
STEVE & KIM ENGMANN

Site Address  
N10697 CHIEF KUNO TR

County ID No.  
2021-0703

PIN  
018-1313-2332-015

Project  
DETACHED GARAGE; DRIVEWAY & SIDEWALK

ZONING <b>R-1</b>	ANIMAL UNITS	<b>County Jurisdiction</b> <input checked="" type="checkbox"/> Land Use Code; <input checked="" type="checkbox"/> Shoreland; <input type="checkbox"/> Wetland; <input checked="" type="checkbox"/> Floodplain; <input type="checkbox"/> Hwy Setback; <input type="checkbox"/> Airport; <input type="checkbox"/> Sanitary; <input type="checkbox"/> Stormwater Management; <input type="checkbox"/> Erosion Control; <input type="checkbox"/> After the Fact
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<b>ROAD/HIGHWAY (1)</b> <input type="checkbox"/> Town <input type="checkbox"/> County <input type="checkbox"/> US/State <input checked="" type="checkbox"/> Urbanized ROW <u>20</u> <input type="checkbox"/> 33 ROW Setback <input type="checkbox"/> 27 <input type="checkbox"/> 42 <input type="checkbox"/> 67 <input type="checkbox"/> 200 Centerline Setback <input type="checkbox"/> 60 <input type="checkbox"/> 75 <input type="checkbox"/> 100 <input type="checkbox"/> Other _____	<b>ROAD/HIGHWAY (2)</b> <input type="checkbox"/> Town <input type="checkbox"/> County <input type="checkbox"/> US/State <input type="checkbox"/> Urbanized ROW _____ <input type="checkbox"/> 33 ROW Setback <input type="checkbox"/> 27 <input type="checkbox"/> 42 <input type="checkbox"/> 67 <input type="checkbox"/> 200 Centerline Setback <input type="checkbox"/> 60 <input type="checkbox"/> 75 <input type="checkbox"/> 100 <input type="checkbox"/> Other _____	<b>SETBACKS/ HEIGHT</b> Front (1) <u>5</u> <sup>20</sup> <sup>30</sup> Front (2) _____ Side (1) _____ Side(2) _____ Rear _____ OHWM <u>18.5</u> Structure _____ Structure _____ Septic Tank _____ Septic Field _____ Height _____	<b>LOT COVERAGE AREA</b> Zoning District: _____ % coverage allowed _____ Existing (sq. ft.) _____ Proposed (sq. ft.) _____ Total lot coverage area (sq. ft.) _____ % Lot Coverage _____	<b>IMPERVIOUS SURFACE AREA</b> <input checked="" type="checkbox"/> Riparian Lot <input type="checkbox"/> Non-riparian Lot <input checked="" type="checkbox"/> Highly Developed Shoreland Existing Imp. Surface (sq. ft.) <u>3813</u> Final Imp. Surface Area (sq. ft.) <u>3988</u> Lot Size (sq. ft.) <u>15769</u> % Imp. Surface area <u>25.3</u>
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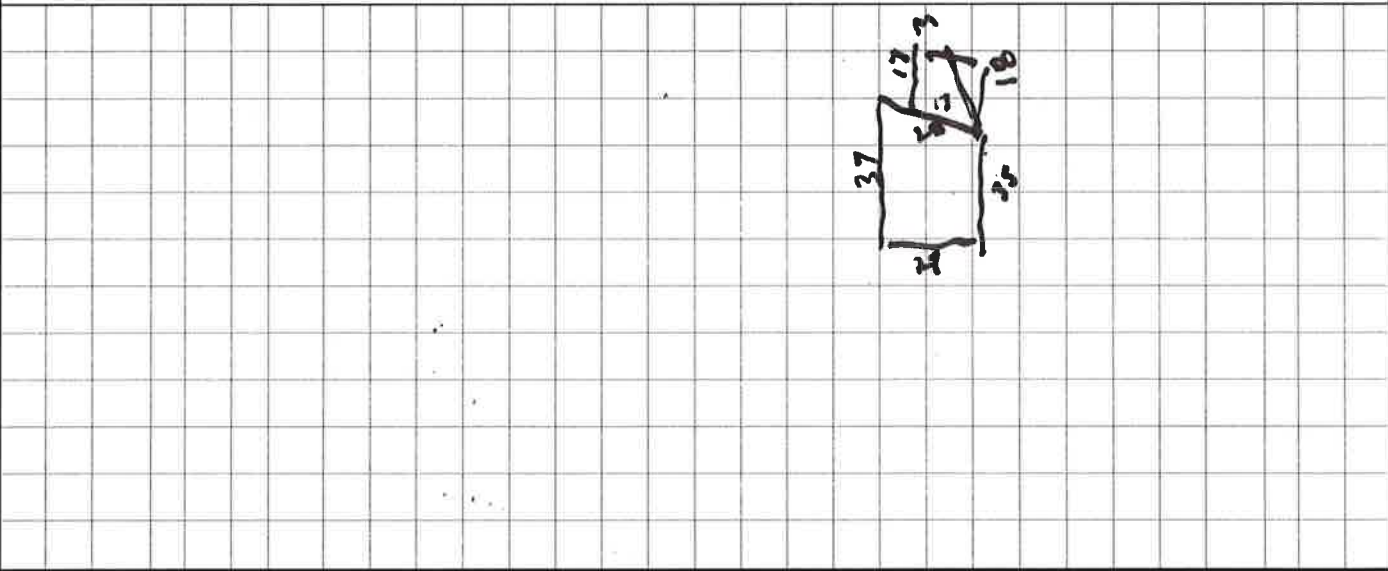
Is the "use" in compliance with the applicable Ordinances?  Yes  No  N/A

Do any Ordinance exemptions apply?  Yes  No Sections: \_\_\_\_\_

Are other permits or approvals required?  No  Yes:

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

Erosion Control Plans  Lot Restrictions  Other: \_\_\_\_\_



See Attached Site Plan (Sketch)

Notes: 8/12/21 OR - SITE

<input checked="" type="checkbox"/> Compliant <input checked="" type="checkbox"/> Noncompliant	<input type="checkbox"/> Violation <input type="checkbox"/> Incomplete <input type="checkbox"/> Reinspection Needed	<input type="checkbox"/> Joe Giebel <input checked="" type="checkbox"/> Terry Ochs <input checked="" type="checkbox"/> Wade Osterholz <input type="checkbox"/> Other _____	Date <u>8/12/21</u>
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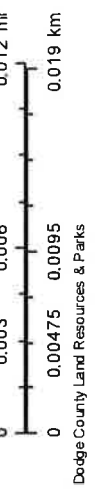




# LRP QMap



8/18/2021 10:40:36 AM



- Annotation Lines
- Parcel Boundaries
- Site Addresses (Unincorporated Areas)
- Site Addresses (Incorporated Areas)
- Right of Way
- GAP
- OVERLAP
- CSM Boundaries
- CSM Lots

Driveways





8.5

15

60' or 55-56'

GFC

## Land Resources and Parks Department Staff Report

**County Variance Application No. 2021-0878**

**Filing Date: September 16, 2021**

**Hearing Date: October 20, 2021**

**Applicant (Agent):**

Michael Merk  
N10711 Center Drive  
Lomira, WI 53048

**Owners:**

030-1317-2014-000  
Franklin Mueller & Mueller Farms of Lomira LLC  
N10711 Center Drive  
Lomira, WI 53048

030-1317-2011-000  
Mark and Christina Mueller  
N22058 County Road Y  
Brownsville, WI 53006

**Location**

Part of the SE ¼ and the NE ¼ of the NE ¼, Section 20, Town of Lomira, the site address being N10711 Center Drive.

**County Jurisdiction**

The County has Zoning Jurisdiction over this site as the Town of Lomira has adopted the County's Land Use Code.

**Appellants Request**

An application for a variance request was submitted by the appellant with a request to the terms of the setback provisions of the Dodge County Land Use Code to allow the construction of a manure storage facility and a feed storage pad on this lot where said manure storage facility will be located 190 feet within the required setback to a road right-of-way and which encroaches over a side lot line and where said feed storage pad will encroach over a lot line. The site is located in part of the SE ¼ and the NE ¼ of the NE ¼, Section 20, Town of Lomira, the site address being N10711 Center Drive.

**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 Lomira has adopted the County's Land Use Code. The property is located within the A-1 Prime Agricultural zoning district;

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

Franklin Mueller & Mueller Farms of Lomira LLC owns a 40-acre parcel at this location. The physical features of this approximate 40-acre lot include a rolling topography with slopes ranging from 0 to 12%. The parcel contains an operating dairy farm, manure storage facility and a feed storage area.

According to County records, Mark and Christina Mueller own the adjacent 40-acre parcel to the north and a 40-acre lot to the west of the farm buildings. The proposed manure storage facility will encroach over the north property line owned by Mark and Christina Mueller and the proposed feed storage pad will encroach over the west property line owned by Mark and Christina Mueller.

The general character of the surrounding land use consists of agricultural and scattered residences along Center Drive.

On September 16, 2021, a variance application was submitted by the appellant in order they be allowed to construct a 10.21-million gallon manure storage facility along the north end of the existing manure storage pit and to construct a feed storage pad along the west side of the existing feed storage area.

The manure storage and feed lot setback provisions of the Code are set by the Department of Agricultural, Trade and Consumer Protection (ATCP) as part of the Livestock Facility siting standards found in ATCP 51 Wis. Adm. Code. Section 6.2.11 of the Code adopts the standards in ATCP 51 Wis. Adm. Code by reference. The minimum setback standards provide a variety of public purposes such as providing for sufficient setbacks between adjacent residences, wells and public roads and to provide sufficient distances from adjacent residences to lessen the adverse effects from potential odors and other health and safety reasons. ATCP 51 allows local municipalities to issue variances to the setback distances provided the variance standards listed in the Code can be met.

In accord with Section 5.2.4 of the Code, manure storage structures shall meet the minimum requirements of ATCP 51.12 Wis. Adm. Code. According to ATCP 51.12(2) Wis. Adm. Code, a waste storage structure may not be located within 350 feet of any property line or within 350 feet of the nearest point of any public right-of-way. As proposed, the manure storage facility will be located approximately 160' from the road right-of-way of Center Drive and will encroach over the common lot line between the appellant's property and the property owned by Mark and Cristina Mueller and therefore is prohibited by the Code.

In accord with Section 5.2.5 of the Code, the feed storage pad is required to be located a minimum of 3' from a property line. As proposed, the feed storage pad will encroach over the common lot line between the appellant's property and the property owned by Mark and Cristina Mueller and therefore is prohibited by the Code.

The appellant is requesting an area variance to Sections 5.2.4 and 5.2.5 of the code;

**Town Recommendation:**

No response from Town

**Purpose Statement**

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

**Staff Advisory:**

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

The staff believes that the appellant is requesting an area variance to Sections 5.2.4 and 5.2.5 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 staff points out that the location of the barn, the existing land contours and the existing manure storage facility location limit the potential feasible locations for the new manure storage facility which could be considered a hardship. However, the staff also points out that the reduction in the setback to the lot lines may limit future expansion of the herd size at this facility as the setback distances for a manure storage facility to a lot line affects the odor score which is used to determine if an animal confinement facility meets the minimum requirements to allow for expansion of the facility. The Board should therefore determine if the appellant has reasonable options available to comply or better comply with the required setback provisions of the ordinance and the Board should consider whether the reduced setbacks would have a substantial adverse impact on the adjacent land owners.

The staff points out that the manure storage facility and the feed storage bins will encroach over existing lot lines which is not consistent with the purpose and intent of the setback provisions of the code. The Board should determine if the lot line locations can be modified so that the proposed projects are located within the property boundaries of the lot which contains the existing facility.

If the Board can make the findings necessary in order to approve the variance request, the staff recommends the following conditions of approval:

1. The proposed manure storage facility and the feed storage pads shall be located within the existing property boundary lines of the property that contains the animal confinement facility or an easement document shall be recorded with the Dodge County Register of Deeds Office allowing the manure storage facility and the feed storage pads to encroach over the lot lines. The easement document shall be submitted to the Department for review and approval prior to the recording of said easement document.
2. A County land use permit shall be obtained for the manure storage facility and the feed storage area modifications prior to beginning construction on said projects.

**Dodge County Board of Adjustment Decision**

**County Variance Application No. 2021-0878**

**Filing Date: September 16, 2021**

**Hearing Date: October 20, 2021**

**Applicant (Agent):**

Michael Merk  
N10711 Center Drive  
Lomira, Wi 53048

**Owners:**

030-1317-2014-000  
Franklin Mueller & Mueller Farms of Lomira LLC  
N10711 Center Drive  
Lomira, Wi 53048

030-1317-2011-000  
Mark and Christina Mueller  
N22058 County Road Y  
Brownsville, WI 53006

**Location**

Part of the SE ¼ and the NE ¼ of the NE ¼, Section 20, Town of Lomira, the site address being N10711 Center Drive.

**County Jurisdiction**

The County has Zoning Jurisdiction over this site as the Town of Lomira has adopted the County's Land Use Code.

**Appellants Request**

An application for a variance request was submitted by the appellant with a request to the terms of the setback provisions of the Dodge County Land Use Code to allow the construction of a manure storage facility and a feed storage pad on this lot where said manure storage facility will be located 190 feet within the required setback to a road right-of-way and which encroaches over a side lot line and where said feed storage pad will encroach over a lot line. The site is located in part of the SE ¼ and the NE ¼ of the NE ¼, Section 20, Town of Lomira, the site address being N10711 Center Drive.

**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 and 5.2.5 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 setback provisions of the code?**

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



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

(Yes / No)

Explain: \_\_\_\_\_

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**Does the appellant have other options available to construct a manure storage facility and a feed storage pad on this lot in compliance with the setback requirements?**

(Yes / No)

Explain \_\_\_\_\_

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**Does the appellant have the option to obtain additional land from the adjacent land owner so that the facilities are located on the same lot as the existing animal confinement facilities?**

(Yes / No)

Explain \_\_\_\_\_

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**What hardship exists if the variance is denied?**

Explain \_\_\_\_\_

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

Explain \_\_\_\_\_

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

(Yes/No)

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

(Yes/No)

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

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

1. The proposed manure storage facility and the feed storage pads shall be located within the existing property boundary lines of the property that contains the animal confinement facility or an easement document shall be recorded with the Dodge County Register of Deeds Office allowing the manure storage facility and the feed storage pads to encroach over the lot lines. The easement document shall be submitted to the Department for review and approval prior to the recording of said easement document.
2. A County land use permit shall be obtained for the manure storage facility and the feed storage area modifications prior to beginning construction on said projects.

Others

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

Motion by \_\_\_\_\_ to (approve / deny) the variance to the **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 <sup>st</sup> Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Dan Siegmann (2 <sup>nd</sup> 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

τ THIS AREA FOR OFFICE USE ONLY τ	
<b>Activity No.</b> <b>210878</b>	<b>Issue Date:</b>
<b>Application Date:</b> <b>9-16-2021</b>	<b>Receipt #:</b> <b>3453-0014</b>

# Variance Application

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

Names and Mailing Addresses		Property Description							
Applicant (Agent) Michael Merk	Parcel Identification Number (PIN) 03013172014000								
Street Address N10711 Center Drive	Town Lomira								
City • State • Zip Code Lomira, WI 53048	<table border="1"> <tr> <td style="text-align: center;">SE</td> <td style="text-align: center;">NE</td> <td style="text-align: center;">20</td> <td style="text-align: center;">13N</td> <td style="text-align: center;">17E</td> </tr> </table>	SE	NE	20	13N	17E			
SE	NE	20	13N	17E					
Property Owner (If different from applicant) Franklin Mueller & Mueller Farms of Lomira LLC	Subdivision or CSM # N/A								
Street Address N10711 Center Drive	Site Address N10711 Center Drive								
City • State • Zip Code Lomira, WI 53048	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
Present property use: Agricultural - Dairy and Grain Farm									
List any prior variances that have been granted or denied for this property: None									
Describe all nonconforming structures and uses on this property: None									
List the terms of the Land Use Code for which you are requesting a variance (section # and code provision requirements): See narrative (attached).									
Variance Requested: See narrative (attached).									
<b>Address the following variance criteria described in the application materials. (Attach additional sheets if necessary):</b>									
What <b>unnecessary hardship</b> is present that prohibits your compliance with the terms of the Land Use Code? See narrative (attached).									

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

See narrative (attached).

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

See narrative (attached).

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

See narrative (attached).

### CERTIFICATE

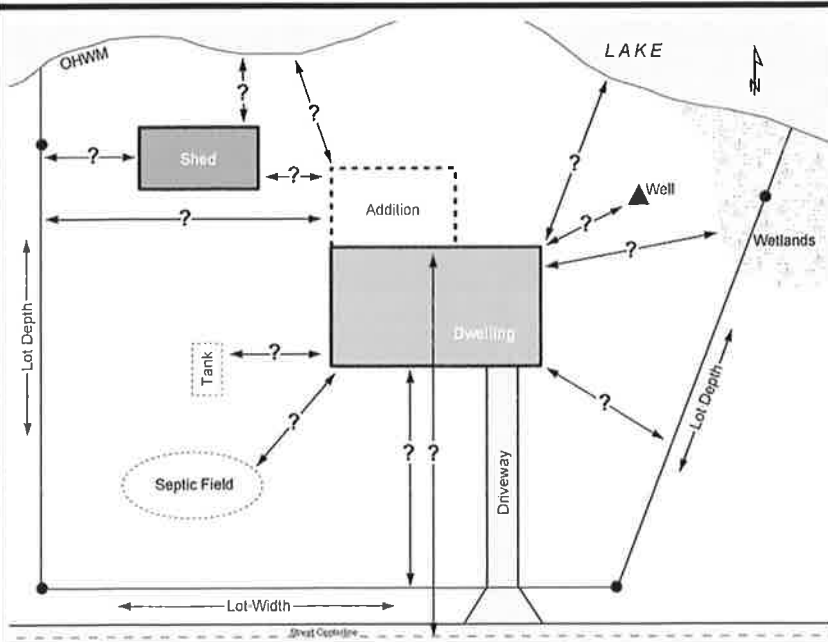
I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and 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: *[Handwritten Signature]* Date: 9/16/2021

Daytime Contact Number ( 920 ) 960 - 8572 *amerik@merkdesignwi.com*

### 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)

## Mueller Farms of Lomira Variance Application Narrative

Mueller Farms of Lomira LLC is requesting a variance to expand their current waste storage structure and construct it closer to the Right-of-Way than the 350' setback requirement in Dodge County Manure Storage Ordinance No. 794 and ATCP 51.12.2. – Livestock Siting Facility referenced in County Land Use Code Chapter 5, section 5.1.2 and 5.1.3.

Additionally, the farm is planning to relocate their feed storage and construct a leachate collection system in a location that will allow for long-term expansion and with a forward approach to being in compliance with livestock siting requirements. The leachate collection system is proposed closer to the southern property line than the 350' set back requirement in Dodge County Manure Storage Ordinance No. 794 and ATCP 51.12.2.

The business has not had a physical expansion since 2016 and the 288 stall barn is experiencing overcrowding issues. Upcoming projects will require the business to submit an ATCP 51 application and the variance will provide direction needed for planning purposes. The planned projects will be a new free-stall barn, expansion of the waste storage system, and a new feed storage area with leachate collection structure.

Mueller Farms is currently working with MSA to plan out the two projects that this variance pertains to. A wetland delineation will be completed once the silage corn is off the field that surrounds the building site.

### ***Manure Storage***

The current 2.29 million gallon manure waste storage structure does not have enough capacity for current operational goals and creates environmental risks of requiring manure spreading in adverse weather conditions.

The proposed expansion of the manure storage structure would match the existing waste storage structure's Eastern boundary, which is approximately 160' off the Center Drive's Right-of-Way at its closest point. As graphically displayed, the proposed expansion is conservatively designed to add a 10.21 million gallon storage structure for a combined 12.5 million gallon capacity. In addition, a waste transfer system is proposed to connect the proposed manure storage to the existing system. The proposed expansion would alleviate the operational issues and provide long-term capacity for desired expansions to the business.

### ***Leachate Collection***

Currently, the business does not have a leachate collection system in place for the gravel feed pad. The contaminated leachate runoff currently leaves the property untreated to the southwest. To be in compliance with Ordinance No. 794 and ATCP 51, a new feed pad will require collection of the leachate and pad run-off and will provide direct environmental benefits. The proposed waste collection tank is proposed 155' from the southern property boundary at its closest point. .

**What unnecessary hardship is present that prohibits your compliance with the terms of the Land Use Code?**

***Manure Storage Structure***

The desire of the business is to construct a new storage structure adjacent to the existing structure to maintain existing inlet and MOL levels. Given the site grades and design of the current storage system, constructing a new structure further West may create a challenge with encountering shallower bedrock or groundwater saturation. At this time, no test pits have been dug in the proposed area; however, the proposed pit depth is assumed at 10-feet and along the same contours to match the current storage structure floor elevation of 967.2'. This conservative footprint is subject to change based on bedrock and saturation depth, but will not decrease the requested setback distance. The proposed storage structure in the graphic would be constructed in a part of the property where existing elevations do not increase drastically to the West. The proposed location is believed to be the most efficient use of the land by reducing the chance of encountering bedrock or saturation at a higher elevation.

If bedrock is found within 6' of the proposed storage structure floor, it would either need to be excavated out if possible or the floor elevation would need to be raised. Raising the floor elevation and maintaining the inlet and MOL levels will increase the structure footprint to maintain the capacity, which will increase construction costs.

***Leachate Storage Structure***

The proposed feed pad is located so that it will not negatively impact the daily and future operation of the dairy. The size of the pad almost covers the entire footprint of the North & South boundary of the 350' setback requirement for the leachate storage structure. Due to site topography, locating the collection anywhere other than to the south will be challenging, inefficient, and expensive since the wastewater will not utilize gravity flow to the proposed tank. If the feed pad and leachate storage is shifted north, there is a greater likelihood of encountering shallower bedrock.

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

***Manure Storage Structure***

The existing waste collection infrastructure is located near the existing storage structure that was constructed before the ATCP 51.12.2 setback requirements were adopted. The current expansion plans would utilize the existing reception tank and pump to supply the new waste storage structure through the use of a transfer pipe. The manure storage structure is located to minimize the length and elevation difference for the new transfer system. It would be costly to provide a new pump and inlet pipe system to supply a new structure at any higher inlet elevation.

***Leachate Storage Structure***

The location of the feed pad in relation to the animal housing areas is critical for operational efficiencies. With the proposed location of the next barn and the proposed feed pad's proximity would make it very costly to locate the leachate storage structure in an area that isn't near the existing topography's low point.

**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 for either waste storage structure will make it difficult to expand the dairy operation without added construction costs and logistical inefficiencies. Continuing to run the business at it's current size will become financially difficult as production costs rise each year.

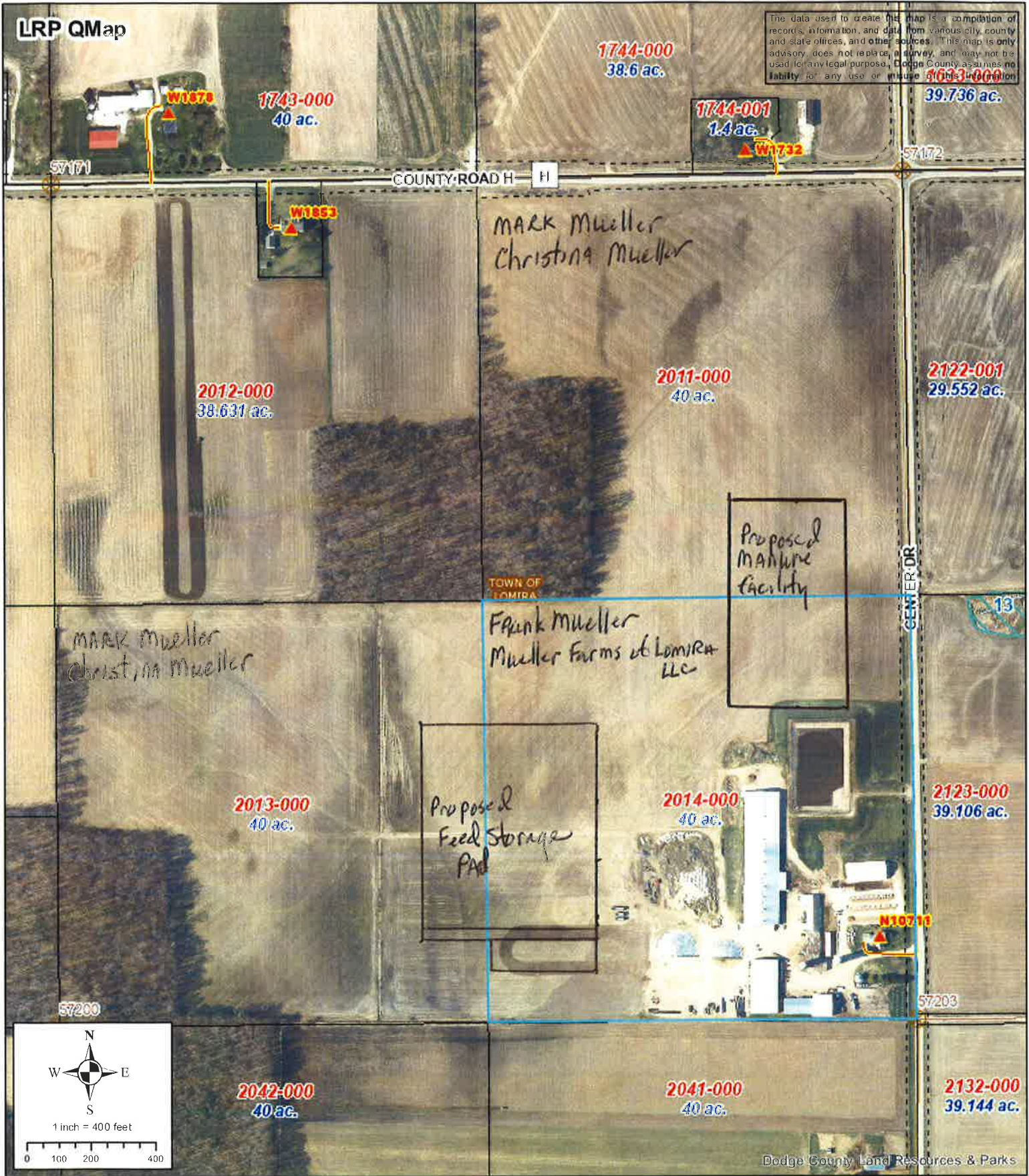
**How would the interest of the public or neighbors be affected by granting or denying this variance?**

The improvements are in the best interest of the public. Expanding the farm's manure storage will prevent land application in unfavorable weather conditions and constructing a leachate collection system for the feed storage will prevent contaminated wastewater from leaving the site. Both structures will reduce contaminated discharge and support the Land Use Code's intent to prevent adverse impact to sensitive natural areas.



**LRP QMap**

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.

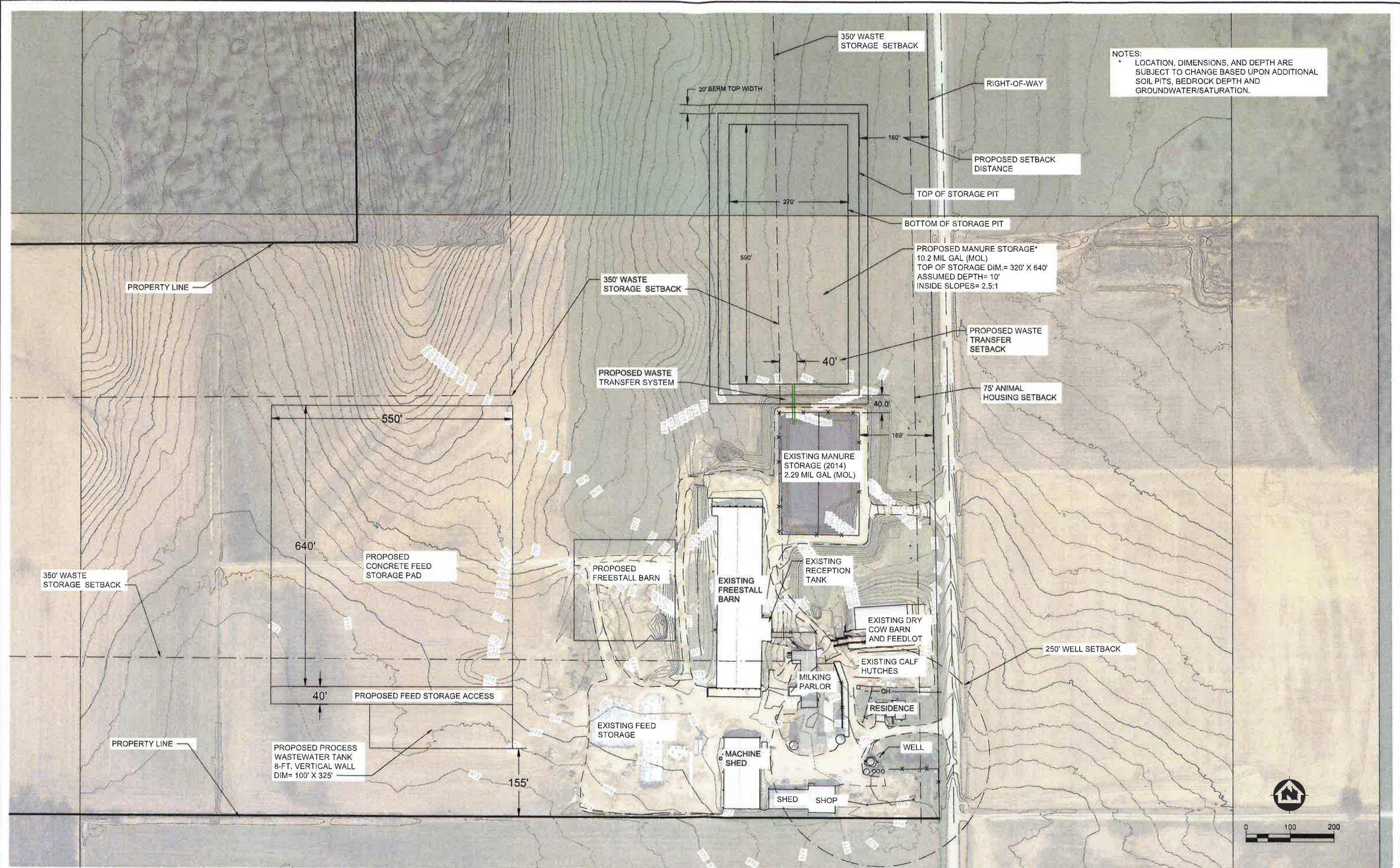


Dodge County Land Resources & Parks

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	Extensive Commercial
Airport Ordinance 3-Mile Buffer	Survey Areas	Shoreland Zoning	General Agricultural
Sewer Service Areas	<b>Non-Metallic Mining</b>	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
			Light Industrial
			Industrial
			Waterbody
			ROW/City/Village

Date: 9/21/2021





NOTES:  
 \* LOCATION, DIMENSIONS, AND DEPTH ARE SUBJECT TO CHANGE BASED UPON ADDITIONAL SOIL PITS, BEDROCK DEPTH AND GROUNDWATER/SATURATION.



PROJECT DATE:	DRAWN BY:	NO.	DATE	REVISION	BY
9/16/2021 10:03 AM	Int				
	DESIGNED BY:				
	CHECKED BY:				

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**MUELLER FARMS DAIRY EXPANSION**  
 MUELLER FARMS OF LOMIRA, LLC  
 BARABOO, WI

SITE PLANNING EXHIBIT

PROJECT NO:  
19180001  
 SHEET  
P100