



**AGENDA**  
**Dodge County Board of Adjustment**  
**Thursday, April 20, 2023 – 7:00 PM**  
**Administration Building**  
**Room 1H & 1I**  
**127 East Oak Street, Juneau, Wisconsin 53039**

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The following business will be brought before the Board of Adjustment for initiation, discussion, deliberation, and possible formal action subject to the rules of the Board of Adjustment, which may be inspected in the office of the County Clerk.

1. Call meeting to order;
2. Roll Call and Non-Committee Member County Board Attendance;
3. Confirm compliance with open meeting law and public hearing notice requirements;
4. Approval of the Minutes of the April 13, 2023 meeting;
5. Inform public in attendance of hearing procedures;
6. REHEARING CONTINUATION DELIBERATION – 7:00 P.M.  
**Springbrook Estate LLC** – Continuation of February 16, 2023 Request for a variance to the terms of the water setback provisions of the Dodge County Shoreland Protection Ordinance to allow the construction of an 18' X 20' covered bridge on this site where said bridge will be located within 0 feet of a navigable waterway and where said bridge structure will be located within a wetland. The site is located in part of the NW ¼ of the NW ¼, Section 21, Town of Burnett, the site address being W6500 County Road B. A copy of the proposed petition is available for review in the County Land Resources and Parks Department between the hours of 8:00 a.m. and 4:30 p.m., Monday-Friday (920-386-3700).
7. PUBLIC HEARING – 7:15 P.M.  
**Carleen Klein** - Request for a variance to the terms of the required 75 foot structural water setback provisions per 6.1 of the Dodge County Shoreland Protection Ordinance. This request to allow the construction of a 1,841 sqft. Irregularly shaped deck, fire pit, and attached Pergola, and attached shed on this site where said Deck, fire pit and supported structures will be located 33' from a navigable waterway (Beaver Dam Lake) and therefore prohibited by the code. The site is located on Lots 14 & 15 Block 2 of Northern Shores Subdivision located in the NW 1/4 SE 1/4, Section 02, T12N, R13E, Township of Fox Lake, Dodge County, Wisconsin (N9495 Northern Shores). A copy of the proposed petition is available for review in the County Land Resources and Parks Department between the hours of 8:00 a.m. and 4:30 p.m., Monday-Friday (920-386-3700).
8. PUBLIC HEARING – 7:30 P.M.  
**Dale Christian** – Request for a variance to the terms of the Side and Rear Lot Line Setback Provisions of the Dodge County Land Use Code to allow construction of (2) fed storage Runoff Leachate & Lot Runoff Transfer Tanks on this site. Where said fed storage Runoff Leachate & Lot Runoff Transfer Tanks do not comply with the terms of the Dodge County Land Use Code. Per Subsection 5.2.4 of the Land Use Code states that the minimum setback for manure storage structures to the side property line shall be 350 feet. As proposed, the aforementioned project is to be located approximately 25 feet from the side property line to the north and approximately 250 feet from the side property line to the south, thus not in compliance with the Code. And Per Subsection 5.2.5 of the Land Use Code states that the minimum setback for manure storage structures to the rear property line shall be 350 feet. As proposed, the aforementioned project is to be located approximately 250 feet from the rear property line, thus not in compliance with the Code. The site located in part of the SW ¼, SW ¼, Section 22, T13N, R17E, Town of Lomira, Dodge County, Wisconsin the site address being N10505 State Rd 175. A copy of the proposed petition is available for review in the County Land Resources and Parks Department between the hours of 8:00 a.m. and 4:30 p.m., Monday-Friday (920-386-3700).

### Future Meeting Schedule

1. Thursday, May 11, 2023 • 9:30 a.m. • 3<sup>rd</sup> Floor Land Resources and Parks Conference Room  
•Administration Building • Juneau, Wisconsin – On Site Inspections
2. Thursday, May 18, 2023 • 7:00 p.m. • 1<sup>st</sup> Floor, Rooms 1H/1I • Administration Building • Juneau, Wisconsin – Public Hearings

Adjourn

It is possible that individual members of other governing bodies of the County government may attend the above meeting to listen, gather information and comment. Such attendance may constitute a meeting of other governing bodies pursuant to *State ex rel. Badke. v. Vill. Bd. of Vill. Of Greendale*, 173 Wis2d 553, 578-74, 494 N.W. 2d 408 (1993). No action will be taken by any other governmental body except by the governing body noticed in the caption above.

Any person wishing to attend whom, because of a disability, requires special accommodation, should contact the Dodge County Clerk's Office at 920-386-3600, at least 24 hours before the scheduled meeting time so appropriate arrangements can be made. The building entrance, which is accessible by a person with a disability, is located on the east side of the building off Miller Street.

**DODGE COUNTY BOARD OF ADJUSTMENT MINUTES**  
**April 13, 2023**

The Dodge County Board of Adjustment met on this 13th day of April, 2023 at 9:30 a.m. in Room 302, Land Resources and Parks Conference Room, on the third floor of the Administration Building, Juneau, Wisconsin.

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

Roll Call was taken.

Members present were as follows: Mark Othmer, Jon Schoenike, Russell Kottke, Rodney Justman, William Nass.

Members excused were Larry Bischoff (1st Alt), Sharon Schumann (2nd Alt.)

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. Mr. Ochs noted that the meeting was properly noticed in accord with the open meeting law in accord with the statute and code requirements.

The agenda was reviewed by the Board;

The minutes from the February 16, 2023 meeting were reviewed by the Board.

Motion by Russell Kottke to approve the minutes as written.

Second by Mark Othmer

Vote: 5-0 Motion carried.

Chairman Nass requested Mr. Ochs of the Land Resources & Parks Department to accompany the Board on the following on-site inspections and to attend the Public Hearings on April 20, 2023.

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

1. **Springbrook Estate LLC** - The site is located in part of the NW ¼ of the NW ¼, Section 21, Town of Burnett, the site address being W6500 County Road B.
2. **Carleen Klien** – The site is located on Lots 14 & 15 Block 2 of Northern Shores Subdivision located in the NW 1/4 SE 1/4, Section 02, T12N, R13E, Township of Fox Lake, Dodge County, Wisconsin the address being N9495 Northern Shores.

3. **Dale Christian** - The site located in part of the SW ¼, SW ¼, Section 22, T13N, R17E, Town of Lomira, Dodge County, Wisconsin the site address being N10505 State Rd 175.

Motion by order of the Chair to adjourn the meeting. Motion carried.

Respectfully Submitted,

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Mark Othmer, Secretary

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

## Land Resources and Parks Department Staff Report

**County Variance Application No. 2022-0032**

**County Land Use Permit Application No. 2021-0507**

**Filing Date: January 13, 2022**

**Hearing Date: February 16, 2023 (REHEARING)**

**Owner:**

Springbrook Estate LLC  
W6500 County Road B  
Burnett, WI 53922

**Location**

PIN#: 006-1215-2122-000

Property Location: Part of the NW ¼ of the NW ¼, Section 21, Town of Burnett, the site address being W6500 County Road B.

**Appellants Request**

An application for a variance request was submitted by the appellant with a request for a variance to water setback provisions of the Dodge County Shoreland Protection Ordinance to allow the construction of an 18' X 20' covered bridge on this site where said bridge will be located within 0 feet of a navigable waterway and where said bridge structure will be located within a wetland.

**Review**

On February 16, 2023 the Dodge County Board of Adjustment held a public hearing for a variance to the following terms of the Dodge County Shoreland Protection Ordinance sections:

- Subsection 6.1 SHORELAND SETBACK (NR115.05(1)(b)1.) Unless exempt under 6.1(1) or reduced under 6.2, a setback of 75 feet from the OHWM of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures. As proposed, the bridge structure crosses over a waterway and is located 0 feet from the ordinary high water mark of the pond and waterway and therefore is prohibited by the code.
- Subsection 3.3 PERMITTED USES (NR 115.04(3)) of the Shoreland Protection Ordinance lists the uses that are allowed within a mapped wetland. According to this provision, private bridges are not listed as an allowed use within a wetland.
- Subsection 3.4 PROHIBITED USES (NR 115.04(4)) of the Shoreland Protection Ordinance states: Any use not listed in Sections 3.3(1), 3.3(2) or 3.3(3) is prohibited unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 3.5 of this ordinance and S. 59.69(5)e, Wis. Stats. The covered bridge that has been located on this site is located within a mapped wetland and therefore is prohibited by the Code.

At the time of the meeting the board voted to close the public hearing to perform an on-site visit of the property, as the original on-site visit could not be performed due to inclement weather. The board's legal council also requested additional time to review case law brought up by the appellants' legal counsel.

This meeting is to now allow clarification from council, allow discussion, deliberation and decision.

LEGAL NOTICE FOR: **BOARD OF ADJUSTMENT**

Today's Date: March 22, 2023

PIN #: 006-1215-2122-000

Notice is hereby given that a public hearing will be held by the **Dodge County Board of Adjustment** on Thursday, April 20, 2023 at 7:00 P.M. or shortly thereafter on the First Floor (Meeting Rooms 1H and 1I) of the Dodge County Administration Building, Juneau, Wisconsin on the appeal of **Springbrook Estate LLC** for a variance to the terms of the water setback provisions of the Shoreland Protection Ordinance to allow the construction of an 18' X 20' covered bridge on this site where said bridge will be located within 0 feet from a navigable waterway and where said bridge structure will be located within a wetland. The site is located in part of the NW ¼ of the NW ¼, Section 21, Town of Burnett, the site address being W6500 County Road B. A copy of the proposed petition is available for review in the County Land Resources and Parks Department between the hours of 8:00 a.m. and 4:30 p.m., Monday-Friday (920-386-3700). All persons interested are invited to attend. NOTE PUBLIC COMMENT IS CLOSED

Dated March 22, 2023

Dodge County Board of Adjustment  
By William Nass, Chairman

LEGAL NOTICE FOR:

**BOARD OF ADJUSTMENT**

Hearing No. 1

Today's Date: March 22, 2023

PIN #: 018-1213-0242-003

Notice is hereby given that a public hearing will be held by the **Dodge County Board of Adjustment** on Thursday, April 20, 2023 at 7:15 P.M. or shortly thereafter on the First Floor (Meeting Rooms 1H and 1I) of the Dodge County Administration Building, Juneau, Wisconsin on the appeal of **Carleen Klein** for a variance to the terms of the water setback provisions of the Shoreland Protection Ordinance to allow the construction of a 1,841 sqft. Irregularly shaped deck, fire pit, and attached Pergola, and attached shed on this site where said Deck, fire pit and supported structures will be located 33' from a navigable waterway (Beaver Dam Lake). The site is located on Lots 14 & 15 Block 2 of Northern Shores Subdivision located in the NW 1/4 SE 1/4, Section 02, T12N, R13E, Township of Fox Lake, Dodge County, Wisconsin (N9495 Northern Shores).

A copy of the proposed petition is available for review in the County Land Resources and Parks Department between the hours of 8:00 a.m. and 4:30 p.m., Monday-Friday (920-386-3700).

All persons interested are invited to attend and be heard. Written comments may be submitted to the Dodge County Land Resources and Parks Department at 127 E Oak Street, Juneau, WI 53039 or by e-mail to [tochs@co.dodge.wi.us](mailto:tochs@co.dodge.wi.us) no later than April 19, 2023.

Dated March 22, 2023

Dodge County Board of Adjustment  
By William Nass, Chairman

## Land Resources and Parks Department Staff Report

**County Variance Application No. 2023-0172**  
**County Land Use Permit Application No. 2023-0171**  
**Filing Date: March 10, 2023**  
**Hearing Date: April 20, 2023**

**Applicant (Agent):**

Carleen Klein  
N9495 Northern Shores  
Fox Lake, WI 53933

**Owner:**

Same

**Location**

PIN#: 018-1213-0242-003

Property Location: Lots 14 & 15 Block 2 of Northern Shores Subdivision located in the NW 1/4 SE 1/4, Section 02, T12N, R13E, Township of Fox Lake, Dodge County, Wisconsin (N9495 Northern Shores)

**Appellants Request**

An application for a variance request was submitted by the appellant with a request to allow the construction of a 1,841 sqft. Irregularly shaped deck, fire pit, and attached Pergola, and attached shed on this site where said Deck, fire pit and supported structures will be located 33' from a navigable waterway (Beaver Dam Lake) and therefore prohibited by the code.

On May 19, 2022, a violation correction notice was set to the property owner for construction of a 1,841 sqft. Irregularly shaped deck, fire pit, and attached Pergola, and attached shed on this site, without the issuance of a Dodge County Land Use Permit.

On March 10 2023 a Dodge County Land Use Permit was applied for in an attempt to resolve the above-mentioned matter.

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 (Beaver Dam 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 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 (Beaver Dam 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 project will be located outside of the floodplain per the application.

The physical features of this approximate 0.934-acre lot include a moderately sloping topography with slopes ranging from 6 to 12%;

The general character of the surrounding land use consists of a mixture of year-round and seasonal residences on Northern Shores Rd.

The property has been the subject of the following variance:

- On January 3, 1996 the Dodge County Board of Adjustment denied a variance request to allow the sale of 2 non-conforming substandard lots.

On March 10, 2023, an application for a County Land Use Permit was received with the intention of resolving the “After the Fact” construction of a 1,841 sqft. Irregularly shaped deck, fire pit, and attached Pergola, and attached shed on this site.

The permit application was denied for the following reasons:

**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 Ordinary High Water Mark a Navigable Body of water. According to this provision, unless exempt under 6.1, or reduced under 6.2, a setback of 75 feet from the OHWM of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures. As proposed, the Deck, fire pit and supported structures will be located 33’ from a navigable waterway (Beaver Dam Lake) and therefore prohibited by the code.

The appellant is requesting an area variance to sections 6.1, of the Dodge County Shoreland Protection Ordinance.

**Purpose Statement**

The purpose of the water setback provisions of the Shoreland Ordinance are to enforce a uniform setback that preserves the public interest in shorelands and navigable waters of the State as well as to protect the navigable waters and the public’s right therein from degradation and deterioration which results from uncontrolled use and development of the shorelands.

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.***

**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 a Accessory Structure is 75 feet to the O.H.W.M. per 6.1 Structure Setback of the Dodge County Shoreland Protection Ordinance.

The staff points out that the proposal is an "After-the-Fact" application and that the Board must view the site as though the structure does NOT exist. And 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 any or 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 the deck, fire pit, and attached Pergola, and attached shed on this site is not consistent with the purpose of the ordinance 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 also the staff's position that the Ordinance is not unnecessarily burdensome in this case as the appellant has other reasonable options to design and construct a structure in compliance with the Ordinance provisions.

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 and the variance request should be denied.

**Dodge County Board of Adjustment Decision**

**County Variance Application No. 2023-0172**  
**County Land Use Permit Application No. 2023-0171**  
**Filing Date: March 10, 2023**  
**Hearing Date: April 20, 2023**

**Applicant (Agent):**  
Carleen Klein  
N9495 Northern Shores  
Fox Lake, WI 53933

**Owner:**  
Same

**Location**

**PIN#: 018-1213-0242-003**  
**Property Location: Lots 14 & 15 Block 2 of Northern Shores Subdivision located in the NW 1/4 SE 1/4, Section 02, T12N, R13E, Township of Fox Lake, Dodge County, Wisconsin (N9495 Northern Shores)**

**Appellants Request**

An application for a variance request was submitted by the appellant with a request to allow the construction of a 1,841 sqft. Irregularly shaped deck, fire pit, and attached Pergola, and attached shed on this site where said Deck, fire pit and supported structures will be located 33' from a navigable waterway (Beaver Dam Lake) and therefore prohibited by the code.

**CONCLUSIONS OF LAW**

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

**ORDINARY HIGH WATER MARK SETBACK**

**The appellants request to Subsection 6.1 of the Ordinance to allow a deck, fire pit, and attached Pergola, and attached shed on this site where said Deck, fire pit and supported structures **within the water setback lines is an "area" variance.****

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

**1) Is there a physical limitation that is unique to this property that prevents the appellant from locating a deck, fire pit, and attached Pergola, and attached shed on this site where said Deck, fire pit and supported structures structure in compliance 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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) What hardship exists if the variance requests are denied?

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

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

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

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

(Yes/No)

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

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

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)

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

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

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

**Vote**

Mark Othmer	<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
Russell Kottke	<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
Larry Bischoff (1 <sup>st</sup> Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Sharon Schumann (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 requests as proposed;
- Granted the variance requests by the appellant subject to the conditions listed above;
- Denied the variance requests 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 East Oak Street · Juneau, WI 53039-1329  
PHONE: (920) 386-3700 · FAX: (920) 386-3979  
EMAIL: [landresources@co.dodge.wi.us](mailto:landresources@co.dodge.wi.us)

March 22, 2023

Carleen Klein  
N9495 Northern Shores  
Fox Lake, WI 53933

RE: Determination of Application Completeness  
Variance Application: #2023-0172  
Property location: Lots 14 & 15 Block 2 of Northern Shores Subdivision located in the NW 1/4 SE 1/4, Section 02, T12N, R13E, Township of Fox Lake, Dodge County, Wisconsin (N9495 Northern Shores).

Dear Carleen Klein;

The Dodge County Land Resources and Parks Department has received your Variance application to allow the construction of a 1,841 sqft. Irregularly shaped deck, fire pit, and attached Pergola, and attached shed on this site where said Deck, fire pit and supported structures will be located 33' from a navigable waterway (Beaver Dam Lake). On March 22, 2023, the Department has determined that your Variance application is complete. This application will be forwarded to the Dodge County Board of Adjustment for review at a public hearing on Thursday, April 20, 2023 at 7:15 P.M. or shortly thereafter on the First Floor (Meeting Rooms 1H and 1I) of the Administration Building, Juneau, Wisconsin. You and other interested parties may appear in person or may be represented by an agent or attorney. If you or your agent can not attend the hearing, please contact the Land Resources and Parks Department to discuss your options.

**Please Note:** The Board of Adjustment members will be conducting an on-site visit on April 13, 2023 to review the site and the proposed construction project. Please make sure that the proposed construction project is staked out so that the Board can review your proposal. Your attendance during the on-site visit is not required.

If you have any questions regarding this matter, please feel free to contact our office.

Sincerely,  


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



**ATF**

**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> <span style="font-size: large; color: red;">230172</span>	<b>Issue Date:</b>
Application Date: <span style="color: red; font-size: large;">3-10-2023</span>	Receipt #: <span style="color: red; font-size: large;">6785-0002</span>

## Variance Application

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

Names and Mailing Addresses	Property Description														
Applicant (Agent) <span style="font-size: large;">CARLEEN KLEIN</span>	Parcel Identification Number (PIN) <span style="font-size: large;">018-1213-0242-003</span> <del>018-1213-0242-004</del>														
Street Address <span style="font-size: large;">N9495 NORTHERN SHORES</span>	Town <span style="font-size: large;">FOX LAKE</span>														
City • State • Zip Code <span style="font-size: large;">FOX LAKE WI 53933</span>	<table style="width: 100%; border-collapse: collapse; font-size: small;"> <tr> <td style="width: 12.5%; text-align: center;">¼</td> <td style="width: 12.5%; text-align: center;">¼</td> <td style="width: 12.5%; text-align: center;">Section</td> <td style="width: 12.5%; text-align: center;">T</td> <td style="width: 12.5%; text-align: center;">N</td> <td style="width: 12.5%; text-align: center;">R</td> <td style="width: 12.5%; text-align: center;">E</td> </tr> <tr> <td style="text-align: center;"><span style="font-size: large;">NW</span></td> <td style="text-align: center;"><span style="font-size: large;">SE</span></td> <td style="text-align: center;"><span style="font-size: large;">02</span></td> <td style="text-align: center;"><span style="font-size: large;">12</span></td> <td style="text-align: center;"><span style="font-size: large;">13</span></td> <td></td> <td></td> </tr> </table>	¼	¼	Section	T	N	R	E	<span style="font-size: large;">NW</span>	<span style="font-size: large;">SE</span>	<span style="font-size: large;">02</span>	<span style="font-size: large;">12</span>	<span style="font-size: large;">13</span>		
¼	¼	Section	T	N	R	E									
<span style="font-size: large;">NW</span>	<span style="font-size: large;">SE</span>	<span style="font-size: large;">02</span>	<span style="font-size: large;">12</span>	<span style="font-size: large;">13</span>											
Property Owner (If different from applicant)	Subdivision or CSM # <span style="font-size: large;">NORTHERN SHORES</span>														
Street Address	Site Address <span style="font-size: large;">N9495 NORTHERN SHORES</span>														
City • State • Zip Code	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No														

Present property use:

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

NONE

Describe all nonconforming structures and uses on this property:

DECK LOCATED IN THE 35'-75' SHORELINE SETBACK

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

6.1 SHORELINE SETBACK  
APPENDIX A BUFFER ZONE

Variance Requested:

REQUEST THAT THE DECK, DRY ROCK RIVER BED, SAND BEDS, AND VEGETATIVE  
BUFFER ZONE WHICH CREATES THE STORM WATER MITIGATION/TREATMENT PLAN FOR  
RUNOFF FROM THE IMPERMEABLE AND PERMEABLE SURFACES TO BE APPROVED.

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?

PLEASE SEE ATTACHED LETTER

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

> 20 PLUS FOOT SLOPE FROM ROAD TO SHORELINE

> 6 FOOT SLOPE FROM GARAGE/CONCRETE TO SHORE LINE

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 - PLEASE SEE LETTER ATTACHED

REMOVING ALL THE DECK AND SAND BEDS, BRY ROCK RIDER BEDS WOULD RETURN THE AREA TO MUD AND EROSION

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

GRANTING - BEAUTIFIES THE SHORELINE VIEW OF MY NEIGHBORS AND PREVENTS RUNOFF INTO THE LAKE FROM DRIVEWAYS + ROOFS.

CERTIFICATE

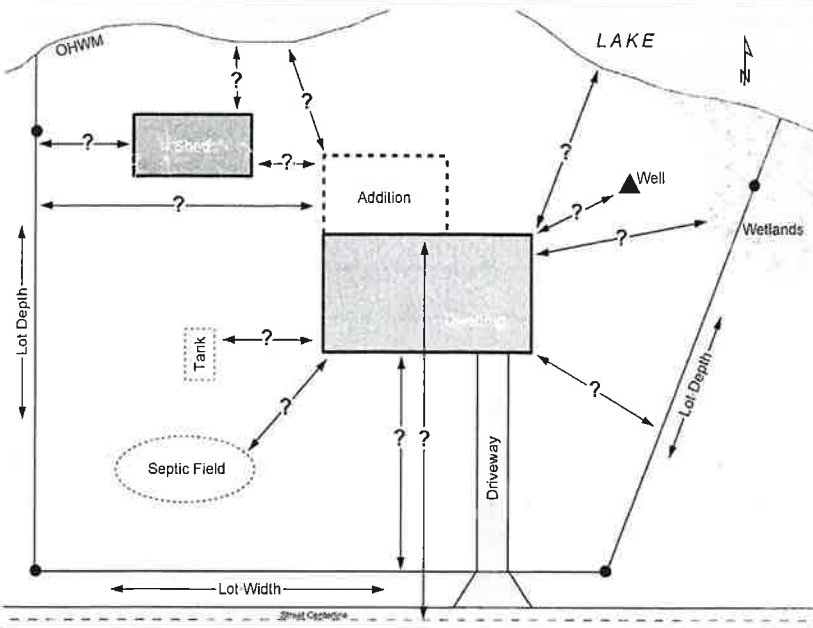
I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and 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: Carleen Klein Date: 2-28-23

Daytime Contact Number (920) 887-7348

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)



To: Dodge County Land Resources  
127 East Oak Street  
Juneau, WI 53039

Re: 018-1213-0242-003 - 018-1213-0242-004  
Shoreline Protection ordinance 6.1  
Deck located in the 35'-75' shoreline setback

Thank you so much for taking time to read my letter.

When I bought the house six years ago, this area of the yard originally had a 17' x 60' rock covered 6' high slope from the garage and cement pad elevation down to the 8' x 8' shed, 12' x 12' brick patio and a 4' x 7' island counter and grill with a large pile of dirt covering very big tree trunk cut offs behind the shed. The shed and island were built of wood and sitting on the ground rotting away and infested with bugs and rodents. The slope was covered with plastic and a decorative round stone with loose sandstone steps from the concrete down to the patio. There was erosion from the garage to the lake. The area was full of mud and water from the run off from the steep slope of the property. From the road to the patio area is over a 20 foot drop. It was a chore to scrape the mud off the patio brick when we tried to use it. I did add a fire pit in front of the brick area since the grass would not grow in that area.

In addition to the muddy area, it was a safety issue to walk down the slopes. The rocks rolled under your feet and the rock steps had to be constantly leveled without much success. We quickly abandoned this area altogether after two sprained and one nearly broken ankle after the first summer.

I was also having issues with the storm water running off the sides of the garage cement and under cutting the concrete. On the front side, the mud ended up in the yard creating an area that was eight feet wide and twenty feet long of mud. No matter how many times I raked the dirt back up the four foot slope and reseeded the grass, the rain would come and wash it all away, again and again. The grass would barely start growing and would be uprooted at the top and at the bottom the grass would be buried in mud. I tried planting flowers but they too were uprooted by the erosion. You couldn't walk off either side of the concrete to get to the grass areas without walking through mud. You could however walk to the house and down the septic system hill and around the whole mess.

As a side note I was getting complaints from my neighbor about her muddy dogs and the mud in her house. I sympathized with her since my dogs and family were tracking dirt into the house too. She kept asking me when I was going to do something about it as it was impossible to keep them out of that area.

After a couple of years, the erosion became so bad that I had lost six inches of dirt from around the concrete edges and the area of erosion was growing. I knew if I didn't do something soon, my whole slab of concrete would start shifting and probably crack. So, I finally decided the whole area needed to be landscaped properly. I bought this problem and had to do something about it.

The first thing I did was to document my properties storm water while it was raining soft and hard by taking pictures of the water flowing around the house and garage. I staked lines of where the rivers of water were and where the dirt was eroding and ending up.

I started researching on the web of what could be done to disseminate the storm water. I checked out all different kinds of materials, but most of them would leave the surface nearly impermeable and wouldn't solve the issue. That's when I came across the idea to put in a dry rock river bed along the front of the concrete slab to slow the water down. I needed to landscape 60' along the front of the concrete to the muddy firepit and 60' along the rock slope side. I felt the river bed had to be part of the solution but surrounding the concrete with rock would make the whole area just as unusable as the erosion did. People would not be able to walk across any part of the rock areas and I knew that the plastic and rock would not allow the water penetrate the ground. And I certainly did not want to chemically spray huge areas of rock for the weeds that would eventually take over the area. I needed to come up with a better idea.

In thinking about my 93 year old father who I was taking care of, and other people trying to walk across the rock slope is when I decided the thing to do was to build a deck and a stable set of wood steps over the slope; and then move the shed and barbeque up on the deck. I also had to remove the unsightly mound of dirt and tree trunk pieces.

The dry rock river bed on the front side of the concrete needed to extend down to the old fire pit to have time for the concrete run off to be absorbed. This was a large rocked area, so I added a deck surface for people to walk over the river area because I didn't want my system to be disturbed by foot traffic. The pergola and firepit deck area covers the muddy areas where the shed and brick patio was.

I removed all the rock, washed it, and used it on the sides of the river bed and around the deck area to make it easier to cut grass. On the slopes and under all the decking and under the river bed is 3-5" of sand over the mud to allow for a slower water absorption. It works perfectly. I have no more soil movement and all the contaminants from the driveways and roofs water are caught by the riverbed, rock and sand.

The decks connect the concrete to the grass safely. It seemed like the perfect solution and would make this space useable to.

The design did solve all the issues I was having:

- 1) By stopping the erosion.
- 2) Making this part of the yard useable.
- 3) The wood steps removed the safety issue, and allowed my dad to join us.
- 4) The deck disseminates the rain pressure by hitting the wood vs the ground. There is no more standing water or erosion.
- 5) I installed the deck boards perpendicular to the run off and pitch, so that any water hitting the deck would drip over the edge of the board and not run toward the lake.
- 6) Snow sits on the deck longer allowing the driveway water to run off and be absorbed first.
- 7) The dry rock river bed has stopped the erosion on the front side of concrete slab caused by the storm water runoff. I used three different rocks and sizes to slow down the water.
- 8) On sides of the dry river bed, I planted trees and bushes to soak up additional water.
- 9) The river bed goes under the deck and out the other side. The length of the river bed was determined by the original water flow and muddy dead grass areas. The bed is able to soak up all the water it gets.
- 10) I can grow grass all around this area now.

- 11) Between the deck and the lake, I have planted more trees, flowers, and bushes in a 31' x 22' area that was already there, but the plants did not grow well. The plants are no longer sitting in soggy dirt. I add a little more to it each year.
- 12) There are no more complaints from my neighbors or myself, of muddy paws and footprints.
- 13) The shed is off the ground and will not continue to rot.
- 14) The firepit is now in the middle of the deck (a 10' cut out circle to the ground), and doesn't collect water.
- 15) In the buffer zone - the footprint of the area WAS 1946 SF of slope, rock and mud; and now it IS 1604 SF of deck and dry rock river bed and no erosion.

Even when we are not using this area, I love looking out my windows and seeing the landscaping/deck vs the ugly, muddy wet mess. As a side note the deck does not disrupt the natural lake view from the road because most of the deck is below the garage concrete elevation (please see pics). And from the lake there are a number of mature trees and bushes that cover the shoreline. The deck follows the elevation of the land to have minimal disruption of natural beauty.

I have thought hard about removing the deck over the last year to comply with the rules, but I have not been able to come up with another solution or materials that would make this area useable and take care of the erosion and water issues. For that reason, I do not want to put it back to the way it was and without solution to protect the land and the lake (and usefulness).

Consequently, I sincerely ask that you would please consider letting me keep the area as is, because the entire space is now safe, usable, beautiful and provides an excellent watershed solution that controls the storm water runoff and erosion. It all works together as a system to keep the water on my property.

Please let me know if you have any questions. And thank you for considering my request. I appreciate it very much.

Thank you,

*Carleen Klein*

Carleen Klein

N9495 Northern Shores  
 Fox Lake, WI 53933  
 920-887-7348

Pictures: I am sorry I cannot show you my pictures from the original rainfall study since my house burnt down from a mouse in an outside outlet and I lost everything, but I have attached some recent pictures.





I can take more rainfall videos this spring to show you how it works if you would like to see the system in action. Let me know. Thanks.

mailed 3/8/23



# 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](mailto:landresources@co.dodge.wi.us)

COPI

March 21, 2023

Carleen Klein  
N9495 Northern Shores  
Fox Lake, WI 53933

RE: **Land Use Permit Denied Notification - County ID# 2023-0171**  
Site Location: NW 1/4 SE 1/4, Section 02, T12N, R13E,  
Township of Fox Lake, Dodge County, Wisconsin  
PIN# 018-1213-0242-003  
Activity #: 2023-0171

Greetings Mrs. Klein,

On March 17, 2023 an on-site inspection was conducted by our department for the construction of an attached Deck/Pergola/Shed. The findings of the inspection and staff review has determined that the application is not in full compliance with the Dodge County Shoreland Protection Ordinance. The proposed is not in compliance with the following subsections of the Dodge County Shoreland Protection Ordinance:

**6.1 Ordinary High Water Mark Setback.** (NR 115.05(1)(b)1), Stats. of the County Shoreland Protection Ordinance refers to the required setbacks from the water. All buildings and structures except piers, wharfs and boathouses shall be setback at least 75 feet from all points along the normal high-water mark of all navigable bodies of water and wetlands. As proposed, the Deck/Pergal/Shed will be located 33 feet feet from Ordinary High Water Mark or 42 feet within the water setback lines and therefore prohibited by the code.

Therefore, the County is unable to issue a permit for this proposed structure. You have the right to request a variance to this code section per 14.1(3)(c)2. And on March 10, 2023 said variance application was received and will be forwarded on to the Dodge County Board of Adjustment. If you have any questions regarding this issue please feel free to contact our department.

Sincerely,

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

# 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.gov

### This Area For Office Use Only

COUNTY ID No. <b>230171</b>	Receipt No. <b>6785-0002</b>
Permit Expiration Date	Application Date <b>3-10-2023</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* **#140**

NAMES & MAILING ADDRESSES		PROPERTY INFORMATION				
Applicant/Agent/Contractor (If Contractor: Please Include State Certification No.) <b>CARLEEN KLEIN</b>		Parcel Identification Number (PIN) <b>018-1213-0242-003</b> <b>018-1213-0242-004</b>				
Street Address <b>N9495 NORTHERN SHORES</b>		Town <b>FOX LAKE</b>	T <b>12</b>	N <b>13</b>	R	E
City • State • Zip Code <b>FOX LAKE, WI 53933</b>		1/4 <b>NW</b>	1/4 <b>SE</b>	Section <b>02</b>	Acreage <b>0.483</b> <b>0.459</b>	Lot (Block) <b>14 2</b> <b>15 2</b>
Property Owner <input checked="" type="checkbox"/> Same as applicant		Subdivision or CSM (Volume/Page/Lot) <b>NORTHERN SHORES</b>				
Street Address		Address Of Property (DO NOT include City/State/Zip Code) <b>N9495 NORTHERN SHORES</b>				
City • State • Zip Code		Is this property connected to public sewer? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Is property located within a sanitary district/accessible to public sewer? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
CURRENT USE OF PROPERTY		PROPOSED USE OF PROPERTY				
<input type="checkbox"/> Vacant Land <input type="checkbox"/> Working Farm <input type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other _____		<input checked="" type="checkbox"/> Same As Current Use (No Change) <input type="checkbox"/> Single-Family Residential <input type="checkbox"/> Two-Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other _____				
<input checked="" type="checkbox"/> Single-Family Residential <input type="checkbox"/> Two-Family <input type="checkbox"/> Multi-Family						

## PROPOSED CONSTRUCTION PROJECT

(CHECK ALL THAT APPLY)

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

- |   |                                   |  |  |  |
|---|-----------------------------------|--|--|--|
| <input type="checkbox"/> Pool                                 | <input type="checkbox"/> Porch    | <input type="checkbox"/> Driveway          | <input type="checkbox"/> REPLACEMENT OF EXISTING                                       | <input type="checkbox"/> ADDITION TO AN EXISTING |
| <input checked="" type="checkbox"/> Deck <b>FRONT OF SHED</b> | <input type="checkbox"/> Fence    | <input type="checkbox"/> Boathouse         | <input type="checkbox"/> Field Tile Installation                                       |  |
| <input type="checkbox"/> Patio                                | <input type="checkbox"/> Riprap   | <input type="checkbox"/> Attached Garage   | <input type="checkbox"/> Pond (Less than 2 acres in size)                              |  |
| <input type="checkbox"/> Shed                                 | <input type="checkbox"/> Gazebo   | <input type="checkbox"/> Detached Garage   | <input type="checkbox"/> Sign (Complete additional project information below)          |  |
| <input type="checkbox"/> Home                                 | <input type="checkbox"/> Sidewalk | <input type="checkbox"/> Ag Ditch Cleanout | <input type="checkbox"/> Barn (Complete additional project information below)          |  |
|   |                                   |  | <input type="checkbox"/> Home Addition (Complete additional project information below) |  |

Filling, Grading, Ditching, Dredging, Lagooning, and/or Excavating- Contact this office for assistance with determining type of permit needed

Other **DECK**

Width **VARIOUS**

Length \_\_\_\_\_

Total Area **1367**

Total Stories \_\_\_\_\_

Height (To roof peak) \_\_\_\_\_

Estimated Cost (w/Labor) \$ **10,000**

### Additional Project Information

**Home Addition:** Total number of bedrooms? Before \_\_\_\_\_ After \_\_\_\_\_

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

**Sign Information:**  Single-Sided  Double-Sided

Located On-Premise  Located Off-Premise

Wall  Ground  Directional Other \_\_\_\_\_

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

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

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

## PAGE 2 — SUPPLEMENTAL INFORMATION AND ADDITIONAL REQUIREMENTS

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

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

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

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

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

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

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

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

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

- NO ⇒ Go to question 4. **ZONING VARIANCE APPLICATION**  
 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.

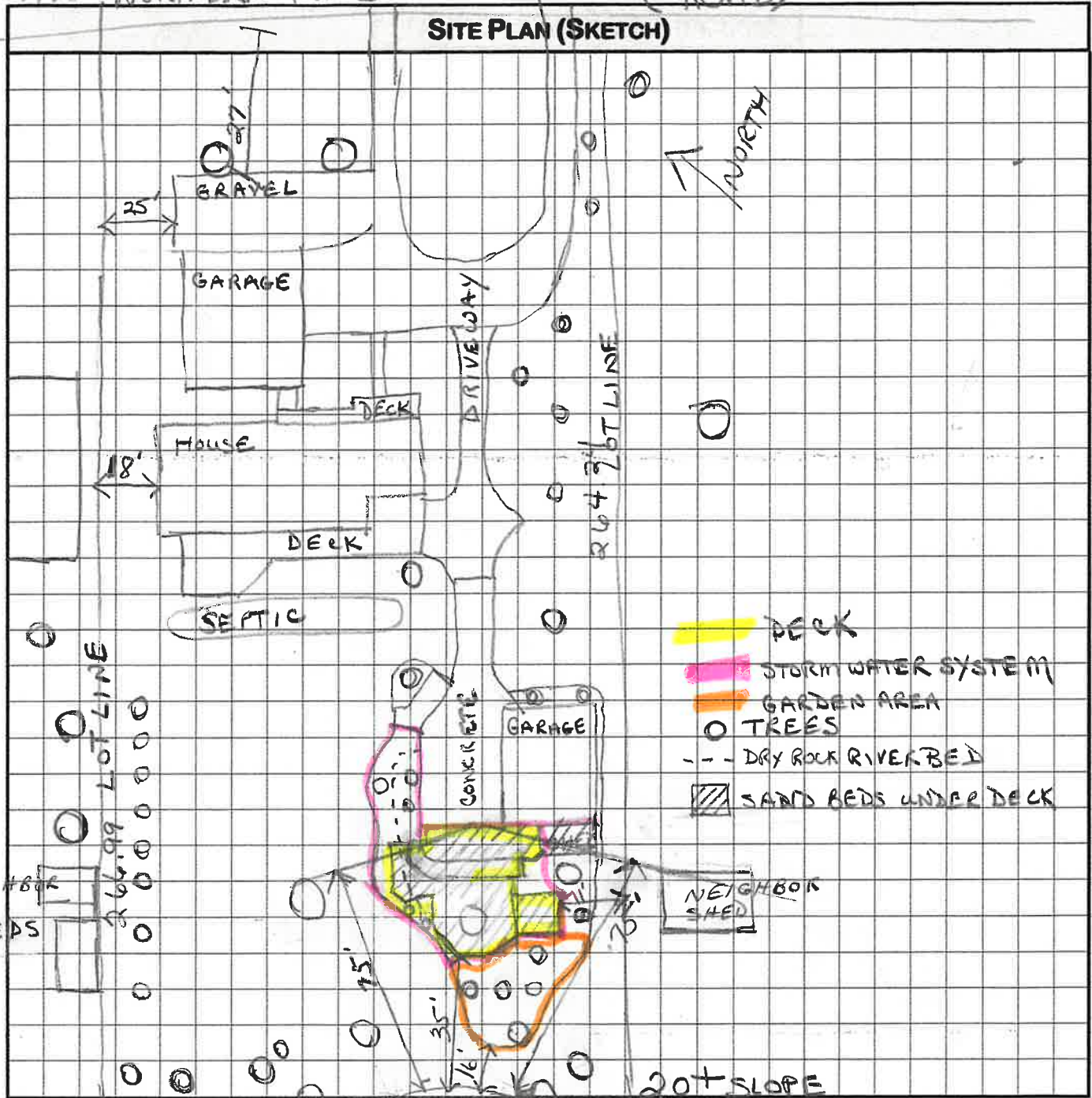
Contact Person (Print) CARLEEN KLEIN Daytime Contact Phone (920) 887-7348

Signature Carleen Klein Date 2-28-23 Call for pickup  No  Yes

N9495 NORTHERN SHORES

(ROAD)

SITE PLAN (SKETCH)



See Attached Site-Plan (Sketch)

73' + 73' THIS AREA FOR OFFICE USE ONLY

BOA ID No.	BOA Appeal Date	BOA P/H Date	BOA Decision Date	BOA Decision
2023-0172	3/10/23	4/20/23		<input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied

Notes/Stipulations:  
 3/17/23 Lvl PARFOMER WITH HELM 83' FROM DAWY  
 LEGAL SERT

Approved    Denied

Land Resources and Parks Department \_\_\_\_\_ Date \_\_\_\_\_



# DODGE COUNTY INSPECTION SHEET

Property Owner <b>CARLEEN KLEIN</b>	County ID No. <b>2023-0171</b>
Site Address <b>N9495 NORTHERN SHORES</b>	PIN <b>018-1213-0242-003 &amp; 004</b>
Project <b>DECK &amp; SHED</b>	

ZONING <b>R-1</b>	ANIMAL UNITS	County Jurisdiction <input type="checkbox"/> Land Use Code; <input type="checkbox"/> Shoreland; <input type="checkbox"/> Wetland; <input 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
----------------------	--------------	---

ROAD/HIGHWAY (1)	ROAD/HIGHWAY (2)	SETBACKS/ HEIGHT	LOT COVERAGE AREA	IMPERVIOUS SURFACE AREA
<input checked="" type="checkbox"/> Town <input type="checkbox"/> County <input type="checkbox"/> US/State <input type="checkbox"/> Urbanized ROW _____ <input checked="" type="checkbox"/> 33 ROW Setback <input 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 checked="" type="checkbox"/> Other <b>77</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 _____	Front (1) <b>194 AFS</b> Front (2) _____ Side (1) _____ Side(2) <b>8</b> Rear <b>76</b> OHWM <b>33</b> Structure _____ Structure _____ Septic Tank _____ Septic Field _____ Height _____	Zoning District: _____ % coverage allowed _____ Existing (sq. ft.) _____ Proposed (sq. ft.) _____ Total lot coverage area (sq. ft.) _____ % Lot Coverage _____	<input type="checkbox"/> Riparian Lot <input type="checkbox"/> Non-riparian Lot <input checked="" type="checkbox"/> Highly Developed Shoreland Existing Imp. Surface (sq. ft.) <b>8446</b> Final Imp. Surface Area (sq. ft.) <b>10281</b> Lot Size (sq. ft.) <b>41033.52</b> % Imp. Surface area <b>25%</b>

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:  
**3/17/23 LVI PERFORMED OIC**  
**SMOKE CAP CHECK REQUIRES 75' ON WAY**

<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 type="checkbox"/> Morgan Wisth <input type="checkbox"/> _____ <input type="checkbox"/> Andy O'Brion	Date <b>3/17/23</b>
---	---	--	------------------------

The data used to create this map is a compilation of reports, 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 of this information.

0242-002  
0.509 ac.

0242-003  
0.934 ac.

0242-005  
0.468 ac.

0221-007  
108.637 ac.

0242-006  
1.001 ac.

NORTHERN SHORES SUBDIVISION

1000' ON LAKE

PER 90 L.A.



Dodge County Land Resources & Parks

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



No PEANUTS

ORIGINAL

# Carleen Klein

Town of Fox Lake, Sec. 2

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.



LEGAL NOTICE FOR:

**BOARD OF ADJUSTMENT**

Hearing No. 2

Today's Date: March 22, 2023

PIN #: 030-1317-2234-000

Notice is hereby given that a public hearing will be held by the **Dodge County Board of Adjustment** on Thursday, April 20, 2023 at 7:30 PM P.M. or shortly thereafter on the First Floor (Meeting Rooms 1H and 1I) of the Dodge County Administration Building, Juneau, Wisconsin on the appeal of **Dale Christian** for a variance to the terms of the Side and Rear Lot Line Setback Provisions of the Dodge County Land Use Code to allow construction of (2) fed storage Runoff Leachate & Lot Runoff Transfer Tanks on this site. Where said fed storage Runoff Leachate & Lot Runoff Transfer Tanks do not comply with the terms of the Dodge County Land Use Code. Per Subsection 5.2.4 of the Land Use Code states that the minimum setback for manure storage structures to the side property line shall be 350 feet. As proposed, the aforementioned project is to be located approximately 25 feet from the side property line to the north and approximately 250 feet from the side property line to the south, thus not in compliance with the Code. And Per Subsection 5.2.5 of the Land Use Code states that the minimum setback for manure storage structures to the rear property line shall be 350 feet. As proposed, the aforementioned project is to be located approximately 250 feet from the rear property line, thus not in compliance with the Code.

The site located in part of the SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 22, T13N, R17E, Town of Lomira, Dodge County, Wisconsin the site address being N10505 State Rd 175.

A copy of the proposed petition is available for review in the County Land Resources and Parks Department between the hours of 8:00 a.m. and 4:30 p.m., Monday-Friday (920-386-3700).

All persons interested are invited to attend and be heard. Written comments may be submitted to the Dodge County Land Resources and Parks Department at 127 E Oak Street, Juneau, WI 53039 or by e-mail to [tochs@co.dodge.wi.us](mailto:tochs@co.dodge.wi.us) no later than April 19, 2023.

Dated March 22, 2023

Dodge County Board of Adjustment  
By William Nass, Chairman

# Land Resources and Parks Department Staff Report

**County Variance Application No. 2023-0187**  
**County Land Use Permit Application No. NA**  
**Filing Date: March 15, 2023**  
**Hearing Date: April 20, 2023**

**Applicant (Agent):**

Dale H Christian  
N10523 State Road 175  
Lomira, WI 53048

**Owner:**

Same

**Location**

PIN#: 030-1317-2234-000

Property Location: SE 1/4 of the SW 1/4, Section 22, T13N, R17E, Town of Lomira, Dodge County, Wisconsin  
Site Address: N10505 State Road 175

**County Jurisdiction**

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

**Review Criteria**

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

**Appellants Request**

On March 16th, 2023 an application for a variance request was submitted by the appellant with a request for a variance to the terms of the side and rear setback provisions of the Dodge County Land Use Code to allow for the construction of a runoff and leachate collection system, and a feed storage runoff and leachate collection and transfer tank on this site.

**Features**

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

The property is located within the A-1 Prime Agricultural zoning district;

The property is presently being used for agricultural use;

The physical features of this approximate 14.2+ acre lot include a rolling topography with slopes ranging from 0 to 12% . The parcel contains a working farm residence;

The general character of the surrounding land use consists of agricultural with scattered residences;

The property includes the following nonconforming structure / structures / use:

- Residence within hwy setback N10505 State Road 175, approximately 35' to ROW
- Detached garage within hwy setback, approximately 55' to ROW

On March 16, 2023 an application was submitted by the appellant with a request for a variance to the terms of the side and rear setback provisions of the Code. On March 23, 2023 a proposed narrative and site plan was presented by the appellant in order they be allowed for the construction of a runoff and leachate collection system, and a feed storage runoff and leachate collection and transfer tank on this site was reviewed and did not meet compliance of the Dodge County Land Use Code for the following reasons:

The manure storage structure 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 (Side Yard Setback) and 5.2.5 (Rear Yard Setback) 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. As proposed, the runoff and leachate collection system will be located approximately 25 feet from the side property line to the north and approximately 250 feet from the side property line to the south, and therefore is prohibited by the Code.

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

**Town Recommendation:**

Approve;

- Conditions:

Deny:

- 

No Recommendation

No response from Town – 30-days elapsed;

**Purpose Statement**

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



**Staff Advisory:**

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

The staff believes that the appellant is requesting an area variance to Section 5.2.4 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 ATCP 51 allows local municipalities to issue variances to the setback distances provided the variance standards listed in the Code can be met.

The staff points out that the location of the existing structures, feed bunkers, the existing land contours, and size of the lot limit the potential feasible locations for the new runoff and leachate collection systems. The proposed structures are positioned in a way to make the most efficient use of the land, minimize cost, and provide adequate capture of runoff and leachate.

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.

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

1. A County land use permit shall be obtained for the runoff and leachate collection systems prior to beginning construction on said projects.

**Dodge County Board of Adjustment Decision**

**County Variance Application No. 2023-0187**  
**County Land Use Permit Application No. NA**  
**Filing Date: March 15, 2023**  
**Hearing Date: April 20, 2023**

**Applicant (Agent):**

Dale H Christian  
N10523 State Road 175  
Lomira, WI 53048

**Owner:**

Same

**Location**

PIN#: 030-1317-2234-000  
Property Location: SE 1/4 of the SW 1/4, Section 22, T13N, R17E, Town of Lomira, Dodge County, Wisconsin  
Site Address: N10505 State Road 175

**Appellants Request**

On March 16th, 2023 an application for a variance request was submitted by the appellant with a request for a variance to the terms of the side yard and rear yard setback provisions of the Dodge County Land Use Code to allow for the construction of a calf hutch runoff and leachate collection system, and a feed storage runoff and leachate collection system and transfer tank on this site.

**CONCLUSIONS OF LAW**

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

**SIDE-YARD SETBACK**

**The appellants request to Subsection 5.2.4 of the Ordinance to allow a calf hutch runoff and leachate collection system, and a feed storage runoff and leachate collection system and transfer tank **within the side-yard setback lines is an "area" variance.****

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

**1) Is there a physical limitation that is unique to this property that prevents the appellant from locating a calf hutch runoff and leachate collection system, and a feed storage runoff and leachate collection system and transfer tank structure in compliance with the side-yard setback provisions of the code?**

(Yes / No)

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

2) Are the side-yard setback provisions of the Land Use Code unnecessarily burdensome in this case, thereby creating a hardship?

(Yes / No)

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

3) What hardship exists if the variance requests are denied?

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

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

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

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

(Yes/No)

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

6) Does the Board believe that the variance requests meets all of the criteria in Section 2.3.12(E) of the County Land Use Code in order to grant a variance in this case?

Section 2.3.12(E) 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)

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

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

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

**Vote**

Mark Othmer	<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
Russell Kottke	<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
Larry Bischoff (1 <sup>st</sup> Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Sharon Schumann (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)**

**REAR-YARD SETBACK**

**The appellants request to Subsection 5.2.5 of the Ordinance to allow a calf hutch runoff and leachate collection system, and a feed storage runoff and leachate collection system and transfer tank within the rear-yard setback lines is an "area" variance.**

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

**1) Is there a physical limitation that is unique to this property that prevents the appellant from locating a calf hutch runoff and leachate collection system, and a feed storage runoff and leachate collection system and transfer tank structure in compliance with the rear-yard setback provisions of the code?**

(Yes / No)

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

**2) Are the rear-yard setback provisions of the Land Use Code unnecessarily burdensome in this case, thereby creating a hardship?**

(Yes / No)

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

**3) What hardship exists if the variance requests are denied?**

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

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

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

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

(Yes/No)

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

6) Does the Board believe that the variance requests meets all of the criteria in Section 2.3.12(E) of the County Land Use Code in order to grant a variance in this case?

Section 2.3.12(E) 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 REAR-YARD SETBACK variance requested based upon the previously mentioned findings and conditions.

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

**Vote**

Mark Othmer	<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
Russell Kottke	<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
Larry Bischoff (1 <sup>st</sup> Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Sharon Schumann (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 requests as proposed;
- Granted the variance requests by the appellant subject to the conditions listed above;
- Denied the variance requests 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 East Oak Street · Juneau, WI 53039-1329  
PHONE: (920) 386-3700 · FAX: (920) 386-3979  
EMAIL: [landresources@co.dodge.wi.us](mailto:landresources@co.dodge.wi.us)

---

March 22, 2023

DALE H CHRISTIAN  
N10523 STATE ROAD 175  
LOMIRA WI 53048

RE: Determination of Application Completeness  
Variance Application: #2023-0187  
Property location: SE1/4 of SW1/4, Section 22, T13N, R17E, Township of Lomira, Dodge County, Wisconsin (N10505 State Road 175)

Dear DALE H CHRISTIAN;

The Dodge County Land Resources and Parks Department has received your Variance application to allow construction of (2) Fed Storage Runoff Leachate & Lot Runoff Transfer Tanks on this site. On March 22, 2023, the Department has determined that your Variance application is complete. This application will be forwarded to the Dodge County Board of Adjustment for review at a public hearing on Thursday, April 20, 2023 at 7:30 P.M. or shortly thereafter on the First Floor (Meeting Rooms 1H and 1I) of the Administration Building, Juneau, Wisconsin. You and other interested parties may appear in person or may be represented by an agent or attorney. If you or your agent can not attend the hearing, please contact the Land Resources and Parks Department to discuss your options.

**Please Note:** The Board of Adjustment members will be conducting an on-site visit on April 13, 2023 to review the site and the proposed construction project. Please make sure that the proposed construction project is staked out so that the Board can review your proposal. Your attendance during the on-site visit is not required.

If you have any questions regarding this matter, please feel free to contact our office.

Sincerely,

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



**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>230187</b>	<b>Issue Date:</b>
Application Date: <b>3-10-2023</b>	Receipt #: <b>CC</b>

## Variance Application

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

Names and Mailing Addresses	Property Description																		
Applicant (Agent) DALE CHRISTIAN	Parcel Identification Number (PIN) 03013172234000																		
Street Address N10523 STATE ROAD 175	Town LOMIRA																		
City • State • Zip Code LOMIRA, WI 53048	<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 12.5%;">SW</td> <td style="width: 12.5%;"><math>\frac{1}{4}</math></td> <td style="width: 12.5%;">SW</td> <td style="width: 12.5%;"><math>\frac{1}{4}</math></td> <td style="width: 12.5%;">Section</td> <td style="width: 12.5%;">T</td> <td style="width: 12.5%;">N</td> <td style="width: 12.5%;">R</td> <td style="width: 12.5%;">E</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>22</td> <td>13</td> <td></td> <td></td> <td>17</td> </tr> </table>	SW	$\frac{1}{4}$	SW	$\frac{1}{4}$	Section	T	N	R	E					22	13			17
SW	$\frac{1}{4}$	SW	$\frac{1}{4}$	Section	T	N	R	E											
				22	13			17											
Property Owner (If different from applicant)	Subdivision or CSM # CSM IN REVIEW (SEE ATTACHED)																		
Street Address	Site Address N10505 STATE ROAD 175																		
City • State • Zip Code	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																		
Present property use: AGRICULTURE - DAIRY 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 unnecessary hardship 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.

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.

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

SEE NARRATIVE.

### CERTIFICATE

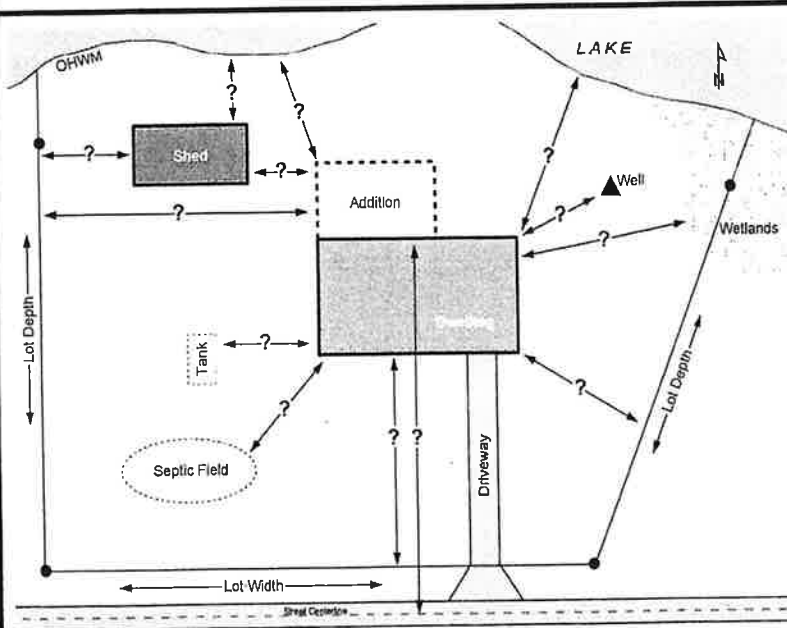
I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and 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: Dale Churston Date: 3/15/23

Daytime Contact Number (920) 517-1772

### SITE PLANS AND BUILDING PLANS

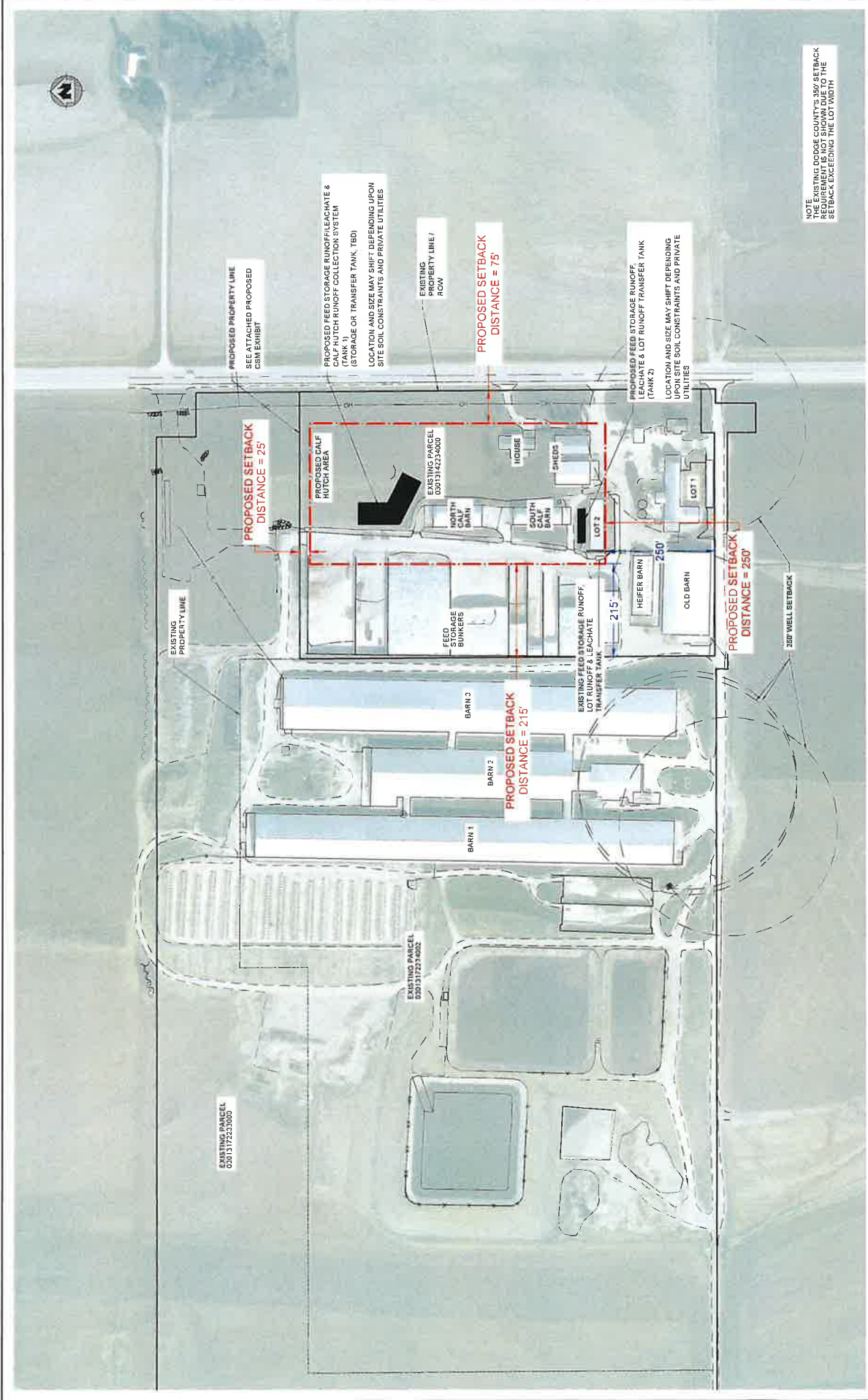
All applications must be accompanied by a site plan. Figure 1 below is an example of an acceptable plan.



- 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)



NOTE:  
THE EXISTING DODGE COUNTY'S 350' SETBACK  
REQUIREMENT IS NOT SHOWN DUE TO THE  
SETBACK EXCEEDING THE LOT WIDTH

PROPOSED PROPERTY LINE  
SEE ATTACHED PROPOSED  
GAIN EXHIBIT

PROPOSED SETBACK  
DISTANCE = 25'

PROPOSED FEED STORAGE RUNOFF/LEACHATE &  
CALF HUTCH RUNOFF COLLECTION SYSTEM  
(TANK 1)  
STORAGE OR TRANSFER TANK, TBD  
LOCATION AND SIZE MAY SHIFT DEPENDING UPON  
SITE SOIL CONSTRAINTS AND PRIVATE UTILITIES

EXISTING  
PROPERTY LINE/  
ROW

PROPOSED SETBACK  
DISTANCE = 75'

PROPOSED FEED STORAGE RUNOFF  
LEACHATE & LOT RUNOFF TRANSFER TANK  
(TANK 2)  
LOCATION AND SIZE MAY SHIFT DEPENDING  
UPON SITE SOIL CONSTRAINTS AND PRIVATE  
UTILITIES

PROPOSED SETBACK  
DISTANCE = 250'

250' WELL SETBACK

PROPOSED SETBACK  
DISTANCE = 215'

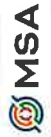
215'

250'

EXISTING PARCEL  
00013172233000

EXISTING PARCEL  
00013172233000

ENGINEERING / ARCHITECTURE / SURVEYING  
LANDSCAPE PLANNING / ENVIRONMENTAL  
171881 316-2771 www.msaeng.com



PROJECT DATE	DATE	BY
DESIGNED BY		
CHECKED BY		
DATE		
SCALE		
DATE		
BY		

DALE CHRISTIAN/CHRISTIAN HILL DAIRY, LLC  
TOWN OF LOMIRA, DODGE COUNTY, WI

PROPERTY LINE SETBACKS

R20846000  
CS100

## **Christian Hill Dairy, LLC Variance Application Narrative**

Dale Christian, an owner of Christian Hill Dairy, LLC, is requesting a variance to expand their current runoff and leachate collection systems by constructing collection tanks closer to the Right-of-Way and property line than the 350' setback requirement in the Dodge County Manure Storage Ordinance No. 794 and ATCP 51.12.2. The area in question is located on parcel number 03013172234000.

Christian Hill Dairy is currently working with MSA to plan out the project that this variance pertains to. Christian Hill Dairy has also been working with MSA to adjust ownership and lot lines to ensure planned buildings and facility structures will not cross property lines. As proposed, the existing parcel owned by Dale Christian will become Lot 3 and the northern property line will be at the north end of the feed storage bunkers. A CSM Exhibit is attached and is the exhibit that is in the review process with Dodge County and the Town of Lomira.

The first waste collection system (System 1), which collects runoff and leachate from the part of the feed storage as well as runoff from the calf hutch area, is proposed to be positioned not exceeding 25' from the north border, 75' from the east border (Right of Way), and 215' from the west border. The sizing and layout of the collection system is not finalized; however an example sizing is shown on the setback figure. The system may either be an in-ground vertical walled tank or an in-ground collection pit. The second collection/transfer tank (Tank 2), which collects runoff and leachate from the rest of the feed storage area, is proposed to be positioned not exceeding 75' from the east border (Right of Way), 250' from the south border (Right of Way), and 215' from the west border.

There is currently an existing tank that is 215' from the western property line and 250 feet from the southern property line. These two distances are proposed for the reduced setbacks, to the western and southern property lines, if we substantially have to alter the existing tank.

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

The existing east and west property lines are 610-ft apart; therefore, the 350' setback from said property lines overlap and leave no space for any form of waste storage structure. Waste storage or transfer structures are necessary to safely handle, transport, and manage waste generated on the farms to protect surface water, groundwater, and natural resources in the area.

The position of the proposed structures is heavily influenced by existing structures and cannot be constructed anywhere else. System 1 is constrained by the existing feed bunkers, site grades, and private utilities. Tank 2 is positioned in such a way that make the most efficient use of the land and minimize cost. Existing grades needed for gravity drainage require both systems to be positioned at the proposed locations. Placement in the minimal options elsewhere, would be very expensive, as the system will not be able to use gravity flow to the proposed collection and there are existing structures in the way.

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

The proposed collection systems are positioned in such a way to minimize the length and elevation difference, using the existing grade to its advantage. They are positioned near the source of the leachate/runoff which would also minimize any failures allowing the waste to be uncontained. Furthermore, the existing feed storage area is in close proximity to animal housing areas, crucial for operational efficiencies. Relocating this existing structure would incur an even greater cost. It also would be very costly to provide multiple pumps to collect the runoff and leachate to an area other than the existing topography's low points.

Tank 2 must also be placed where it is proposed, in order to be adjacent to the existing tank and to provide adequate capture of runoff and leachate. Just the existing tank alone in that location will not be effective in capturing the contaminated water with the proposed system.

**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 the proposed collection/transfer tanks would make it difficult if not impossible for the dairy to construct the proposed projects while increasing the costs of construction greatly. The structures are essentially positioned in the only place they can be placed, constrained by existing structures. As mentioned earlier, the 350' setback constraint would prohibit any structure or transfer from being constructed.

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

The proposed improvements are in the best interest of the public. Most importantly, the proposed systems will be constructed water-tight, preventing contaminated wastewater from leaving the site, as it will be transferred to the existing waste storage facilities. Furthermore, the proposed calf hutch area will collect all runoff, with the help of this collectionsystem. This is a major improvement to the existing calf hutch area which has minimal to no runoff collection. The structures will also reduce contaminated discharge and support the Land Use Code's intent to prevent adverse impact to sensitive natural areas.

It is also important to note that the proposed improvements are required to meet stricter compliance regulations with the Farm's WPDES permit. The permit will aid in directly benefiting the surrounding water quality and natural resources.

In regards to neighbors, with exception of the right-of-way, the adjacent properties surrounding Dale's property are owned by Christian Hill Dairy, LLC. The improvements will directly benefit the neighbors.



# 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](mailto:landresources@co.dodge.wi.us)

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March 23, 2023

Dale Christian  
N10523 State Rd 175  
Lomira, WI 53048

RE: Proposed Project- Notice of Denial  
PIN# 030-1317-2234-000

Location: SW ¼, SW ¼, Section 22, T13N, R17E, Town of Lomira, Dodge County, Wisconsin the site address being N10505 State Rd 175.

Dear Mr. Christian:

Your preliminary project memo submitted to our department in regards to construct collection tanks for runoff and leachate 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 Land Use Code states that the minimum setback for manure storage structures to the side property line shall be 350 feet. As proposed, the aforementioned project is to be located approximately 25 feet from the side property line to the north and approximately 250 feet from the side property line to the south, thus not in compliance with the Code.

Subsection 5.2.5 of the Land Use Code states that the minimum setback for manure storage structures to the rear property line shall be 350 feet. As proposed, the aforementioned project is to be located approximately 250 feet from the rear property line, thus not in compliance with the Code.

Therefore, the County would be unable to issue a permit for your proposed construction projects unless the construction is modified so as to comply with the code provisions mentioned above or unless a variance is granted to the side-yard and rear-yard standards of the code.

A variance request was filed on March 16, 2023 and has been forwarded to the Board of Adjustment for scheduling of an on-site inspection and a public hearing. If you have any questions, feel free to give me a call.

Sincerely,

Morgan Wisth  
Land Use /Sanitation Specialist  
Dodge County Land Resources & Parks



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**To:** Dodge County Land Resources and Parks Department  
**From:** Rusty Zimmerman, Engineer  
**Subject:** Christian Hill Dairy, LLC, Town of Lomira, Dodge County  
**Date:** March 23, 2023

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To Whom It May Concern,

Dale Christian, an owner of Christian Hill Dairy, LLC, is planning to expand their current runoff and leachate collection systems by constructing collection tanks closer to the Right-of-Way and property line than the 350' setback requirement in the Dodge County Manure Storage Ordinance No. 794 and ATCP 51.12.2. The project is located on parcel number 03013172234000.

Christian Hill Dairy is currently working with MSA to plan out this project. Christian Hill Dairy has also been working with MSA to adjust ownership and lot lines to ensure planned buildings and facility structures will not cross property lines. As proposed, the existing parcel owned by Dale Christian will become Lot 3 and the northern property line will be at the north end of the feed storage bunkers. A CSM Exhibit is attached and is the exhibit that is in the review process with Dodge County and the Town of Lomira.

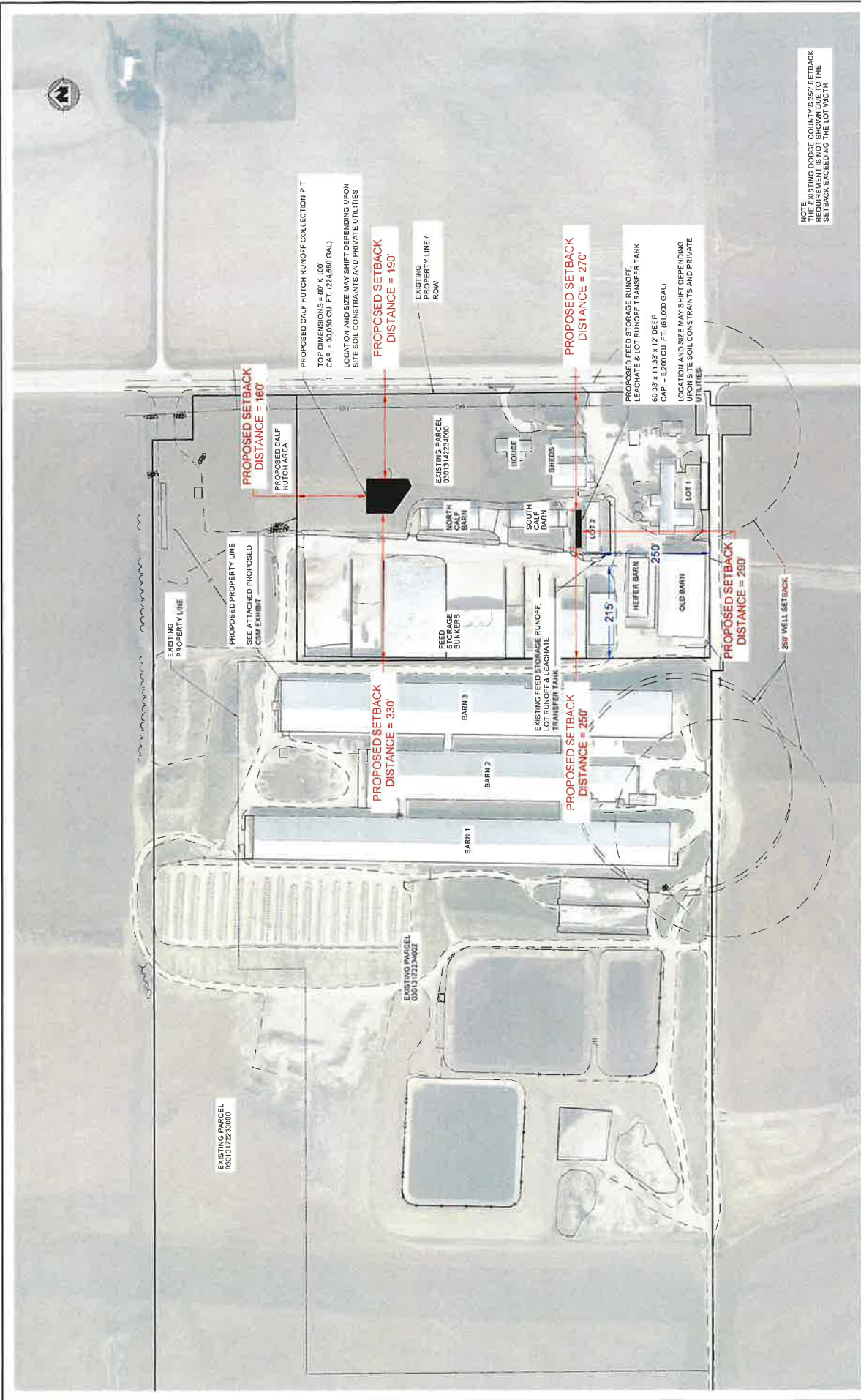
The calf hutch runoff collection system collects runoff from the calf hutch area. The runoff and manure will be collected in drain tiling under the calf hutches, and gravity fed to a small pit. Any surface runoff will either percolate into the drain tiling below or surface flow to the collection pit. This is proposed to be positioned 160' from the north border, 190' from the east border (Right of Way), and 330' from the west border. The collection pit will be an in-ground collection pit with top dimensions measuring approximately 80' by 100'. The pit can hold 30,050 cu. ft. (224,680 gallons) of waste. This pit will be pumped to the existing compliant waste storage facility. A runoff collection system is needed here because the calf hutch area houses calves which will produce manure. Rainwater can come in contact with this contaminant, and it will need to be contained and not allowed to enter any water source.

The feed storage runoff collection system consists of a collection of channels which diverts clean rainwater which does not come into contact with feed and collects any runoff or leachate that is contaminated. This then flows by gravity to a collection tank. The tank is proposed to be positioned 270' from the east border (Right of Way), 290' from the south border (Right of Way), and 250' from the west border. The collection tank will be an in-ground vertical walled tank and is estimated to be approximately 11.33' by 60.33' by 12' deep and to hold 61,000 gallons of waste. This tank will use a nearby existing smaller tank to compensate for the needed capacity, both of which will also be pumped to the existing compliant waste storage facility. Leachate is the high nutrient and acidic secretion from fermented forages. This contaminant can reduce the water quality if it enters the water supply. It needs to be collected to minimize any environmental risk.

Because this farm is a CAFO, facilities must fall in accordance with NR 243, and the systems are designed to minimize environmental risk. Any contaminated wastewater (including the runoff and precipitation from a 25-year, 24-hour applicable rainfall event), must be collected. These systems are designed and sized to be compliant with this requirement.

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1230 SOUTH BOULEVARD, BARABOO, WI 53913  
P (608) 356-2771 • TF (800) 362-4505 • F (608) 356-2770  
WWW.MSA-PS.COM



NOTE: THE EXISTING DOUGLASS COUNTY'S 350' SETBACK DISTANCE TO THE NEIGHBORING PROPERTY SETBACK EXCEEDS THE LOT WIDTH.

PROPOSED CALF HUTCH RUNOFF COLLECTION PIT  
TOP DIMENSIONS = 80' X 100'  
CAP = 30,050 CU FT (24,650 GAL)  
LOCATION AND SIZE MAY SHIFT DEPENDING UPON  
SITE SOIL CONSTRAINTS AND PRIVATE UTILITIES

PROPOSED SETBACK  
DISTANCE = 180'

PROPOSED SETBACK  
DISTANCE = 190'

PROPOSED SETBACK  
DISTANCE = 270'

PROPOSED FEED STORAGE RUNOFF  
LEACHATE & LOT RUNOFF TRANSFER TANK  
60.58' X 11.33' X 12' DEEP  
CAP = 8,200 CU FT (68,000 GAL)  
LOCATION AND SIZE MAY SHIFT DEPENDING  
UPON THE SOIL CONSTRAINTS AND PRIVATE  
UTILITIES

PROPOSED SETBACK  
DISTANCE = 330'

PROPOSED SETBACK  
DISTANCE = 250'

PROPOSED SETBACK  
DISTANCE = 290'

EXISTING PARCEL  
0001317233000

EXISTING PARCEL  
0001317223002

EXISTING PROPERTY LINE  
SEE ATTACHED PROPOSED  
CMA EXHIBIT

EXISTING PARCEL  
0301314223000

MSA CONSULTING & ARCHITECTURAL ENGINEERING  
17325 South Riverdale, #404-040-1432  
P.O. Box 102, 71711  
www.msa-wa.com

DALE CHRISTIANCHRISTIAN HILL DAIRY, LLC  
TOWN OF LOWIRA, DOUGLASS COUNTY, WI

PROJECT NO: R20B46000  
DATE: 08/20/2023  
SCALE: CS100

PROPERTY LINE SETBACKS

PROJECT NAME: 17325 SOUTH RIVERDALE...  
DRAWN BY: ...  
CHECKED BY: ...  
DATE: ...  
SCALE: ...

# Dale & Maryanne Christian

## Town of Lomira, Sec. 22

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.

