



**AGENDA AND PUBLIC HEARING NOTICE**

1. Call to order and Roll Call
2. Approval of Minutes from October 19, 2022
3. Appointment of a secretary for the Board of Zoning Appeals.
4. **Public Hearing**
  - a. Appeal of John Meyers to grant a variance from the required setbacks for a structure in the B-H General Highway Business zoning district pursuant to sec. 17.18(2) of the Zoning Code to allow the installation of 2 Commercial Mini Storage buildings with a 15 foot setback from the rear lot line on the property located at 313 County Rd YZ (parcel # 216-1302) legally described as Lot 2, CSM 1609-11CS-216.
  - b. Appeal of Susan Bay to grant an after the fact variance from the required setbacks pursuant to sec. 17.19(3) of the Zoning Code to allow a setback of 25 feet (an exact measurement will be known once a surveyor establishes the property line prior to the meeting date) for a roof that has been built over an existing deck. The property is located at 602 N Main St. (parcel # 216-0605) legally described as PT OF LOTS 36, 37, 38, 39 & 40 MADDIN'S ADDITION.

All interested persons will be heard.

5. **New Business**
  - a. Consideration and possible action on appeal of John Meyers to grant a variance from the required setbacks for a structure in the B-H General Highway Business zoning district pursuant to sec. 17.18(2) of the Zoning Code to allow the installation of 2 Commercial Mini Storage buildings with a 15 foot setback from the rear lot line on the property located at 313 County Rd YZ (parcel # 216-1302) legally described as Lot 2, CSM 1609-11CS-216.
  - b. Consideration and possible action on appeal of Susan Bay to grant a variance from the required setbacks for a roof over existing deck in the M-L zoning district pursuant to sec. 17.19(3) of the Zoning Code to allow a setback of approximately 25 feet. The property is located at 602 N Main St. (parcel # 216-0605) legally described as PT OF LOTS 36, 37, 38, 39 & 40 MADDIN'S ADDITION.

*Dodgeville City Hall – 100 E Fountain St- Dodgeville, WI 53533*

[www.cityofdodgeville.com](http://www.cityofdodgeville.com)



**PUBLIC NOTICE**  
**Board of Zoning Appeals Meeting**  
**Wednesday, December 14, 2022 @ 5:00 PM**  
**City Hall Council Chambers**

6. Adjourn and next meeting date.

*Dated: December 1, 2022*  
*Posted: City Hall*  
*Iowa County Courthouse*  
*Chamber of Commerce*  
*City Website*

## MINUTES

### 1. **Call to order and Roll Call**

The meeting was called to order by Chair Reimann at 5:02 pm

Present: Reimann, Chitwood, Schroeder

Not Present: Leuke

Others Present: Gilles – Building Inspector, Aulik – Clerk/Treasurer

### 2. **Approval of Minutes from October 5, 2022**

Motion by Chitwood, second by Reimann to approve the minutes from Oct 5, 2022. Voice vote.

Motion carried 3-0.

### 3. **Appointment of a secretary for the Board of Zoning Appeals.**

Motion by Reimann, second by Schroeder to table this item. Voice vote. Motion carried 3-0.

### 4. **Old Business** - Action on appeal of John Meyers to grant a variance from the required setbacks for a structure in the B-H General Highway Business zoning district pursuant to sec. 17.18(2) of the Zoning Code to allow the installation of 2 Commercial Mini Storage buildings with a 15 foot setback from the rear lot line on the property located at 313 County Rd YZ (parcel # 216-1302) legally described as Lot 2, CSM 1609-11CS-216.

This item was discussed at the prior BOA and the criteria of “unnecessary hardship” was not met which would deny the request. This item is being brought back to more formerly vote on the item that was denied at the October 5, 2022 meeting.

John Meyers of Barneveld was present to discuss why he felt the BOA should reconsider the “unnecessary hardship” criteria and how he felt the Board changed rules in the middle of his variance request process. Meyer’s provided a document to the board addressing his concerns (attached).

Reimann stated that the decision made at the last meeting was not being relitigated, as several BOA members no longer served on the committee, but this item was on the agenda to make a more formal vote.

Motion by Reimann that based on criteria on the Oct 5 meeting to deny the request. Chitwood express concerns about reconsidering the prior vote. No second. Motion died.

Motion by Chitwood to reconsider the variance appeal of John Meyers to the next meeting for public comment, second by Schroeder. Voice vote. Motion carried 3-0. The next meeting will be tentatively set for November 9, 2022.

5. **Public Hearing** – Appeal of Kyle Skogen to grant a variance from the required setbacks and the maximum size of garage space, for a detached garage that he has placed in the R-1 zoning district pursuant to sec. 17.13(3) of the Zoning Code to allow a setback of 4 feet and total garage space of 912 sq. ft. The property is located at 506 Bennett Rd (parcel # 216-1124.03) legally described as LOT 3 CSM 576 REC IN V 3 CSM P 225 BEING PT OF THE SE1/4 OF SE1/4

Ruth Baker spoke that vehicle safety was a consideration due to high traffic in the neighborhood. Sheryl Brokopp, who is an adjoining property owner, stated the applicants were good neighbors and kept their property in a good condition. The adjoining property is a SWCAP sober living facility.

The issue with the property is that the garage structure is 1 ft too close to the lot line and 12 square ft too much per Zoning requirements. Reimann commented that due to the sober living home next door, this does give this property a more unique condition.

Motion by Reimann to close the public hearing, second by Chitwood. Voice vote. Motion carried 3-0.

6. **New Business** - Consideration and possible action on appeal of Kyle Skogen to grant a variance from the required setbacks for a detached garage in the R-1 zoning district pursuant to sec. 17.13(3) of the Zoning Code to allow a setback of 4 feet and total garage space of 912 sq. ft. The property is located at 506 Bennett Rd (parcel # 216-1124.03) legally described as LOT 3 CSM 576 REC IN V 3 CSM P 225 BEING PT OF THE SE1/4 OF SE1/4

Motion by Reimann to approve the variance due to: finding unnecessary hardship because of the location being next to the sober living house and being on a dead end; a unique property condition due to the dead end and being next to the sober living house which has increased risk of theft of movable property; and no harm to the public interest due to the neighbor who shares the lot line who support the variance request and because the variance allows property to be stored inside. Second by Chitwood. Voice vote. Motion carried 3-0.

7. **Adjourn and next meeting date.**

Motion by Schroeder, Second by Chitwood. Voice vote. Motion carried 3-0.

To adjourn the meeting. Voice vote. Motion carried 3-0.

Time: 6:10 PM

Next Meeting Date: Tentative November 9, 2022 at 5 PM





**CITY OF DODGEVILLE**

100 E. Fountain St.  
Dodgeville, WI 53533  
[www.dodgevillewi.gov](http://www.dodgevillewi.gov)

December 5, 2022

John Meyers  
3110 County Rd K  
Barneveld, WI 53507

Mr. Meyers,

Attached is the Agenda for the upcoming Board of Zoning Appeals meeting in regards to your request for a variance to the setback requirements at your property at 313 County Rd YZ.

You, or someone representing you, must appear at the meeting.

If you have any questions feel free to contact me at 608-935-9326 or email listed below.

Sincerely,

*Larry Gilles*

Larry Gilles, Building Inspector  
City of Dodgeville



**CITY OF DODGEVILLE**

100 E. Fountain St.  
Dodgeville, WI 53533  
[www.dodgevillewi.gov](http://www.dodgevillewi.gov)

September 22, 2022

John Meyers  
3110 County Rd K  
Barneveld, WI 53507

Mr. Meyers,

The permit applications submitted 9/22/2022 for the construction of 2 mini storage buildings at 313 Cty Road YZ (parcel # 216-1302) have been denied for the following reasons.

The proposed buildings are not the required minimum of 25 feet from the rear lot line as required in the B-H zoned area per sec. 17.18 (2) of City of Dodgeville zoning code.

If you have any questions feel free to contact me at 608-935-9326 or email listed below.

Sincerely,

*Larry Gilles*

Larry Gilles, Building Inspector  
City of Dodgeville

**Property owners within 100 feet of parcel 216-1302**

<b>Owner</b>	<b>Parcel #</b>	<b>Parcel address</b>	<b>Owner address</b>
State of Wisconsin	216-1504	not assigned	PO Box 7921
State of Wisconsin	216-1502	not assigned	PO Box 7921
Iowa county Humane Society	216-1300	305 Cty Rd YZ	305 Cty Rd YZ
Oshcon Corporation	216-1333	313 Brown St.	PO Box 28606
Oshcon Corporation	216-1333.01	313 Brown St.	PO Box 28606
Store N Stuff	216-1320	not assigned	912 Log Town Rd
Store N Stuff	216-1319	not assigned	912 Log Town Rd
Store N Stuff	216-1318	401 Cty Rd YZ	912 Log Town Rd
Store N Stuff	216-1314	401 Cty Rd YZ	912 Log Town Rd

**City St Zip**

Madison, WI 53707

Madison, WI 53707

Dodgeville, WI 53533

Atlanta, GA 30358

Atlanta, GA 30358

Mineral Point, WI 53565

Mineral Point, WI 53565

Mineral Point, WI 53565

Mineral Point, WI 53565



**CITY OF DODGEVILLE**

100 E. Fountain St.  
Dodgeville, WI 53533  
[www.dodgevillewi.gov](http://www.dodgevillewi.gov)

December 5, 2022

State of Wisconsin  
PO Box 7921  
Madison, WI 53707

State of Wisconsin,

You are receiving this notification of a Board of Appeals hearing that will take place Wednesday, December 14th at 5 p.m. at City Hall in the council chambers because you own a neighboring property to the applicant John Meyers.

You were notified of his application in a prior letter also and it hasn't been decided yet. Mr. Meyers is requesting a variance of 10 feet from the rear lot line in order to build 2 commercial mini storage buildings within 15' of the rear lot line in a B-H zoned property at 313 County Rd YZ, Dodgeville, WI.

The minimum required setback to the rear lot line in B-H zoning is 25 feet.

Enclosed with this letter is the agenda for the Meeting.

You are welcome to attend and voice any opinion if you choose.

If you have any questions feel free to contact me at 608-935-9326 or email listed below.

Sincerely,

*Larry Gilles*

Larry Gilles, Building Inspector  
City of Dodgeville  
[buildinginspector@dodgevillewi.gov](mailto:buildinginspector@dodgevillewi.gov)



**CITY OF DODGEVILLE**

100 E. Fountain St.  
Dodgeville, WI 53533  
[www.dodgevillewi.gov](http://www.dodgevillewi.gov)

December 5, 2022

Iowa county Humane Society  
305 Cty Rd YZ  
Dodgeville, WI 53533

Iowa county Humane Society,

You are receiving this notification of a Board of Appeals hearing that will take place Wednesday, December 14th at 5 p.m. at City Hall in the council chambers because you own a neighboring property to the applicant John Meyers.

You were notified of his application in a prior letter also and it hasn't been decided yet Mr. Meyers is requesting a variance of 10 feet from the rear lot line in order to build 2 commercial mini storage buildings within 15' of the rear lot line in a B-H zoned property at 313 County Rd YZ, Dodgeville, WI.

The minimum required setback to the rear lot line in B-H zoning is 25 feet.

Enclosed with this letter is the agenda for the Meeting.

You are welcome to attend and voice any opinion if you choose.

If you have any questions feel free to contact me at 608-935-9326 or email listed below.

Sincerely,

*Larry Gilles*

Larry Gilles, Building Inspector  
City of Dodgeville  
[buildinginspector@dodgevillewi.gov](mailto:buildinginspector@dodgevillewi.gov)



**CITY OF DODGEVILLE**

100 E. Fountain St.  
Dodgeville, WI 53533  
[www.dodgevillewi.gov](http://www.dodgevillewi.gov)

December 5, 2022

Oshcon Corporation  
PO Box 28606  
Atlanta, GA 30358

Oshcon Corporation,

You are receiving this notification of a Board of Appeals hearing that will take place Wednesday, December 14th at 5 p.m. at City Hall in the council chambers because you own a neighboring property to the applicant John Meyers.

You were notified of his application in a prior letter also and it hasn't been decided yet. Mr. Meyers is requesting a variance of 10 feet from the rear lot line in order to build 2 commercial mini storage buildings within 15' of the rear lot line in a B-H zoned property at 313 County Rd YZ, Dodgeville, WI.

The minimum required setback to the rear lot line in B-H zoning is 25 feet.

Enclosed with this letter is the agenda for the Meeting.

You are welcome to attend and voice any opinion if you choose.

If you have any questions feel free to contact me at 608-935-9326 or email listed below.

Sincerely,

*Larry Gilles*

Larry Gilles, Building Inspector  
City of Dodgeville  
[buildinginspector@dodgevillewi.gov](mailto:buildinginspector@dodgevillewi.gov)





**CITY OF DODGEVILLE**

100 E. Fountain St.  
Dodgeville, WI 53533  
[www.dodgevillewi.gov](http://www.dodgevillewi.gov)

December 5, 2022

Store N Stuff  
912 Log Town Rd  
Mineral Point, WI 53565

Store N Stuff,

You are receiving this notification of a Board of Appeals hearing that will take place Wednesday, December 14th at 5 p.m. at City Hall in the council chambers because you own a neighboring property to the applicant John Meyers.

You were notified of his application in a prior letter also and it hasn't been decided yet. Mr. Meyers is requesting a variance of 10 feet from the rear lot line in order to build 2 commercial mini storage buildings within 15' of the rear lot line in a B-H zoned property at 313 County Rd YZ, Dodgeville, WI.

The minimum required setback to the rear lot line in B-H zoning is 25 feet.

Enclosed with this letter is the agenda for the Meeting.

You are welcome to attend and voice any opinion if you choose.

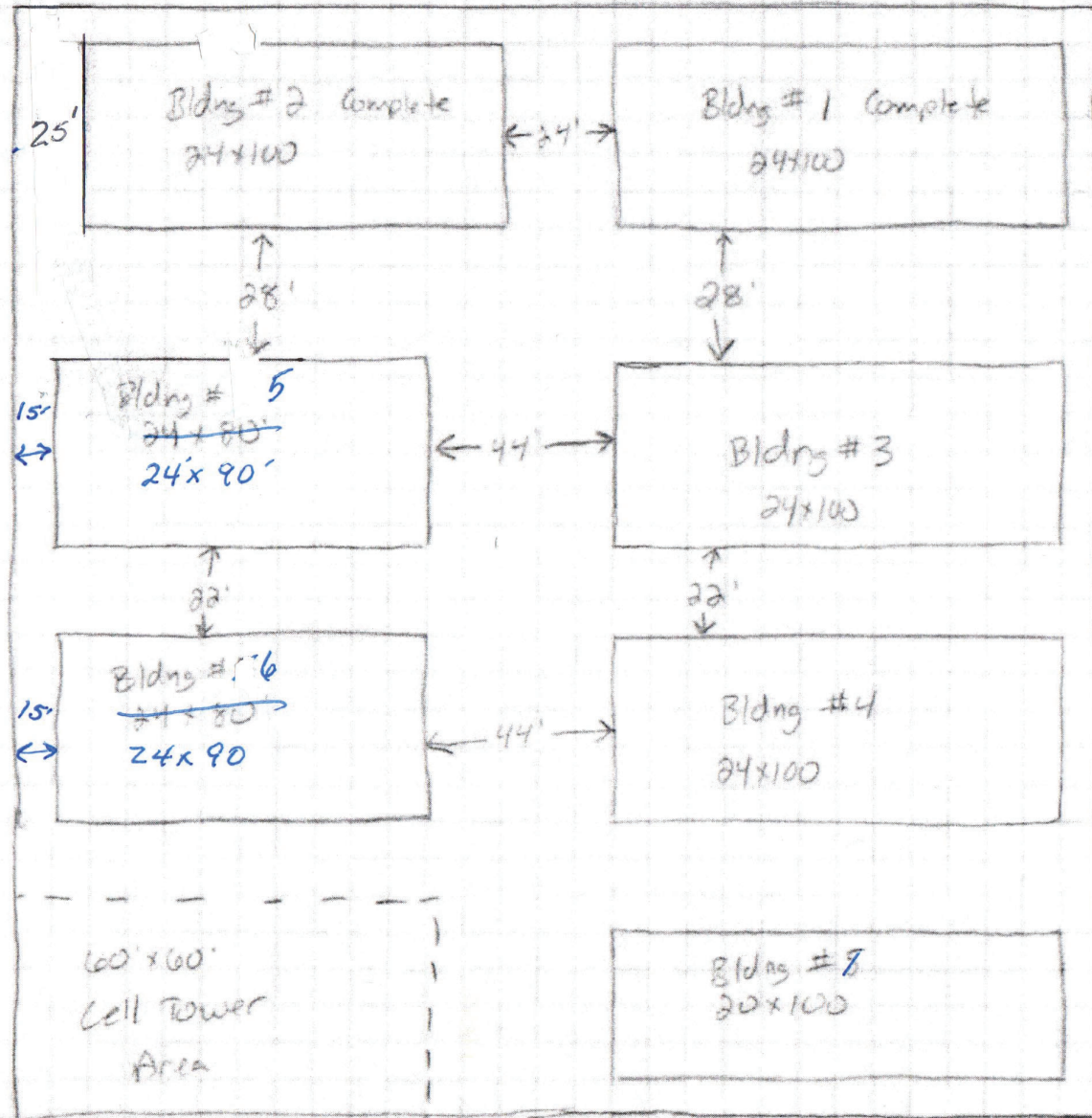
If you have any questions feel free to contact me at 608-935-9326 or email listed below.

Sincerely,

*Larry Gilles*

Larry Gilles, Building Inspector  
City of Dodgeville  
[buildinginspector@dodgevillewi.gov](mailto:buildinginspector@dodgevillewi.gov)

Not to Scale



CH 42  
→

Star Mar Storage  
Building Layout  
4/19/22

Detention Pond Area



**PUBLIC NOTICE**  
**Board of Zoning Appeals Meeting**  
**Wednesday, October 5, 2022 @ 5:00 PM**  
**City Hall Council Chambers**

**AGENDA AND PUBLIC HEARING NOTICE**

1. Call to order and Roll Call
2. Approval of Minutes from September 26, 2022
3. **Public hearing** – Appeal of John Meyers from the denial of a building and zoning permit by the Building Inspector per zoning code 17.18(2) to build 2 Commercial Mini Storage buildings at 313 County Rd YZ (parcel # 216-1302) legally described as Lot 2, CSM 1609-11CS-216.  
Mr. Meyers is requesting a variance of 10 feet in the distance to the rear lot line of the property in order to build within 15 feet of the rear lot line. 25 feet is the required minimum in the B-H zoned areas per the ordinance.

All interested persons will be heard.

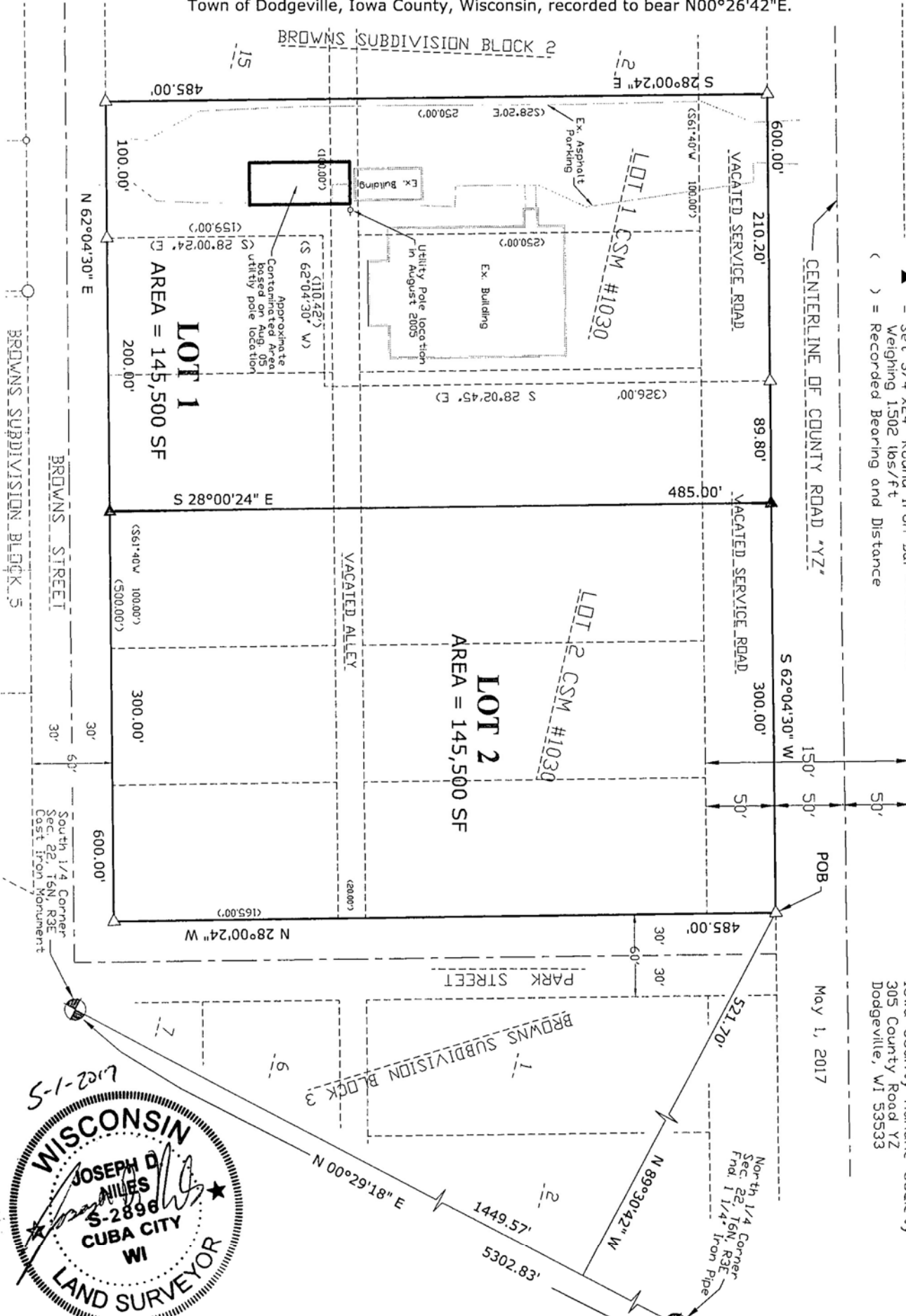
4. Adjourn & Next Meeting Date

*Dated: September 27, 2022*  
*Posted: City Hall*  
*Iowa County Courthouse*  
*Chamber of Commerce City*  
*Website*

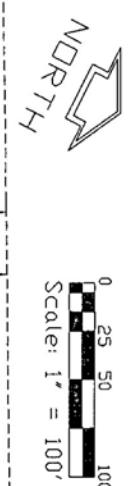
# CERTIFIED SURVEY MAP 1609

Located in Lots 1 and 2 of CSM #1030 recorded in Vol. 7 of CSM's on Page 156 at the Iowa County Register of Deeds Office and being part of the SE 1/4 and NE 1/4 of the SW 1/4 of Section 22. T6N, R3E, City of Dodgeville, Iowa County, Wisconsin.

Bearings are referenced to the West line of the Southeast 1/4 of Section 19, T6N, R4E, Town of Dodgeville, Iowa County, Wisconsin, recorded to bear N00°26'42"E.



- LEGEND:**
- = Found 2" Round Iron Pipe
  - = Found 1" Round Iron Pipe
  - △ = Found 3/4" Round Iron Bar
  - ▲ = Set 3/4"x24" Round Iron Bar Weighing 1502 lbs/ft
  - ( ) = Recorded Bearing and Distance



Prepared for:  
Iowa County Humane Society  
305 County Road YZ  
Dodgeville, WI 53533



# CERTIFIED SURVEY MAP 1609

Located in Lots 1 and 2 of CSM #1030 recorded in Vol. 7 of CSM's on Page 156 at the Iowa County Register of Deeds Office and being part of the SE 1/4 and NE 1/4 of the SW 1/4 of Section 22. T6N, R3E, City of Dodgeville, Iowa County, Wisconsin.

## PARCEL DESCRIPTION:

Located in Lots 1 and 2 of CSM #1030 recorded in Vol. 7 of CSM's on page 156 of the Iowa County Register of Deeds and being part of the SE 1/4 and NE 1/4 of the SW 1/4 of Section 22, Town 6 North, Range 3 East, City of Dodgeville, Iowa County, Wisconsin, described as follows:

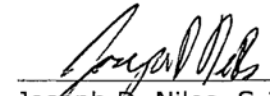
Commencing at the South 1/4 Corner of the said Section 22; thence N 00°29'18" E, 1449.57' along the East line of the SW 1/4 of said Section 22; thence N 89°30'42" W, 521.70' to a point on the South line of County Road "YZ" and the Point of Beginning; thence S 62°04'30" W, 600.00'; thence S 28°00'24" E, 485.00' to the SW corner of Lot 14 of Block 2 of Browns Subdivision; thence N 62°04'30" E, 600.00' to the Southeast corner of Lot 9 of Block 2 Browns Subdivision; thence N 28°00'24" W, 485.00' along the Westerly R.O.W. line of Park Street to the Point of Beginning.

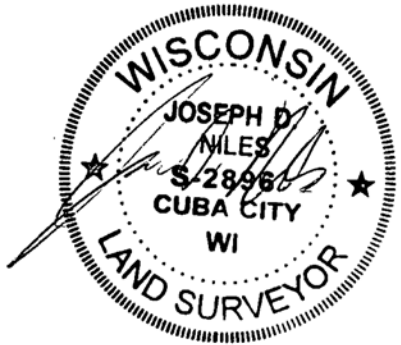
Said parcel contains 291,000 Sq. Ft. or 6.68 acres more or less and is subject to any and all easements and right-of-ways of record.

## SURVEYOR'S CERTIFICATE:

I, Joseph D. Niles, Wisconsin Professional Land Surveyor, S-2896, do hereby certify that this survey is in full compliance with Section 236.34 of the Wisconsin Statutes. Under the direction of the owners and their representatives, I have surveyed, divided and mapped the above described land and that this map is a correctly dimensioned representation thereof in accordance to the information provided. I further certify that this survey is correct to the best of my knowledge and belief.

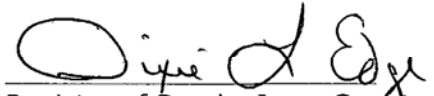
Dated this 15<sup>th</sup> day of May, 2017.

  
Joseph D. Niles, S-2896  
Professional Land Surveyor

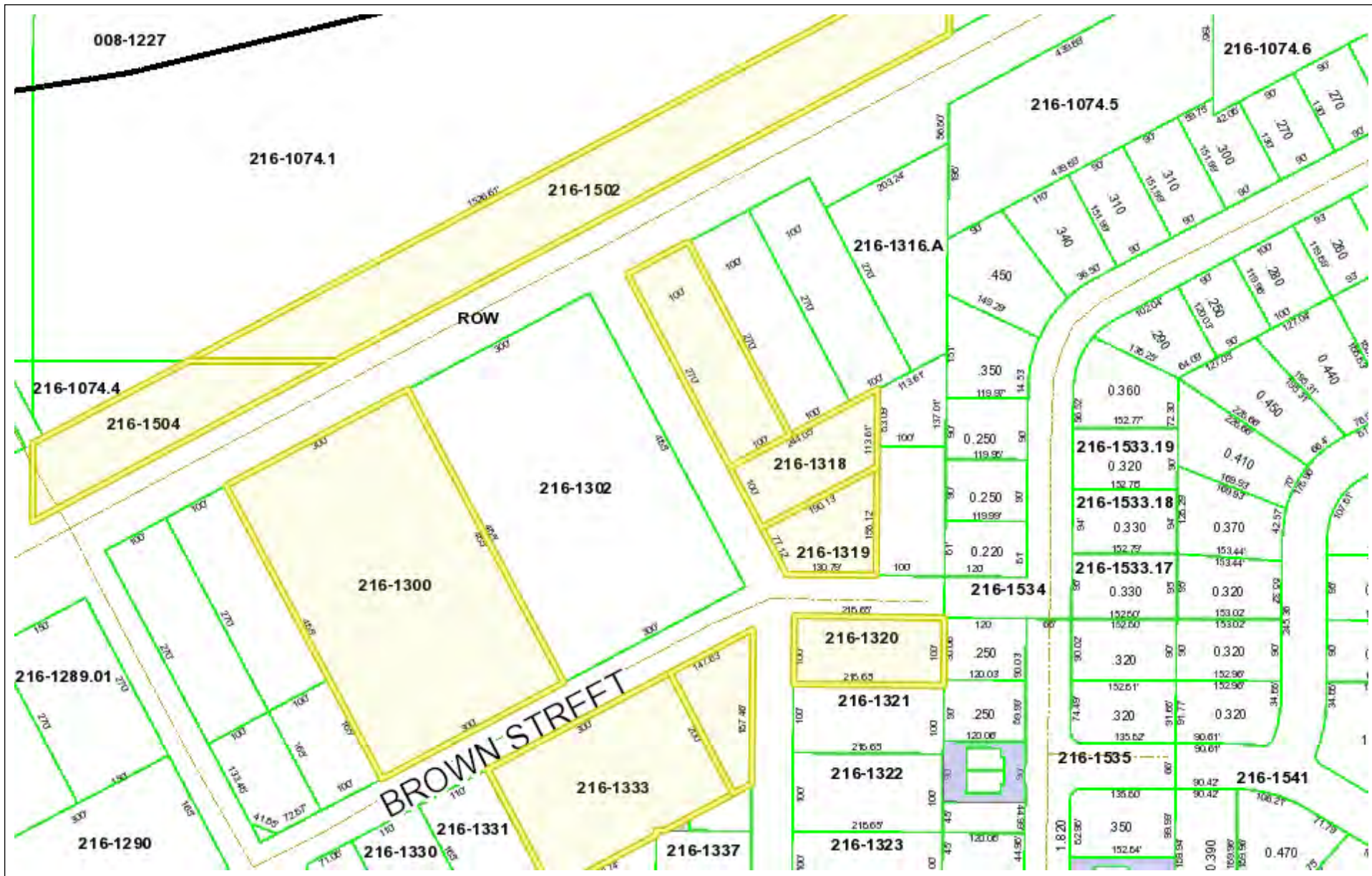


## REGISTER OF DEEDS CERTIFICATE:

Received for recording this 11<sup>th</sup> day of May, 2017, At 1:40 o'clock, P.m. and recorded in Volume 11 of Certified Survey Maps on Pages 216-217 as Document Number 351798.

  
Register of Deeds, Iowa County  
Dixie L. Edge





SW WI GIS

DISCLAIMER: No guarantee in the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1" = 200'



Print Date: 9/22/2022



**CITY OF DODGEVILLE**

100 E. Fountain St.  
Dodgeville, WI 53533  
[www.dodgevillewi.gov](http://www.dodgevillewi.gov)

September 22, 2022

John Meyers  
3110 County Rd K  
Barneveld, WI 53507

Mr. Meyers,

The permit applications submitted 9/22/2022 for the construction of 2 mini storage buildings at 313 Cty Road YZ (parcel # 216-1302) have been denied for the following reasons.

The proposed buildings are not the required minimum of 25 feet from the rear lot line as required in the B-H zoned area per sec. 17.18 (2) of City of Dodgeville zoning code.

If you have any questions feel free to contact me at 608-935-9326 or email listed below.

Sincerely,

*Larry Gilles*

Larry Gilles, Building Inspector  
City of Dodgeville





**CITY OF DODGEVILLE**

100 E. Fountain St.  
Dodgeville, WI 53533  
[www.dodgevillewi.gov](http://www.dodgevillewi.gov)

September 27, 2022

WRPM Investments LLC  
80 W Dewey St.  
Platteville, WI 53818

Owners,

During routine inspections in the City , I noticed that a new roof has been built over an area with a stairway and ramp on the west side of the building at your property at 602 N Main St (parcel # 216-0605)

In researching issued permits, I don't see that a permit has been applied for or issued for this project.

Also, your property there is zoned M-L which has a minimum road setback of 50 feet. Per Sec 17.07 (39), uncovered steps and ramps are excluded from the setback requirements. Once a roof covers the ramp or stairway, then the setback requirements need to be met.

You will need to remove the roof that has been built there or apply for a variance to the setback requirements of sec 17.19(3).

If granted a variance to have the roof there, you are required to apply for a City Building permit and the construction must meet the State Building code, which at present it likely does not. State approval of your plans may be required as determined by the local State Inspector Thomas Steiner, who has been notified of the project.

Please let me know how you intend to proceed.

If no action is taken, You are in violation of the City of Dodgeville Building Code. Your failure to obtain a permit will result in a fine of \$20 to \$100 per day for each day you are in violation of the building Code going back to the date of this notice.

If you have any questions feel free to contact me at 608-935-9326 or email listed below.

Sincerely,

*Larry Gilles*

Larry Gilles, Building Inspector



QUES

600





QUES







ANTIQUES





ANTIQUES



## *Variance Application*

A variance is a relaxation of a standard in a land use ordinance. Variances are decided by the zoning board of adjustment/appeals. The zoning board is a quasi-judicial body because it functions almost like a court. The board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws, court decisions and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

### **Process**

At the time of application you will be asked to:

1. **Complete an application** form and submit a \$300 fee;
2. **Provide detailed plans** describing your lot and project (location, dimensions and materials);
3. **Provide a written statement** of verifiable facts showing that your project meets the legal criteria for a variance (Three Step Test in Part 2); and
4. **Stake out lot corners or lines**, the proposed building footprint and all other features of your property related to your request so that the zoning board may inspect the site.

Following these steps, the Zoning Administrator will publish notice of your request for a variance in the county's official newspaper noting the location and time of the required public hearing before the zoning board. The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the zoning board to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of hearing. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and must then deny your application.



# Variance Application

## City of Dodgeville Zoning Board of Appeals

### Part 1: General information and alternatives analysis

To be completed jointly by the applicant and zoning staff.

Petition # \_\_\_\_\_ Date filed 11/30/2022 \$ 300 fee paid (payable to City of Dodgeville)

	Owner/agent	Contractor
Name	Sue & Gary Bay (WPRM Investments)	
Address	80 W Dewey St Platteville, WI 53818-0000	
Phone	608 778 5406	
Email	whiterose@mhtc.com	

Legal description: NW 1/4, SW 1/4, S 27, T 6 N, R 3 E

City/Village/Town of Dodgeville

Address 602 Main St Tax parcel number 0605

Lot area & dimensions: ~16,300 sq. ft.,          x          ft.

Zoning district M-L Limited Industrial

#### Current use & improvements:

Square footage calculation:  $\sim 16,300 \text{ sq ft} = ((a + b) / 2) h: ((80.42' + 164.98') / 2) 132.85'$   
Maps attached; Current use: The Bay's installed a roof over steps at the doorway/entrance to the property (a business, The White Rose Annex Antique Shop).

#### Description of any prior petition for appeal, variance or conditional use:

N/a

#### Description and location of all nonconforming structures & uses on the property:

Per the letter to WRPM Investments, LLC from Mr. Larry Gilles, Building Inspector, City of Dodgeville, dated September 27, 2022, Mr. Gilles notified the Bay's that a "new roof has been built over an area with a stairway and ramp on the west of the building," in violation of Sections 17.19(3) & 17.07(39)

#### Ordinance standard from which variance is being sought (section number and text):

Entire Chapter 17 attached to this application; Section 17.07(39), Defines Setback; Section 17.19(3), Lot, Yard and Building requirements applying to ML Limited Industrial Districts: ..."Front setback...minimum 50 ft."

#### Describe the variance requested:

The Bays respectfully request a variance that would allow the current roof, that is in violation of Sections 17.07(39) and 17.19(3), to be exempt from the 50 feet setback requirement. The roof in place was constructed to cover stairs and an entryway for customers who patronize the White Rose. The purpose of the variance is (1) Public health, safety and welfare; (2) Achievement of eventual compliance for nonconforming uses, structures and lo; and (3) the following public interests: The White Rose is an asset to Dodgeville and the greater community. Community members from all backgrounds come together over a shared history. Antiques and art inherently have stories: These stories unite community members in shared values and meaningful connections, often that have spanned generations. These stories promote Dodgeville.

Type of variance requested:

**use variance** – Use variances are not granted.

**area variance** – provides an increment of relief (normally small) from a physical dimensional restriction such as a building height or setback.

↓  
We believe this to be a 26'  
variance request. We will hire  
a surveyor for an exact measurement  
and provide the  
report to the  
Board.



Describe the effects on the property if the variance is not granted:

If the variance is not granted, White Rose patrons would not have a covered landing area that is protected from the weather. The roof over the entry allows for efficient and effective egress for community members coming and going from the shop. It extends a comfortable and safe space where community members can shake off snow and rain. Patrons use the space as a staging area for purchased items or items coming in for evaluation by the White Rose. This helps maintain the integrity of the historical pieces the White Rose cares for and shares with the community.

These benefits would create an inconvenience for the general public who access the shop. Their items are more likely to be compromised by weather. Individuals with limited mobility will spend an extended time in inclement weather. These may seem like minor inconveniences; however, if a key part of our community lacks protect access, they're much less likely to access the shop.

Alternatives

Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below.

- a. Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

An alternative to the proposal is to remove the roof. For the reasons above, the Bay's respectfully request that the Board grant the variance application.

- b. Alternatives you considered that require a lesser variance and reasons you rejected them. If you reject such alternatives, provide the reasons you rejected them.

An alternative to the proposal is to remove the roof. For the reasons above, the Bay's respectfully request that the Board grant the variance application.

**Part 2: Three-Step Test**

To qualify for a variance, the applicant must demonstrate that their property meets the following three requirements.

1) Unique property limitations *(To be completed by the applicant)*

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

Do unique physical characteristics of your property prevent compliance with the ordinance?

Yes. Where are they located on your property? Please show the boundaries of these features on the site map that you used to describe alternatives you considered.

No. A variance cannot be granted.

2) No Harm to Public Interests *(To be completed by zoning staff)*

A variance may not be granted which results in harm to public interests. In applying this test, the zoning board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public. These interests are listed as objectives in the purpose statement of an ordinance and may include:

- *Public health, safety and welfare*
- *Water quality*
- *Fish and wildlife habitat*
- *Natural scenic beauty*
- *Minimization of property damages*
- *Provision of efficient public facilities and utilities*
- *Achievement of eventual compliance for nonconforming uses, structures and lots*
- *Any other public interest issues*

Ordinance purpose:

--	--

Purpose(s) of standard from which variance is requested:

--	--



Analysis of impacts

Discuss impacts that would result if the variance was granted. For each impact, describe potential mitigation measures and the extent to which they reduce project impact (completely, somewhat, or minor). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term and cumulatively.

Short term impacts: (through the completion of construction)

Impact 1:	Impact 2:
Mitigation 1:	Mitigation 2:
Extent to which mitigation reduces project impact	Extent to which mitigation reduces project impact:

Long term impacts: (after construction is completed)

Impact 1:	Impact 2:
Mitigation 1:	Mitigation 2:
Extent to which mitigation reduces project impact:	Extent to which mitigation reduces project impact:

Cumulative impacts: (What would happen if a similar variance request was granted for many properties?)

Impact 1:
Mitigation 1:
Extent to which mitigation reduces project impact:
Impact 2:
Mitigation 2:
Extent to which mitigation reduces project impact:

Will granting the variance harm the public interest?

- Yes. A variance cannot be granted.
- No. Mitigation measures described above will be implemented to protect the public interest.

3) Unnecessary hardship (To be completed by the applicant)

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

- For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.<sup>1</sup> The Wisconsin Supreme Court also determined that living without a lakeside porch was a personal inconvenience and did not constitute unnecessary hardship.<sup>2</sup> The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests.

**Is unnecessary hardship present?**

Yes.

Describe:

The variance requested is to allow the White Rose to maintain the roof over the entryway to their business. The purpose of the roof is to provide the public, by and large, with weather protection. Furthermore, patrons can use the area as a staging area that protects antiques purchased by patrons and items that patrons bring in to the store. The short and long term cumulative effects of a variance on the neighborhood, the community and on the public interests can only be served by granting the variance.

No. A variance cannot be granted

<sup>1</sup> *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23, 269 Wis. 2d 549, 676 N.W.2d 401 and *State v. Waushara County Bd. of Adjustment*, 2004 WI 56, 271 Wis. 2d 547, 679 N.W.2d 514

<sup>2</sup> *Snyder v. Waukesha County Zoning Bd. of Adjustment*, 74 Wis. 2d 468, 478-79, 247 N.W.2d 98 (1976)



**Part 3: Construction Plans**

*To be completed and submitted by the applicant.*

Attach construction plans detailing:

- Property lines
- Vegetation removal proposed
- Contour lines (2 ft. interval)
- Floodplain & wetland boundaries
- Dimensions, locations & setbacks of existing & proposed structures
- Utilities, roadways & easements
- Location & extent of filling/grading
- Location & type of erosion control measures
- Any other construction related to your request
- Anticipated project start date

I certify that the information I have provided in this application is true and accurate.

Signed: (applicant/agent/owner)

*Attorney Allison A. Galin*

*Jackson Law Firm, S.C.*

Date: 11/30/2022

*SBN 9079332*

*213 N. Iowa St.*

Remit to: Building Inspector  
100 E Fountain St. Dodgeville, WI 53533  
buildinginspector@dodgevillewi.gov

*on behalf of Gary + Sue Bay*

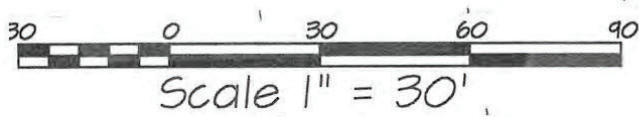
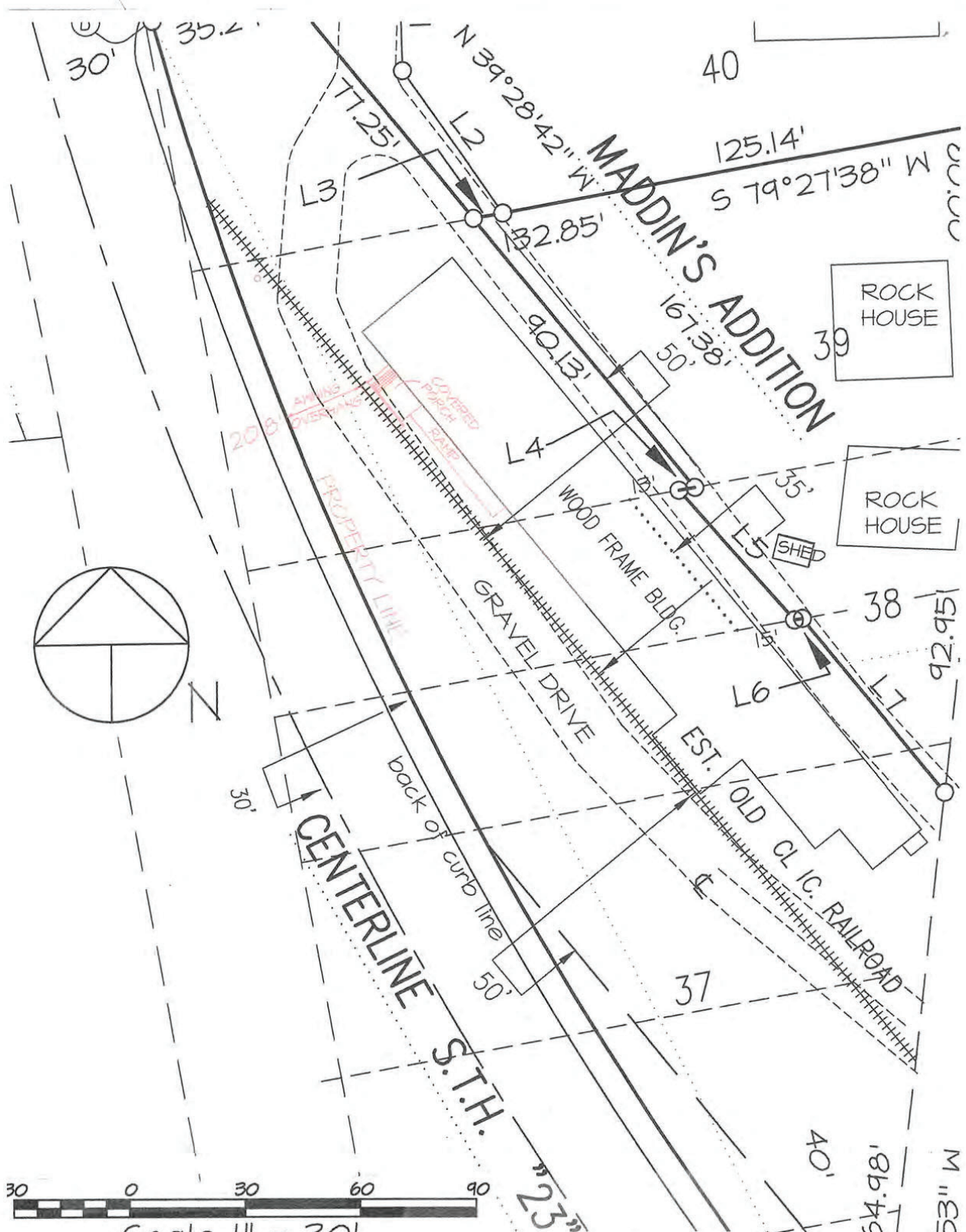
*PO Box 170*

*Dodgeville, WI 53533*

*608.935.2377*

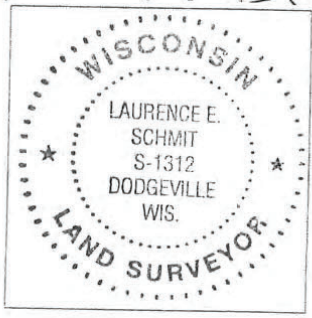
*allison@jacksonlawsc.com*

*Thank you!*



**SURVEYOR'S CERTIFICATE**  
 I hereby certify that I took measurements on 12-1-2022 from the overhanging porch as shown in red on this exhibit to the Southwesterly property line at 20.8' as shown hereon and believe this to be true and correct to the best of my knowledge and belief.

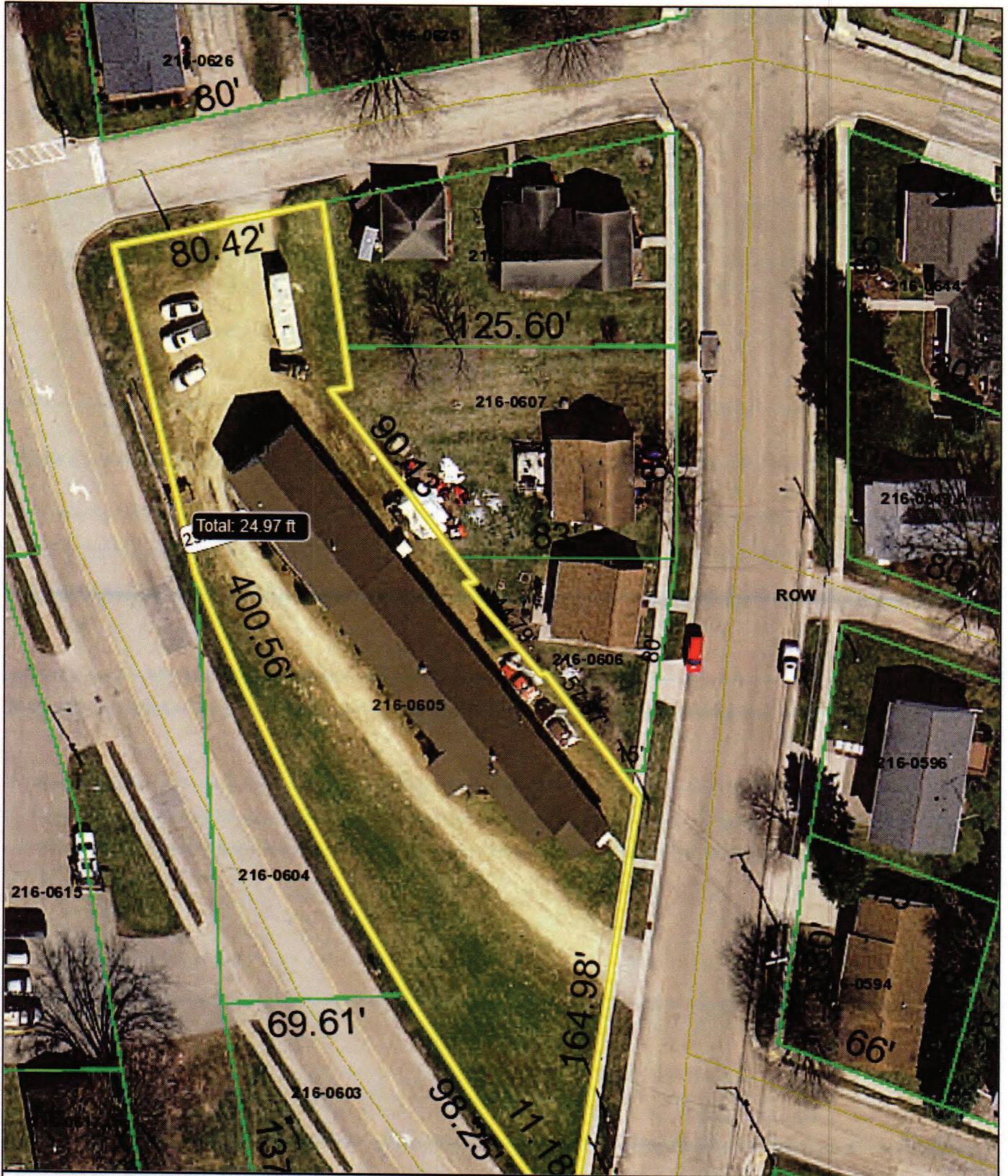
*Laurence E. Schmit* 12-2-2022  
 Laurence E. Schmit date:











SW WI GIS

DISCLAIMER: No guarantee in the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1" = 50'



Print Date: 11/30/2022



**17.19 M-L LIMITED INDUSTRIAL DISTRICT.** The M-L District is intended to provide for manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the City as a whole by reason of noise, dirt, dust, smoke, odor, traffic, physical appearance or other similar factors, and subject to such regulatory controls as will reasonably insure compatibility in this respect. Outdoor storage of raw materials or finished products is not allowed.

(1) **PERMITTED USES.** (a) Automotive repair, service and storage of automobile accessories, except the wrecking of motor vehicles.

(b) Blacksmithing, tinsmithing and sheet metal work.

(c) Breweries and brewpubs.

(d) Manufacture, fabrication, packing and packaging and assembly of products from furs, glass, leather (but not tanning of hides or manufacture of leather), metals, paper (but not the manufacture of paper or pulp), plaster, plastic (but not the manufacture of plastic), textiles and wood (but not the manufacture of paper or pulp).

(e) Manufacture, fabrication, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, food (except meat and meat products, fish and fish products, cabbage products or the vining of peas).

(f) Manufacture of furniture, home supplies and appliances, instruments, jewelry, office supplies, pharmaceuticals, sporting goods, tobacco products and toiletries.

(g) Laboratories.

(h) Warehousing.

(i) Welding shops.

(j) Wholesaling.

(k) (Cr. Ord. #1112) All permitted uses in the B-H Highway Business District.

(2) **CONDITIONAL USES.** (a) Storage and warehousing of fuel and materials, but not the storage of wrecked or dismantled vehicles and junk or the storage of explosives.

(b) Other uses similar in character to the permitted uses, giving due consideration to such items as noise, odor, pollution, traffic and parking, safety, hours and type of operation.

(c) (Cr. Ord. #1169) Churches and similar places of worship and instruction.

(d) See sec. 17.26(1) of this chapter.

(3) **LOT, YARD AND BUILDING REQUIREMENTS.**

Lot frontage..... No minimum

Lot area. .... Minimum one acre

**Front setback..... Minimum 50 ft.**

Side setbacks..... Minimum total, 20 ft.

Rear setback ..... Minimum 25 ft.

Building height..... Maximum 45 ft.

Number of stories..... Maximum 3

(4) OFF-STREET PARKING AND LOADING REQUIREMENTS. See sec. 17.26 of this chapter.

**B-H Permitted Uses**

- (a) Automotive sales, servicing and repairs.
- (b) Cleaning, dyeing and pressing establishments.
- (c) Construction/contractor shops
- (d) Convenience stores.
- (e) Department stores and discount stores.
- (f) Banks.
- (g) Restaurants.
- (h) Feed and seed stores.
- (i) Locker plants.
- (j) Gasoline and service stations, providing all gas pumps are not less than 30 feet from any existing or proposed street line.
- (k) Laundromats.
- (l) Lumber and contractor's yards.
- (m) Motels.
- (n) Plumbing and heating shops.
- (o) Printing and related trades.
- (p) Publishing, including newspaper publishing, job printing, lithographing and blueprinting
- (q) Recreational and entertainment establishments.
- (r) Shopping centers.
- (s) Supermarkets.
- (t) Taxidermists.
- (u) Tourist information and hospitality centers.
- (v) Veterinary clinics.
- (w) (Cr. Ord. #988) All permitted uses in the B-C Central Business District.

**B-C Permitted uses**

- (a) Banks and other financial institutions, including loan and finance companies.
- (b) Clinics.
- (c) Cocktail lounges and taverns.
- (d) Commercial schools.
- (e) Hotels.
- (f) Newspaper offices and light service printers.
- (g) Parking facilities.
- (h) Professional and business offices.
- (i) Restaurants and taverns.
- (j) Retail stores.
- (k) Service establishments
- (l) Theaters and places of amusement.
- (m) Utility company offices.