

# *Amended*

## *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.

Amended  
 Variance Application  
 Continuation  
 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 1/4/23 \$ 300 fee paid (payable to City of Dodgeville)

	Owner/agent	Contractor
Name	John/Nancy Meyers	Midwest Roofing + Constr.
Address	3110 County Rd K Barneveld WI 53507	4949 County Road YZ Dodgeville
Phone	608 574-9240	608 574-8022
Email	meyersjohn@live.com	jeff@midwestroofingpros.com

Legal description:  1/4,  1/4, S , T  N, R  E

City/Village/Town of Dodgeville

Address 313 County Rd YZ Tax parcel number 216-302

Lot area & dimensions: 189,150 sq. ft., 485 x 390 ft.

Zoning district ??? B-H

Current use & improvements:

Self Storage Units 51 units on site  
 (100 units on Quarry St)

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

Conditional Use Permit issued in 2021

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

SE lot line is parallel to Brown Street ROW

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

Describe the variance requested:

Request for reduced set back on the SE lot line along Brown Street. 15' set back to that Brown Street edge. Street right of way is unused brushy waste land. Normal setback is 25' 10' reduction of that setback requested

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.

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

There is no zoning for Self Storage businesses. Our goal is to utilize our property to the fullest extent. The excessive setback hinders our layout for best use of our land. Our site plan + building layout was engineered. We have gotten similar setback waiver in 2013. We were told a similar waiver could be awarded.

#### 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.

Alternative is for us to not use our land as we were promised. Dodgeville residents will have to go out of the city for self storage. We have plans for more buildings to meet demand. We should consider locations outside the city limits.

- 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.

If we would have been told at the time of purchase that a variance was not allowed, we would locate outside the city. We gave up too much land to the \$104,000 water retention. A township location would be a better choice. We were not told that Dodgeville did not have self storage zoning.

We should have went elsewhere with the business.

**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.

See attached Map

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:

In order to allow us 100% paved lot we built the minimum detention pond. We collect water runoff from the city of Dodgeville Brown Street (not our fault) We get water from 2 lots west of us as well. The Hamane Society + and next lot west of them - Neither has water retention. We installed 3 storm sewer inlets + piping to handle excess water. But we also have surface ditches to accomodate every one's water. One of these ditches is in variance area If the city had a proper street + storm water handling system we wouldn't have all the water

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:
Water could be handled better	
Mitigation 1:	Mitigation 2:
Maintain our ditches + Storm water drain	
Extent to which mitigation reduces project impact	Extent to which mitigation reduces project impact:
Our water management is second to no one in the city limit. But denying variance harms our plan.	

Long term impacts: (after construction is completed)

Impact 1:	Impact 2:
Same as above	
Mitigation 1:	Mitigation 2:
We are already handling water	
Extent to which mitigation reduces project impact:	Extent to which mitigation reduces project impact:
100% mitigate negative impacts	

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

Impact 1:
None
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:

At the October Hearing everyone on the review board agreed

- 1) There is no zoning in Dodgeville for Self Storage
- 2) The B-H setbacks are excessive + serve no purpose. (restricts commerce)
- 3) Dodgeville lacks storage space (Public Hardship)
- 4) Setbacks eat up 24% of our land results in extra 1.05 acres out of 4.34
- 5) Changing interpretation of rules without

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)

→ notice or public hearing is a clear hardship. The tightening of rules after significant purchase is a hardship. The excess water from Brown Street, and neighboring properties required more ditching and on storm water drains This was not anticipated. We were told we could get a variance. We have waited since October for a completed variance hearing, set through 3 hearings. Our project scheduled for October had to be changed - more hardship.

**Part 3: Construction Plans**

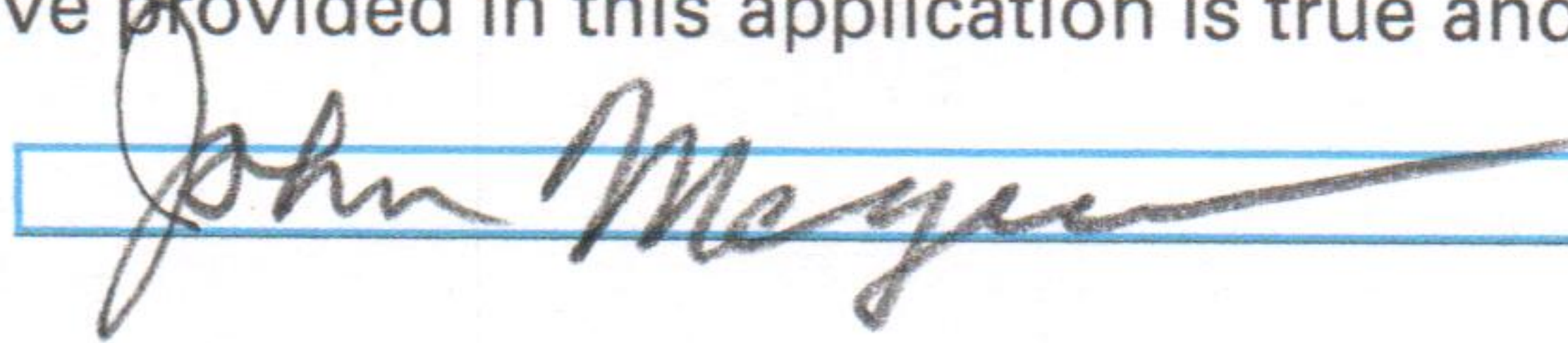
*To be completed and submitted by the applicant.*

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)



Date: 01/31/2023

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



SW WI GIS



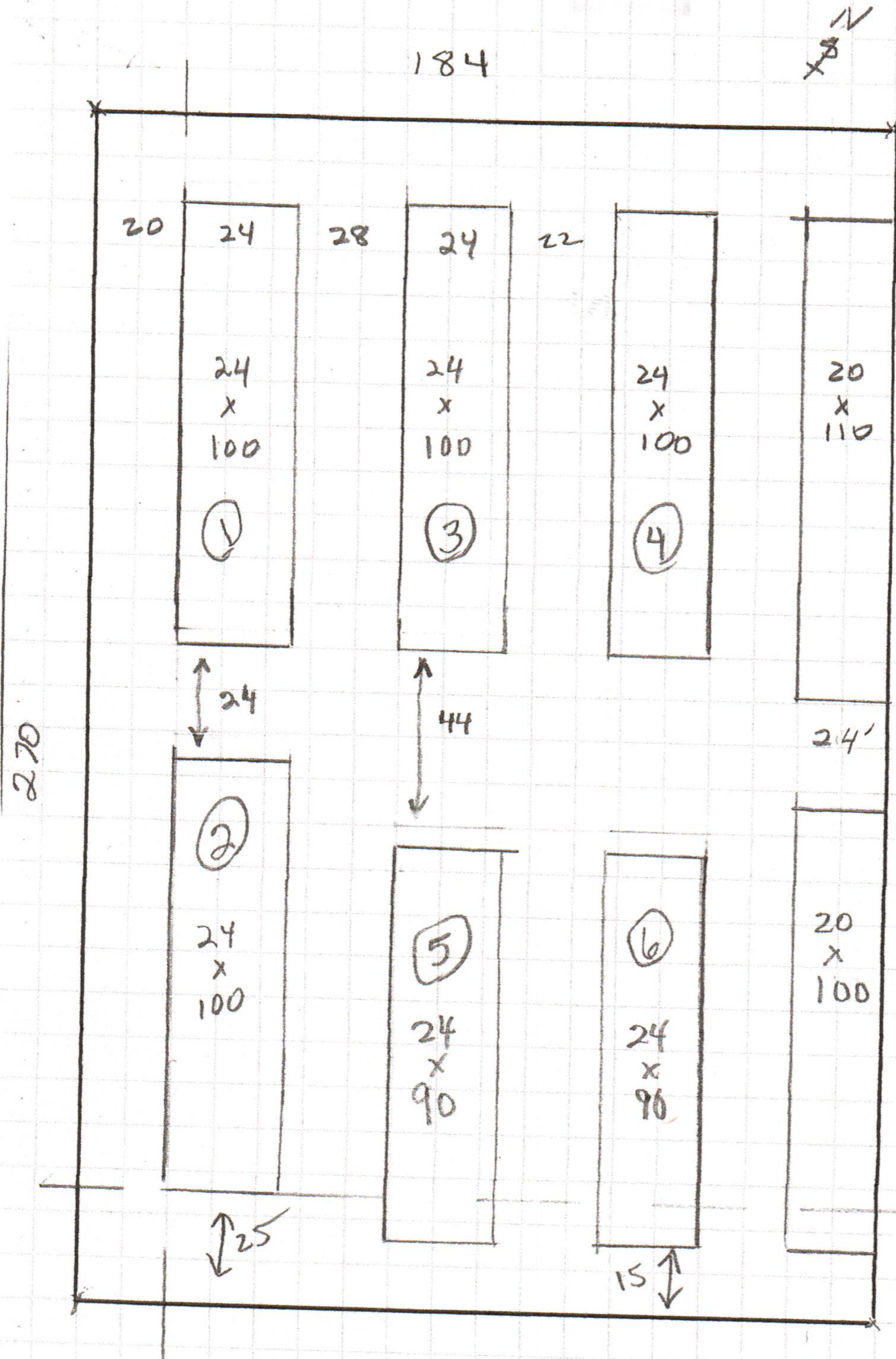
DISCLAIMER: No guarantee in the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1" = 200'

Print Date: 9/22/2022



# 2/1/23 Updated Plan



**17.18 B-H GENERAL HIGHWAY BUSINESS DISTRICT.** The B-H District is established to provide for the establishment of principally motor vehicle-oriented or dependent commercial activities in nonresidential settings. Lot dimensional requirements are established to provide for the orderly grouping of commercial uses and for adequate off-street parking.

(1) 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.

(2) CONDITIONAL USES. (a) Farm machinery and equipment sales, repair and storage.

- (a) Painting businesses.
- (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.

(1) LOT, YARD AND BUILDING REQUIREMENTS.

Lot frontage.....	Minimum 100 ft.
Lot area. ....	Minimum 20,000 sq. ft.
Front yard.....	Minimum 50 ft.
Side yards.....	Minimum 20 ft.
Rear yard. ....	Minimum 25 ft.
Building height.....	Maximum 35 ft.
Number of stories.....	Maximum 2-1/2

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

**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.

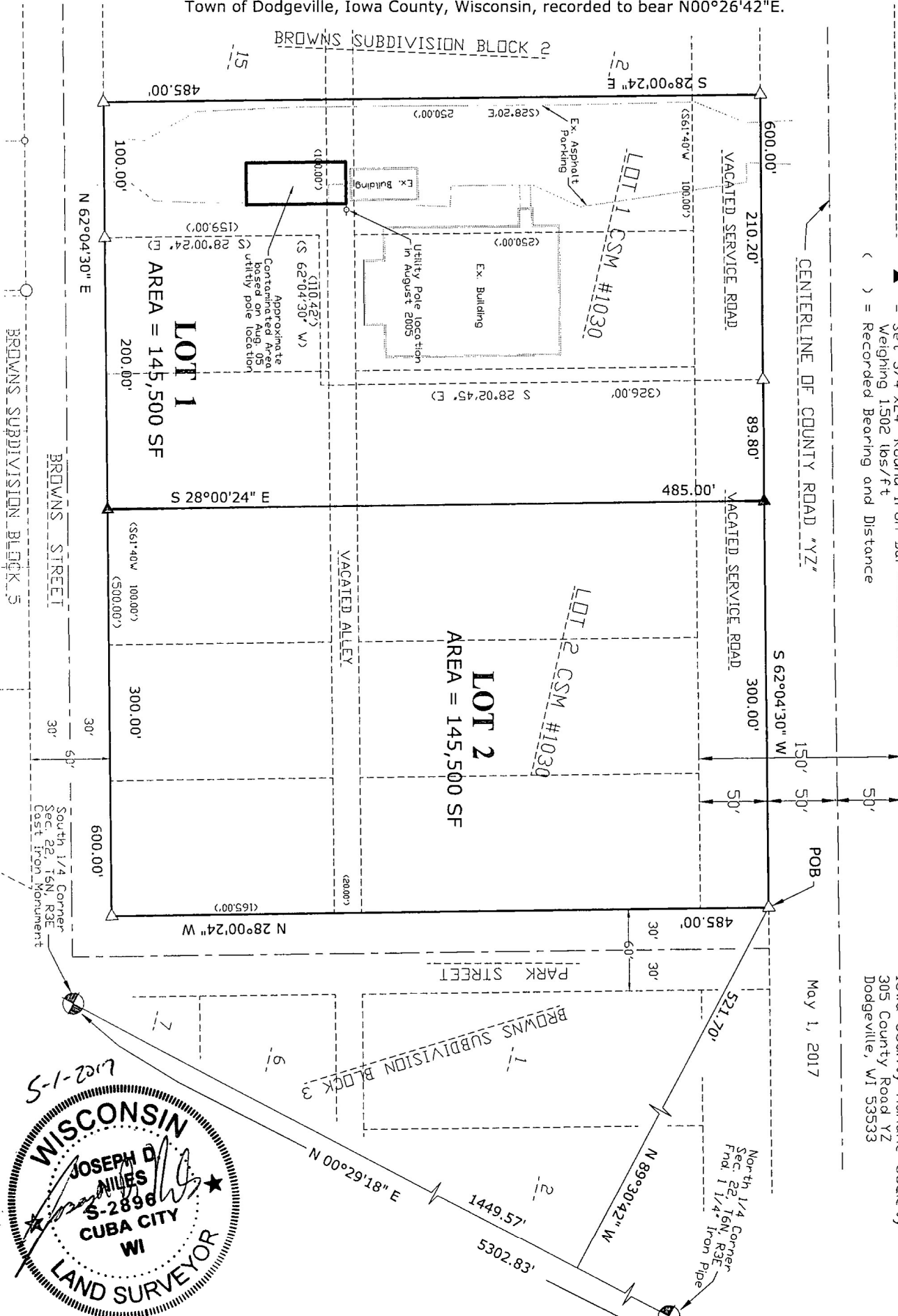
**Notified Property owners within 100 feet of parcel 216-1302**

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

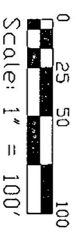
# CERTIFIED SURVEY MAP 1609

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

May 1, 2017



Line 1-5

North 1/4 Corner  
Sec. 22, T6N, R3E  
Fnd. 1 1/4" Iron Pipe

N 00°29'18" E  
1449.57'  
5302.83'

# 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:

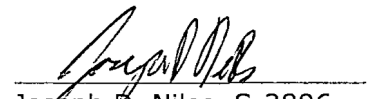
Commencing at the South 1/4 Corner of the said Section 22; thence N 00°29'18" E, 1449.57' along the East line of the SW 1/4 of said Section 22; thence N 89°30'42" W, 521.70' to a point on the South line of County Road "YZ" and the Point of Beginning; thence S 62°04'30" W, 600.00'; thence S 28°00'24" 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

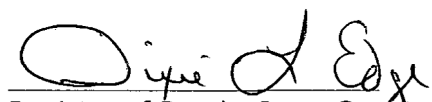


## REGISTER OF DEEDS CERTIFICATE:

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