



COLUMBIA COUNTY

Planning and Zoning Department

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112 E. Edgewater Street
Portage, WI 53901

Public Hearing Item 1: Variance Consideration

Board of Adjustment • August 12, 2026

<u>Variance Request To:</u>	Section 12.525.02(1) Shoreland Setbacks
<u>Property Owner(s):</u>	David C & Sandra J Hall Living Trust
<u>File Number:</u>	2026-007
<u>Property Location:</u>	NE-NE, Sec. 31, T11N, R8E GL 1, Sec. 31, T11N, R8E
<u>Town:</u>	Caledonia
<u>Parcel(s):</u>	1196.04
<u>Site Address:</u>	W11727 Lake St.
<u>Current Zoning District(s):</u>	R-1, Single-Family Residential

Background:

The subject property has been owned by David and Sandra Hall since July 20, 1998 (Exhibits E & F). The property is described as Lot 4, of Certified Survey Map (CSM) 3112-20-108. The property is 2.57 acres or 111,970 sq. ft. in size as depicted on the CSM (Exhibit G). The zoning for the property is R-1, Single-Family Residential (Exhibit I). The property is on Lake Wisconsin. This means that shoreland zoning standards apply to this property. The property does not front on Lake St., so the western property line is the front property line for setback purposes (Exhibit H). There are no mapped wetlands on the property, but there is mapped flood plain on the property (Exhibit J).

The current structures on the property are an existing single-family residence with an attached deck, a boathouse, a driveway, two (2) stairs down to the water, and four (4) retaining walls that were constructed in conjunction with the single-family residence. The existing single-family residence is 1,220 sq. ft. and the boathouse is 25 sq. ft. Current building lot coverage is 1,245 sq. ft. or 1.11%. Existing impervious surfaces are 5,119 sq. ft. or 4.57% (Exhibits R & S). The existing single-family residence is connected to a non-pressurized conventional in-ground Private On-Site Waste Treatment System (POWTS) that was installed under sanitary permit 16-045 (Exhibit Q). Additional information about the other structures on the property can be found in the zoning inspection report (Exhibit R).

The property was developed in 2016. The existing residence was constructed under zoning permit 16-149 (Exhibits M - P). Due to how steep the slope was in the location the single-family residence was to be constructed a foundation survey was required as accurate measurement of the setback to the OHWM was not possible to be completed by staff. The overall slope of the property is 18%, and from the single-family residence to Lake Wisconsin the slope is 42% (Exhibits K & L).

The property owners would now like to construct two (2) patios and three (3) retaining walls. Patio 1 would be 322 sq. ft. in size and have setbacks of 541 ft. to the centerline of Lake St., 213 ft. to the west front property line, 92 ft. to the west rear property line, 160 ft. to the north side property line, 92 ft. to the south side property line, 92 ft. to the OHWM of Lake Wisconsin, 634 ft. to the nearest wetland, 81 ft. to the septic tank, 108 ft. to the dispersal component. Patio 2 would be located partially under the existing deck and would be 474 sq. ft. in

size. Setbacks for Patio 2 would be 552 ft. to the centerline of Lake St., 224 ft. to the west front property line, 40 ft. to the east rear property line, 207 ft. to the north side property line, 73 ft. to the south side property line, 73 ft. to the OHWM of Lake Wisconsin, 654 ft. to the closest wetland, 82 ft. to the septic tank, 83 ft. to the dispersal component. Proposed retaining wall 1 is 75 ft. in length and has setbacks of 546 ft. from the centerline of Lake St., 221 ft. from the west front property line, 34 ft. to the east rear property line, 207 ft. to the north side property line, 55 ft. to the south side property line, 55 ft. to the OHWM of Lake Wisconsin, 654 to the nearest wetland, 82 ft. to the septic tank, and 83 ft. to the dispersal component. Proposed retaining wall 2 is 45 ft. in length and has setbacks of 564 ft. from the centerline of Lake St., 239 ft. from the west front property line, 34 ft. to the east rear property line, 205 ft. to the north side property line, 63 ft. to the south side property line, 63 ft. to the OHWM of Lake Wisconsin, 652 to the nearest wetland, 80 ft. to the septic tank, and 81 ft. to the dispersal component. Proposed retaining wall 3 is 40 ft. in length and has setbacks of 593 ft. from the centerline of Lake St., 268 ft. from the west front property line, 40 ft. to the east rear property line, 192 ft. to the north side property line, 78 ft. to the south side property line, 78 ft. to the OHWM of Lake Wisconsin, 628 to the nearest wetland, 86 ft. to the septic tank, and 113 ft. to the dispersal component (Exhibits B-D & R).

The installation of proposed retaining walls 1 & 2 is within 75 ft. of the OHWM of Lake Wisconsin requires a variance to Section 12.525.02(1).

Town Recommendation:

The Town of Caledonia does not review variance requests prior to the public hearing.

Analysis:

This property is zoned R-1, Single-Family Residential and is a shoreland property. Shoreland requirements do apply to this property. There are no wetlands on the property. There is mapped floodplain along the shoreline of the property. This will not affect the proposed construction.

To get to the property you travel down Lake St. which then transitions to an easement to gain access to the property. As the property does not front directly on Lake St. the west property line is considered to be the front property line for setback purposes. This makes the east property line the rear and the north and south property lines are side property lines. The property is located on Lake Wisconsin to the south. The setback to the OHWM is more restrictive than the side property line setback requirement.

Under the Zoning Code patios and retaining walls are not generally viewed as structures. Patios and retaining walls are allowed some exemptions and different zoning permit requirements in areas outside of the shoreland.

That is not the case under the Shoreland/Wetland Protection ordinance. Per Section 12.565.01(38) a structure is anything man-made that is constructed, erected, or placed either permanently or temporarily on the ground; including but not limited to, any building, dwelling, manufactured building, manufactured home, mobile home, house trailer, recreational vehicle, boathouse, camping unit, sign, deck, patio, or other improvements. Means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit (Exhibit U). Section 12.525.02 requires all structures to meet a 75 ft. setback from the OHWM unless otherwise exempted in the ordinance. Patios and retaining walls are structures.

Under Section 12.525.02(2)(b) open sided structures such as patios are exempted from the 75 ft. setback requirement to the OHWM. In order to be exempt, the area closer than 75 ft. must be less than 200 sq ft. in size, and greater than 35 ft. from the OHWM, and must comply with Section 12.525.02(2)(b) (Exhibit T). The area for Patio 2 that is proposed to be closer than 75 ft. but greater than 35 ft. from the OHWM is 44 sq. ft. in size.

Retaining walls are not granted any exemptions under the Shoreland/Wetland Protection ordinance. Retaining walls must meet the 75 ft. setback to the OHWM requirement. Proposed retaining wall 3 is proposed to be 78

ft. from the OHWM and does not require a variance. Proposed retaining walls 1 & 2 are to be 55 ft. and 63 ft. from the OHWM of Lake Wisconsin. A variance is required before these retaining walls may be constructed.

There is a significant amount of science that 75 ft. is the very minimal vegetative buffer needed to protect the natural resources of the lake and is critical to fish and wildlife habitat, erosion control and water quality, natural scenic beauty, etc. Additionally, with the onset of technology there are techniques and materials that will aid in soil retention without the installation of retaining walls. For example, the Envirolok bag allows for soil retention without the use of stone walls (Exhibit V). A shoreland fill and grade permit is all that is required for this installation.

There is a significant slope to this property. The overall slope of the entire property is 18%. In the area from the house to Lake Wisconsin has a slope of 42%. The slope is 50% where the retaining walls are proposed to be constructed (Exhibits K & L). Columbia County does not have a restriction on how steep a slope can be prior to construction. Erosion control must be put in place for construction and then the area needs to be maintained. This property was developed in 2016. The current location of the existing residence was proposed by the property owner and met all zoning requirements at the time of approval.

Requested Variance Table			
<i>Variance Request</i>	<i>Section of Ordinance</i>	<i>Requirement</i>	<i>Request</i>
Variance Request A	Section 12.525.02(1) Shoreland Setbacks	75 ft. setback to the OHWM of navigable body of water	The retaining walls require a variance of 20 ft. and 12 ft. less than the minimum required to the OHWM
<i>*Please See Corresponding Site Map Under Exhibit W</i>			

Standards for Review:

1. ***Unnecessary Hardship.*** Unnecessary hardship is a situation where, in the absence of a Variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome. In most cases, if a property is already developed and has an established use a hardship will not exist. Hardship must be peculiar to the zoned parcel in question and different from other parcels, not one which affects all parcels similarly. Loss of profit or financial hardship is not in and of itself grounds for a Variance. The fact that developing in compliance with the ordinance requirements may cost considerably more, does not constitute a hardship. Self-imposed hardship is not grounds for a Variance. When conditions giving rise to the need for a Variance were created by the property owner or former owner the hardship is self-imposed.
 - a. Staff Observation
 - i. This is an area variance request as it is dealing with a dimensional, physical, or locational requirement of the ordinance.
 - ii. Slope of the property:
 1. Property slope is 18%.
 2. Slope from the residence to Lake Wisconsin is 42%.
 3. Slope of area of proposed construction is 50%.
 - iii. Property was developed in 2016 by the current property owner.

2. **Unique Property Limitation.** Unique physical characteristics of the property, not the desires of, or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. Such limitations may arise due to steep slopes, wetlands, or parcel shape that limits the reasonable use of the property.
 - a. Staff Observation
 - i. Applicant circumstances such as a growing family or need for larger space should not factor in decision.
 - ii. Slope of the property:
 1. Property slope is 18%.
 2. Slope from the residence to Lake Wisconsin is 42%.
 3. Slope of area of proposed construction is 50%.
3. **Protection of the Public Interest.** Granting of a Variance must neither harm the public interest, nor undermine the purposes of the ordinance. In granting a Variance, the Board may attach special conditions to ensure that the public welfare will not be damaged. Such conditions must relate reasonably to the purpose and intent of the ordinance. Also, any Variance granted should include only the minimum relief necessary to allow reasonable use of the property.
 - a. Staff Observation
 - i. No significant impacts to the public safety.

Recommendation:

Recommended Findings of Fact:

1. David and Sandra Hall are the owners of the subject property.
2. The property is 2.57 acres or 111,970 sq. ft. in size.
3. The property currently contains an existing single-family residence with an attached deck, a boathouse, a driveway, two (2) stairs down to the water, and four (4) retaining walls that were constructed in conjunction with the single-family residence.
4. The existing single-family residence 1,220 sq. ft. in size.
5. The existing building lot coverage is 1,245 sq. ft. or 1.11%.
6. The existing impervious surface coverage is 5,119 sq. ft. or 4.57%.
7. The building lot coverage will not change with this proposal.
8. The proposed impervious surface coverage is 6,095 sq. ft. or 5.44%.
9. Patio 2 is proposed to be 73 ft. from the OHWM of Lake Wisconsin.
10. Patio 2 can be permitted per Section 12.525.02(2)(b) (Exhibit T).
11. Proposed retaining wall 1 is 55 ft. from the OHWM of Lake Wisconsin.
12. Proposed retaining wall 1 requires a setback variance of 20 ft. less than the minimum required to the OHWM of Lake Wisconsin.
13. Proposed retaining wall 2 is 63 ft. from the OHWM of Lake Wisconsin.
14. Proposed retaining wall 2 requires a setback variance of 12 ft. less than the minimum required to the OHWM of Lake Wisconsin.

Recommended Conclusions of Law:

1. The Board of Adjustment must determine if an unnecessary hardship exists.
2. The Board of Adjustment must determine if there is a unique property limitation.
3. The public interest in maintaining safety is not negatively impacted if a variance were to be approved at the current time.

Recommended Decision:

Should the Board of Adjustment decide to grant the variance; staff further recommends that the Board, as part of any motion to approve that might be offered, specifically adopt the above-recommended findings of fact and conclusions in support of its motion, and that a variance, if approved, be subject to the following conditions:

1. Development of the property shall be in compliance with the approved site plan, regarding locations and setbacks of proposed structures, as determined by Staff in Exhibits B, C, D, & V.
2. Construction can commence once all applicable permits from the State, County, and Town are obtained.
3. A foundation survey will be a requirement of the zoning permit.
4. The variance must be initiated by securing a zoning permit within one year of approval, failure to do so will render the variance void.



Kenneth Thiele
Senior Zoning & Sanitary Specialist

Attachments:

Exhibit A – Variance Application
Exhibit B – Site Plan
Exhibit C – Plan View
Exhibit D – Section View
Exhibit E – 1998 Deed
Exhibit F – 2022 Deed
Exhibit G – CSM 3112-20-108
Exhibit H – Air Photo
Exhibit I – Zoning Map
Exhibit J – Flood Plain and Wetland Map
Exhibit K – Topography Map 1
Exhibit L – Topography Map 2
Exhibit M – Zoning Permit 16-149

Exhibit N – Zoning Permit 16-149 Site Plan
Exhibit O – Zoning Inspection Report dated 5-5-2016
Exhibit P – Foundation Survey
Exhibit Q – Sanitary Permit 16-045
Exhibit R – Zoning Inspection Report dated 7-1-2026
Exhibit S – Impervious Surface Worksheet dated 7-1-2026
Exhibit T – Section 12.525.02
Exhibit U – Section 12.565.01(38)
Exhibit V - Envirolok Brochure
Exhibit W – Variance Site Plan

cc: David & Sandra Hall – Owners
Jeremy Hall – Applicant
Town of Caledonia
Kathi Kramasz – WI DNR
Kurt Calkins – Director of Planning & Zoning, Columbia County
Zoning Board of Adjustment Members

EXHIBIT B - SITE PLAN

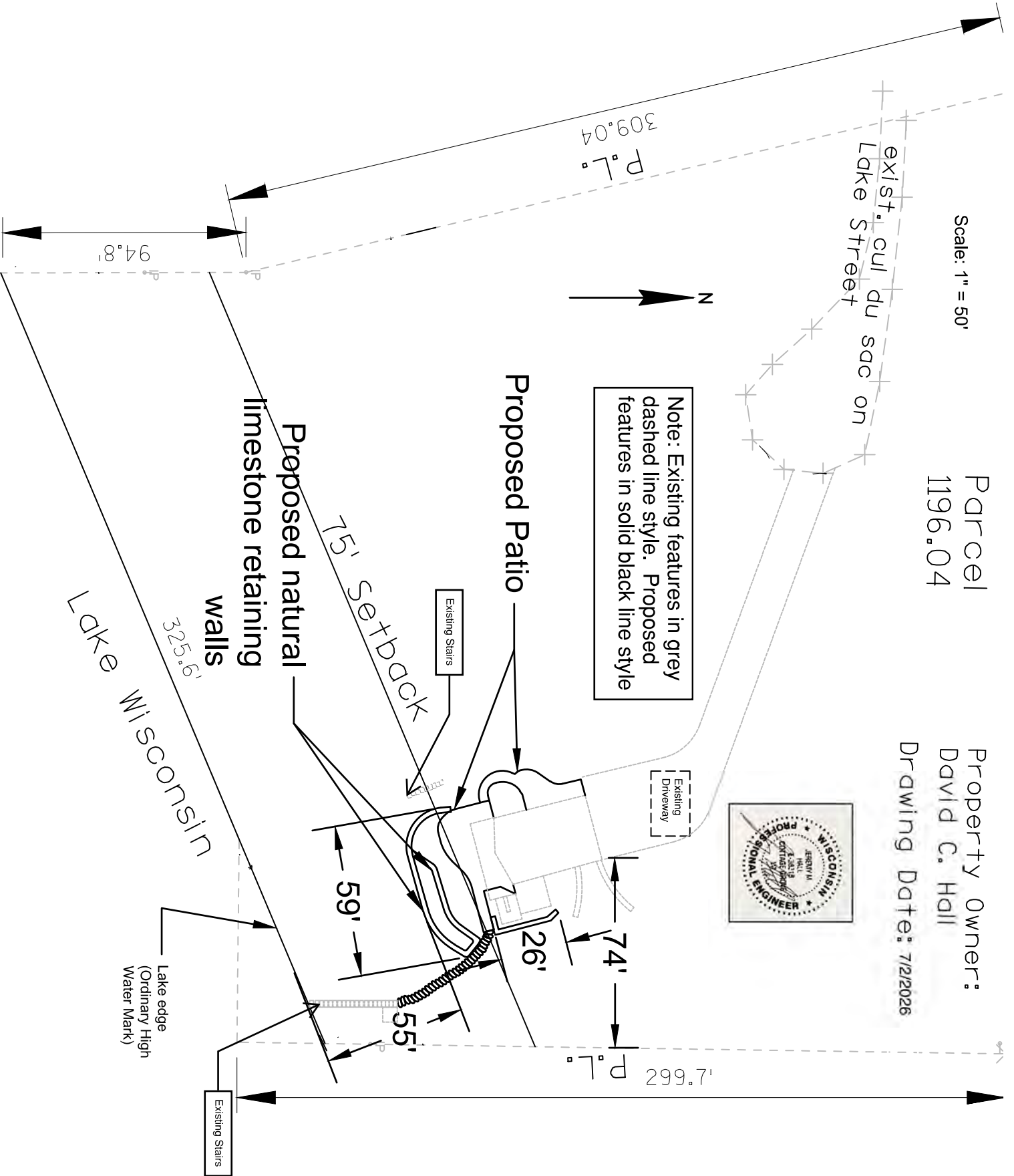


EXHIBIT C - PLAN VIEW

Lake WI Shoreline
(High Water Mark)

New Paver Patio:
- Beacon Hill Flagstone
[Alpine Grey Color].
- Border: Serie 4x8
[Onyx Black color]

Fabric
1 1/2" Fractured
Baraboo Stone

Existing Lawn

55'

Slope

19'

Install Grass seed
and straw mat for
new grass area

Outcropping Steps
Limestone Color

Brussels Block
[Sandsatone color]

Build the third wall
using outcropping rocks
23 ft long x 2.5 ft high.

Aluminum
Black
Railing

Fabric
1 1/2" Fractured
Baraboo Stone

Passageways
Step Vision Color

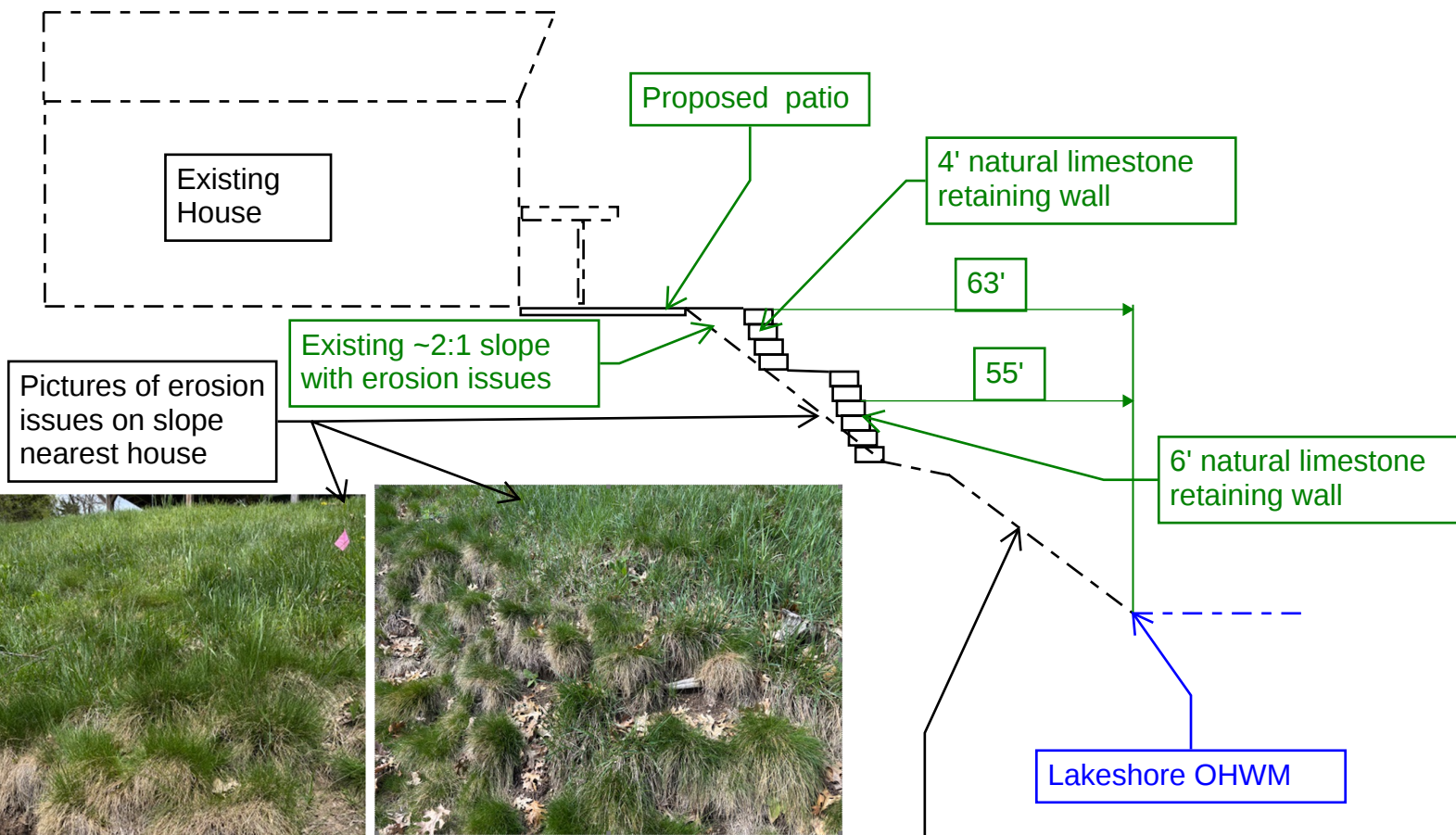
Existing rock
walls

Gravel Road

HOUSE

Plant Legend		
Symbol	Qty	Common
	17	Arborvitae Global
	3	Blue Eddy Allium
	3	Bobo Hydrangea
	4	Britt Marie Crawford Leopard Plant
	2	Double Play Spiraea
	1	Existing tree
	1	Existing Tree
	3	Guacamole Hosta
	3	Purple Coral Bell
	4	Quick Fire Fab Hydrangea
	4	Spilled Wine Weigela
	3	Weigela, Midnight Sun

EXHIBIT D - SECTION VIEW



Flattening slopes above will improve storm water management and will also minimize erosion issues with this existing steeper at lake edge below proposed retaining wall location. (Three pictures below show erosion issues with existing slope)



VARIANCE SITE MAP

