



Public Hearing Item 1: Variance Consideration

Board of Adjustment • June 10, 2026

<u>Variance Request To:</u>	Table 12.110.03(1) Parcel and Building Standards in Residential Zoning Districts Table 12.110.03(2) Minimum Required Setback for Front and Street Side Yards
<u>Property Owner(s):</u>	Dwight & Sherry Johnson
<u>File Number:</u>	2026-005
<u>Property Location:</u>	SW-SW, Sec. 11, T10N, R7E
<u>Town:</u>	West Point
<u>Parcel(s):</u>	11040-762
<u>Site Address:</u>	N2148 Blackhawk Dr
<u>Current Zoning District(s):</u>	R-1, Single Family Residential

Background:

The subject property has been owned by Dwight and Sherry Johnson since October 4, 2023 (Exhibit D). The property is 12,250 sq. ft. or 0.28 acres in size. The property is further described as Lot 8, Block 3 of Lester Smith Plat (Exhibit E). The zoning for the property is R-1, Single Family Residential (Exhibit G). The property fronts on Blackhawk Dr. to the west and Lake Wisconsin to the east (Exhibit F). Shoreland requirements do apply to this property. There is mapped flood fringe along the shoreline, but there are no wetland concerns located on the property (Exhibit H).

Currently there is a single-family residence with two decks, a detached garage, and a boathouse on the property. The single-family residence is 1,225 sq. ft. with setbacks as follows; 57 ft. from the centerline of Blackhawk Dr., 24 ft. from the right of way, 88 ft. to the rear property line, 14 ft. to the north side property line, 14 ft. to the south side property line, 80ft. to the Ordinary High Water Mark (OHWM) of Lake Wisconsin, 261 ft. to the nearest wetland boundary, 10 ft. to the septic tank, 22 ft. to the dispersal component. Additional information about the other structures on the property can be found in the zoning inspection report dated March 25, 2026. Existing building lot coverage for the property is 1,809 sq. ft. or 14.77% and existing impervious surfaces are 5,620 sq. ft. or 45.88% (Exhibits O & P).

A variance was granted for the construction of the detached garage in 1979 under file number 1979-001 (Exhibit L). The detached garage was constructed under zoning permit 1979-WP-176 (Exhibit M). The variance allowed the detached garage to have the following setbacks: 44 ft. from the centerline of Blackhawk Dr., 13 ft. from the right of way, 139 ft. to the rear property line, 31 ft. to the north side property line, six (6) ft. to the south side property line, 127 ft. from the OHWM of Lake Wisconsin, 255 ft. from the nearest wetland, 49 ft. from the septic tank, and 72 ft. from the dispersal component. The single-family residence is served by a conventional in-ground private on-site waste treatment system (POWTS, septic system) that was installed under sanitary permit 74-139 (Exhibit K).

The property owners are proposing to tear down the detached garage and existing single-family residence and construct a new single-family residence. The new single-family residence would be 2,270 sq. ft. and would have the following setbacks: 46 ft. to the centerline of Blackhawk Dr., 13 ft. to the right of way, 83 ft. to the rear property line, 10 ft. to the north side property line, seven (7) ft. to the south side property line, 69 ft. to the OHWM of Lake Wisconsin, 257 ft to the nearest wetland, and 10 ft. to the dispersal component. The septic tank would need to be relocated to meet the five (5) minimum setback requirement. Proposed building lot coverage is 2,370 sq. ft. or 19.35% and impervious surfaces are 3,978 sq. ft. or 32.47% (Exhibits O & P).

Variances to Table 12.110.03(1) Parcel and Building Standards in Residential Zoning Districts and Table 12.110.03(2) Minimum Required Setback for Front and Street Side Yards is required to construct the single-family residence as proposed.

Town Recommendation:

The Town of West Point has reviewed the variance request. The Town of West Point finds that the variance conditions are met for 1) "unnecessary hardship"(strict conformity is unnecessarily burdensome); 2) "unique property limitation" and 3) "protection of the public interest" and as a result, the Town recommends to the Columbia County Board of Adjustment that they approve the requested variances subject to the limitations proposed in the plan and variance application.

Analysis:

This property is zoned R-1, Single-Family Residential. The property fronts on Blackhawk Dr. to the west and Lake Wisconsin to the east. Shoreland requirements do apply to this property. There is flood fringe mapped along the shoreline, this will have no impact on the construction of the proposed new single-family residence. There are no wetland concerns located on the property.

This property is part of the Lester Smith plat created in 1954 (Exhibit E). The single-family residence was constructed in 1974 under zoning permit 1974-WP-227 (Exhibit J). At that time the single-family residence met all zoning requirements. As stated previously, the detached garage was permitted in 1979. The decks were added under zoning permit 1997-WP-011 (Exhibit N).

The detached garage is a code compliant structure as it received a variance to be in the location that it is currently in. As such the garage can be rebuilt where it exists currently.

The single-family residence is legal nonconforming to the zoning code as it does not meet the setback to the centerline of Blackhawk Dr. and the right of way. Measurements in the 1970's were not as precise as they are today. Since the existing single-family residence is legal nonconforming it may be rebuilt in the exact same three-dimensional footprint that it exists currently.

The decks are legal nonconforming structures the zoning code as they do not meet the south side property setback. When the decks were issued zoning permit 1997-WP-011 the property qualified for a reduced setback to the side property lines. Up until 2012 properties that were 75 ft. in width or less qualified for reduced side property setbacks. In 2012 the zoning code was updated and properties that are 55 ft. in width or less now qualify for reduced side property setbacks. The decks can be rebuilt in their exact same three-dimensional footprint as they are legal nonconforming.

The decks are legal nonconforming structures to the shoreland/wetland protection ordinance as they do not meet the setback to the OHWM of Lake Wisconsin. A reduced setback was calculated to allow the decks to be in the location they are currently in. Reduced setbacks can no longer be used to place decks onto a single-family residence after it has already been constructed. The property does qualify for a reduced setback to reconstruct the single-family residence 62 ft. from the OHWM of Lake Wisconsin.

The proposed single-family residence now has the garage attached to the residence. The proposed single-family residence is in a similar location, but not the exact same location as the existing single-family residence. Due to these circumstances a new variance needs to be approved in order to allow for the construction of the proposed single-family residence.

Side property setbacks are important for a variety of reasons. Most importantly the side setback creates a buffer between properties should the unfortunate circumstance occur where the structure falls apart. The setback provides reasonable assurance that the majority of the structure will not fall on the neighbor's property. Side setbacks also allow for better ventilation, lighting, sound insulation, and landscaping. There is also an increase in the services provided as a property owner is better able to maintain their property, and it provides a space to run utilities, and storm water if required.

Highway setbacks are primarily for safety. These setbacks provide an area for vehicles to stop should the vehicle leave the roadway for any reason. Posted speed limit in this area is 25 MPH. The property is approximately 100 ft. north of the intersection of Smith Park Rd. and Blackhawk Dr. The right of way of Blackhawk Dr. is the standard 66 ft. in width. The driveway goes down a 10% grade in order to reach the property. This means that the roadbed is at a higher elevation than the tops of the structures on the property. The angle in which Blackhawk Dr. passes the property makes it difficult to square a structure with the road and still maintain setbacks. The property does have approximately a 15 % slope to it as can be seen on the topographic map (Exhibit I).

The septic tank will need to be relocated. A sanitary permit will be required. The dispersal component is still in good condition and can be reused. However, this prevents the single-family residence from moving closer to the OHWM of Lake Wisconsin.

Requested Variance Table			
<i>Variance Request</i>	<i>Section of Ordinance</i>	<i>Requirement</i>	<i>Request</i>
Variance Request A	Table 12.110.03(1) Parcel and Building Standards in Residential Zoning Districts	10 ft. setback to side property lines.	The proposed single-family residence requires a three (3) ft. less than the minimum required from the south side property line.
Variance Request B	Table 12.110.03(2): Minimum Required Setback for Front and Street Side Yards	63 ft. to the centerline of Blackhawk Dr.	The proposed single-family residence requires a variance of 17 ft. less than the minimum required from the centerline of Blackhawk Dr.
Variance Request C	Table 12.110.03(2) Minimum Required Setback for Front and Street Side Yards	30 ft. to the right of way of Blackhawk Dr.	The proposed single-family residence requires a variance of 17 ft. less than the minimum required to the right of way.
<i>*Please see corresponding Site Map under Exhibit Q</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. Blackhawk Dr. passes the property at an angle. The roadbed is higher than the structures on the property.
 - iii. The detached garage received variance 1979-001.
 - iv. The existing single-family residence and decks are legal nonconforming structures.
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. The property has a 15% slope
 - iii. Blackhawk Dr. passes the property at an angle. The roadbed is higher than the structures on the property.
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. Speed limit is 25 mph
 - ii. Approximately 100 ft. north of the intersection of Smith Park Rd. and Blackhawk Dr.
 - iii. The roadbed for Blackhawk Dr. is higher than the structures on the property.

Recommendation:

Recommended Findings of Fact:

1. Dwight & Sherry Johnson are the owners of the subject property.
2. The property is 12,250 sq. ft. or 0.28 acres in size.
3. The property is described as Lot 8, Block 3 Lester Smith Plat.
4. The property fronts on Blackhawk Dr. to the west and Lake Wisconsin to the east.
5. The property currently has a single-family residence with a deck, a detached garage, and a boathouse.
6. The existing building lot coverage is 1,809 sq. ft. or 14.77%.
7. The existing impervious surfaces are 5,620 sq. ft. or 45.88%
8. Variance 1979-001 was approved for the detached garage. The detached garage was constructed under zoning permit 1979-WP-176.
9. The single-family residence was constructed under zoning permit 1974-WP-227
10. The deck was constructed under zoning permit 1997-WP-011.

11. The single-family residence and deck are legal nonconforming structures.
12. The proposed single-family residence would have a setback of seven (7) ft. to the south side property line.
13. The proposed single-family residence requires a setback variance of three (3) ft. less than the minimum required to the south side property line.
14. The proposed single-family residence would have a setback of 46 ft. to the centerline of Blackhawk Dr.
15. The proposed single-family residence requires a setback variance of 17 ft. less than the minimum required to the centerline of Blackhawk Dr.
16. The proposed single-family residence would have a setback of 13 ft. from the right of way of Blackhawk Dr.
17. The proposed single-family residence requires a setback variance of 17 ft. less than the minimum required to the right of way of Blackhawk Dr.
18. Slope of the property is 15%.
19. The proposed building lot coverage is 2,370 sq. ft. or 19.35%.
20. The proposed impervious surfaces are 3,978 sq. ft. or 32.47%.

Recommended Conclusions of Law:

1. The Board of Adjustment must determine if an unnecessary hardship exists or building in conformance with the ordinance causes an undue burden.
2. The Board of Adjustment must determine if there is a unique property limitation.
3. The Board of Adjustment must determine if public interest 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 for the proposed single-family residence; 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, & Q.
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 – Building Plans

Exhibit D – Deed

Exhibit E – Lester Smith Plat

Exhibit F – Air Photo

Exhibit G – Zoning Map

Exhibit H – Floodplain and Wetland Map

Exhibit I – Topographic Map

Exhibit J – Zoning Permit 1974-WP-227

Exhibit K – Sanitary Permit 74-139

Exhibit L – Variance 1979-001

Exhibit M – Zoning Permit 1979-WP-176

Exhibit N – Zoning Permit 1997-WP-011

Exhibit O – Zoning Inspection Report dated
3/25/2026

Exhibit P – Impervious Surface Worksheet dated
3/25/2026

Exhibit Q – Variance Site Plan

cc: Dwight & Sherry Johnson – Owner(s)
Town of West Point
Kurt Calkins – Director of Land Resources, Columbia County
Zoning Board of Adjustment Members

Topographic Site Plan

LEGAL DESCRIPTION

BEING LOT 8, BLOCK 3, LESTER SMITH PLAT, LOCATED IN THE SW1/4 OF THE SW1/4, SECTION 11, T. 10 N., R. 7 E., TOWN OF WEST POINT, COLUMBIA COUNTY, WISCONSIN.

EXISTING IMPERVIOUS AREA
(12,250 SQ.FT. LOT SIZE)
4,700 SQ.FT. = 38.3%

EXISTING BUILDING COVERAGE
HOUSE= 1,188 SQ.FT.
GARAGE= 491 SQ.FT.
BOAT HOUSE= 100 SQ.FT.
DECK= 686 SQ.FT.
CONCRETE= 146 SQ.FT.
2,611 SQ.FT. = 21.3% TOTAL

PROPOSED IMPERVIOUS AREA
PROPOSED BUILDING COVERAGE
2,462 SQ.FT. = 20.0%
PROPOSED PAVEMENT
1,515 SQ.FT. = 12.3%
3,959 SQ.FT. = 32.3% TOTAL

LOT 4
C.S.M. 3128
BY OTHERS

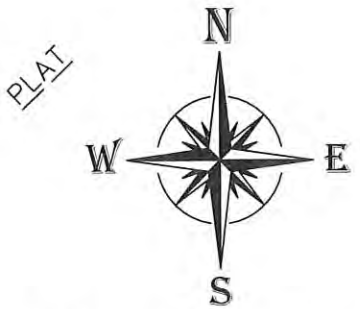
5
BY OTHERS

P.O.S.
(514-210)

6
BY OTHERS

7
BY OTHERS

BLOCK 3



SCALE: 1" = 30'

BASIS OF BEARINGS:
IS THE SOUTH LINE OF THE SW1/4, SECTION 11, WHICH BEARS N89°56'17"E AS REFERENCED TO GRID NORTH COLUMBIA CO. COORDINATE SYSTEM NAD83(91).

LEGEND

- EXISTING
- PROPOSED HOUSE
- PROPOSED DECK
- PROPOSED PAVEMENT
- MAG NAIL SET
- 3/4" IRON ROD FND.
- 3/4" IRON PIPE FND.
- 1" IRON PIPE FND.
- 2" IRON PIPE FND.
- 3 1/2" ALUM. MON. FND.
- WELL
- SEPTIC TANK COVER
- SEPTIC VENT
- TELEPHONE PEDESTAL
- ELECTRIC BOX
- PREVIOUS SURVEY OR RECORD INFO.

CLIENT/OWNER

DWIGHT & SHERRY JOHNSON
891 MEADOWSWEET CIRCLE
SUN PRAIRIE, WI 53590

SURVEYOR

SCOTT P. HEWITT
P.O. BOX 373
625 E. SLIFER STREET
PORTAGE, WI 53901
PHONE PORTAGE: (608) 742-7788
PHONE SAUK PRAIRIE: (608) 644-8877
FAX: (608) 742-0434
e-mail: surveying@grothman.com

NOTE: THE ORDINARY HIGH WATER MARK MUST BE FIELD VERIFIED BY COLUMBIA COUNTY PLANNING AND ZONING STAFF PRIOR TO CONSTRUCTION.

C1	
DELTA	= 00°27'23"
ARC	= 1.99
RAD	= 250.00
BEARING	= N46°09'12"E
DIST	= 1.99

SW COR.
SEC. 11

S1/4 COR.
SEC. 11

GROTHMAN & ASSOCIATES S.C.
PROFESSIONAL SERVICES
625 EAST SLIFER STREET, P.O. BOX 373, PORTAGE, WI 53901
PHONE PORTAGE: (608) 742-7788 SAUK: (608) 644-8877
FAX: (608) 742-0434 E-MAIL: surveying@grothman.com
(RED LOGO REPRESENTS THE ORIGINAL MAP)

NO.	DATE	REVISION	BY	CHKD	SHEET
1	4/22/26	ADDED STAIRS AND CONCRETE			1 OF 1

TOPOGRAPHIC PLAT OF SURVEY
FOR
DWIGHT & SHERRY JOHNSON
TOWN OF WEST POINT
COLUMBIA COUNTY, WISCONSIN

FILE NO.	1225-719
PROJECT NO.	519-240
DRAWING NO.	1225-719

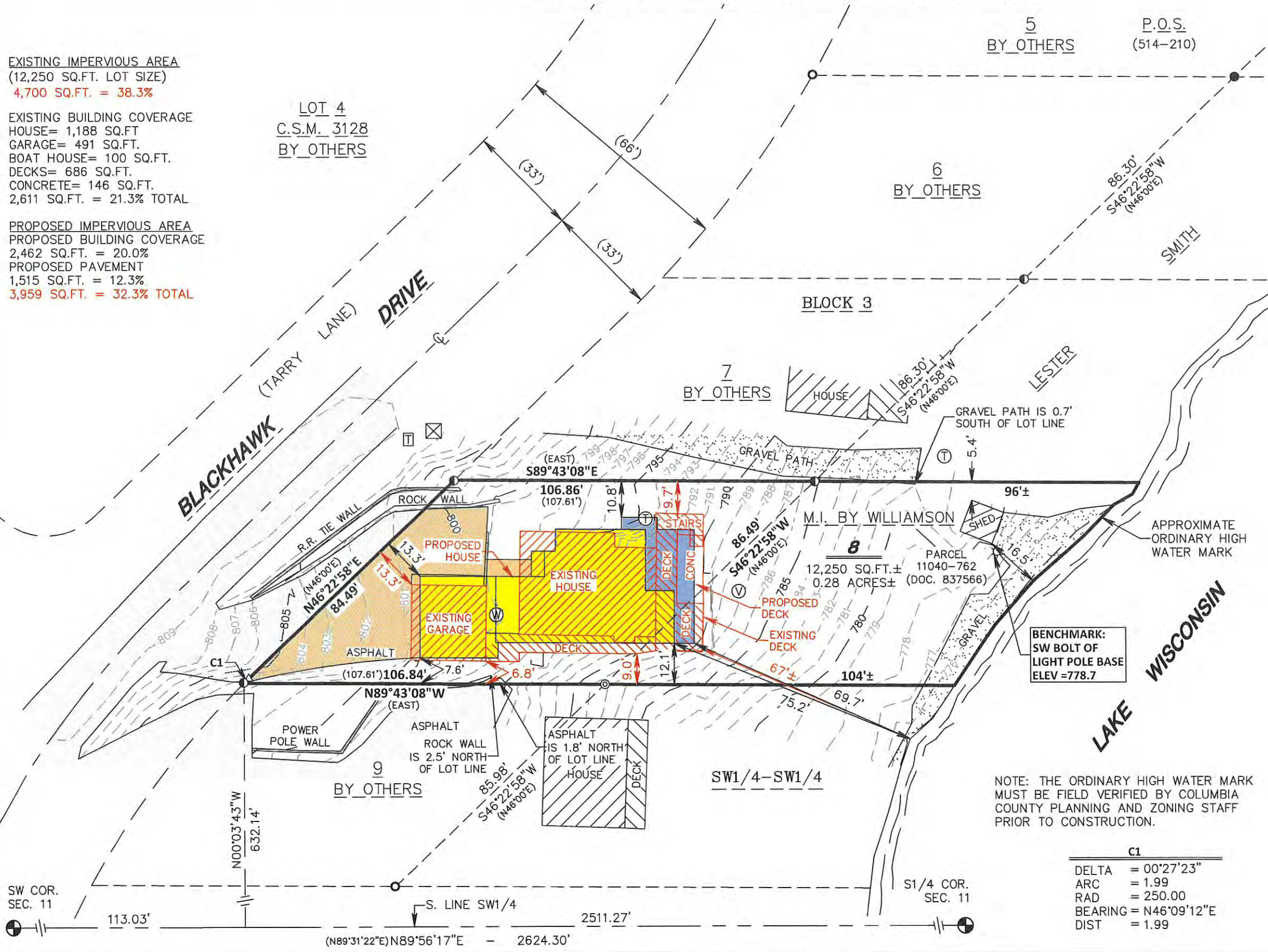


EXHIBIT Q - VARIANCE SITE PLAN

VARIANCE SITE PLAN

