



Public Hearing Item 2: 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 Section 12.525.02(1) Shoreland Setbacks
<u>Property Owner(s):</u>	Sina & Katelynn Sundby
<u>File Number:</u>	2026-006
<u>Property Location:</u>	GL 2, Sec. 11, T10N, R7E
<u>Town:</u>	West Point
<u>Parcel(s):</u>	11040-980.22
<u>Site Address:</u>	N2393 State Highway 188
<u>Current Zoning District(s):</u>	R-1, Single Family Residential

Background:

The subject property has been owned by Sina and Katelynn Sundby since July 21, 2023 (Exhibit E). The property is 12,700 sq. ft. or 0.30 acres in size. The property is further described as Lot 22, of Town of West Point Assessor's Plat No. 2(Exhibit J). The zoning for the property is R-1, Single Family Residential (Exhibit G). The property fronts on State Highway 188 to the south and Lake Wisconsin to the north (Exhibit F). Shoreland requirements do apply to this property. There is mapped floodway along the shoreline, but there are no wetland concerns located on the property (Exhibit H).

Currently there is a single-family residence with multiple decks, and two detached garages on the property. The single-family residence is 1907 sq. ft. with setbacks as follows; 40 ft. from the centerline of State Highway 188, 17 ft. from the right of way, 17 ft. to the rear property line, 100 ft. to the east side property line, one (1) ft. to the west side property line, 17 ft. to the Ordinary High Water Mark (OHWM) of Lake Wisconsin, 2,286 ft. to the nearest wetland boundary, and seven (7) ft. to the holding tank. Additional information about the other structures on the property can be found in the zoning inspection report dated March 26, 2026. Existing building lot coverage for the property is 2,890 sq. ft. or 22.76% and existing impervious surfaces are 7,537 sq. ft. or 59.35% (Exhibits P & Q).

The property used to be part of the Weast Park Plat. At that time the property did not extend to Lake Wisconsin as there was a promenade between the property and Lake Wisconsin. In 2025 an assessor's plat was completed by the Town. You will see that Out Lot 4 is shown north of the property. However, Out Lot 4 is completely underwater. Wisconsin Power and Light Real Estate owns the Lake bottom. The original house was constructed in the 1960's based on old air photos (Exhibit L). One garage was constructed in 1987 under zoning permit 1987-WP-288 (Exhibit M). The other garage was constructed under zoning permit 1997-WP-012 (Exhibit N). The existing single-family residence is served by a holding tank that was installed under sanitary permit 14-047 (Exhibit O).

The property owners are proposing to tear down the existing single-family residence and one of the detached garages to construct a new single-family residence. The new single-family residence would be 2,020 sq. ft. and would have the following setbacks: 42 ft. to the centerline of State Highway 188, 17 ft. to the right of way, 17 ft. to the rear property line, 85 ft. to the east side property line, 12 ft. to the west side property line, 17 ft. to the OHWM of Lake Wisconsin, 2,290 ft to the nearest wetland, and five (5) ft. to the holding tank. Proposed building lot coverage is 2,720 sq. ft. or 21.42% and impervious surfaces are 4,212 sq. ft. or 33.17% (Exhibits P & Q).

Variances to 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, and Section 12.525.02(1) Shoreland Setbacks are 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 "unnecessary hardship", "unique property limitation" and "protection of the public interest" and as a result, the Town recommends to the Columbia County Board of Adjustment that they approve the variances based on these conditions:

1. (OHWM Setback Floor): The nearest part of any structure on the parcel, including any additions or accessory structures, shall not be located closer than 17 feet from the ordinary high-water mark of Lake Wisconsin. This condition ensures the variance does not authorize any further reduction in OHWM proximity beyond the setback established by this application.
2. (Impervious Surface Limit): Total impervious surface on the parcel shall not exceed 33.17 percent (4,212 square feet) as calculated in the approved Impervious Surface Worksheet dated March 26, 2026. This condition addresses the public interest in water quality and runoff management adjacent to Lake Wisconsin.
3. (Engineered Retaining Walls): Final engineered plans and specifications for all proposed concrete and gravity block retaining walls shall be submitted to and approved by the Columbia County Planning and Zoning Department prior to commencement of construction. This condition addresses the public interest in slope stability and erosion prevention on a parcel with approximately 50 percent average grade adjacent to a navigable water.
4. (Shoreland Revegetation): All ground surface disturbed during construction within 75 feet of the ordinary high-water mark of Lake Wisconsin, excluding the approved building footprint, deck, retaining walls, driveway, and sidewalk surfaces, shall be stabilized and revegetated with native vegetation consistent with a plan submitted to and approved by the Columbia County Planning and Zoning Department prior to issuance of a zoning permit.
5. (Structure Removal): The existing single-family residence and Detached Garage 1, as identified in the Zoning Inspection Report, shall be fully demolished and removed prior to occupancy of the proposed new single-family residence.

With a note that Condition #1 does not apply to the retaining wall replacement shown on the plans since that wall replacement does not require a variance.

Analysis:

This property is zoned R-1, Single-Family Residential. The property fronts on State Highway 188 to the south and Lake Wisconsin to the north. Shoreland requirements do apply to this property. There is floodway 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.

The property used to be part of the Weast Park Plat. At that time the property did not extend to Lake Wisconsin as there was a promenade between the property and Lake Wisconsin. Town of West Point Assessor's Plat No. 2 was completed in 2025. This property then became known as Lot 22 in that plat.

As stated previously, this property was developed in the 1960's. The Town of West Point adopted County Zoning in 1962. The existing single-family residence is a legal nonconforming structure to the zoning ordinance. Currently it does not meet the required setback to the west side property boundary, the setback requirement to the north rear property boundary, or the required setbacks to State Highway 188. As a legal nonconforming structure the existing single-family residence could be rebuilt in the exact same three-dimensional footprint it currently has.

The proposed single-family residence is not the exact same three-dimensional footprint of the existing single-family residence. As such a new variance is required. The new proposed location of the single-family residence will actually bring the residence into compliance with side property setback requirements.

Rear property setbacks are important for a variety of reasons. Most importantly the rear 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. The proposed location of the single-family residence is not in the exact same location as the existing residence. It will be maintaining the same setback as the existing single-family residence. The proposed location centers the single-family residence more on the property.

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 40MPH. The property sits right on a hill and a curve on State Highway 188. The proposed single-family residence will actually be two (2) ft. further from the centerline of State Highway 188. The property is only 96 ft. in depth. This means enforcement of the 110 ft. setback to the centerline of State Highway 188 would leave no location for the residence to be placed.

The existing single-family residence is a legal nonconforming structure to the Shoreland/Wetland Protection ordinance as it does not meet the required 75 ft. setback to the OHWM of Lake Wisconsin. As a legal nonconforming structure the existing single-family residence can be rebuilt in the exact same footprint and expanded to a maximum height of 35 ft. The proposed single-family residence is not in the same footprint as the existing single-family residence. The existing single-family residence does not qualify for relocation of a nonconforming structure as it is closer than 35 ft. to the OHWM of Lake Wisconsin. Strict enforcement of the shoreland setback does not leave any room to place the proposed single-family residence. The proposed single-family residence does not qualify for a reduced setback to the OHWM as it is already one of the closest structures to the OHWM. The proposed single-family residence maintains the same setback as the existing single-family residence, just more central on the property.

The property has a slope of 41.6%. The existing single-family residence is supported by numerous retaining walls. The retaining walls are legal nonconforming structures. The proposal is to replace the retaining walls in the exact same location. This is permitted for legal nonconforming structures and does not require variance approval.

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	25 ft. setback to rear property line.	The proposed single-family residence requires a eight (8) ft. less than the minimum required from the north rear property line.
Variance Request B	Table 12.110.03(2): Minimum Required Setback for Front and Street Side Yards	110 ft. to the centerline of State Highway 188	The proposed single-family residence requires a variance of 68 ft. less than the minimum required from the centerline of State Highway 188
Variance Request C	Table 12.110.03(2) Minimum Required Setback for Front and Street Side Yards	50 ft. to the right of way of State Highway 188	The proposed single-family residence requires a variance of 33 ft. less than the minimum required to the right of way.
Variance Request D	Section 12.525.02(1) Shoreland Setbacks	75 ft. from the OHWM of a navigable body of water	The proposed single-family residence requires a variance of 58 ft. less than the minimum required to the OHWM.
<i>*Please see corresponding Site Map under Exhibit R</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. Required setbacks overlap leaving little to no area to replace the single-family residence.
 - iii. Existing single-family residence is a legal nonconforming structure.
 - iv. Proposed single-family residence is becoming more conforming.
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 41.6% slope.

- iii. Located at the top of a hill and a curve on State Highway 188.
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 40 mph.
 - ii. Proposed single-family residence is two (2) ft. further from the centerline of State Highway 188.
 - iii. Proposed single-family residence conforms with side property setbacks.

Recommendation:

Recommended Findings of Fact:

1. Sina and Katelynn Sundby are the owners of the subject property.
2. The property is 12,700 sq. ft. or 0.30 acres in size.
3. The property is described as Lot 22, Town of West Point Assessor's Plat No. 2
4. The property fronts on State Highway 188 to the south and Lake Wisconsin to the north.
5. The property currently has a single-family residence with multiple decks and retaining walls, and two detached garages.
6. The existing building lot coverage is 2,890 sq. ft. or 22.76%.
7. The existing impervious surfaces are 7,537sq. ft. or 59.35%
8. The single-family residence was constructed in the 1960's
9. The existing single-family residence is a legal nonconforming structure to the zoning code and the shoreland protection ordinances
10. The proposed single-family residence would have a setback of 17 ft. to the north rear property line.
11. The proposed single-family residence requires a setback variance of eight (8) ft. less than the minimum required to the north rear property line.
12. The proposed single-family residence would have a setback of 42 ft. to the centerline of State Highway 188.
13. The proposed single-family residence requires a setback variance of 68 ft. less than the minimum required to the centerline of State Highway 188.
14. The proposed single-family residence would have a setback of 17 ft. from the right of way of State Highway 188.
15. The proposed single-family residence requires a setback variance of 33 ft. less than the minimum required to the right of way of State Highway 188.
16. The proposed single-family residence would have a setback of 17 ft. from the OHWM of Lake Wisconsin.
17. The proposed single-family residence requires a setback variance of 58 ft. less than the minimum required to the OHWM of Lake Wisconsin.
18. Slope of the property is 41.6%.
19. The proposed building lot coverage is 2,720 sq. ft. or 21.42%.
20. The proposed impervious surfaces are 4,212 sq. ft. or 33.17%.

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 & .
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 K – Weast Park Plat
Exhibit B – Existing Site Plan	Exhibit L – Historic Air Photos
Exhibit C – Proposed Site Plan	Exhibit M – Zoning Permit 1987-WP-288
Exhibit D – Building Plans	Exhibit N – Zoning Permit 1997-WP-012
Exhibit E – Deed	Exhibit O – Sanitary Permit 14-047
Exhibit F – Air Photo	Exhibit P – Zoning Inspection Report dated 3/26/2026
Exhibit G – Zoning Map	Exhibit Q – Impervious Surface Worksheet dated 3/26/2026
Exhibit H – Floodplain and Wetland Map	Exhibit R – Variance Site Plan
Exhibit I – Topographic Map	
Exhibit J – Town of West Point Assessor’s Plat No.	

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

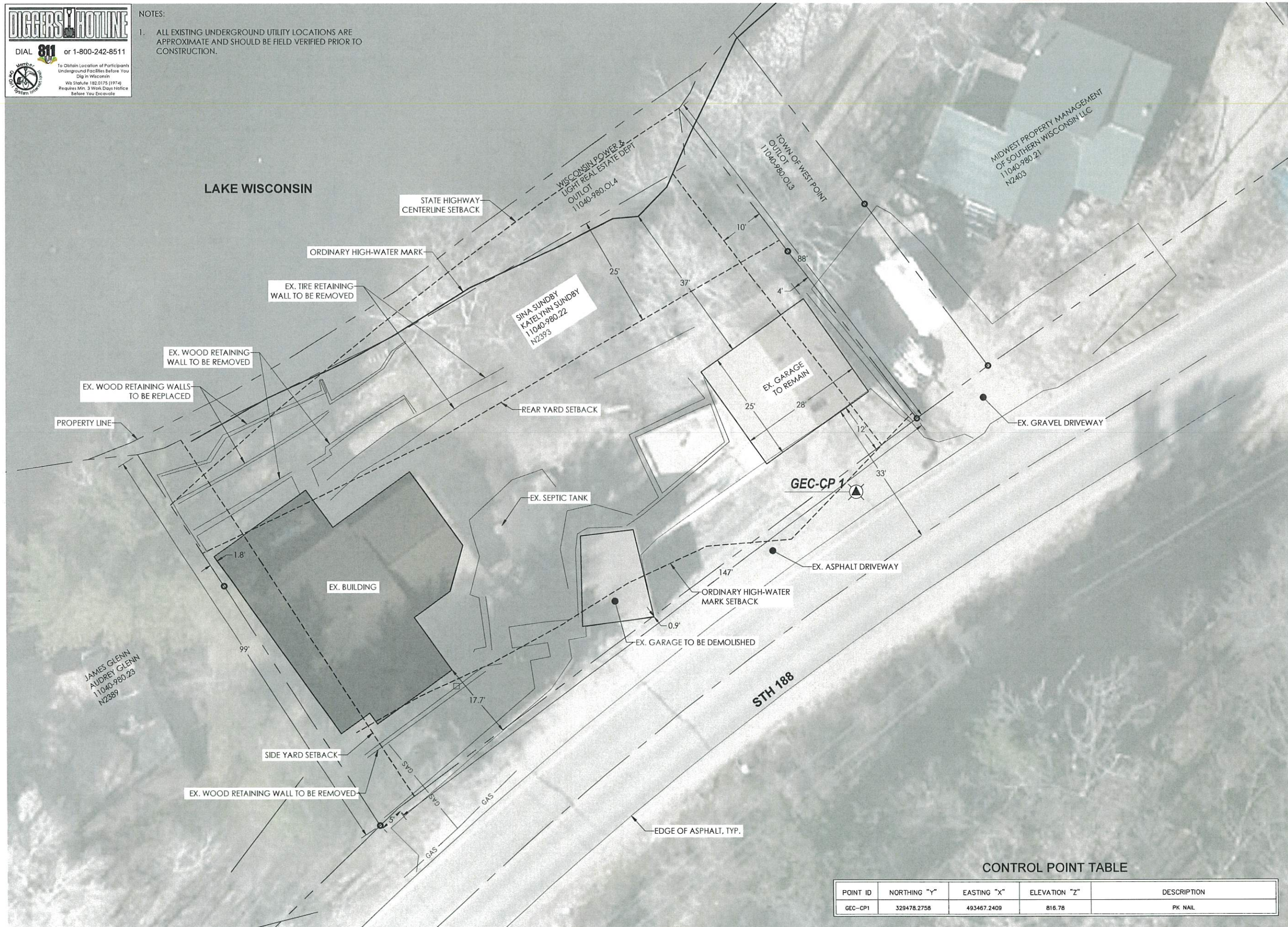
EXHIBIT B - EXISTING SITE PLAN

PRELIMINARY NOT FOR CONSTRUCTION



NOTES:

1. ALL EXISTING UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND SHOULD BE FIELD VERIFIED PRIOR TO CONSTRUCTION.



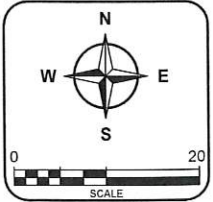
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**EXISTING SITE PLAN
 NEW HOME AND SITE DESIGN
 SNOWMAN PROPERTIES**

TOWN OF WEST POINT
 COLUMBIA COUNTY, WI

REVISIONS	NO.	BY	DATE



CONTROL POINT TABLE

POINT ID	NORTHING "Y"	EASTING "X"	ELEVATION "Z"	DESCRIPTION
GEC-CP1	329478.2758	493467.2409	816.78	PK NAIL

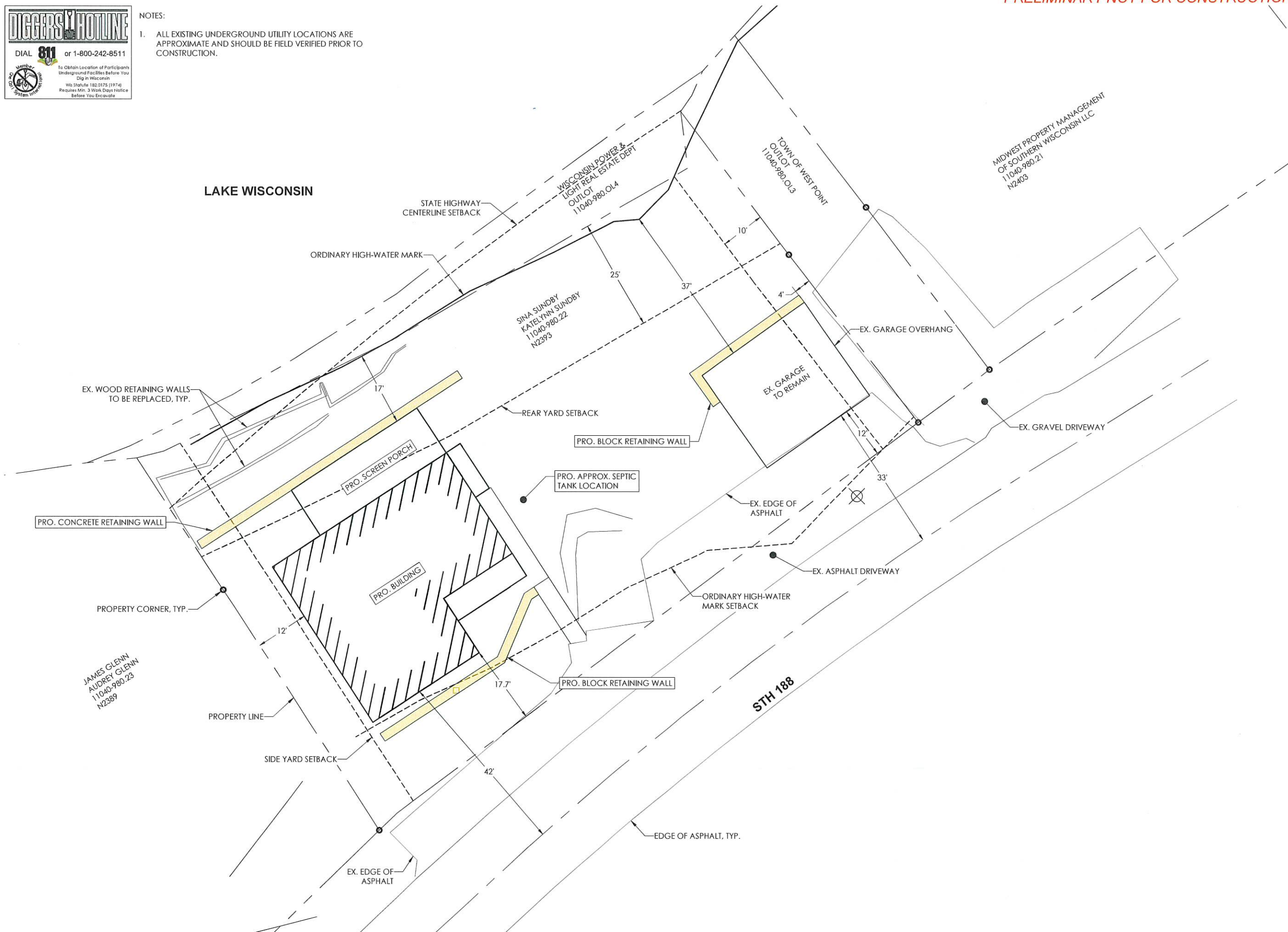
DRAWN BY: ZEA
 REVIEWED BY: BRU
 ISSUE DATE: MARCH 2026
 GEC FILE NO.: 2-0525-270
 SHEET NO.
C1.1



NOTES:

1. ALL EXISTING UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND SHOULD BE FIELD VERIFIED PRIOR TO CONSTRUCTION.

G:\Current Files R-2\Snowman Properties\2-0525-270 New Home And Site Design\CAD 2-0525-2702_CIVIL\Production Drawings\1-C1.0-C2.0-PSP_2-0525-270.dwg, 3/18/2026 10:16:17 AM, 1:1



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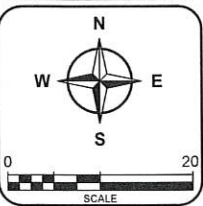
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PROPOSED SITE PLAN
NEW HOME AND SITE DESIGN
SNOWMAN PROPERTIES

TOWN OF WEST POINT
COLUMBIA COUNTY, WI

REVISIONS	NO.	BY	DATE



DRAWN BY	ZEA
REVIEWED BY	BRU
ISSUE DATE	MARCH 2026
GEC FILE NO.	2-0525-270
SHEET NO.	

