



## **Public Hearing Item 1: Variance Consideration**

Board of Adjustment • May 13, 2026

<b><u>Variance Request To:</u></b>	Table 12.110.03(2) Minimum Required Setback for Front and Street Side Yards
<b><u>Property Owner(s):</u></b>	Brian & Debra Jo Girard
<b><u>File Number:</u></b>	2026-004
<b><u>Property Location:</u></b>	GL 1, Sec. 1, T12N, R9E
<b><u>Town:</u></b>	Pacific
<b><u>Parcel(s):</u></b>	11032-41.2
<b><u>Site Address:</u></b>	N7577 North Shore Dr.
<b><u>Current Zoning District(s):</u></b>	R-1, Single Family Residential

### **Background:**

The subject property has been owned by Brian and Debra Jo Girard since October 3, 2002 (Exhibit C). The property is 20,250 sq. ft. or 0.46 acres in size. The property is further described as Lot 2 of Certified Survey Map 563-3-38 (Exhibit E). The zoning for the property is R-1, Single Family Residential (Exhibit G). There is a pond along the western property line, but the property is not a shoreland property. Shoreland requirements do not apply to this property. There are no floodplain or wetland concerns located on the property (Exhibits H).

Currently there is a single-family residence with a deck, and two sheds on the property. The single-family residence is 1400 sq. ft. with setbacks as follows; 53 ft. from the centerline of North Shore Dr., 43 ft. from the right of way, 62 ft. to the rear property line, 11 ft. to the north side property line, 90 ft. to the south side property line, 763ft. to the Ordinary High Water Mark (OHWM) of Swan Lake, 346 ft. to the nearest wetland boundary, five (5) ft. to the septic tank, 22 ft. to the dispersal component. Additional information about the sheds can be found in the zoning inspection report dated January 22, 2026. Existing building lot coverage for the property is 1,648 sq. ft. or 8.14% (Exhibit M).

A variance was granted for the construction of the single-family residence and a detached garage in 2001 under file number 2001-002 (Exhibit I). Only the single-family residence was ever constructed and that was done under zoning permit 2002-P-009 (Exhibit J). 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 002-039 (Exhibit K).

The property owner is proposing to construct a 960 sq. ft. detached garage that would have a maximum height of 22 ft. The detached garage would consist of 768 sq. ft. of garage space and 192 sq. ft. of lean-to space. Proposed setbacks are 36 ft. from the centerline of North Shore Dr., 26 ft. from the right of way, 99 ft. to the rear property line, 63 ft. from the north side property line, 31 ft. from the south side property line, 696 ft. from the OHWM of Swan Lake, 399 ft. from the nearest wetland, and 17 ft. from the septic tank, and 26 ft. from the dispersal component. Proposed building lot coverage is 2,608 sq. ft. or 12.88% (Exhibit M).

A variance to Table 12.110.03(2) Minimum Required Setback for Front and Street Side Yards is required to construct the detached garage as proposed.

### **Town Recommendation:**

The Town of Pacific has reviewed the variance request. The Town Plan Commission recommended approval to the Town Board. Town Board is in unanimous agreement to recommend approval of the variance.

### **Analysis:**

This property is zoned R-1, Single-Family Residential. There is a man-made pond along the western rear property line of the property. As the pond is man-made and not hydraulically or hydrologically connected to a navigable body of water it is not navigable, and the property is not a shoreland property. Shoreland requirements do not apply to this property. There are also no known wetland or floodplain concerns located on the property (Exhibit H).

This property was originally part of the Lakeside Park plat created in 1925 (Exhibit D). In 1980 a CSM was completed that created the property as it is now. The platted rights of way in this area vary. The right of way in front of the property is only 20 ft. in width.

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 82 ft. south of an almost 90-degree corner in North Shore Dr.

Standard right of way for Town Roads is 66 ft. in width. When you measure 33 ft. from the centerline of the Town Rd. you come to the edge of the right of way. Then 30 ft. from the right of way would put a structure 63 ft. from the centerline. As stated above the platted right of way for North Lake Shore Dr. is 20 ft. This means that the edge of the right of way is only 10 ft. from the centerline of the road. To be 63 ft. from the centerline of North Shore Dr. a structure would need to be 53 ft. from the right of way. This is approximately 1.76 times more than the required 30 ft. setback to the right of way.

The property does have approximately a 12 % slope to it as can be seen on the topographic map (Exhibit N). This slope really drops just to the west of the current proposed location of the detached garage.

In variance 2001-002 a single-family residence and a detached garage were approved with that variance. In 2001 there was no sunset date to variances. Unlike a variance being granted today which is void if no zoning permit is approved within one year of the variance being granted. The variance for the detached garage granted in 2001 is still valid. In that variance approval the detached garage was to be 40 ft. from the right of way, which would place the garage 50 ft. from the centerline of North Shore Dr. A variance of 13 ft. less than the minimum required to the centerline of North Shore Dr. This is also 10 ft. more than the minimum required to the right of way. This means that if a zoning permit was submitted meeting the approved setbacks to the centerline of the road and right of way granted in 2001 and all other zoning requirements that permit could be approved with no further action required.

<b>Requested Variance Table</b>			
<i>Variance Request</i>	<i>Section of Ordinance</i>	<i>Requirement</i>	<i>Request</i>
Variance Request A	Table 12.110.03(2): Minimum Required Setback for Front and Street Side Yards	63 ft. to the centerline of North Shore Dr.	The proposed detached garage requires a variance of 27 ft. less than the minimum required from the centerline of North Shore Dr.
Variance Request B	Table 110.03(2) Minimum Required Setback for Front and Street Side Yards	30 ft. to the right of way of North Shore Dr.	The proposed detached garage requires a variance of four (4) ft. less than the minimum required to the right of way.
<i>*Please see corresponding Site Map under Exhibit O</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. North Shore Dr. does not have a standard right of way.
    - iii. Variance 2001-002 was approved from the single-family residence and a detached garage. The detached garage was never constructed, so variance is still valid.
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 12% slope
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 82 ft. south of the 90-degree corner in North Shore Dr.

## **Recommendation:**

### ***Recommended Findings of Fact:***

1. Brian & Debra Girard are the owners of the subject property.
2. The property is 20,250 sq. ft. or 0.46 acres in size.
3. The property is described as Lot 2, CSM 563-3-38.
4. The property fronts on North Shore Dr.
5. The property currently has a single-family residence and two sheds on it.
6. Variance 2001-002 was approved for a single-family residence and a detached garage.
7. The single-family residence was constructed under zoning permit 2002-P-009.
8. The detached garage was not constructed or applied for. The variance is still good.
9. The proposed detached garage is 960 sq. ft. in size with a maximum height of 22 ft.
10. The detached garage is proposed to be 36 ft. from the centerline of North Shore Dr.
11. The proposed detached garage requires a variance of 27 ft. less than the minimum required from the centerline of North Shore Dr.
12. The detached garage is proposed to be 26 ft. from the right of way.
13. The proposed detached garage requires a variance of four (4) less than the minimum required to the right of way.
14. The proposed building lot coverage is 2,608 sq. ft. or 12.88%.

### ***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 & O.
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 – Deed

Exhibit D – Lakeside Park Plat

Exhibit E – CSM 563-3-38

Exhibit F – Air Photo

Exhibit G – Zoning Map

Exhibit H – Floodplain and Wetland Map

Exhibit I – Variance 2001-002

Exhibit J – Zoning Permit 2002-P-009

Exhibit K – Sanitary Permit 02-039

Exhibit L – Zoning Inspection Report dated  
12/10/2025

Exhibit M – Zoning Inspection Report dated  
1/22/2026

Exhibit N – Topographic Map

Exhibit O – Variance Site Map

cc: Brian & Debra Girard – Owner(s)

Town of Pacific

Kurt Calkins – Director of Land Resources, Columbia County

Zoning Board of Adjustment Members

COPY

# SITE PLAN

## GENERAL LOCATION

BEING LOT 2, C.S.M. NO. 563, AS RECORDED IN VOLUME 3, OF C.S.M.S, PAGE 38, AS DOCUMENT NO. 410483, LOCATED IN GOVERNMENT LOT 1, SECTION 1, T. 12 N, R. 9 E, TOWN OF PACIFIC, COLUMBIA COUNTY, WISCONSIN.

### LEGEND



- 3/4" IRON ROD FND.
- ⊙ 1" IRON PIPE FND.
- 1 1/2" IRON PIPE FND.
- ⊕ WELL
- ⊙ INSPECTION PIPE
- ⊕ SEPTIC TANK COVER
- ⊕ SEPTIC VENT
- \*-\*- FENCE
- ( ) PREVIOUS SURVEY OR RECORD INFO.

SCALE: 1" = 30'

LOT 1  
C.S.M. 563  
BY OTHERS

UNPLATTED  
LANDS  
BY OTHERS

**LOT 2**  
**C.S.M. 563**  
20,250 SQ.FT.  
0.46 ACRES

PARCEL  
11032-41.2

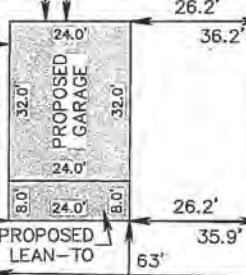
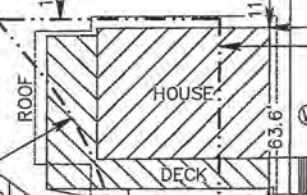
"POND"  
(N01°4'00"E)  
N00°27'08"E 135.00'

APPROXIMATE  
ORDINARY  
HIGH WATER  
MARK

GOV'T LOT 1

(S89°46'00"E)  
S89°33'28"E - 150.00'

1" IRON PIPE IS  
N45°37'30"E  
0.36' FROM  
TRUE COR.

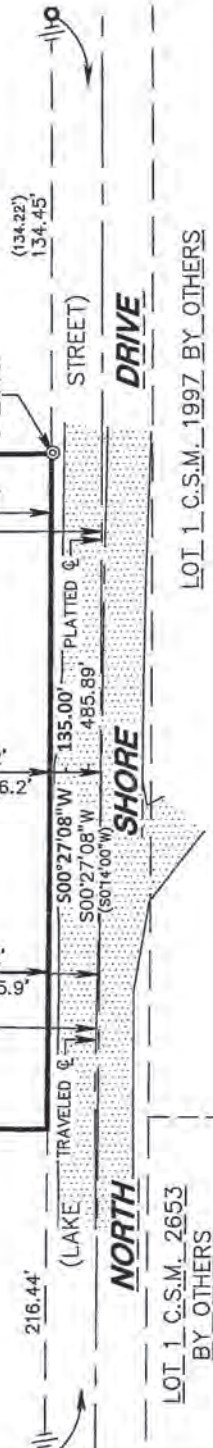


N89°33'28"W - 150.00'  
(N89°46'00"W)

LOT 3

C.S.M. 563

BY OTHERS



SEAL:



**CLIENT/OWNER:**

BRIAN AND DEBRA JO GIRARD  
1809 GLENVIEW AVENUE  
KAUKAUNA, WI 54130

As prepared by:

**GA GROTHMAN & ASSOCIATES S.C.**  
PROFESSIONAL SERVICES

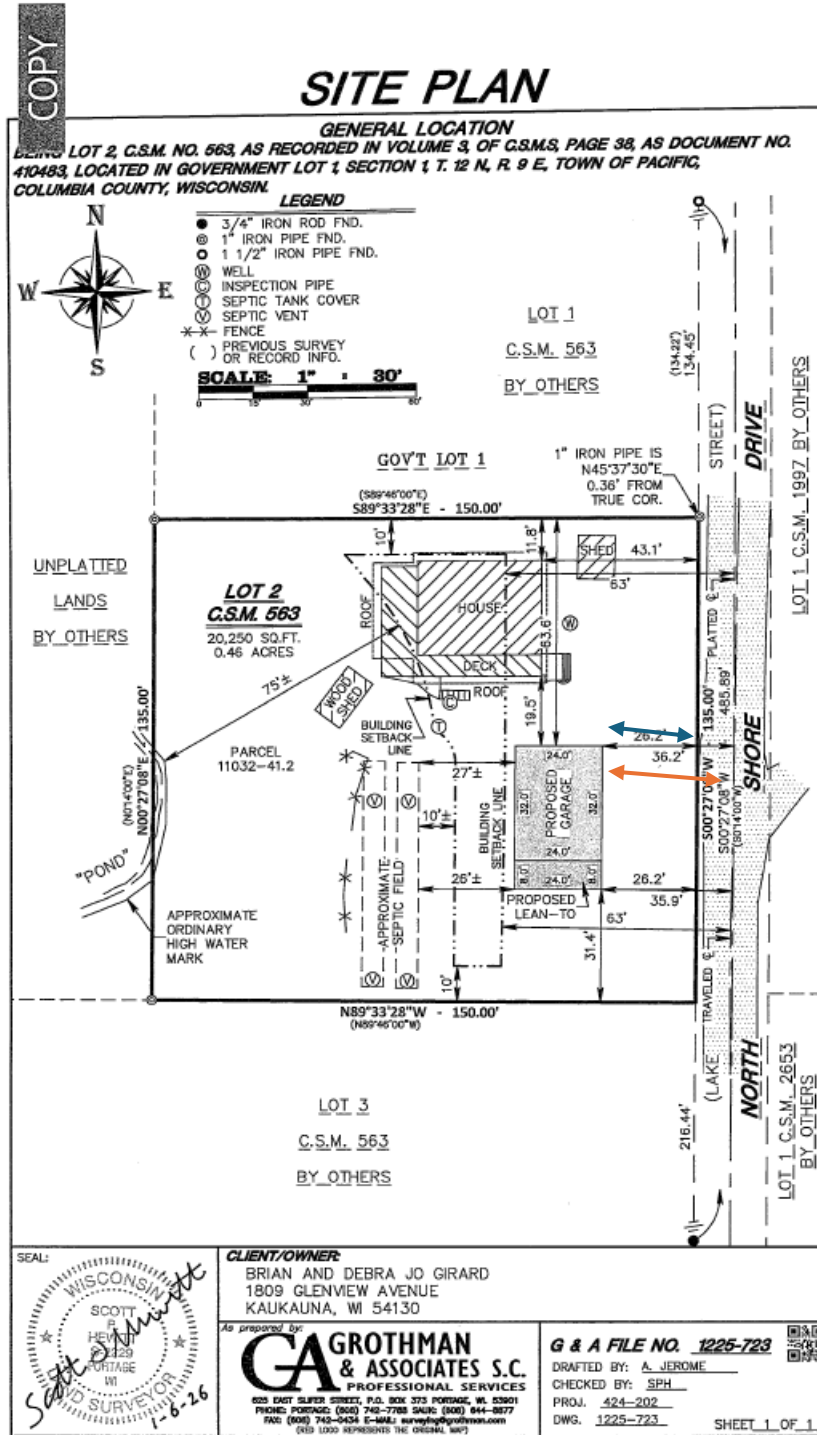
825 EAST SLIFER STREET, P.O. BOX 373 PORTAGE, WI 53901  
PHONE: PORTAGE: (808) 742-7788 SAUK: (808) 844-8877  
FAX: (808) 742-0434 E-MAIL: surveying@grothman.com  
(RED LOGO REPRESENTS THE ORIGINAL MAP)

**G & A FILE NO. 1225-723**

DRAFTED BY: A. JEROME  
CHECKED BY: SPH  
PROJ. 424-202  
DWG. 1225-723



# VARIANCE SITE MAP



Variance A

Variance B