



Public Hearing Item 1: Variance Consideration

Board of Adjustment • September 9, 2026

<u>Variance Request To:</u>	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>	C and B Timmons Irrevocable Trust Dated 8/10/2022
<u>File Number:</u>	2026-008
<u>Property Location:</u>	NE-SW, Sec. 11, T10N, R7E SE-SW, Sec. 11, T10N, R7E
<u>Town:</u>	West Point
<u>Parcel(s):</u>	37.03
<u>Site Address:</u>	N2223 State Highway 188
<u>Current Zoning District(s):</u>	R-1, Single-Family Residential

Background:

The subject property has been owned by Charles and Rebecca Timmons since December 26, 2012 (Exhibit C). The property is described as Lot 1, of Certified Survey Map (CSM) 7086-53-100. The property is 0.43 acres or 18,645 sq. ft. in size as depicted on the CSM (Exhibit E). The zoning for the property is R-1, Single-Family Residential (Exhibit G). The property is on Lake Wisconsin. This means that shoreland zoning standards apply to this property. The property fronts on the former right of way of State Highway 188. Setbacks for a state highway will be used for setback purposes (Exhibits E & F). There are no mapped wetlands on the property, but there is mapped flood plain on the property (Exhibit H). Before the CSM was completed the property used to be three separate parcels. The Wisconsin Department of Transportation transferred a portion of the old right of way that had been vacated to C and B Timmons Irrevocable Trust on March 18, 2026 (Exhibits D & E).

The current structures on the property are an existing single-family residence with an attached deck, a boathouse, a shed, a wellhouse, a gazebo, a wood shed, a fire ring, and a fence. The existing single-family residence is 1,078 sq. ft. Current building lot coverage is 1,855 sq. ft. or 9.95%. Existing impervious surfaces are 2,151 sq. ft. or 11.54% (Exhibits Q & R). The existing single-family residence is connected to a holding tank Private On-Site Waste Treatment System (POWTS) that was installed under sanitary permit 87-107 (Exhibit N). Additional information about the other structures on the property can be found in the zoning inspection report (Exhibit Q).

The property was developed in the 1940's. The first time the existing single-family residence can be seen is in the 1949 air photo (Exhibit J). In 1987 an addition was placed on the existing single-family residence under zoning permit 1987-WP-252. The deck that is attached to the existing single-family residence was constructed in 1998. Variance 1998-004 was approved for the decks location and zoning permit 1998-WP-015 was granted based on the variance approval (Exhibits M, O, & P).

The property owners would like to construct a 28 ft. x 30 ft. x 22 ft. or 840 sq. ft. detached garage on the property. The detached garage would go in place of the 97 sq. ft. shed that is to be removed from the property.

There will be a 12 ft. x 28 ft. or 336 sq. ft. concrete apron that will act as a driveway into the detached garage. The detached garage will have proposed setbacks of 61 ft. to the centerline of the former State Highway 188, 60 ft. to the right of way, 44 ft. to the rear property line, 72 to the west side property line, 26 ft. to the east side property line, 44 ft. to the Ordinary High-Water Mark (OHWM) of Lake Wisconsin, 818 ft. to the nearest wetland boundary, and 30 ft. to the holding tank.

In order to construct the detached garage as proposed variances to Table 12.110.03(2) and Section 12.525.02(1) must be granted.

Town Recommendation:

At the August 13th Town Board meeting a motion was made by John Ungrodt to recommend to the Columbia County Board of Adjustments to approve the 2 variances requested by C and B Timmons Irrevocable Trust dated 8/10/2022 based on the site condition of the non-conforming structures and sanitary system that are in place now make it a hardship for an alternative placement, 2nd by Scott Earnest – motion carried unanimously.

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.

The existing single-family residence appears to have been constructed in the 1940's (Exhibit J). The Town of West Point did not adopt County Zoning until 1962. In reviewing the history of the road, it appears that in 1947 the road was called State Highway 78 (Exhibit K). Between 1947 and 1956 the road became State Highway 188 (Exhibit L). So, it appears that the road in front of the subject property has always been a State Highway. Setbacks for the roadway have changed over the years. When the residence was constructed, there were no County setback requirements. In 1961 the setbacks for State Highways were 110 ft. from the centerline and 42 ft. from the right of way (Exhibit S). Today the setback requirements are 110 ft. from the centerline and 50 ft. from the right of way. Additionally, prior to the 1940's the state highway went across Lake Wisconsin. Then they moved the road to go around the lake. This remnant of a road is what is left. As it is State Highway right of way, state highway setbacks are applied.

The highway right of way is the area that is required for the traffic lanes, shoulders, ditches, and errant vehicle recovery. Rural two-lane highways, many assume the right of way is 66 ft. This is not always true. When no government acquisition records exist state law presumes a 66 ft. right of way. Normally for State Highways this is much wider. In this instance the former State Highway 188 dead-ends at the subject property.

Highway setbacks are primarily for safety. For good reason these setbacks provide a stopping area should vehicles leave the roadway for any reason. Along the main roadway of State Highway 188 the posted speed limit is 40 mph. This property is at the end of a dead-end portion of the former State Highway 188. Former State Highway 188 is a gravel road with no posted speed limit. The only vehicles that have reason to be at this end of the road are the property owners and those visiting the property. The proposed detached garage will meet the right of way setback. To meet the setback to the centerline the proposed garage would need to be constructed along the edge of Lake Wisconsin.

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. In order for the proposed detached garage to meet the 75 ft. setback it would need to be constructed 30 ft. from the centerline of the former State Highway 188 and the right of way. This would then place the garage in close proximity to the holding tank that is on the property.

There is little to no slope on the property as can be seen in the topographic map (Exhibit I).

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(2)	110 ft. setback to the centerline of former State Highway 188	Proposed detached garage requires a setback variance of 49 ft. less than the minimum required to the centerline of former State Highway 188
Variance Request B	Section 12.525.02(1) Shoreland Setbacks	75 ft. setback to the OHWM of navigable body of water	Proposed detached garage requires a setback variance of 31 ft. less than the minimum required to the OHWM
<i>*Please See Corresponding Site Map Under Exhibit S</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. Setbacks overlap one another
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. End of a dead-end road
 1. Former 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. No significant impacts to public safety.

Recommendation:

Recommended Findings of Fact:

1. Charles and Rebecca Timmons are the owners of the subject property.
2. The property is 0.43 acres or 18,645 sq. ft. in size.
3. The current structures on the property are an existing single-family residence with an attached deck, a boathouse, a shed, a wellhouse, a gazebo, a wood shed, a fire ring, and a fence.
4. The existing single-family residence 1,078 sq. ft. in size.
5. The existing building lot coverage is 1,855 sq. ft. or 9.95%.
6. The existing impervious surface coverage is 2,151 sq. ft. or 11.54%.
7. The proposed building lot coverage will be 2,598 sq. ft. or 13.93%.
8. The proposed impervious surface coverage is 3,202 sq. ft. or 17.17%.
9. A shoreland zoning permit with two (2) points of mitigation will be required.
10. The detached garage is proposed to be 61 ft. from the centerline of the former State Highway 188.
11. The proposed detached garage requires a setback variance of 49 ft. less than the minimum required to the centerline of former State Highway 188.
12. The detached garage is proposed to be 60 ft. from the right of way.
13. The proposed detached garage will meet the right of way setback requirement.
14. The detached garage is proposed to be 44 ft. from the OHWM of Lake Wisconsin.
15. The proposed detached garage requires a setback variance of 31 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 & S.
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 – 2012 Deed
Exhibit D – 2026 Deed
Exhibit E – CSM 7086-53-100
Exhibit F – Air Photo
Exhibit G – Zoning Map
Exhibit H – Flood Plain and Wetland Map
Exhibit I – Topography Map
Exhibit J – 1949 Air Photo
Exhibit K – Columbia County Plat Book
1947

Exhibit L – Columbia County Plat Book
1956
Exhibit M – Zoning Permit 1987-WP-252
Exhibit N – Sanitary Permit 87-107
Exhibit O – Variance 1998-004
Exhibit P – Zoning Permit 1998-WP-015
Exhibit Q – Zoning Inspection Report dated
7-1-2026
Exhibit R – Impervious Surface Worksheet
dated 7-1-2026
Exhibit S – Variance Site Plan

cc: Charles and Rebecca Timmons – Owners
Town of West Point
Kathi Kramasz – WI DNR
Sue Vanden Langenberg – WI DNR
Kurt Calkins – Director of Planning & Zoning, Columbia County
Zoning Board of Adjustment Members

COLUMBIA COUNTY SITE PLAN

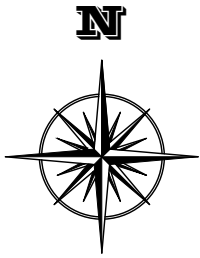
BEING LOT 1, CERTIFIED SURVEY MAP NUMBER 7086,
LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE
SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER,
SECTION 11, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 4TH PRINCIPAL MERIDIAN,
TOWN OF WEST POINT, COLUMBIA COUNTY, WISCONSIN.

OWNER/S:

C AND B TIMMONS IRREVOCABLE TRUST
DATED 8/10/2022
N2223 STATE HIGHWAY 188
LODI, WI 53555

PREPARED BY:

TYLER T. BERGSTROM
BERGSTROM LAND SURVEYING, LLC
N4946 BEACH GARDEN ROAD
POYNETTE, WI 53955
608-745-2342



0 25 50
SCALE: 1" = 50'

LEGEND

- IRON ROD SET
3/4" DIA. X 30" LENGTH
(1.50 Lbs. / Ft.)
- 3/4" IRON ROD FOUND
- 1-1/4" IRON PIPE FOUND
- ◐ SECTION CORNER MON. FOUND
"AS NOTED"
- () PREVIOUSLY MEASURED AS

NOTE:
THIS SURVEY SHOWS THE APPROXIMATE
LOCATION OF THE PROPOSED
FOUNDATION FOR THE CLIENTS/OWNERS
INFORMATION AND IS NOT
TO BE USED FOR CONSTRUCTION PURPOSES. SEE
BUILDING PLANS FOR ADDITIONAL DETAILS.
SHOULD A FOUNDATION SURVEY BE REQUIRED, A
SEPARATE SURVEY SHOULD
BE CONDUCTED AT THAT TIME.

FLOOD HAZARD AREA
AS DETERMINED FROM FIRM PANEL
NO. 55021C0482 EFF. 5/16/2016

SETBACKS
FRONT/ROADSIDE = 30' FROM R/W
SIDE = 10'
O.H.W.M. = 75'

ZONE AE

ZONE X

NE 1/4 - SW 1/4

S. LINE NE 1/4 - SW 1/4

N. LINE SE 1/4 - SW 1/4

SE 1/4 - SW 1/4

LAKE WISCONSIN

WATER ELEVATION = 774.0' +/-
AS SURVEYED ON 4/10/2026
NAVD88

REGULATORY FLOODPLAIN
BOUNDARY LINE AS DETERMINED
FROM FIRM PANEL NO. 55021C0482
EFF. 5/16/2016

NOTE:
ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR NAVIGABLE STREAM
IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER
ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.

GAZEBO

LOT 1

WELL

HOUSE

DECK

PIER

PROPOSED
28'X30'
GARAGE

SHED
TO BE
RELOCATED

BOAT
HOUSE

TANK

VENT

GRAVEL
DRIVE / ACCESS POINT

BUILDING SETBACK LINE

LOT 1 = 18,645 Sq. Ft. +/-
EXISTING IMPERVIOUS SURFACES
HOUSE = 1,078 Sq. Ft. +/- (5.8%)
DECK = 154 Sq. Ft. +/- (0.8%)
BOATHOUSE = 386 Sq. Ft. +/- (2.0%)
SHED = 97 Sq. Ft. +/- (0.5%)
WELL HOUSE = 60 Sq. Ft. +/- (0.3%)
GAZEBO = 194 Sq. Ft. +/- (1.0%)
PROPOSED GARAGE = 840 Sq. Ft. +/- (4.5%)

VARIANCE SITE PLAN

