



Public Hearing Item 1: Variance Consideration

Board of Adjustment • February 11, 2026

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| <u>Variance Request To:</u> | Table 12.110.03(2) Minimum Required Setback for Front and Street Side Yards |
| <u>Property Owner(s):</u> | Section 12.525.02(1) Shoreland Setbacks Eileen Montgomery |
| <u>File Number:</u> | 2026-001 |
| <u>Property Location:</u> | SW-NE, Sec. 34, T11N, R8E |
| <u>Town:</u> | Dekorra |
| <u>Parcel(s):</u> | 11010-970 |
| <u>Site Address:</u> | Becker Rd |
| <u>Current Zoning District(s):</u> | R-1, Single Family Residential |

Background:

The subject property has been owned by Eileen Montgomery since September 4, 2024 (Exhibit D). The property is 8,991 sq. ft. or 0.21 acres in size. The zoning for the property is R-1, Single Family Residential (Exhibit G). The property is shoreland, as it fronts on Lake Wisconsin. Shoreland requirements apply to this property. This property is located in the flood fringe portion of the flood plain, mostly prevalent along the shoreline. There are no wetlands located on the property (Exhibits F & H).

This is a vacant property. There are currently no improvements to the property. A soil evaluation has been completed for the property. The only type of Private On-Site Waste Treatment System (POWTS) that this property qualifies for is a holding tank due to high ground water on the property (Exhibit I).

The property owner is proposing to construct a 1,769 sq. ft. single-family residence that would be 32 ft. in height. Proposed setbacks are 51 ft. from the traveled centerline of Becker Rd., 56 ft. from the platted centerline of Becker Rd., 23 ft. from the right of way, 65 ft. to the rear property line, 10 ft. from side property lines, 65 ft. from the Ordinary High-Water Mark (OHWM) of Lake Wisconsin, 2,622 ft. from the nearest wetland, and 10 ft. from the proposed holding tank. Proposed building lot coverage is 1,769 sq. ft. or 19.67%. Proposed impervious surfaces are 2,532.25 sq. ft. or 28.16% (Exhibits J & K).

Variances to 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 Dekorra has reviewed the variance request and takes no position on the request. The Town requests that if the variance is granted, the applicant be required to obtain a building permit from the Town of Dekorra and grant the Town an easement for Stormwater Management.

Analysis:

This property is zoned R-1, Single-Family Residential and is a shoreland property. Shoreland requirements do apply to this property as it fronts on Lake Wisconsin. A portion of the property is located in the flood fringe portion of the flood plain. The proposed residence will not be located in the flood plain. No wetlands are located on the property.

It appears the property has been a lot of record since at least 1969 (Exhibit E). This is important because a holding tank is not normally permitted for new construction in Columbia County. However, Section 12.305.03(4)(a) allows properties that were lot of record prior to January 1, 2001 to install a holding tank for new construction. The soil evaluation completed on November 8, 2024 shows that the property only qualifies for a holding tank for a POWTS.

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 30 ft. from the intersection of Becker Rd. and Stein Rd. Vehicles traveling south on Stein Rd. have a stop sign before turning on to Becker Rd. The right of way for Becker Rd. appears to be the standard 66 ft. associated with Town roads. It appears that the road is not fully centered in the road right of way. This can be seen by the fact that the residence is proposed to be 51 ft. from the traveled centerline of Becker Rd., while the proposed residence is 56 ft. from the center of the platted right of way. This makes the traveled center line the most restrictive and for which setbacks are calculated. To be 63 ft. from the centerline a structure would need to be 35 ft. from the right of way. Below is a table that shows how the proposed residence compares to structures on neighboring properties.

| Parcel Number | Site Address | Structure | Distance to Traveled Centerline |
|---------------|------------------|--------------------|---------------------------------|
| 11010-982 | W10714 Becker Rd | Detached Garage | 32 ft |
| 11010-982 | W10714 Becker Rd | Residence | 104 ft |
| 11010-981 | W10710 Becker Rd | Residence | 63 ft |
| 11010-981.A | W10702 Becker Rd | Shed | 61 ft |
| 11010-981.A | W10702 Becker Rd | Residence | 94 ft |
| 11010-980 | W10692 Becker Rd | Residence | 71 ft |
| 11010-958.A | W10688 Becker Rd | Residence | 107 ft |
| 11010-970 | Becker Rd | Proposed Residence | 51 ft |

The Shoreland/Wetland Protection Ordinance requires that structures be located 75 from the OHWM of a navigable body of water, such as Lake Wisconsin. When there is a development pattern that shows primary structures closer than 75 ft. a property may qualify for a reduced setback. In order to qualify for the reduced setback the neighboring properties must both have primary structures that are 75 ft. or closer to the OHWM. In this instance the property to the west is vacant and the property to the east is exactly 75 ft. from the OHWM. The subject property does not qualify for a reduced setback. The only way to reduce the setback below 75 ft. is to request a variance. A property owner could be permitted a 200 sq. ft. open sided structure within 75 ft. but greater than 35 ft. if they comply with Section 12.525.02(2)(b). Open sided structures are decks, patios, or gazebos. The residence would not be eligible. Below is a table that shows how the proposed residence compares to neighboring residences.

| Parcel Number | Site Address | Structure | Distance to OHWM |
|---------------|------------------|--------------------|------------------|
| 11010-982 | W10714 Becker Rd | Residence | 42 ft |
| 11010-981 | W10710 Becker Rd | Residence | 89 ft |
| 11010-981.A | W10702 Becker Rd | Residence | 41 ft |
| 11010-980 | W10692 Becker Rd | Residence | 75 ft |
| 11010-958.A | W10688 Becker Rd | Residence | 80 ft |
| 11010-970 | Becker Rd | Proposed Residence | 65 ft |

It is important to note the minimum requirements for a single-family residence in Columbia County. These requirements are outlined in Section 12.125.10(1). The standards are as follows. Narrowest horizontal dimension of the main body of the building shall be not less than 24 ft.; Minimum floor area shall be 600 sq. ft. per dwelling unit, excluding any attached garage, carport, or open deck; Roof pitch on the main body of the building shall be at least three feet in rise for every 12 feet of run; The dwelling must be attached to a finished, permanent foundation with any wheels, axels, transportation lights, and other related towing apparatuses removed; Manufactured homes shall be considered the equivalent of single-family dwellings, but only if manufactured home meets all the above requirements. These are minimum requirements. These requirements do not account for what a property owner may consider as functional living needs.

| Requested Variance Table | | | |
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| <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 Becker Rd. | The proposed single-family residence requires a variance of 12 ft. less than the minimum required from the traveled centerline of Becker Rd. and a variance of seven (7) ft. less than the minimum required to the platted centerline of Becker Rd. |
| Variance Request B | Table 110.03(2) Minimum Required Setback for Front and Street Side Yards | 30 ft. to the right of way of Becker Rd. | The proposed single-family residence requires a variance of seven (7) ft. less than the minimum required to the right of way. |
| Variance Request C | Section 12.525.02(1) Shoreland Setbacks | 75 ft. to the OHWM of Lake Wisconsin | The proposed single-family residence requires a variance of 10 ft. less than the minimum required to the OHWM of Lake Wisconsin. |
| <i>*Please see corresponding Site Map under Exhibit L</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. Becker Rd. does not appear to be centered in the road right of way.
 - iii. Property does not qualify for a reduced setback to the OHWM.
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. Slightly less depth than surrounding properties
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 30 ft. from the intersection of Becker Rd. and Stein Rd.

Recommendation:

Recommended Findings of Fact:

1. Eileen Montgomery is the owner of the subject property.
2. The property is 8,991 sq. ft. or 0.21 acres in size.
3. The property has been a lot of record since 1969.
4. The property fronts on Becker Rd. and Lake Wisconsin.
5. The property is currently vacant.
6. The proposed residence is 1,769 sq. ft. and 32 ft. in height.
7. The residence is proposed to be 51 ft. from the traveled centerline of Becker Rd. and 56 ft. from the platted centerline of Becker Rd.
8. The proposed residence requires a variance 12 ft. less than the minimum required from the traveled centerline of Becker Rd. and a variance of seven (7) less than the minimum required from the platted centerline of Becker Rd.
9. The residence is proposed to be 23 ft. from the right of way.
10. The proposed residence requires a variance of seven (7) less than the minimum required to the right of way.
11. The residence is proposed to be 65 ft. from the OHWM of Lake Wisconsin.

12. The proposed residence requires a variance of 10 ft. less than the minimum required to the OHWM of Lake Wisconsin
13. The subject property does not qualify for a reduced setback to the OHWM of Lake Wisconsin.
14. The proposed building lot coverage is 1,769 sq. ft. or 19.67%.
15. The proposed impervious surfaces are 2,532.25 sq. ft. or 28.16%.

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 Exhibit B.
2. Construction can commence once all applicable permits from the State, County, and Town are obtained.
3. A stormwater easement be granted to the Town of Dekorra
4. A foundation survey will be a requirement of the zoning permit.
5. 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 – 2024 Deed
Exhibit E – 1969 Deed
Exhibit F – Air Photo
Exhibit G – Zoning Map

Exhibit H – Floodplain and Wetland Map
Exhibit I – Soil Evaluation Report
Exhibit J – Zoning Inspection Report 11/4/2025
Exhibit K – Impervious Surface Worksheet
11/4/2025
Exhibit L – Variance Site Map

cc: Eileen Montgomery – Owner(s)
Town of Dekorra
Kurt Calkins – Director of Land Resources, Columbia County
Zoning Board of Adjustment Members

VARIANCE SITE MAP

