



Public Hearing Item 2: Variance Consideration

Board of Adjustment • February 11, 2026

<u>Variance Request To:</u>	Table 12.110.03(2) Minimum Required Setback for Front and Street Side Yards
<u>Property Owner(s):</u>	William & Lori Statz
<u>File Number:</u>	2026-002
<u>Property Location:</u>	NW-SE, Sec. 11, T10N, R7E
<u>Town:</u>	West Point
<u>Parcel(s):</u>	11040-741.A
<u>Site Address:</u>	N2205 State Highway 188
<u>Current Zoning District(s):</u>	R-1, Single Family Residential

Background:

The subject property has been owned by William and Lori Statz since September 8, 2009 (Exhibit E). The property is 13,800 sq. ft. or 0.32 acres in size. The property is described as Lot 6 of Certified Survey Map (CSM) 1125-5-117 (Exhibit D). The zoning for the property is R-1, Single Family Residential (Exhibit H). 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 along the shoreline. There are no wetlands located on the property (Exhibit I).

There was 1,480 sq. ft. single-family residence on the property (Exhibits J, K, & P). The single-family residence had setbacks of 116 ft. from the centerline of State Highway 118, 82 ft. from the right of way, 70 ft. from the rear property line, nine (9) ft. from the east side property line, 12 ft. from the west side property line, 70 ft. from the Ordinary High-Water Mark of Lake Wisconsin, 463 ft. from the nearest wetland, and 40 ft. to the holding tank (Exhibits K & P). The building lot coverage was 1,480 sq. ft. or 10.72% (Exhibit K). Existing impervious surfaces were 1,998 sq. ft. or 14.48% (Exhibits K, L, & M). It appears that the single-family residence has been removed from the property.

Development of the property started around 1955 based on air photos from that time frame (Exhibit F). CSM 1125-5-117 was completed in 1987. The property is served by a holding tank that was installed under sanitary permit 05-025 (Exhibit N).

The property owners have removed the existing single-family residence and would like to replace it with a 2,669 sq. ft. proposed single-family residence that would be 32 ft. in height. The proposed single-family residence would have setbacks of 94 ft. to the centerline of State Highway 188, 60 ft. to the right of way, 54 ft. to the rear property line, 11 ft. to both side property lines, 54 ft. to the OHWM of Lake Wisconsin, 457 ft. to the nearest wetland, and 50 ft. to a new proposed holding tank. Building lot coverage would be 2,669 sq. ft. or 19.34% and impervious surfaces would be 4,111 sq. ft. or 29.79%.

A variance to Table 12.110.03(2) Minimum Required Setbacks to Front and Street Side Yards is required to construct the proposed single-family residence.

Town Recommendation:

The Town of West Point has reviewed the variance request and recommends denying the request. It is the Town of West Point's opinion that a legal hardship does not exist.

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. This is at the shoreline and will not affect the location of the proposed single-family residence. No wetlands are located on the property.

The property is Lot 6 of CSM 1125-5-117. As you can see on the plat the property fronts on State Highway 188 and Lake Wisconsin. State Highway 188 passes the property at an angle. The size of right of way varies along this stretch of the highway. Directly in front of the property the right of way measures 66 ft. in width and traveled centerline appears to be 34 ft. north of the subject property's front property line.

The existing single-family residence is considered to be a legal nonconforming structure to the Zoning Code (12.100) as it does not meet current east side property setback. The existing single-family residence has an east side setback of nine (9) ft. and the required setback is 10 ft. The existing single-family residence is legal nonconforming to the Shoreland Wetland Protection Ordinance (12.500). The existing single-family residence does not meet the required 75 ft. setback to the OHWM of Lake Wisconsin as it is only 70 ft. from the OHWM.

The existing single-family residence was built around 1955 based on air photos from that time frame. The Town of West Point adopted County Zoning in 1962. The property qualifies for a reduced setback to the OHWM of Lake Wisconsin as there is a development pattern that allows a primary structure to be placed closer than 75 ft. The reduced setback was calculated to be 54 ft. (Exhibit K).

Property owners have submitted a zoning permit application (Exhibit J). A new holding tank has been approved under sanitary permit 25-105 (Exhibit O). A mitigation affidavit has been recorded at the Register of Deeds for the mitigation that will be required due to the increase in impervious surfaces (Exhibit M).

Highway setbacks are primarily for safety. These setbacks provide an area for vehicles to stop should the vehicle leave the roadway for any reason. The proposed single-family residence will meet the required right of way setback for State Highway 188. The required setback is 50 ft. and the proposed single-family residence will be 60 ft. from the right of way. The angle at which State Highway 188 passes the property appears to make it difficult to square a structure with the highway. In order to meet the setback to the centerline of State Highway 188 approximately 320 sq. ft. of the proposed single-family residence would need to be removed. This would cause the proposed single-family residence to be 76 ft. from the right of way, 26 ft. greater than the minimum required. Below is a table that shows how the proposed residence compares to structures on neighboring properties.

Parcel Number	Site Address	Structure	Distance to Centerline
11040-53	N2211 State Highway 188	Single-Family Residence	120 ft.
11040-53.A	N2207 State Highway 188	Detached Garage	64 ft.
11040-53.A	N2207 State Highway 188	Single-Family Residence	98 ft.
11040-740.01	N2197 State Highway 188	Detached Garage	44 ft.
11040-740.01	N2197 State Highway 188	Single Family Residence	127 ft.
11040-740.03	N2193 State Highway 188	Single-Family Residence	132 ft
11040-741.A	N2205 State Highway 188	Single-Family Residence	94 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			
<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	110 ft. to the centerline of State Highway 188	The proposed single-family residence requires a setback variance of 16 ft. less than the minimum required to the centerline of State Highway 188.
<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. State Highway 188 has a 66 ft. wide right of way.
 - iii. Angle of State Highway 188 makes it difficult to construct a square structure.
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. State Highway 188 has a 66 ft. wide right of way
 - iii. Angle of State Highway 188 makes it difficult to construct a square structure.
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. Will meet and exceed the right of way setback requirement.

Recommendation:

Recommended Findings of Fact:

1. William and Lori Statz are the owners of the subject property.
2. The property is 13,800 sq. ft. or 0.32 acres in size.
3. The property is described as Lot 6 of CSM 1125-5-117.
4. The property fronts on State Highway 188 and Lake Wisconsin.
5. The property contained an existing single-family residence.
6. The existing single-family residence was 1,480 sq. ft. in size.
7. The existing building lot coverage was 1,480 sq. ft. or 10.72%.
8. The existing impervious surfaces were 1,998 sq. ft. or 14.48%%.
9. The proposed single-family residence is 2,669 sq. ft. and 32 ft. in height.
10. The proposed building lot coverage is 2,669 sq. ft. or 19.34%.
11. The proposed impervious surfaces are 4,111 sq. ft. or 29.79%.
12. The single-family residence is proposed to be 94 ft. from the centerline of State Highway 188.
13. The proposed single-family residence requires a setback variance of 16 ft. less than the minimum required to the centerline of State Highway 188.

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 structure; 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 and C.
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 – Proposed Site Plan

Exhibit C – Building Plans

Exhibit D – CSM 1125-5-117

Exhibit E – Deed

Exhibit F – Historical Air Photos

Exhibit G – Air Photo

Exhibit H – Zoning Map

Exhibit I – Floodplain and Wetland Map

Exhibit J – Zoning Permit Application

Exhibit K – Zoning Inspection Report 12-8-2025

Exhibit L – Impervious Surface Worksheet

Exhibit M – Mitigation Affidavit

Exhibit N- Sanitary Permit 05-025

Exhibit O – Sanitary Permit 25-105

Exhibit P – Existing Site Plan

Exhibit Q – Variance Site Map

cc: William and Lori Statz – Owner(s)
Town of West Point
Kurt Calkins – Director of Land Resources, Columbia County
Zoning Board of Adjustment Members

VARIANCE SITE MAP

SITE PLAN

