



Mineral Point, Wisconsin

CITY OF MINERAL POINT

137 HIGH STREET, SUITE 1
MINERAL POINT, WI 53565
608-987-2361

AGENDA

CITY OF MINERAL POINT EXTRATERRITORIAL ZONING BOARD OF APPEALS MEETING

Monday, March 31, 2025, 4:30 PM

City Hall Community Room

1. Call to Order, Roll Call, and Confirmation of Compliance with the Open Meetings Law.
2. Approval of May 6, 2021 minutes.
3. Public Hearing – Request of Jacob and Tricia Johnson, for property located in the NW ¼ of the NE ¼ of Section 20, Township 5 North, Range 3, for a variance from Section 20.02(4)(c)(6)(d) of the Municipal Code pertaining to lot frontage requirements. The applicant proposes utilizing a driveway easement in place of public street frontage. **Action:** Open public hearing/hear testimony/close public hearing.
4. Consideration of the – Request of Jacob and Tricia Johnson, for property located in the NW ¼ of the NE ¼ of Section 20, Township 5 North, Range 3, for a variance from Section 20.02(4)(c)(6)(d) of the Municipal Code pertaining to lot frontage requirements. The applicant proposes utilizing a driveway easement in place of public street frontage. **Action:** Approval or deny the requested variance.
5. Adjourn.

Agenda Posted and Distributed: Monday, March 17, 2025

Reasonable accommodations for participation in this meeting by persons with disabilities, as defined by the Americans with Disabilities Act, will be made upon request and if feasible. Please contact the City Clerk's office (608-987-2361) at least 24 hours prior to the scheduled meeting so that necessary accommodations can be provided.

OFFICE OF THE CITY CLERK-TREASURER

Mayor – Danny Clark

City Administrator | Matthew Honer | administrator@cityofmineralpointwi.gov

City Clerk-Treasurer | Christy Skelding | cityclerk@cityofmineralpointwi.gov

**CITY OF MINERAL POINT EXTRATERRITORIAL ZONING BOARD OF APPEALS
MAY 6, 2021 PUBLIC HEARING AND MEETING MINUTES
HELD AT THE MINERAL POINT CITY HALL & VIRTUALLY
137 HIGH STREET, SUITE 1**

1. Call to Order/Roll Call

The meeting was called to order by Committee Chair Gerald Galle at 6:02 PM.

Present: Greg Eckels (City), Everett Lindsey (Town), Gerald Galle (Chair), and Kyle Carey (Town)

Also Present: Mike Fenley, Zoning Administrator, Candice Coughlin, City Clerk/Treasurer, and applicant Gary McKeon

Absent: Kenneth Wallace (City)

Clerk Coughlin attested to proper proof of posting and the Class 2 publication of the notice.

2. Public Hearing to Consider a Variance Request from Greg McKeon, 3930 Jackson Street, Parcel #018-0648.004, to Build a Detached Garage in Locations Different than the Ordinance Allows

– Chair Galle opened the Public Hearing at 6:03 PM. Applicant Gary McKeon stated that he would like to erect a garage in the front yard of his property located at 3930 Jackson Street. The proposed structure would be about 30' X 32' in size, with a roof pitch of 6/12. McKeon stated that he had been in communication with Ted Tuttle (neighbor to the west), Neil Wenger (neighbor to the south), and Bob Steffes (neighbor to the southwest). McKeon estimates the distance to the west property line to be 10' from the northwest corner of the proposed structure and 20' to the southwest corner. Administrator Fenley reported that according to attorney Brownlee, mailed notices were not required in this circumstance within the ETZ.

Everett Lindsey moved to close the Public Hearing at 6:12 PM; 2nd by Kyle Carey. The motion carried 4-0.

3. Discussion and Possible Action on Variance Request for Greg McKeon, 3930 Jackson Street, to Build a Detached Garage in Locations Different than the Ordinance Allows

– Administrator Fenley explained that accessory buildings are prohibited in the front yard for City properties, but not for those properties within the ETZ areas. The variance request, therefore, is to build an accessory building nearer than 30' to the front yard lot line setback. Fenley referred those in attendance to a draft Findings, Conclusions, Decision and Order probed by attorney Brownlee as adapted to City use by the Deputy Clerk/Treasurer. He noted that this body needs to determine whether there is a demonstrated hardship that is created by the setback standard within the R-1 zoning and not an inconvenience or preference of the applicant that does not represent a hardship created by the zoning standard.

The current access to Jackson Street is by a private share driveway access. Although there is room for an accessory building in the rear yard, there is not the ability to access it, according to the applicant. The applicant made those in attendance aware of the location of the well and septic field. Fenley stated that he cannot offer an opinion, only the facts; the members must weigh those facts to determine whether the applicant cannot use the property for their intended purpose due to the standards within this zoning district as discussed above. There followed a brief exchange about shifting the proposed location north or east; none of those changes the need for a variance from the front lot setback standard for a building of this proposed size.

Greg Eckels moved to approve the proposed variance to allow the construction of the proposed accessory structure nearer the front lot line than allowed within this zoning district based upon the hardship created by the configuration of the lot which is restricted by the location of the septic field that prevents rear lot access; 2nd by Everett Lindsey. Roll call vote: Eckels: aye; Everett: aye; Carey: aye; and Galle: aye. The motion carried 4-0.

4. Adjourn

Greg Eckels moved to adjourn at 6:31 PM; 2nd by Everett Lindsey. The motion carried 4-0.

Approved:

Transcribed by John Wright, Deputy Clerk/Treasurer



Mineral Point, Wisconsin

City of Mineral Point

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NOTICE OF PUBLIC HEARING

CITY OF MINERAL POINT EXTRA-TERRITORIAL ZONING COMMISSION BOARD OF APPEALS

Monday, March 31, 4:30 p.m.

City Hall – Community Room

NOTICE IS HEREBY GIVEN that the Mineral Point Extra Territorial Zone Board of Appeals will meet at the place, date, and time indicated above to consider the request of Jacob and Tricia Johnson, for property located in the NW ¼ of the NE ¼ of Section 20, Township 5 North, Range 3, for a variance from Section 20.02(4)(c)(6)(d) of the Municipal Code pertaining to lot frontage requirements. The applicant proposes utilizing a driveway easement in place of public street frontage.

All interested persons, their agents, or representatives may appear at said hearing and address the Board of Appeals regarding this variance request.

Published: March 20, 2025

Christy Skelding
City Clerk/Treasurer

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Mineral Point, Wisconsin

3/31/2025

TOPIC: Request of Jacob and Tricia Johnson, for property located in the NW ¼ of the NE ¼ of Section 20, Township 5 North, Range 3, for a variance from Section 20.02(4)(c)(6)(d) of the Municipal Code pertaining to lot frontage requirements. The applicant proposes utilizing a driveway easement in place of public street frontage.

<input checked="" type="checkbox"/> New Business <input type="checkbox"/> Unfinished Business <input type="checkbox"/> Reports <input type="checkbox"/> Closed Session <input type="checkbox"/> Ordinance/Resolution	Meeting: Extraterritorial Zoning Board of Appeals
Department Reporting: Administration	Submitted by: Matthew Honer
Request: The applicant seeks to create four parcels without public road frontage.	
BACKGROUND: The applicant is requesting an Area Variance to provide relief from the restriction on required street frontage.	
ANALYSIS: <ol style="list-style-type: none">The variance is not contrary to the public interest and such variance will be in general harmony with the purposes and intent of the Zoning Code. <u>Found.</u> <i>There appears to be nothing in this request that is contrary to the public interest.</i>The variance will not permit the establishment of use that is not permitted or permissible in the district. <u>Found.</u> <i>The variance does not create intentionally, or otherwise, an unpermitted use.</i>Special conditions and circumstances exist that are peculiar to the land, structures, or buildings involved and which do not apply to other lands, structures, or buildings in the same district. <u>Not Found.</u> The subdivision of the land has created parcels without reasonable access. The subdivision of land has created the issue and not the conditions of the land.The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. <u>Found.</u> <i>This variance is not uncommon within the City and the ETZ district. Additionally, other communities have moved past the required frontage. While the intention of the code is clearly concerning the need for emergency vehicle access and land access, the use of easements have been found to accomplish this.</i>The hardship is not shared generally by other land or buildings in the area. <u>Not Found.</u> The subdivision of the land has created parcels without reasonable access. The subdivision of land has created the issue and not the conditions of the land.The hardship results from the strict interpretation of this ordinance and is not the result of self-created or self-imposed circumstances. <u>Not Found.</u> The subdivision of the land has created parcels without reasonable access. The subdivision of land has created the issue and not the conditions of the land.	
RECOMMENDATION: Staff recommends approval. Ultimately, there could arise a situation where the intent and literal interpretation of the zoning code would create a situation where a residential parcel should be required to have public road frontage, but in previous variance requests, this has not occurred. This is an aspect of the zoning code that should likely be changed. This is a clear situation where the intent of the zoning code can be met with an easement and the literal interpretation is unnecessarily burdensome.	



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Planning and Zoning Application

Municipality (Check One):

☐ City of Mineral Point

☒ Town of Mineral Point(ETZ)

Property Address:

Parcel #:

Lot Size:

Property Owner:

Name:

Address:

Phone:

Email:

Agent:

Name:

Address:

Phone:

Email:

Jacob & Tricia Johnson
815 Ridge Street
Mineral Point, WI 53565
602-499-8418
JJJohnson1107@yahoo.com

Action Requested:

Administrative Review:

- | | |
|--|------------|
| <input type="checkbox"/> New Build 1 & 2 Family Residential: | Fee: \$100 |
| <input type="checkbox"/> Residential Additions: | \$75 |
| <input type="checkbox"/> Accessory Structure: | \$50 |
| <input type="checkbox"/> Commercial Zoning: | \$150 |
| <input type="checkbox"/> Commercial Signage: | \$50 |
| <input type="checkbox"/> Driveway: | \$50 |

Planning Approval*:

- | | |
|---|---------------------------|
| <input checked="" type="checkbox"/> Certified Survey Map (CSM): | Fee: \$300 |
| <input type="checkbox"/> Conditional Use Permit: | \$400 |
| <input type="checkbox"/> Zoning Change Request: | \$500 |
| <input checked="" type="checkbox"/> Variance Request: | \$500 |
| <input type="checkbox"/> Plat Review: | \$300 |
| <input type="checkbox"/> Commercial Site Plan Review: | Engineering Expense + 10% |
| <input type="checkbox"/> Land Use Planning: | \$3,000 |

* Planning Approval Items require review and approval by the Plan Commission, the Board of Appeals, and/or the City Council.

Instructions:

1. All Zoning Permits Applications require a description of the project and a preliminary site plan map. The Zoning administrator may request additional items. Permit approval is subject to having the necessary information.
2. Certified Survey Maps and Zoning Changes require a Plat of Survey or preliminary CSM.
3. Variance Requests must be accompanied by the applicant's written statement explaining: 1) Why complying with the ordinance results in unnecessary hardship, (2) evidence the hardship is due to the unique conditions of the property, and (3) demonstrate the variance will not harm the public interest.



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Project Description and Reason for Request:

- We are requesting approval of our 4-lot CSM
- We are also requesting approval of a variance that will allow our lots to abut the road easement, in lieu of public road frontage. written statement attached.

Attachments:

- Preliminary CSM
- Variance request written statement

Applicant Signatures:

Jacob Johnson, Jacob Johnson, 2/20/2025

Signature, Printed Name, Date

Tricia Johnson, Tricia Johnson, 2/20/2025

Signature, Printed Name, Date

Date Received:

3-10-25

Fee Collected:

\$800⁰⁰

Dear Board Members,

The four property lots described on our CSM will be abutting an irrevocable easement of ingress and egress that abuts a public street (E. Barreldown). This 66 ft wide easement has the sole purpose of providing the four lots access to E. Barreldown Road via a private road that will be constructed. Because the lots technically abut the access easement and not a public road, we are requesting a variance to allow all four parcels to be created without direct public road frontage. Allowing the lots to abut the easement, in lieu of the frontage road.

Due to our lands challenging terrain, there is limited space in which homes can actually be built. The buildable space is limited to several acres located on the hilltop on the east side of the wooded ravine. The remainder of the land is wooded ravines, drastic slopes, a creek, etc., with little to no buildable space. The safest and most efficient way to access this buildable space on the east side of the ravine is via the access easement we have proposed on our CSM. We spent almost a year exhausting alternative options to access this site as well as exhausting options to build in other locations on the property. We consulted with the previous landowners, road & home builders, surveyors, etc. as we carefully examined every possible option. Our four lots, as proposed in the CSM, make the best use of the buildable space allowed by our land and the road/access easement coming from E. Barreldown as listed on the CSM provides the most direct, shortest, flattest, and safest route by a long shot. Every other route we examined required a much longer route across creeks, deep ravines, multiple slopes, and other rough terrain. Even if we found a way to manage the financial hardship of this or having to disrupt the woods and other natural beauty of the land, these routes would provide a hardship in terms of accessibility for emergency vehicles such as EMS and Fire, as well as school buses. In bad weather conditions, this would only prove to be more difficult. Previous owners of the land discovered this and ultimately sold it as they found it to be both financially and physically too challenging based on the prior access roads that were not feasible options. The proposed easement provides a viable option with the shortest, most direct, and flattest access route from E. Barreldown Road to the lot locations, which is why we are coming to you with our variance request. Essentially, due to the unique conditions of our land and the hardships noted above, the land will be unusable to us without the requested variance.





Thank you for your consideration,

Jacob and Tricia Johnson

3/7/2025

Being part of the NW 1/4 of the NE 1/4 of Section 20, T5N, R3E, Town of Mineral Point, Iowa County, Wisconsin

LEGEND:

-  REFERENCE POINT, NO MONUMENT SET
 3/4" X 18" X 1.5LB./LF.
 REBAR SET
 3/4" REBAR FOUND
 SECTION CORNER
 (MONUMENT AND ALL TIES FOUND)
 RECORDED AS
 () EXISTING FENCELINE [FL.]

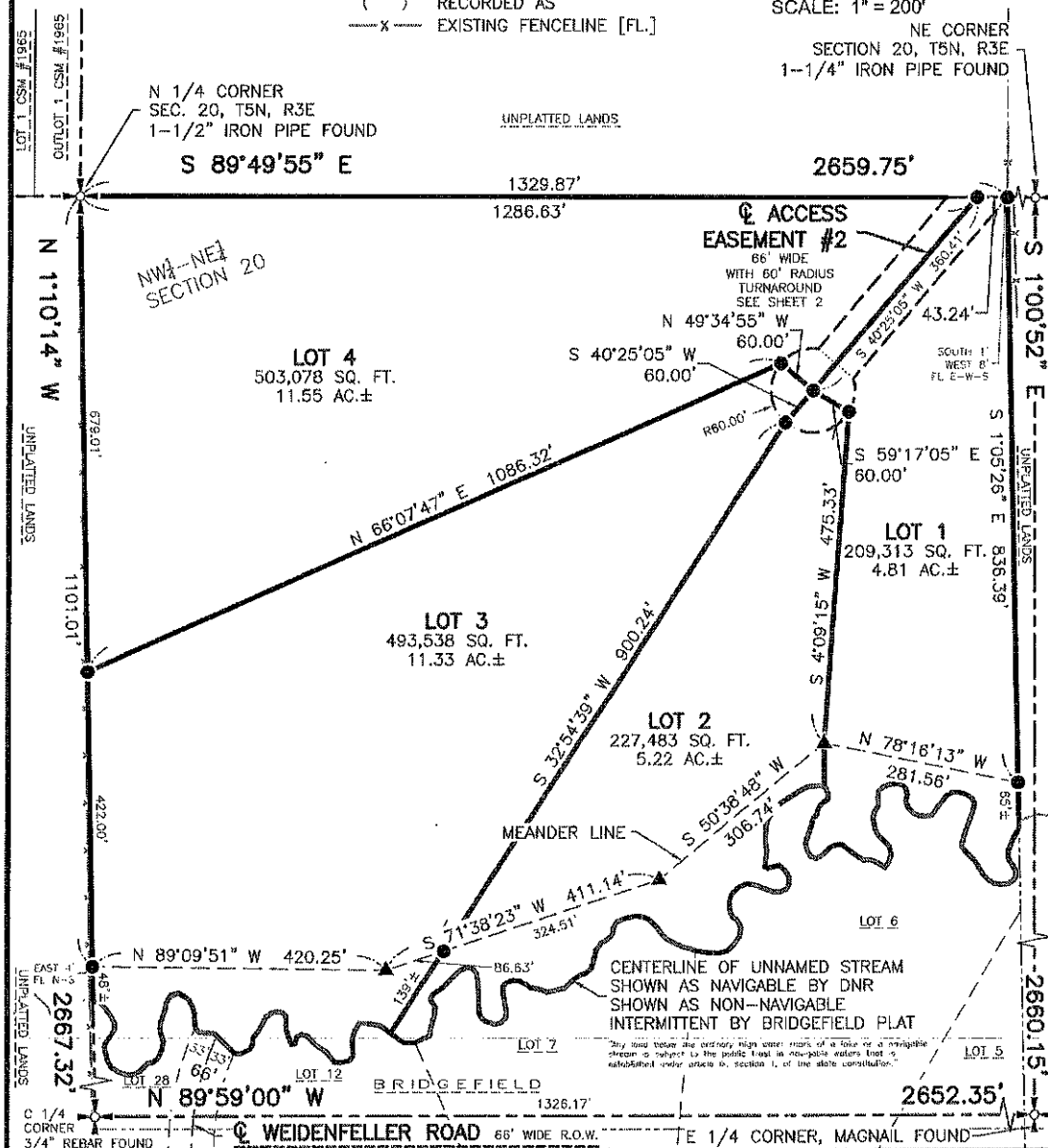


BEARINGS ARE REFERENCED
TO THE NORTH LINE OF THE
NE 1/4 OF SECTION 20,
TSN, R3E WHICH BEARS
S 89°49'55" E BASED ON
THE WISCONSIN COUNTY
COORDINATE SYSTEM, IOWA
COUNTY ZONE, NAD83(2011)

0 200' 400'

SCALE: 1" = 200'

NE CORNER
SECTION 20, T5N, R3E
1--1/4" IRON PIPE FOUND



HALVERSON LAND
SURVEYING

6381 COON ROCK ROAD
ARENA, WI 53503
(608) 753-2498

FOR: JACOB & TRICIA JOHNSON
815 RIDGE STREET
MINERAL POINT WI, 53565

SHEET 1 OF 3
JOB ID: 2403031C
FIELD WORK COMPLETED 3/17/2025

PRELIMINARY #10 3/7/2025

IOWA COUNTY CERTIFIED SURVEY MAP #

Being part of the NW 1/4 of the NE 1/4 of Section 20, T5N, R3E, Town of Mineral Point, Iowa County, Wisconsin

SURVEYOR'S CERTIFICATE:

I, JOHN M. HALVERSON, professional land surveyor, hereby certify:
THAT under the direction of Jacob Johnson, I have surveyed, divided and mapped the following described parcel of land:

Being part of the NW 1/4 of the NE 1/4 of Section 20, T5N, R3E, Town of Mineral Point, Iowa County, Wisconsin, to wit:
BEGINNING at the N 1/4 corner of said Section 20;
thence S 89°49'55" E, 1329.87' along the north line of the NW 1/4 of the NE 1/4;
thence S 1°05'26" E, 836.39' along the east line of the NW 1/4 of the NE 1/4 to a meander point lying
thence N 1°05'26" W, 65' more or less from the centerline thread of an unnamed stream, also to the
beginning of a traverse along a meander line of said stream;
thence N 78°16'13" W, 281.56';
thence S 50°38'48" W, 306.74';
thence S 71°38'23" W, 411.14';
thence N 89°09'51" W, 420.25';
to a meander point lying thence N 1°10'14" W, 48' more or less from the centerline thread of said stream,
also to the end of said meander line traverse;
thence N 1°10'14" W, 1101.01' along the west line of the NW 1/4 of the NE 1/4 to the POINT OF BEGINNING;
meander area containing 1,306,056 square feet or 29.98 acres, more or less;
intending to include the area between said meander line and the centerline thread of unnamed stream,
said area totaling 1,433,412 square feet or 32.91 acres, more or less.
Parcel is subject to any easements of record and/or usage.

THAT the description and plat is a correct representation of all exterior boundaries of the land surveyed and the division thereof made. That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes in surveying, dividing and mapping of the same and that the survey is correct to the best of my knowledge and belief.

JOHN M. HALVERSON, S-1318 _____ Date

ZONE AR-1 SINGLE FAMILY [LOT 1-4]
WITHOUT PUBLIC WATER & SEWER
(a) Lot Width: Minimum 100'
(b) Lot Area: Min.1 acre, 39.99 max
(c) Building Height, Residence: 50' max.
(d) Building Height, Accessory: 30'
(e) Street Yard setback: Min. 50'
(f) Rear Yard setback: Min. 40'
(g) Side Yard setback: Min. 10'
or height of building, whichever is greater

Owners:
Jacob and Tricia Johnson - Lot 4
815 Ridge Street, Mineral Point WI, 53565

Ryan and Shara Cook - Lot 3
14454 Thrush street NW, Andover, MN 55304

Doug and Vanessa Wellens - Lot 2
1858 Crown Drive, Oshkosh, WI 54904

Scott and Andrea Heckel - Lot 1
21282 Ilavista Way, Lakeville, MN 55044

CITY OF MINERAL POINT

The City of Mineral Point hereby accepts this CSM for recording.

Christy Skelding, Clerk/Treasurer _____ Date

Danny Clark, Mayor _____ Date

**APPROVED FOR RECORDING BY IOWA COUNTY
OFFICE OF PLANNING AND DEVELOPMENT**

**CERTIFICATE OF IOWA CO.
REGISTER OF DEEDS**

Received for recording this ____ day of _____, 2025 at ____ o'clock ____M, and recorded in Volume ____ of Certified Survey Maps, on Page(s) _____.

SCOTT GODFREY - DIRECTOR _____ Date

TAYLOR J CAMPBELL, IOWA CO. REGISTER OF DEEDS

**HALVERSON LAND
SURVEYING**

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ARENA, WI 53503
(608) 753-2498

FOR: JACOB & TRICIA JOHNSON
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SHEET 3 OF 3
JOB ID: 2403031C
FIELD WORK COMPLETED 3/17/2025