

# CITY OF HORICON

404 EAST LAKE STREET  
HORICON WI 53032

## MEETING NOTICE

DATE ISSUED: August 2, 2023

BY: Daryl Levenhagen

### ZONING BOARD OF APPEALS

#### ATTENDEES:

Daryl Levenhagen	5-2888	David Berggren	5-4248
Jeff Raue		Craig Halsema	920-382-0353
Dave Magnussen	920-344-1411		
Scott Giesen (1 <sup>ST</sup> Alt)	920-296-0304	Chris Spilker (Secr)	5-3500

DATE: Wednesday, August 16, 2023

TIME: 4:30 p.m.

LOCATION: City Hall, Activity Room

LEADER: Daryl Levenhagen, Chairman

#### AGENDA:

1. Call to Order.
2. Roll Call.
3. Approve Minutes of June 7, 2023 & June 19, 2023.
4. Public Hearing for Variance Application to Erect a Smaller Building and a Turnstile Gate for Entry and Exiting, Creating a .04 Foot Front Yard Setback in an I-2 Heavy Industrial District at 300 N. Vine Street; John Deere Horicon Works.
5. Act on Variance Application to Erect a Smaller Building and a Turnstile Gate for Entry and Exiting, Creating a .04 Foot Front Yard Setback in an I-2 Heavy Industrial District at 300 N. Vine Street; John Deere Horicon Works.
6. Non-Action Discussion.
7. Adjourn.

IF UNABLE TO ATTEND, PLEASE NOTIFY:

Daryl Levenhagen

PHONE: 485-2888

DATE POSTED: August 2, 2023

TIME POSTED: 2:00 p.m.

It is possible that members of and a possible quorum of members of governmental bodies of the municipality, other than the Zoning Board of Appeals, may attend the above event. No action will be taken by any governmental body, other than the Zoning Board of Appeals, at the above event.

**CITY OF HORICON**  
**NOTICE OF PUBLIC HEARING ON ZONING APPEAL**

The Zoning Board of Appeals of the City of Horicon will hold a public hearing Wednesday, August 16, 2023, at 4:30 P.M. in the Activity Room at City Hall, 404 E. Lake Street, to consider the following appeal:

Appeal of John Deere Horicon Works, 300 N Vine Steet, to erect a smaller building and a turnstile gate for entry and exiting. The proposed building will have a .04 foot front yard setback in an I-2 Heavy Industrial District.

This proposed action violates the following sections of the City of Horicon Zoning Ordinance:

SECTION 13-1-29 I-2 HEAVY INDUSTRIAL DISTRICT  
(D) YARD AND SETBACK REGULATIONS. (1) MINIMUM FRONT YARD.  
TWENTY-FIVE (25) FEET.

Copies of the above code may be inspected at the City Clerk's office, 404 E. Lake St. during regular business hours.

All interested persons wishing to be heard are invited to be present.

ZONING BOARD OF APPEALS

Chris Spilker, Secretary

Note: Publish August 3, 2023

cc:

Deere & Company	Zoning Board of Appeals (7)
Nicholas Curry	Kunkel Engineering Group, Building Inspector
David Miescke	Plan Commission (8)
Jason/Kristen Jacobson	Council (7)
Zachary Toman	
Martin Guernsey	Horicon Bank
Christopher/Rachel Semega	Ginger Buchmann
Alex Thimm	Robert Carpenter
Andrew Hinz	Jack/Janet Williams
Michael/Amanda Arndt	Wendy Huber
Judy Puls	Erin Thompsen
Ronald/Lori Cochrane	Steve/Connie Hofman
Warren Baier	State of WI DNR
Dustin/April Phelps	
Gavin/Sandra Brewer	
Austin Schmidt	
Jerome/Shelly Perrault	
Warren Springs of Horicon WI LLC	

CITY OF HORICON APPLICATION FOR VARIANCE

Appeal from the decision of the Building Inspector concerning the literal enforcement of this Ordinance may be made by any person affected by such decision. Such appeals shall be filed within 30 days of written notice of the decision of the Building Inspector. No variance of the land use requirements of the Zoning Ordinance, City of Horicon, Dodge County, WI shall be allowed.

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicate in the minutes of the proceedings:

- (1) Exceptional Circumstances: There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- (2) Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (3) Absence of Detriment: That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of the Ordinance or the public interest.

Applicant: John Deere Horicon Works

Address: 300 N Vine Street, Horicon, Wisconsin 53032

Variance requested for: We are requesting a variance for the setback requirement for an I2 zoning classification

Opposite and Abutting Property Owners (Within 100 feet):

Name(s):	Address:
<u>All opposite and abutting</u>	<u></u>
<u>properties within 100 ft are part</u>	<u></u>
<u>of the John Deere Campus</u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

ATTACH COPY OF BUILDING PERMIT APPLICATION

Signature of Applicant: *Amanda Gauth* Date: 7/13/2023  
 Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Board of Appeals Action: \_\_\_\_\_ Date: \_\_\_\_\_  
 Findings: \_\_\_\_\_

## Staff Report

Date: July 17, 2023  
To: Board of Appeals  
From: Robert Froh / Zoning Administrator  
RE: Request Variance

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The property owned by John Deere located at 220 E Lake St Parcel #: 236-1116-0621-000 is zoned I-2 Heavy Industrial. John Deere is removing current building between the building closest to the river and the guard shack on the north side of E Lake St and erecting a new smaller building with green space and a turnstile gate for entry and exiting. Because this is a new building it would have to comply with the current setbacks for this district. The setback for the front yard in this district is 25 ft. John Deere is proposing to place the front wall of the new building exactly where the existing wall is. The current setback of the existing front wall is .04' on the west corner and .07' on the east corner. There is a tunnel that goes under the road and connects to the south building, (see handout). Contractor wants to use the current footings of the existing wall because there is a tunnel that uses the same footings.

**KUNKEL**  
**ENGINEERING GROUP**  
 (920) 356-9447  
 (920) 382-6202 (mobile)



**WISCONSIN UNIFORM BUILDING  
 PERMIT APPLICATION**  
**City of Horicon**  
**404 East Lake Street**  
**Horicon, Wisconsin 53032**

Permit No. \_\_\_\_\_  
 Project Description:  
 The project consists of demolition of existing E & H Building on the John Deere Campus and building a 2,850sf addition onto the existing R Building and renovating the entry vestibule into F Building

**PERMIT REQUESTED**  Constr.  HVAC  Electric  Plumbing  Erosion Control  Other:

Owner's Name John Deere Horicon Works	Mailing Address 300 N Vine Street Horicon, Wisconsin 53032	Tel. (920) 485-4411
Contractor's Name & Type Contractor (Construction) Ryan Companies US, Inc	Lic/Cert # Mailing Address 309 N Water Street Suite 415 Milwaukee WI 53202	Tel.
Dwelling Contr. Qualifier	The Dwelling Constr. Qualifier shall be an Owner, CEO, COB or employee of the Dwelling Contractor.	
Electrical		
HVAC		
Plumbing		

DHS Lead Renovator Cert. No. \_\_\_\_\_ Exp. Date \_\_\_\_\_ DHS Lead Company Cert. No. \_\_\_\_\_ Exp. Date \_\_\_\_\_  
 (If structure was built prior to 1978)

**PROJECT LOCATION** Lot Area \_\_\_\_\_  One acre or more of soil  
 Sq. Ft. will be disturbed \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4, of Section \_\_\_\_\_, T \_\_\_\_\_ N, R \_\_\_\_\_ E (or) W

Building Address  
300 N Vine Street  
Horicon, Wisconsin 53032

Subdivision Name \_\_\_\_\_ Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_  
 Zoning District(s) \_\_\_\_\_ Zoning Permit No. \_\_\_\_\_

<b>1. PROJECT</b>	<b>3. OCCUPANCY</b>	<b>6. ELECTRIC</b>	<b>9. HVAC EQUIP.</b>	<b>12. ENERGY SOURCE</b>																					
<input type="checkbox"/> New <input type="checkbox"/> Repair <input type="checkbox"/> Alteration <input type="checkbox"/> Raze <input type="checkbox"/> Addition <input type="checkbox"/> Move <input type="checkbox"/> Other	<input type="checkbox"/> Single Family <input type="checkbox"/> Two Family <input type="checkbox"/> Garage <input type="checkbox"/> Other:	Entrance Panel Amps: _____ <input type="checkbox"/> Underground <input type="checkbox"/> Overhead	<input type="checkbox"/> Furnace <input type="checkbox"/> Radiant Basebrd <input type="checkbox"/> Heat Pump <input type="checkbox"/> Boiler <input type="checkbox"/> Central AC <input type="checkbox"/> Fireplace <input type="checkbox"/> Other:	<table border="1"> <tr> <td>Fuel</td> <td>Nat Gas</td> <td>LP</td> <td>Oil</td> <td>Elec</td> <td>Solid</td> <td>Solar</td> </tr> <tr> <td>Space Htg</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Water Htg</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> <input type="checkbox"/> Dwelling unit has 3 kilowatt or more in electric space heating equipment capacity.	Fuel	Nat Gas	LP	Oil	Elec	Solid	Solar	Space Htg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water Htg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fuel	Nat Gas	LP	Oil	Elec	Solid	Solar																			
Space Htg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																			
Water Htg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																			

<b>2. AREA INVOLVED (sq. ft.)</b>	<b>4. CONST. TYPE</b>	<b>7. WALLS</b>	<b>10. SEWER</b>	<b>13. HEAT LOSS</b>																												
<table border="1"> <tr> <th></th> <th>Unit 1</th> <th>Unit 2</th> <th>Total</th> </tr> <tr> <td>Unfin.</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Bsmt</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Living Area</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Garage</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Deck</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals</td> <td></td> <td></td> <td></td> </tr> </table>		Unit 1	Unit 2	Total	Unfin.				Bsmt				Living Area				Garage				Deck				Totals				<input type="checkbox"/> Site-Built <input type="checkbox"/> Mfd. - WI UDC <input type="checkbox"/> Mfd. - US HUD	<input type="checkbox"/> Wood Frame <input type="checkbox"/> Steel <input type="checkbox"/> ICF <input type="checkbox"/> Timber/Pole <input type="checkbox"/> Other:	<input type="checkbox"/> Municipal <input type="checkbox"/> Sanitary Permit # _____	_____ BTU/HR Total Calculated Envelope and Infiltration Losses ("Maximum Allowable Heating Equipment Output" on Energy Worksheet; "Total Building Heating Load" on WIScheck Report.)
	Unit 1	Unit 2	Total																													
Unfin.																																
Bsmt																																
Living Area																																
Garage																																
Deck																																
Totals																																
	<b>5. STORIES</b>	<b>8. USE</b>	<b>11. WATER</b>	<b>14. EST. BUILDING COST</b>																												
	<input type="checkbox"/> 1-Story <input type="checkbox"/> 2-Story <input type="checkbox"/> Other:	<input type="checkbox"/> Seasonal <input type="checkbox"/> Permanent <input type="checkbox"/> Other:	<input type="checkbox"/> Municipal <input type="checkbox"/> On-Site Well	\$3,200,000.00																												

The applicant agrees to comply with the Municipal Ordinance and with conditions of this permit; understands that the issuance of the permit created no legal liability, express or implied, of the Department, Municipality, Agency or Inspector; and certifies that all the above information is accurate.

**APPLICANT'S SIGNATURE** \_\_\_\_\_ *Steven Brey* Digitally signed by Steven Brey Date: 2023.07.06 17:27:18 -0500 **DATE SIGNED: 7/6/2023**

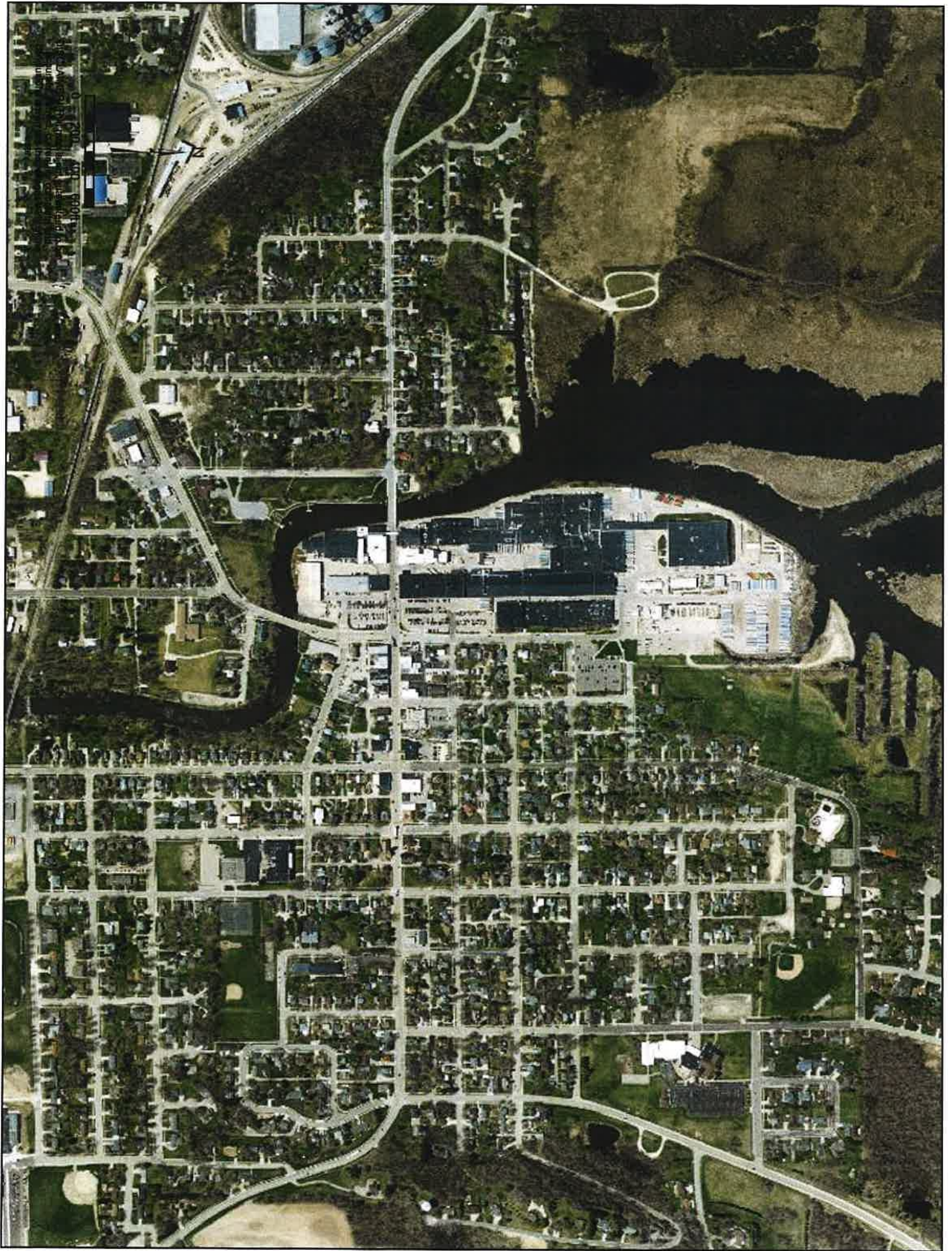
**Email to send Issued permit to.** amanda.marcott@ryancompanies.com  
 steven.brey@ryancompanies.com

**APPROVAL CONDITIONS** This permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty.  See attached for conditions of approval.

**INSPECTIONS NEEDED:** Building:  Footing  Rough  Insulation  Basement Flr  Final  
 Electric:  Rough  Service  Final **Plumbing:**  Rough  Underfloor  Final **HVAC:**  Rough  Final

<b>FEES:</b>	<b>PERMIT(S) ISSUED</b>	<b>WI PERMIT SEAL NO.</b>	<b>PERMIT ISSUED BY:</b>
Building: _____ Electrical: _____ HVAC: _____ Plumbing: _____ WI Permit Seal: _____ Zoning: _____ Other: _____ Total: _____	<input checked="" type="checkbox"/> Construction <input type="checkbox"/> Electrical <input type="checkbox"/> HVAC <input type="checkbox"/> Plumbing <input type="checkbox"/> Erosion <input type="checkbox"/> Other	<b>RECEIPT</b> Ck #: _____ Amount: _____ Date: _____ From: _____ Rec By: _____	<b>Name:</b> Robert Froh <b>Date:</b> _____ <b>Tel.</b> 920-382-6202 <b>Cert No.</b> 1331901 <b>Parcel #:</b> _____

*PERMIT DENIED. Building does NOT MEET FRONT YARD SETBACKS.*



**C1**

SITE PLAN

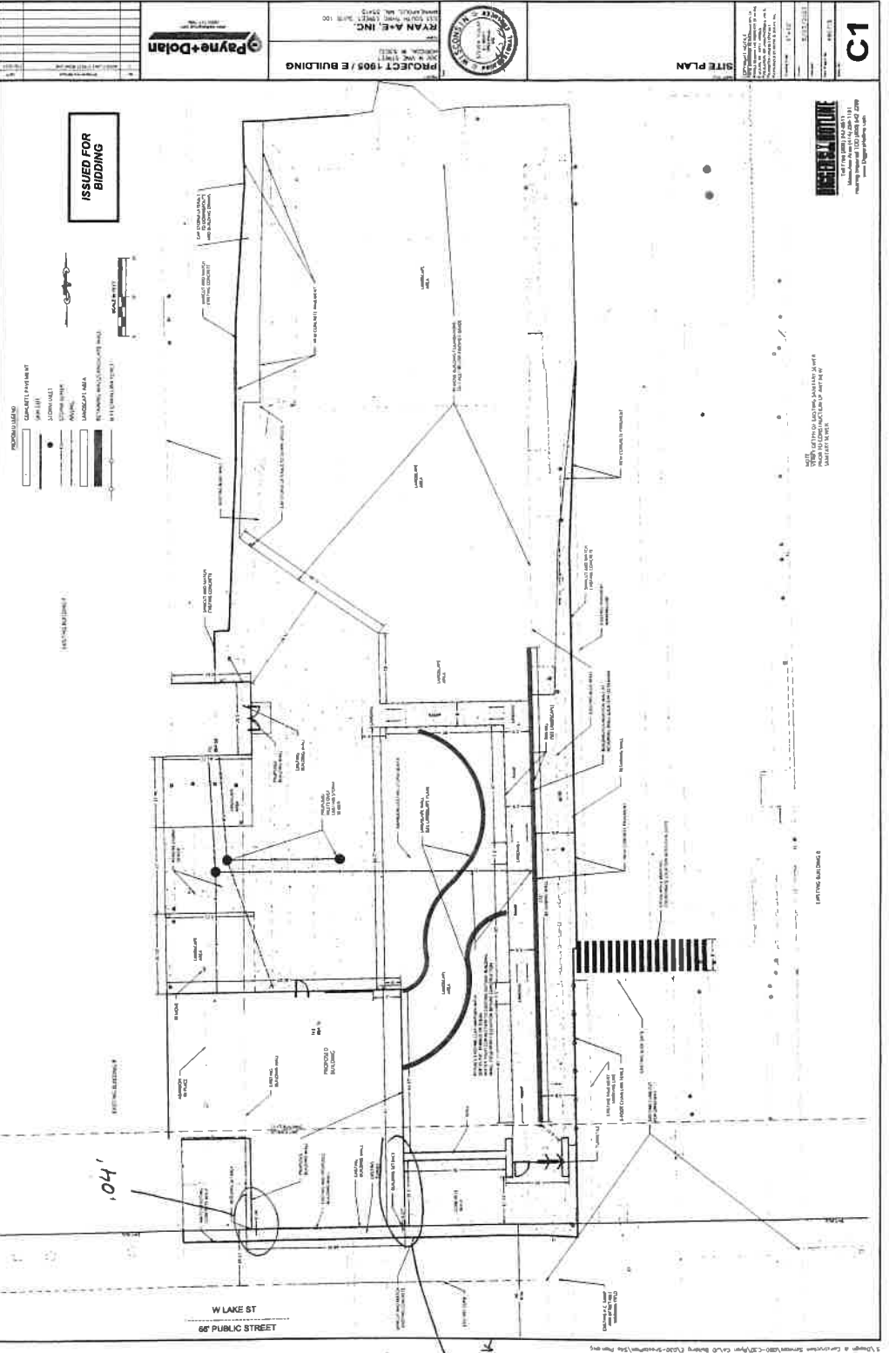
DATE: 12/10/04  
PROJECT NO: 04-0333  
ISSUED FOR BIDDING



**RYAN A+E, INC.**  
405 W. MICHIGAN STREET, SUITE 100  
ANN ARBOR, MI 48106  
PHONE: 734.666.9000  
FAX: 734.666.9001  
WWW.RYANAENR.COM

**Payne+Dolan**  
3201000

**ISSUED FOR BIDDING**



10'

W LAKE ST  
60 PUBLIC STREET

101'  
Bidg setback  
EXISTING +  
PROPOSED

12/10/04 12:11 PM  
C:\Projects\04-0333\Site Plan.dwg  
User: Ryan A+E, Inc. (12/10/04 12:11 PM)

- b. Rendering plants, refineries, tanneries or incinerators.
  - c. Stockyards or slaughterhouses.
  - d. Junk or salvage yards.
  - e. Drop forges or foundries.
  - f. Storage of explosives, except as incidental to a permitted use.
- (h) **Screening Requirements.**
- (1) All structures associated with any permitted or conditional use shall be located a minimum distance of forty (40) feet from any residential district boundary line.
  - (2) All uses facing or abutting a residential district shall be screened in accordance with the requirements of this Chapter.

### **Sec. 13-1-29 I-2 Heavy Industrial District.**

- (a) **Purpose.** This District is intended to accommodate those industrial uses which must be segregated because of potentially substantial negative impacts on other uses and should be located in areas with rail or major highway access and be segregated from residential and commercial uses.
- (b) **Lot Size Regulations.** See Section 13-1-24(b).
- (c) **Height Regulations.** Maximum height: Sixty (60) feet.
- (d) **Yard and Setback Regulations.**
- (1) **Minimum front yard.** Twenty-five (25) feet.
  - (2) **Minimum rear yard.** Forty (40) feet.
  - (3) **Minimum side yard.** Forty (40) feet.
- (e) **Permitted Uses.**
- (1) Any use permitted in the I-1 Limited Industrial District.
  - (2) Grain elevators.
  - (3) Manufacture, assembly, fabrication and processing plants and similar-type industrial operations, but not including any of the following:
    - a. Manufacture of cement, lime, gypsum, plaster of paris, acid, explosives, fertilizers or glue.
    - b. Rendering plants, refineries, tanneries or incinerators.
    - c. Stockyards or slaughterhouses.
    - d. Junk or salvage yards.
    - e. Drop forges or foundries.
    - f. Storage of explosives, except as incidental to a permitted use.
    - g. Blacksmithing.
    - h. Machine shop.
    - i. Municipal buildings, including public warehouses, public garages, public shops and storage areas.