BOARD OF ADJUSTMENT MEETING AGENDA

Monday October 12th, 2026 – 9:00 a.m.
Barron County Government Center | Room 2106
335 E. Monroe Avenue - Barron, Wisconsin

1. Call to Order and Roll Call
2. Acknowledgement of Public Posting Requirements
3. Approval of Agenda
4. Approval of Minutes
5. Public Comment
6. Hearings of applications and appeals to the Board of Adjustment:

   9:00 a.m. **Appeal #4027 : David R Budan & Jayphy A Budan, property owners,** Requests a variance to allow a new dwelling located within the centerline right-of – way setback of a state road, in an Agricultural-1 district.
   Property address: 775 14 ½ Street, Barron, Wisconsin 54812

7. Report from Land Services Director
8. Adjournment

PLEASE CALL 537-6375 IF YOU ARE **NOT** ABLE TO ATTEND THE MEETING

NOTE: Any person who has a qualifying disability under the Americans with Disabilities Act and requires the meeting or materials at the meeting to be in an accessible format must contact the County Clerk's office at 715-537-6200 at least 24 hours prior to the meeting so that arrangements may be made to accommodate your request.

cc: Hardie, Moen, Nelson, North, Kelsey, Corporation Counsel, Deputy Corporation Counsel, County Clerk, County Administrator, Public posting

BOARD OF ADJUSTMENT MEETING MINUTES

Monday September 28 – 9:00 a.m.
Barron County Government Center | Room 2106
335 E. Monroe Avenue - Barron, Wisconsin

Present: Amy Kelsey, Dan North, Keith Hardie, Gary Nelson and Carol Moen
Zoning Office staff: Land Services Director Ben Cole and Administrative Assistant Rachel Perry

Chair Nelson called the Board of Adjustment to order at 9:00 a.m. and called roll. Perry confirmed that proper posting of the notice was done in accordance with the Wisconsin Open Meeting Law.

Motion: (Hardie/Moen) to approve the agenda; carried. **Motion: (Kelsey/Hardie)** to approve the minutes of September 21, 2026; carried.

Public Comment: None.

9:00 a.m. | Appeal #4026 : James A & Rebecca J Close, property owners, Requests a variance to construct an addition to a pre-existing non-conforming dwelling with a reduced setback to the ordinary high water mark to Loon Lake in a Recreational Residential district.
Property address: 142 18 3/8 Avenue, Comstock, Wisconsin

Nelson opened the hearing and read the public notice. The Board reviewed the file and received testimony from the applicant. **Motion: (Kelsey/North)** to include Appeal 3777 & 939; carried. Cole presented a staff report. Public testimony was received and there was no written correspondence. After Board question and discussion, **Motion: (North/Moen)** to close testimony; carried. **Motion: (Kelsey/Nelson)** to deny the variance subject to the following conditions:

1. All testimony, oral and written, is part of the decision.

Motion carried 5-0

Report from L.S. Director: N/A.

Next Board of Adjustment Meeting: October 12th 2026

Motion: (Kelsey/Moen) to adjourn the meeting at 11:16 a.m..; carried.

Respectfully submitted,
Rachel Perry, Administrative Assistant

Minutes are not official until they are approved at the next BOA meeting.

Appeal #4027

NOTICE OF PUBLIC HEARING

STATE OF WISCONSIN SS

COUNTY OF BARRON

TO WHOM IT MAY CONCERN:

PUBLIC NOTICE is hereby given to all persons in the County of Barron, Wisconsin, that a public hearing will be held on **Monday, October 12, 2026 at 9:00 a.m.** in Room 2106 of the Barron County Government Center, 335 E. Monroe Ave., Barron, Wisconsin, relative to a proposal for a variance to the terms of the Barron County Land Use Ordinance as follows:

Requests a variance to allow a new dwelling located within the centerline right-of –way setback of a state road, in an Agricultural-1 district on property described as plat 3-4 B prt SW-NE daf: N 95 ft of prt daf:beg 63 rds 5 in N of cnt sec 28 th E 12 rds 10 ft 7 in th N to 1/8 ln th W 12 rds 10 ft 7 in th S to pob ex hwy row in doc #716954 (0.02A) & ex existing row (0.14A), located in Section 28, T33N, R12W, town of Maple Grove, Barron County, Wisconsin.

The Board of Adjustment reserves the right to view the property and may convene in executive session prior to rendering a decision. Contact Zoning Office staff at 715-537-6375 with questions regarding this appeal.

Property owners: David R Budan & Jayphy A Budan
Property address: 775 14 ½ Street, Barron, Wisconsin 54812

All persons interested are invited to attend said hearing.

Dated at Barron, Wisconsin, this 23rd day of September, 2026.

Barron County Board of Adjustment
Gary Nelson, Chairman

VARIANCE APPLICATION

Submit completed application and fee to the:
Barron County Zoning Office
335 E. Monroe Ave. #2104
Barron, WI 54812
715-537-6375

Note: Hearing date may be delayed until a site visit can be completed

Property Owner: David Burden / Jaymy Burden
Address: 775 14½ St
City/State/ZIP: Barron / WI / 54812

Agent: _____
Address: _____
City/State/ZIP _____
Daytime: _____
Email: _____

SITE INFORMATION
Parcel I.D. Number: 028 - 2800 - 10 - 000
Property Address: 775 14½ St. Barron WI 54812

AREA VARIANCE REQUEST IS FOR: (Check all applicable boxes below; multiple setbacks may be required)

Proposed Project: ☒ New ☐ Addition to (Existing structure w/in setback to: _____)

☒ Dwelling ☐ Accessory Structure ☐ Fence
☐ Retaining Wall ☐ Open structure (platform, free-standing deck, patio, etc.)
☐ Other _____

Setback to: ☐ Road ☒ Road right of way ☐ Centerline
☐ Ordinary highwater mark ☐ Easement ☐ Property line

Has the structure/addition in question already been placed/built on this property? If so, when? No
Was it built/placed while property was under current ownership? ☐ Yes ☒ No

Describe project: Placing a 28'x56' manufactured home on lot to replace the home that was lost to fire. The new home is already purchased and would go 36' into the 75' zone/distance from right of way which is my property line still making it back farther then nearby houses from road

An **area variance** is authorization by the Barron County Board of Adjustment (BOA) to vary one or more of the dimensional or physical requirements of the applicable zoning law, code or ordinance in connection with some proposed construction. The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the BOA to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of the hearing. Failure to appear at the hearing may result in the BOA moving forward with a decision based on the facts presented.

OFFICE USE
Appeal # 4027 Hearing Date: 10 / 12 / 26 Other appeals NA
Name of Water Body: NA Zoning Dist.: Ag-1
Reviewed By: Benjamin C. Cole Date 09 / 17 / 2026

DATE RECEIVED:
RECEIVED
SEP 17 2026
BARRON COUNTY
LAND SERVICES

pd CC# 204169442 $500.00

Variance Criteria

(1) Will there be **unnecessary hardship** to the property owner to strictly comply with the ordinance?

Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restraints unnecessarily burdensome.

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing there is no suitable location for a home or claiming that they need more outbuilding space than permitted to store personal belongings.) Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

Because of existing garage and septic holding tank and lot size if I dont get variance I wont be able to put a residence on the land without removing garage and septic leaving me with no other use or no use for what its meant to be (residence)

(2) Do **unique physical characteristics** of your property prevent compliance with the ordinance? If yes, please explain.

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstance of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

yes

because the lot is small 136' x 96' and existing garage and tank for septic leave no other option for house (also slopes) I already purchased and payed 50% down on concrete slab

(3) What would be the effect on this property, the community or neighborhood and the **public interest** if the variance was granted? How can these impacts be mitigated?

The purpose and intent statements of the ordinance outline public interest factors. If granted, the variance request cannot harm the interests of the neighborhood, County and State as a whole and cannot be contrary to the objectives of the ordinance as established in the intent and purpose statements. Support from neighbors is not to be construed as proof of no adverse impacts on public interest.

I dont think it has any effects since the house will still be farther from road then neighbors on either side and wont encroach on either of those properties

Alternatives

(1) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below.

(A) Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

(B) Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons you rejected them.

Because of the existing garage and septic tank and the dimensions of 136'x 96' lot the only placement is where the house was but to stay away from garage and 25' from back and new house is longer

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Plot Plan Instructions: Use the area provided on the following page, or a separate piece of paper, to show **ALL** of the following items:

1. The location and size of all ***proposed and existing*** buildings
2. The location of:
   - any lake, flowage, stream or river that either abuts or is near your property
   - and name of all roads
   - any Easements (road, utility or other)
   - any proposed or existing well(s)
   - Privately Owned Wastewater Treatment System (POWTS). A POWTS includes a septic tank, holding tank, mound system or drainfield
3. Show distances from buildings to:
   - lot lines
   - center of roads and/or edge of easements
   - ordinary highwater mark of any lake, river, stream or wetland if applicable

All measurements are from the furthest extension of the structure (eaves, overhangs, etc are part of the structure) to the nearest point of a setback.

When measuring setback distance on a sloping building site, the measurement must be done on a **HORIZONTAL (flat) MEASURING LINE**. The horizontal measuring line is created by holding the measuring tape level **AND NOT MEASURING ALONG THE SLOPE**. Depending on the amount of slope, several short measurements may have to be made.

For waterfront properties only, please note:

- Impervious Surfaces: For **all** proposed projects, an "Impervious Surface Worksheet" **must** be completed and attached to this application.
- Viewing/Access Corridor: For proposed dwelling projects on an undeveloped lot, a viewing/access corridor sketch **must** be submitted.
- Mitigation Plan: Where proposed construction will impact setbacks to the ordinary highwater mark, a mitigation plan may be a requirement of variance approval.

For detailed information regarding these requirements, please consult with Zoning Office staff.

I'm requesting a variance to place my house 39' from property line / ~~right~~ of way line instead of 75'. The new house is already paid for and will be replacing the one I lost to fire. Because of small lot size ← 136' x 96' and 100' gone to setbacks existing garage and new septic tank already on the lot I'm in hardship and have no other options if unable to get variance it would leave my property unuseable for the purpose it was meant to be used for a residence

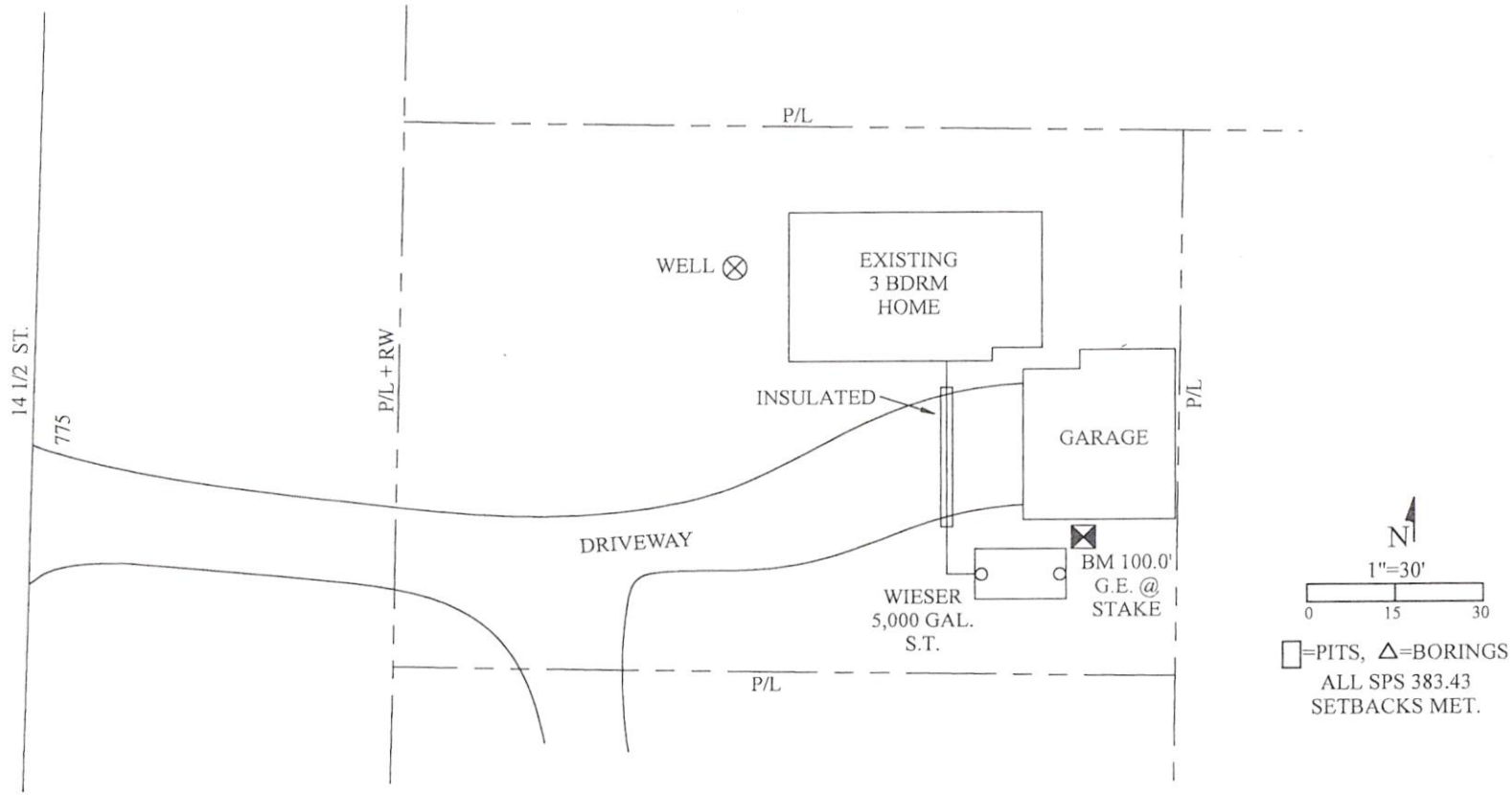
It will not encroach on any neighboring property or be closer to the right of way line then my neighbors houses.

Please grant the variance so I can return the lot/property into a home that will fit well into the neighborhood and surrounding area. Thank You



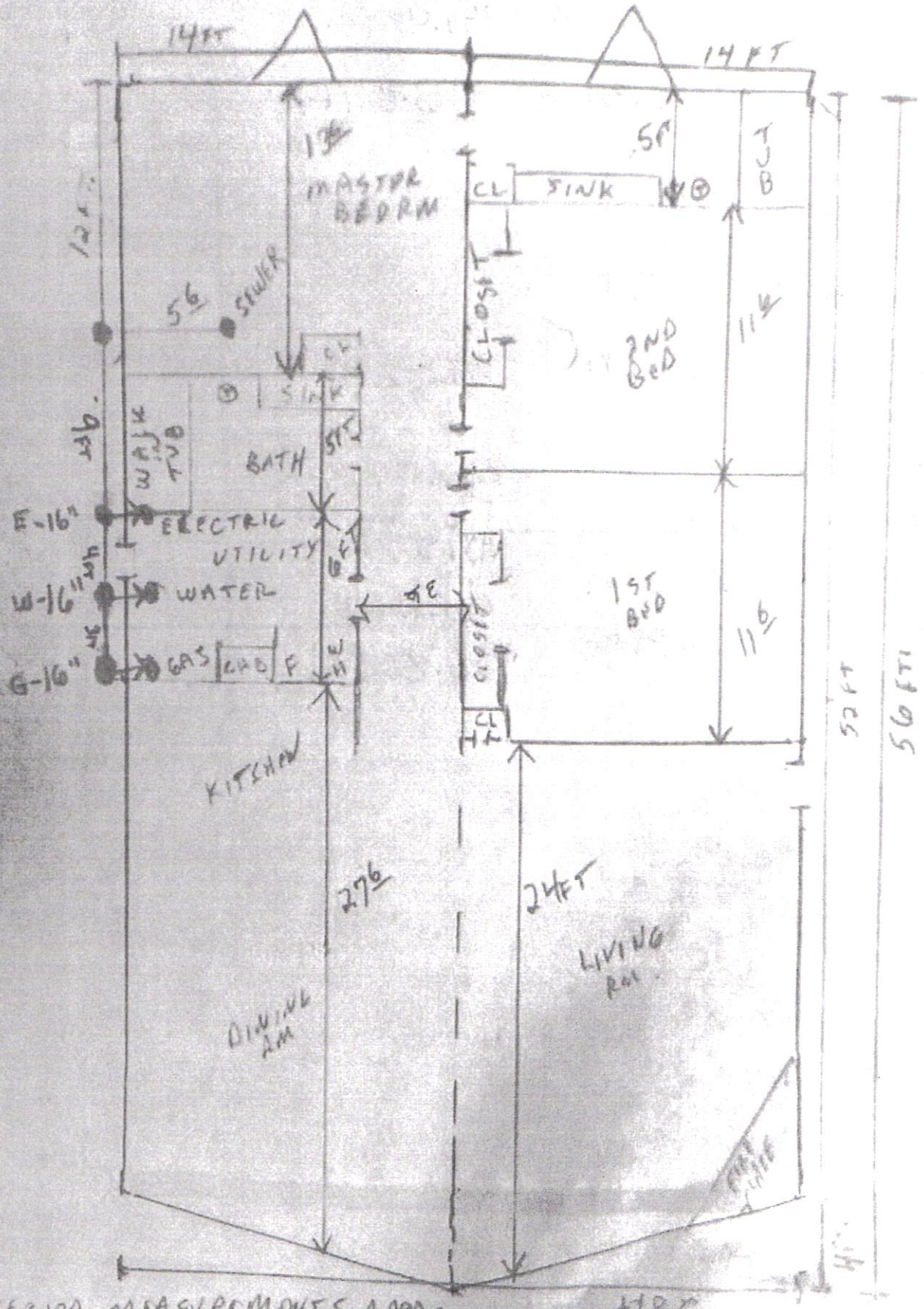
JAYPHY A BUDAN (775 14 1/2 ST.)
T. OF MAPLE GROVE, BARRON CO.
SW, NE, 28, 33N, 12W

PLOT PLAN



JAYPHY BUDAN

8-17-26



Budan

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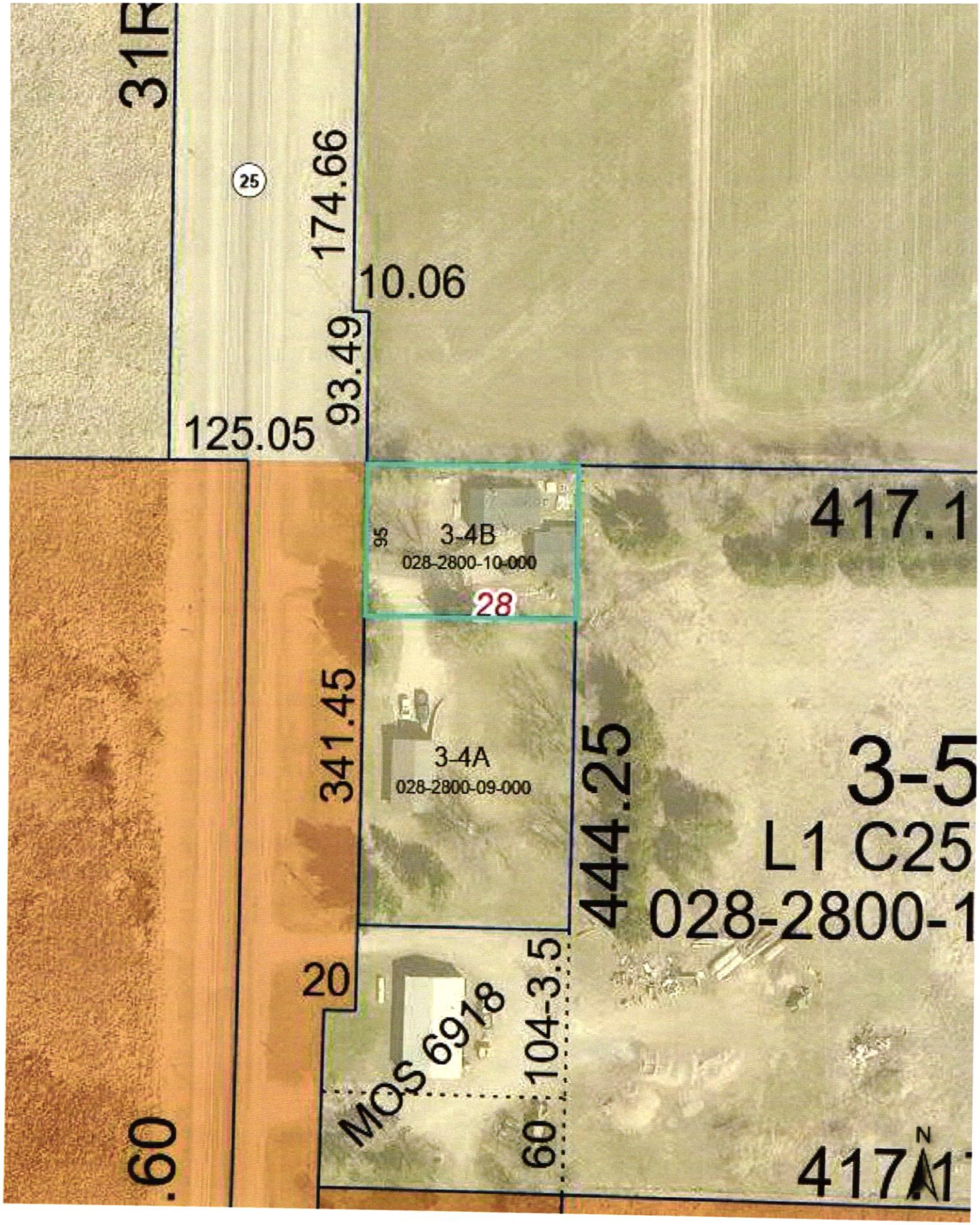

ORDINANCES RELATING TO HEARING

Applicant/Owner: David R Budan & Jayphy A Budan **Appeal:** 4027
Previous Appeals: N/A

Request: Request a variance to allow a new dwelling located within the centerline right- of-way setback of a state road, in an Agricultural-1 district.

Purpose Section 17.02: This chapter is declared to be for the purpose of promoting the public health, safety and general welfare.

Intent Section 17.03: It is the general intent of this chapter to regulate and restrict the use of structures, lands, shoreland and waters; regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; prevent and control water pollution; protect spawning grounds, fish and aquatic life; preserve shoreland cover; and implement the county's general plan or county plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

17.28 A-1 EXCLUSIVE AGRICULTURAL DISTRICT
The Exclusive Agricultural District is created to protect areas where agricultural production is the dominant land use and where a continuation of such use is in the interest of the farm operators and beneficial to the interests of the general public in terms of production of food and fiber and environmental quality. Except for continuation of preexisting uses, this district will allow very few nonagricultural uses or development. This policy is intended to avoid conflicts which occur when farm and non-farm uses are mixed, and to reduce the adverse pressures upon farming caused by speculative land values and consequent increases in property taxes on farmlands. A limited number of agricultural or agriculturally related uses are treated as special exceptions in this district, because of potential problems of pollution or land use conflicts.

Ordinances relating to this Appeal:

17.73(7)	Variances
17.28	A-1 Exclusive Agricultural District

REQUIREMENT FOR A BARRON COUNTY LAND USE PERMIT

Your application for a Variance or Special Exception is **ONLY** for the approval of the Barron County Board of Adjustment for the request.

If your request is granted, AND, after the Decision is typed and signed:

YOU MUST OBTAIN A BARRON COUNTY LAND USE PERMIT

for the structure and/or business before you start

To Obtain a Barron County Land Use Permit you must:

1. **Submit a Barron County Land Use Permit Application.**
2. **Submit the required fee for the permit: fee is based on the type of request.**

- **The application is reviewed and issued based upon the conditions approved by the Board of Adjustment Decision.**
- **The permit is valid for one year from the date it was issued.**

You have one year from the date of the Decision to obtain your land use permit. If you cannot start your project within the one year time frame of the date of the Decision, a request for extension may be submitted for up to an additional year. This request must be made in writing to the Zoning Administrator, and submitted to the Zoning Office.

Please be advised that there may be additional permits required from federal, state, or local authorities. It is your responsibility to contact the necessary persons to ensure compliance with those requirements.

I/We, the undersigned have read the above requirements and understand the process. I further understand that this document shall become part of the hearing file, and if I begin my project prior to obtaining the Barron County Land Use Permit, I will be subject to After the Fact Fees and possible fines as stated in the Barron County Land Use Ordinance.

Dated this 16th of September, 20 26.

Jayphy Budan
Name printed

Jayphy Budan
Signature

David Budan
Name printed

David Budan
Signature

VARIANCE and SPECIAL EXCEPTION
TOWN CONSIDERATION FORM

Instructions: *This form must be completed and presented to the Town Board for their consideration of the proposed variance or special exception request. The completed form shall be submitted with the Barron County Board of Adjustment Application for Variance or Special Exception prior to scheduling your public hearing.*

Section A*- to be completed by the property owner and/ or agent;*

Type of Request: ☒ **Variance** ☐ **Special Exception**

Town of Maple Grove

Owner: Jayphy Budan / David Budan

Applicant/Agent: Jayphy Budan

Property Address: 775 14½ St Property Tax ID #: 028 - 2800 - 10 - 000

Explain Request: (must match explanation on application) Placing a 28'x56' manufactured home on lot to replace the home lost to fire. The new home already purchased would go 36' into the 75' zone/distance from right of way which is my property line still making it back farther then nearby houses from road

Section B *– to be completed by the Township*

The Town Board is: ☒ **In Favor** ☐ **Neutral** ☐ **Opposed**

EXPLANATION OF TOWN BOARD DECISION:

town doesn't see a problem. House will not be as close as others to the highway.

Date: Sept 16-2026

Signed: [signature] (Town Chairman) **OR** **Signed:** _____ (Town Clerk)

Paul Hutchinson
Print Name

_____
Print Name

***Only the signature of the Chairman or the Clerk is required.**