

Notice and Agenda
City of Hartford Zoning Board of Appeals

Date: September 24, 2025

Time: 6:00 p.m.

Common Council Chambers
Lower Level City Hall – 109 North Main Street

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1. Call to Order
2. Roll Call (by noting those present)
3. Review of Minutes of April 29, 2024 Meeting
4. Variance Public Hearing: Variance to decrease the minimum side street side yard setback from 25 feet to 15 feet. Tax Key Number 230-1017-1313-009.
 - a. Waiver of Sworn Testimony
 - b. Reading of Applicant Request and Public Notice, or Waiver Thereof
 1. Questions by Board Members
 - c. Presentation by City Planner
 1. Discussion by Board Members
 - d. Appearances in Favor of the Request
 1. Discussion by Board Members
 - e. Appearances in Opposition to the Request
 1. Discussion by Board Members
 - f. Board Member Review of Facts Presented
 - g. Decision by the Zoning Board of Appeals
 - h. Approval of Findings of Fact
 - f. Board Member Review of Facts Presented
 - g. Decision by the Zoning Board of Appeals
 - h. Approval of Findings of Fact
5. Adjournment

“Persons with disabilities requiring special accommodations for attendance at the meeting should contact City Clerk at least one (1) business day prior to the meeting.”

“Members of the Common Council may attend the above meeting. Pursuant to State ex. rel. Badke v. Greendale Village Board, 173 Wis.2d 553, 494 N W 2d 408 (1993), such attendance may be considered a meeting of the Common Council. This notice is given so that members of the Common Council may attend the meeting without violating the open meeting law.”

Minutes

City of Hartford Zoning Board of Appeals

April 29, 2024

Call to Order – City Planner Jacob Maas called the meeting to order at 5:30 p.m.

Roll Call – In attendance were members Kevin Volm, Todd Bultman, Micki Hoffmann, John Bulawa, and Nicole Flanagan.

Review of Minutes of October 17, 2022 – Motion by Hoffmann, second by Flanagan to approve minutes. Motion carried.

Variance Public Hearing: Variance to Construct a Second Accessory Building on a Parcel Less than 5 acres, tax key number 36-074-001-003 (1668 W. State Street)

*Waiver of Sworn Testimony: Motion by (off camera), second by (off camera) to waive sworn testimony. Motion carried.

*Reading of Applicant Request and Public Notice, or Waiver Thereof: Mr. Maas reviewed the application and Public Notice.

*Presentation by City Planner: Mr. Maas reads and explains the variance request information:

Request: Variance from Section § 13.0303(d)(1); which requires a contiguous area of not less than five (5) acres for farm structures to be erected, moved, or structurally altered.

Project Description: The owner of the property is proposing to develop a new 7,200 square foot shed for indoor storage of equipment and trucks. The property already contains a 4,500 square foot shed, and 1,540 square foot single-family dwelling unit. 1668 West State Street is a 2.97 acre parcel.

The City of Hartford's Comprehensive Plan identifies the future land use of 1668 West State Street as Commercial.

Need for the Variance: The subject property is zoned A-1, Agricultural District. Section § 13.0303(d)(1) states:

Farm uses as provided herein including farm structures hereafter erected, moved, or structurally altered shall provide a contiguous area of not less than five (5) acres, and no farm parcel shall be less than 300 feet in width at the building setback line.

Furthermore, the stated intent of the A-1, Agricultural District, under Section § 13.0303 is:

The A-1 Agricultural District is intended to provide for the continuation of general farming and related uses in those areas of the City that are not immediately committed to urban development. It is further the intent of this district to protect rural lands in the City from urban development until their orderly transition into urban-oriented districts is required.

Legal Basis for Granting a Variance: A city's zoning board of appeals abuses its power if it routinely grants zoning variance requests. A zoning board may grant a zoning variance request only in limited circumstances and only when the applicant provides evidence that proves they have met all of the legal criteria for a requested variance.

There are three main criteria that a variance applicant must satisfy: unnecessary hardship, a unique property condition and no harm to the public interest.

The Wisconsin Supreme Court recognizes two types of zoning variances that may be granted by a zoning board: area variances and use variances. *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23, 269 Wis.2d 549, 676 N.W.2d 401. However, these terms are not defined by state law. Consequently, this is a critical area for local action to define the terms in the local zoning code because case law establishes separate unnecessary hardship tests for use and area variances.

A use variance applicant must show that they will have no reasonable use of the subject property without the requested variance. *Ziervogel*, 269 Wis.2d at para. 31. This is an extremely difficult burden to satisfy and rightly so. A use variance is effectively a rezoning of property to allow a land use that the governing body of a municipality already determined is incompatible with other uses in the zoning district and risks great changes in neighborhood character.

An area variance applicant must show that "compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome." *Snyder v. Waukesha County Bd. of Adjustment*, 74 Wis.2d 468, 247 N.W.2d 98 (1976). Thus, it is not enough that an area variance applicant show that a zoning regulation prevents or burdens their planned activity. They must show by competent evidence that the regulation unreasonably prevents or unnecessarily burdens the activity.

All zoning variance applicants must also show that the alleged unnecessary hardship is due to a unique property condition. *Snyder*, 74 Wis. 2d at 479. This phrase is not defined by statute but court decisions establish that it means a special physical feature of the property (soil conditions, steep slope, wetland, etc.) that is not shared by nearby land. See *Arndorfer v. Sauk County Bd. of Adjustment*, 162 Wis.2d 246, 258, 469 N.W.2d 831 (1991). More importantly, if a variance applicant fails to prove the existence of a unique property condition and a connection between the condition and the hardship, even if the hardship is great, a zoning board has no power to grant the requested variance.

Finally, all variance applicants must show that the requested variance will not be contrary to the public interest. *Arndorfer*, 162 Wis. 2d at 256. This criteria requires the zoning board to consider the purposes of the ordinance at issue and determine "whether the relief requested is consistent with the public interest such that the variance should be granted, or whether a variance would subvert the purpose of the zoning restriction to such an extent that it must be denied." *Ziervogel*, 269 Wis.2d at para. 34.

Findings: No variance to the provisions of this ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- a) Preservation of Intent. *No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not stated permitted use, accessory use, or conditional use in that particular district.*

Comment: The proposed development deviates from the intent of the Agricultural District development patterns. The proposed development, on a parcel of land less than five (5) acres, would be consistent with higher density urban development. The issue is further exacerbated by the non-agricultural land use existing at 1668 West State Street.

Staff finds that this condition has not been met.

- b) Exceptional Circumstances. *There must be exceptional, extraordinary, or unusual circumstances of 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.*

Comment: The applicant has stated to staff that he could purchase his father's abutting land to make the parcel five (5) acres. There is no exceptional, extraordinary, or unusual circumstances of conditions that apply to this parcel or intended use.

Staff finds that this condition has not been met.

- c) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. *No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.*

Comments: 1668 West State Street was annexed into the City of Hartford in February of 2014. The current Zoning code, as applied, was the same then (2014) as it is now (2024). The annexation of a 2.97 acre parcel created a self-imposed hardship. At the time of annexation, the proper zoning district should have been applied to the parcel through discussion with staff.

Staff finds that this condition has not been met.

- d) Preservation of Property Rights. *The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.*

Comments: The denial of the variance does not stop the current land use on the property.

Staff finds that this condition has not been met.

- e) Absence of Detriment. *No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this ordinance of the public interest.*

Comments: The proposed development will allow for further “urbanization” of 1668 West State Street. The spirit and purpose of the A-1, Agricultural District, is to protect rural lands in the City from urban development until their orderly transition into urban-oriented districts is required.

Staff finds that this condition has not been met.

f) Additional Requirements in Floodland Districts.

Not applicable, no Floodland Districts on the property.

Recommendation: Staff recommends DENIAL of a variance request for 1668 West State Street (Tax Key #: 36-0704-001-003) from the requirement of a contiguous area of not less than five (5) acres for farm structures to be erected, moved, or structurally altered.

This recommendation is based on finding that:

1. A variance would not preserve the intent of the A-1, Agricultural District.
2. There is no exceptional circumstance on the property that would allow for a variance.
3. The annexation and subsequent zoning of the property created a self-imposed hardship.
4. Denial of the variance does not impact property rights.
5. Granting of a variance would be detrimental to the spirit and purpose of the A-1, Agricultural District.

Discussion by Board Members: Member Volm asked if the findings were discussed with the applicant. Mr. Maas affirmed. Member Volm asked about alternatives. Mr. Maas noted that purchasing more land to get the property up to the required 5 acres is an option. Member Volm asked if the zoning of the property can be changed. Mr. Maas explained that future land use is commercial but there is no commercial land uses nearby at this time. Mr. Maas noted a possible change to industrial. Member Volm asked about applying for municipal services. Mr. Maas stated that it was not necessary, and an option would be to apply for a comprehensive plan amendment and zoning change. Member Volm asked if the applicant could build the shed on adjoining land belonging to his parents. Mr. Mass noted that the parents’ land is in the Town of Hartford and the applicant would need to go through the Town’s approval process. Member Hoffmann stated that this is a zoning change question. Mr. Maas stated that the question is if the zoning is changed does the current parcel meet zoning requirements. It would require research and the City would be unwilling to create a substandard lot. Member Hoffmann asked about the annexation process. Mr. Maas explained that the City does not mandate annexation, someone has to petition for annexation. Applicant originally had to annex into the City to do the original land split. Member Hoffmann asked if a discussion was held about zoning. Mr. Maas noted that the annexation and zoning happened before his time and he could not speak to the previous process.

*Appearances in Favor of the Request: Applicant appeared in favor, stating that in 2013 he had spoken to City Planner Justin Drew who stated that nothing was going to change and no zoning was required since the property was grandfathered in. He bought property down the road and received approval from the Town of Rubicon and City to build a 60 x 120 pole building on a property across from Signicast. He talked to Justin Drew about building a home on the property he already owned and possibly a shed next year. Mr. Drew also helped him create the lot for his new home. If there was a zoning issue it should have been brought up in 2014. He is not changing

day-to-day operations, he just needs storage for expensive equipment and the current building is not high enough. A second appearance by someone identifying himself as the previous owner and eventually as Charlie Langenecker stated that at the time he sold the property, the mayor at the time (Dautermann) and the City Administrator (Koppelberger) went back and forth about annexation requirements and eventually told him it would have to be annexed. He has lived on the property his whole life and now cannot do what he wants to do with his own land. The previous annexation cost \$7000 and would cost that and probably more to sell more land to his son. He is just asking to use the land he has. The land is only connected to the City by a shared driveway, it should not have been annexed but that was what the City wanted. Since then there have been three lot splits within a mile of him that were allowed without annexation. He wants to do this the easiest and cheapest way.

Discussion by Board Members: Member Bulawa asked how much square footage is allowed on a property of this size. Mr. Maas replied that for Ag zoning there is no maximum but less than five acres does not allow for what the applicant is requesting. Member Bulawa asked if the structure could be rebuilt if it burns down. Mr. Maas noted that it could be rebuilt to the footprint. Mr. Volm asked about zoning – each property is assigned a zoning upon annexation? Mr. Maas affirmed noting that A-1 Agricultural zoning is the default, and referred members to the assessor’s report. Member Bulawa asked about the setback – if applicant were to acquire more land would it still be nonconforming because it is not 300’ wide at the road. Mr. Maas explained that the setback is measured at the building setback line and therefore the property would conform.

Inaudible audience comments

Mr. Drew noted that the setback measurement would be west to east.

Member Bulawa noted that the back of the property liner is 261 feet, adding to that it would not come into play. Mr. Maas affirmed, stating that rear and side yard setbacks would be met.

*Appearances in Opposition to the Request: There were no appearances in opposition.

*Board Members Review of Facts Presented: Member Volm noted that he is not disputing any comments made by Eric Langenecker (applicant) regarding conversations with staff members or his father. The reality is that the property is zoned Ag and is less than five acres. There is not a lot of latitude. Mr. Maas agreed that from the code, there is not a lot of latitude. An option would be to amend the comprehensive plan and rezone. Member Bulawa stated that he likes to see people be able to use their property but in this case the Ag zoning requires the owner to add acreage or change zoning.

Inaudible audience comments

Member Hoffmann stated that she could not see how the Zoning Board of Appeals can resolve what was done before.

Inaudible audience comments

Mr. Maas noted that cost can’t be considered as a hardship. The only other option is the current rewriting of the zoning code, amending the code to allow this to occur. But the rewrite will not be completed until later this year.

Inaudible audience comments

Mr. Maas noted that they cannot do that.

Inaudible audience comments

Mr. Maas noted that he cannot speak to what happened in 2014.

Inaudible audience comments

Member Volm stated that the way he understood it, the ZBA's hands are tied because they have to rely on these five things [preservation of intent, exceptional circumstances, economic and self-imposed hardship not grounds, preservation of property rights and absence of detriment], and common sense isn't one of them. The board can only deal with the variance request that the applicant has submitted, and he does not see any way around denying the request. Member Flanagan asked about preservation of property rights. Mr. Maas noted that the City is not taking away his ability to do landscaping, but he cannot build another structure. The options are not to build, petition to have zoning changed, wait for the rezone rewrite or buy his father's land. Off-camera: Or withdraw from the City. Mr. Maas noted that they would need to go before both the Town Board and the City and he could not speak to the success of an attempt.

Inaudible audience comments

Mr. Maas noted that it was an option.

Inaudible audience comments

Off-camera: Sure we do, I do, I drove by.

Inaudible audience comments

Off-camera: Candidly we can go around and around on this, but the reality is that this is the variance request we have to deal with this. Mr. Maas noted that the appeal process can go through the County Circuit Court system as a final request.

*Decision by the Zoning Board of Appeals: Member Bulawa asked about tabling the variance until the Zoning Code is rewritten. Mr. Maas noted that the options are waiting for the rezone, purchasing extra land, amending the comprehensive plan and rezoning the property. He noted that the owner could also petition to annex back to the Town but that usually requires an attorney. Mr. Maas stated that in his opinion the only way to resolve this is through the zoning code rewrite and make the parcel legal conforming, but that is not the timeline the applicant is looking for. Mr. Volm noted that tabling it won't change the circumstances.

Inaudible audience comments

Member Bulawa pointed out that the Zoning Board of Appeals can't draft new code language. Mr. Maas explained that a variance cannot rewrite code language.

Inaudible audience comments

Member Volm noted that the Zoning Board of Appeals can only grant a variance if it meets the criteria that's been laid out and as Staff has outlined the request, it doesn't meet the criteria.

Motion by Volm, second by Hoffmann to deny the proposed variance based on the following:

A variance would not preserve the intent of the A-1 Agricultural District.

There is no exceptional circumstance on the property that would allow for a variance.

The annexation and subsequent zoning of the property created a self-imposed hardship.

Denial of the variance does not impact property rights.

Granting of a variance would be detrimental to the spirit and purpose of the A-1, Agricultural District.

Roll Call: Volm – aye; Bultman – aye; Hoffmann – aye; Bulawa – aye; Flanagan – aye.

Variance Denied.

*Adjournment: Motion by Volm, second by Bulawa to adjourn. Motion carried.

Respectfully Submitted,
Jacob Maas, City Planner

Daily News:
September 9, 2025
September 16, 2025
7 Notices Sent

NOTICE OF PUBLIC HEARING
CITY OF HARTFORD
ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that a PUBLIC HEARING will be held at 6:00 p.m. or thereafter on September 24, 2025, in the Common Council Chambers at the lower level of City Hall, 109 N. Main Street, by the City of Hartford Zoning Board of Appeals to consider the following:

An application for a variance has been filed by Jeff Hetzel for a setback decrease at 2170 Constitution Avenue, Tax Key number 230-1017-1313-009. This property is zoned M-2, General Industrial Zoning District.

The applicant is requesting a variance to decrease the minimum street side yard setback from 25 feet to 15 feet.

Section 52.121 of the Municipal Code states that the Zoning Board of Appeals shall have power to hear and decide a request for variance after giving proper notice as specified in Section 52.232 of the Municipal Code.

A map of the parcel, as well as a copy of the application, can be viewed in the Planning and Zoning Office, 109 N. Main Street, Monday – Friday between the hours of 7:30 a.m. and 4:30 p.m. Phone: (262)-673-8265.

The purpose of said hearing is to hear those persons who wish to express their opinion for or against the granting of this variance.

Dated this 4th day of September 2025.

Shanna Kreilkamp
City Clerk
City of Hartford

STATE OF WISCONSIN DOT
4802 SHEBOYGAN AVE
MADISON, WI 53707

BRZOZOWSKI BROS LLC
9355 ST KILLIAN HEIGHTS RD
ALLENTON, WI 53002

HEPFNER REAL ESTATE LLC
2133 CONSTITUTION AVE
HARTFORD, WI 53027

HYDRO ELECTRONIC DEVICES INC
2120 CONSTITUTION AVE
HARTFORD, WI 53027

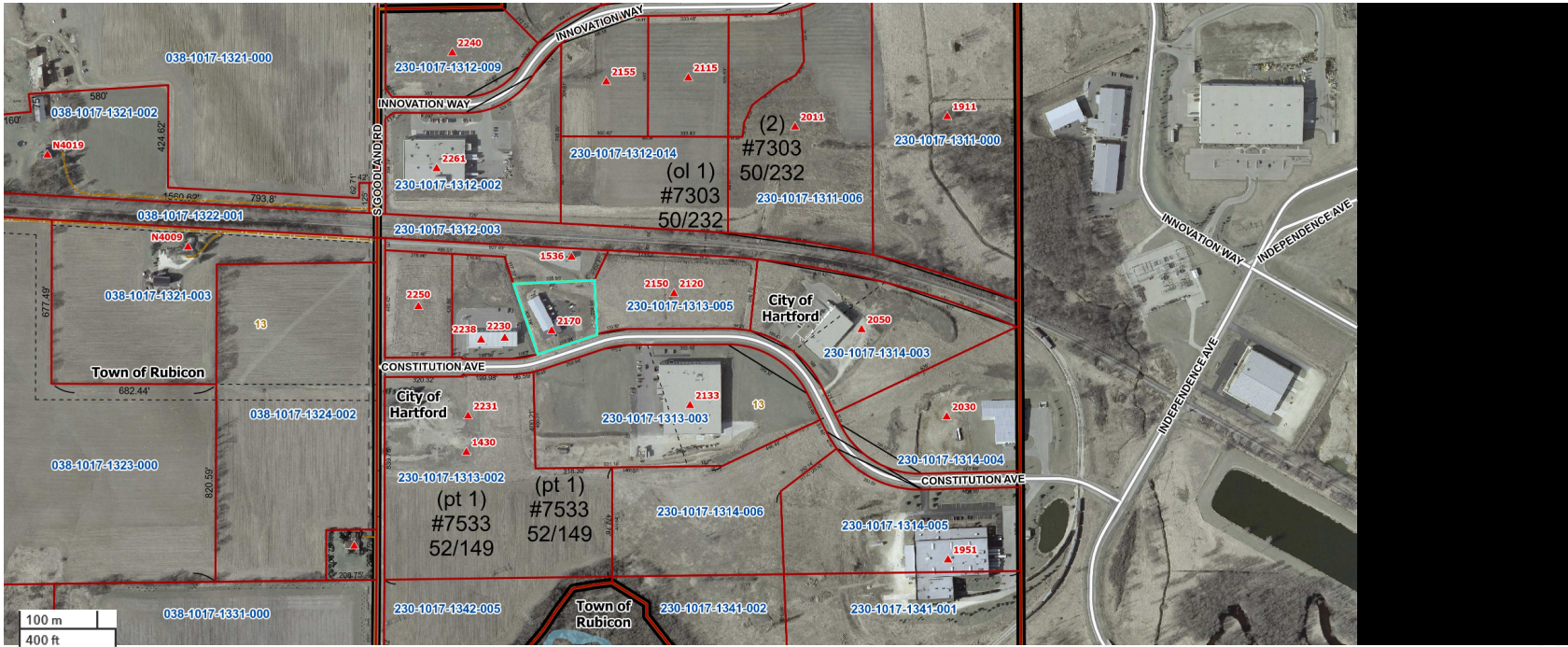
R W & S D ENTERPRISES LLP
7611 COUNTY ROAD O
HARTFORD, WI 53027

JEFFREY A & LORRAINE R HETZEL
227 W PROSPECT ST
HARTFORD, WI 53027

TOWN OF RUBICON
N3864 CTY HWY P
RUBICON, WI 53027

2170 Constitution Avenue

Created by: null



- Parcels
- Parcel Numbers
- CSM Boundaries
- CSM Lots
- Sub and Condo Lots
- Subdivision and Condo Boundaries
- ▲ Address Points
- Encumbrances
- ROW
- Driveways
- Misc Lines
 - 11beaverdamoriginal,
 - 11foxlake1836,
 - 11lakeemily1836,
 - 11rockcenter,
 - 11rockoriginal,
 - 11thread,
 - 12h2o-noteboundary,
 - 31vac,
 - 32rw-unopen,
 - 41chord,
 - 41deed,
 - 41deed, <Null>
 - 41easement,
 - 41meander,
 - 41meander, <Null>
 - 45hook,
 - 45hook, Hook
 - 45hook, Hook_2
 - 45tic,
 - 45tic, <Null>
 - 45tic, Arrow1
 - 45tic, Arrow2
 - 45tic, Ltic
 - 45tic, Rtic
 - 61trailer,
 - <all other values>
- Corporate Limits Low Level
- Municipalities
- Sections
- Roads
- Lakes and Rivers
- Horicon Marsh

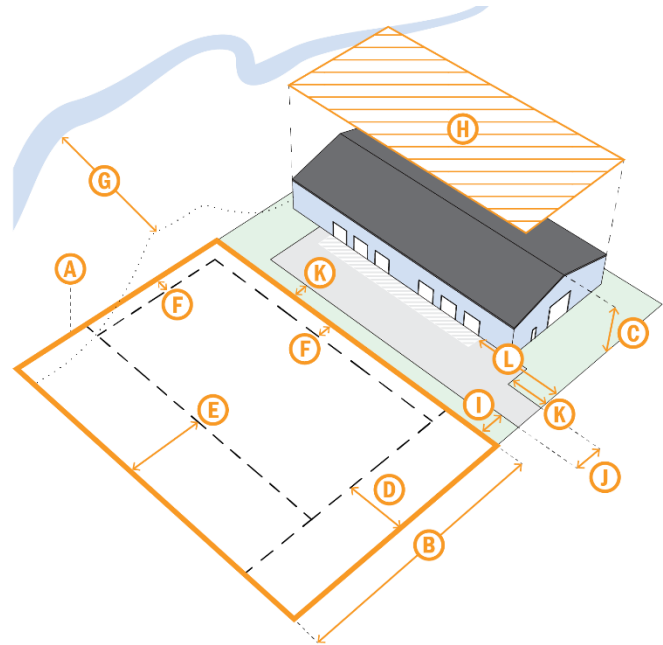
The data used to create this map is a compilation of records, information, and data from various city, county and state offices, and other sources. This map is only advisory, does not replace a survey, and may not be used for any legal purpose. Dodge County assumes no liability for any use or misuse of this information.

Date created: 9/19/2025

Last Data Uploaded: 9/18/2025 10:34:21 PM

General Industrial (M-2) District

This district is intended to allow industrial, office, storage, and other supporting uses including those land uses that may require more extensive outdoor storage, freight handling, repair, and maintenance activities than allowed in the M-1 district. Allowable uses are geared toward activities which are not associated with high levels of noise, odor, particulate emissions, and other potential nuisances that cannot be adequately fully mitigated on-site. Architectural, site design, landscaping, and other requirements are intended to minimize impacts and potential nuisances to other land uses.



Lot Standards		Details	
A	Lot area, minimum	§ 52.1001	40,000 square feet
B	Lot width, minimum	§ 52.1003	150 feet
Building Standards			
C	Principal building height, maximum	§ 52.1004	50 feet
Setbacks			
D	Street-yard setback, minimum	§ 52.1007	40 feet
E	Side-yard setback, minimum	§ 52.1007	25 feet when abutting non-residential district; 150 feet when abutting residential district
F	Rear-yard setback, minimum	§ 52.1007	25 feet when abutting non-residential district; 150 feet when abutting residential district
G	Shore yard setback, minimum	§ 52.1007	75 feet
Site Standards			
H	Building coverage, maximum	§ 52.1008	50 percent
Other			
I	Driveway width at street right of way, maximum		See § 52.2414 for specific standards
J	Driveway setback, minimum		15 feet
K	Parking lot setback, minimum		30 feet from residential parcels. 10 feet from non-residential parcels.
L	Loading area setback, minimum		100 feet from front lot line

**CITY OF HARTFORD ZONING BOARD OF APPEALS
PROPOSED FINDING OF FACT**

Applicant: Jeff Hetzel

Date: September 24, 2025

Subject Property:

Address: 2170 Constitution Avenue

Tax Key#: 230-1017-1313-009

Zoning: M-2, General Industrial

Use of Property: Industrial

Request: Variance from Section § 52.1007(B); which requires a side-yard setback of 25 feet from an abutting non-residential zoning district.

Project Description: The Jeff Hetzel is proposing to develop a new 3,500 square feet industrial facility. The property already contains an 11,350 square feet industrial shop. The proposed development would abut a 35-foot-wide utility easement. The City of Hartford utility is asking that the development be setback 15 feet from the easement. This would require the development to be constructed within the 25 feet side-yard setback

The City of Hartford’s Comprehensive Plan identifies the future land use of 1668 West Sate Street as Industrial.

Need for the Variance: The subject property is zoned M-2, General Industrial. Appendix C shows the setback as follows:

Lot Standards		Details	
A	Lot area, minimum	§ 52.1001	40,000 square feet
B	Lot width, minimum	§ 52.1003	150 feet
Building Standards			
C	Principal building height, maximum	§ 52.1004	50 feet
Setbacks			
D	Street-yard setback, minimum	§ 52.1007	40 feet
E	Side-yard setback, minimum	§ 52.1007	25 feet when abutting non-residential district; 150 feet when abutting residential district
F	Rear-yard setback, minimum	§ 52.1007	25 feet when abutting non-residential district; 150 feet when abutting residential district
G	Shore yard setback, minimum	§ 52.1007	75 feet
Site Standards			
H	Building coverage, maximum	§ 52.1008	50 percent
Other			
I	Driveway width at street right of way, maximum		See § 52.2414 for specific standards
J	Driveway setback, minimum		15 feet
K	Parking lot setback, minimum		30 feet from residential parcels. 10 feet from non-residential parcels.
L	Loading area setback, minimum		100 feet from front lot line

Legal Basis for Granting a Variance: A city's zoning board of appeals abuses its power if it routinely grants zoning variance requests. A zoning board may grant a zoning variance request only in limited circumstances and only when the applicant provides evidence that proves they have met all of the legal criteria for a requested variance.

There are three main criteria that a variance applicant must satisfy: unnecessary hardship, a unique property condition and no harm to the public interest.

The Wisconsin Supreme Court recognizes two types of zoning variances that may be granted by a zoning board: area variances and use variances. *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23, 269 Wis.2d 549, 676 N.W.2d 401. However, these terms are not defined by state law. Consequently, this is a critical area for local action to define the terms in the local zoning code because case law establishes separate unnecessary hardship tests for use and area variances.

A use variance applicant must show that they will have no reasonable use of the subject property without the requested variance. *Ziervogel*, 269 Wis.2d at para. 31. This is an extremely difficult burden to satisfy and rightly so. A use variance is effectively a rezoning of property to allow a land use that the governing body of a municipality already determined is incompatible with other uses in the zoning district and risks great changes in neighborhood character.

An area variance applicant must show that "compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome." *Snyder v. Waukesha County Bd. of Adjustment*, 74 Wis.2d 468, 247 N.W.2d 98 (1976). Thus, it is not enough that an area variance applicant show that a zoning regulation prevents or burdens their planned activity. They must show by competent evidence that the regulation **unreasonably** prevents or unnecessarily burdens the activity.

All zoning variance applicants must also show that the alleged unnecessary hardship is due to a unique property condition. *Snyder*, 74 Wis. 2d at 479. This phrase is not defined by statute but court decisions establish that it means a special physical feature of the property (soil conditions, steep slope, wetland, etc.) that is not shared by nearby land. See *Arndorfer v. Sauk County Bd. of Adjustment*, 162 Wis.2d 246, 258, 469 N.W.2d 831 (1991). More importantly, if a variance applicant fails to prove the existence of a unique property condition and a connection between the condition and the hardship, even if the hardship is great, a zoning board has no power to grant the requested variance.

Finally, all variance applicants must show that the requested variance will not be contrary to the public interest. *Arndorfer*, 162 Wis. 2d at 256. This criteria requires the zoning board to consider the purposes of the ordinance at issue and determine "whether the relief requested is consistent with the public interest such that the variance should be granted, or whether a variance would subvert the purpose of the zoning restriction to such an extent that it must be denied." *Ziervogel*, 269 Wis.2d at para. 34.

Findings: No variance to the provisions of this ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- a) Preservation of Intent. *No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not stated permitted use, accessory use, or conditional use in that particular district.*

Comment: The proposed development does not deviate from the intent of the M-2 Manufacturing Zoning District. The issue does not impact the permitted use, accessory use, or conditional use of the M-2 Zoning District.

Staff finds that this condition has not met.

- b) Exceptional Circumstances. *There must be exceptional, extraordinary, or unusual circumstances of 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.*

Comment: The 35 feet wide utility easement and the City of Hartford's utility's need to protect that easement creates an exceptional circumstance that is creating a hardship for the developer.

Staff finds that this condition has been met.

- c) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. *No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.*

Comments: This hardship is being imposed by the City of Hartford's utility. This is not a self-imposed hardship as the City's utility is asking for additional setback from the easement.

Staff finds that this condition has been met.

- d) Preservation of Property Rights. *The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.*

Comments: The denial of the variance does impact the property owners ability to develop the property within the limits of the Zoning Code..

Staff finds that this condition has been met.

e) Absence of Detriment. *No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this ordinance of the public interest.*

Comments: The proposed variance does not create a detriment to the adjacent properties. The proposed development is industrial in nature, along with the development on the adjacent properties.

Staff finds that this condition has been met.

f) Additional Requirements in Floodland Districts.

Not applicable, no Floodland Districts on the property.

Recommendation: Staff recommends **APPROVAL** of a variance request for 2170 Constitution Avenue (Tax Key #: 230-1017-1313-009) from the requirement of a side-yard setback of 25 feet from an abutting non-residential zoning district.

This recommendation is based on finding that:

1. The City of Hartford's Utility's additional setback ask of 15 feet from the easement on the developer is creating an exceptional circumstance on the property that would allow for a variance.

RE: 2170 Constitution Ave - Well Head and

From Mike Thimm
Date Tue 08/19/2025 10:48 AM
To
Cc

Leah,

We would recommend asking for a variance. It would be nice to move it another ten feet to the east so that there is fifteen feet setback from both the easement and the lot line, assuming this is acceptable to your department.

Thank you,

Michael Thimm
Utility Superintendent
Hartford Electric and Water
262-670-3702
mthimm@hartfordutilities.org

From: Leah Diedrich
Sent: Tuesday, August 19, 2025 10:40 AM
To: Mike Thimm
Cc:
Subject: 2170 Constitution Ave - Well Head and

Mike

Jeff Hetzel stopped in to ask about the setbacks for the proposed building at 2170 Constitution Ave. He mentioned that Utilities would like to see the building pushed further toward the eastern side lot line.

The side yard setback for this parcel is 25 feet so it could get pushed over about 5' on the front corner and 10' on the back corner. **Would this be enough?**

If not, the options are to go to the Zoning Board of Appeals to ask for a variance which could work since he can show a hardship with the well head and utility easement, but it would take another month or so or he could make the building smaller.

VARIANCE REQUEST CITY OF HARTFORD
APPLICATION FOR VARIANCE
ZONING BOARD OF APPEALS

FOR OFFICE USE ONLY

Meeting Date: _____

Account #:

Public Hearing Fee: 100.604.444100.44410 (#76) **\$400.00**

Processing Fee: 100.125.461100.46112 **\$15.00**

Technology Fee: 100.240.440000.44440 **\$5.00**

PLEASE NOTE: *Fee does not cover publication costs, which are billed back to the applicant.*

Total Fee Received:

Date Filed:

(Please Print in Black Ink or Type)

Address of Subject Property: 2170 Constitution Ave

Tax Key Number: 230-1017-1313-009 Zoning District: _____

Existing Use: _____

Applicant Name: Jeff Hetzel

Address: 227 W Prospect St

City, State, Zip: Hartford, CT 06102

Owner Name: Same as above

Address: _____

City, State, Zip: _____

Phone: _____ Email: _____

Project Manager Name: same as above

Address: _____

City, State, Zip: _____

Phone: _____ Email: _____

VARIANCE REQUEST:

Relevant Ordinance Requirements Requiring Variation: request to
change the ordinance for setbacks

Variance Requested: to change set backs
from 25' to 15'

Reason for Request: to accomodate for
easement for City of Hartford
per City Staff request

SUPPORTING INFORMATION:

Please submit the following supporting information with this application.
Attach additional sheets if more space is needed.

A. No variance to the provisions of the zoning ordinance shall be granted by the Zoning Board of Appeals unless it finds that ALL of the following facts and conditions exist and so indicates in the minutes of its proceedings:

1. Preservation of Intent: Is the requested variance to allow only a permitted accessory, or approved conditional use in the subject property's zoning district?

permitted accessory

2. Exceptional Circumstances: What exceptional, extraordinary or unusual circumstances or conditions exist on the subject property that do not apply generally to other properties or uses in the same zoning district and prevent the reasonable use of the subject property?

the City of Hartford's water
main easement

3. Hardship: No variance shall be granted solely on the basis of economic gain or loss, nor of self-imposed hardship. Explain the nature of the hardship created by current conditions.

~~without this variance any repairs to the watermain ~~and~~ could cause damage to the proposed building~~

4. Preservation of Property Rights: Is the variance necessary for the preservation and enjoyment of the same substantial property rights possessed by other properties in the same zoning district?

yes

5. Absence of Detriment: Will the requested variance create substantial detriment to or materially impair adjacent property? Will the requested variance be contrary to the purpose and spirit of this ordinance or the public interest?

No

6. Additional Flood Plain Requirements: Is any part of the subject property in a Flood Plain or in an F-1 or F-2 Flood Plain District? If so, Staff will inform you of additional requirements that must be met.

No

B. Scale Drawing(s) or Diagram(s) of the subject property including lot lines, existing structures, proposed structures, and any other features that help illustrate the request. Include relevant dimensions of lot, structures and setbacks. Drawing sheets should be at least 8 1/2 by 11 and no larger than 11 x 17.

C. Other Information which the applicant or City Staff deem necessary for the review of the variance application.

building + land site was originally approved in 2011 - now current staff is

Prior to the public hearing, the City is required by law to post notice of the request in a local newspaper, and to notify all owners of property within 200 feet of the subject property of the date, time and location of the Public Hearing at which the request will be heard.

Signature of Applicant: [Signature] Date: 8/19/25

Signature of Owner (if different): _____ Date: _____

Note: If owner is other than applicant and is unable to sign, please attach Power of Attorney or other written authorization.

requesting alterations of site for future repair of easement for when it is needed

Wall Schedule		
Type Mark	Function	Description
E-1	Exterior	2x6, Steel Int. & Ext.
E-2	Exterior	2x6, Steel Ext. Only
I-1	Interior	2x4, DW Both sides

Window Schedule				
Type Mark	Count	Width	Height	Description
123	2	4' - 0"	3' - 0"	Sliding

Door Schedule					
Mark	Count	Function	Width	Height	Description
12	4	Exterior	3' - 0"	7' - 0"	Service - Inswing
13	1	Exterior	3' - 0"	7' - 0"	Service - Outswing
14	1	Interior	3' - 0"	6' - 8"	Interior - Outswing
15	1	Interior	3' - 0"	6' - 8"	Interior - Inswing
19	2	Exterior	12' - 0"	10' - 0"	Overhead
20	1	Exterior	14' - 0"	10' - 0"	Overhead

Sheet List	
Sheet Number	Sheet Name
0.0	Cover Sheet
A1	First Floor Plan
A2	Elevations & X-Sections
C1	Site Plan

No.	Description	Date
A	Added exterior doors	7-1-25

NOTE:
Great care & effort have gone into the creation and design of these drawings. However, it is the sole responsibility of the contractor/builder to insure that all structural members meet all applicable codes. I assume no responsibility for any damages, including structural failure, due to any deficiencies, omissions or errors in the design or drawings. The construction agent is responsible to provide all structural requirements to accommodate the design intent. Omissions of the same shall not be considered as a claim for reimbursement from the designer/drafter.

SoensCAD Design Services
(262) 939-0885
soenscad@gmail.com

Hetzel
35x100

Cover Sheet

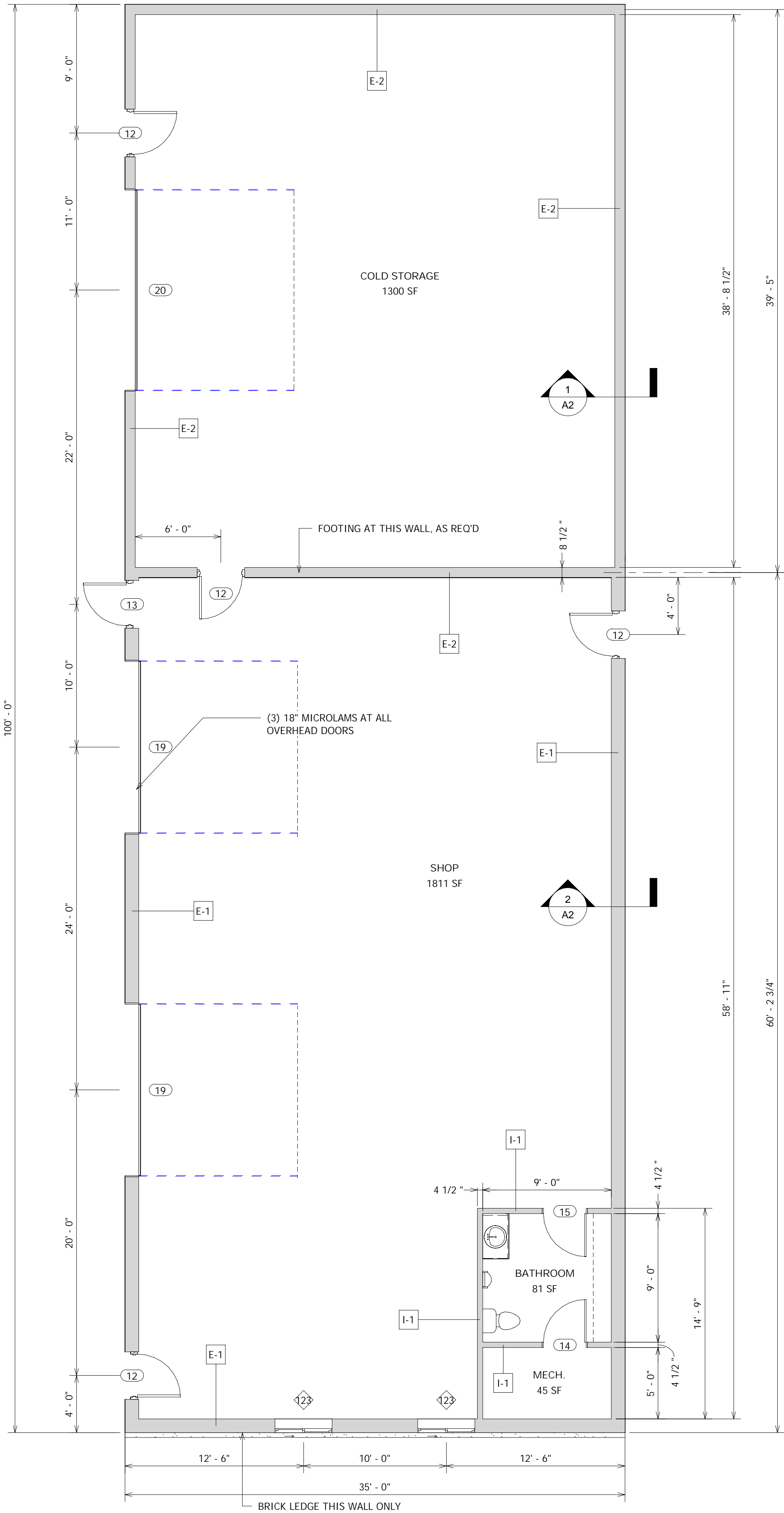
Project number 1365
Date 2025_0714
Drawn by JFS

0.0

Scale



1 3D View 4



Door Schedule

Mark	Count	Function	Width	Height	Description
12	4	Exterior	3' - 0"	7' - 0"	Service - Inswing
13	1	Exterior	3' - 0"	7' - 0"	Service - Outswing
14	1	Interior	3' - 0"	6' - 8"	Interior - Outswing
15	1	Interior	3' - 0"	6' - 8"	Interior - Inswing
19	2	Exterior	12' - 0"	10' - 0"	Overhead
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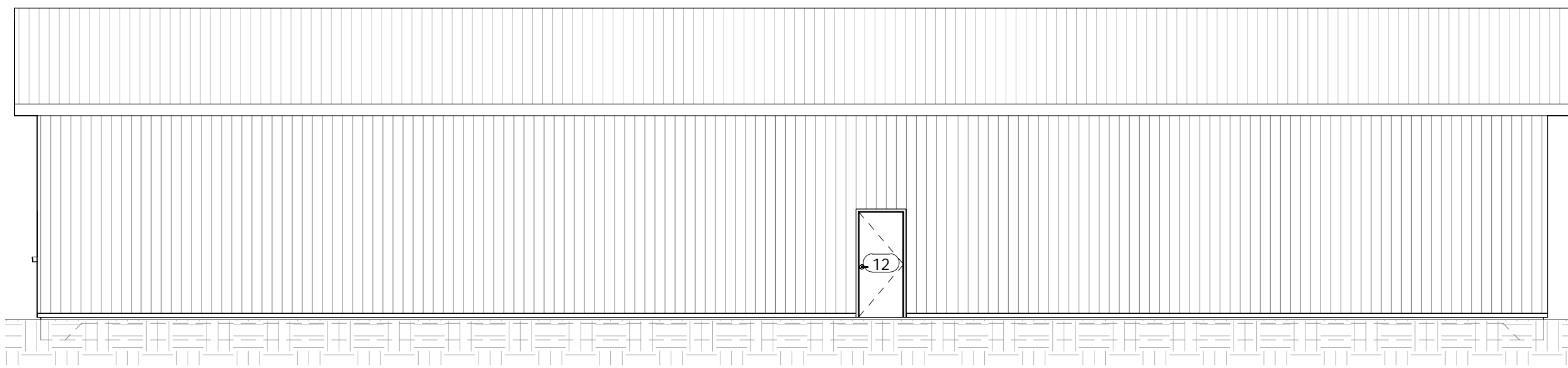
Hetzel
35x100

First Floor Plan

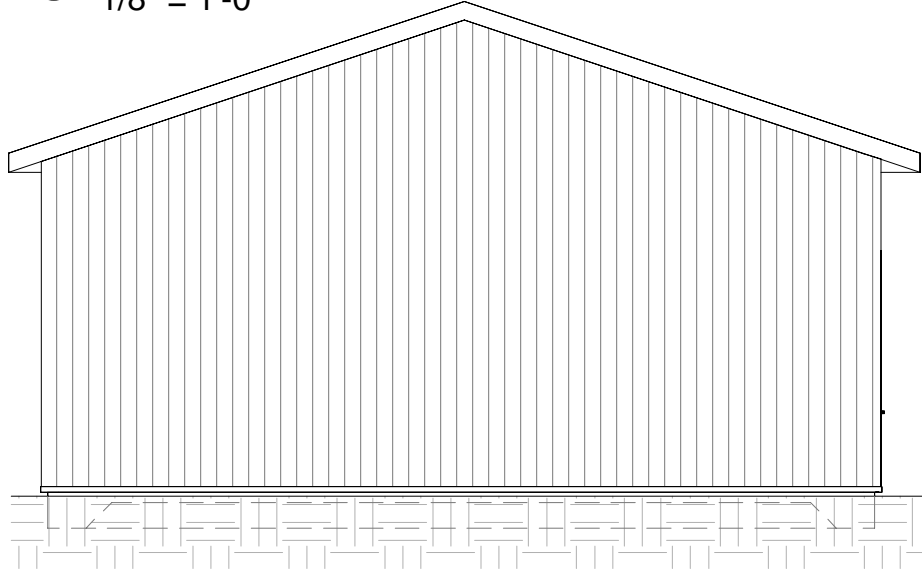
Project number	1365
Date	2025_0714
Drawn by	JFS

A1

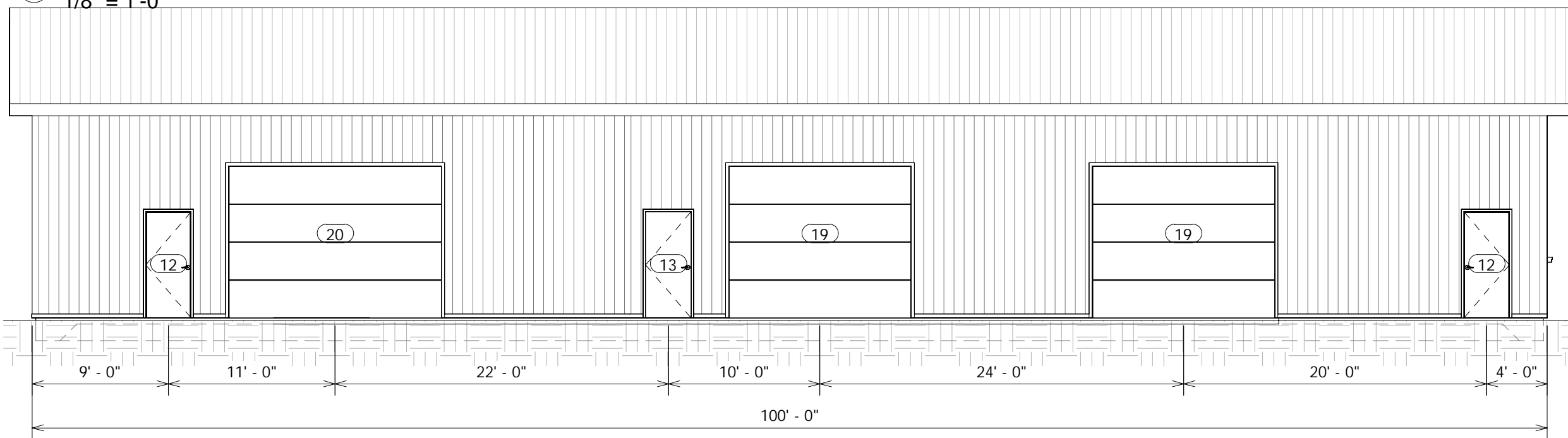
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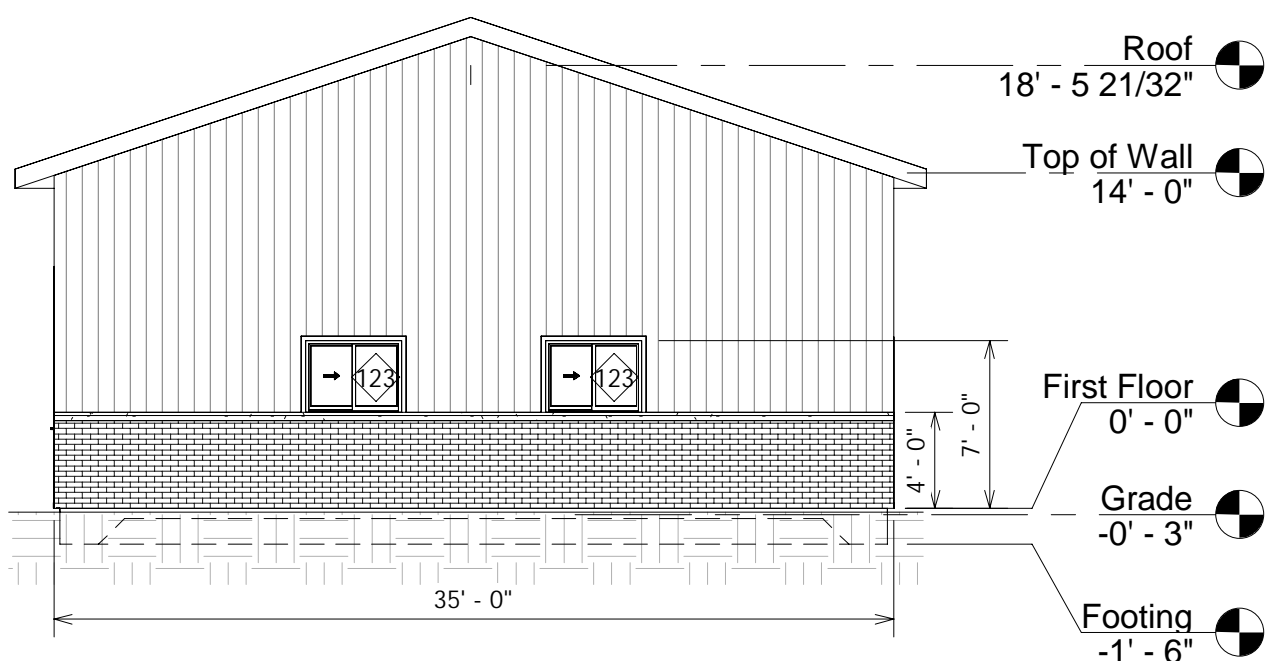
⑥ East
1/8" = 1'-0"



⑤ North1
1/8" = 1'-0"



④ West
1/8" = 1'-0"



③ South1
1/8" = 1'-0"

Window Schedule				
Type Mark	Count	Width	Height	Description
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Door Schedule					
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20	1	Exterior	14' - 0"	10' - 0"	Overhead

No.	Description	Date
A	Added exterior doors	7-1-25
B	Wall ht was 12ft	7-14-25

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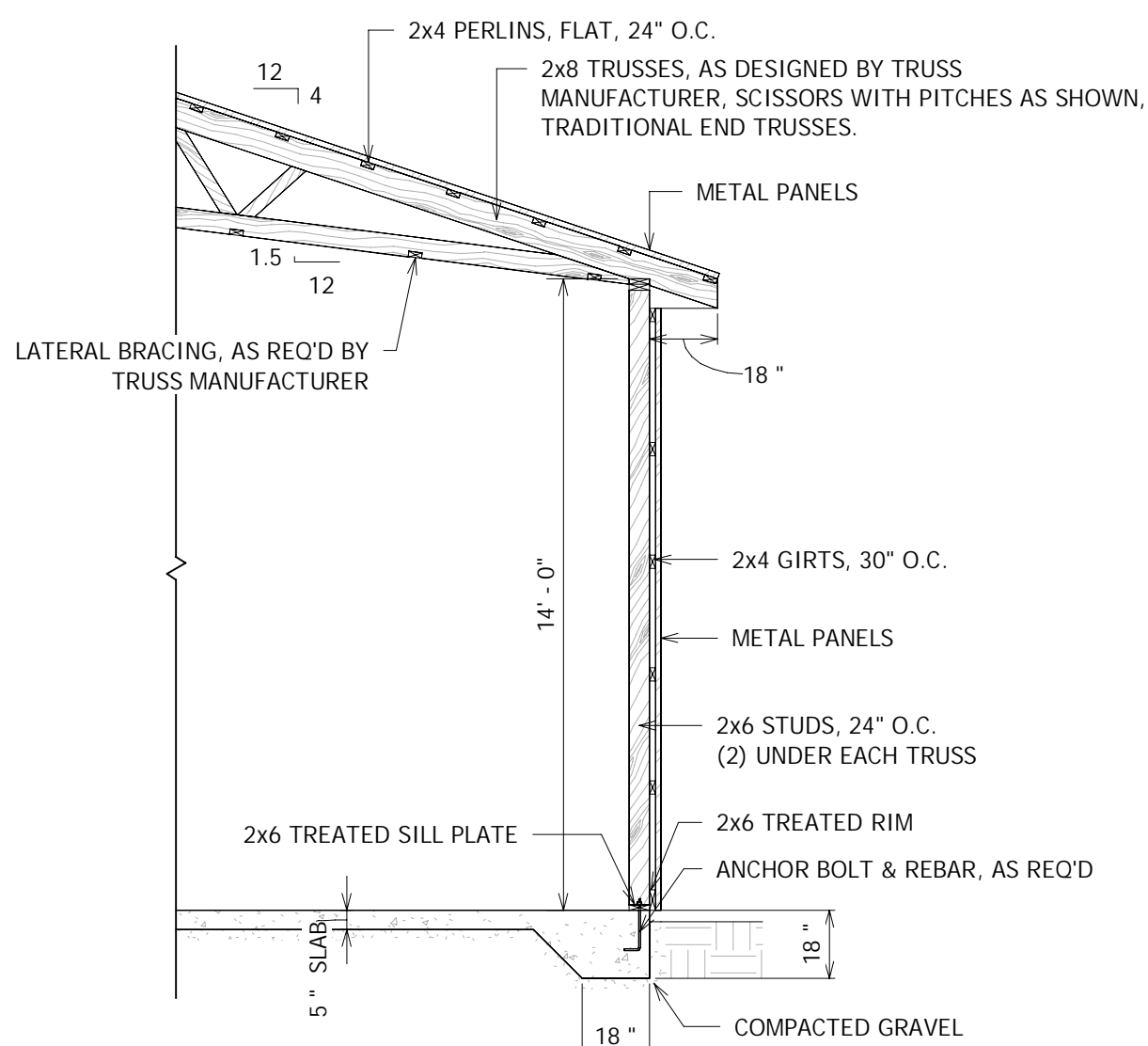
Hetzel
35x100

Elevations & X-Sections

Project number 1365
Date 2025_0714
Drawn by JFS

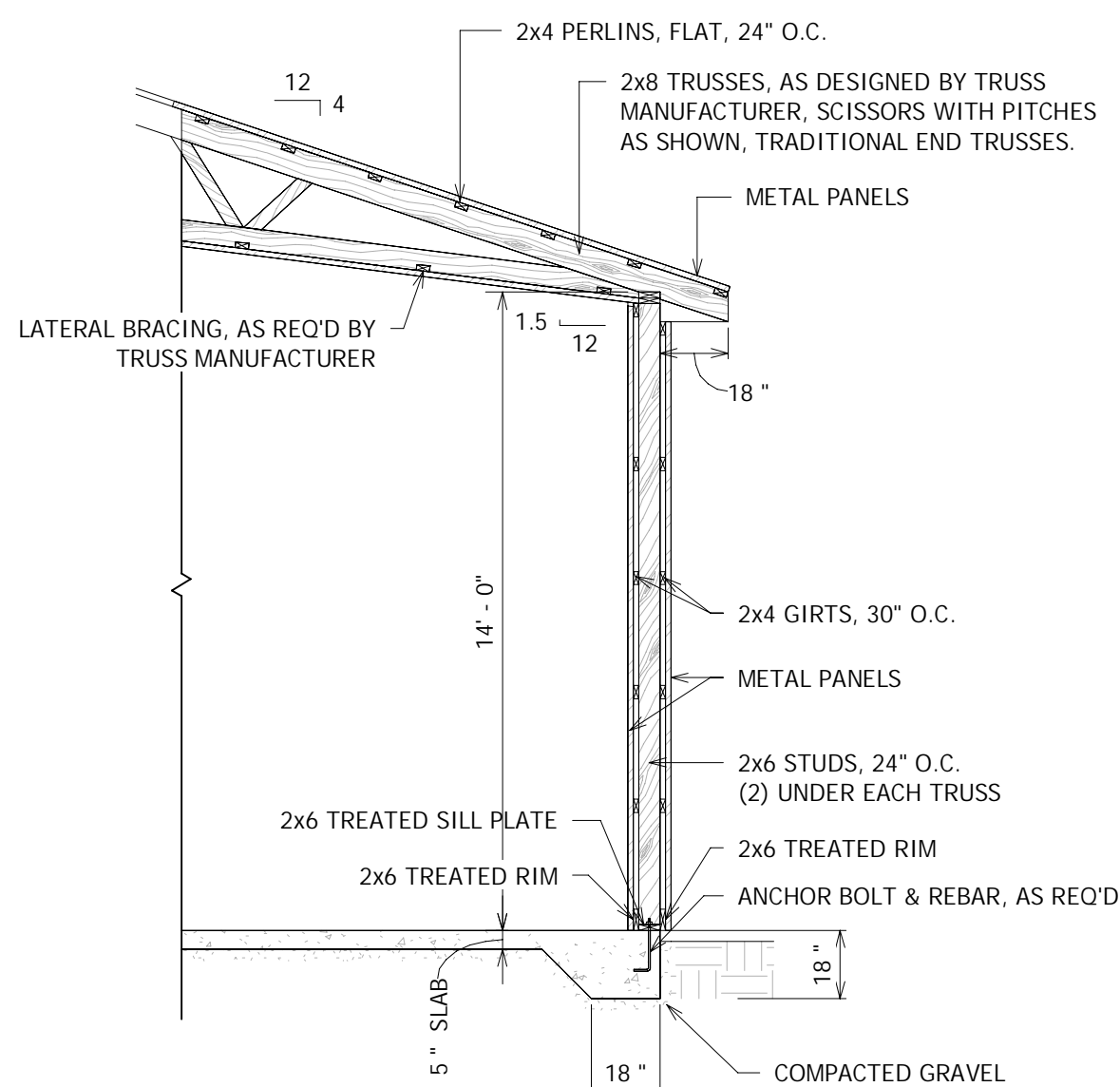
A2

Scale As indicated



① TYP X-SECTION COLD STORAGE
1/4" = 1'-0"

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② TYP X-SECTION SHOP
1/4" = 1'-0"

