



Dane County Planning & Development

Division of Zoning

Appeal No. _____
Date Received _____
Date of Public Hearing _____

VARIANCE APPLICATION:

Owner:

_____ Robert and Kim Riege
Mailing Address: _____ 140 Fair Oak Road
_____ Deerfield Wi 53531
Phone Number(s): _____ 608-692-5193
Email Address: _____ kimriege@aol.com

Assigned Agent:

_____ David R. Dinkel
Mailing Address _____ P. O. Box 103, 33 N. Main Street
_____ Deerfield WI 53531
Phone Number(s): _____ 608-695-6262
Email Address: _____ dave@propertyshop-realtors.com

To the Dane County Board of Adjustment:

Please take notice that the undersigned was refused a permit by the Dane County Zoning Division, Department of Planning and Development, for lands described below for the reason that the application failed to comply with provisions of the Dane County Code of Ordinances: Chapters 10 – Zoning, 11 – Shoreland, Shoreland-Wetland & Inland-Wetland, 17 – Floodplain Zoning, and/or 76 – Airport Height Regulations. The owner or assigned agent herewith appeals said refusal and seeks a variance.

Parcel Number: 0712 -284 -8001 -2 Zoning District: _RM-16 Acreage: _5.0
Town: _____ Deerfield _____ Section: 28 1 / 4 NE 1 / 4 SE
Property Address: Vacant land northside of London Road
CSM: __ _N/A Lot: N/A / Subdivision: _____N/A Block/Lot(s): _____N/A
Shoreland: Y / Floodplain: Y / Wetland: Y / Water Body: Spur of Ag-Ditch
Sanitary Service: Public / Private (Septic System) NONE

Current Use: Vacant Land in a Set-Aside Program

Proposal: SEE THE ATTACHED ADDENDUM TO VARIANCE APPLICATION.

NOTE: You are encouraged to provide a complete and detailed description of the existing use and your proposed project on an attached sheet.

REQUIRED BY ORDINANCE

Section	Description	Required	Proposed	Variance Needed
11.03	Variance of Wetland Setback	75-foot	40-foot	35 feet

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PRESENTING YOUR CASE TO THE BOARD OF ADJUSTMENT:

An Area Variance may be authorized by the Dane County Board of Adjustment to vary one or more of the dimensional or physical requirements of the applicable ordinance in connection with some proposed construction.

The burden will be on you, as property owner or authorized agent, 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 zoning board 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, including the staff report. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and may then deny your application.

Please answer the four questions below. You are encouraged to attach a separate sheet, labeling the answers (1) through (4), to provide enough detail to support your appeal:

(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 a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

See attached Detail Map prepared by Surveyor Dave Riesop of Wisconsin Mapping LLC

Alternatives considered include: 1. Wetland Mitigation onsite which the DNR is resistant to. 2. Purchasing "wetland bank" fill credits by going through the DNR and the County permitting process for filling which just brings the issue to the County. 3. Purchasing slivers of land on the easterly ends of the lots from three neighbors which involves getting partial mortgages releases from their Lenders without losing their low existing interest rates. The Lenders may want them to re-finance to the present high rates. (Also, we have done this for other projects, and it can take over 18 months.)

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

Other than the above three alternatives, or variations thereof, we could find no other alternatives.

(2) Will there be an 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 restrictions 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 that there is no suitable location for a home or claiming that they need more outbuilding space than that 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.

Without a 35-foot variance to build a private driveway within the 75-foot buffer setback from the northern lobe of a spur of an ag-ditch, a high-quality homesite for a family member is lost.

- (3) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain. **The required Site Plan and/or Survey submitted with your application must show these features.**

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 circumstances 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.

See attached Detail Map from Surveyor Dave Riesop of Wisconsin Mapping LLC.

- (4) What would be the effect on this property, the community or neighborhood, and the general public interest if the variance were granted? Describe how negative impacts would be mitigated. **The required Site Plan and/or Survey submitted with your application must show any proposed mitigation features.**

These interests may be listed as objectives in the purpose statement of an ordinance and may include: Promoting and maintaining public health, safety and welfare; protecting fish and wildlife habitat; maintaining scenic beauty; minimizing property damages; ensuring provision of efficient public facilities and utilities; requiring eventual compliance for nonconforming uses, structures and lots; drainage; visual impact; fire safety and building code requirements; and any other public interest issues.

There are no substantive negative effects to this proposal. There are numerous benefits.
SEE THE ATTACHED ADDENDUM TO VARIANCE APPLICATION.

REQUIRED PLANS AND SPECIFICATIONS:

In addition to providing the information required above, you must submit:

1. **Site Plan:** Complete and detailed plans of your lot or lots, drawn to a standard and easily readable scale. **In most cases, a survey by a Registered Land Surveyor is needed.** The Site Plan/Survey should include the following, as applicable, as well as any unique existing features of the lot and any proposed mitigation features, as described above:
 - ☒ Scale and North arrow
 - ☒ Road names and right-of-way widths
 - ☒ All lot dimensions
 - ☒ Existing buildings, wells, septic systems and physical features such as driveways, utility easements, sewer mains and the like, including neighboring properties and structures.
 - ☒ Proposed new construction, additions or structural alterations.
 - ☒ For property near lakes, rivers or streams:
 - ☒ Location of Ordinary High Water Mark (OHWM) Elevation
 - ☒ Location of Floodplain Elevation
 - ☒ For property near Wetlands, a Wetland Boundary determination by a qualified professional consultant may be required.
 - ☒ Topographic survey information may be desirable or necessary.
 - ☒ Setbacks from any existing or proposed structures (building) to lot lines, right-of-way lines, Ordinary High Water Mark, and/or Wetland Boundary, as applicable.
 - ☐ For setback from Ordinary High Water Mark Variance Appeals, the setbacks of the two neighboring structures from the OHWM may be required.

2. Floor Plans and Elevations: Professionally-prepared plans and elevations are not required, but the plans submitted must be drawn to a standard and easily readable scale, must show each story of the building or structure, and must include all parts of existing and

NA

proposed structures, including any balconies, porches, decks, stoops, fireplaces and chimneys. Exterior dimensions must be included. Show all exit door locations, including sliding doors, and any windows or other features that are pertinent to your appeal. The plans may be a preliminary version, but are expected to represent your actual proposal for the use of your lot.

Please consult with the Assistant Zoning Administrator regarding required plans for non-conventional structures such as signs, construction cranes, etc.

3. Town Acknowledgment: Obtain a signed, dated memo or letter from the Town Clerk or Administrator of the Town where the variance is needed, acknowledging that you have informed them of your intention to apply for the variance(s). You probably will need to appear before the Town Board and/or Plan Commission, which will provide advisory input requested by the Board of Adjustment.

APPLICANT SIGNATURE:

The undersigned hereby attests that all information provided is true and accurate, and further gives permission to Planning & Development staff and Board of Adjustment members to view the premises, in relation to the Appeal request made herein, during reasonable daylight hours.

Signature Required: David R Dinkel Date: April 13, 2026

Print Name: David R. Dinkel

Specify Owner or Agent: As Authorized Agent

Agent must provide written permission from the property owner

STAFF INFORMATION:

Date Zoning Division Refused Permit (if different from filing date)

Filing Date

Filing Materials Required:

Site Plan

Floor Plans

Elevations

Fee _____ Receipt No. _____

Town Acknowledgement Date

Notices Mailed Date

Class II Notices Published Dates

Site Visit Date

Town Action Received Date:

Public Hearing Date

Action by B.O.A. _____

Approved by: _____ Date: _____
Director, Division of Planning Operations, Department of Planning and Development

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April 13, 2026

ADDENDUM TO VARIANCE APPLICATION

OWNER INFORMATION:

Robert and Kim Riege

140 Fair Oak Road

Deerfield WI 53531

kimriege@aol.com

AGENT INFORMATION:

Dave Dinkel

P.O. Box 103, 33 N. Main Street

Deerfield WI 53531

dave@propertyshop-realtors.com

PROPERTY INFORMATION:

Deerfield Township Section #28

Vacant Land on the Northside of London Road (part of 5.0 acre "long" parcel)

Parcel Number: 024/0712-284-8001-2

PROJECT INFORMATION:

Bob and Kim Riege are life-long farmers in the Town of Deerfield and own multiple parcels of vacant farmland. The subject property is being rezoned to form a single-family homesite for Bob's brother (Dan Riege and his wife Sandy.) The subject land is presently in a set-aside program and is not being actively cropped. This variance is requested for a small portion of this parcel number which adjoins other set-aside land owned by the Rieges to the east. To the west the subject parcel adjoins the rear-yards of several homes that were built since 1976 and are also in the Town of Deerfield. Those homes have their own wells and septic systems and enjoy a mature wooded area next to the set-aside land that is the subject of this application. Those homes front on Sky Terrace and are located on a hillside that flattens out at the west border of the subject land. Immediately east of the subject parcel number land is vacant land in Section 27 and there is a north-south ag-ditch that also drains

part of the Village of Deerfield, which is located to the north. Please see the maps that are part of this Application.

The combination of the hill that homes and the north-south street they now are located on plus the ag-ditch led to short, east-west spur to the ag-ditch being dug to facilitate water drainage in the 1970's when much of the area was being cropped.

Even in Deerfield, fifty years makes a difference and now the approximately 400-foot spur has no function as there is no significant drainage since the watershed has changed due to the Sky Terrace and its houses . However, even though the westerly end of the spur may have been dug in non-hydric soil, it is now classified as wetland as determined by a wetland delineation done last fall by (Scott) Taylor Conservation which is a DNR-assured delineator. (That delineation report is supplied under separate cover.)

The west end of the spur has two lobes. As can be seen on the various maps that are part of this application, the 75-foot buffer zone for the delineated north lobe wetland area impacts a relatively small portion of the area where the private driveway goes to the future homesite. There will NOT be any construction in a wetland area. The only construction in the 75-foot buffer zone would be the small portion of the private driveway that is the reason for this Variance request. See the black hatch lines on the proposed private driveway on the high-detail map prepared by Surveyor Dave Riesop of Wisconsin Mapping LLC.

Step #1. Unnecessary Hardship: The Riege brothers came to the Town of Deerfield in 1959 when their parents bought the dairy farm that is now about 240 acres lying immediately south of the Village of Deerfield. Bob and Dan and their families now own that farm which is comprised of some wonderful fields lying along Hwy 73 and Highway 12/18. Dan and Sandy would like to keep those fields intact. And they would really want to build on the subject land between the woods and the ag-ditch. As a homesite, the subject land is private and charming, but you do need to build a private driveway on a relatively short portion on the outside edge of the 75-foot buffer to access the

actual homesite. There have already been initial soil borings on the actual homesite to confirm a private on-site septic system will work. So, if not for the small projection of the northerly lobe on an outmoded ag-ditch, they would be able to build their home adjacent to the Village where their family resides. It is not a liver cancer type of hardship but it is really a loss of a lovely homesite and that creates an unnecessary hardship. Ironically, one of the attributes of the homesite is that Bob and Sandy will certainly improve the quality of the actual wetland.

Additionally, the requested variance could also be characterized as not constructing a minor portion of a private driveway in a 75-foot wetland buffer zone but rather characterized as a waiver of the County definition of a structure. That is, it was relatively recently in the existence of County zoning codes that the definition of a “structure” included a private driveway.

Step #2. Hardship Due to Unique Physical Limitations of the Property. There would be no need for a variance if the northern lobe of an outmoded spur of a ag-ditch would have been thirty-five feet shorter. That would have been only three scopes of a backhoe 20 years ago. It is just happenstance that the variance request is necessary. Simply an unlucky blink in time.

Step #3. No Harm to the Public Interest. This homesite will create short-term construction jobs, significant long-term tax base, ongoing economic benefits to the Deerfield community, and allow this family to live in the area they grew up in. This will be the type of home that will be part of the legacy of this family and will pass on to the next generation. There is simply no substantive harm with this situation and there are only benefits to the public’s interests.

There is no practical solution to the problem other than receiving a variance adequate to allow the building of a private driveway at the outer portion of a 75-foot buffer zone to an outmoded inadvertently created bit of wetland.

Bob Riege is the Town of Deerfield Clerk. At the Town Planning Commission on April 6, 2026, the rezone application and variance request was reviewed by the Commission and unanimously endorsed by that body. The Town Board on

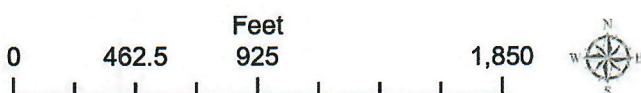
Monday the 13th of April will surely do the same. Of course, Clerk Bob does not participate in any such voting. Bob has authorized me as an agent to present the situation as needed and apply for the rezone and variance.

We also note that that we will probably have to obtain a FEMA Flood zone study for the portion of the driveway and do what is necessary based on the effort. Again, no construction will happen in any flood zone but right now the projected driveway may be within the FEMA Zone AE by a few inches of elevation. As long-term residents and in review of other flood studies, we are positive the present elevation is significantly incorrect. This type of flood study can be \$20,000. in costs. Rieges will not undertake that expense unless we receive this requested wetland buffer variance. First things first.

As you have questions or need additional information, please contact me ASAP. It is important to Dan and Sandy to get their new home built in a timely manner.

Thank you for your consideration of this application and we look forward to your site visit in May. drd

David R. Dunkel
As Authorized Agent



Preliminary Certified Survey Map

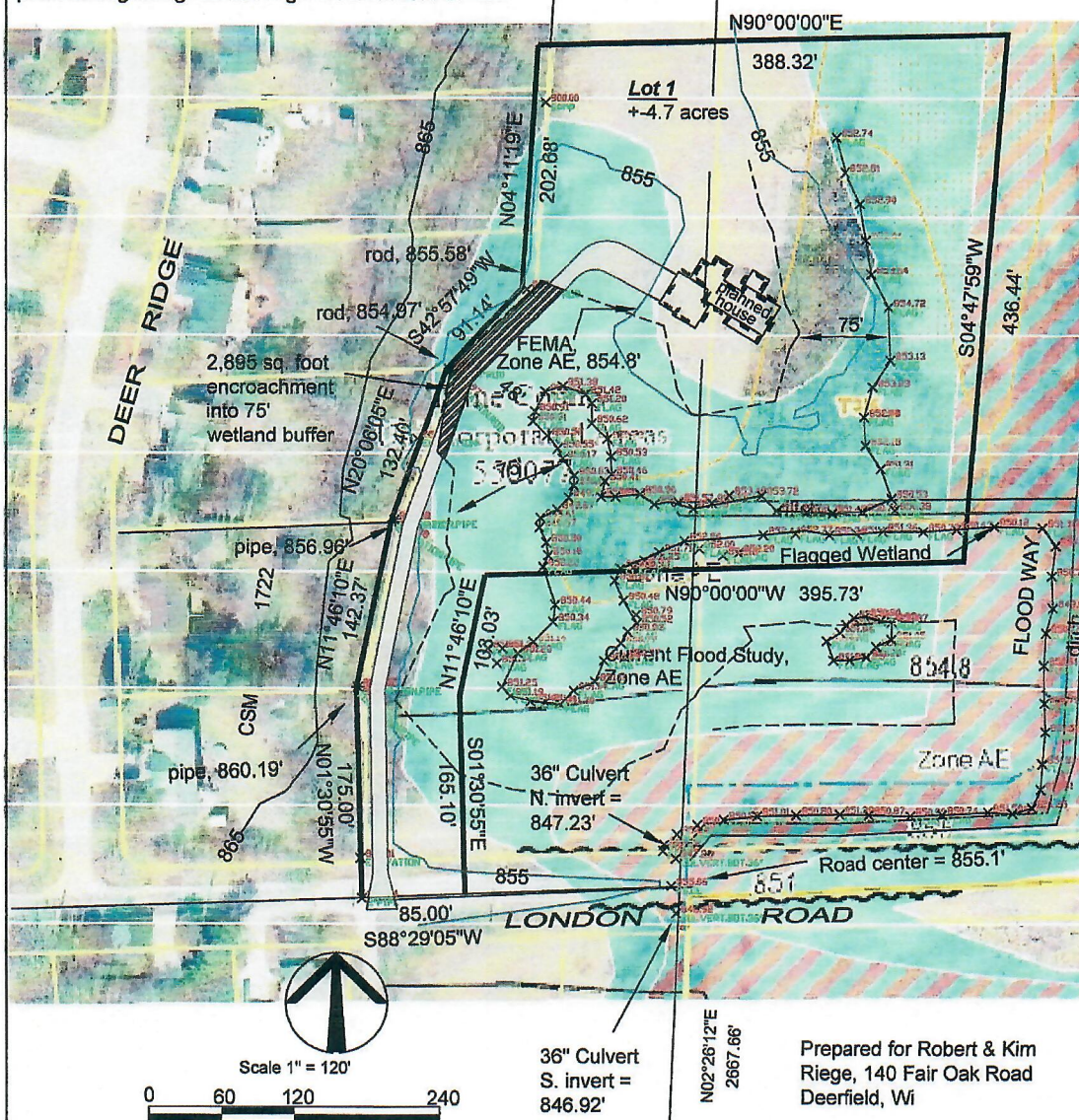
Part of the NW ¼ of the SW ¼ of Section 27 and the NE ¼ of the SE ¼ of Section 28, all in Town 7 North, Range 12 East, Town of Deerfield, Dane County, Wisconsin.

Lot 1

Part of the NW ¼ of the SW ¼ of Section 27 and the NE ¼ of the SE ¼ of Section 28, all in Town 7 North, Range 12 East, Town of Deerfield, Dane County, Wisconsin, described as follows: Commencing at the East ¼ Corner of Section 28; thence S02°26'12"W, 1333.69 feet to the Southeast corner of said ¼ - ¼; thence S88°29'05"W, 262.75 feet to the point of beginning; thence continue S88°29'05"W, 85.00 feet to the Southeast corner of Certified Survey Map number 1722; thence N01°30'55"W, 175 feet; thence N11°46'10"E, 142.37 feet to the Southeast corner of Lot 10 of the plat of Deer Ridge; thence N20°06'05"E, 132.40 feet; thence N42°57'49"E, 91.14 feet; thence N04°11'19"E, 202.68 feet; thence East, 388.32 feet; thence S04°47'59"W, 436.44 feet; thence West, 395.73 feet; thence S11°46'10"W, 103.03 feet; thence S01°30'55"E, 165.1 feet to the point of beginning. Containing 4.7 acres more or less.

Lot 2

+ 20 acres
remainder



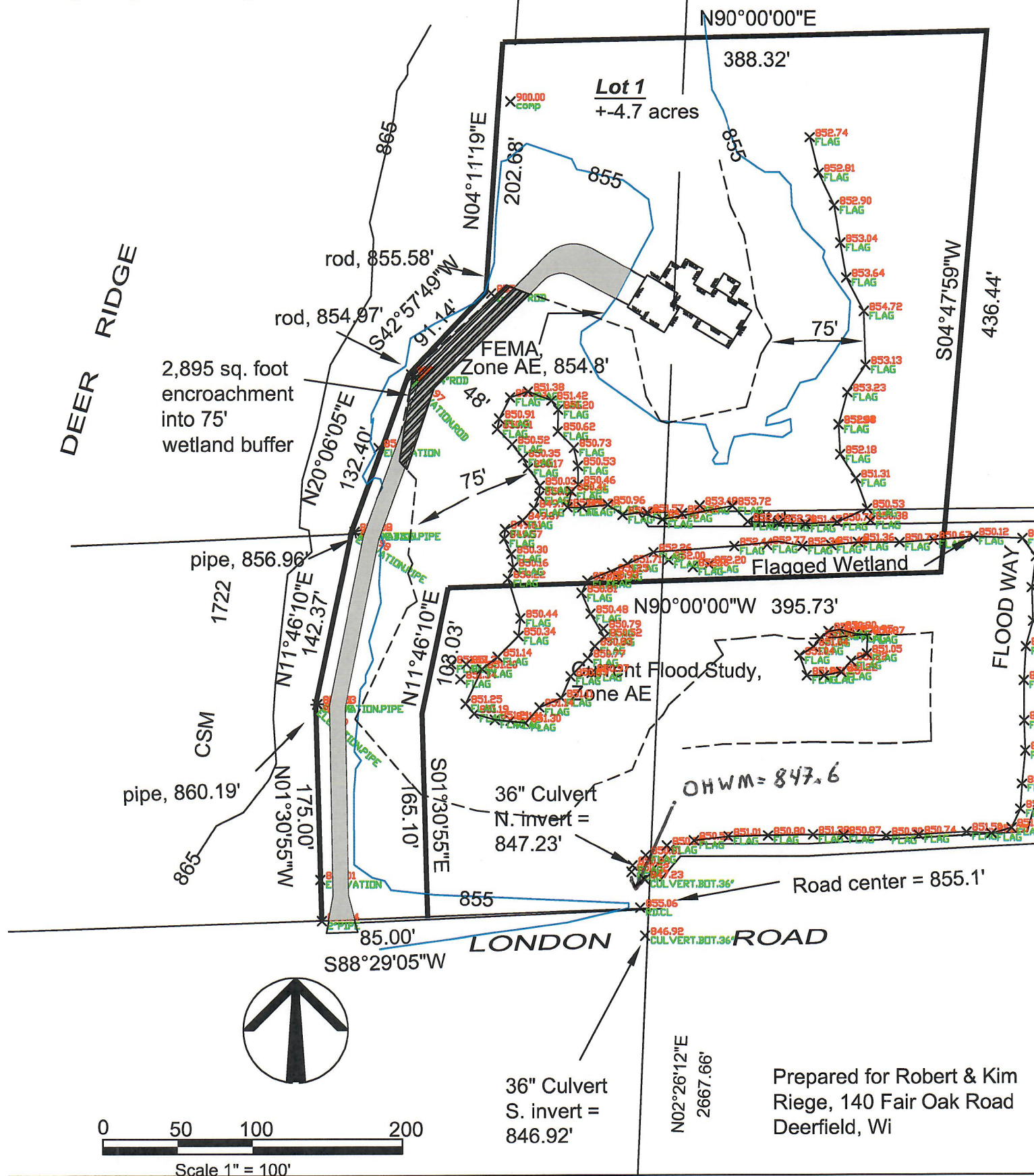
Wisconsin Mapping, LLC

* *surveying and mapping services*
306 West Quarry Street, Deerfield, Wisconsin 53531
(608) 764-5602

Dwg. No. 6424-25 Date 6/17/25
Sheet 1 of 2 12/09/25 elevations
Document No. _____
C.S.M. No. _____ V. _____ P. _____

Prepared for Robert & Kim
Riege, 140 Fair Oak Road
Deerfield, WI

; thence S11°46'10"W, 103.03 feet; thence S01°30'55"E, 165.1 feet to the
t of beginning. Containing 4.7 acres more or less.



TOWN OF DEERFIELD
DANE COUNTY, WI.

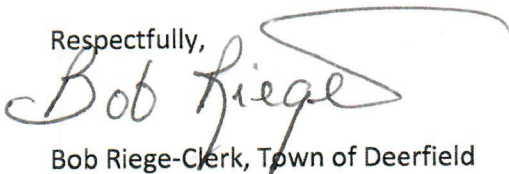
Dane County Planning & Development
Room 116, City-County Building
210 Martin Luther King Jr. Blvd.
Madison, WI.53703

RE: DCPREZ-2026-122270 Robert & Kim Riege Zoning & Variance Application

As duly appointed Town Clerk of the Town of Deerfield, Bob Riege, affirms that Mr. David Dinkel presented the Zoning & Variance Application, DCPREZ-2026-122270, to the Town of Deerfield Planning Commission at the Monday meeting, April 6, 2026, for the Town's consideration. The consideration of the rezoning for the parcel and the variance required were unanimously approved by the Town Planning Commission with all positive comments and will be an upcoming agenda item at the Town Of Deerfield Town Board meeting on Monday, April 13, 2026 for approval.

Dated this 10th day of April, 2026

Respectfully,

A handwritten signature in cursive script that reads "Bob Riege". The signature is written in dark ink and is positioned above the printed name of the signatory.

Bob Riege-Clerk, Town of Deerfield

REPRESENTATIVE

From: kimriege@aol.com <kimriege@aol.com>

Sent: Mon, Apr 13, 2026 at 5:18 pm

To: David R. Dinkel

DANE COUNTY ZONING & PLANNING

David Dinkel, realtor for Re Max Realty, is authorized by Bob & Kim Riege, to act on their behalf in the matters of a rezoning petition and a variance petition for a proposed lot off London Road, Town of Deerfield.
Thanks

Respectfully,
Bob Riege