



GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

The following documents are included in the packet for the *Green Lake County Board of Adjustment* business meeting that is scheduled for Friday, October 16, 2026. The meeting begins at 9:00 a.m. The Public Hearing is not to begin before 9:30 a.m.

Packet Pages:

- 2 Agenda
- 3-4 Draft Meeting Minutes from 9/18/26
- 5 Public Hearing Notice
- 6-8 Variance Maps
- 9 Letter from Wisconsin & Southern Railroad, LLC
- 10-16 **Item #1: Owner/Applicant:** United Cooperative, **Agent:** Robert E. Lee & Associates, **Location:** W1705 County Road S, **Parcel:** 010-00168-0000, **Legal Description:** Located in the NW ¼ of the SW ¼ of Section 8, T14N, R13E, Town of Mackford, ±12.895 acres, **Request:** Variance from Section 350-20 of the County Zoning Ordinance to build an office building that will provide a 10' side yard setback, whereas a 20' side yard setback is required.
- 17-20 **Item #1:** LUP&Z Staff Report
- 21-26 **Item #2: Owner/Applicant:** United Cooperative, **Agent:** Robert E. Lee & Associates, **Location:** W1705 County Road S, **Parcel:** 010-00168-0000, **Legal Description:** Located in the NW ¼ of the SW ¼ of Section 8, T14N, R13E, Town of Mackford, ±12.895 acres, **Request:** Variance from Section 350-20 of the County Zoning Ordinance to build a new dry fertilizer building that will be built with a side yard setback of zero feet, whereas a 140' side yard setback is required.
- 27-30 **Item #2:** LUP&Z Staff Report
- 31-41 **Item #3: Owner/Applicant:** United Cooperative, **Agent:** Robert E. Lee & Associates, **Location:** W1705 County Road S, **Parcel:** 010-00168-0000, **Legal Description:** Located in the NW ¼ of the SW ¼ of Section 8, T14N, R13E, Town of Mackford, ±12.895 acres, **Request:** Variance from Section 350-19 of the County Zoning Ordinance to build a new dry fertilizer building to include a 128' tall fertilizer tower, whereas a 35' maximum height is required.
- 42-45 **Item #3:** LUP&Z Staff Report



GREEN LAKE COUNTY

Board of Adjustment

571 County Road A, Green Lake, WI 54941

Office: (920) 294-4156 FAX: (920) 294-4198

Email: zoning@greenlakecountywi.gov

Board of Adjustment Meeting Notice	
	Date: October 16, 2026, Time: 9:00 AM
Green Lake County Government Center, Room #0902 571 County Road A, Green Lake, WI 54941	
AGENDA	
Board of Adjustment Members: Ron Triemstra, Chair Rick Dornfeld, Vice-Chair Peter Wallace, Member Brian Zimmerman, First Alternate Vacant-TBD, Second alternate Pam Dykstra, BOA Secretary Virtual attendance at meetings is optional. If technical difficulties arise, there may be instances when remote access may be compromised. If there is a quorum attending in person, the meeting will proceed as scheduled. This agenda gives notice of a meeting of the Board of Adjustment. It is possible that individual members of other governing bodies of Green Lake County government may attend this meeting for informative purposes. Members of the Green Lake County Board of Supervisors or its committees may be present for informative purposes but will not take any formal action. A majority or a negative quorum of the members of the Green Lake County Board of Supervisors and/or any of its committees may be present at this meeting. See State ex rel. Badke v. Vill. Bd. of Vill. of Greendale, 173 Wis.2d 553, 578, 494 N.W. 2d 408 (1993).	1. Call to order 2. Roll call 3. Pledge of Allegiance 4. Certification of open meeting law 5. Approval of Minutes: 9/18/2025 6. Recess for field inspection 7. Public Hearing (not to begin before 9:30am) Item #1: Owner/Applicant: United Cooperative, Agent: Robert E. Lee & Associates, Location: W1705 County Road S, Parcel: 010-00168-0000, General Legal Description: Located in the NW ¼ of the SW ¼ of Section 8, T14N, R13E, Town of Mackford, ±12.895 acres, Request: Variance from Section 350-20 of the County Zoning Ordinance to build an office building that will provide a 10’ side yard setback, whereas a 20’ side yard setback is required. Item #2: Owner/Applicant: United Cooperative, Agent: Robert E. Lee & Associates, Location: W1705 County Road S, Parcel: 010-00168-0000, General Legal Description: Located in the NW ¼ of the SW ¼ of Section 8, T14N, R13E, Town of Mackford, ±12.895 acres, Request: Variance from Section 350-20 of the County Zoning Ordinance to build a new dry fertilizer building that will be built with a side yard setback of zero feet, whereas a 140’ side yard setback is required. Item #3: Owner/Applicant: United Cooperative, Agent: Robert E. Lee & Associates, Location: W1705 County Road S, Parcel: 010-00168-0000, General Legal Description: Located in the NW ¼ of the SW ¼ of Section 8, T14N, R13E, Town of Mackford, ±12.895 acres, Request: Variance from Section 350-19 of the County Zoning Ordinance to build a new dry fertilizer building to include a 128’ tall fertilizer tower, whereas a 35’ maximum height is required. a. Public Hearing b. Board Discussion & Deliberation c. Board Decision 8. Adjourn This meeting will be conducted through in person attendance or audio/visual communication. Remote access can be obtained through the following link: Topic: Board of Adjustment Meeting Time: September 18, 2026, 09:00 AM Central Time (US and Canada) Microsoft Teams meeting Join: https://teams.microsoft.com/meet/28643043426673?p=68XS5byECpTLMH1MVU Meeting ID: 286 430 434 266 73 Passcode: QT2aR3bL Need help? System reference Dial in by phone +1 920-515-0745,679226260# United States, Appleton Find a local number Phone conference ID: 679 226 260# For organizers: Meeting options Reset dial-in PIN Please accept at your earliest convenience. Thank you! Org help Privacy and security

Please note: Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance, should contact the Land Use Planning & Zoning office, no later than 3 days before date of the meeting.

Green Lake County
BOARD OF ADJUSTMENT
September 18, 2026

The meeting of the Green Lake County Board of Adjustment was called to order by Chair Ron Triemstra on Friday September 18, 2026 at 9:06 am in the Green Lake County Board Room, Green Lake County Government Center, 571 County Road A, Green Lake, WI, after a phone call was made to Brian Zimmerman to meet the two-person requirement for a quorum. The meeting was held both in person and via remote access. The requirements of the open meeting law were certified as being met. The Pledge of Allegiance was recited.

Present: Ron Triemstra, Chair
Brian Zimmerman, Alternate (via phone at 9:06 am, in person at 9:58 am)

Absent: Rick Dornfeld
Peter Wallace

Other County employees present:

Pam Dykstra, Deputy County Clerk, Matt Kirkman, P&Z Director; Noah Brown, Land Use and Shoreland Specialist; Michelle Davis, Land Use and POWTS Specialist (9:58 am)

RECESS FOR FIELD INSPECTION

Recessed 9:08 am for field inspection.

RECONVENE

Meeting was reconvened at 9:58 am.

MINUTES

Motion/second (Triemstra/Zimmerman) to approve the minutes of the 12/18/2025 meeting. Motion carried with no negative vote.

PUBLIC HEARING (NOT TO BEGIN BEFORE 9:30AM)

Public Hearing began at 9:59 am. Chair Triemstra read the rules for Public Hearing. Madelyn Koerner from We Energies, 231 W Michigan St., Milwaukee, WI introduced herself.

Item #1: Owner/Applicant: Steven Draeger & Robin Hein, **Agent:** WE Energies – Madelyn Koerner, **Location:** county Highway H, **Parcel:** 006- 00980-0000, **General Legal Description:** Located in the SE ¼ of NE ¼ of Section 34, T15N, R12E, Town of Green Lake, **Request:** Variance from Section 350-43.1 of the County Zoning Ordinance to build a security fence that is 7 feet in height within the street right-of-way line

Kirkman read the staff report. Discussion held.

Public Hearing closed at 10:12 am.

Motion/second(Triemstra/Zimmerman) to grant the variance based upon the information they received with the conditions listed in the staff report. Discussion held. Reading of the roll Ayes – 2, Nays – 0, Absent – 2 (Peter Wallace and Rick Dornfeld). Motion carried with no negative vote.

COMMITTEE DISCUSSION

- a. Next meeting date – October 16, 2026
- b. Future agenda items for action & discussion

ADJOURN

Chair Triemstra adjourned the meeting at 10:22am.

Respectfully Submitted,

Pamala Dykstra
Deputy County Clerk

NOTICE OF PUBLIC HEARING

The Green Lake County Board of Adjustment will hold a Public Hearing in County Board Room #0902 of the Green Lake County Government Center, 571 County Road A, Green Lake, Wisconsin, on **Friday, October 16, 2026, at 9:00 a.m.** The meeting will recess for site inspection of the following items:

Item #1: Owner/Applicant: United Cooperative, **Agent:** Robert E. Lee & Associates, **Location:** W1705 County Road S, **Parcel:** 010-00168-0000, **General Legal Description:** Located in the NW ¼ of the SW ¼ of Section 8, T14N, R13E, Town of Mackford, ±12.895 acres, **Request:** Variance from Section 350-20 of the County Zoning Ordinance to build an office building that will provide a 10' side yard setback, whereas a 20' side yard setback is required.

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Item #3: Owner/Applicant: United Cooperative, **Agent:** Robert E. Lee & Associates, **Location:** W1705 County Road S, **Parcel:** 010-00168-0000, **General Legal Description:** Located in the NW ¼ of the SW ¼ of Section 8, T14N, R13E, Town of Mackford, ±12.895 acres, **Request:** Variance from Section 350-19 of the County Zoning Ordinance to build a new dry fertilizer building to include a 128' tall fertilizer tower, whereas a 35' maximum height is required.

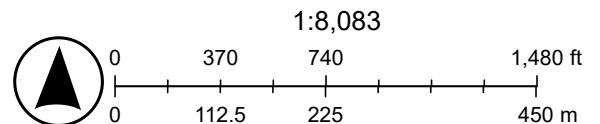
The Board of Adjustment will reconvene at approximately **9:30 a.m.** to consider the item above.

All interested persons wishing to be heard at the public hearing are invited to attend. Please note that *it is not uncommon for an owner/applicant to withdraw a request at the last minute*. For further detailed information concerning this notice contact **Land Use Planning and Zoning** at (920) 294-4156.

Publish: October 1, 2026

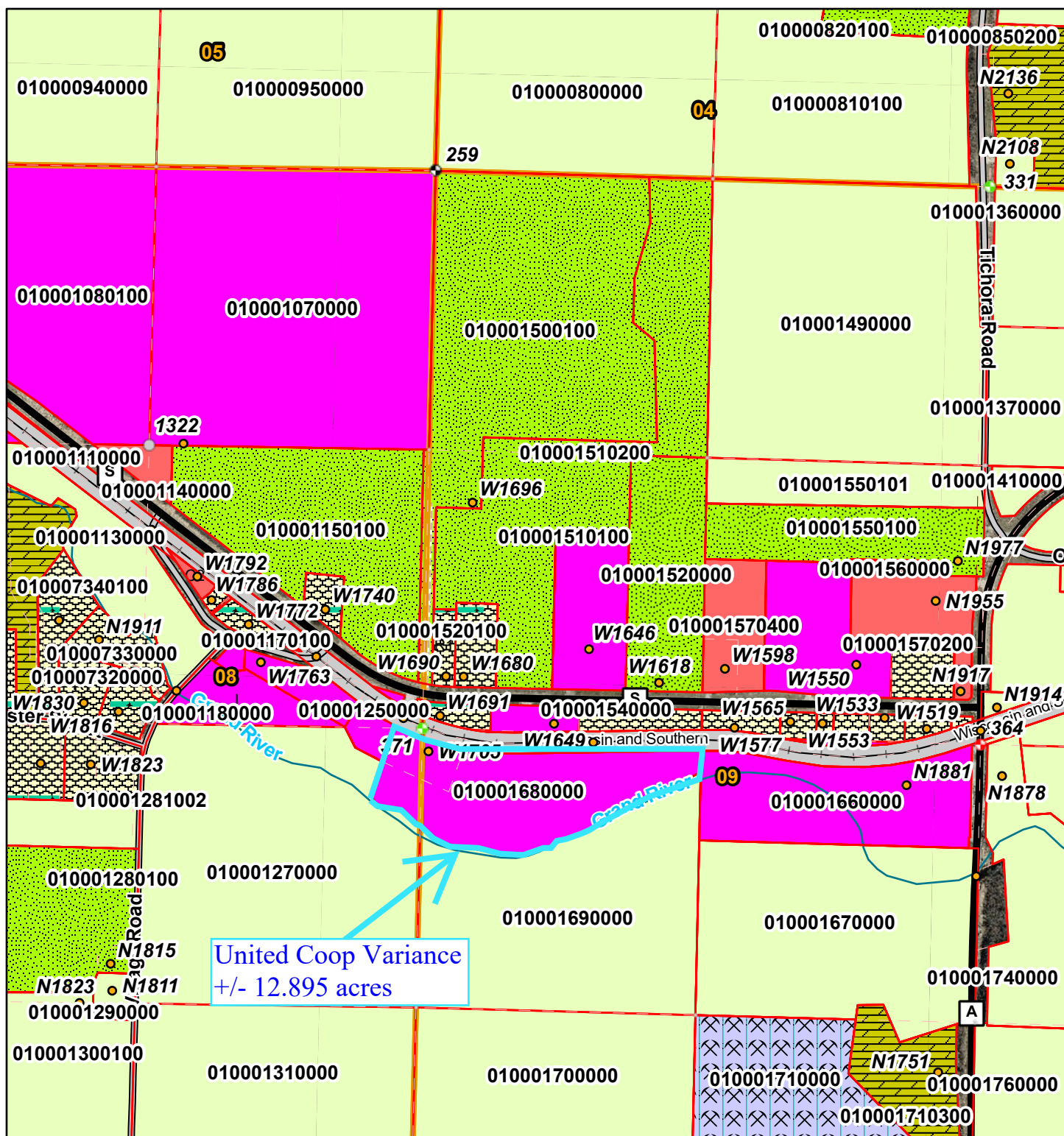
[illegible]

● Address ● GOVLOT
 Corner ● SUB
 ● SECTION TaxParcel
 ● QUARTER Section
 ● CENTER



Page 6 of 45
Green Lake County, WI
greenlakecountywi.gov

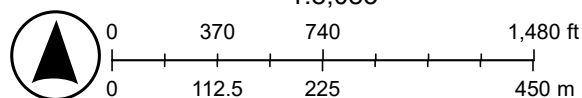
United Coop Variance Zoning Map



8/24/2026, 2:38:56 PM

1:8,083

● Address ● GOVLOT
 Corner ● SUB
 ● SECTION TaxParcel
 ● QUARTER Section
 ● CENTER



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



Green Lake County, WI Land Use Planning & Zoning

Zoning Ordinance Map Districts

	A1 Farmland Preservation
	A2 General Agriculture
	C1 General Commercial
	C2 Extensive Commercial
	I Industrial
	M1 Mineral Extraction
	M2 Sanitary Landfill
	NRC Natural Resource Conservancy
	R1 Single Family Residence
	R2 Single Family Mobile Home Residence
	R3 Multiple Family Residence
	R4 Rural Residential
	RC Recreation
	AO Adult Orientated Establishment
	UNZ Unzoned
	MUN Municipality
	SPLIT Split Zoning
	PEND Map Update Pending



July 30, 2026

Matt Kirkman and Green Lake County Zoning Committee
571 County Rd A
Green Lake, WI 54941

RE: Setbacks Along Railroad Right of Way – United Cooperative – Markesan, WI.

Hello Matt,

The Wisconsin & Southern Railroad, L.L.C. (WSOR) understands that United Cooperative (United) is planning a project on private land owned and managed by United adjacent to our Railroad Right of Way in Markesan, WI to renovate an existing dry fertilizer warehouse and build another warehouse and office building on the eastern side of the property.

Please allow this letter to document and inform you that the WSOR imposes no setbacks along our Railroad Right of Way (ROW) for the newly planned structures unless they are to be used for the warehousing and storage of hazardous materials, which these structures are not. To add, the dry fertilizer warehouse will need to be near the ROW line to enable railcar unloading capability and United will be updating their permits with Wisconsin DOT for the portion of the structure on the Railroad ROW. WSOR and United will also be updating the Industry Track Agreement for the site to reflect current ownership and maintenance as part of the project. Any setbacks which may exist from local municipal governing bodies need to be coordinated appropriately.

We are excited to support United on this modernization project in Green Lake County. Please do not hesitate to contact me if you have any questions regarding their proposed placements of the new structures on the site in proximity to the Railroad ROW.

Yours,

Brent J Marsh P E

Brent J. Marsh, P.E.

Project Engineer
Wisconsin & Southern Railroad, LLC
1890 E. Johnson Street
Madison, WI 53704
Office - 608-620-2035
Cell – 414-750-6433
bjmarsh@watco.com

CC: Fred Johnson: United Cooperative
Al Jentz: United Cooperative

Item #1:

Owner/Applicant: United Cooperative, **Agent:** Robert E. Lee & Associates, **Location:** W1705 County Road S, **Parcel:** 010-00168-0000, **Legal Description:** Located in the NW ¼ of SW ¼ of Section 8, T14N, R13E, Town of Mackford, ±12.895 acres, **Request:** Variance from Section 350-20 of the County Zoning Ordinance to build an office building that will provide a 10' side yard setback, whereas a 20' side yard setback is required.

VARIANCE APPLICATION – GREEN LAKE COUNTY

Provide the following information and any other detailed information related to the variance.

Date Received: 8/21/26

Fee Received: \$375.00

United Cooperative - David Cramer

Robert E. Lee & Associates, Inc. - Aaron Breitenfeldt

Owner Name

Applicant Name

David Cramer 8/21/2026

Aaron Breitenfeldt 8/21/2026

Owner Signature Date

Applicant Signature Date

N7160 Raceway Road

1250 Centennial Centre Blvd

Mailing Address

Mailing Address

Beaver Dam, WI 53916

Hobart, WI 54155

City State Zip

City State Zip

(920) 887-1756

(920) 544-4395

Home Phone Work/Cell Phone

Home Phone Work/Cell Phone

fjohnson@unitedcooperative.com

abreitenfeldt@releeinc.com

Email address

Email address

Site Address W1705 County Road S

Tax Parcel ID # 010 - 00168 - 0000

NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 8, T 14 N, R 13 E

Lot _____ Block _____ Subdivision/Plat _____

Lot _____ CSM # 246 Town of _____

A variance is not a convenience to the property owner and should not be granted routinely. For the Board of Adjustment to grant a variance, the owner/applicant must clearly demonstrate that there is an unnecessary hardship present when strictly applying an ordinance standard; that the hardship is due to unique site limitations; and in granting a variance the public interest is being protected. The burden of proof rests upon the property owner to show all 3 criteria are being met.

Attach additional sheets, if necessary, to provide the information requested.

1. Explain your proposed plans and how they vary from the required dimensional standards:

The proposed project includes the construction of a new building on site that will be used for office and warehouse space. The proposed project varies from the required dimensional standards in that the proposed building will be located 10' off the adjacent lot line to the north and not the required 28' that the County's zoning ordinance requires. The required side yard setback is per the denial of land use permit application received from the County.

2. Explain the hardship imposed by the Ordinance:

The hardship imposed by the ordinance is that the large 28' side yard building setback cannot be met on the project parcel.

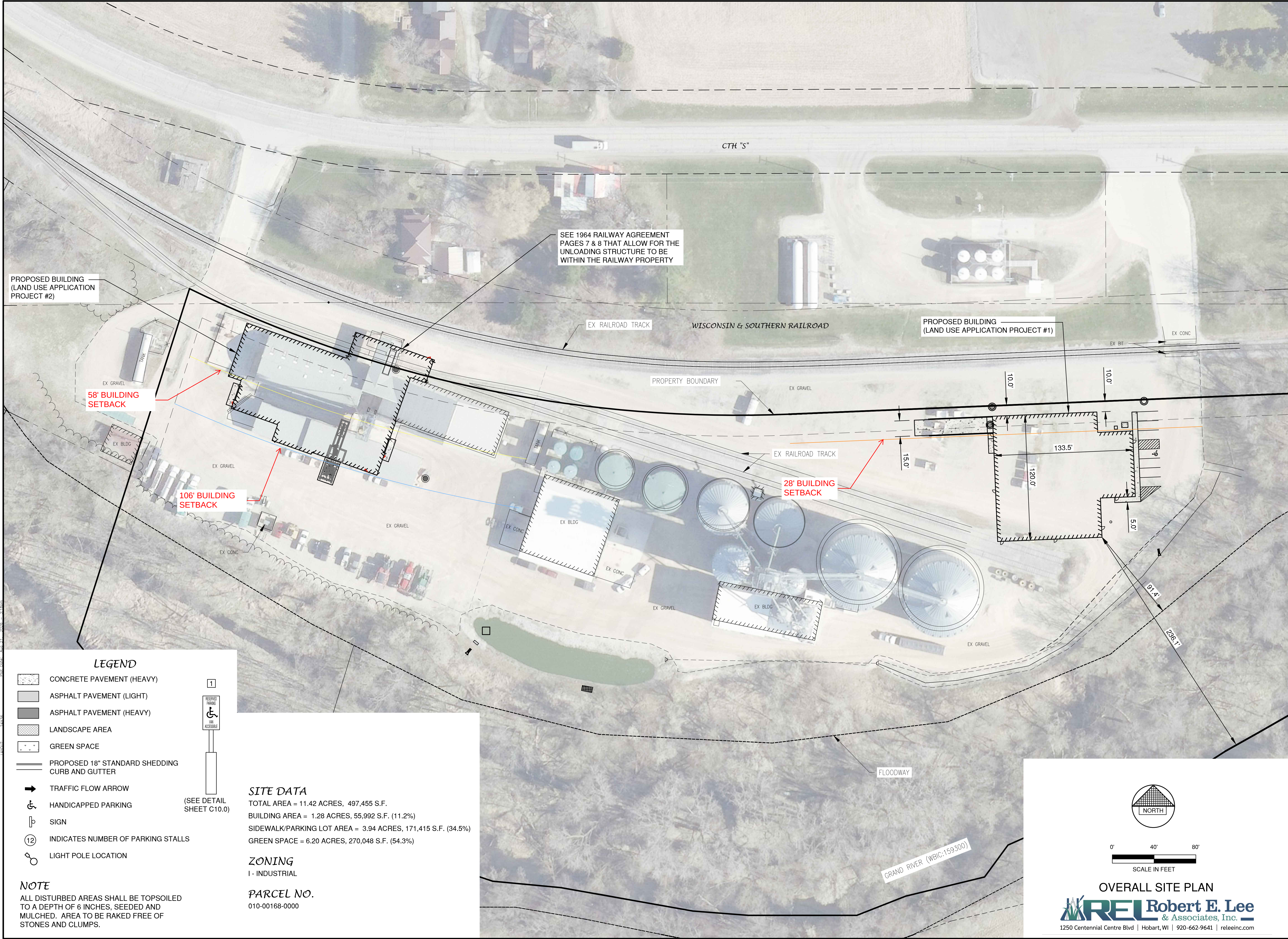
3. Describe unique property feature(s) that create the hardship:

The unique property feature of this parcel is that the proximity to the adjacent Grand River, which results in a long, narrow develop-able and use-able space on site. Because of the narrow nature of the site, the proposed building cannot be shifted south far enough to meet the required building setback while still allowing full semi-truck access around the south side of the building, which is critical for the use and function of the rest of the site.

The parcel is also unique in that the parcel is located immediately to an adjacent railroad and has a railroad spur already installed to it. The proposed project is dependent on railroad service and other available project areas with availability to rail are extremely limited.

4. Explain why the proposed variance will not harm the public interest:

The proposed variance will not harm the public interest because the proposed project is located in an isolated location, more than 200' away from the nearest public street and more than 300' from the nearest residential development. In addition, both United Cooperative and Wisconsin and Southern Railroad (the only properties near the proposed project), are accepting of the project, see attached project approval letter from Wisconsin and Southern Railroad. Besides the adjacent railroad property, the proposed building will be located more than 100' from the next nearest property line to the north. With the location of the existing Grand River to the south and east of the site, no other future development will happen near the proposed building.



FILE: R:\2400\2450\2450046\046\24500460.dwg
Date: 08/21/2024
User: JLB
Plot Date: 08/21/2024
Plot User: JLB

LEGEND

- CONCRETE PAVEMENT (HEAVY)
- ASPHALT PAVEMENT (LIGHT)
- ASPHALT PAVEMENT (HEAVY)
- LANDSCAPE AREA
- GREEN SPACE
- PROPOSED 18" STANDARD SHEDDING CURB AND GUTTER
- TRAFFIC FLOW ARROW
- HANDICAPPED PARKING
- SIGN
- INDICATES NUMBER OF PARKING STALLS
- LIGHT POLE LOCATION

NOTE
ALL DISTURBED AREAS SHALL BE TOPSOILED TO A DEPTH OF 6 INCHES, SEEDED AND MULCHED. AREA TO BE RAKED FREE OF STONES AND CLUMPS.

SITE DATA
TOTAL AREA = 11.42 ACRES, 497,455 S.F.
BUILDING AREA = 1.28 ACRES, 55,992 S.F. (11.2%)
SIDEWALK/PARKING LOT AREA = 3.94 ACRES, 171,415 S.F. (34.5%)
GREEN SPACE = 6.20 ACRES, 270,048 S.F. (54.3%)

ZONING
I - INDUSTRIAL

PARCEL NO.
010-00168-0000

LEGEND

- RESERVED PARKING
- NO ACCESSIBLE

(SEE DETAIL SHEET C10.0)

PLANNERS | ARCHITECTS | BUILDERS

FOX CITIES
1626 State Road 85
P.O. Box 620
Kaukauna, WI 54130
Phone (920) 766-5786
1-800-236-2534
Fax (920) 766-5904

MADISON
771 Leis Dr.
Sun Prairie, WI 53560
Phone (608) 318-2337
Fax (608) 318-2337

MILWAUKEE
18204 W18200
Goldendale Rd
Germantown, WI 53022
Phone (262) 220-8710
1-800-236-2534
Fax (262) 220-8740

WAUSAU
8806 Lees Ave
Wausau, WI 54401
Phone (715) 848-3141
Fax (715) 848-3181

www.kellerbuilds.com

PROPOSED FOR:

UNITED COOP

TOWN OF MACKFORD
GREEN LAKE COUNTY, WISCONSIN

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REVISIONS

1		
2		
3		
4		
5		
6		

PROJECT MANAGER: _____

DESIGNER: AARON B.

DRAWN BY: AUTUMN G.

EXPEDITOR: _____

SUPERVISOR: _____

PRELIMINARY NO: _____

CONTRACT NO: _____

DATE: _____

SHEET: **C4.0**

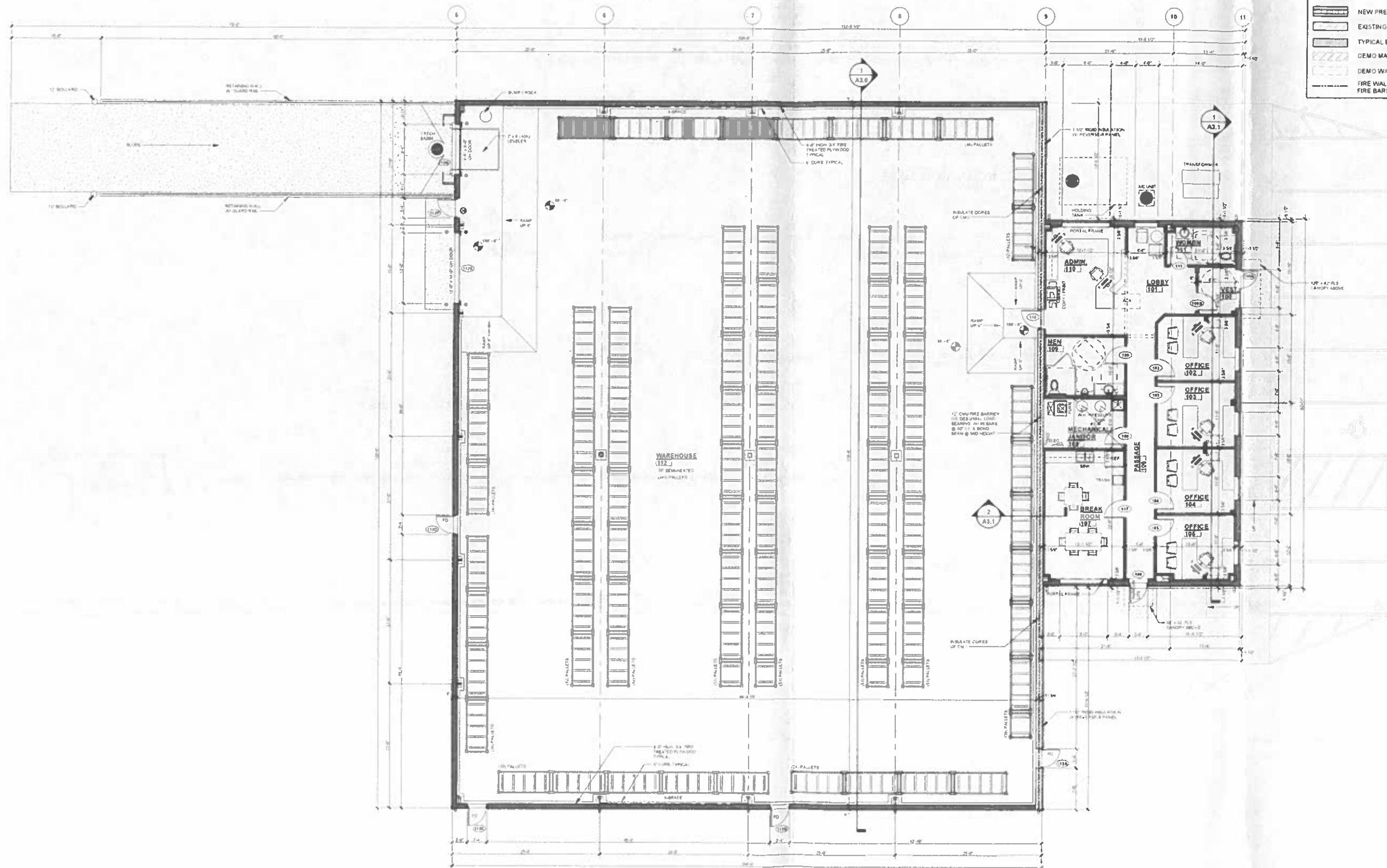
0' 40' 80'

SCALE IN FEET

OVERALL SITE PLAN

REL Robert E. Lee & Associates, Inc.

1250 Centennial Centre Blvd | Hobart, WI | 920-662-9641 | releinc.com



WALL KEY

[Symbol]	NEW WALL/FURRING
[Symbol]	NEW MASONRY / VENEER WALL
[Symbol]	NEW COOLER / FREEZER WALLS
[Symbol]	NEW FOUNDATION WALL
[Symbol]	NEW IMP WALL
[Symbol]	NEW PRECAST WALL
[Symbol]	EXISTING MASONRY WALL
[Symbol]	TYPICAL EXISTING WALL
[Symbol]	DEMO MASONRY WALL
[Symbol]	DEMO WALLS
[Symbol]	FIRE WALL OR FIRE BARRIER



Keller
PLANNERS ARCHITECTS BUILDERS

FOX CITY 10150 Hwy 52 P.O. Box 438 Keshena, WI 54150 PHONE (920) 766-5765 / 1-800-336-3234 FAX (920) 766-5004	MADISON 711 Lab Dr. Sun Prairie, WI 53590 PHONE (608) 218-2335 FAX (608) 218-2337
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MILWAUKEE 18204 WISCONSIN P.O. Box 438 Oshkosh, WI 54902 PHONE (920) 766-5765 / 1-800-336-3234 FAX (920) 766-5004	WISCONSIN 5600 Linc Ave Wausau, WI 54485 PHONE (715) 849-3141 FAX (715) 849-3181
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www.kellerbuilds.com

PROPOSED FOR:

UNITED COOP

W1705 COUNTY ROAD S
MARKESAN,
WISCONSIN 53946

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REVISIONS

1	03.24.2026	ACM
2	04.15.2026	ACM
3	05.18.2026	ACM
4	06.22.2026	ACM
5		
6		

PROJECT MANAGER: J. NOLL

DESIGNER: R. LINDSTROM

INTERIOR DESIGNER:

DRAWN BY: ACM

EXPEDITOR:

SUPERVISOR:

PRELIMINARY NO: P26050

CONTRACT NO:

DATE: 02.27.2026

SHEET: **A1.0**

NORTH



FLOOR PLAN
1/8" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION



Keller
PLANNERS / ARCHITECTS / BUILDERS

FOUR CITIES
10716 Pine Road
P.O. Box 200
Madison, WI 53710
PHONE (608) 766-5796 / 1-800-236-2844
FAX (608) 766-5004

MADISON
7111 Lake Dr.
Sun Prairie, WI 53590
PHONE (608) 259-2334
FAX (608) 259-2337

MILWAUKEE
W226 N11300
Caledonia Rd
Greenfield, WI 53002
PHONE (262) 238-0710 / 1-800-236-2334
FAX (262) 238-0710

WAUWATAM
3600 Lake Ave
Wauwatam, WI 53095
PHONE (715) 848-3141
FAX (715) 848-3141

www.kellerbuild.com

WISCONSIN 53946

PROPOSED FOR:
UNITED COOP
W1705 COUNTY ROAD S
MARKESAN,

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4	06.22.2026	ACM
5		
6		

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J. NOLL

DESIGNER:
R. LINDSTROM

INTERIOR DESIGNER:

DRAWN BY:
ACM

EXPEDITOR:

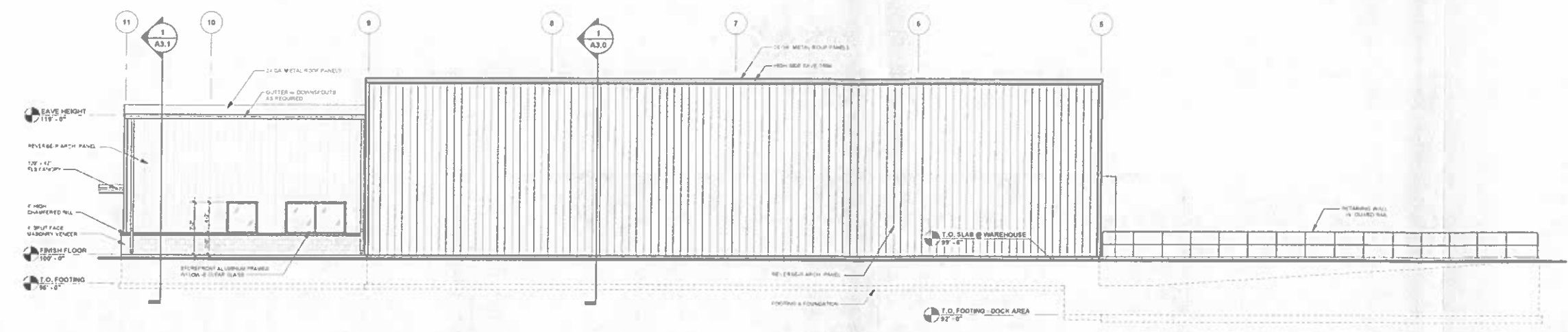
SUPERVISOR:

PRELIMINARY NO:
P26050

CONTRACT NO:

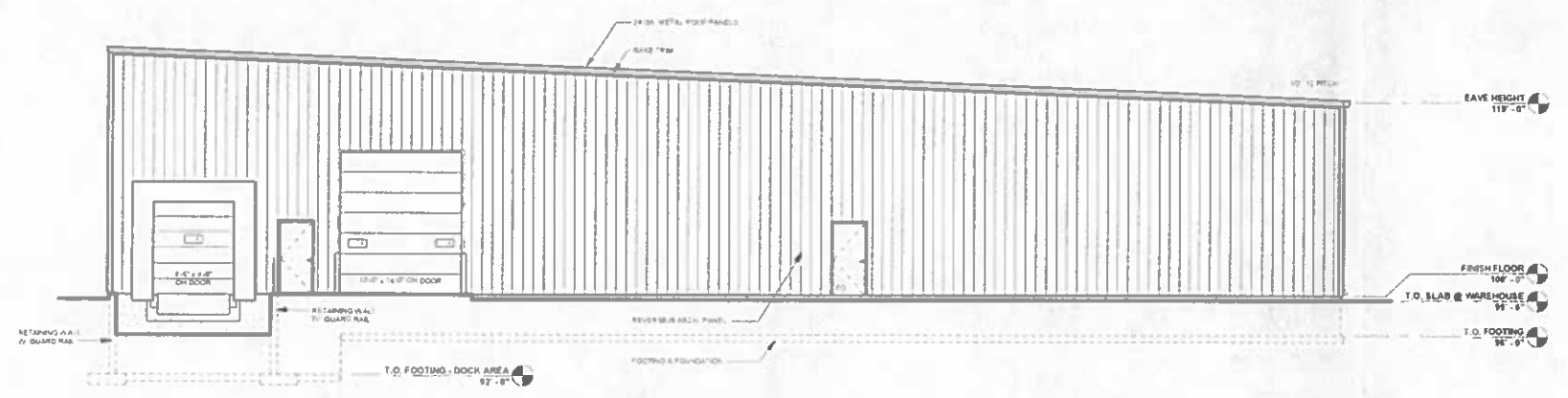
DATE:
02.27.2026

SHEET:
A2.0

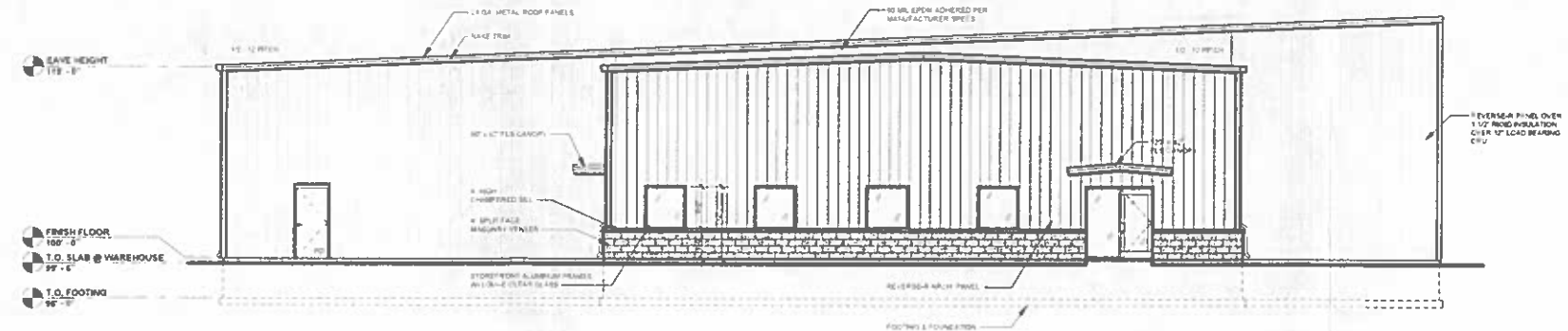


NORTH ELEVATION
1/8" = 1'-0"

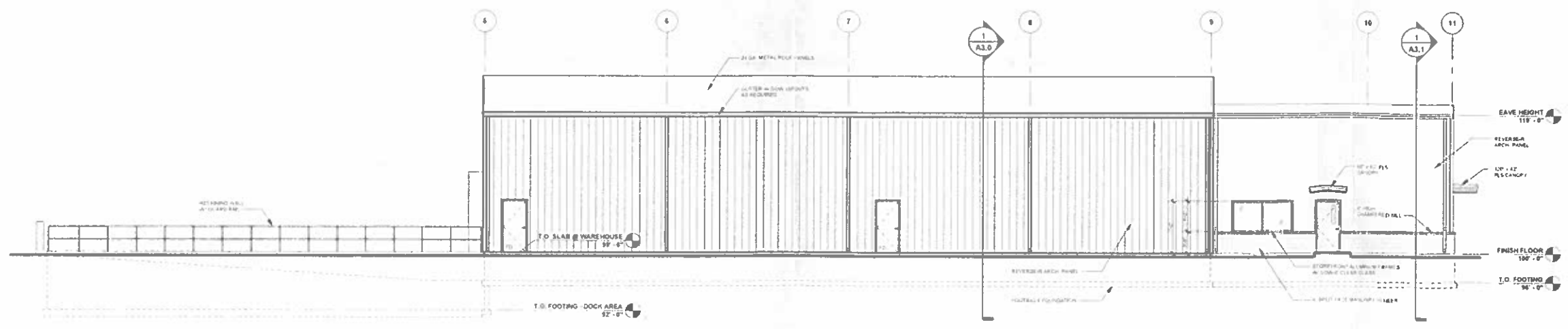
DOOR & WINDOW VALUES		
WINDOWS	U VALUE	0.4
	SHGC	0.327
	VT	0.6
DOORS	U VALUE	0.36
	VT	0.6
O.H. DOORS	U VALUE	0.12
	VT	0.6
DOORS	U VALUE	0.75
	SHGC	0.238
	VT	0.39



WEST ELEVATION
1/8" = 1'-0"

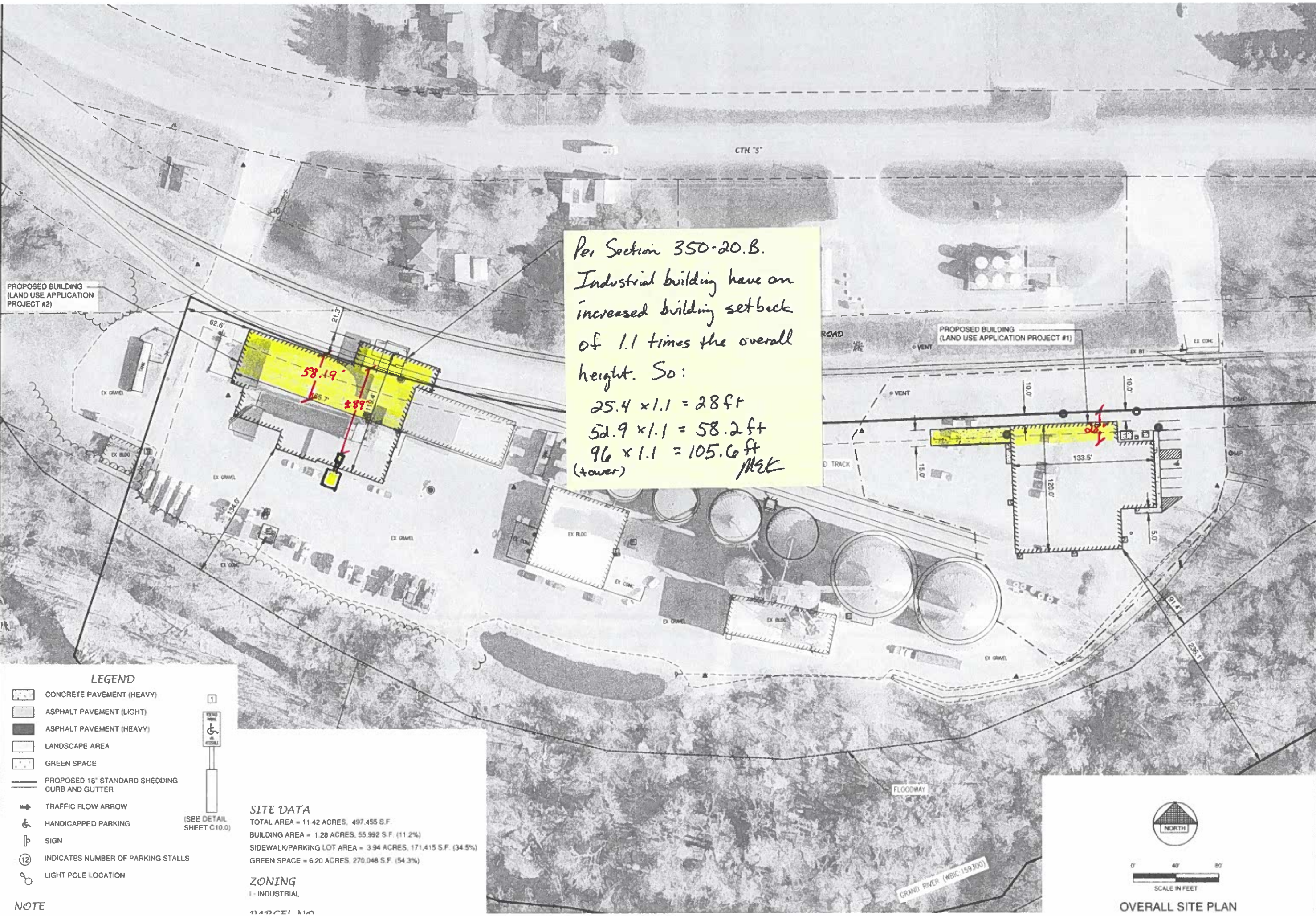


EAST ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION



Per Section 350-20.B.
Industrial building have an
increased building setback
of 1.1 times the overall
height. So:
 $25.4 \times 1.1 = 28 \text{ ft}$
 $52.9 \times 1.1 = 58.2 \text{ ft}$
 $96 \times 1.1 = 105.6 \text{ ft}$
(tower) M&K

LEGEND

- CONCRETE PAVEMENT (HEAVY)
- ASPHALT PAVEMENT (LIGHT)
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- GREEN SPACE
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(SEE DETAIL SHEET C10.0)

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ZONING

I - INDUSTRIAL

PARCEL NO.



0' 40' 80'
SCALE IN FEET

OVERALL SITE PLAN

PLANNED
FOX CIT
14216 State Rd.
P.O. Box 691
Keshena, WI
Phone (920) 716
1-800-236-253
Fax (920) 716-
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Cedarhurst, WI
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BOARD OF ADJUSTMENT

Public Hearing

October 16, 2026

Item I: Variance

Owners:

United Cooperative

Applicant:

Aaron Breitenfeldt – R. E. L. & Assocs.

Request: The owners are requesting a variance to locate an office / warehouse building 10ft from the side lot line, whereas Section 350-20.B. requires a 20ft side yard setback.

Parcel Number/ Location: The request affects parcel 010-00168-0000 (±12.9 acres) located in the NW¼ of the SW¼ of Section 9, T14N, R13E, Town of Mackford. The site's address is W1705 County Road S.

Existing Zoning and Uses of Adjacent Area: The subject site is currently zoned as I, Industrial District. The adjoining lands (east and west) are also zoned I. The parcel's southern boundary is the Grand River with A1 (Farmland Preservation district) farm fields south of the river. The north boundary is the State of Wisconsin's railroad right-of-way operated by Wisconsin & Southern Railroad, LLC. There is a mix of industrial, commercial, and residential uses north of the railroad.

Additional Information/ Analysis: The subject site is used as an industrial agricultural facility. The building structures on the site are located extremely close to the railroad right-of-way. United Co-op intends to establish an office / warehouse on the subject site. A location for the office / warehouse building was chosen to be northeast of the existing rail spur, west of the east end driveway and 10ft south of the railroad right-of-way. This location is currently being used as additional parking area for trucks and other equipment.

The zoning ordinance requires a 20ft side yard setback for industrial structures (designed for human occupancy). United Co-op is proposing a 10ft side yard setback. It is evident from the development pattern on site that the side yard setback to the railroad right-of-way has not been observed.

The BOA must determine if the proposed project qualifies for variance relief. Residential use variance relief is a very common and familiar request of the BOA. Commercial / Industrial use variance relief is not as common. Statutes do not distinguish between uses when it comes to variance relief. The application of the variance criteria remains the same.

VARIANCE CRITERIA: To qualify for a variance, it must be demonstrated that the property meets the following 3 requirements: (Wisconsin Act 67 (2017) codified Case Law as applied to variance criteria, §59.694(7)(c)2., with No Harm To Public Interest already codified and now renumbered to §59.694(7)(c)3.)

- 1) Unnecessary Hardship

- ❑ compliance with standards would be unreasonably burdensome (Snyder)
 - ❑ hardship may not be self-created (State ex rel. Markdale Corp. v. Board of Appeals)
 - ❑ circumstances of the applicant, such as a growing family or the need for a larger garage, are not the sole factor in considering variances (Snyder)
 - ❑ property, as a whole, must be considered, not just a portion (State v. Winnebago County)
 - ❑ economic or financial hardship is not a sole justification (State v. Winnebago County)
- 2) Unique Property Limitations
- ❑ limitations such as steep slope, wetland, shape, or size that are not shared by other properties and prevent compliance with ordinance (State v. Kenosha BOA)
 - ❑ limitations common to a number of properties are not a justification (Arndorfer v. Sauk County BOA)
 - ❑ alternative designs / locations on the property have been investigated (State v. Winnebago County)
- 3) No Harm to Public Interest
- ❑ ordinance purpose and intent, variance may not harm public interest (State v. Winnebago County)
 - ❑ short-term, long-term, and cumulative effects on public interest in neighborhood, community, and even the state (Ziervogel)
 - ❑ only allow minimal relief for use of property, may include conditions (Robert M. Anderson, *American Law of Zoning*)

Staff Comments:

1) Unnecessary Hardship

- It could be considered unnecessarily burdensome to require the property owner to reduce their expansion plan, only to provide a side yard setback to a railroad right-of-way with no public benefit?
- The proximity to a railroad right-of-way and the application of a side yard setback is not self-created.
- The hardship above is not a circumstance of the applicant, but rather a circumstance of the unique relationship between an industrial ag facility and a public railroad right-of-way.
- The proposed location has the greatest potential for development. There are no other locations on site that would accommodate this project.
- The applicants have not attempted to justify their variance request as an economic or financial hardship.

2) Unique Property Limitations

- The subject site is interesting from a development perspective as the property, relative to the side yard setback, is a public railroad right-of-way. This is unique situation compared to the BOA's typical setback variance requests. Other aspects / limitations to consider have to do with existing development onsite. There are structures to the southwest and a narrow driveway running immediately east of the proposed project.

- The subject site is an industrial ag business that has existed in this location for many years. Based on staff's knowledge of the County, this is the only industrial ag facility within County zoning jurisdiction.
- Alternative designs have been examined by the property owner through their design firm. Moving the office / warehouse further south would locate structures closer to the river, it would reduce rail car storage, would require the driveway to be extended east which would increase impervious surfaces, impact the stormwater management plan, and add additional fill near the river and floodplain.

3) Harm to Public Interest

- The purpose of side yard setbacks is normally to provide a space between dwellings for grass to grow and allow for stormwater infiltration or conveyance. Further, providing space between buildings assists fire and emergency services in getting around a building. None of these benefits will be realized with adherence to the required 20ft side yard setback.
- In both the short and long term, the BOA may be presented other side yard setback variance applications, which also have extraordinary requests due to property owner circumstances, however this request can stand apart due to the project only impacting a public railroad right-of-way.
- The request is for a 10ft side yard setback. The BOA must determine if this amount is not more than what can accomplish the proposed use without causing congestion / traffic / safety issues onsite.

VARIANCE CONDITIONS: In order to grant the variance, the request must meet all three criteria listed above. If even one criterion cannot be met, the BOA must deny the variance. If the BOA sees this request meeting all three criteria the following conditions may be appropriate:

- 1) An as-built certificate of survey shall be completed and provided to the Green Lake County Land Use Planning & Zoning Department for indexing within 2 years of variance approval.
- 2) Off-street parking shall be accomplished in accordance with Section 350-21.E. of the County Zoning ordinance.

Below is a list of the approved CUP conditions from the LUP & Z Committee's October 1, 2026 public hearing:

1. The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any "development" related to this industrial operation.
2. Adequate dust control measures be taken, due to vehicular traffic to and from and on-site, as well as during unloading and loading of dry materials. All vehicle-driven surfaces shall be paved within 2 years of CUP approval.
3. That all outdoor lighting installations be located no closer than three feet to an abutting property line and shall be adequately hooded so that no direct light, excessive glare, or illumination is cast upon other properties.

4. Evidence that compliance with Commercial Building Code requirements for structures that are subject to this request is being pursued by the landowner.
5. No expansion of existing use through expanding existing structures, additional structures, and/or expanding the activity area shall occur without review and approval through future Conditional Use Permit(s).
6. The noise produced by the grain drying operation shall not exceed 60 dBA from the hours of 9:00pm to 6:00am, and 65 dBA from the hours of 6:00am to 9:00pm.
7. A stormwater management plan and a maintenance schedule shall be approved by Green Lake County Land Conservation Department and shall be submitted to the Green Lake County Land Use Planning and Zoning Department prior to land use permit issuance.

Item #2:

Owner/Applicant: United Cooperative, **Agent:** Robert E. Lee & Associates, **Location:** W1705 County Road S, **Parcel:** 010-00168-0000, **Legal Description:** Located in the NW ¼ of SW ¼ of Section 8, T14N, R13E, Town of Mackford, ±12.895 acres, **Request:** Variance from Section 350-20 of the County Zoning Ordinance to build a new dry fertilizer building that will be built with a side yard setback of zero feet, whereas a 140' side yard setback is required.

VARIANCE APPLICATION – GREEN LAKE COUNTY

Provide the following information and any other detailed information related to the variance.

Date Received: 8/21/26

Fee Received: \$375.00

United Cooperative - David Cramer

Robert E. Lee & Associates, Inc. - Aaron Breitenfeldt

Owner Name

Applicant Name

David Cramer 8/21/2026

Aaron Breitenfeldt 8/21/2026

Owner Signature Date

Applicant Signature Date

N7160 Raceway Road

1250 Centennial Centre Blvd

Mailing Address

Mailing Address

Beaver Dam, WI 53916

Hobart, WI 54155

City State Zip

City State Zip

(920) 887-1756

(920) 544-4395

Home Phone Work/Cell Phone

Home Phone Work/Cell Phone

fjohnson@unitedcooperative.com

abreitenfeldt@releeinc.com

Email address

Email address

Site Address W1705 County Road S

Tax Parcel ID # 010 - 00168 - 0000

NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 8, T 14 N, R 13 E

Lot _____ Block _____ Subdivision/Plat _____

Lot _____ CSM # 246 Town of _____

A variance is not a convenience to the property owner and should not be granted routinely. For the Board of Adjustment to grant a variance, the owner/applicant must clearly demonstrate that there is an unnecessary hardship present when strictly applying an ordinance standard; that the hardship is due to unique site limitations; and in granting a variance the public interest is being protected. The burden of proof rests upon the property owner to show all 3 criteria are being met.

Attach additional sheets, if necessary, to provide the information requested.

1. Explain your proposed plans and how they vary from the required dimensional standards:

The proposed project includes the removal of the existing dry fertilizer building on site and the construction of a new, more modern facility in its place. The proposed project varies from the required dimensional standards in that the proposed building will be built over the shared lot line between the United Cooperative parcel and the Wisconsin and Southern Railroad parcel to the north, thus not meeting the required 105.6 foot side yard setback. The required side yard setback is per the denial of land use permit application received from the County.

2. Explain the hardship imposed by the Ordinance:

The hardship imposed by the ordinance is that the ordinance does not account for situations like this where the adjacent parcels are in service of each other. The railroad property provides material delivery directly to the United Cooperative property. Inversely, United Cooperative is a customer of the Wisconsin and Southern Railroad. By constructing the dry fertilizer building over the lot line and over the railroad tracks, fertilizer materials can be delivered to and deposited on site in a controlled, enclosed environment, thus reducing environmental concerns. The required side yard setbacks are required in the zoning ordinance to protect adjacent property owners from proposed developments and this project is unique in that the proposed development serves both property owners. Attached to this application is a letter from the railroad stating no objection to the proposed project.

3. Describe unique property feature(s) that create the hardship:

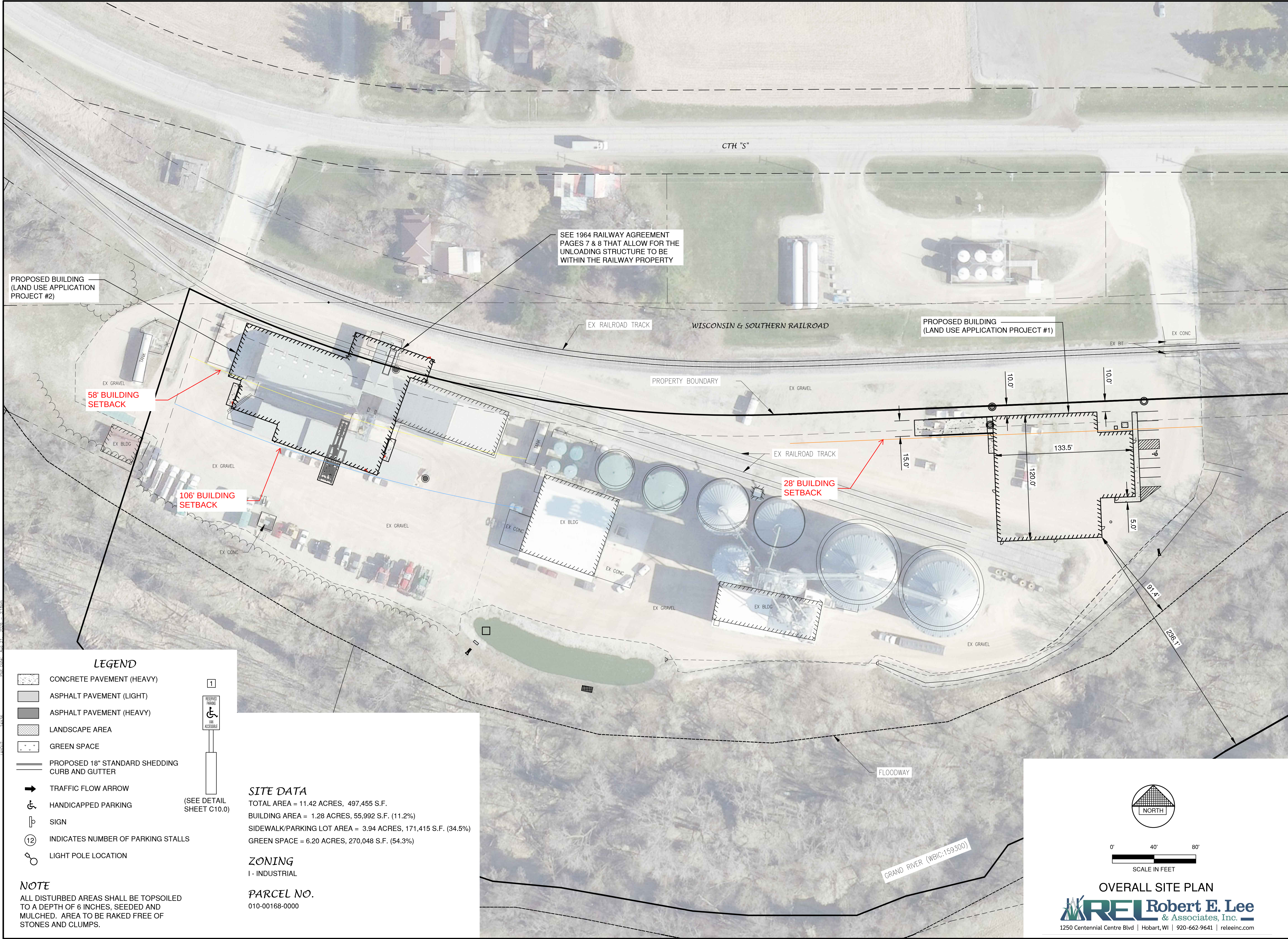
The unique property feature of this parcel includes the proximity to the adjacent Grand River, which results in a long, narrow develop-able and use-able space on site. Because of the narrow nature of the site, the buildings, grain bins, and driveways cannot be pushed further to the south enough to allow for the railroad tracks to be brought further onto the United Cooperative Parcel which is what would be needed for the required building setback to be met.

The parcel is also unique in that the parcel is located immediately to an adjacent railroad and has a railroad spur already installed to it. The proposed project is dependent on railroad service and other available project areas with availability to rail are extremely limited.

4. Explain why the proposed variance will not harm the public interest:

The proposed variance will not harm the public interest because the proposed project is located in an isolated location, more than 200' away from the nearest public street. The proposed tower will also be more than the required 106' to the residential parcel to the north and the proposed building will be more than the required 58' to the residential parcel to the north. In addition, both United Cooperative and Wisconsin and Southern Railroad (the only properties near the proposed project), are accepting of the project.

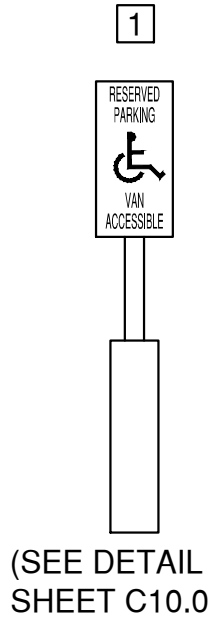
Overall, because the existing dry fertilizer building is also currently built over the same shared lot line, the function of the site will only be improved from its current safety and functionality and there will be no harm to the public interest.



FILE: R:\2400\2450\2450046\046\24500460.dwg
Date: 04/21/2024
User: JLB

LEGEND

- CONCRETE PAVEMENT (HEAVY)
- ASPHALT PAVEMENT (LIGHT)
- ASPHALT PAVEMENT (HEAVY)
- LANDSCAPE AREA
- GREEN SPACE
- PROPOSED 18" STANDARD SHEDDING CURB AND GUTTER
- TRAFFIC FLOW ARROW
- HANDICAPPED PARKING
- SIGN
- INDICATES NUMBER OF PARKING STALLS
- LIGHT POLE LOCATION



(SEE DETAIL SHEET C10.0)

SITE DATA

TOTAL AREA = 11.42 ACRES, 497,455 S.F.
 BUILDING AREA = 1.28 ACRES, 55,992 S.F. (11.2%)
 SIDEWALK/PARKING LOT AREA = 3.94 ACRES, 171,415 S.F. (34.5%)
 GREEN SPACE = 6.20 ACRES, 270,048 S.F. (54.3%)

ZONING

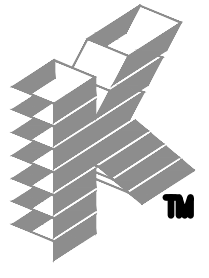
I - INDUSTRIAL

PARCEL NO.

010-00168-0000

NOTE

ALL DISTURBED AREAS SHALL BE TOPSOILED TO A DEPTH OF 6 INCHES, SEEDED AND MULCHED. AREA TO BE RAKED FREE OF STONES AND CLUMPS.



PLANNERS | ARCHITECTS | BUILDERS

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 1626 State Road 85
 P.O. Box 620
 Kaukauna, WI 54130
 Phone (920) 766-5786
 Fax (920) 766-5904

MADISON
 771 Lebo Dr.
 Sun Prairie, WI 53580
 Phone (608) 318-2336
 Fax (608) 318-2337

MILWAUKEE
 18204 W18200
 Goldendale Rd
 Germantown, WI 53022
 Phone (262) 220-8710
 Fax (262) 220-8740

WAUSAU
 8806 Lisco Ave
 Wausau, WI 54401
 Phone (715) 848-3141
 Fax (715) 848-3181

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 TOWN OF MACKFORD
 GREEN LAKE COUNTY, WISCONSIN

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PROJECT MANAGER:

DESIGNER:

AARON B.

DRAWN BY:

AUTUMN G.

EXPEDITOR:

SUPERVISOR:

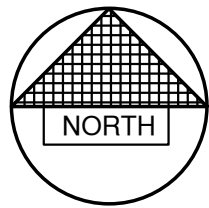
PRELIMINARY NO:

CONTRACT NO:

DATE:

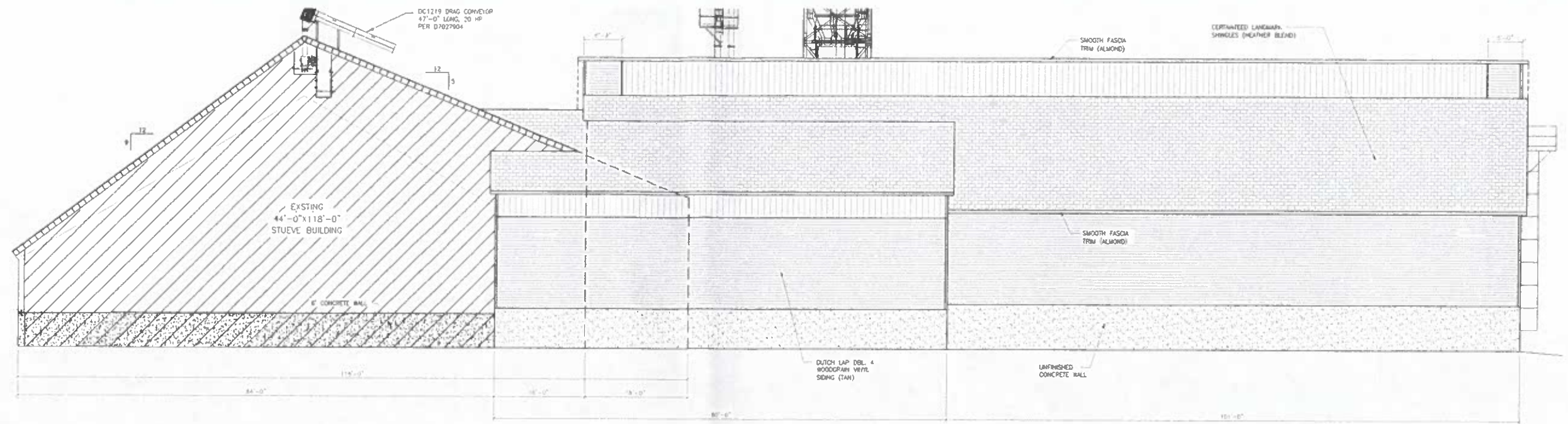
SHEET:

C4.0



0' 40' 80'
 SCALE IN FEET

OVERALL SITE PLAN
REL Robert E. Lee
 & Associates, Inc.
 1250 Centennial Centre Blvd | Hobart, WI | 920-662-9641 | releinc.com

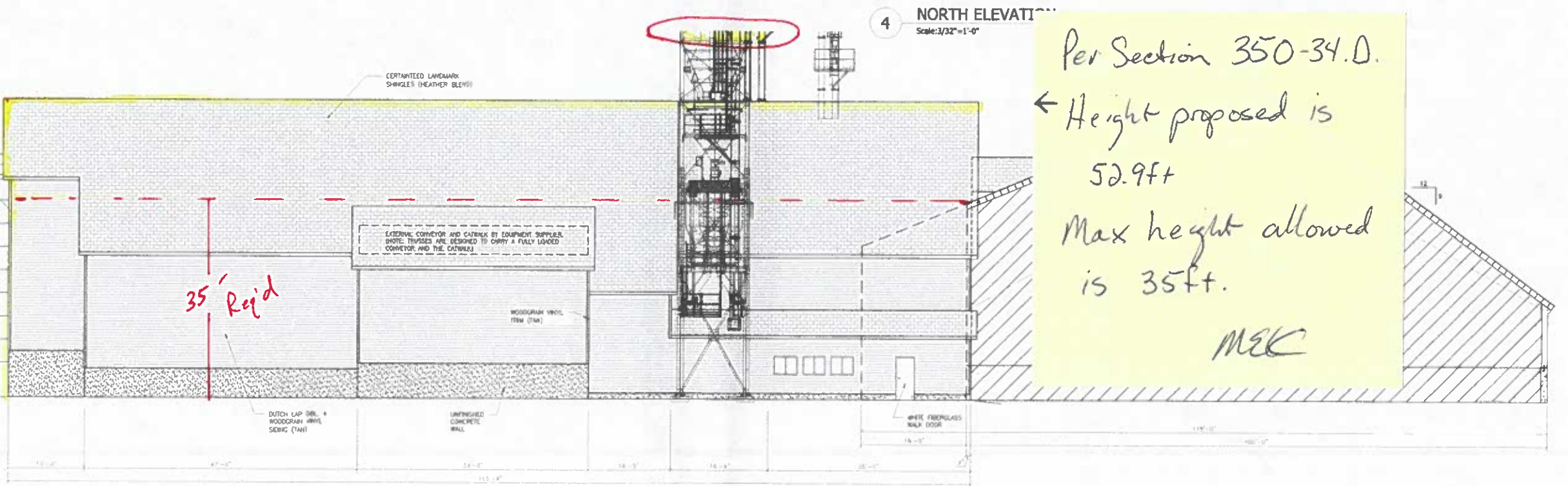


4 NORTH ELEVATION
Scale: 3/32" = 1'-0"

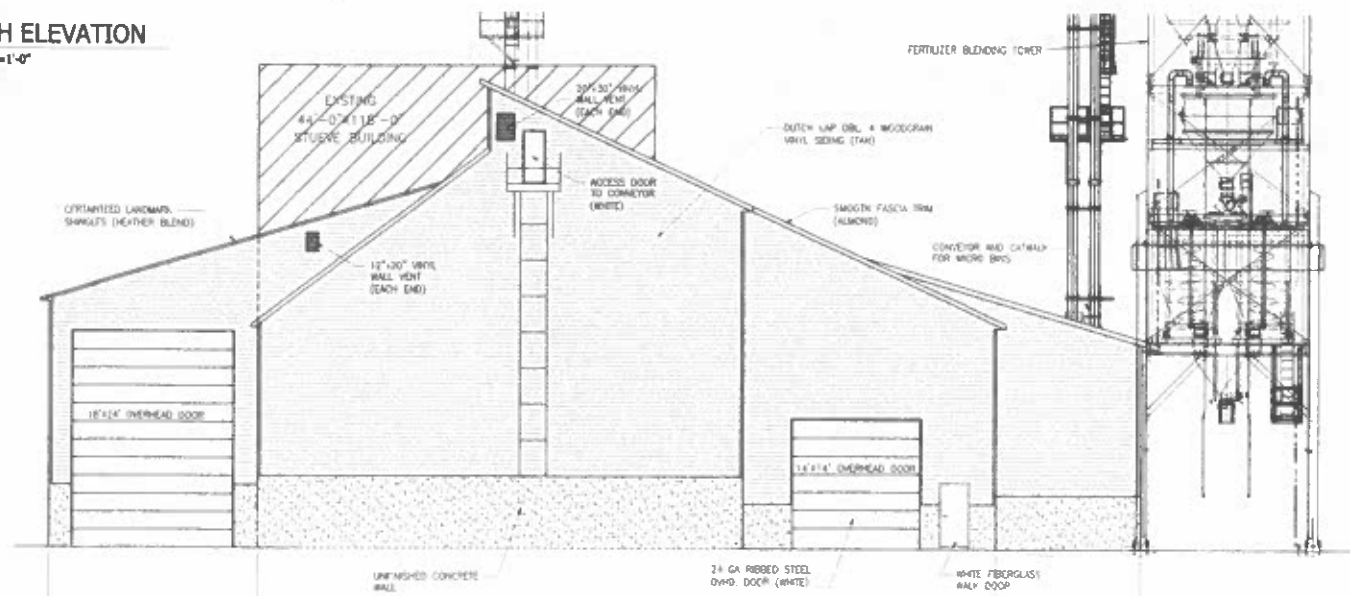
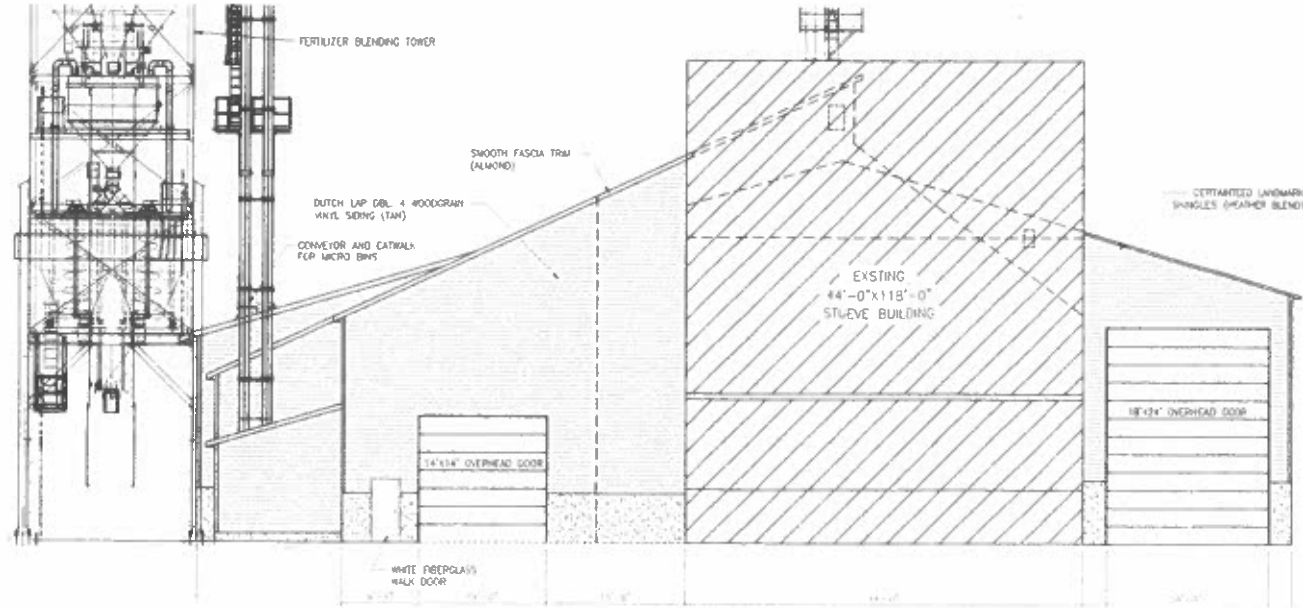
52.9'
proposed

35' Req'd

Per Section 350-34.0.
← Height proposed is
52.9ft
Max height allowed
is 35ft.
MEK



3 SOUTH ELEVATION
Scale: 3/32" = 1'-0"



PROPOSED BUILDING
(LAND USE APPLICATION
PROJECT #2)

Per Section 350-20.B.
Industrial building have an
increased building setback
of 1.1 times the overall
height. So:
 $25.4 \times 1.1 = 28 \text{ ft}$
 $52.9 \times 1.1 = 58.2 \text{ ft}$
 $96 \times 1.1 = 105.6 \text{ ft}$
(tower) M&K

PROPOSED BUILDING
(LAND USE APPLICATION PROJECT #1)

PLANNING

FOX CITY
14216 State Rd.
P.O. Box 691
Keshena, WI
Phone (920) 716-
1-800-236-253
Fax (920) 716-

MILWAU
14204 N11500
Cedarhurst Rd
Cedarhurst, WI
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PROJECT
DESIGN
DRAWN
EXPEDITED
SUPER
PRELIM
CONTRACT
DATE:

LEGEND

- CONCRETE PAVEMENT (HEAVY)
- ASPHALT PAVEMENT (LIGHT)
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- GREEN SPACE
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- HANDICAPPED PARKING
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SIDEWALK/PARKING LOT AREA = 3.94 ACRES, 171,415 S.F. (34.5%)
GREEN SPACE = 6.20 ACRES, 270,048 S.F. (54.3%)

ZONING

I - INDUSTRIAL

PARCEL NO.

NOTE



0' 40' 80'
SCALE IN FEET

OVERALL SITE PLAN

BOARD OF ADJUSTMENT

Public Hearing

October 16, 2026

Item II: Variance

Owners:

United Cooperative

Applicant:

Aaron Breitenfeldt – R. E. L. & Assocs.

Request: The owners are requesting a variance to locate new dry fertilizer building 0ft from the side lot line, whereas Section 350-20.B. requires a 140ft side yard setback.

Parcel Number/ Location: The request affects parcel 010-00168-0000 (±12.9 acres) located in the NW¼ of the SW¼ of Section 9, T14N, R13E, Town of Mackford. The site's address is W1705 County Road S.

Existing Zoning and Uses of Adjacent Area: The subject site is currently zoned as I, Industrial District. The adjoining lands (east and west) are also zoned I. The parcel's southern boundary is the Grand River with A1 (Farmland Preservation district) farm fields south of the river. The north boundary is the State of Wisconsin's Railroad right-of-way operated by Wisconsin & Southern Railroad, LLC. There is a mix of industrial, commercial, and residential uses north of the railroad.

Additional Information/ Analysis: The subject site is used as an industrial agricultural facility. The building structures on the site are located extremely close to the railroad right-of-way. United Co-op intends to construct a new dry fertilizer building on the subject site. The new building would replace the old and now removed dry fertilizer building.

The zoning ordinance normally requires a 20ft side yard setback for industrial structures (designed for human occupancy). The new dry fertilizer building is proposed to be about 53ft tall and it also includes a 127ft tall BE1 tower. As this tower is not designed for human occupancy, Section 350-20.B. requires an addition structure setback of 1.1 times the tower's height. Therefore, a 140ft side yard setback is required.

Since this facility has been in place prior to county zoning, and that it needs access to the railroad to unload agricultural products for distribution, the side yard setback has not been observed. With the addition of the 1.1 times the overall height supplementary structure setback (140ft in this case) this site is heavily impacted from a development standpoint. This not to mention the floodplain and shoreland setbacks from the Grand River.

The BOA must determine if the proposed project qualifies for variance relief. Residential use variance relief is a very common and familiar request of the BOA. Commercial / Industrial use variance relief is not as common. Statutes do not distinguish between uses when it comes to variance relief. The application of the variance criteria remains the same.

VARIANCE CRITERIA: To qualify for a variance, it must be demonstrated that the property meets the following 3 requirements: (Wisconsin Act 67 (2017) codified Case Law as applied to variance criteria, §59.694(7)(c)2., with No Harm To Public Interest already codified and now renumbered to §59.694(7)(c)3.)

- 1) Unnecessary Hardship
 - ☐ compliance with standards would be unreasonably burdensome (Snyder)
 - ☐ hardship may not be self-created (State ex rel. Markdale Corp. v. Board of Appeals)
 - ☐ circumstances of the applicant, such as a growing family or the need for a larger garage, are not the sole factor in considering variances (Snyder)
 - ☐ property, as a whole, must be considered, not just a portion (State v. Winnebago County)
 - ☐ economic or financial hardship is not a sole justification (State v. Winnebago County)
- 2) Unique Property Limitations
 - ☐ limitations such as steep slope, wetland, shape, or size that are not shared by other properties and prevent compliance with ordinance (State v. Kenosha BOA)
 - ☐ limitations common to a number of properties are not a justification (Arndorfer v. Sauk County BOA)
 - ☐ alternative designs / locations on the property have been investigated (State v. Winnebago County)
- 3) No Harm to Public Interest
 - ☐ ordinance purpose and intent, variance may not harm public interest (State v. Winnebago County)
 - ☐ short-term, long-term, and cumulative effects on public interest in neighborhood, community, and even the state (Ziervogel)
 - ☐ only allow minimal relief for use of property, may include conditions (Robert M. Anderson, *American Law of Zoning*)

Staff Comments:

1) Unnecessary Hardship

- It would be unreasonably burdensome to impose a 140ft building setback to the 100ft wide railroad right of way, when the railroad needs to be accessible to the proposed building.
- The requirement for proximity to a railroad right-of-way and the application of a side yard setback is not self-created.
- Circumstances of the applicant are not applicable as the hardship here is created by the property and the zoning ordinance.
- The proposed location has access to the railroad, which is how the facility obtains agricultural products for distribution. Any other location without railroad access would eliminate the Co-op's ability to function.
- Strict enforcement of any side yard setback to the railroad right-of-way would have a significant economic impact on the Co-op and its customers.

2) Unique Property Limitations

- The subject site is interesting from a development perspective as the property, relative to the side yard setback, is a public railroad right-of-

way. This is unique situation compared to the BOA's typical setback variance requests in that the applicant and the affected neighbor desire close proximity. Additionally, the prior dry fertilizer building (being replaced) maintained a 0ft setback to the railroad right-of-way and a portion of that building was constructed in the railroad right-of-way.

- The subject site is an industrial ag business that has existed in this location for many years. Based on staff's knowledge of the County, this is the only industrial ag facility within County zoning jurisdiction.
- This is a dry fertilizer building replacement project, so alternative locations have not been examined by the property owner. Staff is unaware of alternative designs.

3) Harm to Public Interest

- The purpose of the 140ft supplemental (1.1 times the overall height) side yard setback is to protect neighboring property owners from being impacted if a tall nonbuilding structure (like these towers) were to collapse / fall down. Based on the location of the towers, neither tower is tall enough if it were to collapse to land on property other than that of the Co-op's or the railroad. Nor would the towers be tall enough, if they fell, to block the railroad.
- In both the short and long term, the BOA may be presented other side yard setback variance applications, which also have extraordinary requests due to property owner circumstances, however this request can stand apart due to the project needing access to and only impacting a public railroad right-of-way.
- The request is for a 0ft side yard setback. The BOA must determine if this amount is not more than what can accomplish the proposed use.

VARIANCE CONDITIONS: In order to grant the variance, the request must meet all three criteria listed above. If even one criterion cannot be met, the BOA must deny the variance. If the BOA sees this request meeting all three criteria the following conditions may be appropriate:

- 1) An as-built certificate of survey shall be completed and provided to the Green Lake County Land Use Planning & Zoning Department for indexing within 2 years of variance approval.

Below is a list of the approved CUP conditions from the LUP & Z Committee's October 1, 2026 public hearing:

1. The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any "development" related to this industrial operation.
2. Adequate dust control measures be taken, due to vehicular traffic to and from and on-site, as well as during unloading and loading of dry materials. All vehicle-driven surfaces shall be paved within 2 years of CUP approval.

3. That all outdoor lighting installations be located no closer than three feet to an abutting property line and shall be adequately hooded so that no direct light, excessive glare, or illumination is cast upon other properties.
4. Evidence that compliance with Commercial Building Code requirements for structures that are subject to this request is being pursued by the landowner.
5. No expansion of existing use through expanding existing structures, additional structures, and/or expanding the activity area shall occur without review and approval through future Conditional Use Permit(s).
6. The noise produced by the grain drying operation shall not exceed 60 dBA from the hours of 9:00pm to 6:00am, and 65 dBA from the hours of 6:00am to 9:00pm.
7. A stormwater management plan and a maintenance schedule shall be approved by Green Lake County Land Conservation Department and shall be submitted to the Green Lake County Land Use Planning and Zoning Department prior to land use permit issuance.

Item #3:

Owner/Applicant: United Cooperative, **Agent:** Robert E. Lee & Associates, **Location:** W1705 County Road S, **Parcel:** 010-00168-0000, **Legal Description:** Located in the NW ¼ of SW ¼ of Section 8, T14N, R13E, Town of Mackford, ±12.895 acres, **Request:** Variance from Section 350-19 of the County Zoning Ordinance to build a new dry fertilizer building to include a 128' tall fertilizer tower, whereas a 35' maximum height is required.

VARIANCE APPLICATION – GREEN LAKE COUNTY

Provide the following information and any other detailed information related to the variance.

Date Received: 8/21/26

Fee Received: \$375.00

United Cooperative - David Cramer

Robert E. Lee & Associates, Inc. - Aaron Breitenfeldt

Owner Name

Applicant Name

David Cramer 8/21/2026

Aaron Breitenfeldt 8/21/2026

Owner Signature Date

Applicant Signature Date

N7160 Raceway Road

1250 Centennial Centre Blvd

Mailing Address

Mailing Address

Beaver Dam, WI 53916

Hobart, WI 54155

City State Zip

City State Zip

(920) 887-1756

(920) 544-4395

Home Phone Work/Cell Phone

Home Phone Work/Cell Phone

fjohnson@unitedcooperative.com

abreitenfeldt@releeinc.com

Email address

Email address

Site Address W1705 County Road S

Tax Parcel ID # 010 - 00168 - 0000

NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 8, T 14 N, R 13 E

Lot _____ Block _____ Subdivision/Plat _____

Lot _____ CSM # 246 Town of _____

A variance is not a convenience to the property owner and should not be granted routinely. For the Board of Adjustment to grant a variance, the owner/applicant must clearly demonstrate that there is an unnecessary hardship present when strictly applying an ordinance standard; that the hardship is due to unique site limitations; and in granting a variance the public interest is being protected. The burden of proof rests upon the property owner to show all 3 criteria are being met.

Attach additional sheets, if necessary, to provide the information requested.

1. Explain your proposed plans and how they vary from the required dimensional standards:

The proposed project includes the removal of the existing dry fertilizer building and existing dry fertilizer blending tower on site and the construction of both a new, more modern building and tower in their place. The proposed project varies from the required dimensional standards in that the proposed building will be 52.9' in overall height and the proposed fertilizer blending tower will be 96' high, which will exceed the maximum 35' height allowed by the County zoning code.

2. Explain the hardship imposed by the Ordinance:

The hardship imposed by the ordinance is that the ordinance does not account for specialized industrial buildings and uses such as the proposed dry fertilizer building and blending tower. The proposed building and tower need to be built to these heights to effectively operate as needed. Per the zoning ordinance, the proposed building and tower could not be constructed anywhere in the County. The proposed improvements offer a crucial service to the local agricultural producers.

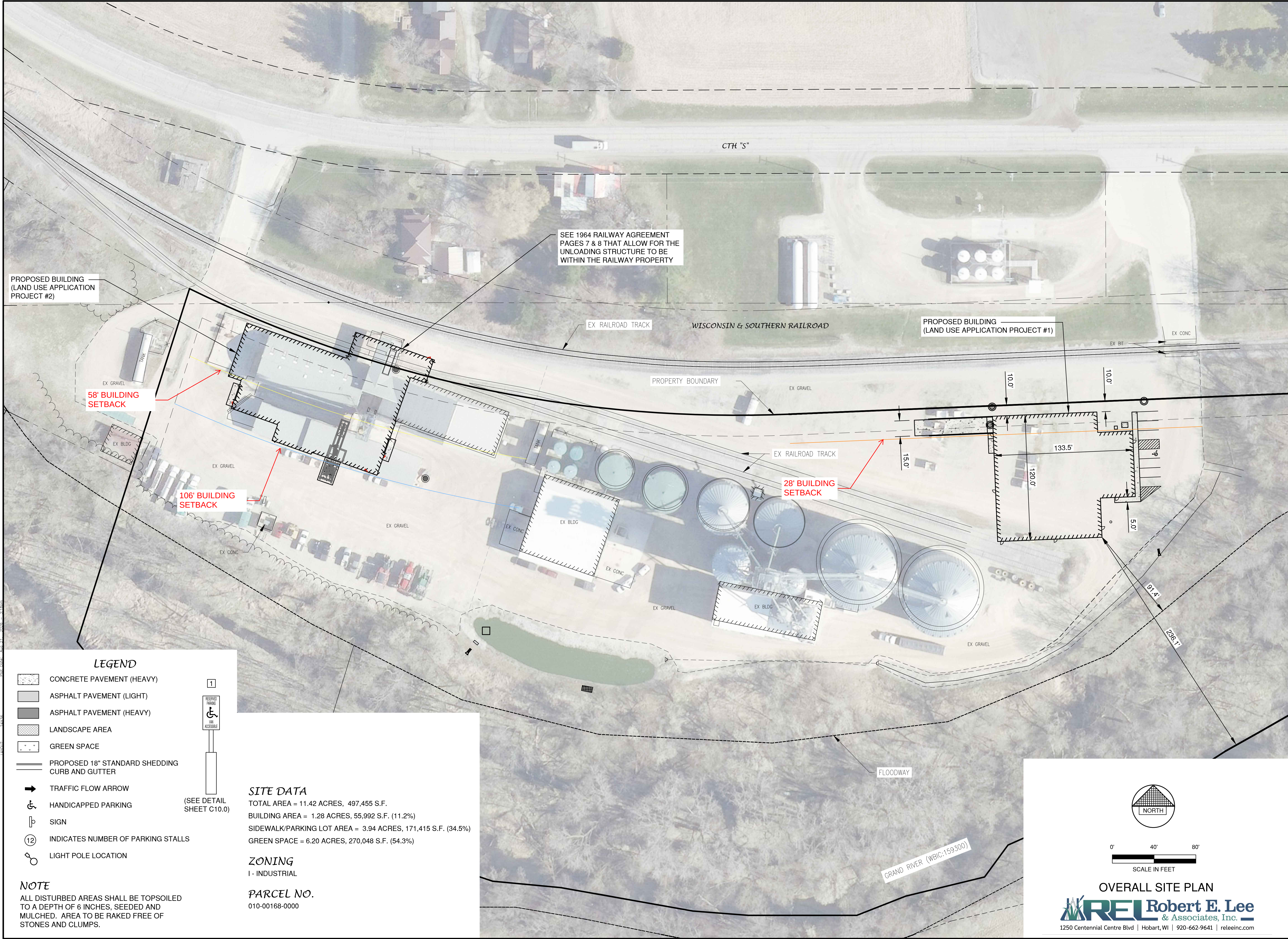
3. Describe unique property feature(s) that create the hardship:

The unique feature of the site is the unique use of the property. The blending and sale of dry fertilizer is a necessity for the local agricultural producers and this service could not be provided to them in a building and/or tower under 35' in height.

4. Explain why the proposed variance will not harm the public interest:

The proposed variance will not harm the public interest because the proposed project is located in an isolated location, more than 200' away from the nearest public street. In addition, both United Cooperative and Wisconsin and Southern Railroad (the only properties near the proposed project), are accepting of the project.

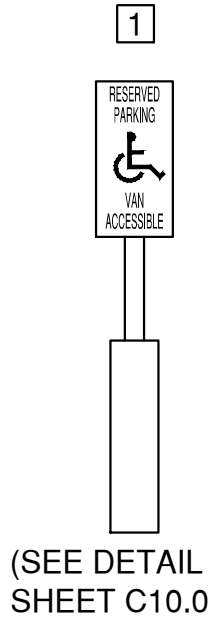
Overall, because the existing dry fertilizer building and blending tower are also over the permitted 35' in height and are already currently built and in use on the same parcel, the function of the site will remain the same as it currently does and there will be no changes to the public interest. The existing facilities are similar in size and height already so no harm to the public interest will be added as a result of the project.



FILE: R:\2400\2450\2450046\046\24500460.dwg
Date: 04/21/2024
User: JLB

LEGEND

- CONCRETE PAVEMENT (HEAVY)
- ASPHALT PAVEMENT (LIGHT)
- ASPHALT PAVEMENT (HEAVY)
- LANDSCAPE AREA
- GREEN SPACE
- PROPOSED 18" STANDARD SHEDDING CURB AND GUTTER
- TRAFFIC FLOW ARROW
- HANDICAPPED PARKING
- SIGN
- INDICATES NUMBER OF PARKING STALLS
- LIGHT POLE LOCATION



(SEE DETAIL SHEET C10.0)

SITE DATA

TOTAL AREA = 11.42 ACRES, 497,455 S.F.
 BUILDING AREA = 1.28 ACRES, 55,992 S.F. (11.2%)
 SIDEWALK/PARKING LOT AREA = 3.94 ACRES, 171,415 S.F. (34.5%)
 GREEN SPACE = 6.20 ACRES, 270,048 S.F. (54.3%)

ZONING

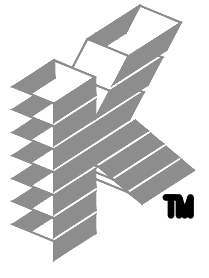
I - INDUSTRIAL

PARCEL NO.

010-00168-0000

NOTE

ALL DISTURBED AREAS SHALL BE TOPSOILED TO A DEPTH OF 6 INCHES, SEEDED AND MULCHED. AREA TO BE RAKED FREE OF STONES AND CLUMPS.



PLANNERS | ARCHITECTS | BUILDERS

FOX CITIES
 1626 State Road 85
 P.O. Box 620
 Kaukauna, WI 54130
 Phone (920) 766-5786
 1-800-236-2534
 Fax (920) 766-5904

MADISON
 771 Lebo Dr.
 Sun Prairie, WI 53580
 Phone (608) 318-2330
 Fax (608) 318-2337

MILWAUKEE
 18204 W18200
 Goldendale Rd
 Germantown, WI 53022
 Phone (262) 220-0710
 1-800-236-2534
 Fax (262) 220-0740

WAUSAU
 8806 Leno Ave
 Wausau, WI 54401
 Phone (715) 848-3141
 Fax (715) 848-3181

www.kellerbuilds.com

PROPOSED FOR:
UNITED COOP
 TOWN OF MACKFORD
 GREEN LAKE COUNTY, WISCONSIN

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REVISIONS

1		
2		
3		
4		
5		
6		

PROJECT MANAGER:

DESIGNER:

AARON B.

DRAWN BY:

AUTUMN G.

EXPEDITOR:

SUPERVISOR:

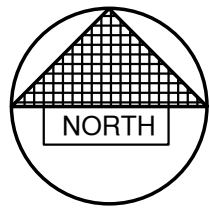
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DATE:

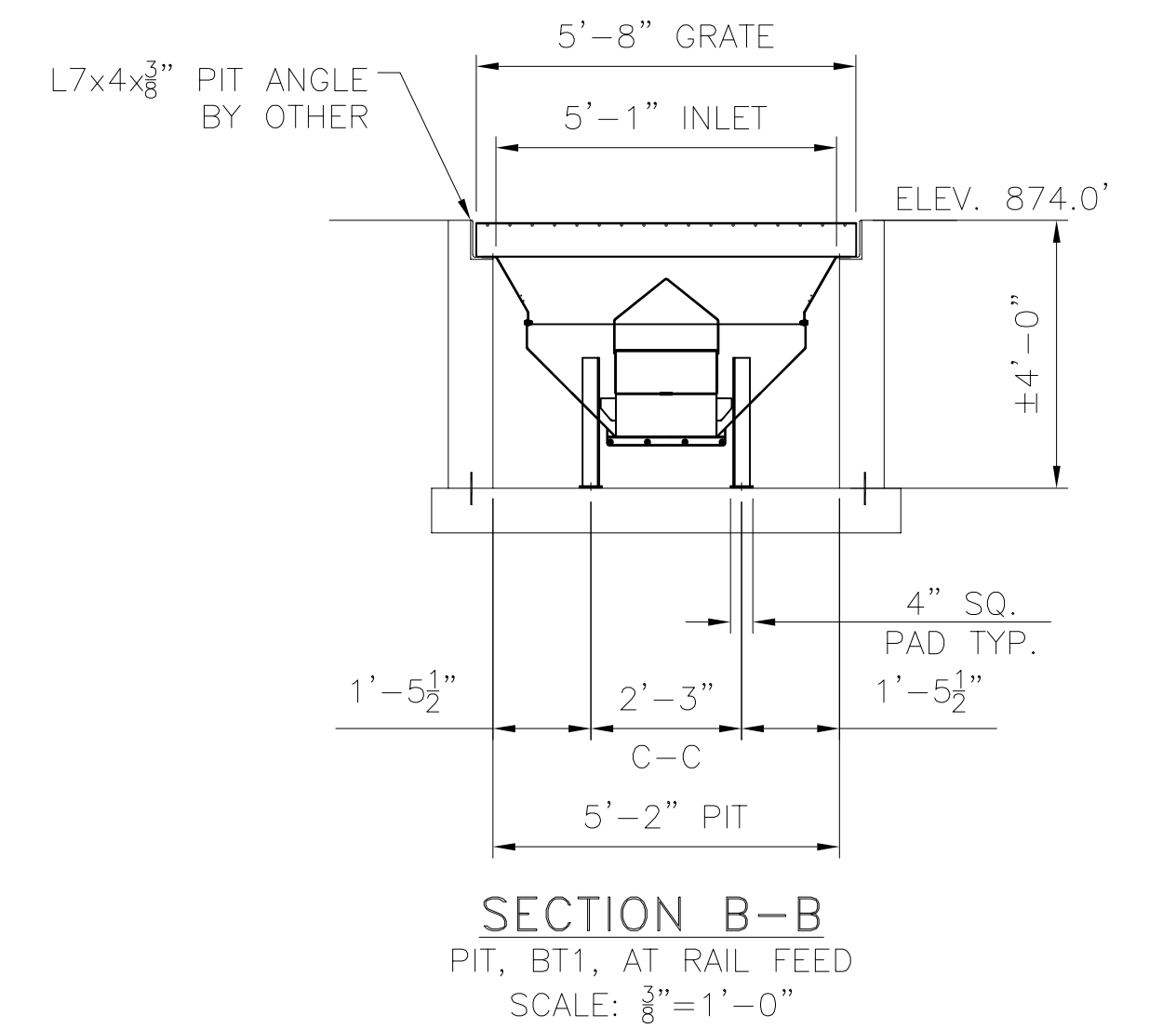
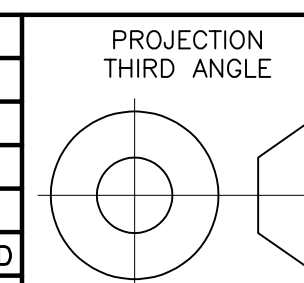
SHEET:

C4.0



0' 40' 80'
 SCALE IN FEET

OVERALL SITE PLAN
REL Robert E. Lee
 & Associates, Inc.
 1250 Centennial Centre Blvd | Hobart, WI | 920-662-9641 | releinc.com

[illegible]

DRAWING FOR APPROVAL BY: _____ DATE: _____ NOTES: _____	JOB NO. 262573--00		GENERAL ARRANGEMENT UNITED COOPERATIVE MARKENSAN, WI	
	EQUIP. NO. GA1		SIZE DWG NO. GA51192	
	REFERENCE		D	
	DRAWN: PH	DATE: 7/15/26	SHEET: 2 OF 5	REV

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CHECKED: _____ DATE: _____ SCALE: 3/16"=1'-0" Page 36 of 45



SACKETT-WACONIA

1701 S. HIGHLAND AVE BALTIMORE, MD 21224 (410) 276-4466	680 TACOMA BLVD NYA, MN 55368 (952) 442-4450	33 8 TH ST. E WACONIA, MN 55387 (952) 442-4450
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JOB NO.	262730-00	GENERAL ARRANGEMENT UNITED COOPERATIVE
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EQUIP. NO.	GA1
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REFERENCE	SIZE D	DWG NO. GA51192
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n e	DRAWN: PH	DATE: 7/15/26	SHEET: 2 OF 5	REV
	CHECKED:	DATE:	SCALE: 3/16" = 1'-0"	

Page 36 of 45

D

D

C

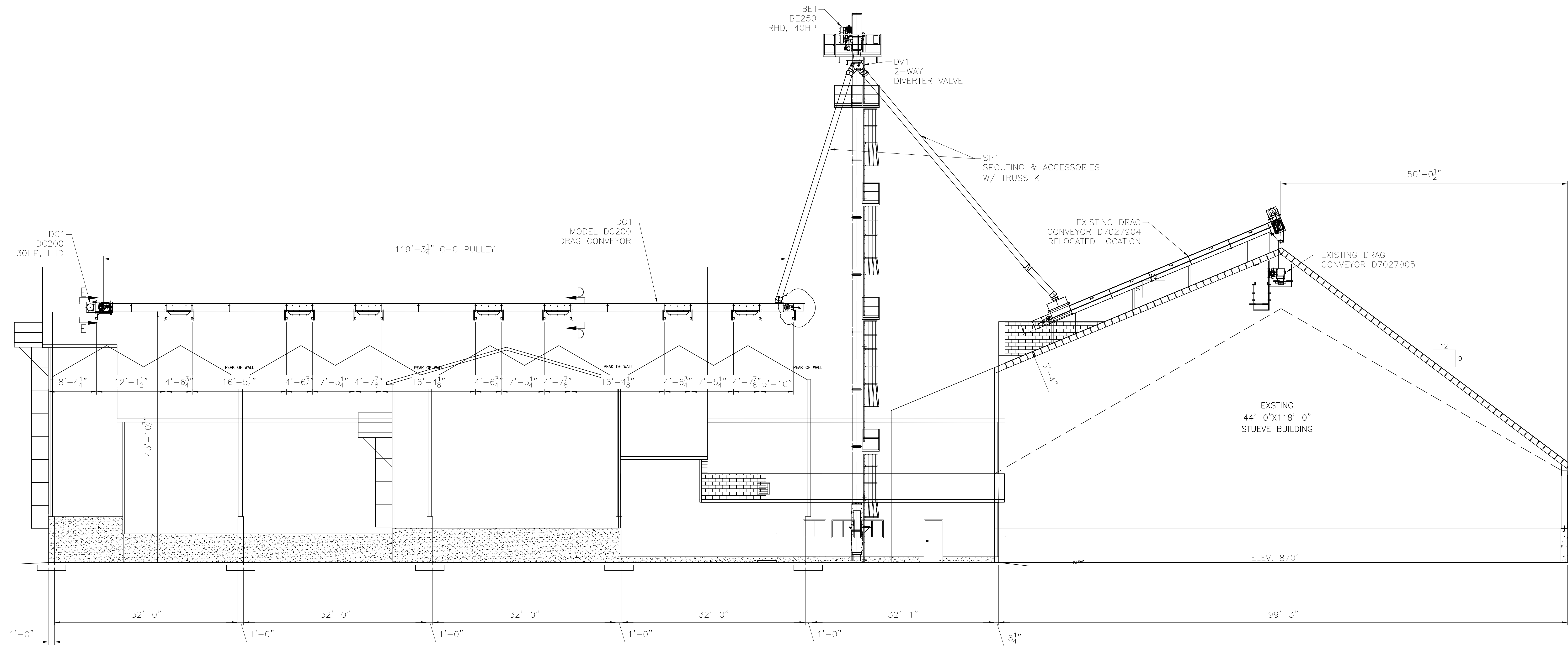
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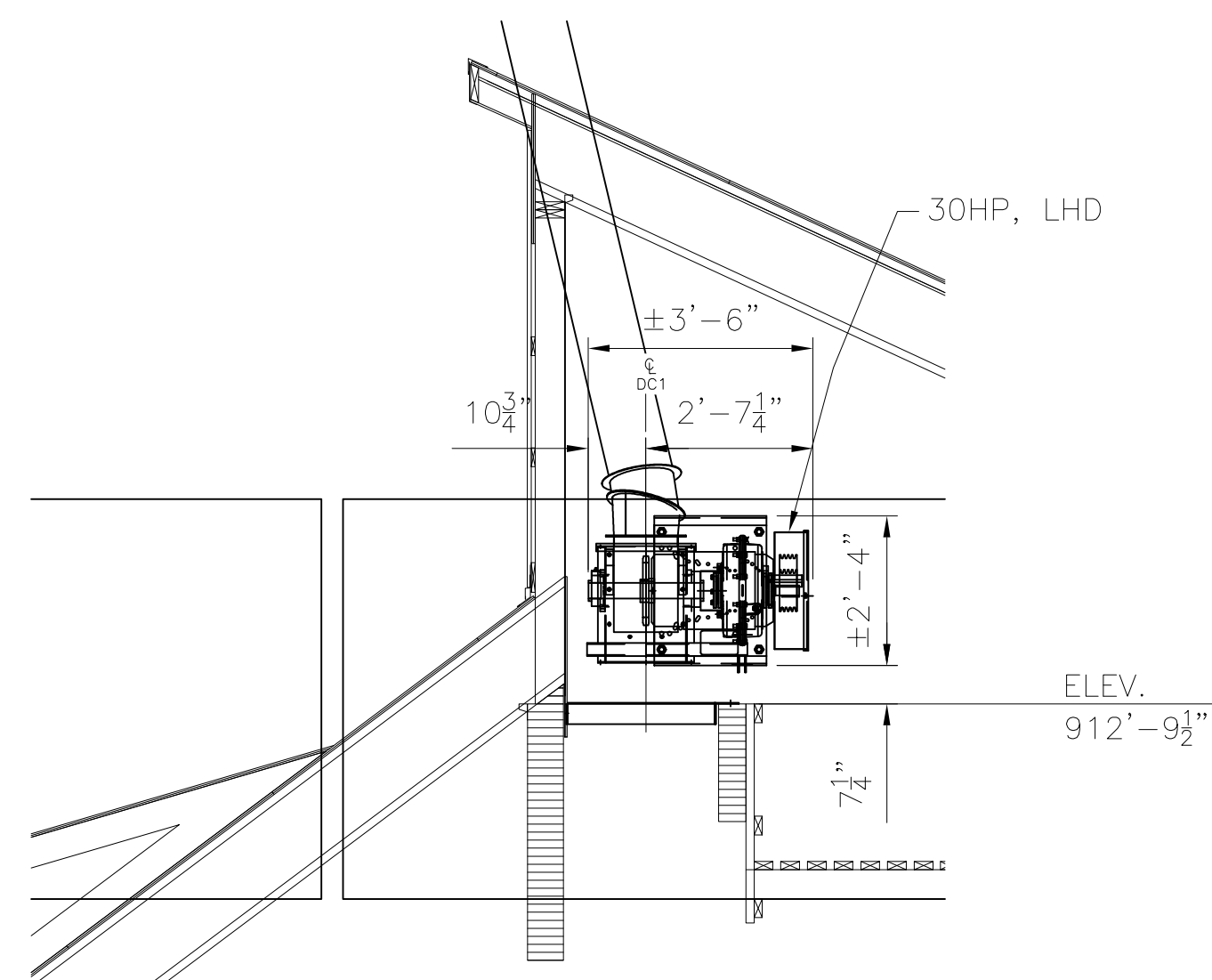
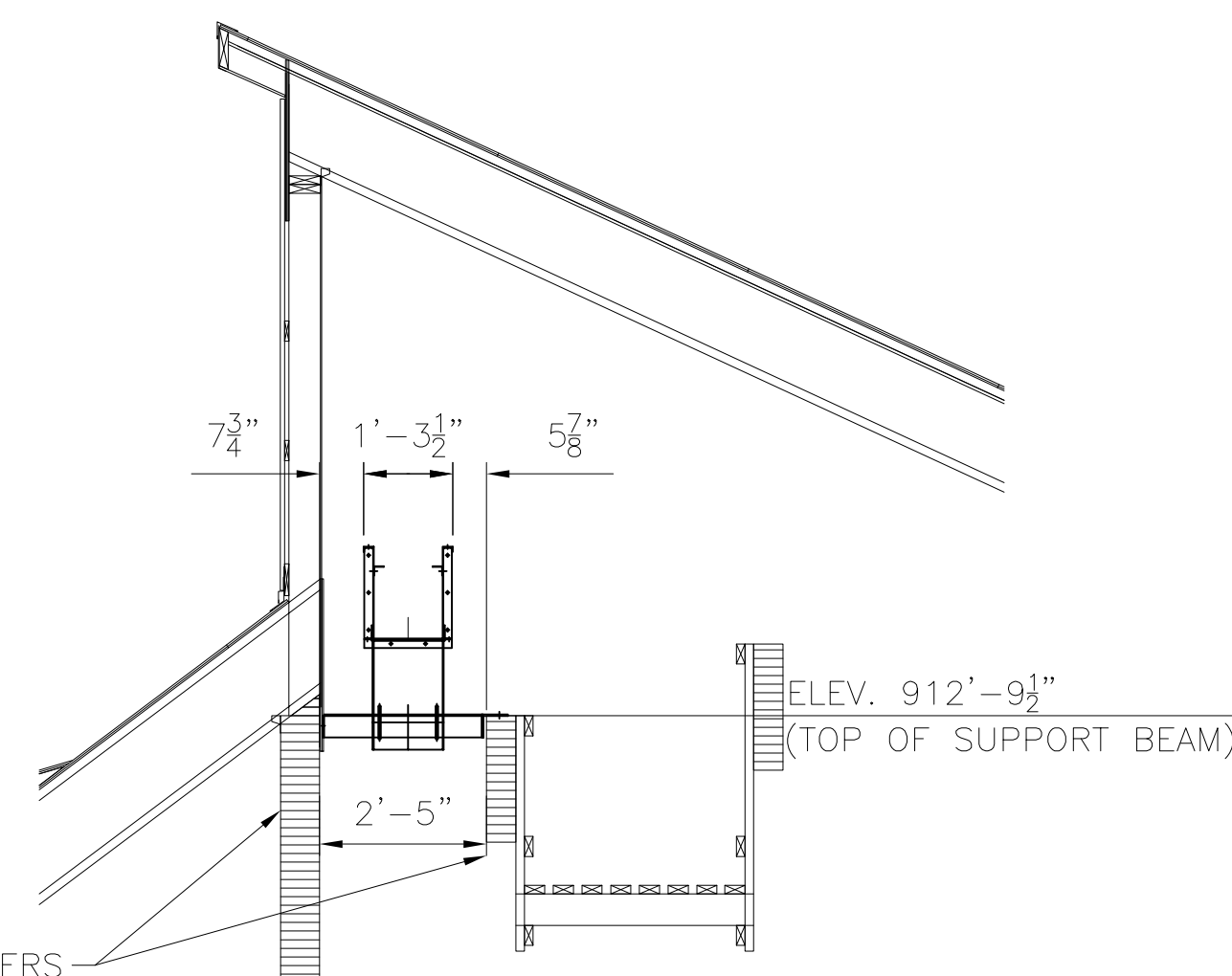
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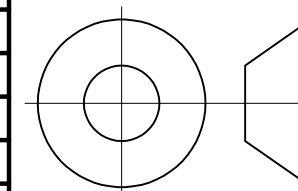
SECTION C-C

SECTION E-E
DC1, AT HEAD SECTION
SCALE: $\frac{3}{8}$ "=1'-0"

SUPPORT BEAM BY OTHERS

SECTION D-D
DC1, TYP. SECTION
SCALE: $\frac{3}{8}$ "=1'-0"

ZONE	REV	DESCRIPTION	DATE	APPR'D	ZONE	REV	DESCRIPTION	DATE	APPR'D
		REVISIONS					REVISIONS		

PROJECTION
THIRD ANGLE

RELEASE FOR: APPROVAL BY: _____ DATE: _____ NOTES:	JOB NO. 262730-00 EQUIP. NO. GA1 REFERENCE DRAWN: PH DATE: 7/15/26 CHECKED: _____ DATE: _____	GENERAL ARRANGEMENT UNITED COOPERATIVE MARKENSAN, WI SIZE DWG NO. GA51192 SHEET: 3 OF 5 SCALE: 1/8"=1'-0" Page 37 of 45
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4

3

2



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680 TACOMA BLVD
NYA, MN 55368
(952) 442-4450
33 8TH ST. E
WACONIA, MN 55387
(952) 442-4450

D
C
B
A

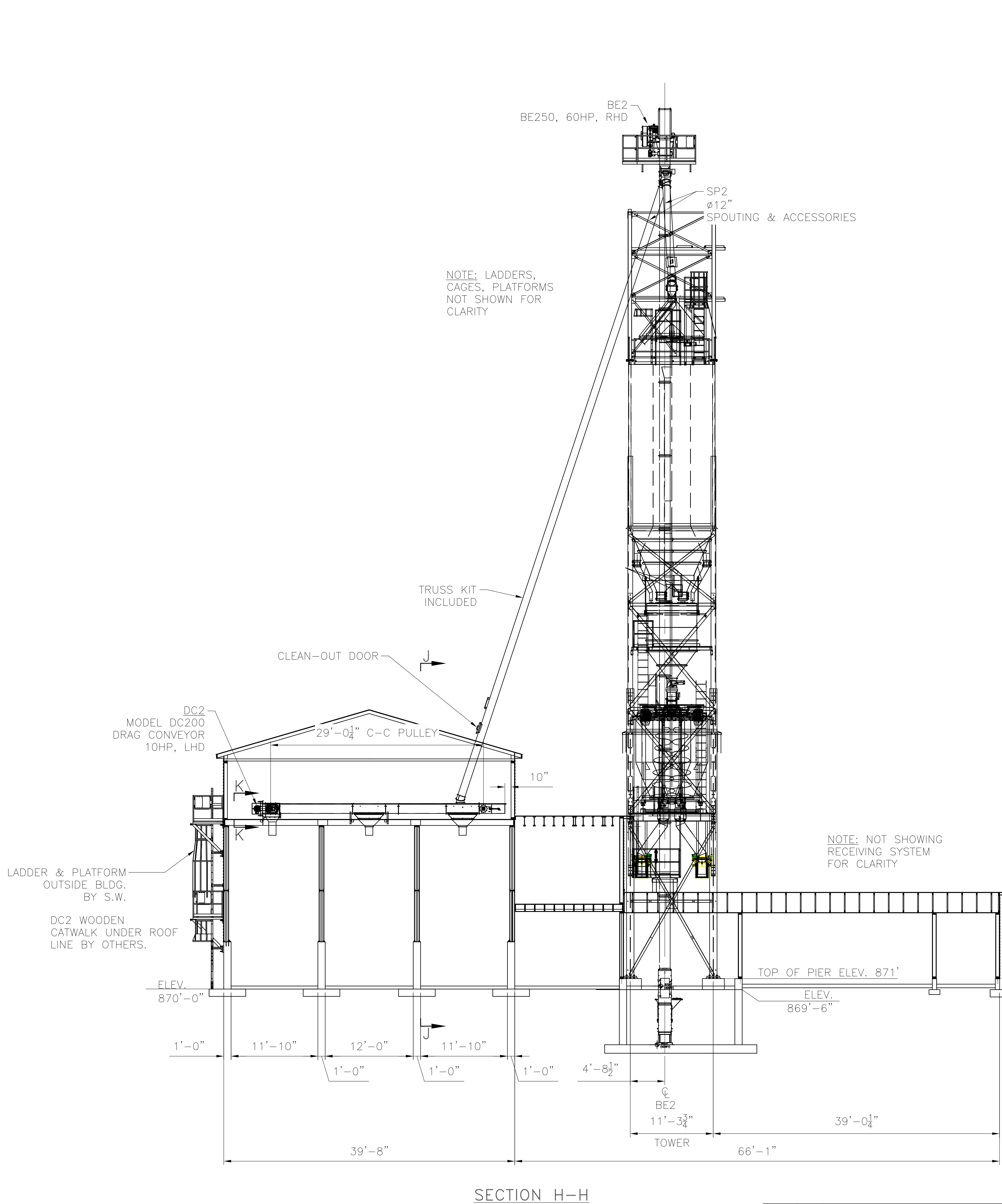
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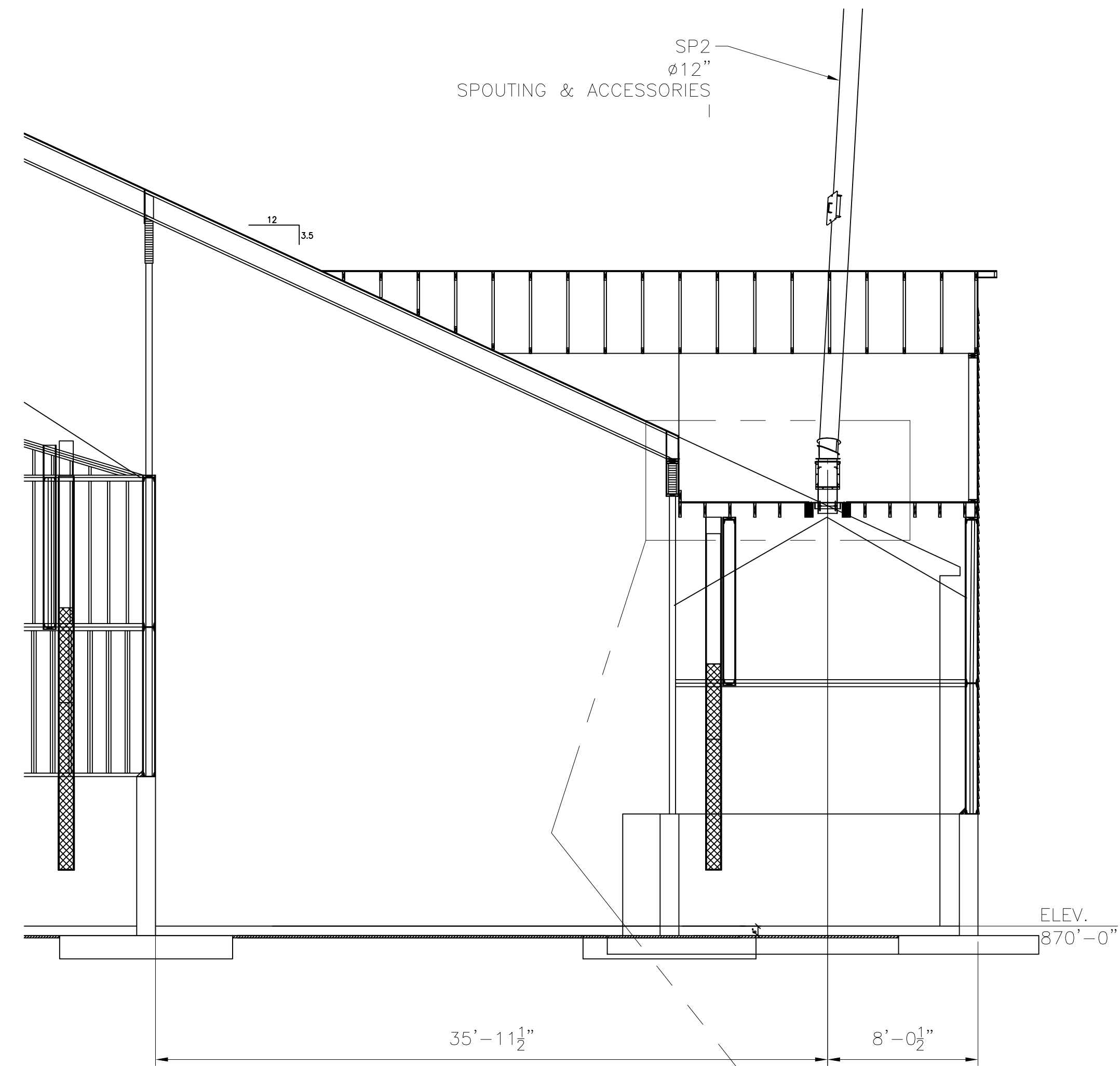
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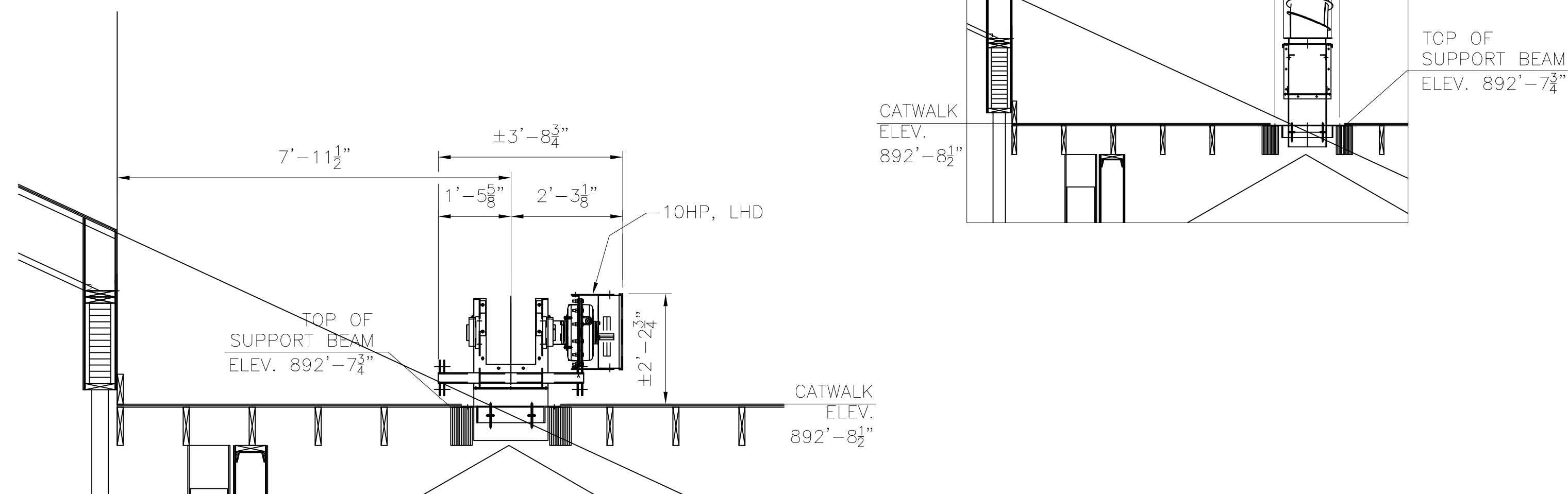
D
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SECTION H-H



DETAIL J-J
SCALE: 3/16"=1'-0"



SECTION K-K
DC2, AT HEAD SECTION
SCALE: 1/2"=1'-0"

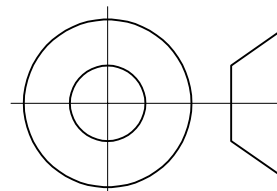


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BALTIMORE, MD 21224 NYA, MN 55368 WACONIA, MN 55387
(410) 276-4466 (952) 442-4450 (952) 442-4450

ZONE	REV	DESCRIPTION	DATE	APPR'D	ZONE	REV	DESCRIPTION	DATE	APPR'D
REVISIONS					REVISIONS				

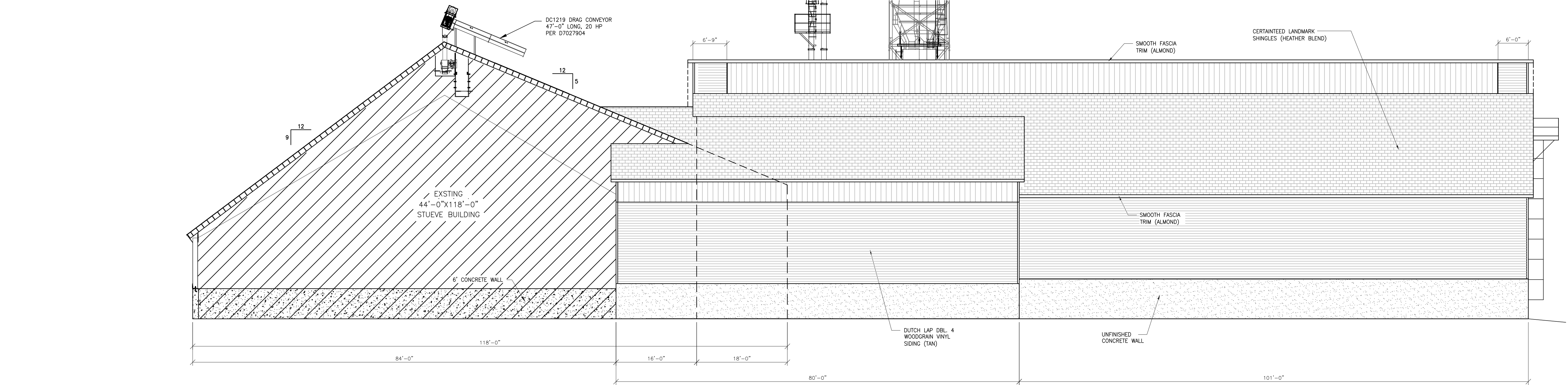
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THIRD ANGLE



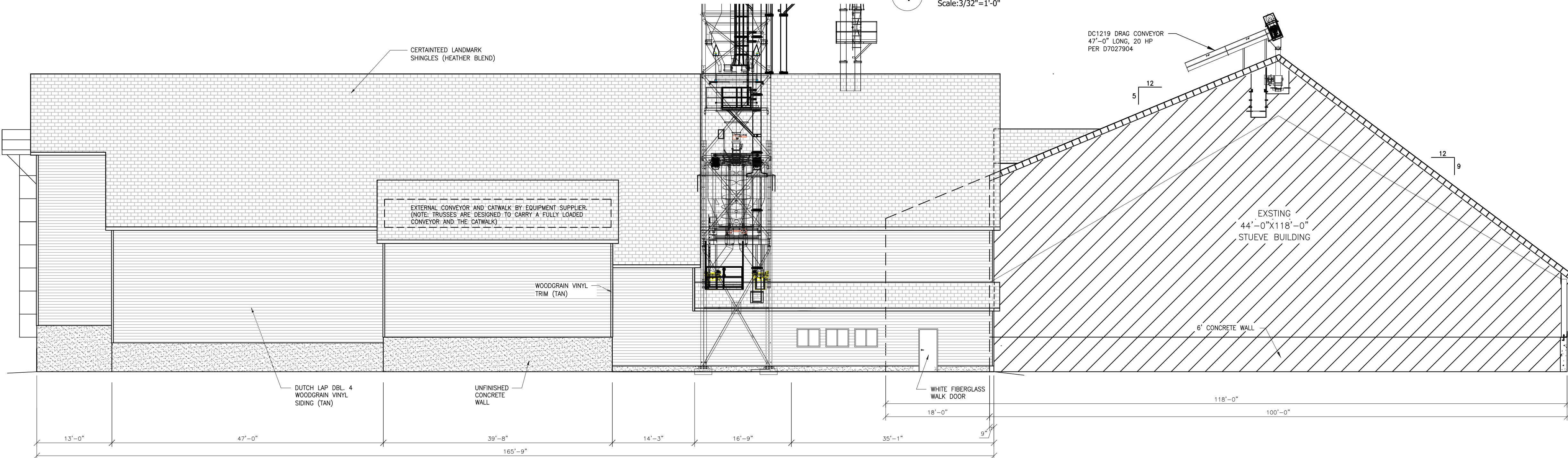
RELEASE FOR APPROVAL
BY: _____ DATE: _____
NOTES:
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EQUIP. NO. GA1
REFERENCE
DRAWN: PH DATE: 7/15/26
CHECKED: _____ DATE: _____

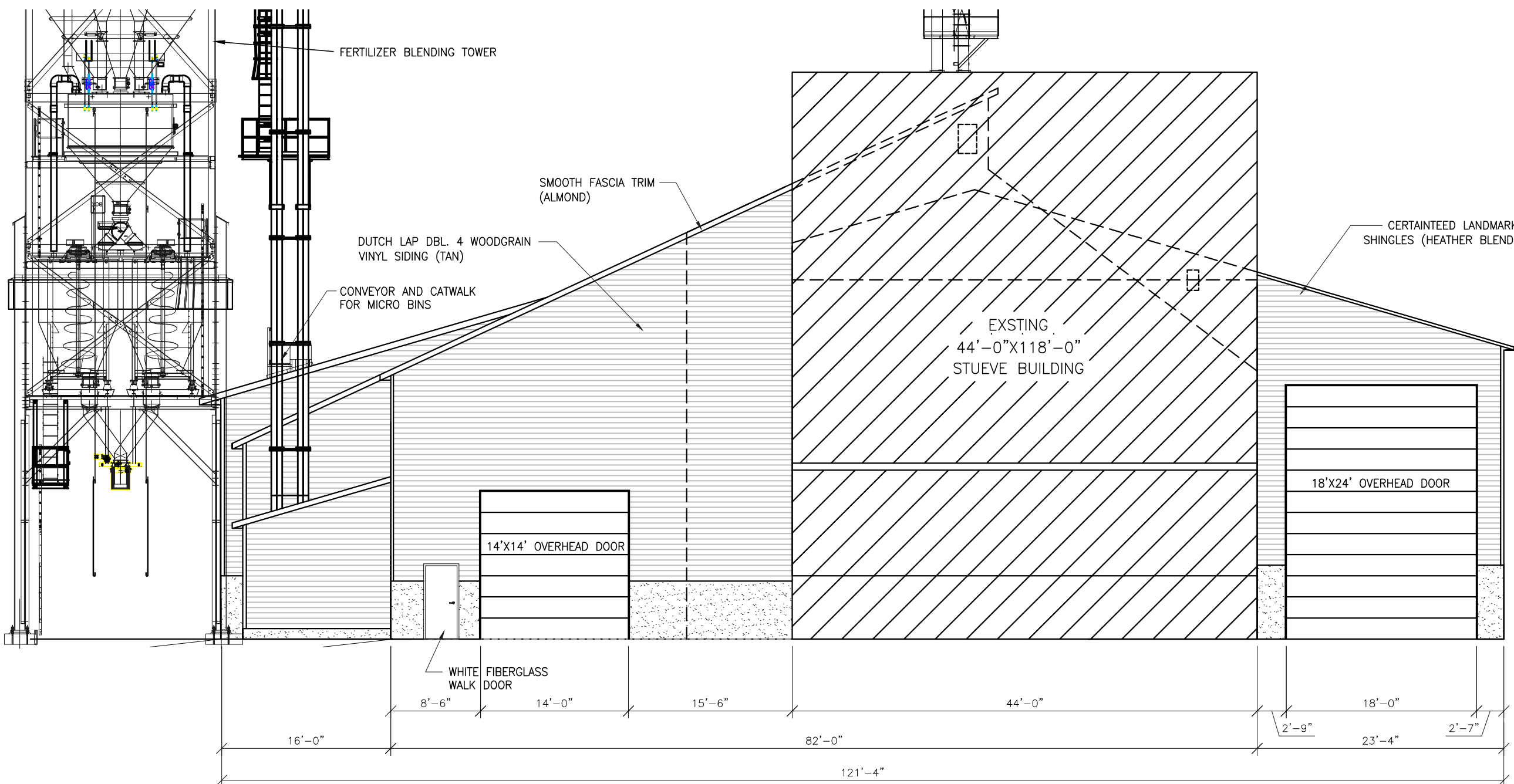
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UNITED COOPERATIVE
MARKENSAN, WI
SIZE DWG NO. GA51192
SHEET 5 OF 5
SCALE: 1/8"=1'-0" Page 38 of 45



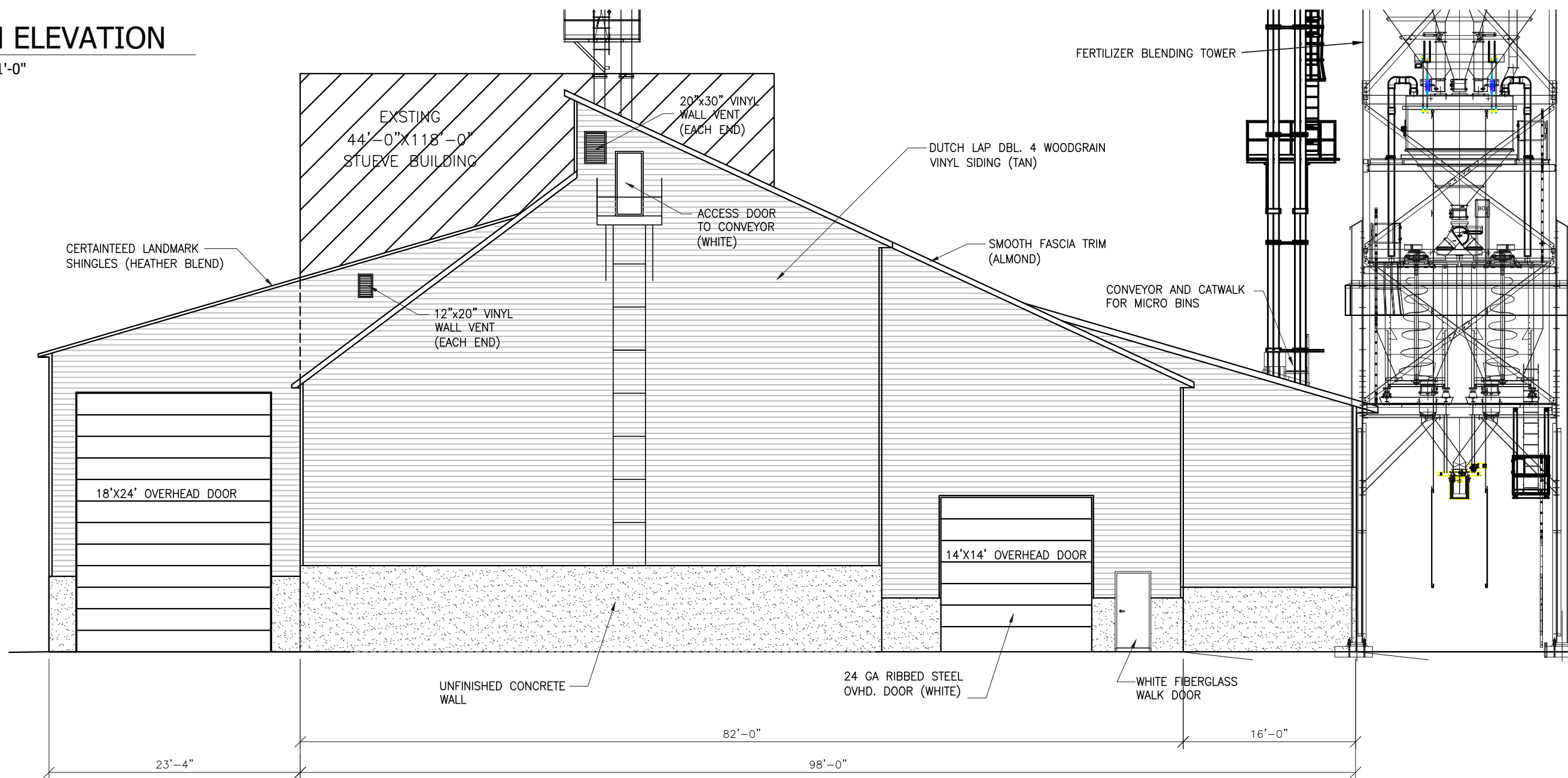
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Scale:3/32"=1'-0"



3 SOUTH ELEVATION
Scale:3/32"=1'-0"



2 EAST ELEVATION
Scale:3/32"=1'-0"



1 WEST ELEVATION
Scale:3/32"=1'-0"

ENGINEER

PLOT DATE:

REVISIONS

For:



DRAWINGS ARE:
FOR APPROVAL

UNITED COOP - MARKESAN
W1646 County Road S
Markesan, WI. 53946

JOB NO.: 26043

BY: JLP

DATE: 6-19-2026

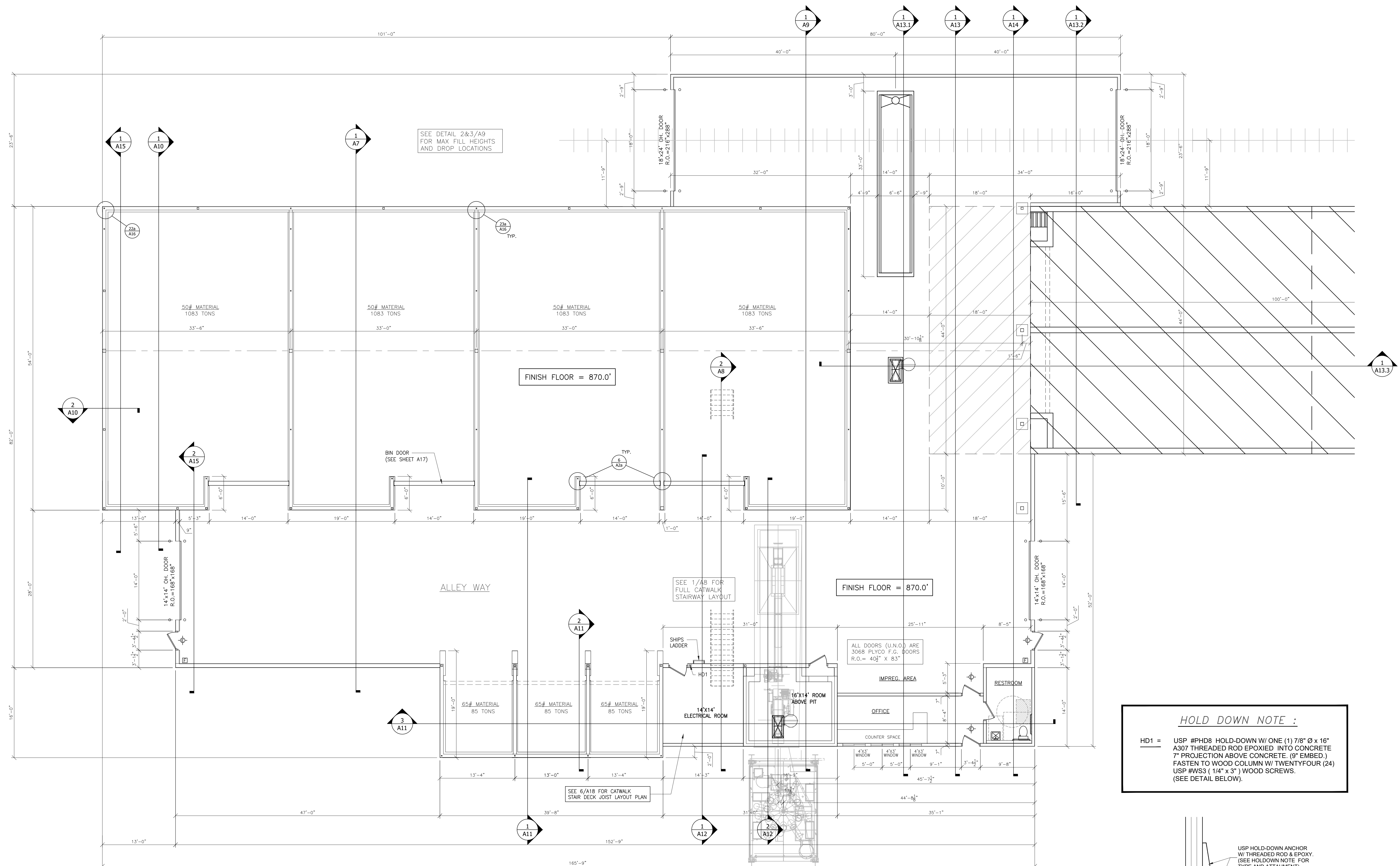
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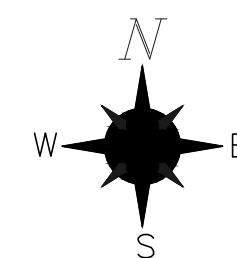
SHEET NUMBER

A0

Page 40 of 45

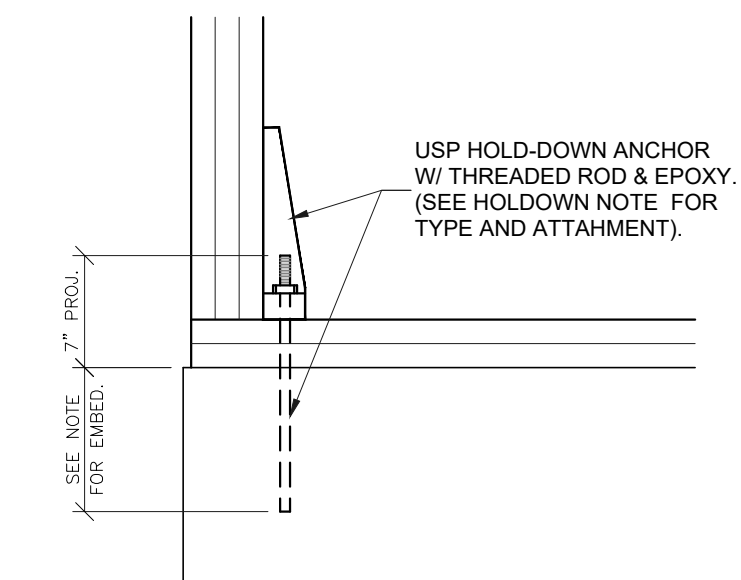


1 PLAN LAYOUT
Scale: 1/8" = 1'-0"



SEE ADDITIONAL DETAILS
ON SHEETS A16 & A17

1b **HOLDOWN ANCHOR DETAIL**
Scale: 1"=1'-0"



ENGINEER

PLOT DATE:

REVISIONS



Dr:



DRAWINGS ARE:
FOR APPROVAL

UNITED COOP - MARKESAN
1646 County Road S
Markesan, WI. 53946

3 NO.: 26043

JLP

6-19-2026

DRAWING NUMBER

SHEET NUMBER

A1

BOARD OF ADJUSTMENT

Public Hearing

October 16, 2026

Item III: Variance

Owners:

United Cooperative

Applicant:

Aaron Breitenfeldt – R. E. L. & Assocs.

Request: The owners are requesting a variance to build a new dry fertilizer building to include a 128ft tall fertilizer tower, whereas a 35ft maximum height is required.

Parcel Number/ Location: The request affects parcel 010-00168-0000 (±12.9 acres) located in the NW¼ of the SW¼ of Section 9, T14N, R13E, Town of Mackford. The site's address is W1705 County Road S.

Existing Zoning and Uses of Adjacent Area: The subject site is currently zoned as I, Industrial District. The adjoining lands (east and west) are also zoned I. The parcel's southern boundary is the Grand River with A1 (Farmland Preservation district) farm fields south of the river. The north boundary is the State of Wisconsin's Railroad right-of-way operated by Wisconsin & Southern Railroad, LLC. There is a mix of industrial, commercial, and residential uses north of the railroad.

Additional Information/ Analysis: The subject site is used as an industrial agricultural facility. The buildings and structures on the site mostly exceed the 35ft max height requirement. This is because the establishment of the facility preceded the Town of Mackford's adoption of County zoning. County zoning ordinance standards presently do not adequately address the need for additional building / structure height in industrial agricultural applications.

The proposed upgrade to the dry fertilizer building includes a new building that would be about 53ft tall. The new BE1 tower, discussed in the prior variance application, is about 128ft tall and a new fertilizer blending tower would be about 96ft tall. All of which are necessary to operate and upgrade this facility, but exceed the zoning ordinance required 35ft maximum height.

The purpose of the height maximums for buildings / structures in Green Lake County appears to be derived from the aesthetics concept listed in Section 350- 3 "Purpose" of the Zoning Ordinance. As this property is zoned industrial and has been used industrially for decades the preservation of the "aesthetics" related to an industrial ag facility could be viewed as an overreach.

The BOA must determine if the proposed project qualifies for variance relief. Residential use variance relief is a very common and familiar request of the BOA. Commercial / Industrial use variance relief is not as common. Statutes do not distinguish between uses when it comes to variance relief. The application of the variance criteria remains the same.

VARIANCE CRITERIA: To qualify for a variance, it must be demonstrated that the property meets the following 3 requirements: (Wisconsin Act 67 (2017) codified Case Law as applied to variance criteria, §59.694(7)(c)2., with No Harm To Public Interest already codified and now renumbered to §59.694(7)(c)3.)

- 1) Unnecessary Hardship
 - ❑ compliance with standards would be unreasonably burdensome (Snyder)
 - ❑ hardship may not be self-created (State ex rel. Markdale Corp. v. Board of Appeals)
 - ❑ circumstances of the applicant, such as a growing family or the need for a larger garage, are not the sole factor in considering variances (Snyder)
 - ❑ property, as a whole, must be considered, not just a portion (State v. Winnebago County)
 - ❑ economic or financial hardship is not a sole justification (State v. Winnebago County)
- 2) Unique Property Limitations
 - ❑ limitations such as steep slope, wetland, shape, or size that are not shared by other properties and prevent compliance with ordinance (State v. Kenosha BOA)
 - ❑ limitations common to a number of properties are not a justification (Arndorfer v. Sauk County BOA)
 - ❑ alternative designs / locations on the property have been investigated (State v. Winnebago County)
- 3) No Harm to Public Interest
 - ❑ ordinance purpose and intent, variance may not harm public interest (State v. Winnebago County)
 - ❑ short-term, long-term, and cumulative effects on public interest in neighborhood, community, and even the state (Ziervogel)
 - ❑ only allow minimal relief for use of property, may include conditions (Robert M. Anderson, *American Law of Zoning*)

Staff Comments:

- 1) **Unnecessary Hardship**
 - It would be unreasonably burdensome to impose a 35ft max height requirement on an industrial ag facility.
 - The requirement for height when it comes to running an industrial ag facility, is not self-created. Any similar operation would require the same height restriction relief.
 - Circumstances of the applicant are not applicable as the hardship here is created by the zoning ordinance in relation to the historical use of the property.
 - The proposed height was determined through engineering standards and practices as they relate to efficiently operating and maintaining this facility.
 - Strict enforcement of the 35ft max height requirement would have a detrimental impact on the Co-op and its customers.
- 2) **Unique Property Limitations**
 - The subject site is interesting from a development perspective as the property, relative to its historical industrial use, is the only industrial ag

facility with the jurisdiction of the zoning ordinance. Industrial ag uses require heights of buildings and other structures that are not common to any other uses.

- The subject site is an industrial ag business that has existed in this location for many years. Based on staff's knowledge of the County, this is the only industrial ag facility within County zoning jurisdiction.
- The proposed heights of the dry fertilizer building replacement project, including the BE1 and blending towers, were determined through engineering standards and practices which inherently examined alternative designs (including heights).

3) Harm to Public Interest

- The purpose of the 35ft building / structure height maximum is the aesthetic. Folks don't want to have extra tall houses, garages, commercial buildings, signs, blocking their appreciation of the rural character of Green Lake County. As this location is widely known as a industrial ag site, there is no negative impact associated with this request.
- In both the short and long term, the BOA may be presented other height maximum variance applications, however this request can stand apart due to the project needing additional height to continue a pre-existing industrial ag use.
- The request is for these structures to exceed the 35ft max height requirement. The BOA must determine if this amount is not more than what can accomplish the proposed use.

VARIANCE CONDITIONS: In order to grant the variance, the request must meet all three criteria listed above. If even one criterion cannot be met, the BOA must deny the variance. If the BOA sees this request meeting all three criteria the following conditions may be appropriate:

1)

Below is a list of the approved CUP conditions from the LUP & Z Committee's October 1, 2026 public hearing:

1. The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any "development" related to this industrial operation.
2. Adequate dust control measures be taken, due to vehicular traffic to and from and on-site, as well as during unloading and loading of dry materials. All vehicle-driven surfaces shall be paved within 2 years of CUP approval.
3. That all outdoor lighting installations be located no closer than three feet to an abutting property line and shall be adequately hooded so that no direct light, excessive glare, or illumination is cast upon other properties.
4. Evidence that compliance with Commercial Building Code requirements for structures that are subject to this request is being pursued by the landowner.

5. No expansion of existing use through expanding existing structures, additional structures, and/or expanding the activity area shall occur without review and approval through future Conditional Use Permit(s).
6. The noise produced by the grain drying operation shall not exceed 60 dBA from the hours of 9:00pm to 6:00am, and 65 dBA from the hours of 6:00am to 9:00pm.
7. A stormwater management plan and a maintenance schedule shall be approved by Green Lake County Land Conservation Department and shall be submitted to the Green Lake County Land Use Planning and Zoning Department prior to land use permit issuance.