



Mineral Point, Wisconsin

CITY OF MINERAL POINT

137 HIGH STREET, SUITE 1
MINERAL POINT, WI 53565
608-987-2361

AGENDA

CITY OF MINERAL POINT BOARD OF APPEALS MEETING

Thursday, July 23, 2026, 4:15 PM

City Hall Community Room

1. Call to Order, Roll Call, and Confirmation of Compliance with the Open Meetings Law.
2. Approval of May 19, 2025 Minutes.
3. Public Hearing regarding the request of Dennis Jacobson, owner of a property located at 314 Filardo Court (Tax Parcel 251-0370.007), for a variance from Section 154.04(D)(3)(c) of the Municipal Code pertaining to the rear yard setback requirements. **Action:** Open Public Hearing, Hear testimony, and close public hearing.
4. Variance No. 2026–BOA01 – Request of Dennis Jacobson, owner of a property located at 314 Filardo Court (Tax Parcel 251-0370.007), for a variance from Section 154.04(D)(3)(c) of the Municipal Code pertaining to the rear yard setback requirements. **Action:** Approve or deny Variance.
5. Adjourn.

Agenda Posted and Distributed: Wednesday, July 15, 2026

Join: <https://teams.microsoft.com/meet/21405205479734?p=OYSBkO0dwBEpe6KjKG>

Meeting ID: 214 052 054 797 34, Passcode: ZN7yA2fr

Dial in by phone [+1 872-256-4172](tel:+18722564172), [721748207](tel:+1721748207) Phone conference ID: 721 748 207#

Reasonable accommodations for participation in this meeting by persons with disabilities, as defined by the Americans with Disabilities Act, will be made upon request and if feasible. Please contact the City Clerk's office (608-987-2361) at least 24 hours prior to the scheduled meeting so that necessary accommodations can be provided.

OFFICE OF THE CITY CLERK-TREASURER

Mayor – Danny Clark

City Administrator | Matthew Honer | administrator@cityofmineralpointwi.gov

City Clerk-Treasurer | Christy Skelding | cityclerk@cityofmineralpointwi.gov



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MINUTES

CITY OF MINERAL POINT BOARD OF APPEALS MEETING

Monday, May 19, 2025, 4:30 PM

City Hall Community Room

CALL TO ORDER/ROLL CALL

Administrator Honer called the meeting to order at 4:30 pm.

David Engels	Present	Jeff Meyer	Present (4:31)
Bill Grover	Present		
Steve Leger	Present		
Justin Potterton	Present		
Others Present: Administrator Honer, Clerk-Treasurer Skelding, Randy Fleming			

APPROVAL OF MINUTES – DECEMBER 12, 2024 MEETING

Motion (Engels/Leger) to approve December 12, 2024 minutes. Motion carried, all voting aye (4-0).

PUBLIC HEARING REGARDING THE REQUEST OF RANDY AND CYNTHIA FLEMING, OWNERS OF A PROPERTY LOCATED AT 141 MERRY CHRISTMAS LANE (TAX PARCELS 251-0342.E AND 251-0342.08), FOR A VARIANCE FROM SECTION 154.02(D)(6)(d) OF THE MUNICIPAL CODE PERTAINING TO LOT FRONTAGE REQUIREMENTS.

Motion (Leger/Grover) to open Public Hearing at 4:31pm. Motion carried, all voting aye (5-0).

Motion (Grover/Leger) to close concurrent Public Hearing at 4:31pm. Motion carried, all voting aye (5-0).

VARIANCE NO. 2025-BOA01 – REQUEST OF RANDY AND CYNTHIA FLEMING, OWNER OF A PROPERTY LOCATED AT 141 MERRY CHRISTMAS LANE (TAX PARCELS 251-0342.E AND 251-0342.08), FOR A VARIANCE FROM SECTION 154.02(D)(6)(d) OF THE MUNICIPAL CODE PERTAINING TO LOT FRONTAGE REQUIREMENTS.

Mr. Fleming presented a CSM to the City, which was approved by the Plan Commission on the condition that he request a variance for creating lots without public street frontage.

Through the CSM, lots are being created that don't front a public street, which is not allowed in the City's current zoning code.

Motion (Potterton/Engels) to approve the request of Randy and Cynthia Fleming, owner of a property located at 141 Merry Christmas Lane (Tax Parcels 251-0342.E and 251-0342.08), for a variance from section 154.02 (D)(6)(d) of the Municipal Code pertaining to lot frontage requirements. Motion carried, all voting aye (5-0).

ADJOURN

Motion (Leger/Meyer) to adjourn at 4:36 pm. Motion carried, all voting aye (5-0).

OFFICE OF THE CITY CLERK-TREASURER

Mayor – Danny Clark

City Administrator | Matthew Honer | administrator@cityofmineralpointwi.gov

City Clerk-Treasurer | Christy Skelding | cityclerk@cityofmineralpointwi.gov



Mineral Point, Wisconsin

7/23/2026

TOPIC: Variance No. 2026-BOA01 – Request of Dennis Jacobson, owner of a property located at 314 Filardo Court (Tax Parcel 251-0370.007), for a variance from Section 154.04(D)(3)(c) of the Municipal Code pertaining to the rear yard setback requirements. The applicant proposes the extension of the principal structure to within 17' of the rear lot line with the construction of a deck, a variance from the 30' rear lot line setback standard.

☒ New Business ☐ Unfinished Business ☐ Reports ☐ Closed Session ☐ Ordinance/Resolution	Meeting: Zoning Board of Appeals
Department Reporting: Administration	Submitted by: Matthew Honer
Request: The applicant seeks to construct an deck that will encroach upon the rear yard setback.	
BACKGROUND: The applicant is requesting an Area Variance to provide relief from the setback restriction.	
ANALYSIS: The variance is not contrary to the public interest and such variance will be in general harmony with the purposes and intent of the Zoning Code. <u>Found.</u> <i>The intent of the Zoning Code is to provide for low-density developments of single and 2-family homes. The addition of the deck to the residential structure will not increase residential density. A deck is likely to be within the "general harmony" of the Zoning Code.</i> The variance will not permit the establishment of use that is not permitted or permissible in the district. <u>Found.</u> <i>The variance is an area variance and not a use variance. The area variance is also unlikely to provide the opportunity to introduce a non-conforming use.</i> Special conditions and circumstances exist that are peculiar to the land, structures, or buildings involved and which do not apply to other lands, structures, or buildings in the same district. <u>Not Found.</u> <i>No special conditions have been identified. The existing residential structure was built to the required setback. There are no special conditions that prevent the conforming use of R-2.</i> The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. <u>Not Found.</u> <i>The setback requirement of the ordinance does not prevent the owner from utilizing the proposed lot for residential use.</i> The hardship is not shared generally by other land or buildings in the area. <u>Not Found.</u> <i>No hardship is identified. Complying with the ordinance does not prevent the applicant from utilizing the property for residential uses. The application materials seem to argue that the zoning code is unnecessarily burdensome based on proposal and adjacent uses.</i> The hardship results from the strict interpretation of this ordinance and is not the result of self-created or self-imposed circumstances. <u>Not Found.</u> <i>No hardship is identified. The application materials seem to argue that the zoning code is unnecessarily burdensome based on proposal and adjacent uses.</i>	
RECOMMENDATION: The zoning administrator does not believe that a hardship exists. The application materials seem to argue that the zoning code is unnecessarily burdensome based on the proposal and adjacent uses. In considering that the code is unnecessarily burdensome, recent events provide additional justifications to that argument.	

- The Plan Commission recently made a recommendation to the zoning administrator to revise the setbacks within residential districts. The proposed revision would decrease front, rear, and side yard setbacks, allowing a greater density of homes and structures. The proposal would decrease the considered rear yard setback from 30' to 25'. The proposal still places the structure within that setback as it would be 17' from the rear lot line.
- The board of appeals approved a similar variance in September of 2023 in the same neighborhood. The discussion at that time acknowledged that the general harmony of the neighborhood would not be disrupted and agreed to a variance due to the fact that the proposal was regarding a deck and not an enclosed building. This highlighted that the existing zoning code is vague regarding decks being treated as accessory structures or primary structures. The code defines a "building" as a structure with a roof intended for shelter. It defines a "structure" as anything built on the ground. It defines "accessory buildings" but not "accessory structures." This is an oversight of the zoning code.
- The Zoning Administrator has taken the interpretation (for 3+ years) that a structurally independent deck is an accessory building, while an attached deck is considered an addition to the primary structure. In this instance, that interpretation would verify that the zoning code is unnecessarily burdensome. Requiring the deck to be built independent of the primary structure, although the distance between the two could be less than an inch.



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Planning and Zoning Application

Municipality (Check One):

☒ City of Mineral Point

☐ Town of Mineral Point(ETZ)

Property Address:

314 Filardo Court, Mineral Point, WI 53565

Parcel #:

251-0370.007

Lot Size:

.27 acres

Property Owner:

Name:

Dennis Jacobson

Address:

314 Filardo Court

Mineral Point, WI 53565

Phone:

262.308.7001

Email:

dennisjacobson74@gmail.com

Agent:

Name:

Address:

Phone:

Email:

Action Requested:

Administrative Review:

- | | |
|--|-------|
| ☐ New Build 1 & 2 Family Residential: | Fee: |
| ☐ Residential Additions: | \$100 |
| ☒ Accessory Structure: | \$75 |
| ☐ Commercial Zoning: | \$50 |
| ☐ Commercial Signage: | \$150 |
| ☐ Driveway: | \$50 |

Planning Approval*:

- | | |
|--|---------------------------|
| ☐ Certified Survey Map (CSM): | Fee: |
| ☐ Conditional Use Permit: | \$300 |
| ☒ Zoning Change Request: | \$400 |
| ☒ Variance Request: | \$500 |
| ☐ Plat Review: | \$500 |
| ☐ Commercial Site Plan Review: | \$300 |
| ☐ Land Use Planning: | Engineering Expense + 10% |
| | \$3,000 |

* Planning Approval Items require review and approval by the Plan Commission, the Board of Appeals, and/or the City Council.

Instructions:

1. All Zoning Permits Applications require a description of the project and a preliminary site plan map. The Zoning administrator may request additional items. Permit approval is subject to having the necessary information.
2. Certified Survey Maps and Zoning Changes require a Plat of Survey or preliminary CSM.
3. Variance Requests must be accompanied by the applicant's written statement explaining: 1) Why complying with the ordinance results in unnecessary hardship, (2) evidence the hardship is due to the unique conditions of the property, and (3) demonstrate the variance will not harm the public interest.



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Project Description and Reason for Request:

16' x 16' deck on back of house. It will be attached. Requesting a zoning variance as the deck will be closer than 30' to the
back lot line. The actual distance from the edge of the deck to the back lot line will be 17'. The deck will be over 30' from all other
lot lines. We currently have a small patio but want to enlarge the area. To do this with concrete would require a much larger area
to get a safe landing area from the house to the patio. My wife and I are both over 70 and need the large landing for safety, with a
deck there would be no steps and could walk directly onto the deck. There is an open lot behind us and a deck would also not
impose on utilities that would be imposed on with a patio.

Attachments:

Deck plans, drawing with placement of deck on the property,
pictures of proposed deck area.

Applicant Signatures:

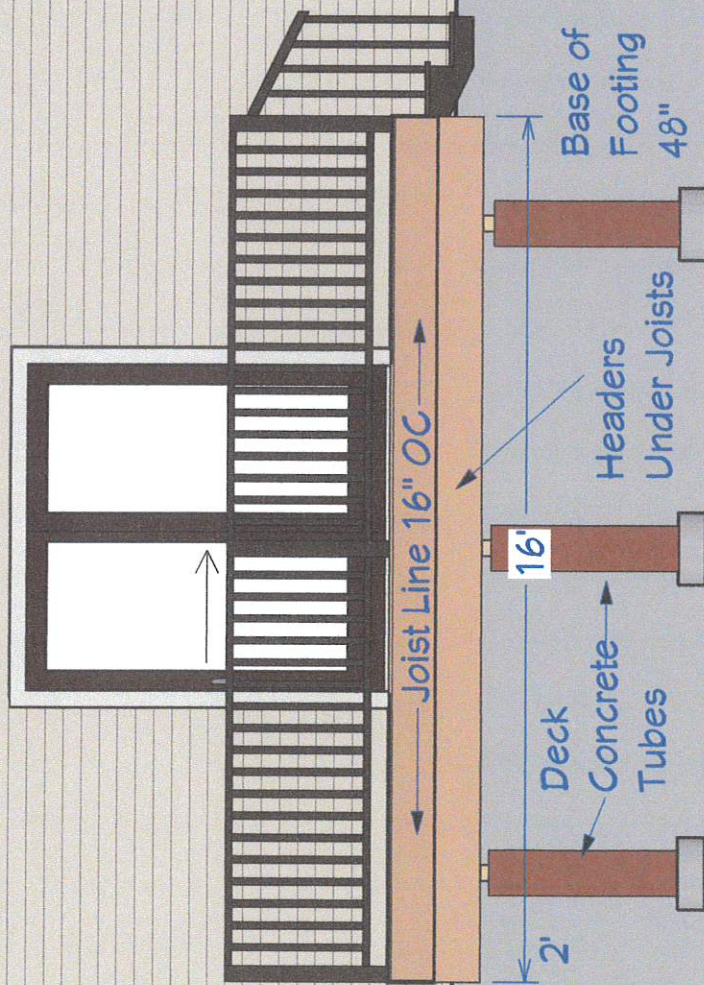
Signature, Printed Name, Date

Dennis Jacobson, June 23, 2026

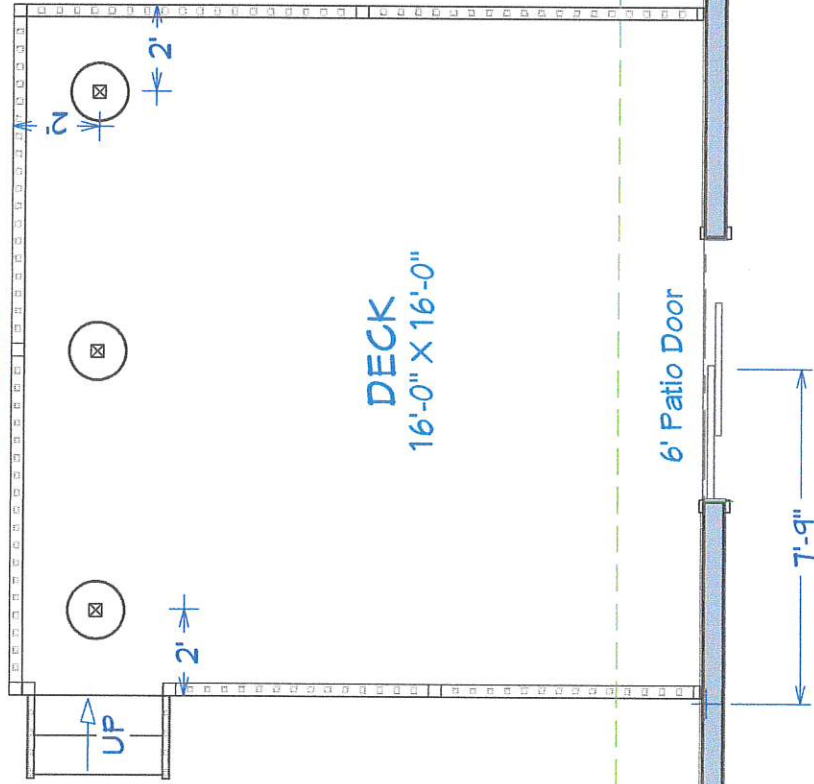
Signature, Printed Name, Date

Date Received: _____

Fee Collected: _____

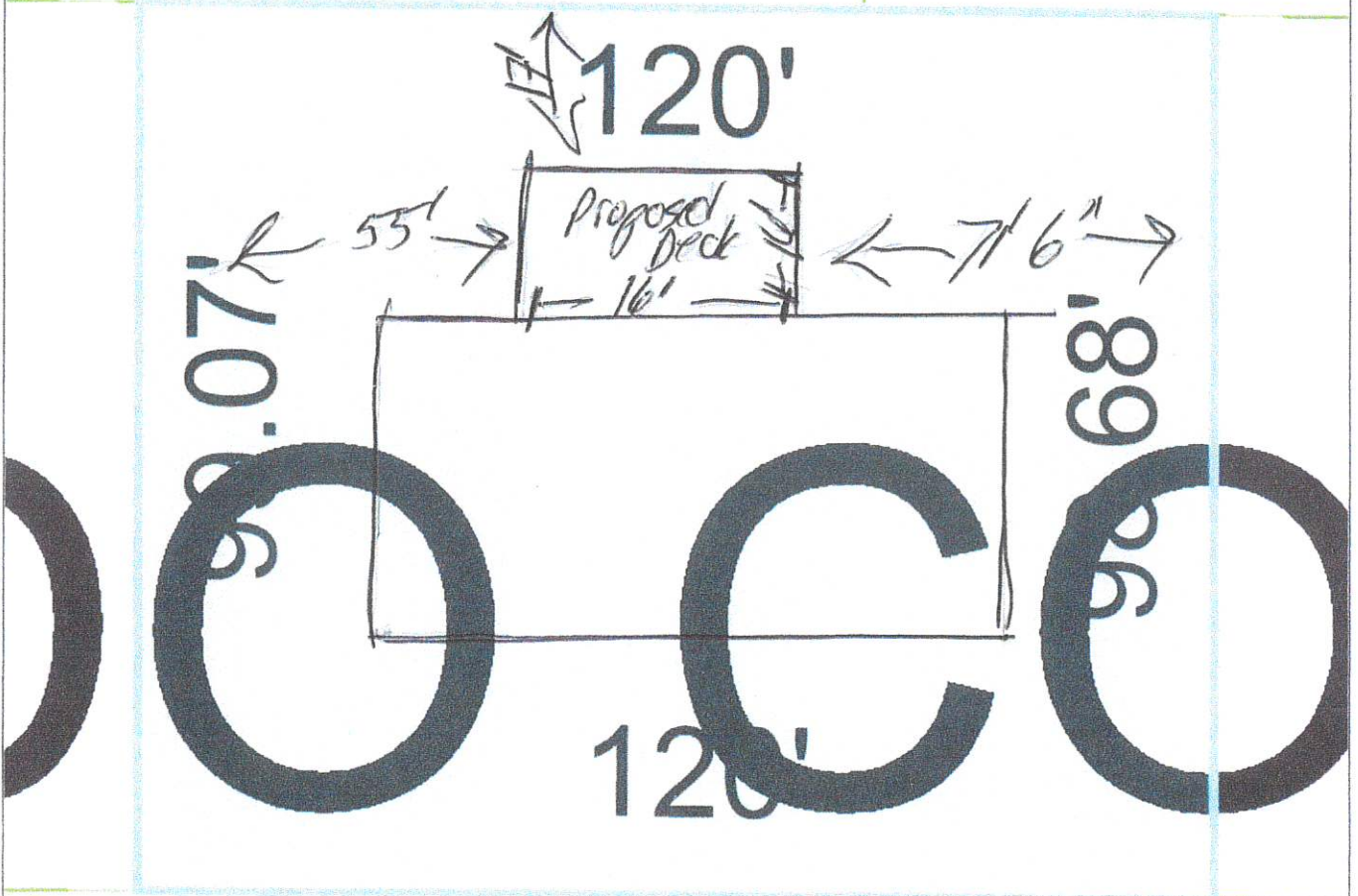


Jacobson Deck
05/15/2026



0'

10



28.48'

SW WI GIS

DISCLAIMER: No guarantee in the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1" = 20'



Print Date: 5/27/2026



June 23, 2026

To Whom It May Concern

SJ: Variance for deck at 314 Filardo Court

FM: Dennis and LuAnn Jacobson

We are requesting a variance to the 30' set back for structures attached to a home. Currently we have a small patio and would like to expand the area. We have considered expanding the patio however that presents issues which is why we are requesting the variance.

- The patio is off our eating area and there is a sliding patio door out onto our current patio.
- My wife and I are both in our 70's and need a large landing to go from our house to the patio for safety reasons. This would require expanding the patio more than would be feasible. Why? 1) To the one side is where our electrical service and internet service enter the house and would be in the way to get the patio size desired. 2) To the other side is a retaining wall that would also be in the way to achieve the patio size desired.
- As with many homes in Mineral Point our property is not level and to get a patio expansion would require quite a bit of excavating which is why the utilities and retaining wall become problematic.
- The deck would be attached to the house and would be more than 55' from our east and west property lines. The only property line that would be less is to the north. That distance would be 17'. The deck would be 19" off the ground so its overall impact would be minimal versus a patio expansion.

Thank you for your review,

Dennis and LuAnn Jacobson