

# Decision of Zoning Board of Adjustment/Appeals

Town of Waubeek, Pepin Wisconsin

Application/petition # Eau Galle Cheese.

## FINDINGS OF FACT

Having heard the testimony and considered the evidence presented, the Board determines the facts of this case to be:

Filing Date: 2/3/26

Affidavit of publication/posting is on file.

Hearing Date: 3/4/26

1. The applicant or appellant is (name and address):  
Steve Bechel, Cheese Merchants, Eau Galle Cheese
2. The applicant or appellant is the <sup>President</sup> ~~owner/lessee/mortgagee~~ of the following described property which is the subject of the application or appeal:  
NE/NW 1/4 of NE/NW 1/4, City/Village/Town of Waubeek, Pepin County  
known as (street address) N 6765 State Hwy 25, Durand
3. The property is presently in use for Cheese Production and has been so used continuously since APPROX 1985.
4. The property includes a nonconforming structure/use described as NA
5. The property has been the subject of a prior appeal/variance/conditional described as NA
6. The applicant or appellant proposes (brief project description/attach plans):  
to construct a bldg addition that extends 42' beyond the set back
7. The applicant or appellant requests: requirements from South Prairie Lane.
  - An appeal of the zoning administrator's determination.
  - A conditional use/special exception.
  - A variance.

...under Section 7.1.08 Industrial-I-1, E. Yards of the ordinance.

The features of the proposed construction and property that relate to the grant or denial of the application or appeal are (refer to the language/standards of the ordinance):

whenever the I-1 Industrial District abuts upon another district, every building or industrial use of the property in the I-1 Industrial district shall set back from the property line of such other district a minimum of 100' (feet).

The variance request is for constructing a building addition into the set back by up to 42' from South Prairie Lane.

CONCLUSIONS OF LAW

Based on the above findings of fact the Board concludes that:

Appeal/Interpretation - The order of the zoning administrator is/is not in excess of his/her authority because (or) The zoning administrator's interpretation of Section \_\_\_\_\_ of the zoning code is/is not a correct interpretation because \_\_\_\_\_

NA

Variance - The variance ~~does~~ does not meet all three of the following tests:

- A. Unnecessary hardship ~~is~~ is not present since strict application the terms of the zoning ordinance ~~would~~ would not deny the applicant all reasonable use of the property because To compete in todays market the capacity of the factory needs to increase. The site geographic configuration is such that some of the expansion needs to occur on the north side.
- B. The hardship ~~is~~ is not due to physical limitations of the property rather than the circumstances of the appellant because To meet DNR storm water requirements the construction on the north side is needed to allow storm water to go to the south.
- C. The variance ~~will~~ will not be contrary to the public interest and ~~will~~ will not observe the purpose of the ordinance and do justice because Allowing the variance does not cause undo hardship on adjoining land owners or South Prairie Lane, The soale will be removed and angle driveway will be removed making South Prairie Lane Safer.

Conditional Use - The application for a conditional use permit ~~does~~ does not qualify under the criteria of Section \_\_\_\_\_ of the ordinance because \_\_\_\_\_

NA

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter the board orders:

Appeal/Interpretation - The zoning administrator's order/interpretation of the zoning code or map is affirmed/modified/reversed and the administrator is ordered to:

NA

~~Variance/Conditional Use~~ - The requested ~~variance/conditional use~~ is ~~denied~~ granted/granted-in-part subject to the following conditions:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

NA

The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicant's signature that he/she understands and accepts the conditions.

Expiration of permit. Any privilege granted by this decision must be exercised within 50 months of the date of this decision after obtaining the necessary building, zoning and other permits for the proposed construction. This period will be extended if this decision is stayed by the order of any court or operation of law.

Revocation. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The municipality assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

Zoning Board of Adjustment Appeals

Signed John Weber  
Chairperson

Attest Paul [Signature]  
Secretary

Dated: 3/5/26

Filed: with Town of Waukegan

Voting Record

- John Weber — Voted YES
- Paul Seipel — Voted YES
- Jeff Menting — Voted YES
- Karl Polzer — Voted YES
- Justin Schofield — Voted YES

YES vote means the varionce Request is approved.