

BACKGROUND

DATE: April 21, 2025

TO: Board of Adjustment

FROM: Tammy Traxler, Zoning Administrator

AGENDA ITEM: Extension request CUP # 24-004
Applicants: Derek and Andrea Trainor

Background:

The Board of Adjustment granted Conditional Use Permit #24-004 on May 20, 2024, for the construction and operation of a maple syrup processing facility, subject to conditions outlined in the Board's Findings of Fact and Decision filed on June 17, 2024.

Condition 2.j. of the original approval states:

The applicant shall have one (1) year from the issuance of this approval to commence construction and two (2) years to complete the project. Failure to do so may result in expiration or revocation of this decision.

Condition 3. Of the original approval states:

This conditional use shall expire if the authorized construction or expansion has not commenced within one year from the date of this Order, unless an extension is granted by the Board of Adjustment upon written request by the applicant.

On April 7, 2025, the applicant submitted a written request seeking an extension of the one-year commencement requirement.

Attachments: 04/07/2025 Trainor-Extension Request
06/17/2024 BOA Findings of Fact Decision Document



Renewal/Extension

FEE: ~~\$70~~ Receipt # 513540
 Conditional Use (\$800)
 Livestock Siting (\$750)
 After the Fact (2X Fee)
 Cash or Check # 1551
 *Checks Payable to Dunn County Zoning

Conditional Use Application

FOR OFFICE USE ONLY

PERMIT#: CUP 24-004 Zoning District: GA Township: Lucas Zoning Staff Present: T.T.
 App # 70733 Initial Received Date: 4/7/2025 Complete Application Date: 4/7/2025 Date Public Hearing: 4/21/25
meeting

Property Owner		Agent/Contractor <input type="checkbox"/> Same as owner	
Name	Derek & Andrea Trainor	Name/Business	
Mailing Address	6131 Steinke Road	Mailing Address	
City/State/Zip	Fall Creek WI 54742	City/State/Zip	
Phone	715-579-1866	Phone	
Email	derek@rocketconstruction.com	Email	

Property Information

Parcel ID # 1701422814322200003 Site Address Vacant Land Same as owner
 S 32 T 28 N R 14 W CSM/Subdivision CSM 4479 Lot# 1 Blk# N/A
 Lot Size (Acres) 34.12 Present Use General Agriculture - Farming Maple Trees
 Zoning District: Ag Overlay Zoning District(s): N/A

Project

State the nature of your request:
 Due to not being awarded the USDA grant we applied for—along with the ongoing funding freeze, high interest rates, and increasing construction costs due to tariffs—I have had to revise my maple syrup processing facility proposal to a wood structure. We are currently in the process of securing an SBA 504 loan to fund the build, which means the earliest we could begin construction would be June or July of this year.
 My conditional use permit is valid until May 2025, after which I would need to renew it for another year. Given the factors I am requesting the renewal.
 Zoning Ordinance and Section Reference: Processing of Agricultural Products Produced on the Farm

General Requirements

Site Plan Completed Written Brief Attached Supplemental Standards Owner's Letter of Consent (if applicable)

By signing below, I certify that all information contained in or attached to this application is true and correct to the best of my knowledge. I authorize Dunn County Environmental Services staff to access my property if necessary to verify that the Dunn County Zoning Ordinance standards and any conditions of the public hearing are met. I understand that I am responsible for checking with the applicable township, building inspector, DNR, and any other entities that may have jurisdiction over my project. I understand that this application does not guarantee that the conditional use will be granted. I acknowledge either the owner or agent on this application must attend the Public Hearing.

Owner/Agent Signature: [Signature] Date: 3-31-25
 Zoning Official Signature: [Signature] Date: 4/7/25

Please note: This is an application and does not guarantee a Conditional Use will be granted.

**FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION, AND ORDER OF THE
BOARD OF ADJUSTMENT**

CASE SUMMARY	
File Number	CUP-24-004
Decision	Granted with Conditions
Complete Application Date	April 23, 2024
Dates of Hearing Notice Publication	May 8 and 15, 2024
Hearing Date	May 20, 2024
BOARD MEMBERS	VOTE to APPROVE
Crystal Halvorson, Chair	Yes
David Bartlett, Vice Chair	Yes
Gerald Porter, Secretary	Yes
Jill Noreen	Not Present
Mark Dietsche	Yes

**HAVING HEARD ALL THE TESTIMONY AND CONSIDERING THE ENTIRE RECORD HEREIN,
THE BOARD MAKES THE FOLLOWING FINDINGS OF FACT:**

1. Applicant Information:
 - The applicants, Derek and Andrea Trainor, reside at 6131 Steinke Road, Fall Creek, Wisconsin.
2. Property Information:
 - The property is legally described as, “Northwest Quarter of the Northwest Quarter of Section 32, Township 28 North, Range 14 West, Town of Lucas, Dunn County, Wisconsin, EXCEPT Lot 1 of Certified Survey Map No. 4479, recorded in Volume 22 of Certified Survey Maps on Page 79 as document number 631582
 - The property’s zoning designation is General Agriculture (GA).
 - The property’s parcel identification number is 1701422814322200003.
3. Conditional Use Regulations:
 - Dunn County’s Comprehensive Zoning Ordinance § 13.2.8.07(4)(1) includes “agriculture-related business” as a conditional use within the General Agriculture zoning district.

- The applicants are seeking a conditional use for a maple syrup processing facility, an agriculture-related business, in accordance with § 13.2.8.07(4)(1).
4. Public Hearing and Testimony:
 - A Class II notice was published in the Dunn County News on May 8 and 15, all in 2024, establishing a public hearing on May 20, 2024, during the Dunn County Board of Adjustment meeting.
 - Testimony during the public hearing included presentations by Dunn County Planning and Land Use Control staff Anne Wodarczyk and the applicant Derek Trainor.
 - The Board members considered maps, photographs, application forms, written submissions, and testimony from all parties.
 5. Legal Framework:
 - Pursuant to 59.694(1) and 62.23(7)(e) of the Wisconsin Statutes, the Board has the power to make special exceptions to the terms of the ordinance in harmony with general or specific rules therein contained.
 - Principles outlined in § 13.4.0.04 (f) are applicable to the Board's decision-making process.

BASED ON THE ABOVE FINDINGS OF FACT, THE BOARD MAKES THE FOLLOWING CONCLUSIONS OF LAW:

1. The applicant has met all statutory requirements for granting a conditional use under Wisconsin state law.
2. Granting the conditional use is consistent with the purpose and intent of the Dunn County Comprehensive Zoning Ordinance.

UPON DUE CONSIDERATION OF THE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE DUNN COUNTY BOARD OF ADJUSTMENT HEREBY MAKES THE FOLLOWING DECISION:

1. The conditional use request made by Derek and Andrea Trainor, to construct and operate a maple syrup processing facility is hereby **GRANTED**.
2. This conditional use is subject to the conditions outlined in the Order and Determination section below.

BASED ON THE FOREGOING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION, THE DUNN COUNTY BOARD OF ADJUSTMENT HEREBY ORDERS AND DETERMINES AS FOLLOWS:

1. The conditional use is granted in accordance with the Decision above.
2. This conditional use is subject to the following conditions:
 - a. All property owners utilizing the approvals granted by this conditional use permit must uphold all representations and commitments made in the application,


testimony before the Board, and in compliance with conditions. Failure to adhere to these representations, commitments, or conditions may result in the revocation or modification of the conditional use permit.


- b. All uses approved pursuant to the Conditional Use Permit and all property utilized in connection with this use must comply with governing regulatory provisions, including but not limited to public health, Department of Natural Resources, fire safety regulations, and building code provisions.
 - c. All required permits and/or approvals must be obtained from both Dunn County and the Town of Lucas, as well as any other necessary permits and approvals mandated by local, state, or federal authorities.
 - d. Vehicular traffic associated with the facility must adhere to all roadway weight and load restrictions imposed by relevant authorities. This includes compliance with any posted weight limits, load restrictions, or other regulations pertaining to vehicular traffic on adjacent roadways.
 - e. Driveways, parking lots, sidewalks, and paths will be established and maintained with clear signage to facilitate traffic flow.
 - f. Activities conducted under this conditional use permit will not result in nuisances such as excessive traffic, noise disturbances, or inadequate parking facilities.
 - g. Outdoor lighting will be installed solely for purposes of security, safety, and traffic circulation, with an emphasis on minimizing light pollution. All outdoor lights will be shielded and directed downward to prevent glare and unnecessary upward light dispersion.
 - h. All proposed site improvements must adhere to the plans and specifications submitted with the Conditional Use Permit Application (CUP 24-004).
 - i. Any changes to the project details will require review by the Zoning Administrator to determine further requirements.
 - j. The applicant shall have one (1) year from the issuance of this approval to commence construction and two (2) years to complete the project. Failure to do so may result in expiration or revocation of this decision.
3. This conditional use shall expire if the authorized construction or expansion has not commenced within one year from the date of this Order, unless an extension is granted by the Dunn County Board of Adjustment upon written request by the applicant.
 4. A copy of this Order and Determination shall be filed with the Dunn County Zoning Administrator and provided to the applicant.
 5. The record of this decision shall be maintained as part of the official records of the Dunn County Board of Adjustment.

This approval is subject to the terms and conditions, and where such terms or conditions have been violated or not complied with, as an alternative or in addition to any other enforcement action. This approval does not allow for any additional construction, structures, or buildings beyond the limits of this request. This approval does not preempt the property owner's obligation to comply with other applicable federal, state, and local regulations.

NOTICE OF RIGHT TO APPEAL – Any person aggrieved by this decision, or any taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of this decision in the office of the board of adjustments, commence an action in circuit court seeking the remedy available by certiorari.

DATED this 17th day of June, 2024.

By:  6/17/24
(Signature) (Date) Crystal Halvorson, Chairperson

Attested:
 6-17-2024
(Signature) (Filing Date) Tracie Albrightson, Recording Secretary

This Order and Determination effectively concludes the matter regarding the variance request by the applicants Derek and Andrea Trainor.