JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Janet Sayre Hoeft, Chair; Dale Weis, Vice-Chair; Don Carroll, Secretary; Paul Hynek, First Alternate; Randy Mitchell, Second Alternate

PUBLIC HEARING BEGINS AT **1:00 P.M.** ON JULY 14, 2011, ROOM 205, JEFFERSON COUNTY COURTHOUSE

<u>CALL TO ORDER FOR BOARD MEMBERS</u> IS AT 9:30 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

<u>SITE INSPECTION FOR BOARD MEMBERS</u> LEAVES AT 9:45 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 9:30 a.m.

Meeting called to order @ 9:30 a.m. by Janet Sayre Hoeft

2. Roll Call

Members present: Janet Sayre Hoeft, Donald Carroll

Members absent: Dale Weis

Staff: Laurie Miller, Michelle Staff

3. Certification of Compliance With Open Meetings Law Requirements

Sayre acknowledged publication. Staff also presented proof of publication.

4. Review of Agenda

Carroll made motion, seconded by Hoeft, motion carried 2-0 to approve the review of the agenda.

5. Approval of May 12, 2011 Meeting Minutes

Carroll made motion, seconded by Hoeft, motion carried 2-0 to approve the May 12, 2011 meeting minutes.

6. Discussion on Zoning Amendments

NOTE: For future date, the Board would like to review the fees charged for variance petitions to be placed on the agenda.

7. Site Inspections – Beginning at 9:45 a.m. and Leaving from Room 203

V1365-11 – Jason Dey, W5332 Curtis Mill Rd, Town of Jefferson

V1366-11 – Marcus & Tracy Rothmeyer, N953 Vinne Ha Ha Rd, Town of Koshkonong

V1368-11 – Dennis J Mattila, N8042 CTH Y, Town of Watertown

V1367-11 – Matthew & Nicole Thomas, N6974 Kuhl Rd, Town of Lake Mills

8. Public Hearing – Beginning at 1:00 p.m. in Room 205

Meeting called to order @ 1:00 p.m. by Janet Sayre Hoeft

Members present: Janet Sayre Hoeft, Donald Carroll, Dale Weis

Members absent: --

Staff: Laurie Miller, Michelle Staff

Procedure explained by Hoeft.

The following was read into record by Carroll:

NOTICE OF PUBLIC HEARING JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

NOTICE IS HEREBY GIVEN that the Jefferson County Zoning Board of Adjustment will conduct a public hearing at 1:00 p.m. on Thursday, July 14, 2011 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. Matters to be heard are applications for variance from terms of the Jefferson County Zoning Ordinance. No variance may be granted which would have the effect of allowing in any district a use not permitted in that district. No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules. Subject to the above limitations, variances may be granted where strict enforcement of the terms of the ordinance results in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated. Based upon the findings of fact, the Board of Adjustment must conclude that: 1) Unnecessary hardship is present in that a literal enforcement of the terms of the ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; 2) The hardship is due to unique physical limitations of the property rather than circumstances of the applicant; 3) The variance will not be contrary to the public interest as expressed by the purpose and intent of the zoning ordinance. PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE **PRESENT.** There may be site inspections prior to public hearing which any

interested parties may attend; decisions shall be rendered after public hearing on the following:

<u>V1365-11 – Jason Dey:</u> Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to allow a garage addition at less than 85 feet from the road centerline and less than 50 feet from the road right-of-way; variance from Sec. 11.09(c) to exceed 50% of the home's fair market value for a second time for the attached garage. The site is at **W5332 Curtis Mill Road** in the Town of Jefferson, on PIN 014-0614-2641-003 (3.81 Acres) in an A-1 Agricultural zone.

Jason Dey presented his petition. There were no questions or comments in favor or opposition of the petition. Carroll read into the record the decision from the Town of Jefferson of approval which was in the file. Carroll also read into the record a letter from Heidi Kennedy, DNR, opposed to this petition. Michelle Staff gave staff report.

Hoeft questioned staff on the variance request. Staff explained. Carroll commented on Sec. 11.09 of the ordinance & asked the petitioner if he had any response to the DNR letter. Hoeft questioned staff on who determines the navigatability of water. Weis commented on the DNR letter. There was a discussion on setbacks.

<u>V1366-11 – Marcus & Tracy Rothmeyer:</u> Variance from Sec. 11.07(b)1 to allow a detached accessory structure at less than 3 feet to a side property line in a Residential R-2 zone. The site is at **N953 Vinnie Ha Ha Rd** in the Town of Koshkonong, on PIN 016-0513-2434-009 (0.261 Acres).

Tracy Rothmeyer presented the petition. There were no questions or comments in favor or opposition of the petition. There was a response in the file from the Town of Koshkonong approving this petition which was read into the record by Carroll. Staff report was given by Staff.

Carroll questioned staff on the purpose of the variance. Weis questioned staff on the date the ordinance clarified setbacks from the foundation to the overhang.

<u>V1367-11 – Matthew & Nicole Thomas:</u> Variance from Sec. 11.02, "lot" definition and 11.03(g) and 11.03(d)1 for proposed creation of an A-2, Agribusiness zone without access to and frontage on a public road. The site, including an existing building, is near **N6974 Kuhl Road** in the Town of Lake Mills on PIN 018-0713-0431-000 (37.2 Acres) in an A-1, Agricultural zone.

Matthew Thomas presented his petition. There were no questions or comments in favor or opposition of the petition. Carroll read into the record the decision of approval from the Town of Lake Mills which was found in the file. Carroll also read

into the record a letter in the file from Ralph & Vicki Vernig. Staff report was given by Staff.

Hoeft questioned the purpose of the A-2 zone and if a house could be built on the A-2 lot. Carroll made a statement of the ownership of the lot and surrounding land. Carroll questioned landlocked parcels. There was a discussion on attaching the proposed A-2 lot to the A-3 lot or A-1 lands. Hoeft questioned the size of the proposed A-2 lot and access to the farmland. Weis questioned staff if the A-2 lot would create a development lot. Carroll questioned the storage of recreational vehicles and if it was impossible to create an access. Hoeft questioned/confirms with staff that no house could be built. Carroll questioned access. Petitioner approached the table to explain the access.

<u>V1368-11 – Dennis J Mattila:</u> Variance from Sec. 11.07(d)2 to allow a structure at less than 110 feet from the centerline and less than 50 feet from the right-of-way of CTH Y. The site is at **N8042 CTH Y** in the Town of Watertown, on PIN 032-0815-3011-001 (6.2 Acres) in an A-3, Rural Residential zone.

The petition was presented by Dennis Mattila. There were no questions or comments in favor or opposition of the petition. There was a response in the file from the Town of Watertown granting approval of this petition which was read into the record by Carroll. Staff report was given by Staff.

Hoeft questioned access into the building, and questioned staff if the County Highway Department was notified. Weis questioned the placement of the structure. Carroll made a statement on moving the structure back on the lot. Hoeft questioned where on the lot it started getting wet. Carroll commented on the physical hardship of the land, and explained the criteria to grant a variance. Hoeft questioned the petitioner on why the structure couldn't be moved back.

9. Decisions on Above Petitions (See Files)

10. Adjourn

Weis made motion, seconded by Carroll, motion carried 3-0 to adjourn @ 2:58 p.m.

If you have questions regarding these matters, please contact the Zoning Department at 920-674-7113 or 920-674-8638.

The Board may discuss and/or take action on any item specifically listed on the agenda.

JEFFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so appropriate arrangements can be made.

PETITION NO.:	2011 V1365	
HEARING DATE:	07-14-2011	
APPLICANT:	Jason D. Dey	
PROPERTY OWNER:	SAME	
PARCEL (PIN #):	014-0614-2641-003	
TOWNSHIP:	Jefferson	
INTENT OF PETITION addition to a single family closer to the road.	1 0	riance for a 756 sq. ft. attached garage y exceeded 50%, and the addition will be
THE APPLICANT REQUIRE JEFFERSON COUNTY		OM SECTION <u>11.07(d)2 & 11.09(c)</u> OF NCE.
		RUCTION AND PROPERTY WHICH E VARIANCE APPLICATION ARE:
		nereas 75 feet is required. In addition,
centerline whereas the requ	uired setback is 50 feet fro	d Right-of-way and 60.89 feet from the om the right-of-way and 85 feet from the ately 22 feet from the right-of-way and 55
In 1977, a zoning/land use	nermit was issued for a 3	-car attached garage, not going any
	-	s granted a variance to add a front
		re was granted a variance to exceed
		g the square footage of the structure.
	ONS BASED ON SITE II	NSPECTIONS: Site inspections
FACTS PRESENTED AT	PUBLIC HEARING:	See tape, minutes & file.

Α.	NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT						
В.	ALLOWING A USE	Y BE GRANTED WH OF LAND OR PROPE TRATIVE RULES:	ERTY WHIC	H WOULD VIO			
C.	WHERE STRICT EN RESULTS IN AN UN STANDARDS WILL	ABOVE LIMITATION NFORCEMENT OF T NNECESSARY HARD ALLOW THE SPIRIT FICE TO BE ACCOM	HE TERMS SHIP & WH OF THE O	OF THE ORDI ERE A VARIAN RDINANCE TO	NANCE ICE IN THE BE OBSERVED,		
	BASED ON THE FI	NDINGS OF FACT, T	HE BOARD	CONCLUDES '	ТНАТ:		
1.	UNREASONABLY P PERMITTED PURP RESTRICTIONS UN	RDSHIP IS NOT PR F THE TERMS OF TEREVENT THE OWN OSE OR WOULD RE INECESSARILY BUR to be preserved to pro	HE ZONIN IER FROM I NDER CON IDENSOME	G ORDINANCE USING THE PR FORMITY WIT BECAUSE	E WOULD NOT OPERTY FOR A H SUCH the public		
2.		NOT DUE TO UNIC R THAN THE CIRC s no hardship – it's the	UMSTANCE	S OF THE APP	LICANT		
3.	EXPRESSED BY TH BECAUSE it viola	LL BE CONTRARY 'E PURPOSE AND IN tees DNR regulations. county ordinances also	NTENT OF TONR made	ΓΗΕ ZONING (strong statement	ORDINANCE		
<u>*A VA</u>	RIANCE MAY BE GR	ANTED IF ALL THE	SE CONDI	ΓΙΟΝS ARE ME	<u>T*</u>		
DECI	SION: THE REQUES	TED VARIANCE IS	DENIED.				
MOTI	ION: Weis	SECOND:	Hoeft	VOTE: 3-0			
CONI	DITIONS OF APPROV	AL/DENIAL:					
	ED:			DATE:	07-14-2011		
		CHAIRPERSON					

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.

DECISION OF THE ZONING BOARD OF ADJUSTMENT JEFFERSON COUNTY, WISCONSIN

PETITION NO.:	2011 V1366
HEARING DATE:	07-14-2011
APPLICANT:	Marc & Tracy Rothmeyer
PROPERTY OWNER:	SAME
PARCEL (PIN #):	016-0513-2434-009
TOWNSHIP:	Koshkonong
INTENT OF PETITION	
structure that is 1.5	feet from the side lot line.
	UESTS A VARIANCE FROM SECTION <u>11.07(b)1</u> OF NTY ZONING ORDINANCE.
	HE PROPOSED CONSTRUCTION AND PROPERTY WHICH NT OR DENIAL OF THE VARIANCE APPLICATION ARE:
	use permit was issued to placed a detached accessory structure 3
	meeting all setback requirements. In 2011, it was discovered that
	aced 1 ½ feet from the side lot line whereas, the required setback
	would like to remove the roof of the existing structure and match
	of the residence. The petitioners are not proposing to go any closer sting garage roof line, but the new height of the structure would
<u>DE 22 IEEL.</u>	
	ONS BASED ON SITE INSPECTIONS: Site inspections
conducted. Observ	ved property layout & location.
FACTS PRESENTED AT	PUBLIC HEARING: See tape, minutes & file.

A.		Y BE GRANTED WH Y DISTRICT A USE N 			
В.	ALLOWING A USE	Y BE GRANTED WH OF LAND OR PROPI TRATIVE RULES:	ERTY WHIC	H WOULD VIO	
C.	WHERE STRICT E RESULTS IN AN U STANDARDS WILL	ABOVE LIMITATION NFORCEMENT OF T NNECESSARY HARD ALLOW THE SPIRIT TICE TO BE ACCOM	THE TERMS OSHIP & WH T OF THE O	OF THE ORDI IERE A VARIAN RDINANCE TO	NANCE CE IN THE BE OBSERVED,
	BASED ON THE FI	NDINGS OF FACT, T	THE BOARI	CONCLUDES '	ГНАТ:
4.	OF THE TERMS OF PREVENT THE ON PURPOSE OR WOL	ARDSHIP IS PRESEN F THE ZONING ORI WNER FROM USING ULD RENDER CONF BURDENSOME BEC	DINANCE <mark>W</mark> THE PROP ORMITY WI	OULD UNREAS ERTY FOR A PE TH SUCH REST	SONABLY CRMITTED CRICTIONS
	the existing s	tructure to meet the 3'	overhang set	back.	
5.	PROPERTY RATHI BECAUSE the pr	DUE TO UNIQUE PER THAN THE CIRC resent owner did not cooning when it was built if	UMSTANCI	ES OF THE APPE tructure. It's poss	LICANT sible the structure
6.	EXPRESSED BY TH BECAUSE it has	ILL NOT BE CONTE HE PURPOSE AND IN existed since 1982 with h adjacent property dev	NTENT OF ' no adverse a	THE ZONING O	ORDINANCE
A VA	RIANCE MAY BE GI	RANTED IF ALL THE	ESE CONDI	ΓΙΟΝS ARE ME	<u>T</u>
DECI	SION: THE REQUE	STED VARIANCE IS	GRANTED.		
MOT	ION: Weis	SECOND:	Hoeft	VOTE: 3-0	
CONI	DITIONS OF APPRO	VAL/DENIAL:			
SIGN	ED:			DATE:	07-14-2011
		CHAIRPERSON			

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.

JEFFERSON COUNTY, WISCONSIN

PETITION NO.:	2011 V1367
HEARING DATE:	07-14-2011
APPLICANT:	Matthew Thomas & Nicole Schultz-Thomas
PROPERTY OWNER:	SAME
PARCEL (PIN #):	018-0713-0431-000
TOWNSHIP:	Lake Mills
INTENT OF PETITION public road.	ER:To create an A-2 zone without frontage and access on a
P 40110 10401	
	JESTS A VARIANCE FROM SECTION 11.02 & 11.03(d)1,
<u>11.03(g)</u> OF THE JEFFER	RSON COUNTY ZONING ORDINANCE.
	IE PROPOSED CONSTRUCTION AND PROPERTY WHICH
	NT OR DENIAL OF THE VARIANCE APPLICATION ARE:
	g an A-2 lot without frontage and access whereas, new lots are
<u> </u>	ownership and frontage on a public road. In 2005, a certified
	ncluding the existing shed within the A-3 lot. The petitioner in
	survey map and A-3 zone to exclude the building from the
	the owner has approximately 196 feet of frontage and could
-	public road for this new lot. There are no physical features
preventing the creation of	the 66 foot strip.
	ONS BASED ON SITE INSPECTIONS: Site inspections
conducted. Observ	red property layout & location.
FACTS PRESENTED AT	PUBLIC HEARING: See tape, minutes & file.
	<u> </u>

Α.	NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT						
В.		USE OF LAN	ND OR PROPI	ERTY WHI	LD HAVE THE EI CH WOULD VIOI 		
C.	WHERE STRI RESULTS IN A STANDARDS	CT ENFORC AN UNNECE WILL ALLOV	EMENT OF T ESSARY HARD W THE SPIRIT	THE TERM SHIP & W TOF THE	NCES MAY BE GR IS OF THE ORDIN HERE A VARIAN ORDINANCE TO , & THE PUBLIC I	NANCE CE IN THE BE OBSERVED,	
	BASED ON TH	HE FINDING	GS OF FACT, T	HE BOAR	D CONCLUDES T	ТНАТ:	
7.	ENFORCEME UNREASONA PERMITTED RESTRICTION by the 1	NT OF THE BLY PREVE PURPOSE O NS UNNECE	TERMS OF T NT THE OWN R WOULD RE SSARILY BUF ty. There's amp	HE ZONI IER FROM NDER CO RDENSOM	N THAT A LITERANG ORDINANCE I USING THE PRO NFORMITY WITH E BECAUSE to the parent lot the	WOULD NOT DPERTY FOR A H SUCH it's not caused	
8.		ATHER THA	N THE CIRC		ICAL LIMITATIO		
9.		BY THE PUR	POSE AND IN	NTENT OF	UBLIC INTEREST THE ZONING O		
A VA	RIANCE MAY I	BE GRANTE	D IF ALL THE	ESE COND	ITIONS ARE MET	<u>[</u>	
DECI	SION: THE RE	QUESTED V	ARIANCE IS	DENIED.			
MOT	ION: Carroll		SECOND:	Weis	VOTE: 3-0		
CONI	DITIONS OF AP	PROVAL/DI	ENIAL:				
SIGN	ED:				DATE:	07-14-2011	
		CHAI	RPERSON				

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.

DECISION OF THE ZONING BOARD OF ADJUSTMENT JEFFERSON COUNTY, WISCONSIN

PETITION NO.:	2011 V1368
HEARING DATE:	07-14-2011
APPLICANT:	Dennis J. Mattila
PROPERTY OWNER:	Dennis & Julie Mattila
PARCEL (PIN #):	032-0815-3011-001
TOWNSHIP:	Watertown
	NER:To construct a 40 feet x 50 feet (2,000 sq. ft.) detached an 110 feet from centerline and 50 feet from right-of-way of County
	UESTS A VARIANCE FROM SECTION <u>11.07(d)2</u> OF THE ZONING ORDINANCE.
RELATE TO THE GRAN	HE PROPOSED CONSTRUCTION AND PROPERTY WHICH NT OR DENIAL OF THE VARIANCE APPLICATION ARE: g to construct a 40' by 50' (2,000 sq. ft.) detached accessory
structure 46 feet from the	right-of-way and 110 feet from the centerline, whereas the required right-of way and 110 feet from the centerline of CTH Y. The
	n size. There is a location on the lot to meet all setback
requirements for this size	building (scaled map enclosed).
	ONS BASED ON SITE INSPECTIONS: Site inspections ved property layout & location.
Conducted. Observ	tea property rayout & rocation.
FACTS PRESENTED AT	T PUBLIC HEARING: See tape, minutes & file.

Α.	ALLOWING IN ANY D				
В.	NO VARIANCE MAY E ALLOWING A USE OF LAWS OR ADMINSTRA	LAND OR PROPE	RTY WHIC	H WOULD VIO	
C.	SUBJECT TO THE ABOUT WHERE STRICT ENFORMS IN AN UNN STANDARDS WILL AL SUBSTANTIAL JUSTIC VIOLATED.	ORCEMENT OF T ECESSARY HARD LOW THE SPIRIT	HE TERMS SHIP & WH OF THE O	OF THE ORDI ERE A VARIAN RDINANCE TO	NANCE ICE IN THE BE OBSERVED,
10.	UNNECESSARY HARI ENFORCEMENT OF TOUNREASONABLY PREPRED PURPOS RESTRICTIONS UNNINGESTRICTIONS UNDITGENORMALITY UNDITGEN	OSHIP IS NOT PRITHE TERMS OF TEVENT THE OWN E OR WOULD RE	ESENT IN THE ZONIN ER FROM UNDER CON DENSOME	THAT A LITER G ORDINANCE USING THE PRO FORMITY WIT BECAUSE	AL E WOULD NOT OPERTY FOR A H SUCH petitioner
11.	THE HARDSHIP IS NO PROPERTY RATHER BECAUSE	THAN THE CIRC	J MSTANCE	S OF THE APP	LICANT
12.	THE VARIANCE WILI EXPRESSED BY THE TENTE BECAUSE it doesn't precedent.	PURPOSE AND IN	TENT OF	THE ZONING (ORDINANCE
*A VA	RIANCE MAY BE GRAN	NTED IF ALL THE	SE CONDI'	ΓΙΟΝS ARE ME	
DECIS	SION: THE REQUESTE	ED VARIANCE IS I	DENIED.		
MOTI	ON: Carroll	SECOND:	Weis	VOTE : 2-1	
	E: Hoeft was not in favor of the house.	of denying the petition	on because it	e's forcing the pet	itioner to place the
COND	DITIONS OF APPROVAL	L/DENIAL:			
SIGNE	ED:			DATE:	07-14-2011
	O D DECISIONS MAY BE. E PROCEEDINGS IS AV			U RT. AUDIO R	ECORD OF