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 OCTOBER 13, 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 @ 9:38 a.m. by Janet Sayre Hoeft.

2. Roll Call

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

Members absent: --

Staff: Rob Klotz, Laurie Miller

3. Certification of Compliance With Open Meetings Law Requirements

Hoeft acknowledged publication. Staff also presented proof of publication.

4. Review of Agenda

Carroll made motion, seconded by Weis, motion carried 3-0 to approve the review of agenda.

5. Approval of September 8, 2011 Meeting Minutes

Carroll made motion, seconded by Weis, motion carried 2-0 to approve the September 8, 2011 meeting minutes. (Hoeft was not present for this meeting, and did not vote)

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

7. 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, Don Carroll, Dale Weis

Members absent: --

Staff: Rob Klotz, Laurie Miller

Procedure was explained by Hoeft.

AP1374-11 – Scott Thorp/Scott & Rebecca Thorp & Harvey II & Regina Beane Property: Appeal of the substantial damage estimate for the residence located at W7821 Willow Road, as a result of the 2008 flood event. The site is on PIN 028-0513-1142-034 (0.1 Acre) in a Waterfront zone in the Town of Sumner.

Klotz updated the Board on the estimates provided to the Zoning Department which came to <50%. Scott Thorp withdrew his appeal and will get permits for the work to be done.

The following was read into the 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, October 13, 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 and an administrative appeal. 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>V1375-11 – Kevin Hildebrandt:</u> Variance from Sec. 11.04(f)5 to create an A-1 zoned parcel at less than 35 acres. The site is at **W698 East River Road** in the Town of Concord, part of PINs 006-0716-1113-000 (33.66 Acres) and 006-0716-1112-000 (40 Acres).

Kevin Hillebrandt explained his petition. There were no questions or comments in favor or opposition of the petition. There was a town response in the file of no objection which was read into the record by Carroll. Staff report was given by Klotz.

Weis asked staff for clarification of statement of self-creation.

<u>V1376-11 – Kent & Carol Westendorf:</u> Variance from Sec. 11.07(d) to construct a detached garage at 45 feet from the road right-of-way and 75 feet from the road centerline at **N323 Tamarack Road** in the Town of Palmyra. The site is part of PIN 024-0516-3523-004 (0.71 Acres) in an A-1 Agricultural zone.

Carol Westendorf presented this petition. There were no questions or comments in favor or opposition of the petition. There was a decision in the file of no objection which was read into the record by Carroll. Klotz also noted that he received a call from Stuart Calkins this morning that he was not going to be able to attend today's hearing, and that the town had no objection. Staff report was given by Klotz.

Hoeft questioned access to the back of the house in case of fire. She also questioned the petitioner on why the structure couldn't be moved back. Weis asked for clarification on the addition of a future breezeway. Carroll commented on the location of the septic.

8. Decisions on Above Petitions (See files)

9. Adjourn

Motion was made by Hoeft, seconded by Weis, motion carried 3-0 to adjourn @ 1:48 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.

DECISION OF THE ZONING BOARD OF ADJUSTMENT JEFFERSON COUNTY, WISCONSIN

FINDINGS OF FACT

PETITION NO.: HEARING DATE:	2011 V1375 10-13-2011
APPLICANT:	Kevin Hildebrandt
PROPERTY OWNER:_	SAME
PARCEL (PIN #):	006-0716-1112-000, 006-0716-1113-000
TOWNSHIP:	Concord
	NER: Create an A-1 zoned parcel at less than 35 acres.
-	UESTS A VARIANCE FROM SECTION <u>11.04(f)5</u> OF UNTY ZONING ORDINANCE.
	HE PROPOSED CONSTRUCTION AND PROPERTY WHICH NT OR DENIAL OF THE VARIANCE APPLICATION ARE:
Rd. The petitioner is requ Proposed A-1 lot will be r whether the location mee	rently has 70.93 acres north of East River Drive and south of Allen lesting a variance to create an A-1 zone parcel less than 35 acres. eviewed by the Planning and Zoning Committee to determine ts land plan guidelines of clustering. There are currently two A-3 acres. The petitioner has other options to divide up the 70.93
acres without a variance.	
	IONS BASED ON SITE INSPECTIONS: Site inspections
conducted. Obser	ved property layout & location.
FACTS PRESENTED A	T PUBLIC HEARING: See tape, minutes & file.
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DECISION STANDARDS

A.	NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT							
В.	ALLC	OWING A US	E OF LAN		ERTY WHICE	HAVE THE E H WOULD VIOI		
C.	WHE RESU STAN SUBS	RE STRICT JLTS IN AN JDARDS WI	ENFORC UNNECE LL ALLOV	EMENT OF T SSARY HARD THE SPIRIT	THE TERMS SHIP & WHI TOF THE O		NANCE	
	BASE	D ON THE	FINDING	S OF FACT, T	HE BOARD	CONCLUDES 7	ГНАТ:	
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2.	PROI	PERTY RAT AUSE <u>it's</u>	HER THA unique tha	N THE CIRC	UMSTANCE viding off app	MITATIONS OI S OF THE APPI orox. 3 acres. The	LICANT	
3.	EXP	RESSED BY 'AUSE <u>of'</u>	THE PUR Fown Boar	POSE AND IN d O.K. It meet	NTENT OF T	E PUBLIC INTI THE ZONING Of the ordinance, a preserve and fo	RDINANCE and there will be	
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DECI	SION:	THE REQU	ESTED V	ARIANCE IS	GRANTED.			
MOT	ION:	Weis		SECOND:	Carroll	VOTE: 3-0		
CON	DITIO	NS OF APPR	OVAL/DI	ENIAL:				
SIGN	ED:			RPERSON		DATE:	10-13-2011	

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

FINDINGS OF FACT

HEARING DATE:	10-13-2011	
APPLICANT:	Kent E. & Carol L. Westendorf	
PROPERTY OWNER:_	SAME	
PARCEL (PIN #):	024-0516-3523-004	
TOWNSHIP:	Palmyra	
	NER: Construct a detached garage at 45' to the ROW at the of a town road.	nd
THE JEFFERSON COU THE FEATURES OF T	UESTS A VARIANCE FROM SECTION 11.07(d) INTY ZONING ORDINANCE. HE PROPOSED CONSTRUCTION AND PROPERTY W NT OR DENIAL OF THE VARIANCE APPLICATION A	
structure 75 feet from the setback is 85 feet from the The septic field was repla	equesting to build a new 30' x 32' (960 sq. ft.) detached access centerline and 45 feet from the right-of-way, whereas the rese centerline and 50 feet from the right-of-way. The lot is .71 acced in 1978 and was moved to behind the residence. There sing the petitioner to move the detached garage back to mee	equired acres. are no
	IONS BASED ON SITE INSPECTIONS: Site inspection eved property layout & location.	
FACTS PRESENTED A	T PUBLIC HEARING: See tape, minutes & file.	

DECISION STANDARDS

Α.				MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT				
В.	ALLC	WING A	USE OF LA		ERTY WHIC	LD HAVE THE EF CH WOULD VIOL 		
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6.	EXPE	RESSED I AUSE and wo	BY THE PU the setback i uld pose no c	RPOSE AND IN s the same as th	NTENT OF e existing he blic. There	HE PUBLIC INTE THE ZONING Of the course and neighboring is uniformity of from	RDINANCE	
A VA	RIANO	CE MAY	BE GRANTE	ED IF ALL THE	ESE CONDI	ITIONS ARE MET	<u>'</u>	
DECI	SION:	THE RE	QUESTED	VARIANCE IS	GRANTED			
MOT	ION:	Carroll		SECOND:	Weis	VOTE: 3-0		
CONI	OITIO	NS OF AI	PPROVAL/E	ENIAL:				
SIGN	ED:			IRPERSON		DATE:	10-13-2011	

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