

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 DECEMBER 8, 2011, ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 10:15 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 10:30 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 10:15 a.m.

Meeting called to order @ 10:15 a.m. by Janet Sayre Hoeft

2. Roll Call

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

Members absent: --

Staff: Michelle Staff, 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 the agenda with an amendment to discuss floodplain training before site inspections.

5. Approval of October 13, 2011 Meeting Minutes

Carroll made motion, seconded by Weis, motion carried 3-0 to approve the October 13, 2011 meeting minutes.

There was discussion on floodplain training.

6. **Site Inspections – Beginning at 10:30 a.m. and Leaving from Room 203**
V1377-11 – Matthew & Jennifer Novotny, Town of Milford
V1378-11 – Jerald & Janet Gunnelson, Town of Oakland

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, Donald Carroll, Dale Weis

Members absent: --

Staff: Michelle Staff, Laurie Miller

Procedure was explained by Hoeft.

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, December 8, 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:

V1377-11 – Matthew & Jennifer Novotny: Variance from Sec. 11.09(c) of the Jefferson County Zoning Ordinance to allow an addition to a non-conforming structure in excess of 50% of that structure's fair market value. The property is at **W5065 Navan Road** in the Town of Milford, on PIN 020-0814-2412-001 (2.5 Acre) in an A-1 Agricultural zone.

Doug Strobusch presented the petition. There were no questions or comments in favor or opposition. There was a town response in the file in favor of the petition, which was read into the record by Carroll. Staff report was given by Staff.

Carroll questioned the petitioner on the % of the total cost that was for repair. Hoeft questioned the current assessed value/FMV. She also questioned staff on the number of accessory buildings, and asked the petitioner if it was closer to the road, the number of bedrooms, and the septic. Hoeft also questioned staff if the creek was navigatable. Carroll questioned the petitioner on the appraisal and repairs.

V1378-11 – Jerald & Janet Gunnelson/Gunnelson Trust: Variance from Sec. 11.07(d)2 to reduce setbacks to USH 12 for a detached garage at **W9582 USH 12**. The site is on PIN 022-0613-0724-008 (1.79 Acres) in the Town of Oakland, in a Residential R-1 zone.

Jerald & Janet Gunnelson were present to present their petition. There were no questions or comments in favor or opposition of the petition. There was a town response in file in favor of the petition, and was read into the record y Carroll. Staff gave staff report.

Hoeft questioned staff on the height restrictions of the structure. Carroll questioned the location of the septic (is on public sewer). Weis questioned staff on the distances to the highway using a setback average.

8. Decisions on Above Petitions (See files)

9. Adjourn

Weis made motion, seconded by Carroll, motion carried 3-0 to adjourn @ 1:53 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.

JEFFERSON 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.: 2011 V1377

HEARING DATE: 12-08-2011

APPLICANT: Matt & Jenny Novotny

PROPERTY OWNER: Matthew J. & Jennifer L. Novotny

PARCEL (PIN #): 020-0814-2412-001

TOWNSHIP: Milford

INTENT OF PETITIONER: To allow an addition to a non-conforming structure in excess of 50% of the fair market value of the structure.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09(c) OF THE JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

The structure is located 37' from the ROW & 53' from the centerline of Navan Rd., whereas the required setback is 50' from the ROW & 85' from the centerline. The petitioner is proposing to add a 784 sq. ft. attached garage, a 872 sq. ft. residential addition, & a 160 sq. ft. deck. A LOMA has been obtained from FEMA to remove the current structure outside of the mapped floodplain. The petitioner has additional elevation information from a professional engineer demonstrating that the new additions will be above the studied flood elevation.

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections conducted. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.

**DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN**

FINDINGS OF FACT

PETITION NO.: 2011 V1378
HEARING DATE: 12-08-2011

APPLICANT: Jerald & Janet Gunnelson

PROPERTY OWNER: Gunnelson Trust

PARCEL (PIN #): 022-0613-07-24-008

TOWNSHIP: Oakland

INTENT OF PETITIONER: Reduced setback to USH 12 for a new detached garage
at the address of W9582 USH 12

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d)2 OF THE
JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH
RELATE TO THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

The applicant is proposing to build a detached accessory structure in an R-1 zone.
The proposed structure, per the applicant, will be 150' from the centerline and did
not specify a ROW setback. As shown on the GIS maps, STH 12 curves along the
property and the setback is from the closest point to the centerline & ROW.
Measuring from the GIS, it appears the proposed structure will be closer than the
150' and the ROW setback will be less than 100'. The structure proposed is 25' x
40' and 15' in height.

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections
conducted. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.

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 _____

- B. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF LAND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINSTRATIVE RULES: _____

- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED WHERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIANCE IN THE STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

- 4. UNNECESSARY HARDSHIP **IS** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE the large setback is too restrictive for this particular location.
- 5. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE of the location of adjacent, existing structures, landscaping, trees makes this a unique situation.
- 6. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE the setback of the proposed building is further back than the adjacent structures & poses no problem with public safety.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

DECISION: THE REQUESTED VARIANCE IS **GRANTED.**

MOTION:

SECOND:

VOTE:

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ DATE: 12-08-2011
CHAIRPERSON

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