

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 THURSDAY, JANUARY 13, 2011, ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 9:45 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 10:00 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 9:45 a.m.

Meeting called to order by Janet Sayre Hoeft @ 9:45 a.m.

2. Roll Call

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

Members absent: --

Staff: Laurie Miller, Michelle Staff

3. Certification of Compliance With Open Meetings Law Requirements

Janet Sayre Hoeft and Donald Carroll acknowledged publication. Staff also provided proof of publication.

4. Review of Agenda

Dale Weis made motion, seconded by Donald Carroll, motion carried 3-0 to approve the review of the agenda with a correction on #5 below for approval of the **July 8, 2010**, not the **June 10, 2010** meeting minutes.

5. Approval of June 10 and December 9, 2010 Meeting Minutes

Correction made on agenda to approve the July 8, 2010 meeting minutes, not the June 10, 2010 meeting minutes during the review of the agenda.

Donald Carroll made motion, seconded by Dale Weis motion carried 2-0 to approve the July 8, 2010 meeting minutes.

Janet Sayre Hoeft made motion, seconded by Donald Carroll, motion carried 2-0 to approve the December 9, 2010 meeting minutes.

6. Site Inspections – Beginning at 10:00 a.m. and Leaving from Room 203

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

Meeting called to order by Janet Sayre Hoeft @

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

Members absent: --

Staff: Laurie Miller, Michelle Staff

Janet Sayre Hoeft explained procedure.

Dale Weis read into record the following:

***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, January 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. 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:

V1354-11 – Jill Christian & Timothy Engels: Variance from Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance to allow shed construction 10 feet from side and rear lot lines at **N7359 Manske Road**. The Town of Milford site is on PIN 020-0814-3144-004 (1.013 Acre) in an A-3, Rural Residential zone.

Jill Christian presented her petition. There were no questions or comments in favor or opposition of the petition.

There was a response in the file from the town approving this petition, and was read into the record by Donald Carroll.

Staff report was given by Michelle Staff.

Dale Weis question if the petitioner submitted a drawing. Janet Sayre Hoeft questioned Michelle Staff on the square footage reduction to meet the setbacks. Dale Weis questioned if the setback included the overhang. Donald Carroll questioned the accuracy of the sketches in the file, and commented on how their decision is based on the finding of fact – questioned the sketches as fact. Janet questioned the farmland in the back and north, and no neighbor to the immediate south. Dale Weis questioned the lot markers. Donald Carroll commented on the need for a survey to show placement. Dale Weis commented on not having enough information to determine the need for a variance.

The petitioner requested the petition to be tabled to provide more information.

Motion was made by Donald Carroll, seconded by Janet Sayre Hoeft, motion carried 3-0 to approve the request by the petitioner to postpone the hearing for further information to be submitted by the petitioner. (See also decision form).

V1355-11 – Ken Burnett Builders/Sally Winkler Trust Property: Variance to road centerline and right-of-way minimum setbacks as identified in Sec. 11.07(d) to sanction a deck and screen room at **N4177 Sleepy Hollow Road**. The site is in the Town of Oakland on PIN 022-0613-0743-070 (0.346 Acre) in an R-1, Residential zone.

Ken Burnett presented the petition. There were no questions or comments in favor or opposition of this petition.

There was a response in the file from the town approving this petition, and was read into the record by Donald Carroll.

Staff report was given by Michelle Staff.

Janet Sayre Hoeft commented on the need for building permits in the county. Dale Weis questioned the placement of the deck and the existing foundation. Donald Carroll commented on the finding of facts, and the use of the existing foundation, construction of the deck, and because there were no permits, were building codes met.

V1356-11 – James Jr & Amanda Saxby/Florence M Saxby LE Property:

Variance to reduce side yard setbacks for proposed farm consolidation lots in accordance with Sec. 11.04(f)7. The sites are at **W5707 & W5715 CTH T** in the Town of Watertown, on PIN 032-0814-1041-000 (42.9 Acres), in an A-1 Agricultural zone.

John Kannard presented the petition. There were no questions or comments in favor or opposition of the petition.

Donald Carroll read into the record the approval from the town which was found in the file.

Janet Sayre Hoeft questioned the old mobile home on the property, and questioned the septic issues and locations. Donald Carroll questioned the petitioner if they would be okay with conditions to amend the lot to accommodate the septic, if necessary.

8. Decisions on Above Petitions (See files)

9. Decision Form Discussion and Possible Action Relating to Recent Court Case

Discussion was postponed for a later date.

10. Adjourn

Dale Weis made motion, seconded by Janet Sayre Hoeft, motion carried 3-0 to adjourn @ 2:30 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 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 V1354
HEARING DATE: 01-13-2011

APPLICANT: Timothy Engels & Jill Christian

PROPERTY OWNER: SAME

PARCEL (PIN #): 020-0814-3144-004

TOWNSHIP: Milford

INTENT OF PETITIONER: To construct a detached shed 10 feet from the lot line.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)(7) 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:

Petitioner would like to construct a shed 10 feet from the lot line whereas a 20 foot setback is required. Residence was built in 2004 with all setbacks shown on the property. When lot was crated, the setbacks were the same. The Planning & Zoning Committee approved this size of lot with all applicable setbacks.

The size of the shed is 36'x45' (1,620 sq. ft.). Petitioner could reduce the size of the shed and still meet the required setbacks.

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 ADMINISTRATIVE 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:

- 1. UNNECESSARY HARDSHIP **IS/IS NOT** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD/WOULD NOT** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE _____

- 2. THE HARDSHIP **IS/IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE _____

- 3. THE VARIANCE **WILL/WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE _____

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Donald Carroll **SECOND:** Janet Sayre Hoeft **VOTE:** 3-0

The Board approved the request of the petitioner to postpone the hearing until further information is submitted by the petitioner.

SIGNED: _____ **DATE:** 01-13-2011
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**

FINDINGS OF FACT

PETITION NO.: 2011 V1355
HEARING DATE: 01-13-2011

APPLICANT: Ken Burnett Builders

PROPERTY OWNER: Sally L. Winkler Trust

PARCEL (PIN #): 022-0613-0743-070

TOWNSHIP: Oakland

INTENT OF PETITIONER: After-the-fact permit for the construction of a screen room and deck.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d) 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 screen room and deck is 17.5 feet from the right-of-way and 42.5 feet from the centerline whereas the required setback is 30 feet from the right-of-way and 63 feet from the centerline. Without the deck and screen room, the structure meets all the setbacks.

This is a corner lot. Petitioner states that they are replacing the existing deck. No permits are on file.

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 this incursion predates the current ordinance.
- 5. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE they are replacing an existing structure. Also because of the location of the roads.
- 6. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE there will be no conflict with public safety, and there is town board approval.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Dale Weis **SECOND:** Donald Carroll **VOTE:** 3-0

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 01-13-2011

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

FINDINGS OF FACT

PETITION NO.: 2011 V1356
HEARING DATE: 01-13-2011

APPLICANT: James Jr. & Amanda Saxby

PROPERTY OWNER: Florence Saxby (LE & James R. Saxby, Jr.

PARCEL (PIN #): 032-0814-1041-000

TOWNSHIP: Watertown

INTENT OF PETITIONER: To split off the existing residence and create a setback of 15 feet from the new line to W5707 and W5715 CTH T.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)(7) 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 petitioner would like to create two lots for the existing residence located at W5707 and W5715 CTH T. The residences will have a proposed setback of 15' from the new lot line whereas 20 feet is required.

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:

- 7. 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 they are entitled to a farm consolidation

- 8. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the houses existed before the current ordinances.

- 9. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it will not affect public safety, and the town board approved.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Dale Weis **SECOND:** Donald Carroll **VOTE:** 3-0

CONDITIONS OF APPROVAL: The proposed line to be no closer than 10' to either structure.

SIGNED: _____ DATE: 01-13-2011
CHAIRPERSON

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