

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

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

SITE INSPECTION FOR BOARD MEMBERS 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:

V1375-11 – Kevin Hildebrandt: 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.

V1376-11 – Kent & Carol Westendorf: 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.

Hoelt 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 Hoelt, 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.

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 V1375
HEARING DATE: 10-13-2011

APPLICANT: Kevin Hildebrandt

PROPERTY OWNER: SAME

PARCEL (PIN #): 006-0716-1112-000, 006-0716-1113-000

TOWNSHIP: Concord

INTENT OF PETITIONER: Create an A-1 zoned parcel at less than 35 acres.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)5 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 currently has 70.93 acres north of East River Drive and south of Allen Rd. The petitioner is requesting a variance to create an A-1 zone parcel less than 35 acres. Proposed A-1 lot will be reviewed by the Planning and Zoning Committee to determine whether the location meets land plan guidelines of clustering. There are currently two A-3 lots available for the 70.03 acres. The petitioner has other options to divide up the 70.93 acres without a variance.

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 V1376
HEARING DATE: 10-13-2011

APPLICANT: Kent E. & Carol L. Westendorf

PROPERTY OWNER: SAME

PARCEL (PIN #): 024-0516-3523-004

TOWNSHIP: Palmyra

INTENT OF PETITIONER: Construct a detached garage at 45' to the ROW and
75' to the centerline of a town road.

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 petitioner is requesting to build a new 30' x 32' (960 sq. ft.) detached accessory structure 75 feet from the centerline and 45 feet from the right-of-way, whereas the required setback is 85 feet from the centerline and 50 feet from the right-of-way. The lot is .71 acres. The septic field was replaced in 1978 and was moved to behind the residence. There are no physical features preventing the petitioner to move the detached garage back to meet setbacks.

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

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

