

## ***JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT***

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

**PUBLIC HEARING** BEGINS AT **1:00 P.M.** ON THURSDAY, FEBRUARY 14,, 2013, ROOM 205, JEFFERSON COUNTY COURTHOUSE

**CALL TO ORDER FOR BOARD MEMBERS** IS AT 10:45 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

**SITE INSPECTION FOR BOARD MEMBERS** LEAVES AT 11:00 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

**1. Call to Order-Room 203 at 10:45 a.m.**

Meeting called to order @ 10:45 by Carroll

**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**

Hoeft acknowledged publication. Staff also presented proof of publication.

**4. Review of Agenda**

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

**5. Approval of December 13, 2012 Meeting Minutes**

Hoeft made motion, seconded by Carroll, motion carried 2-0 to approve the December 13, 2012 meeting minutes.

**6. Communications**

Hoeft gave staff a note indicating that she will not be at the August 2013 public hearing.

7. **Site Inspections – Beginning at 11:00 a.m. and Leaving from Room 203**
8. **Public Hearing – Beginning at 1:00 p.m. in Room 205**

Meeting called to order @ 1:00 p.m. by Carroll

Members present: Carroll, Hoeft

Members absent: Weis

Staff: Laurie Miller, Michelle Staff

9. **Explanation of Process by Board of Adjustment Chair**

The following was read into the record by Hoeft:

***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, February 14, 2013 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. The matter to be heard is an application 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, a variance 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. **PETITIONER, OR THEIR REPRESENTATIVE, SHALL BE PRESENT.** There may be a site inspection prior to public hearing which any interested parties may attend; a decision shall be rendered after public hearing on the following:

**V1401-13 – Ernest & Karen Bankert:** Variance to sanction a new A-3 lot on a proposed Town road requiring dedication, with structures at less than 20 feet from a side lot line as required by Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. The site is on PIN 006-0716-0914-000 (40 Acres) in the Town of Concord at N1356 Homeview Road.

Ernest Bankert presented his petition. Karen Bankert also presented information to the Board.

There were no questions or comments in favor or opposition of the petition. There was a town response in the file, approving the petition, which was read into the record by Hoeft. Lloyd Zastrow from the Town of Concord was also present and explained to the board the road access to the proposed lot, and the deeding of lands to the town.

Staff report was given by staff. Staff questioned Zastrow on the the road dedication – to be included on CSM. There was a discussion on road dedication and the access requirements on the final CSM.

Carroll questioned Zastrow on the documentation verification of the dedication of land to the town. Carroll questioned if the petitioner would be adverse to the requirement should the garage or shed be replaced, that they need to meet the setbacks. Hoeft questioned if this would have anything to do with the ag operation. Hoeft touched upon ag production and noted this lot was all buildings. Staff explained the additional steps needing to be taken to create the lot.

**10. Decisions on Above Petitions (See following pages & files)**

**11. Adjourn**

Motion was made by Hoeft seconded by Carroll, motion carried 2-0 to adjourn @ 1:28 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.

*A digital recording of the meeting will be available in the Zoning Department upon request.*

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

**FINDINGS OF FACT**

PETITION NO.: 2013 V1401  
HEARING DATE: 02-14-2013

APPLICANT: Ernest A. & Karen Bankert

PROPERTY OWNER: SAME

PARCEL (PIN #): 006-0716-0914-000

TOWNSHIP: Concord

INTENT OF PETITIONER: Variance to create a new, one acre A-3 Agricultural/  
Rural Residential lot around an existing detached accessory residential structure and an  
existing shed closer than 20 feet from a proposed side lot line

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f) 8  
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 petitioners are proposing to split off an original homestead from the farm.  
Currently, there are two homes on the farm, the original homestead and one built in 1974.  
The petitioners are proposing to create a new, one acre lot around the old homestead  
including a detached garage, where the proposed lot line would be placed between two  
structures. The existing residence would meet all setbacks required, but the detached  
accessory structure is being proposed at a setback of 8.2 feet from the lot line, whereas the  
required setback is 20 feet. In addition, on the remaining lands, there is an existing shed  
where the proposed setback is 7.9 feet, whereas the required setback is 20 feet. The two  
structures are a detached garage which was built in 2000 and a shed which was built in 1976.

Other actions pending approval and required for this land division are a rezoning  
amendment approval from the Jefferson County Board and Town Board dedication of the  
proposed public road.

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

