

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 MAY 9, 2013, IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 10:15A.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 @ 10:23 a.m. by Carroll

2. Roll Call

Members present: Weis, Carroll

Members absent: Sayre Hoeft

Staff: Michelle Staff, Laurie Miller

3. Certification of Compliance with Open Meetings Law Requirements

Staff presented proof of publication.

4. Review of Agenda

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

5. Approval of April 11, 2013 Meeting Minutes

Weis made motion, seconded by Carroll, motion carried 2-0 to approve the meeting minutes.

6. Communications - None

7. **Site Inspections – Beginning at 10:30 a.m. and Leaving from Room 203**
8. **Public Hearing – Beginning at 1:00 p.m. in Room 205**

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

Members present: Weis, Carroll

Members absent: Sayre Hoeft

Staff: Michelle Staff, Laurie Miller

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

The following was read into the record by Weis:

***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, May 9, 2013 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:

V1404-13 - Scott & Sherry Schreiber: Variance from Sec. 11.03(f)1 and 11.04(f)8 to allow a second principal structure, a single-family dwelling, for temporary housing while a new home is under construction. The site is on **Piper Road**, Town of Palmyra, on PIN 024-0516-1944-001 (4 Acres) in an A-3, Agricultural/Rural Residential zone.

Sherry Schreiber presented her petition. There were no questions or comments in favor or opposition of the petition. Larry Kau from the Town of Palmyra stated the town had no objection. Staff report was given by Staff. Staff questioned the petitioner on a time frame for the temporary structure.

Weis questioned their use of the septic connection to the mobile home and home, and asked the petitioner to address the three criteria. Petitioner explained. Carroll questioned Mr. Kuhl from the Town of Palmyra on safe emergency access. Kuhl responded. Carroll commented that there was no dwelling there now, questioned the removal and if the petitioner would be adverse to a time restriction after occupancy. Weis commented on a limited time. Carroll commented on setting a time frame, and questioned the petitioner whether the site was tested for sewer.

V1405-13 – Chet Dolph/Benjamin Krueger II and Steven Rohrer Property: Variance to allow creation of a 25.5-acre Natural Resource zone on PIN 030-0813-1343-000 (40 Acres) without the required 66 foot of frontage and access per Sec. 11.03(d)1. The property is along **CTH G** in the Town of Waterloo and is currently zoned A-1, Exclusive Agricultural.

Ched Dolph presented the petition. He stated that the owner wants to keep the hunting land, and the ag land would be sold.

There were no questions or comments in favor or opposition of the petition. Don Vehlow spoke regarding the south access easement, and that it will cease to exist. There was a town response in the file in favor of the petition which was read into the record by Weis.

Carroll questioned the access easement. Weis questioned the south access. Carroll reviewed the three criteria with the petitioner. Weis asked for clarification on the south access easement, and from staff, clarification on the reduced impact on farmland.

10. Decisions on Above Petitions (See attached & files)

11. Adjourn

Weis made motion, seconded by Carroll, motion carried 2-0 to adjourn @ 2:06 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 V1404
HEARING DATE: 05-09-2013

APPLICANT: Scott Schreiber

PROPERTY OWNER: Scott M. & Sherry L. Schreiber

PARCEL (PIN #): 024-0516-1944-001

TOWNSHIP: Palmyra

INTENT OF PETITIONER: _____

THE APPLICANT REQUESTS A VARIANCE FROM SECTION _____ 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:

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 **GRANTED/DENIED**.

MOTION:

SECOND:

VOTE:

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 05-09-2013
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.: 2013 V1405
HEARING DATE: 05-09-2013

APPLICANT: Chet Dolph

PROPERTY OWNER: Benjamin R. Krueger II & Steven Rohrer

PARCEL (PIN #): 030-0813-1343-000

TOWNSHIP: Waterloo

INTENT OF PETITIONER: _____

THE APPLICANT REQUESTS A VARIANCE FROM SECTION _____ 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:

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.

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A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION:

SECOND:

VOTE:

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 05-09-2013
CHAIRPERSON

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