

NOTICE OF PUBLIC HEARING
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE

Steve Nass, Chair; Greg David, Vice-Chair; Don Reese, Secretary; Amy Rinard; George Jaeckel

SUBJECT: Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits

DATE: January 16, 2014

TIME: 7:00 p.m. (*Courthouse doors will open at 6:30*)

PLACE: Room 205, Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI

1. Call to Order

The public hearing was called to order by Chairman Nass at 7:00 p.m.

2. Roll Call

Committee members present were Nass, David, Reese, Rinard and Jaeckel. Zoning Department staff in attendance included Rob Klotz and Deb Magritz.

3. Certification of Compliance with Open Meetings Law Requirements

Reese verified that the meeting was being held in compliance with open meetings law requirements.

4. Review of Agenda

No changes were proposed. Klotz noted that Jaeckel would be stepping away during the presentation of his petition for conditional use.

5. Explanation of Process by Committee Chair

Nass described the procedure to be followed at the public hearing. He noted that a Committee decision meeting would be held on January 27, and the County Board meeting for final decisions on rezonings on February 11.

6. Public Hearing

Klotz read the following notice into the record:

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, January 16, 2014, in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. A hearing will be given to anyone interested in the proposals. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** Matters to be heard are petitions to amend the zoning ordinance of Jefferson County and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files are available for viewing between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, excepting holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

FROM RESIDENTIAL R-2 TO RESIDENTIAL/RECREATIONAL

R3694A-14 & CU1766-14 - Brian & Michelle Gauder: Rezone PIN 016-0513-2431-024 (0.2 Acre) with conditional use to allow a tourist rooming house at **N1011 Vinne Ha Ha Road** in the Town of Koshkonong.

Petitioner: Brian Gauder of N1011 Vinne Ha Ha Road spoke. He plans no change to the property but would like to occasionally rent out his cabin. This is primarily his vacation home, but he would also rent it out up to 60 nights per year. He has a list of rules in place for his guests and wants to work within the system.

Comments in Favor: None

Comments Opposed: John Short, N1017 Vinne Ha Ha spoke. He has had problems with excessive noise, shooting of fireworks from June through August, trespassing on his property, firewood being stolen from him and illegal fires. He doesn't want to have to keep calling the Sheriff's Department about this. He would like the residential feeling of the area to be maintained.

Shirley Long, N1052 Vinne Ha Ha spoke next. She thinks that parking is a big issue, as sometimes even now she has difficulty getting to her property on weekends. Safety for walkers, and children was questioned. She also wondered whether background checks are conducted to avoid people on street drugs coming in. If this is offered to one, how many others will try to do the same thing?

Audrey Gilland, N1035 Vinne Ha Ha expressed concern about the septic system.

Tom Gilland, N1035 Vinne Ha Ha said that the property has a use, and asked, why change it?

Marvin Kuntz, N1046 Vinne Ha Ha also has concerns about the traffic situation. There have already been fires.

Petitioner's Rebuttal: Gauder stated that Short has never spoken to him about problems, and did not attend the Town Board meeting. Gauder does not think there are illegal fires and fireworks, and is not opposed to putting up a fence to solve some of the issues. He is concerned about safety too, and feels that there is less traffic with this use as opposed to having a family full-time in place. Mr. Gauder has rented his house fourteen times in two years, and three of those were to neighbors. He stated that the Gillands rent their home out on a month to month basis, and that Bill Burlingame, a person who voted at the Town lives six to seven miles away and has a rental himself.

Questions from the Committee: David asked if there is a list of rules and regulations for guests? Gauder replied, yes, and that he will share it with the Zoning Department. David also asked if there's a parking plan and a way to assess how many cars might be arriving, to which Gauder replied that there is room for parking in the driveway, allowing for three to potentially six cars. Rinard asked how many guests would be allowed to stay overnight, to which Gauder replied eight.

Town Response: Denied rezoning request on October 10, 2013 and therefore found it unnecessary to act upon the conditional use. This is in the file.

Staff Report: Klotz asked how issues are immediately resolved, to which Gauder replied that he has local management and will give his own phone number and email address to his immediate neighbors. He is comfortable with the information he has supplied for the record. Klotz read his findings into the record. Klotz asked whether Gauder intended to remain on the schedule for the variance, to which Gauder answered that he did. Klotz asked how much parking was available in the driveway, and Gauder responded that the driveway would allow four cars. Klotz reiterated that the Committee decision date is January 27, and the County Board action takes place on February 11.

FROM AGRICULTURAL TRANSITION TO RESIDENTIAL R-2

R3695A-14 & CU1767-14 – Jason Fiege: Rezone PIN 016-0614-3333-039 (0.75 Acre) with conditional use to allow an extensive on-site storage structure at **W6429 USH 12** in the Town of Koshkonong.

Petitioner: Jason Fiege, W6429 USH 12 stated that he wishes to build a bigger garage. He attempted a variance in the Ag Transition zone, but it was denied because the Board of Adjustment told him that there were other options for him, including rezoning. He wants a large garage with a loft above; he runs an adult family home and needs the storage space and van area. He has letters from neighbors and the City indicating no opposition. The proposal is for a building 21 feet in height, with 840 square feet on the first floor and 840 square feet on the second level with a four-foot overhang to protect the entrance into the house.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Approved November 13, 2013 and now on file.

Staff Report: Read by Klotz and now on file.

FROM EXCLUSIVE AGRICULTURAL A-1 TO A-3, AGRICULTURAL/RURAL RESIDENTIAL

R3696A-14 – Ronald Drost: Create a new 6-acre building site on **Findlay Road** in the Town of Cold Spring from part of PIN 004-0515-1622-001 (39 Acres).

Petitioner: Ron Drost, N1704 Findlay Road said that he has this hill on the corner of his property and would like to create a lot.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: December 5, 2013 in favor and now on file.

Staff Report: Read by Klotz and now on file.

R3697A-14 – Ronald Drost: Rezone a 5-acre farm consolidation lot around the buildings at **N1704 Findlay Road** in the Town of Cold Spring from part of PINs 004-0515-0933-000 (40 Acres) and 004-0515-1622-001 (39 Acres).

Petitioner: Ronald Drost, N1704 Findlay Road would like to divide the buildings off because he thinks it would make it easier to sell the property.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: December 5, 2013 in favor and now on file.

Staff Report: Given by Klotz and now on file. Klotz asked whether this was a duplex because it has two fire numbers. When Drost responded that it was, Klotz asked how long it had been a duplex, to which Drost replied that it had been as long as anyone can remember, and that it was a duplex when he purchased the property. Klotz reiterated that five acres only allows five animal units, to which Drost responded that he understood.

R3698A-14 – John Sherman c/o Harold Stilling/Stilling Farms Inc Property: Create a 2-acre building site on **Hope Lake Road** in the Town of Lake Mills from part of PIN 018-0713-3334-002 (33.686 Acres).

Petitioner: Bud Stilling, W8840 London Road, said that he had purchased the farm on April 1, 2013. Subsequently, when a lot with the buildings was sold, Stilling told the new owner that he could have the available new building site. Stilling is now attempting to create that building site.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Approval dated November 12, 2013 and now on file.

Staff Report: Klotz asked whether the potential purchaser wanted to consolidate this lot with his existing lot, or keep it separate. Stilling responded that he wanted to keep it separate. Klotz proceeded to read the staff report, which is in the file.

R3699A-14 – Stephen & Kathleen Duwe: Create a 2.9-acre lot around the buildings at **N8066 CTH Q** in the Town of Milford from part of PIN 020-0814-2812-000 (40 Acres).

Petitioner: Steve Duwe of N72004 CTH A said that he had no use for the buildings but wants to keep the cropland.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: Nass asked for the age of the home, to which Duwe replied that it is from the turn of the 20th century.

Town Response: Approval dated December 2, 2013 and now on file.

Staff Report: Given by Klotz and now on file.

FROM AGRICULTURAL/RURAL RESIDENTIAL A-3 TO A-2, AGRICULTURAL AND RURAL BUSINESS

R3700A-14 – Mike Pope: Rezone a total of 3 acres from A-3 to A-2, with a 1.4-acre lot to be created around an existing telecommunication tower and 1.6 acres to be added to an adjoining existing A-2 zone at **N515 Howard Road**. The site is in the Town of Cold Spring, part of PIN 004-0515-2744-003 (10.515 Acres).

Petitioner: Jerry Wilcox, 336 S. Buckingham Blvd., Whitewater spoke for the petitioner. He said that Pope wants a separate lot for the cell phone tower and wants to add acreage to the existing A-2 zone.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: David asked if this counted as using a building right, to which Nass answered no.

Town Response: Town approval dated December 5, 2013.

Staff Report: Given by Klotz and now on file.

CONDITIONAL USE PERMIT APPLICATIONS

CU1768-14 – Robert Muchka/Robert Boyd Trust Property: Conditional use to allow for a business service consisting of equipment storage for municipal sewer collection maintenance and interior manhole rehabilitation, at **W1342 CTH B** in the Town of Concord. The site is part of PINs 006-0716-1641-001 (2.54 Acres), 006-0716-1641-002 (2.1 Acres) and 006-0716-1641-003 (7.5 Acres) and is zoned Community.

Petitioner: Robert Muchka, 400 N. Summit Moors Drive, Oconomowoc spoke. He wants to build a heated building and use the existing building and home for his business. He plans to keep all his equipment inside and does not have a problem with meeting Highway Department requirements for access. Muchka will provide a new plot plan based upon those requirements.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: Reese asked if there would be outside storage, to which Muchka answered no. To the number of employees he would have, Muchka said that he has four and would like to add one.

Town Response: Klotz did not immediately find a response in the file, but it was later found to have been approved on December 9, 2013.

Staff Report: Given by Klotz and now on file.

CU1769-14 – Brian & Bonnie Pernet: Conditional use for expansion of the existing building at **W1194 Marietta Avenue** in the Town of Ixonia, modifying an existing conditional use. The site is part of PIN 012-0816-2231-009 (0.938 Acres) in a Community zone.

No one was present to represent this petition.

CU1770-14 – Rudy Fadroski: Conditional use to allow for an extensive on-site storage structure at **N1056 Old 26 Road** in the Town of Koshkonong. The site is zoned Residential R-2 and is on PIN 016-0514-1942-003 (4.495 Acres).

Petitioner: Rudy Fadroski, N1056 Old 26 Road said that in 1999 he put up a 30' by 40' building where he houses his antique truck. He subsequently purchased a flatbed trailer, and finds it difficult to put both truck and trailer in the existing building. He would like this addition in order to keep the truck and trailer hooked up and be able to back them in. He would like this addition to be 12 foot high with a 4/10 pitch.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Approved November 13, 2013 and on file.

Staff Report: Given by Klotz and now on file.

CU1771-14 – JGB Land Inc: Conditional use for expansion of an existing mineral extraction operation on **Kutz Road**. The property is zoned A-1, Exclusive Agricultural and is on PIN 016-0514-0212-000 (55.63 Acres) in the Town of Koshkonong.

Petitioner: Willie Jaeckel of 923 South Street said that would like to renew their mineral extraction conditional use; they have been working with Gerry Kokkonen of the Land and Water Conservation Department to follow regulations.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Klotz noted and George Jaeckel confirmed that the Town did not wish to take action on this renewal of conditional use.

Staff Report: Given by Klotz and now on file. Klotz explained that the ordinance does not allow excavation within 300 feet of a house and asked for the distance of excavation from N2449 Kutz Road. He also questioned further excavation, to which Jaeckel replied that they might expand toward other property lines depending upon quality of material.

CU1772-14 – Steven M Sterwald: Conditional use for a kennel for up to ten dogs at **W8270 Woelffer Lane** in the Town of Waterloo. The site is on PIN 030-0813-2712-001 (17.24 Acres) and is zoned A-2, Agricultural and Rural Business.

Petitioner: Steven Sterwald of W8270 Woelffer Lane spoke. He would like to keep their kennel of German shorthairs going; some dogs are getting quite old.

Comments in Favor: None

Comments Opposed: None

Questions from Committee: None

Town Response: Approval dated November 13, 2013 and on file.

Staff Report: Given by Klotz and in the file. Klotz asked whether they breed their dogs, to which Sterwald replied that they breed them and sell the pups. Klotz asked whether the dogs stay in the house, and Sterwald answered that they have indoor and outdoor kennels, but the dogs stay in the house at night.

Nass called once more for anyone to speak for Petition CU1769-14 for Brian and Bonnie Pernat. There was no one present.

Motion by Reese, seconded by David to adjourn the meeting at 8:10 p.m. Motion carried on a voice vote with no objection.

Don Reese, Secretary

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 that appropriate arrangements can be made.

A recording of the meeting will be available from the Zoning Department upon request.