

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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

PUBLIC HEARING BEGINS AT **1:00 P.M.** ON MARCH 13, 2014 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 10:30 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 10:45 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 10:30 a.m.

Meeting called to order @ 10:30 a.m. by Hoeft

2. Roll Call

Members present: Hoeft, Carroll, Hynek

Members absent: Weis

Staff: Michelle Staff, Laurie Miller

3. Certification of Compliance with Open Meetings Law Requirements

Hoeft acknowledged publication. Staff also presented proof of publication.

4. Review of Agenda

Hynek made motion, seconded by Carroll motion carried 3-0 to approve the review of the agenda as amended to correct the typo to Thursday, March 13, 2014 from Thursday, March 14, 2014.

5. Approval of February 13, 2014 Meeting Minutes

Hoeft made motion, seconded by Carroll motion carried 2-0 to approve the February 13, 2014 meeting minutes with a note added by Carroll that during the 15 minute break in the meeting, Michelle Staff attempted to contact the petitioner.

NOTE: Hynek was not present at this meeting, and did not vote.

6. Communications - None

7. Site Inspections – Beginning at 10:45 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 Hoeft

Members present: Hoeft, Carroll, Hynek

Members absent: Weis

Staff: Michelle Staff, Laurie Miller

9. Explanation of Process by Board of Adjustment Chair

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, March 13, 2014 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:

V1415-14 – Dustin Wilke: Variance from ATCP 51.12 and Sections 11.04(f)6 and 11.05(d)2 of the Jefferson County Zoning Ordinance to allow a manure storage structure within 350 feet of property lines at N7836 Newville Road, on PIN 030-0813-2914-004 (13.979 Acres) in the Town of Waterloo.

Brian Ellefson presented the petition on behalf of Dustin Wilke. He stated that they want the operation to grow, and that liquid manure storage is being proposed. The location/land is relatively poor cropland & non-productive. It's in a good location for the farm overall. The petitioner went on to further explain this location.

There were no questions or comments in favor or opposition of the petition. Dale Neupert from the Town of Waterloo stated that it wasn't creating a hardship to not have it this close to the lot line, and the town recommended denial.

Staff gave staff report and confirmed with the petitioner that the request was for a 58' setback to the lot line. Staff explained the surrounding lands, acres owned by the petitioner and setbacks. She stated that the operation was currently in compliance and that this was for future expansion. The proposed manure storage would be located below the proposed barn. Staff went on to explain the regulations for a livestock operation. Hoeft questioned the time limits for livestock siting. Staff explained.

Joe Strupp from the Land & Water Conservation Department explained the approval time limits the livestock siting process. The petitioner further explained and noted another site location and the logistics. Staff questioned the petitioner on this location. Petitioner explained that this was a hilltop with poor productivity, they would not have to tanker the manure, and it is close to the current operation. No matter what, a variance would be needed.

Hoeft questioned the location of the well. Petitioner explained the well would be greater than the minimum 100' setback. Hoeft commented that they were out to the property. Petitioner commented on the odor score. Staff commented that the petitioner currently lives in one of the homes. Strupp stated the owner of the home is exempt from the odor score.

Hynek questioned the size of the structure. The petitioner stated it would be 17,000 square feet. Hynek questioned if the entire structure would be under the roof or if there would be cattle outside. Petitioner stated he was not sure if there would be feeders outside, and that the building covers all of the manure storage. Hynek questioned if there would be full slats. Petitioner was not sure, but stated that it was an all liquid system. Hynek questioned if the manure would be a direct application.

Petitioner stated there is a direct injection hose line. Hynek questioned the pavement, and the petitioner responded that it would be gravel. Hynek questioned the surrounding areas/properties. Petitioner explained. Hynek questioned who owned the vacant lot. Petitioner did not know. Staff left to check on ownership of that vacant lot. Staff stated Troy Kloss from Lake Mills owned the lot. Hynek questioned the depth of the manure storage. Petitioner stated that it would be 14'. Hynek questioned the method currently being used. Petitioner explained they have to do daily hauls. Carroll commented that 58' was a huge request. Hynek questioned where the nearest house was located. Petitioner stated 238' from the new facility. Joe Strupp also explained.

Carroll questioned the alternative site. The petitioner explained the alternative location. Carroll questioned staff on animal storage only. Staff explained the history of the 350' state regulation which the county has adopted. The petitioner commented that the 350' setback may not fit every scenario. Joe Strupp explained livestock siting, and that if this was approved, this would be the setback for all manure storage facilities on the property.

10. Decisions on Above Petitions (see following pages & files) - @1:38

11. Adjourn

Carroll made motion, seconded by Hynek, motion carried 3-0 to adjourn @ 1:51 p.m.

If you have questions regarding these variances, please contact the Zoning Department at 920-674-7113 or 920-674-8638. Variance files referenced on this hearing notice may be viewed in Courthouse Room 201 between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, excluding holidays. Materials covering other agenda items can be found at www.jeffersoncountywi.gov.

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.

Secretary

Date

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

FINDINGS OF FACT

PETITION NO.: 2014 V1515
HEARING DATE: 03-13-2014

APPLICANT: Dustin Wilke

PROPERTY OWNER: Wilkes LLC

PARCEL (PIN #): 030-0813-2914-004

TOWNSHIP: Waterloo

INTENT OF PETITIONER: To construct a manure storage facility within 350 feet of a lot line.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f) 6 and 11.05(d)2 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 proposing a manure storage structure 58 feet from the southern property line whereas the required setback (ATCP 51.12) is 350 feet. Residences are located directly south of this lot line. The parcel is currently 40.02 acres Zoned A-1 but is irregular in shape and has several residences along its boundaries. The operation is currently in compliance and this proposal is requested for a future expansion of the livestock facility.

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

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

