

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

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

**PUBLIC HEARING** BEGINS AT **1:00 P.M.** ON THURSDAY, JUNE 12, 2014  
IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

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

**2. Roll Call**

Members present: Carroll, Hoeft, Weis

Members absent: ---

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**

Carroll made motion, seconded by Weis, motion carried 3-0 to approve the review of the agenda.

**5. Approval of May 8, 2014 Meeting Minutes**

Weis made motion, seconded by Carroll, motion carried 3-0 to approve the May 8, 2014 meeting minutes.

**6. Communications - None**

**7. Site Inspections – Beginning at 10:30 a.m. and Leaving from Room 203  
V1422-14 – Steven Hamme, N8875 South Road, Town of Watertown**

V1423-14 – Steven Hamme, N8875 South Road, Town of Watertown  
V1424-14 – David & Katie Schroeder, N8883 CTH E, Town of Watertown

## **8. Public Hearing – Beginning at 1:00 p.m. in Room 205**

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

Members present: Carroll, Hoeft, Weis

Members absent: ---

Staff: Laurie Miller, Michelle Staff

## **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, June 12, 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:

**V1422-14 – Steven R Hamme:** Variance from Section 11.09(c) of the Jefferson County Zoning Ordinance to allow potential structural alterations in excess of 50% of the existing structural members, and an addition exceeding 50% of the existing foundation footprint, whether vertically or horizontally. The site is at **N8875 South Road** in the Town of Watertown, on PIN 032-0815-1521-002 (0.7 acre). The property is zoned A-1, Exclusive Agricultural.

Steve Hamme presented his petition. He wants the addition for a living area for his mother. He stated that he could go below 50% off the builder's drawings.

Staff explained the 50% requirements which included the modification to the existing house. The house is non-conforming. Hoeft questioned Staff on the 50% rule. Staff explained.

There were no questions or comments in favor or opposition of the petition. There was decision in the file of approval which was read by Weis.

Staff gave staff report explaining the 50% rule and square footage. There was further discussion regarding the square footage.

Carroll asked for clarification on the square footage exceeding the 50% for variance.

**V1423-14 – Steven R Hamme:** Variance from Sections 11.04(f)6 and 11.07(d) to allow detached garage construction at less than the required side yard, road right-of-way and road centerline setbacks. The site is in the Town of Watertown on PIN 032-0815-1521-002 (0.7 acre). This A-1, Exclusive Agriculturally zoned property is at **N8875 South Road**.

Steven Hamme presented his petition. He is proposing a new garage that is bigger in this location to keep the driveway in the same position, and needs to move the garage over.

There were no questions or comments in favor or opposition of the petition. There was a town response in the file which was read into the record by Weis approving the petition with the condition that they adhere to the setbacks as requested.

Weis questioned the setbacks. Hamme stated that there would be a 15' side and rear setback, and 22.4' setback from the ROW. Weis questioned if these setbacks were from the overhang. Hamme stated that there would also be a 1' overhang on the building. Carroll commented that there was an alternate area. Hamme stated that he would have to move the driveway, and that the septic was also in that area. Carroll questioned the location of the well. Hamme stated that it was on the north end of the home.

Staff gave staff report and explained the setbacks considering the 1' overhang. She stated that they can meet setbacks but only at a 12' width. Staff questioned the petitioner on the use of the structure. Hamme stated that it was going to be used as a garage/workshop. Staff pointed out that the storage shed of 12x10 to the north does not meet setbacks and appears to be over the septic. Hamme stated that if he was allowed the proposed detached garage, he would be removing this shed.

Hoeft questioned if the petitioner intended on taking the garage down first. Hamme stated that they would be tearing it down. Weis questioned the history of the lot creation. Staff believed that it was before 1975.

**V1424-14 – David T & Katie Schroeder:** Variance from Sec. 11.04(f)8 to allow a detached structure within the lot area that is less than the 150' by 200' required for structure placement. The site is at **N8883 CTH E** in the Town of Watertown, on PIN 032-0815-1511-000 (6.062 Acres). The property is zoned A-3, Agricultural/Rural Residential.

David Schroeder presented his petition. He stated that he wants a detached garage on the most convenient part of the property. The garage would be used for storage.

There were no questions or comments in favor or opposition of the petition. There was a town response in the file which was read into the record by Carroll approving the petition. Schroeder noted that he had also checked with the city, and they had no issue.

Staff report was given by Staff. She explained the 150x200' requirement to build, and noted that they would be meeting the 20' setbacks.

Carroll commented that there was adequate room on the property, and they could still meet the ordinance requirements. Schroeder stated that it was in the spirit of the ordinance to restrict building on small lots. He went on to explain his proposed location for the garage. Hoeft questioned the taking down of trees. Schroeder explained that they would not be taking down any more. Weis questioned a possible alternate location. Schroeder explained that would encroach on the existing driveway. Weis questioned whether it could be moved further south. Schroeder explained that they would have to take down more trees. There was further discussion on an alternative location, septic location, the removing of trees, etc... Carroll explained the standards that apply are not based on personal comfort or choices, but by the ordinance and the three standards. Schroeder further explained his chosen location. Staff also further explained the 150'x200' lot area requirement.

## **10. Decisions on Above Petitions (see attached & files)**

The Board requested that on next month's agenda, they would like to have Rob Klotz further explain the new 50% to be added as an agenda item.

**11. Adjourn**

Weis made motion, seconded by Hoeft, motion carried 3-0 to adjourn @ 2:17 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](http://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.*

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Secretary

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Date

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

**FINDINGS OF FACT**

PETITION NO.: 2014 V1422

HEARING DATE: 06-12-2014

APPLICANT: Steven R. Hamme

PROPERTY OWNER: Steven R. & Camille M. Hamme

PARCEL (PIN #): 032-0815-1521-002

TOWNSHIP: Watertown

INTENT OF PETITIONER: To exceed 50% of the existing footprint of the non-conforming structure for a two story addition and structural modifications of the existing structure.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09(c) 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 existing lot is 82 feet width and 265 feet in length. The residence is 14.13 feet from the right-of-way of South Road, whereas the required setback is 50 feet. The petitioner would like to construct an addition to the existing structure. The petitioners have indicated that the footprint of the current residence is 1237 sq. ft. The total sq. ft. of the new 2<sup>nd</sup> story addition is 622 sq. ft. which would be 50% of the footprint of the non-conforming structure. In addition, the existing structure will be structural altered where the addition meets the existing structure for a percentage of 17%; therefore, the construction will exceed 50%. The proposed structure will not go any closer to the road right-of-way or rear setback.

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 \_\_\_\_\_  
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- 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: \_\_\_\_\_  
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- 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** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE he is allowed to put an addition onto the house.  
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\_\_\_\_\_  
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- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE this is a lot created before ordinances. The lot has shallow depth, and because of the location of the road. The 50% criteria has changed.  
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- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it's not any closer to any setbacks.  
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**\*A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET\***

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

**MOTION:** Weis    **SECOND:** Carroll    **VOTE:** 2-1

**CONDITIONS OF APPROVAL/DENIAL:**

**SIGNED:** \_\_\_\_\_ **DATE:** 06-12-2014  
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.: 2014 V1423  
HEARING DATE: 06-12-2014

APPLICANT: Steven R. Hamme

PROPERTY OWNER: Steven R. & Camille M. Hamme

PARCEL (PIN #): 032-0815-1521-002

TOWNSHIP: Watertown

INTENT OF PETITIONER: To remove the existing detached garage and built a new 44' X 24' (1,056 sq. ft.) detached garage that does not meet the required side and rear setback, in addition to, the road right-of-way and centerline setback.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)6 and 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 proposing to build a 44' X 24' (1,056 sq. ft.) detached garage that is 15 feet from the rear and side lot lines whereas the required setback is 20 feet. The proposed detached accessory structure is also proposed 22.47 feet from the road right-of-way and 67.48 feet from the centerline of South Road. The lot is half of acre and has a lot width of 82.02' x 265' in length. There is about an area of 12 feet width building area that would meet the road and rear/side setbacks.

Proposed Use of Building? Why this location?

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:

- 4. UNNECESSARY HARDSHIP IS PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE WOULD UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE not being able to build an accessory structure would be a hardship.
5. THE HARDSHIP IS DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the varied setbacks are because of the unique size of the lot.
6. THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it's consistent with the Town Board recommendation. Everyone should be allowed a garage.

\*A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET\*

DECISION: THE REQUESTED VARIANCE IS GRANTED.

MOTION: Hoeft SECOND: Weis VOTE: 3-0

CONDITIONS OF APPROVAL: The overhangs do not exceed 1'

SIGNED: CHAIRPERSON DATE: 06-12-2014

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.: 2014 V1424  
HEARING DATE: 06-12-2014

APPLICANT: David T. & Katie Schroeder

PROPERTY OWNER: SAME

PARCEL (PIN #): 032-0815-1511-000

TOWNSHIP: Watertown

INTENT OF PETITIONER: To allow a detached structure within the lot area that is less than the 150' by 200' required for structure placement.

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 property is zoned A-3 and has a lot area of 6.062 acres. The petitioner would like to build a 25' x 40' accessory residential building on the property in an area of less than the required 150' x 200' requirement. The area of placement is approximately 140 feet in width but the area narrows. See plat of survey for further detail.

What will the structure be used for? Why this location?

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

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

