

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 OCTOBER 9, 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, Weis

Members absent: ----

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

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

5. Approval of September 11, 2014 Meeting Minutes

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

Note: Weis was not present at this meeting and, therefore, did not vote.

6. Communications - None

7. **Site Inspections – Beginning at 10:45 a.m. and Leaving from Room 203**
V1432-14 -Michael & Linda Matley, **N1742 CTH K**, Town of Koshkonong
V1430-14 – Jaye Haberman/Suzanne Chadwick Trust, **W6393 CTH A**, Town of Milford
V1433-14 – Cambridge State Bank, **near N5556 Christberg Rd**, Town of Farmington

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, Weis

Members absent: -----

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, October 9, 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:

V1430-14 – Jaye Haberman/Suzanne Chadwick Trust Property: Variance from Sec. 11.04(f)9 of the Jefferson County Zoning Ordinance to allow creation of an unsewered, Community-zoned lot without the required minimum lot width and depth. The site is in the Town of Milford at **W6393 CTH A** on PIN 020-0714-0431-010 (1.12 Acre).

Barb Nahmens, realtor, presented the petition. She stated it is now one parcel, and want to separate the parcel, but they do not meet the setbacks. It was divided at one time.

There were no questions or comments in favor or opposition of the petition. There was a town response of approval in the file which was read into the record by Carroll. There was also a letter in the file from DNR which was also read into the record by Carroll.

Staff report was given by staff. She stated that the parcel is conforming now. There were two tax parcels, but only one owner. She explained that the request does not meet the lot width and depth, but it does meet the lot square footage requirements. Both structures are non-conforming with floodplain on the property. They are also proposing a conditional use for a duplex. They would like to sell the house separate from the duplex.

Hoelt questioned the floodplain and shoreland on the property. Staff explained the requirements and possible limitations of the property, and that reconstruction would need a variance. Hoelt questioned the two residences on the property. Staff explained multi-family with conditional use approval and the Community Zone uses. Weis commented on the septic for both properties. Nahmens stated both properties would have restrictions on the septic. She stated that RDR Septic stated that a possible mound could be installed. Weis questioned the number of bedrooms for the house. Nahmens stated there are three. Weis noted that there could be some issues for septic replacement.

Hoelt questioned the duplex and the location of the floodplain. Staff noted there was a map in the file showing the location of the floodplain. Weis noted the floodplain bisects the house in half, and is approximately 20-25' from the duplex. Carroll questioned the access for Lot 1. Nahmens state it has a driveway. Carroll questioned the access for Lot 2. Nahmens stated there is a shared driveway and parking lot. Staff questioned the lot line down the driveway. Nahmens stated the lot line should

be down the driveway. The first part of the driveway is on lot 1. Staff further explained the requirements of the driveway.

Carroll questioned the septic and well. Nahmens stated that there would be a shared well with an agreement. Carroll commented on what would be in best interest of the community. Nahmens noted it is a landmark.

Carroll asked the petitioner to address the three criteria for variance. Nahmens stated she had a letter and further explained. Hoeft questioned the ordinance requirements on lot size. Staff explained the Community Zone. Hoeft asked for clarification on this variance request regarding floodplain and shoreland. Staff explained and noted that if something happened to this structure, they would need a variance due to the location of the floodplain, shoreland, etc... She further explained the limitations of the property. Hoeft questioned staff if the variance would go with the property. Staff stated the variance was just for the lot request. Weis commented on the non-conforming structure and their considerations for allowing a lot, or creating a lot with serious restrictions. Weis asked the petitioner to explain the three criteria needed for the variance. Nahmens explained.

V1432-14 – Mike & Linda Matley: Variance from Sec. 11.04(d) to allow a third accessory structure in a Residential R-2 zone at **N1742 CTH K**. The site is on PIN 016-0514-1043-008 (1 Acre) in the Town of Koshkonong.

Mike Matley presented his petition. He stated that they wanted to construct a detached garage at 24'x36' which would be added as a third outbuilding. He noted the house does not have a basement. The structures there are for storage.

There were no questions or comments in favor or opposition of the petition. There was a decision in the file from the town of approval which was read into the record by Carroll.

Staff questioned the petitioner on the size of the existing structures. Matley stated 12'x12', 10'x15', and 8'x12'.

Staff report was given by Staff. She explained the ordinance requirements and noted that they are asking for a fourth structure. She questioned the petitioner on consolidating some of the structures into one. Matley stated that they had initially looked into that, but they would have to cut down mature trees. They also considered adding the garage to the house, but had problems with the roof line. Staff asked the petitioner if they could make the proposed structure bigger to eliminate some of the other structures. Petitioner stated that there would be problems and would have to cut down mature trees.

Hoeft questioned the petitioner if any of the existing structure could be put together. Matley explained that two of the structures had foundation, and the third one could be removed. They had looked into moving the structures, but have problems cutting down the mature trees. Hoeft questioned the location of the electrical box. Mately explained the new electrical system and its placement. Hoeft asked the petitioner what would be involved in moving the meters and get rid of the structures so they could attach this garage to the current garage. Mately explained the electrical system, and that they followed the recommendation of WE Energies. Hoeft questioned the petitioner on attaching the garage. Petitioner explained the roofline problems.

Staff noted to the petitioners that it just had to be touching to be considered attached, possibly by a breezeway. Mately stated that he just going by the recommendations of two contractors. Carroll commented about this being self-created because there are alternatives. He noted that there are three criteria that they have to consider.

Weis questioned Staff if attaching the structure would eliminate the need for a variance. Staff stated yes. Mately noted that they wanted something presentable for appearance.

V1433-14 – Cambridge State Bank: Variance from Sec. 11.03(d)1 to allow creation of a Natural Resource zone for recreational purposes without frontage on and access to a public road. It is located **near N5556 Christberg Road** in the Town of Farmington, on PIN 008-0715-2924-000 (24.146 Acres)

Michael Rumpf presented the petition. Steve Trumble from the Cambridge State Bank was also present. Rumpf noted that they have also proposed a Natural Resource Zone. This is a landlocked parcel under a conservation easement program which prohibits it from being built on. He stated that Mr. Sikora wanted to purchase the property with a proposed 75' easement on the north side of the property. He had a copy of the easement agreement, and explained the three criteria for variance.

Hoeft questioned the pond on the property. Rumpf had no information on the pond.

There were no questions or comments in favor or opposition of the petition. There was a town response in the file from the town in favor of the petition which was read into the record by Carroll.

Staff noted that there was a map in the file. Staff gave staff report. She explained how the parcel became land locked, and noted that all parties are in agreement to the 75' easement. She questioned the petitioner if this would be for foot traffic. Rumpf stated that he only had information that it was to be used for ingress/egress, and didn't believe it would be just for foot traffic. There was a discussion on the location

of the easement. Staff asked who had the conservation easement. Rumpf stated it was USDA/NRCS, and that a Natural Resource Zone was also being proposed.

Weis questioned if this was legal the way they are proposing it. There was a discussion on the easement and how this parcel became landlocked. Carroll questioned the petitioner if they would be adverse to conditions to add to the access easement. Rumpf stated that he did not have the power to make that decision. Weis commented that 75' was very generous for an easement.

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

11. Adjourn

Weis made motion, seconded by Hoeft, motion carried 3-0 to adjourn @ 2:28 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 V1430
HEARING DATE: 10-09-2014

APPLICANT: Jaye Haberman

PROPERTY OWNER: Suzanne Chadwick Trust c/o Jaye Haberman

PARCEL (PIN #): 020-0714-0431-010

TOWNSHIP: Milford

INTENT OF PETITIONER: To divide a parcel into two lots to sell them separately.
One of the lots will not meet required lot width or depth in a Community Zone.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)(9)
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 currently has one conforming lot with a single family residence and a duplex. The petitioner would like to split the parcel to create a lot for the single family residence and one for the duplex. The parcel with the single family residence would not have the required width of 100 feet x 150 feet. The parcel is along the Crawfish River. A majority of the property is in the floodplain and the single family residence is in the floodplain. The current residence is non-conforming.

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

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

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

FINDINGS OF FACT

PETITION NO.: 2014V1432
HEARING DATE: 10-09-2014

APPLICANT: Michael J. & Linda A. Matley

PROPERTY OWNER: SAME

PARCEL (PIN #): 016-0514-1043-008

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: To allow a third accessory structure in a Residential R-2 zone at N1742 CTH K

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(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 a new detached garage. The property currently has two detached accessory structures. They are proposing a third 24' x 26' (624 sq. ft.) detached structure on the property. In an R-2 zone only two accessory structures are allowed.

Can they remove an accessory structure or add to an existing structure?

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 NOT** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD NOT** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE _____ they have _____ options.

2. THE HARDSHIP **IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE _____ they could put the garage anywhere. It's a self-created situation.

3. THE VARIANCE **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 **DENIED.**

MOTION: Carroll

SECOND: Weis

VOTE: 3-0

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** _____
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 V1433
HEARING DATE: 10-092014

APPLICANT: Cambridge State Bank

PROPERTY OWNER: SAME

PARCEL (PIN #): 008-0715-2924-000

TOWNSHIP: Farmington

INTENT OF PETITIONER: To create a lot without 66 feet of frontage and access on a public road.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(d)1 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:

This parcel was part of the farm owned by B & B LLC, but only this parcel was foreclosed on (now owned by the Cambridge State Bank) creating a land-locked parcel with no frontage and access to a public road. The bank has a potential buyer who is located very close to this parcel, and is proposing a 75 foot wide access easement to this parcel over the farm fields. The potential buyer has indicated that Matthew Schlender, the farmer where the easement would go over, is in agreement to provide access to this parcel. The majority of the land is floodplain and the parcel is 24.1 acres. A rezoning to natural resources is pending for this property.

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** 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 the creation of this Natural Resource zone with an easement will allow for sale to an adjacent property owner.
- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the parcel is landlocked. History is that it is a foreclosed property that has no road access.
- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it will add to the tax payrolls.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Weis

SECOND: Carroll

VOTE: 3-0

CONDITIONS OF APPROVAL: **Adequate easement to be extended to meet Christberg Road.**

SIGNED: _____ **DATE:** 10-09-2014
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.