

**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 and Text Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits

**DATE:** Thursday, February 20, 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 meeting was called to order by Chairman Nass at 7:00 pm.

**2. Roll Call**

Committee members in attendance were Nass, Reese, Jaeckel, Rinard and David.

**3. Certification of Compliance with Open Meetings Law Requirements**

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

**4. Review of Agenda**

There were changes proposed to the agenda.

**5. Explanation of Process by Committee Chair**

Chairman Nass explained the process of the public hearing.

**6. Public Hearing**

Klotz read the notice below 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, February 20, 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 maps and text 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 A-1, EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL/RURAL RESIDENTIAL**

**R3701A-14 – Russell Bienfang/Donald Bienfang Property:** Rezone 4.7 acres around the buildings at **N5775 Ziebell Road** in the Town of Aztalan from PINs 002-0714-2231-000 (39 Acres) and 002-0714-2234-000 (28.75 Acres).

**Petitioner:** Russ Bienfang N5775 Ziebell – Mr. Bienfang would like to sell the cropland from the homestead to sell his father's estate. Mr. Bienfang stated that he needs to settle estate matters before clean-up can begin, and will be selling the property.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

**Town Response:** Klotz read town response of approval into the record and is in the file. Troy Klecker from the Town of Aztalan was present and stated that the Town is in favor of the petition.

**Staff Report:** Staff report given by Robert Klotz and now on file in the zoning department. Klotz asked about the salvage materials on the property and asked petitioner the status of clean up on the property.

**FROM A-1, EXCLUSIVE AGRICULTURAL TO N, NATURAL RESOURCE**

**R3702A-14 – Russell Bienfang/Donald Bienfang Property:** Create a 16.3-acre Natural Resource zone on **Zimmerman Lane** in the Town of Aztalan from part of PINs 002-0714-2224-001 (15 Acres) and 002-0714-2231-000 (39 Acres).

**Petitioner:** Russ Bienfang N5775 Ziebell Rd: Mr. Bienfang stated he would like to separate the hunting land from the cropland. He stated there are no buildings on this land and that the lot will be accessed from Zimmerman Lane.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

**Town Response:** Klotz read town response of approval into the record and is in the file.

**Staff Report:** Staff report given by Robert Klotz and now on file in the zoning department.

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

**R3703A-14 – Bark River Campground and Resort, Inc:** Rezone one acre with the home at **W2340 Hanson Road** in the Town of Sullivan from PIN 026-0616-3024-000 (37.83 Acres).

**Petitioner:** Matt Dehari W2340 Hanson Road– Mr. Dehari would like to split off the residence from the campground to sell to another family member. He stated the residence was built before 1975. There was a brief discussion about campers being present on the proposed A-3 lot. Mr. Dehari stated that the campers will be removed from the proposed lot.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

**Town Response:** Klotz read town response of approval into the record and is in the file.

**Staff Report:** Staff report given by Robert Klotz and now on file in the zoning department. Klotz asked the petitioner the age of the existing residence and about possible campers located on the proposed lot.

## CONDITIONAL USE PERMIT APPLICATIONS

**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.

**Petitioner:** Brian Pernet W4188 Emerald Dr.—Mr. Pernet explained that he would like to expand the existing store for a bigger meat department. In response to Rinard questions, Mr. Pernet stated that he will be using a pellet burner for smoking meat. He stated that there is commercial property to his north. Mr. Pernet stated that he designed the building so that deer carcass will be dropped off at one of the doors and stored indoors.

**Comments in Favor:** None

**Comments Opposed:** None

**Questions from the Committee:** Rinard asked if the smoker would be nuisances to the surrounding properties. Rinard also asked if the petitioner was proposing any outdoor storage of deer carcass.

**Town Response:** Klotz stated that he talked to the Town Clerk about the decision. There was no formal at this time of the decision but will be at the next Town Board meeting.

**Staff Report:** Staff report given by Robert Klotz and now on file in the zoning department. Klotz stated that a new sign would require a sign permit. In addition, it was noted that the new expansion would include a smoker and the petitioner is planning to have 12 employees. Klotz mentioned that Zoning staff would need to look at the number of parking stalls vs the floor area of the proposed store, but it was noted that there were 26 stalls previously.

**CU1773-14 – David Raymond:** Conditional use for an extensive on-site storage structure exceeding square footage and height allowed in a Residential R-2 zone. The site is at **N715 Old 26 Road** in the Town of Koshkonong, on PIN 016-0513-2514-001 (1.322 Acres).

**Petitioner:** David Raymond N715 Old 26 Road: Mr. Raymond stated that he currently has only an attached garage and needs additional space since his daughter and son-in-law live with them. Raymond would like to build a detached garage with a new access from Old 26. Per the petitioner, the Town has already approved the second driveway. Raymond stated that there will be no water service, business use or habitation of the detached structure.

**Comments in Favor:** None

**Comments Opposed:** None

**Questions from the Committee:** None

**Town Response:** Klotz read town response of approval into the record and is in the file.

**Staff Report:** Staff report given by Robert Klotz and now on file in the zoning department. Klotz asked the petitioner is he if proposing any business or habitation of the structure.

## ZONING ORDINANCE TEXT AMENDMENTS

### **R3704T-14 – Jefferson County: *Add 11.05(a)7. Revocation of Conditional Use Permits***

This amendment adds language to the ordinance to clarify the process by which the County may revoke a conditional use permit (CUP). This process would be taken up after all other avenues or attempts at compliance have failed.

Klotz read the above description of the proposed text amendment. Klotz explained the reasons for this proposed text amendment.

Nass asked if there was anyone in favor or opposed to the text amendment. There were no public comments.

In the file, there was response from the Town of Milford and Town of Koshkonong. Both Towns were in favor of the text amendment.

**R3705T-14 – Jefferson County: *Repeal and recreate 11.05(h) Mobile Tower Siting*** The legislature passed new statutory changes to Wis. Stat. 66.0404, which invalidated the current Wireless Telecommunication Facilities Ordinance, Sec. 11.05(h). The changes are quite specific as to what the County can and cannot regulate when it comes to new tower and/or colocation of new/replacement antennas and equipment. A new model ordinance that meets the new law was put together by the Wisconsin Towns' Association attorney and presented to County Zoning Administrators at our last conference. We are proposing adoption of this model ordinance. Right now, until the new ordinance is passed, there is no regulation for new towers or colocation.

Klotz read the above description of the proposed text amendment. Klotz stated that this model was written by a Town Association attorney. Klotz explains the setback requirements. Nass stated that there are ordinances on cell towers due to the passage of the new law.

Troy Klecker from the Town of Aztalan Plan Commission asked about the setbacks from the property line. There was a discussion with Klecker and Klotz on setbacks.

Nass asked if anyone in favor or opposed. There were no comments from the public on this text amendment.

### **R3706T-14 – Jefferson County: *Modify 11.09 Non-Conforming Uses, Structures and Lots***

Due to Act 170, passed by the legislature, it is necessary to change the non-conforming section of the ordinance. Act 170 now prohibits a county from regulating non-conforming structures by assessed value. What the County is proposing is to regulate non-conforming structures by limiting reconstruction of structural members, which includes foundation walls, walls, floor and roofs, to 50% of those members. It also proposes to limit expansions of non-conforming structures to 50% of the footprint. It also updates language from 59.69(10m)(b) which permits reconstruction of non-conforming structures when damage was caused by violent wind, vandalism, fire, ice, flood, snow, mold or infestation.

Klotz read the above description of the proposed text amendment. Klotz explained the non-conforming law.

Nass asked if anyone in favor or opposed. There were no comments from the public on this text amendment.

### **R3707T-14 – Jefferson County: *Add/modify Adaptive Reuse of Barns – 11.02 and 11.04(f)5, 7***

This amendment comes forward after a year-long process which included multiple meetings involving Town representatives. The proposed language will allow historic preservation of pre-1970 barns and continue to

preserve farmland and agriculture, while promoting economic activities and uses in these structures. This will add principal and conditional uses to the A-2 and A-T zoning districts which can be regulated to utilize old barns.

Klotz read the above description of the proposed text amendment. Klotz explained the reasoning of the text amendment.

Nass asked if anyone was in favor or opposed. There were no comments from the public on this text amendment.

Motion by Reese, seconded by Jaeckel to adjourn the meeting at 7:43 pm.

**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.*