

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 APRIL 9, 2015 IN ROOM 205,
JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 9:45 A.M. IN
COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 10:00 A.M.
FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 9:45 a.m.

Meeting called to order @ 9:45 a.m. by Weis

2. Roll Call

Members present: Carroll, Weis, Zastrow

Members absent: Hoeft

Staff: Michelle Staff, Laurie Miller

3. Certification of Compliance with Open Meetings Law Requirements

Staff presented proof of publication.

4. Review of Agenda

Carroll made motion, seconded by Zastrow, motion carried 2-0 to approve the agenda.

5. Approval of March 12, 2015 Meeting Minutes

Carroll made motion, seconded by Weis, motion carried 2-0 to approve the March 12, 2015 meeting minutes.

NOTE: Zastrow was not present for the March 12, 2015 meeting, and therefore, did not vote.

6. Communications - None

7. Site Inspections – Beginning at 10:00 a.m. and Leaving from Room 203

V1450-15 – Fred & Mary Benkert, **N2730 Mehring Rd**, Town of Hebron

V1444-15 – Judy Leikness, **N2903 County Road J**, Town of Oakland

V1447-15 – Judy Leikness, **N2903 County Road J**, Town of Oakland

V1451-15 – Philip & Deanna Battist/Battist Farms Inc Property, **W9352 County Road B**, Town of Lake Mills

V1452-15 – Wes Tennyson/Wesley Tennyson & Steven Beilke Property, **W6394 County Road A**, Town of Milford

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

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

Members present: Carroll, Weis, Zastrow

Members absent: Hoeft

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, April 9, 2015 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 and Jefferson County Floodplain 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:

V1444-15 – Judy Leikness: Variance from Sec. 11.09(c) of the Jefferson County Zoning Ordinance to exceed 50% of the structural members and allow expansion of the footprint of the house at **N2903 County Road J** in the Town of Oakland. The property is on PIN 022-0613-3511-000 (0.25 Acre) and is zoned A-1, Exclusive Agricultural.

Randy Mayer presented the petition on behalf of Judy Leikness. He stated they would like to build over the top of the porch to the east. Unless he opened up all the walls, he does not know structurally the extent of work needing to be done. He explained the modifications to the house being proposed, and went on to explain the three criteria needed for variance.

There were no questions or comments in favor of the petition. Judy Bennett, the property owners to the north of this property, had concerns about the improvements and how close it was to the boundary line. She stated that she could not find the survey markers, and cannot tell where the property line is. Ms. Bennett also had concerns about the deck being proposed.

Weis commented on the survey and when it was done. Ms. Bennett again stated she had a concern about where the survey markers are. Mayer stated that there was one in the highway, and the survey noted the ROW. Weis asked the petitioner with the new trusses proposed, was the setback from the overhang. Mayer explained.

Staff report was given by Staff. She commented on the survey, and noted that a concerned property owner can hire their own surveyor. Staff explained non-conforming, and stated that if the work being done was <50%, a permit can be issued. If it is >50%, permits cannot be issued, and, therefore, it has to go before the board. She noted that the expansion was on the second story, there may be additional structural work, and they would be exceeding 50%. Staff also commented on the lean-to type structure, and asked the petitioner what was going to be done with it. Mayer explained they will be removing the trusses and changing the pitch, and then shingling. Staff questioned the foundation in that area. Petitioner explained. Staff noted that the only permit on file was for the septic. Weis questioned the petitioner on the use of that section of the home. Petitioner stated it was a bathroom and housed the utilities.

It was noted by Weis that there was a town response in the file.

There was also a note in the file from the Highway Department which was read by Weis which indicated they had no problem with the deck as long as it was parallel with the house and no closer to the roads.

V1447-15 - Judy Leikness: Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to construct a deck at less than the required right-of-way and centerline setbacks to CTH C. The site is at **N2903 County Road J** in the Town of Oakland on PIN 022-0613-3511-000 (0.25 Acre) in an A-1, Exclusive Agricultural zone.

Randy Mayer presented the petition. He asked for clarification on the Highway Department's response. Staff explained that the highway's response is a recommendation which the Board can take into consideration when making their decision.

Mayer explained the proposed deck and questioned if they could have a concrete stoop. He noted that the petitioner may be inclined to withdraw this request as long as they could have a concrete stoop. Carroll made comment on their being no intrusion. Staff stated they would be allowed reasonable access. Weis questioned the setbacks shown on the survey and the Highway Department's comments. There was a discussion between Weis and Staff on the setbacks.

There were no questions or comments in favor or opposition of the petition.

V1450-15 – Fred & Mary Benkert: Variance from Sec. 11.04(f)6. Minimum Yards of the Jefferson County Zoning Ordinance to sanction reduction of the minimum 20-foot setback required in an A-1 Exclusive Agricultural zone at **N2730 Mehring Road**. The site is on PIN 010-0615-3611-000 (40.65 Acres) in the Town of Hebron.

Fred Benkert presented his petition. He gave the background on the property, and note the building had previous variance approval. NRCS surveyed the property, and the building was placed off that survey. The new survey shows the building is over the east lot line. They have been to court on this issue, and the judge ordered the sale of 5' on the east side

There were no questions or comments in favor or opposition of the petition. Weis noted there were court documents and a survey in the file.

There was a town response in the file which was read into the record by Weis, which was denied. They felt the land owner had a responsibility to know where the property lines before erecting a building are and did not want to set a precedent.

Weis read a letter from Judge Hue into the record. Weis also noted there was a copy of the judgement in the file.

Carroll asked the petitioner who created this hardship. Petitioner stated it was his responsibility and that he should have had a survey done. Carroll noted the three criteria requirements.

Staff report was given by Staff. She explained the previous variance approval for the placement of the structure within the 100' strip of land. The property is in a NRCS Program who did a wetland delineation which portrayed the lot line in a different location. Staff went on to explain the wetlands on the property. She noted the permit was issued with a setback of 22' to the lot line. The survey submitted showed the building was over the lot line, and a violation letter was sent to the petitioner. Staff explained the court case and testimony given. She also explained the adjacent property and the conditional use requirements regarding manure management.

Weis questioned the placement of the structure in the 100' strip. The petitioner explained. Weis commented that it was close to 25' to 30' over the required setback. Weis questioned the road setback. Staff stated that was OK and further explained setbacks. Weis questioned the wetlands. Staff explained the wetland issue. There was a discussion on the NRCS wetland delineation. Zastrow questioned the 5' sale of land the court ordered. Petitioner stated yes, the survey is done and they now own it. Carroll commented on the NRCS survey/wetland delineation. Petitioner explained.

Roy Schmidt commented that NRCS created the hardship and laid out the lines, and some liability should go to who issued the permit. Staff commented the permit was issued based on the information provided. Weis asked staff for a copy of the NRCS survey/document.

There was a small break from this petition for Staff to get a copy of the NRCS information provided with the permit.***

V1451-15 – Philip & Deanana Battist/Battist Farms Inc. Property: Variance from Sec. 11.07(d) Highway Setback Requirements of the Jefferson County Zoning Ordinance to reduce the required setback from County Road B centerline and right-of-way, a Class C, Major Collector Highway, for a swimming pool at **W9352 County Road B** in the Town of Lake Mills. The site is on PIN 018-0713-0744-000 (36.616 Acres) in an A-1, Exclusive Agricultural zone.

Philip Battist presented the petition. Deanana Battist was also present. Mr. Battist explained the petition and its placement due to the septic location, cow pastures, safety concerns with the farm operation, and stray voltage problems.

There were no questions or comments in favor or opposition of the petition. Staff report was given by Staff. She noted the setback requirements and that the house was constructed in 1998. The property has approximately 110 acres.

There was a town response in the file approving the petition provided they follow all POWTS regulations, which was read into the record by Weis.

Carroll questioned if this was an above-ground pool. Mr. Battist stated that was correct.

***The Board picked up where they left off from the Benkert petition. Staff provided the Board with the NRCS information and permit issued. There was a discussion at the table with the Board and Staff regarding this information. There was a continued discussion with Weis and the petitioner regarding the NRCS map. Staff noted the size of the building was shown on the permit. Weis noted the square footage for the record.

V1452-15 – Wes Tennyson/Wesley Tennyson and Steven Beilke Property:

Variance from Sec. 11.09 Nonconforming Uses, Structures and Lots of the Jefferson County Zoning Ordinance for a modification to the building at **W6394 County Road A** over 50% of its structural members. Variance from the Jefferson County Floodplain Ordinance, 14:3.0 – Floodway District, including but not limited to 14:3.3 Standards for Development in Floodway Areas (1) General and (2) Structures. This structure is on PIN 020-0714-0432-001 (0.41 Acre) in a Community zone in the Town of Milford.

Wes Tennyson presented his petition. He wants to remove the damaged cement block and replace the roof. He explained the three criteria that need to be met for variance approval.

There were no questions or comments in favor of the petition. Roy Schmidt, adjoining property owner, stated that he had no problem with the remodeling, but he would like a retaining wall built because of property movement.

Weis questioned how far this was off his property line. Staff noted there was a survey in the file showing where the floodplain lines are and setbacks. Schmidt presented an aerial photo and showed pictures to the Board at the table and explained. There was a discussion at that table with Schmidt and the Board regarding his request for a retaining wall.

Staff noted there was a survey in the file and was marked in a red line where the 100 year flood elevation. Weis noted that this ran through a portion of the building, and questioned the lower level of the structure. The petitioner explained it was just a basement/storage. Weis questioned if there was a well. The petitioner stated there was no well, but that the water was obtained from the house across the street. Weis questioned the use of the structure. Tennyson stated it was unheated storage, and also noted that he would have no problem building a retaining wall. Weis questioned that 25% of the walls were being replaced. Tennyson states it would be at least that

much. There was a discussion with Weis and Tennyson regarding how much of the building was being repaired.

There was a response from the DNR in the file, opposing this petition request, which was read into the record by Weis. There was also a town response in the file granting this request and was read into the record by Weis.

Staff report was given by Staff. She stated that a portion of the building was in the floodway, and explained the Floodplain Ordinance requirements.

Weis questioned what would happen if this was not granted. Staff commented that the town has an issue with this property, but the county could let it remain as is. The petitioner responded to the DNR letter. Carroll commented on the requirements of floodway. Zastrow questioned the concerns from the town. Tennyson stated that they want it repaired. Staff commented that it is existing; however, once it's over 50%, it has to meet the ordinance requirements and noted that we have no proof of the structure being flood-proofed.

There was a break @ 1:30 p.m. Back in session for decisions @ 1:35 p.m.

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

11. Adjourn

Zastrow made motion, seconded by Weis, motion carried 3-0 to adjourn @ 3:47 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.: 2015 V1444
HEARING DATE: 04-09-2015

APPLICANT: Judy A. Leikness

PROPERTY OWNER: SAME

PARCEL (PIN #): 022-0613-3511-000

TOWNSHIP: Oakland

INTENT OF PETITIONER: To exceed 50% of the structural members and allow expansion of the house at N2903 CTH J.

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:

Currently the residence is in disrepair and the petitioner would like to be able to replace any structural inadequacies they find as they rebuild the structure. In addition, they would like to expand the second story of the residence over other existing first floor footprints. The structure does not meet road setbacks from CTH J or CTH C. In addition, it does not meet rear setbacks. A survey has not been completed for the property. Will there be foundation work? If they find entire walls that aren't structurally sound, will they replace them?

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.: 2015 V1447
HEARING DATE: 04-09-2015

APPLICANT: Judy A. Leikness

PROPERTY OWNER: SAME

PARCEL (PIN #): 022-0613-3511-000

TOWNSHIP: Oakland

INTENT OF PETITIONER: To construct a deck at less than the required right-of-way and centerline setbacks to CTH C

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(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 asking for a deck closer to the road than the existing residence. On the site plan, there are no setbacks listed from either the right-of-way or centerline. The required setback is 50 feet from the right-of-way and 110 feet from the centerline.

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 it would be a hardship not to have an entry/access to the house. The proposed deck or stoop request is reasonable. It will offer a good access to the house from both entrances. It will be safer than a stoop.

Carroll was opposed because he felt that it would be an intrusion into the ROW.
There are other options for a doorway.

- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the setbacks are non-conforming due to the uniqueness of the lot both in size and shape. The highway configurations were done after the house existed.

Carroll was opposed because the deck can be placed on the property out of the ROW

- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE a good access makes it safer and it does not restrict the vision corner.

Carroll was opposed because it is an intrusion into CTH C. See notes from the Highway Department.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

Motion was made by Carroll to deny. Motion did not receive a second, and motion was withdrawn.

MOTION: Weis

SECOND: Zastrow

VOTE: 2-1

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ DATE: 04-09-2015
VICE-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.: 2015 V1450
HEARING DATE: 04-09-2015

APPLICANT: Frederick & Mary Benkert

PROPERTY OWNER: SAME

PARCEL (PIN #): 010-0615-3611-000

TOWNSHIP: Hebron

INTENT OF PETITIONER: An after-the-fact variance to sanction the placement of a 40' x 50' detached agricultural structure.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04 (f)(6)
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:

On June 9, 2005, the Jefferson County Board of Adjustment granted a variance for said detached structure because it was being placed on a lot width less than 200 feet. A Zoning and Land Use permit was issued on June 14, 2005 showing the proposed structure would be 22 feet from the property line. In 2012, the neighboring property owner submitted a plat of survey of the lot line showing the structure being over the neighbor's lot line whereas the required setback is 20 feet in an A-1 zone. On February 23, 2013, the Planning and Zoning Department sent a violation letter to Mr. & Mrs. Bankert. The Bankert's notified the Zoning Department that legal action was forthcoming. On June 12, 2014, Michelle Staff testified in court regarding the setbacks and uses allowed in an A-1 zone. In addition, Staff answered questions from Judge Hue regarding variances. Judge Hue wrote a letter to the Jefferson County Board of Adjustment regarding the Bankert's variance request. (See file)

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 due diligence at the early stages of permitting and wetland delineation were not practiced by government bodies. The property boundaries were established by NRCS. The owner believed their survey was correct.
- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE of the wetlands. The applicant followed all requirements made by the county.
Weis did not feel they met hardship due to the fact that it is not unique to the lot. The owners/County/NRCS did not do due diligence in determining the actual lot line and building site.
- 3. THE VARIANCE **WILL** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE the structure has existed since 2005. It has no effect on public interest. The court order provided settlement and agreement to sell the land.
Weis felt this was caused by a serious conflict between the individual property owners.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Carroll

SECOND: Zastrow

VOTE: 2-1

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ DATE: 04-09-2015
VICE-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.: 2015 V1451
HEARING DATE: 04-09-2015

APPLICANT: Philip & Deanna Battist

PROPERTY OWNER: Battist Farms, Inc.

PARCEL (PIN #): 018-0713-0744-000

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: To place a pool within the road setbacks of CTH B.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 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 would like to place a pool at 93 feet from the centerline and 46 feet from the right-of-way of County Highway B, whereas the required setback is 110 feet from the centerline and 50 feet from the right-of-way. Currently there are two residences on the farm. Where the pool is proposed is next to W9352 County Highway B which was constructed in 1998. North of County Highway B, the farm consistence of approximately 110 acres.

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.: 2015 V1452
HEARING DATE: 04-09-2015

APPLICANT: Wes Tennyson

PROPERTY OWNER: Wesley Tennyson & Steven Beilke

PARCEL (PIN #): 020-0714-0432-001

TOWNSHIP: Milford

INTENT OF PETITIONER: To repair existing structure over 50% of the EAV and structural members and to allow a structure within the floodway.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 14.3.3 and 11.09 OF THE JEFFERSON COUNTY FLOOD PLAIN AND ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

The petitioner would like to repair the existing structure over 50% of the structural members and EAV. The EAV of the structure is \$30,100 and the proposed work is estimated at \$45,000. The northwest portion of the structure is currently in the floodway of the Crawfish River. The petitioner is not proposing any floodproofing, just repairing the structure. Once a floodplain structure exceeds 50% of the EAV, it is required to meet all floodplain provisions. Only water dependent structures are permitted in the floodway and must meet Section 14.3.3 of the floodplain ordinance. The first floor of the structure is above the floodplain elevation but a portion of the foundation that is to be repaired is within the floodway.

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

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

