

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 12, 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 Hoeft

2. Roll Call

Members present: Hoeft, Carroll

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

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

5. Approval of February 12 Meeting Minutes

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

6. Communications – The Board members received a sealed letter from

DavidHall. Carroll noted the letter would not be opened at this time, but they would address its contents at the time the appeal is presented in front of the Board.

NOTE: Hoeft will not be able to attend the April public hearing. Lloyd Zastrow has been called.

Dale Weis was present for site inspections.

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

V1443-15 – David & Laurie Jackowski, near **N407 Oxbow Bend**, Town of Koshkonong

AP1449-15 – David Hall, **W7730 Lamp Road**, Town of Sumner

V1444-15, V1445-15, V1446-15, V1447-15 & V1448-15 – Judy Leikness,

N2903 CTH J, Town of Oakland

V1440-15 – Aztalan Inn/Godfrey Enterprises LLC Property, **W6630 CTH B**, Town of Aztalan

V1442-15 – Kay Probst Trust/Brian & Jennifer Statz Property, **Probst Lane**, 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, March 12, 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. 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:

V1440-15 – Aztalan Inn/Godfrey Enterprises Property: Variance from Sec. 11.07(d) of the Jefferson County Zoning Ordinance to allow additions to the property at **W6630 CTH B** at less than the minimum required setback to the centerline and right-of-way of CTH B, and from Sec. 11.09(c) to exceed 50% of the structural members of that building to allow expansion of its footprint. The property is on PIN 002-0714-1713-009 (0.6 Acre) in a Business zone, Town of Aztalan.

Darren Godfrey presented the petition. He stated they want to correct the permit status from the previous owner, and also wants an addition and addition of a walk-in cooler/freezer.

Hoelt questioned the highway setbacks. Mr. Godfrey explained the addition would encroach on the road.

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

Mr. Godfrey approached the table and explained the petition, and showed the Board a map of the proposals. There was further discussion with the Board and petitioner regarding all that was being proposed in addition to the parking.

Staff report was given by Staff. She noted the previous permits that were issued and explained the petitioner's request. Staff questioned the petitioner if there was a survey on the property and where the addition was in relation to the ROW. Mr. Godfrey explained the proposed setbacks and measurement from the centerline and curb. Staff explained the required road setbacks and asked the petitioner if he had a discussion with the Highway Department. Mr. Godfrey stated that he had only talked

to the township. Staff explained the cooler addition and noted the square footages of the all the projects proposed.

There was a response from the town which was read into the record by Carroll, and was in favor of the petition. Weis read the response from the Jefferson County Highway Department into the record. The Highway Department does not support approval of the variance to the road.

Hoelt questioned the petitioner on problems the Highway Department noted in their response, and asked what had not been improved on. Weis re-read a portion of the Highway Department letter regarding the problems with the parking on the ROW which have not been corrected. Mr. Godfrey commented on the parking, and stated that he was willing to work on correcting any problems, but did not agree with the Highway Department's last comments regarding the parking. Weis noted there was no survey on the property, and commented on the road setbacks and the need for a survey to determine the placement of the road and ROW. Weis asked the petitioner if the setbacks he provided were from the foundation. Mr. Godfrey stated it was from the building. Weis stated that ordinance requires setbacks from the roofline. Carroll commented on the Highway Department statements on safety. Mr. Godfrey responded. Carroll further commented on safety, and asked Mr. Godfrey to address the three criteria. Hoelt commented that they may need to table the petition for additional information from a survey. Staff commented that there was a three-tiered request, and noted the Board's options. Weis asked about the existing addition, if denied. Staff stated that it would have to be converted back to what the permit was issued for. Weis reviewed with the petitioner the three criteria needed to approve a variance. Carroll noted that there were several issues to be considered, and asked the petitioner to explain the additions. Mr. Godfrey explained the need for the cooler, the addition that was not constructed properly according to the permit, and the need for the newer addition. There was further discussion the on the proposed variance requests. Staff noted the structure is in the vision triangle.

V1442-15 – Kay Probst Trust/Brian & Jennifer Statz Property: Variance from Sec. 11.04(f)6.d to allow A-1 zones transferred from one parcel of record to another to retain the possibility of A-3 lot creation. The site in question is on **Probst Lane** in the Town of Farmington, on PIN 008-0715-3321-000 (39.87 Acres). The parcel of record from which the lands were transferred is comprised of PINs 008-0715-2831-000 (40 Acres) and 008-0715-2832-000 (17.853 Acres), currently owned by the Kay Probst Trust.

Attorney Zick presented the petition. Kay Probst trustee was also present. Attorney Zick explained that they were requesting a variance to a procedural rule by requesting the transfer of building rights from the parent parcel. They were not asking to create

any more building rights. She went on to explain how they felt they met the three criteria needed for variance approval.

Carroll questioned how many lots they were asking to transfer. Attorney Zick responded they were only asking to transfer one lot. She went on to explain that this was done by mistake, and that Kay Probst does not want to retain the building rights. She further addressed the three criteria for variance approval.

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

Hoelt questioned if the lands were transferred before or after February 2000. Attorney Zick stated that it was after. Hoelt questioned if this was a designated ag preservation area. Attorney Zick and Staff stated yes. Hoelt questioned if there was an existing farm residence on the property built before 1975. Zick stated no. Hoelt asked staff if they have any permitted principal uses as it exists. Staff stated yes. Hoelt asked staff if there are any permitted accessory uses as it exists. Staff stated yes. Hoelt asked staff if there were conditional farm related conditional uses on the property as it exists. Staff stated yes. Hoelt commented that they have use for the property if remains A-1.

Staff report was given by Staff. She explained ordinance requirements, transfer of lands, allowable lots, and parcel freezes. She noted the variance is not for an approval of an A-3 lot, but for the attempt to ask for an A-3 lot.

Weis asked for clarification on the transferred lands. Attorney Zick explained, and stated that they were not asking for an A-3 division, but to have the potential to ask for an A-3 lot. Staff provided further explanation on the request.

V1443-15 – David Jackowski: Variance from Sec. 11.07(d) to allow a structure at less than the required road right-of-way and centerline setbacks. Variance from Sec. 11.10(d) to reduce the minimum 75-foot setback required from an ordinary high water mark. Variance from provisions of Sec. 14:4.3(2) for an accessory structure with its first floor at less than the regional flood elevation height. Variance from Sec. 14:5(2) because the proposal does not meet all provisions of the flood storage district. The site is in the Town of Koshkonong, on PIN 016-0513-3412-021 (0.631 Acre) near **N407 Oxbow Bend.**

David Jackowski presented his petition. He explained his request and setbacks, and stated they need the structure to accommodate things used to enjoy the lake. He stated there was no other place on the property to put it. This structure does not

block anyone's view, it's not an eyesore, or prevent anyone from using the lagoon itself.

Laurie Jackowski also explained the use of the structure, and noted the structure has been there for twelve years. She stated that no one has ever complained including the plow drivers, and that it's located on a dead end road. She also stated there was no other place to put their stuff, and it doesn't bother anybody.

Hoeft questioned if it was impacted by the 2008 flood waters. Mr. Jackowski stated that it was. Mr. Jackowski further explained. Carroll questioned the petitioner on the three criteria needed for variance approval. Laurie Jackowski responded to the hardship, there was no other place to put it because all the high water marks have been changed, and that it had no effect on public interest. Carroll commented on the provision that granting a variance cannot violate state laws and administrative rules.

There were no questions or comments in favor or opposition of the petition. There was a response from Robert Davis, DNR, which was read into the record by Weis opposing this request. There was no response from the town in the file, and no one from the town was present. The petitioner stated they were at the town last night.

Hoeft questioned flood storage. Staff report was given by Staff. She explained the petitioner's request and ordinance requirements, and the difference between a shed and boathouse requirements. Staff went on to explain the 2008 flooding and noted that this has always been in the floodplain. She also explained all the changes in floodplain mapping and flood storage areas. She further explained what flood storage entailed. Staff noted that there was a complaint about the structure, and explained grandfathering restrictions when the property is in a floodplain and if the structure was legal. Additional information was provided on flood storage, floodplain requirements and the ordinary high water mark.

V1444-15 – Judy Leikness: Variance from Sec. 11.09(c) to exceed 50% of the structural members and allow expansion of the footprint of the house at **N2903 CTH 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.

Judy Leikness was present. Randy Mayer, project manager, presented the petition. He has drawn up the plans for the Leikness project. He stated the structure was constructed sometime around 1870-1880. Since that time, there have been multiple additions and a fire, and there is only a partial basement. He explained the problems with the structure and what they are proposing to do.

There were no questions or comments in favor or opposition of the petition. Judy Bennett, the neighbor to the north, did have several questions/concerns. She had a

concern with the rear setback (to the north) because there are no survey pins, and requested a survey be done to establish the rear lot line. She also questioned if a five foot setback was adequate enough for proper building maintenance, and questioned the existing septic and future septic placement.

There was a town response in the file, read into the record by Carroll, stating they would leave it up to the county for decision.

Carroll questioned the well location. Mayer stated it was on the east property line. Hoeft questioned if there was a survey of the property. Petitioner explained the setbacks he provided. There was a brief discussion on the site plan.

Staff report was given by Staff. She explained the petitioner's request, and questioned if there would be a new foundation or new walls, or reconstruction of the second floor. Mayer explained the reconstruction and expansion, but was not sure of all the structural work that needed to be done. Staff asked the petitioner if there was a survey of the property. Mayer stated there was not.

Carroll read into the record a response from the Highway Department which does not support a variance approval. Mayer made comment on the Highway Department response. There was further discussion on the ROW setbacks, safety issues, and the driveway proposal. Staff asked the petitioner if any of the home improvements would be closer to the road. Mayer stated that just the deck addition would be.

V1445-15 – Judy Leikness: Variance from Sec. 11.07(d)2. to allow detached garage construction at less than the required setbacks to CTH J and CTH C right-of-ways and centerlines. The site is at **N2903 CTH J** in the Town of Oakland on PIN 022-0613-3511-000 (0.25 Acre) in an A-1, Exclusive Agricultural zone. (Option 1)

Randy Mayer presented the petition. He stated that the proposed garage would not be any closer to CTH J than the existing building, but it would be closer to CTH C.

Weis questioned why the garage could not be attached to the house to lessen the encroachment on the ROW. Mayer stated they could do that, but where they could attach it, it would cause a drainage problem. Weis questioned if the setbacks provided were from the overhang. Mayer stated yes it was.

Staff report was given by Staff. She noted that this was being proposed in the vision triangle. There was a discussion on the setbacks.

V1446-15 – Judy Leikness: Variance from Sec. 11.04(f)6 to construct a detached garage at less than the minimum rear yard setback and 11.07(d)2 for it to be at less than the required setbacks to right-of-way and centerline of CTH C. The site is at

N2903 CTH J in the Town of Oakland on PIN 022-0613-3511-000 (0.25 Acre) in an A-1, Exclusive Agricultural zone. (Option 2)

Randy Mayer made comment on the Highway Department response, and further explained the petition.

Weis questioned the proposed setback of five feet to the neighbor's lot line, and noted that this was not a level area. Mr. Mayer explained that grading would be needed and that it would be a 5' berm situation. He was not opposed to a 10' setback. Weis commented it is unknown where the lot lines are.

Staff gave staff report. She explained the access requirements, not only with the highway, but also with ordinances.

Weis commented that the Highway Department owned the ROW. Staff stated that was correct. There was a discussion on the requested driveway – CTH J versus CTH C.

The petitioner stated that they would like to withdraw their variance requests for option one and two for the garage, and also for the driveway access request.

Weis questioned staff if inquiries are made in the office, are they recorded. Staff stated no, but sometime notes are taken on open files. Weis questioned Judy Leikness having a conversation with the Zoning Department. Mr. Mayer stated that he had talked to the Zoning Department. Weis questioned if there could be a deed restriction put on the property, so that if it was sold, a title search could bring things like this up.

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

The Board reviewed the plat map in the file of the proposed deck. Mr. Mayer discussed the setbacks, and noted the septic was relatively new and was sized for a two bedroom home. They were only proposing to expand the size of the existing bedrooms. The septic was put in in 1996.

Staff report was given by Staff. She noted there was not a setback listed and that we don't know where the lot lines are. The Highway Department was opposed.

There was a discussion on the need for a survey. Carroll asked if the petitioner would be OK with a condition for a survey. Mr. Mayer asked for clarification on what

would be needed on the survey. Weis stated that they needed to show the structures and what is being proposed, and where they would be located.

V1448-15 – Judy Leikness: Variance from Sec. 11.06(d)3 to allow access onto CTH C at less than the requirement from an intersecting highway. The site is at **N2903 CTH J** in the Town of Oakland on PIN 022-0613-3511-000 (0.25 Acre) in an A-1, Exclusive Agricultural zone.

This petition was withdrawn by the petitioner's representative, Mr. Mayer, earlier in the hearing.

AP1449-15 – David Hall: Appeal of an administrative decision to not conduct a reassessment of the substantially damaged property at **W7730 Lamp Road**, PIN 028-0513-1144-019 (0.138 Acre) in the Town of Sumner. The site is in a Waterfront zone.

Staff informed the Board that this petition has been postponed until May.

Dave Jackowski provided the Board with a copy of the town's decision after the end of all petition testimony.

There was a break @ 3:12 p.m. before decisions. Back in session @ 3:20 p.m.

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

11. Adjourn

Carroll made motion, seconded by Hoeft, motion carried 3-0 to adjourn @ 4:04 p.m.

NOTE: Carroll and Weis returned their unopened letters from David Hall to the file.

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 V1440

HEARING DATE: 03-12-2015

APPLICANT: Gregg/Darren Godfrey

PROPERTY OWNER: Godfrey Enterprises LLC (Aztalan Inn)

PARCEL (PIN #): 002-0714-1713-009

TOWNSHIP: Aztalan

INTENT OF PETITIONER: To add deck and addition to restaurant to exceed 50% of existing structural members and at less than the minimum required setback to the centerline and right-of-way of CTH B.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09(c) & 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:

Since 1972, the structure has had multiple permits issued for structural alterations and additions, and does not have any further non-conforming percentage left of the 50%, therefore, as indicated by the Zoning Department 2014 permit issue, an addition would require variances from the Jefferson County Board of Adjustment. The structure does not meet road setbacks from both CTH B and CTH Q, and is within the vision triangle of these two roads. The petitioner would like to add additions to the existing structure, but the exact setbacks of the additions are not known at this time. It appears the structure is currently 10 feet from the right-of-way.

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 V1442
HEARING DATE: 03-12-2015

APPLICANT: Kay Probst Trust

PROPERTY OWNER: Brian & Jennifer Statz

PARCEL (PIN #): 008-0715-3321-000, 008-0715-2831-000 & 008-0715-2832-000

TOWNSHIP: Farmington

INTENT OF PETITIONER: To use lands that have been transferred out of an parcel of record to create a new A-3 lot for residential construction.

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

In 2000, the Probst Trust had approximately 293 acres. In the fall of 2000, the Probst Trust rezoned a lot along Probst Lane and sold 80 acres after the rezoning was completed. In 2013, the Probst Trust sold 40 acres to Brian & Jennifer Statz. Per Section 11.04(f)(6)d, once A-1 lands are transferred out of the parcel of record, they cannot be used for any A-3 lots. The petitioner is asking to move an existing lot from Switzke Road to Probst Ln, and propose a new lot on lands that have been transferred from the parent parcel.

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 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 there is no hardship. The property still has multiple permitted uses as A-1 lands. There are numerous uses for an A-1 property; principal/accessory/farm related/conditional.
- 5. THE HARDSHIP **IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE it is self-created.
- 6. THE VARIANCE **WILL** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it does not conform to the current ordinance – the ordinance could not be more clear.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Hoeft

SECOND: Carroll

VOTE: 3-0

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 03-12-2015
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 V1443

HEARING DATE: 03-12-2015

APPLICANT: David & Laurie Jackowski

PROPERTY OWNER: SAME

PARCEL (PIN #): 016-0513-3412-021

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: After-the-fact variance for a 12'x16' detached shed not meeting floodplain and shoreland requirements.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d), 11.10(d), 14.4(4)(3), 14.5(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:

Section 11.07(d) of the Jefferson County Zoning Ordinance requires structures to be 30 feet from the right-of-way and 63 feet from the centerline. The shed is at the right of way. Section 11.10(d) of the Jefferson County Zoning Ordinance requires all structures to be 75 feet from the OHWM of Lake Koshkonong. This structure is 12 feet from the OHWM. Section 14:4.3(2) of the Jefferson County Floodplain Ordinance requires an accessory structure's first floor to be at the regional flood elevation. There has not been any elevation work done by a surveyor to verify the exact height of the structure's first floor, but using 2 foot topography, it appears the structure is approximately at 782.0 whereas the regional flood elevation height is 784.94 which is around a three foot difference. This area is identified in a flood storage district and this structure does not meet Section 14:5.2 of the Jefferson County Floodplain Ordinance. The petitioners would like their 12' x 16' shed to remain as is.

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 V1444
HEARING DATE: 03-12-2015

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.: 2014 V1445
HEARING DATE: 03-12-2015

APPLICANT: Judy A. Leikness

PROPERTY OWNER: SAME

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

TOWNSHIP: Oakland

INTENT OF PETITIONER: To build a 20 feet by 24 feet detached garage (option #1)
at less than the required setback from CTH C and CTH J right-of-way.

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:

The petitioner hasn't put the proposed setback from the right-of-way on the site
plan. It appears according to the site plan submitted that the structure would actually be
closer than 20 feet as shown on the site plan. In addition, the proposed structure is within
the vision triangle of CTH J and CTH C. No structures are permitted within the vision
triangle. The Planning and Zoning Department highly recommends denial of this request
due to safety hazards.

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 V1446
HEARING DATE: 03-12-2015

APPLICANT: Judy A. Leikness

PROPERTY OWNER: SAME

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

TOWNSHIP: Oakland

INTENT OF PETITIONER: The petitioner would like to construct a 20' x 24' detached garage less than the rear and road setbacks.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)6 & 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 would like to build a 20' x 24' detached garage, shown as option 2, within 5 feet of the lot line according to the petitioner's site plan whereas the required setback is 20 feet. There is no setback shown from the right-of-way. There is no record of a survey for this property. The petitioner is proposing a new driveway on CTH C.

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:

- 16. UNNECESSARY HARDSHIP **IS/IS NOT** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD/WOULD NOT** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE _____

- 17. THE HARDSHIP **IS/IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE _____

- 18. THE VARIANCE **WILL/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 **GRANTED/DENIED.**

THIS PETITION WAS WITHDRAWN BY THE PETITIONER AT HEARING.

MOTION:

SECOND:

VOTE:

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 03-12-2015
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 V1447
HEARING DATE: 03-12-2015

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

FINDINGS OF FACT

PETITION NO.: 2015 V1448
HEARING DATE: 03-12-2015

APPLICANT: Judy A. Leikness

PROPERTY OWNER: SAME

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

TOWNSHIP: Oakland

INTENT OF PETITIONER: To allow access onto CTH C at less than the requirement from an intersecting highway.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.06(d)3 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 driveway within 140 feet of an intersection whereas the required setback is 700 feet. The petitioner has an existing driveway along CTH J that is currently being used for access of this property. The County Highway Department has many concerns and are not in favor of this proposal. Any access proposed would be required to be approved by Jefferson County Highway Department.

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:

- 22. UNNECESSARY HARDSHIP **IS/IS NOT** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD/WOULD NOT** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE _____

- 23. THE HARDSHIP **IS/IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE _____

- 24. THE VARIANCE **WILL/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 **GRANTED/DENIED.**

THIS PETITION WAS WITHDRAWN BY THE PETITIONER AT HEARING.

MOTION:

SECOND:

VOTE:

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 03-12-2015
CHAIRPERSON

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

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:

- 25. UNNECESSARY HARDSHIP **IS/IS NOT** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD/WOULD NOT** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE _____

- 26. THE HARDSHIP **IS/IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE _____

- 27. THE VARIANCE **WILL/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 **GRANTED/DENIED**.

THE BOARD ACCEPTS POSTPONEMENT OF THIS PETITION UNTIL THE MAY PUBLIC HEARING.

MOTION:

SECOND:

VOTE:

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 03-12-2015
CHAIRPERSON

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