

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 MAY 14, 2015 IN ROOM 205,
JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 9:15 A.M. IN
COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 9:30 A.M. FROM
COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 9:15 a.m.

Meeting called to order @ 9:15 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.

4. Review of Agenda

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

5. Approval of April 9, 2015 Meeting Minutes

Carroll moved to postpone motion until Weis was present. Weis present @ 9:18 a.m.

Weis made motion, seconded by Carroll, motion carried 2-0 to approve the April 9, 2015 meeting minutes.

NOTE: Hoeft was not present at the April 9, 2015 hearing, and therefore, did not vote.

6. **Communications** - None

NOTE: Janet will not be here for the June 2015 public hearing. Zastrow will attend.

7. **Site Inspections – Beginning at 9:30 a.m. and Leaving from Room 203:**

V1457-15 – Warren J & Carol A Harrington, **W9501, W9497 & W9495 Lake Drive**, Town of Sumner

V1458-15 – Steven Plue, Rose Stella Estate Property, **Koshkonong Manor Road**, Town of Sumner

V1454-15 – Wausau Homes of Cottage Grove, David & Lorraine Peters Trust Property, **W8096 Park Lane**, Town of Lake Mills

V1455-15 – William & Renee Wesenberg, **N7084 Manske Road**, Town of Milford

V1453-15 – Dean & Susan Andersen, **N6534 County Road N**, Town of Aztalan

V1456-15 – Ekrem Idrizi, **W2346 Hanson Road**, Town of Sullivan

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, May 14, 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:

V1453-15 – Dean & Susan Andersen Trust: Variance from Sec. 11.03(d) of the Jefferson County Zoning Ordinance and Sec. 15.04(c) of the Land Division/Subdivision Ordinance to allow access to a new residence over an adjoining property. The site is at **N6522 County Road N** in the Town of Aztalan on PIN 002-0714-1143-000 (30 Acres) in an A-1, Exclusive Agricultural zone.

Dean Anderson presented his petition. He explained that the new proposed driveway was too close to the top of the hill per the Highway Department. The only place now is where they are proposing the shared driveway.

There were no questions or comments in favor or opposition of the petition. Carroll read into the record correspondence received from the Jefferson County Highway Department which was in the file. There was not a response from the town in the file, and no one from the town was present.

Staff report was given by Staff. She gave the background/history of the property. They want to sell the old farmhouse, and they need access approval from the Highway Department, but the Highway Department did not approve a new access.

Carroll questioned if this would be a joint use of the existing driveway. The petitioner responded yes. Weis commented on their intent to build and sell of the old home. The petitioner confirmed. Hoeft questioned Staff on the 66' frontage and access requirement and the building location. Staff explained the ordinance requirements and the buildings not meeting the required setbacks if a 66' access was created.

V1454-15 – Wausau Homes of Cottage Grove/David & Lorraine Peters Trust Property: Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to construct a residence at less than the required right-of-way and centerline setbacks

of **County Road B and Park Lane**. The property is in the Town of Lake Mills on PIN 018-0713-0233-025 (0.709 Acre) in a Residential R-1 zone.

Ben Conklin and Dave Peters were present. Mr. Conklin presented the petition on behalf of the owners. He stated they would like to remove the existing home and replace it which will encroach on the setbacks.

Hoeft questioned if the access was from Park Lane. The petitioner stated there was an access on County Road B and one on Park Lane.

There were no questions or comments in favor of the petition. Gerald Oestreich, neighbor, expressed concerns with the water problems/drainage with the current structure. The petitioner stated they could work with them to drain the water away from his property. Oestreich had a concern that there would be no assurances that he would not have water problems. The petitioner stated that the owners are willing to work with them to make sure that doesn't happen. Mr. Peters stated that they would be draining the water from the roof underground, and would be grading the property anyway so the drainage problem could be taken care of at that time.

There was a town response in the file approving the petition which was read into the record by Hoeft. Hoeft asked about a Highway Department response. Staff stated there was a e-mail in the file.

Staff report was given by Staff. She stated they would like to remove the existing structure. The lot is on a corner of County Road B and Park Lane, and she noted there is access from both those roads. She also stated there was no area on this lot to build that would meet the setbacks. She went on to explain proposed setbacks and the setback requirements.

Hoeft read the e-mail from the Highway Department into the record which stated that they wanted only one access which would be off of Park Lane. The petitioner stated that they were planning on using the existing driveway. Staff further explained the Highway Department's reason for Park Lane access. The petitioner asked Staff about a driveway off of Park Lane. Staff explained it was up to the town for the driveway with consideration of the vision clearance triangle.

Carroll asked for clarification that the variance was for setbacks. The petitioner stated that was correct. Weis questioned the petitioner on the driveways. The petitioner explained. Weis commented on the location of the plotted proposed residence versus the existing location, and asked Staff about the driveways which is in dispute with the Highway Department. Staff stated that it can be a condition of the Board, and further explained. Weis commented that on their site visit, the speed limit was 35 MPH, and that there was also a boat ramp/access. Staff further explained the options of the Board that could be set as conditions in their decision. The petitioner asked if the

decks proposed were affected by the setbacks. Staff stated that they are. Staff asked if the deck(s) would be coming closer to the setbacks. The petitioner stated that one deck was being proposed at whatever can fit into the setbacks. Weis questioned if the setbacks were from the overhangs. The petitioner stated that it was from the overhang, but that the sketch showed both.

V1455-15 – William & Renee Wesenberg: Variance from Sec. 11.04(f)6 of the Jefferson County Zoning Ordinance to allow reduction of the minimum side yard setback for a detached accessory structure. The property is in an A-1, Exclusive Agricultural zone at **N7084 Manske Road**, Town of Milford, on PIN 020-0714-0513-001 (1.07 Acre).

Bill Wesenberg presented his petition. He wants to construct a utility shed at 5' from the lot line, and chose this location because of the unique physical limitations of the property - floodplain, well, and septic drainage field.

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

Staff report was given by Staff. She explained that they would be removing the existing, and building a new structure, and also explained the setback requirements. Staff asked the petitioner if there was another location for the shed. The petitioner stated this was the only place, and further explained the physical limitations and the placement of the shed.

Hoelt questioned if he would be tearing down the existing shed. The petitioner stated he would like to leave it there. Weis commented on the problems with the property.

V1456-15 – Ekrem Idrizi: Variance from Sec. 11.04(f)8 to temporarily allow two principal structures in an A-3, Rural Residential zone while a replacement home is under construction. The site is at **W2346 Hanson Road** on PIN 026-0616-3024-003 (1.108 Acre) in the Town of Sullivan.

Mr. Idrizi presented the petition. They want to live in the existing home while they are building the new home. They would tear down the old home, and would ask for one year after the new home is constructed.

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

Staff report was given by Staff. She stated that the new home being proposed needs to meet the required setbacks, and the septic would need to be replaced. The

petitioner asked if it would be OK if the old home could be removed one year after occupancy of the new home. Staff stated that Zoning doesn't issue the occupancy permit, and can only go two years from when the permit is issued. There was further discussion on the time period the old home should be removed. Staff explained the history of problems in the past by allowing two homes by permit. There was further discussion on when the old home needed to be removed. Weis questioned the petitioner on the time limit. The petitioner explained.

V1457-15-Warren & Carol Harrington: Variance from Sec. 11.09(e) of the Jefferson County Zoning Ordinance to allow separation of a substandard lot from contiguous lands under the same ownership. The lot is at **W9501 Lake Drive** in the Town of Sumner, on PIN 028-0513-1934-050 (0.186 Acre) in a Residential R-1 zone.

Warren Harrington presented his petition. They own all three lots, and he explained how he wanted to change the separation of the lots.

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

Staff report was given by Staff. She explained the lots and ordinance requirements. Weis asked Staff to explain the non-conforming lot requirements. Staff explained. Weis ask Staff if they would be splitting the lots up, what would be the setbacks. Staff explained the setback requirements. Weis asked the petitioner if there were any plans in the future for the existing house. The petitioner explained.

V1458-15 – Steven E Plue/Rose M Stella Estate Property: Variance from Sec. 11.03(f) of the Jefferson County Zoning Ordinance to allow an accessory use/structure without a principal use/structure. The site is on **Hilltop Road** in the Town of Sumner on PIN 028-0513-1613-002 (1.43 Acre) and is zoned Residential R-2.

Steven Plue presented the petition. He has an accepted offer to purchase on the lot. He explained that he wants a 40'x50' structure for personal use. The existing property does not have the square footage for another structure. His home is directly across from this property. He explained the location of the septic on his property.

There were no questions or comments in favor or opposition of the petition. There was a town response in the file approving this petition with conditions, and was read into the record by Weis.

Carroll asked the petitioner if he has received an accepted offer or if he has placed an offer on the lot. The petitioner stated that he has placed an offer to the owner.

Staff report was given by Staff. She explained the history of the property and further explained the petitioner's request.

Carroll asked the petitioner if he had any objection to information given by Staff. The petitioner stated no. Carroll noted that this property was encircled by the road. The petitioner explained it would be only three sides. One side is an alleyway. Weis noted that this was a large parcel, and commented on the location and placement of the structure. Staff made comment on selling this separately, and the Board's option to put conditions on their decision. There was further discussion on possible conditions that could be placed on the decision. The petitioner commented that would be acceptable and reasonable.

Hoelt commented on the septic location and asked if there was anywhere on his lot that he could build. Weis commented on the grade of the property and septic.

There was a brief break @ 2:13 p.m. The Board was back in session for decisions @ 2:15 p.m.

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

11. Adjourn

Weis made motion, seconded by Carroll, motion carried 3-0 to adjourn @ 3:17 p.m.

If you have questions regarding these variances, please contact the Zoning Department at 920-674-7113 or 920-674-8638. Variance files referenced on this hearing notice may be viewed in Courthouse Room 201 between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, excluding holidays. Materials covering other agenda items can be found at www.jeffersoncountywi.gov.

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 V1453

HEARING DATE: 05-14-2015

APPLICANT: Dean E & Susan J Andersen Trust

PROPERTY OWNER: SAME

PARCEL (PIN #): 002-0714-1143-000

TOWNSHIP: Aztalan

INTENT OF PETITIONER: To create a land division where the remainder of the lands, which includes a new residence, will not have access to a public road. The petitioner is proposing a 33 feet wide easement.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(d) & 11.04 (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:

In September of 2013, the Planning and Zoning Committee allowed the petitioner to replace an existing home more than 100 feet from the existing location. At the time, there were two residences on the parcel. In January 2014, the Planning and Zoning Department issued a Zoning/Land Use Permit for a new home. Since no new lots were created, the two residences could use the existing driveway, but the Anderson's informed the Planning and Zoning Department of their intent to split off the older home, therefore, cutting off the access to the new residence. Planning and Zoning staff informed the Anderson's that a new access would be required for the reminding lands. The Anderson's started to go through the rezoning process. On October 27, 2014, the petition was postponed "for creation of the required access to the remaining A-1 zoned area over its own road frontage, including the establishment of a fire number at that location. Without this change, this petition will not move forward." On November 4, 2014, the Anderson's wrote to our department that the driveway and fire number was installed. On November 17, 2014, the Planning and Zoning Committee site inspected the property. On November 14, 2014, the Planning and Zoning Committee approved the rezoning with several conditions, one of them being "getting a letter from Anderson's stating that they will be creating a driveway and a new fire number (N6534 CTH N) to the new home. Access approval by the County Highway Department is required for the new drive. On November 25, 2014, the Planning and Zoning Office received a letter from the Anderson's stating that they intend to use the new driveway, and that they have a new fire number and gravel installed with photos. On December 4, 2014, the Planning and Zoning Department received the final Certified Survey Map of the land division and forwarded it to the Highway Department. The Jefferson County Highway Department indicated that a new access was not approved, and that a new access would not be approved on the entire frontage of the 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

PARCEL (PIN #): 018-0713-0233-025

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: The petitioner would like to remove the existing residence and build a new residence. The new residence will not meet road setback requirements.

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 would like to remove the existing residence and built a brand new residence. The new residence is proposed 18.2 feet from the right of way of CTH B, whereas the required setback is 50 feet from the right-of-way and 110 feet from the centerline. The new residence will be 10.4 feet from the right of way Park Lane whereas the required setback is 50 feet from the right-of-way and 85 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:

4. UNNECESSARY HARDSHIP **IS** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE it would be a burden to not demolish the existing structure and rebuild it.
5. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE of the unique size and shape of the lot, and the location at an intersection makes the variance necessary. Due to the location of the lot, they could not meet the setbacks.
6. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE the elimination of the County Road B access will be safer.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Hoeft Weis (modified) **SECOND:** Weis Carroll **VOTE:** 3-0

CONDITIONS OF APPROVAL: The proposed structure is to remain within the limits of the setbacks shown on the proposed survey, and the access on County Highway B be eliminated.

SIGNED: _____ DATE: 05-14-2015
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 V1455
HEARING DATE: 05-14-2015

APPLICANT: William D & Renee M Wesenberg

PROPERTY OWNER: SAME

PARCEL (PIN #): 020-0714-0513-001

TOWNSHIP: Milford

INTENT OF PETITIONER: To construct a detached accessory building within the required setback.

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 parcel is 1.070 acres with an existing residence and a small shed.

Petitioner is proposing to remove the existing small shed and construct a new 22 feet x 12 feet (264 sq. ft.) detached accessory structure. The structure is proposed 5 feet from the lot line whereas 20 feet is required.

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,

TOWNSHIP: Sullivan

INTENT OF PETITIONER: To temporarily allow two principal structures in an A-3 zone while a replacement home is under construction.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)8 OF THE JEFFERSON COUNTY ZONING ORDINANCE.

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

The petitioner would like to live in an existing residence while the new residence is under construction. There is no proposal for time of removal for the older structure. The new structure must meet all setbacks. A new sanitary system will be required.

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,

TOWNSHIP: Sumner

INTENT OF PETITIONER: To split a non-conforming lot and transfer it to another adjacent non-conforming lot.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09(c) OF THE JEFFERSON COUNTY ZONING ORDINANCE.

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

The petitioner owns a non-conforming lot which consists of Lot 29 and Lot 30 of Glen Oaks Beach subdivision. The petitioners own lot 31 which is owned by W9495 Lake Drive LLC. Lots 29 and Lot 30 are combined lots due to the fact they are non-conforming and cannot be split. The petitioner would like to transfer the entire lot 30 to lot 31 and sell lot 29 on it own. The provisions of Section 11.09 states that the substandard lot shall not be sold or used without full compliance of the ordinance.

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,

TOWNSHIP: Sumner

INTENT OF PETITIONER: To build an accessory structure without a principal structure on an R-2 zoned lot

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(f) 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 parcel is 1.4 acres and zoned R-2 Residential. The petitioner would like to construct a 40 feet x 50 feet (2,000 sq. ft.) accessory structure in an R-2 without placement of the principal structure. The ordinance requires that accessory structures can only be permitted when a principal structure has been constructed.

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,

