

# ***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 JUNE 11, 2015 IN ROOM 205,  
JEFFERSON COUNTY COURTHOUSE

**CALL TO ORDER FOR BOARD MEMBERS** IS AT 10:00 A.M. IN  
COURTHOUSE ROOM 203, PRIOR TO THE HEARING

**SITE INSPECTION FOR BOARD MEMBERS** LEAVES AT 10:15 A.M.  
FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

## **1. Call to Order-Room 203 at 10:00 a.m.**

Meeting called to order @ 10:00 a.m. by Weis

## **2. Roll Call**

Members present: Carroll, Zastrow, Weis

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**

Zastrow made motion, seconded by Carroll, motion carried 3-0 to approve the agenda.

## **5. Approval of May 14, 2015 Meeting Minutes**

Carroll made motion, seconded by Weis motion carried 2-0 to approve the May 14, 2015 meeting minutes.

NOTE: Zastrow was not present for the May 14, 2015 hearing, and therefore did not vote.

**6. Communications** – Staff informed Board that there was a FEMA/DNR floodplain training scheduled for June 24, 2015 at 1:00 p.m. at the Town of Fulton Town Hall if the Board was interested in attending. There is no cost.

**7. Question by and Response to Mary Taylor Relating to Her Letter Not Being Read into the Record at the April 8, 2015 Public Hearing Regarding V1450-15 for Fred & Mary Benkert, Town of Hebron**

Staff explained Taylor made contact with the zoning office about her letter in regards to the Benkert public hearing which was not read into the record. There was a discussion on letters in the file being read into the record. The file was reviewed by the Board and the Board will make a point to read all correspondence into the record.

**8. Request by David Raymond to Waive Requirement for Town Input Prior to Scheduling Variances for Board of Adjustment Public Hearing**

Staff explained the letter received by Mr. Raymond and noted the Board had copies of the letter as well as the BOA operations rules and state statutes. Staff explained the rules and state laws on operational procedures, and noted based on the Board rules, the Board has the power to determine who is compelled in attendance for witnesses because they are a quasi-judicial Board. In the past, the Board has felt that they would really like the town input on variances. She went on to explain that zoning holds the applications until we hear from the town, and once we get a town response, we put them on the next available agenda for hearing. She explained the problems in the past by putting petitions on the agenda without a town response. Staff noted that the Board could change this requirement if they chose to do so. The notice of this agenda item was sent out to all the townships, and there were some responses in the file. Weis read Mr. Raymond's letter into the record. Carroll made comment on the towns being there and closer to the subject, and familiar with their individual town circumstances, needs and practices would have input that would assist in the decision or the possibility of putting in conditions. Carroll read into the record letters/responses from the Towns of Ixonia, Lake Mills, Aztalan, Hebron and Jefferson. Lloyd Zastrow spoke on behalf of the Town of Concord. Eric Hoffman spoke on behalf of the Town of Koshkonong. All townships that responded stressed the importance of town's input on petition requests. Mr. Hoffmann questioned if the process could be streamlined. Staff explained the county and towns processes.

There was further discussion on Mr. Raymond's request. There was also discussion on possible individual considerations that may improve the process.

Mr. Raymond commented that his intent was that it should not be up to the petitioner to go to the town. There was further discussion. Mr. Raymond noted that another issue was with timing, and explained. Mr. Raymond questioned if there was contact made with the county's Corporation Counsel. There was further discussion on Mr. Raymond's request.

The Board made no changes to what currently exists in requiring the petitioners to appear before the towns prior to being placed on the agenda.

The Board requested that an item be put on next month's agenda for decision on a possible streamlined process on an individual basis.

**9. Site Inspections – Beginning at 10:15 a.m. and Leaving from Room 203**

V1461-15 – Laura Romlein & Mike Buss, **N8517 Pleasant Valley Ln**, Town of Watertown

V1459-15 – Thomas & Kelly Stade, **W5289 Bockmann Ln**, Town of Jefferson

V1460-15 – Dave Raymond, **N715 Old 26 Rd**, Town of Koshkonong

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

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

Members present: Weis, Carroll, Zastrow

Members absent: Hoeft

Staff: Michelle Staff, Laurie Miller

**11. 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, June 11, 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:

**V1459-15 – Thomas & Kelly Stade:** Variance from Sec. 11.04(f)6 of the Jefferson County Zoning Ordinance to temporarily allow two principal dwelling structures in an A-1 Exclusive Agricultural zone at **W5289 Bockmann Ln**, Town of Jefferson on PIN 014-0614-1332-000 (22.706 Acres) and 014-0614-1333-000 (20.91 Acres).

Tom Stade presented his petition. They are planning on building a new house and will be moving into the existing house. He stated that they needed the water and electric connected to the house to take care of the animals. There was discussion about how much time was needed for the old home to be removed.

There were no questions or comments in favor or opposition of the petition. There was a town response in the file which approved the petition noting that a new driveway would be needed for the new parcel. The town's response was read into the record by Carroll.

Carroll asked if there was anyone living there now. Stade stated yes.

Staff report was given by Staff. She explained that this was A-1 zoned land, they want to live in the existing residence, and would be building a new house. She commented on the time frame on when the old house would need to be removed.

Carroll noted the permit is issued for completion for two years, and asked the petitioner if he was asking for one year to remove the old house. Stade stated yes, they want to start building right away. Weis explained that it was usually approved which coincides with the length of the permit which is two years.

**V1460-15 – Dave Raymond:** Variance from Sec. 11.07(d) of the Jefferson County Zoning Ordinance to construct a detached accessory structure at less than the required setbacks to right-of-way and centerline of Koshkonong Lake Rd. The site is at **N715 Old 26 Rd** in the Town of Koshkonong, on PIN 016-0513-2514-001(1.322 Acre) in a Residential R-2 zone.

Dave Raymond presented his petition. He explained that he was proposing a 12'x20' utility shed on the property and noted he had submitted his site plan. He stated that he didn't believe he needed a setback from the centerline. Mr. Raymond explained the road modifications.

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

Weis noted that there was a site plan in the file showing the property setbacks.

Staff gave Staff report. She explained the setback requirements and road modifications, and asked the petitioner about the septic field setback. The petitioner stated it was 80' and the alternate septic site was north of the existing septic.

Weis noted the three criteria needed for a variance, and asked if there was any other place for the building. The petitioner stated that he needs access from the driveway for his wheelchair not over a grassy area. He also explained the reconstruction of the road, and could not put it closer to the house because of the slope.

Weis asked Staff about the problems with the road placement and ROW. Staff stated the problem was down the road.

**V1461-15 – Laura Romlein & Mike Buss:** Variance from Sec. 11.04(d) to allow a third accessory structure in a Residential R-2 zone at **N8517 Pleasant Valley Ln** in the Town of Watertown. The site is part of PIN 032-0815-1333-000 (4.967 Acres) and is zoned Residential R-2.

Mike Buss presented the petition. He explained that they needed the additional building for storage of their personal property. They have had a couple of thefts on the property. There is public access ROW near there and people are driving down

there assuming it is the public access. They would like to keep all their property indoors.

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

Staff report was given by Staff. She stated they currently have two structures on the property which is zoned R-2, and where they are limited to the two structures on this property. She explained the existing structures, and that they are proposing a third structure. They will also need conditional use approval due to the proposed size of the structure. No permit was found for the 240 square foot structure. She noted there were also floodplain issues. She went on to explain the setback requirements.

Staff asked the petitioner why one of the structures could not be removed or added onto. The petitioner stated that due to the design of the existing structure, some of their larger equipment will not fit. Carroll asked the petitioner why he couldn't take down one of the structures. The petitioner stated they are utilizing all of the buildings which are in good shape. Carroll asked the petitioner what prevents him from just having two buildings. The petitioner explained that the building was already there and of value to them, so they do not want to take a structure down.

Weis stated that there specific criteria that need to be met for a variance, and asked the petitioner to explain. The petitioner stated they wanted to keep things safe because things have been stolen and vandalized. Carroll commented that there was an alternative to remove one of the buildings. Zastrow asked the acreage of the parcel. The petitioner stated it was 4.96 acres.

## **12. Decisions on Above Petitions (See files and following pages)**

Weis re-opened the Raymond request (agenda item #8, above) for the towns present at the hearing to respond.

Matt Foelker (Town of Hebron), Quentin Carpenter (Town of Sumner), Mike Burrow (Town of Aztalan), and Dale Neupert (Town of Waterloo) all spoke stressing the need to continue to have town's review and input of petition requests.

Staff explained Mr. Raymond's intent from the morning's discussion. She explained the requirements for publication and agendas for public hearings.

Mr. Raymond stated that he is not anti-town. He would like it all to be reviewed by the towns and not the county. He stated it was duplicity of government. It's a

jurisdictional issue. He felt that it was wrong for the petitioner to have to go to the town to get town input.

Carroll made comment regarding the towns' involvement. Mr. Raymond responded, and there was further discussion.

Staff commented that this came before the Board of Adjustment because it is the policy of the Board to require a town decision.

Zastrow made comment regarding the towns' involvement. Mike Burrow commented that if the petitioner doesn't go to the town, how does the town come to any conclusion when they can't ask questions and talk to the petitioner.

Weis explained the discussion from this morning's meeting.

Carroll asked Staff if the Board was expected to make a recommendation or have an opinion on this request. Staff explained that all that was needed is whether the Board wanted to proceed with the way they have been, or if they would like to change the procedure. There was further discussion. There will be an item on next month's agenda to discuss ways to possibly improve the procedure. There was further discussion on the process.

Mr. Raymond made comment about procedure in reference to his petition and the timing of the petitions for hearing.

### **13. Adjourn**

Zastrow made motion, seconded by Carroll, motion carried 3-0 to adjourn @ 2:31 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](http://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.*

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Secretary

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Date



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

**FINDINGS OF FACT**

PETITION NO.: 2015 V1459  
HEARING DATE: 06-11-2015

APPLICANT: Thomas & Kelly Stade

PROPERTY OWNER: SAME

PARCEL (PIN #): 014-0614-1333-000 and 014-0614-1332-000

TOWNSHIP: Jefferson

INTENT OF PETITIONER: To temporary allow two residential structures in an A-1 zone.  
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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 would like to live in an existing residence while building a brand new residence. 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.  
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\_\_\_\_\_

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections conducted. Observed property layout & location.  
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FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.  
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**DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN**

**FINDINGS OF FACT**

PETITION NO.: 2015 V1460  
HEARING DATE: 06-11-2015

APPLICANT: David Raymond

PROPERTY OWNER: David & Judith Raymond

PARCEL (PIN #): 016-0513-2514-001

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: To construct a detached accessory structure at less than the required setbacks to right-of-way and centerline of Koshkonong Lake Road.

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 requests to construct a 12' x 20' shed within 10 feet of the right-of-way of Koshkonong Lake Road whereas the required setback is 50 feet. The property is currently 1.23 acres. How far is the proposed structure from the septic field?

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 \_\_\_\_\_  
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- 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: \_\_\_\_\_  
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- 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 of the placement of the road. The rebuilt highway changed the distance to the ROW.
- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE of the placement of the road. The rebuilt highway changed the distance to 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 there was town approval. It does not impose on the public

**\*A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET\***

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

**MOTION:**

**SECOND:**

**VOTE:**

**CONDITIONS OF APPROVAL/DENIAL:**

**SIGNED:** \_\_\_\_\_ **DATE:** 06-11-2015  
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 V1461  
HEARING DATE: 06-11-2015

APPLICANT: Laura Romlein & Mike Buss

PROPERTY OWNER: Laura Romlein

PARCEL (PIN #): 032-0815-1333-000

TOWNSHIP: Watertown

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

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

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

The petitioner is proposing a new detached structure. The property currently has two detached accessory structure, a barn at 60 feet by 44 feet (2,705 sq. ft.) and a 12 feet by 20 feet (240 sq. ft. approximately) detached structure. The petitioners are proposing a structure of 32 feet x 52 feet (1,664 sq. ft.) as a third structure for this property. In an R-2 zone only two accessory structures are allowed, and this structure would also require a conditional use for an extensive on-site storage. The 1978 air photo showed no accessory structures on the property, and there is no permit on file for a 240 sq. ft. shed.

Can any structure be removed or added onto an existing structure?

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

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

