

# ***JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT***

*Dale Weis, Chair; Don Carroll, Vice-Chair; Janet Sayre Hoeft, Secretary  
Paul Hynek, First Alternate; Lloyd Zastron, Second Alternate*

**PUBLIC HEARING** BEGINS AT **1:00 P.M.** ON THURSDAY, SEPTEMBER 10, 2015 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

**CALL TO ORDER FOR BOARD MEMBERS** IS AT 10:45 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

**SITE INSPECTION FOR BOARD MEMBERS** LEAVES AT 11:00 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

**1. Call to Order-Room 203 at 10:45 a.m.**

Meeting called to order @ 10:45 a.m. by Weis

**2. Roll Call (Establish a Quorum)**

Members present: Weis, Carroll, Hoeft

Members absent: ----

Staff: Michelle Staff, Laurie Miller

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

Hoeft acknowledged publication. Staff also presented proof of publication.

**4. Approval of the Agenda**

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

**5. Approval of August 13, 2015 Meeting Minutes**

Carroll made motion, seconded by Hoeft, motion carried 3-0 to approve the August 13, 2015 meeting minutes.

**6. Communications and Public Comment - None**

There was a brief discussion regarding the Board's request to the Planning & Zoning Committee for review to create an ordinance for removal of a (2<sup>nd</sup>) temporary home versus going through a variance.

**7. Site Inspections – Beginning at 11:00 a.m. and Leaving from Room 203**

V1470-15 – Edward Klingaman Sr & Deborah Malsch Klingaman, **N1925**

**North Shore Rd,** Town of Sumner

V1469-15 – Scott Schiffner/Frank & Carol Schiffner Trust Property, **N959**

**Vinnie Ha Ha Rd,** Town of Koshkonong

V1468-15 – William P & Brenda L Morois, **W5619 State Road 106,** Town of Koshkonong

**8. 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, Hoeft

Members absent: -----

Staff: Michelle Staff, Laurie Miller

**9. Explanation of Process by Board of Adjustment Chair**

The following was read into the record by Hoeft:

***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, September 10, 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; discussion and possible action shall be occur after public hearing on the following:

**V1468-15 – William P & Brenda L Morois:** Variance from Sec. 11.04(f)6 of the Jefferson County Zoning Ordinance to reduce the minimum side yard setback in an A-1, Exclusive Agricultural zone at **W5619 State Road 106** for a 45' X 30' detached garage. The site is on PIN 016-0614-3533-003 (1.318 Acres) in the Town of Koshkonong.

William Morois presented his petition. He wants a reduced setback to 15' because of the septic location. Reducing the size of the building would not be practical for what needs to be stored.

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

Staff report was given by Staff. She noted this property is zoned A-1 which has a setback of 20'. The petitioner was asking for a 15' setback which would include any overhangs for a 30'x45' (1,350 square feet) structure. The septic location is on the plot plan. She also noted the property is in the floodplain, and he will be required to meet all floodplain requirements.

Staff asked the petitioner for the width and depth of the structure and why he needed this size of structure. The petitioner stated it was 30' in depth and 45 in width because it fits better on the lot.

Weis noted the location of the structure and the septic, and noted a conflict with the tank location. The petitioner stated the structure would have a 5' setback from the tank. Weis asked the petitioner if the structure would be over the force-main. The petitioner stated it would not be. Staff asked the petitioner if the 5' setback was from the tank cover or the tank itself. The petitioner stated that it was from the tank, and that he probed the area to find the tank.

Hoeft asked the petitioner if placement of structure on the right side of the house was not a possibility. The petitioner stated that it wasn't. Carroll questioned how the building would be accessed. The petitioner stated the garage doors are facing the

house and explained the driveway location. Carroll asked if the driveway was in the floodplain. The petitioner stated the driveway does not enter into the floodplain.

**V1469-15 – Scott Schiffner/Frank & Carol Schiffner Trust Property:** Variance from Sec. 11.04(f)2 and 11.07(d)2 to reduce the minimum front yard allowed in a Residential R-2 zone for a 30' X 30' detached garage with 10' X 22' lean-to and reduce the minimum right-of-way and centerline setbacks to Vinnie Ha Ha Road. The site is at **N959 Vinne Ha Ha** in the Town of Koshkonong, on PIN 016-0513-2434-010 (0.28 Acres)

Scott Schiffner presented the petition. He stated they were asking for a 50' setback from the centerline versus the required 63'. He would like to expand the house. Because of the drop-off to the lake side, it would be difficult to build out that way. So, they would like to build the garage to the north to allow for a future home addition.

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 noted there is also an application for a conditional use permit for an extensive onsite storage structure because it is over 1000 square feet and over the height requirement. The application that was originally submitted to our office did meet all the setbacks, and now the site plan has changed. She explained setback averaging; however, there were not five structures within 500' feet of this property that would be closer or as close as being proposed so that is not an option. Staff stated she measured the setback on the adjacent property which was 54'. The ROW of Vinnie Ha Ha Road is only 50' wide. They own two adjacent lots combined which makes it a conforming lot together. A 63' centerline and 30' ROW setback is required. She noted that the structure being proposed was 30'x30' with additional square footage for a loft which will exceed the square footage and height requirements.

Staff asked the petitioner about the side setback noting the site plan showed a 5' setback to the structure next door. Where was the lot line? The petitioner stated he did not know where the lot line was. The 5' setback was the neighbor's eave. Staff noted that the structure needs to be placed at least 3' from the line.

Staff explained that if the proposed structure was moved back 10', he could meet the setback requirement. The petitioner confirmed that he wanted to be back at the same setback as the neighboring property.

Hoelt asked Staff about the maximum lot coverage. Staff noted that they own two lots. Carroll asked the petitioner, what about the land prevents him from moving the structure back. The petitioner stated that he has future plans for expansion of the house. Weis commented on the slope of the property towards the lake. The petitioner stated that the property does slope back, and the proposed structure placement was also to prevent runoff. Weis confirmed with the petitioner that he wants to keep in line with the neighboring structure. The petitioner stated yes. Weis commented that most properties in the area are consistent with his proposed layout. Staff commented that we really need to know where the lot lines are and they meet all the setbacks.

Weis questioned when the other garage was build next to the lot line. Staff stated it was in the 1980's, and it was has a variance. Weis noted that they would need verification of where that line is. The petitioner stated he would get a surveyor out there.

**V1470-15 – Edward Klingaman Sr & Deborah Malsch Klingaman:** Variance from Sec. 11.04(f)6 to reduce the minimum rear yard setback in an A-1, Exclusive Agricultural zone for a proposed 24' X 30' garage. The site is on PIN 028-0513-1113-003 (0.584 Acre) in the Town of Sumner at **N1925 North Shore Road.**

Edward Klingaman presented his petition. His wife, Deborah Klingaman was also present. He stated that they are proposing to construct the garage at 3' from the lot line. This is the only place to put it and be able to access it. The other side of the house is too close to put in a driveway, and on the other side of the house is the septic. Deborah Klingaman stated that they would be taking down some trees, and there is an old existing shed there. She also noted that Roger & Marsha Anderson, who owns the land around theirs, had no problem with it, and they have submitted a letter.

There were no questions or comments in favor or opposition of the petitioner. There was a town response in the file approving the petition with condition that the setback be at no less than 3' which was read into the record by Weis. Weis asked the petitioner if the setback was from the eaves. The petitioner stated that was correct. Deborah Klingaman noted that the property has been surveyed. Weis noted that a surveyor should plat out the location of the building. The petitioner stated that was already done. Staff noted that was a plat of survey, and that the building should be staked out. The surveyor comes out and verifies the building location. Weis noted that the survey of the property was done on June 23, 2015 which showed the existing building which was going to being removed. He further explained the verification of the new building location by a surveyor.

Staff gave staff report. She noted that the A-1 zone requires a 20' setback, and that the petitioners had modified their request to a 3' setback. There is no septic permit on file, but she did see the vent pipes on the property. Staff asked the petitioner if they could maintain the building without trespassing with a 3' setback. Deb Klingaman stated yes, and explained that it would not be used every day. It would mainly be used for storage. The petitioner further explained that it would be a metal building with little maintenance.

Hoelt read into the record the letter from Roger and Marsha Anderson, the adjacent property owner. Carroll asked the petitioner if they understood that survey verification would become part of their decision, and if they accepted that. The petitioner stated yes.

## **10. Discussion & Possible Action on Above Petitions (See following Pages & files)**

## **11. Adjourn**

Hoelt made motion, seconded by Carroll, motion carried 3-0 to adjourn @ 2:17 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](http://www.jeffersoncountywi.gov).**

## **JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT**

*A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.*

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 V1468

HEARING DATE: 09-10-2015

APPLICANT: William P & Brenda L Morois

PROPERTY OWNER: SAME

PARCEL (PIN #): 016-0614-3533-003

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: To construct a detached accessory structure within the required setback of the side lot line. The petitioner is proposing to be 15 feet from the lot line.

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 property is zoned A-1 Agricultural, and is within the floodplain. The petitioner is proposing a 30' x 45' (1350 sq. ft.) detached accessory residential structure. The structure would be 15 feet from the lot line whereas the required setback is 20 feet. The property is on the corner of State Highway 106 and Rock River Road.

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 V1469  
HEARING DATE: 09-10-2015

APPLICANT: Scott Schiffner

PROPERTY OWNER: Frank & Carol Schiffner Trust

PARCEL (PIN #): 016-0513-2434-010

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: The petitioner is proposing a detached accessory structure within the required front yard setbacks (road) in a R-2 Zone.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)(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 proposing a 30' x 30' (900 sq. ft.) detached accessory structure. The proposed setback on the Aug 19, 2015 site plan is 50 feet from the right-of-way and 18 feet from the centerline whereas the required setback is 63 feet from the centerline and 30 feet from the right-of-way. Setback averaging provisions do not apply as there aren't 5 structures within 500 feet of this structure that are closer. In addition, the setback average of two neighboring properties would not meet this proposed setback.

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 V1470  
HEARING DATE: 09-10-2015

APPLICANT: Edward Klingaman, Sr./Deborah Malsch-Klingaman

PROPERTY OWNER: SAME

PARCEL (PIN #): 028-0513-1113-003

TOWNSHIP: Sumner

INTENT OF PETITIONER: To construct a detached accessory structure within the side lot line setback  
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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 petitioners are proposing a 30' x 24' (720 sq. ft.) detached structure at a zero lot line setback whereas the required setback is 20 feet. No septic records are available. Why zero lot line? How do they propose to maintain for the property without going on another's property?  
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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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