

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

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

***PUBLIC HEARING*** BEGINS AT **1:00 P.M.** ON APRIL 13, 2017 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: Matt Zangl, 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 on a voice vote to approve the agenda.

## **5. Approval of February 9, 2017 Meeting Minutes**

Carroll made motion, seconded by Hoeft, motion carried 3-0 on a voice vote to approve the meeting minutes.

## **6. Communications and Public Comment**

Zangl noted there was a webinar on Wednesday, April 19 @ 10:30 a.m.  
Zoning will be covered on the first portion followed by case law.

**7. Site Inspections – Beginning at 11:00 a.m. and Leaving from Room 203**  
V1595-17 – Alta Genetics USA, Inc., PIN 032-0815-2014-000 at **N8355 High Road** in the Town of Watertown

**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: Matt Zangl, Laurie Miller

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

The following was read into the record by Weis:

***NOTICE OF PUBLIC HEARING***  
***JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT***

**NOTICE IS HEREBY GIVEN** that the Jefferson County Zoning Board of Adjustment will conduct a public hearing at 1:00 p.m. on Thursday, April 13, 2017 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. The matter to be heard is an application 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:

**V1595-17 – Peter Schwabe, Inc./Alta Genetics USA, Inc.:** Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to allow an addition at less than the required centerline setback to High Road, Town of Watertown. The site is on PIN 032-0815-2014-000 (23.895 Acres) at **N8355 High Road** in an A-1, Exclusive Agricultural zone.

Weis noted that the Board is required to consider the three criteria as above and read into the record, and asked that the petitioner address each one of those.

Mark Herr, 209 S Water Street, Milwaukee, presented the petition. The variance is for an expansion which involves an office on the east side of the existing warehouse and warehouse and office expansion to south side of the existing warehouse. They are asking to allow an 80' setback to the centerline of the road. The 50' ROW setback is in compliance. The road is not centered in the ROW which is an unusual situation in that they can meet the required setback from the ROW, but not the centerline. Mr. Herr noted that 1)the addition is a permitted use is an allowable use in the A-2 Zone 2)it does not violate any state laws or administrative rules 3)it is within the ordinances, the hardship is that they wouldn't be able to feasibly expand the warehouse and relocated the offices and addition 4)the variance will allow the spirit of the ordinance to be observed because the 50' setback to the ROW will be in compliance 5)the variance will allow substantial justice to be accomplished and the public interested not violated. 6)they believe that 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. There is an existing building to the north so they cannot feasibly add onto the north side. There are loading docks and a grade differential to the west. Expansion is only feasible to the east and south. Expansion to the south is further limited because it's the only place to put the mound system south of the building addition 7)the hardship is due to the physical limitations of the property rather than the circumstances of the applicant because the center of the road is not centered in the ROW 8)the variance will not be contrary to the public interest as expressed by the purpose and intent of the Zoning Ordinance because the 50' setback from the ROW will be maintained.

Also in favor of the petition was Bill Beckman, Production Manager for Alta Genetics and Dean Rosenbaum from Peter Schwabe, Inc. There were no questions or comments in opposition of the petition.

Staff report was given by Zangl. He explained the ordinance requirements and noted that they would be meeting the 50' ROW setback, but could not meet the 85' centerline setback. There is a wetland delineation in the file which indicates there are no issues with wetlands. The sanitary permit has been issued. There are no changes in animal units. There is a town response in the file approving the petition which noted that the building inspector will also require approval of the permits.

There was a town response in the file approving the petition which noted the town inspector would review the permits. This was read into the record by Weis. Weis also noted there was a survey in the file showing the existing structure and the proposed addition with parking lots.

Weis asked the petitioner if this was a relocation of the offices from across the street. The petitioner stated yes, this would be a relocation of the office and warehouse. Weis questioned the number of employees. Bill Beckman stated there are 40. Weis noted that he has seen the permit issued for the septic system.

Hoeft commented on the 10' buffer as noted in the file, and would like to add that as condition. Weis asked the petitioner why they were adding on versus proposing a stand-alone building. Bill Beckman stated that this was an expansion of the warehouse with an office which is a reasonable size. By not adding on, they would have to bring in fill and had to consider the location of the mound to the south. Weis asked if this addition would be in place of the other structure. Bill Beckman stated yes.

Carroll explained that the decisions are based on the land and looking at all the options for the land, and noted the road is a safety factor. Carroll asked if there were any other options without the variance. Herr stated that they really don't due to the physical constraints. The plan is really done, and it would not be feasible or possible in other locations because of the other limitations. To the north is another structure, to the south is the mound, and to the west is where all the loading docks are with a turning area. The only way would be to the east. They are using the minimum width of the building to make it functional. Carroll asked what was limiting them. Herr further explained.

Weis stated that it appeared that a lot of effort was made to explore the options, and asked how long they have been working on this plan. Herr stated a long time for almost a year. Zangl noted that a plan previously submitted was closer than what they presented today. There have been multiple designs before this. Weis commented that the specific setback distance shown on the plan appears to be professionally placed. Herr stated that is surveyed by an engineering and surveying company.

**10. Discussion and Possible Action on Above Petition (See following pages  
And files)**

**11. Adjourn**

Hoeft made motion, seconded by Weis, motion carried 3-0 on a voice vote to adjourn @ 1:35 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.*

Additional information on Zoning can be found at [www.jeffersoncountywi.gov](http://www.jeffersoncountywi.gov)

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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.: 2017 V1595  
HEARING DATE: 04-13-2017

APPLICANT: Peter Schwabe, Inc

PROPERTY OWNER: Alta Genetics USA, Inc

PARCEL (PIN #): 032-0815-2014-000

TOWNSHIP: Watertown

INTENT OF PETITIONER: To construct an addition at 80 feet from the centerline of High Road on PIN 032-0815-2014-000

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:

- Maintaining 50' setback from ROW, asking for 80' from CL
- Wetland Delineation
- Sanitary Permit #13313 issued 1-19-2017
- No Animal Unit Change, reviewed by LWCD
- Town approval on 2-13-17, Building Inspector will review building
- CU817 1997

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 they are out of space across the road. This space is the most obvious solution. They have demonstrated the need for the addition and the limitations they are faced with, and have provided supporting documentation. There are issues with the existing topography.
- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the centerline varies by 5 feet, but it does meet the ROW setback. The mound system placement determines the location of the addition. The difference between the physical road center and the platted ROW cause the reason for the variance. There are issues with the existing topography.
- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it does not create a vision problem. It is an appropriate use of the land and can be easily reached by emergency vehicles. It does not impact the area affected. There is no effect on public or road safety.

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

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

**MOTION:** Hoeft

**SECOND:** Weis

**VOTE:** 3-0

**CONDITIONS OF APPROVAL:** **A 10' buffer be installed as per submittal in file.**

**SIGNED:** \_\_\_\_\_ **DATE:** 04-13-2017  
CHAIRPERSON

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