

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 THURSDAY, MAY 11, 2017 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 Hoeft

2. Roll Call (Establish a Quorum)

Members present: Carroll, Hoeft

Members absent: Weis

Staff: Matt Zangl, Laurie Miller

3. Certification of Compliance with Open Meetings Law Requirements

Hoeft acknowledge publication. Staff also presented proof of publication.

4. Approval of the Agenda

Carroll made motion, seconded by Hoeft, motion carried 2-0 on a voice vote to approve the agenda

5. Approval of April 13, 2017 Meeting Minutes

Hoeft made motion, seconded by Carroll, motion carried 2-0 on a voice vote to approve the meeting minutes.

6. Communications and Public Comment - None

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

V1598- Randy Sonley, W6110 County Road K, Town of Koshkonong
V1596-17-Michael Ready, W7638 Perry Rd, Town of Oakland
V1597-17-Daniel & Toni Zastrow, near N5307 Mud Lake Rd, Town of Lake Mills

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

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

Members present: Carroll, Hoeft, Weis

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, May 11, 2017 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:

V1596-17 – Michael Ready: Variance from Sec. 11.07(d) of the Jefferson County Zoning Ordinance to replace the home at **W7638 Perry Road** at less than the required setback to the Perry Road centerline. The site is on PIN 022-0613-1223-000 (14.86 Ac) in the Town of Oakland, in an A-1, Exclusive Agricultural zone.

Michael Ready, W7638 Perry Road, presented his petition. He state there was an existing 16'x80' mobile home which they were going to get rid of and add a 12' addition onto a new stick built home.

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.

Weis noted there was a survey in the file and questioned if a surveyor had added the dimensions. The petitioner stated yes. Weis noted that it going to be at 83.8' which is 1.2' too close. The petitioner stated that it was because of the overhang. The structure at the foundation was 2" short of meeting the setback. Weis confirmed with the petitioner that the existing would be removed, they would be using the existing foundation and adding on. The petitioner stated that would be correct. Weis noted that there were also other structures there that factor in to the placement/replacement.

Zangl gave staff report. He noted that there was a 1975 variance to create the lot. There was a permit issued in 1987 for the existing mobile home as well as a sanitary permit. The town decision in the file approved the petition request. Zangl explained the setback requirements and noted that they were asking for a setback of 83.8'.

Hoefl questioned the removal of the mobile home. Ready stated they would be using the existing foundation. Zangl asked the petitioner if there was any way he could meet the setback. Ready stated that Perry Road is on quite an angle towards the existing foundation. He further explained his petition. Zangl confirmed with the petitioner there would be a 12' addition to the front of the house closer to the angle of the ROW. The petitioner stated that was correct. Hoefl commented in situations like this, there is always a concern for vision, but this was pretty much a straight shot. Zangl asked the petitioner if he was aware that any future addition would require a variance. Ready stated he understood.

V1597-17 – Daniel & Toni Zastrow: Variance from Sec. 11.03(d) of the Jefferson County Zoning Ordinance to allow creation of an A-1, Exclusive Agricultural lot without frontage on and access to a public road. The property is near **N5307 Mud**

Lake Rd in the Town of Lake Mills, on PINs 018-0713-3622-000 (40 Ac), 018-0713-3623-000 (40 Ac) and 018-0713-3632-000 (53.13 Ac).

Daniel Zastrow, N5037 Mud Lake Road, presented the petition. He stated that the parcel they want to create is in the Wetland Preservation Program and cannot be used for anything other than hunting. They have a party that wants to buy it, but it needs access off the road. There are DNR lands to the west and south. Should the lands be sold with a ROW in the future, it could be sold to DNR. The access by ownership would come 60' away from his house, so he was proposing an easement to go along with the deed to the property for anyone who would own that property.

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.

Weis asked the petitioner about the amount of land that was being created. The petitioner stated it would be about 113 acres. Weis noted that it was exclusively hunting/recreational land with no crop land. The petitioner stated yes, and you cannot put up any buildings.

Zangl gave staff report. He noted that this was a larger parcel to start out with, about 160 acres. One parcel will remain 35 acres, and they are creating this 113 acre parcel. Zangl explained the requirements including access and frontage. This parcel is back off the road with no access. They are proposing an easement. All the land is wetland, floodplain, and flood storage. Any residential development would be out of the question. It is recreational land, hunting, wetland, and floodplain.

Hoelt questioned staff why this wasn't being rezoned to Natural Resources. Zangl stated that it does not require to be rezoned and can remain agricultural. Hoelt questioned the rest of the land and the house. Zangl state the house has been split off and is a separate parcel as part of a farm consolidation. The remainder lands around that lot would be ag land at 35 acres. Zastrow further explained that they would be keeping 10 acres of the Wetland Preserve Program lands. Zangl noted there was a map in the file outlining the Wetland Preservation Program land area.

Carroll questioned the access easement and how it would be written up. The petitioner stated that it would be written that anyone who owns it would have continuous use of that easement unless it would be an adjacent neighbor. It would be on the deed to land that they are selling. Carroll asked if the petitioner be willing to have the agreement in place before the sale. The petitioner stated yes.

Weis questioned staff about an easement without a Natural Resources Zone. Zangl stated that it does not matter what it's zoned. The land is only suitable for

recreational land. Carroll commented on the A-1 Zoned lands and the access. Zangl stated they were asking for a 30' access easement with a deed to be done before the sale. Weis questioned if the 150 acres is tillable, would the easement be appropriate? Zangl stated it is recreational land and would be a different story if it was tillable.

Hoelt asked the petitioner if they were intending on keeping it as private lands. The petitioner stated that was correct. He does not have a problem with DNR owning the parcels. If it would be a public access, anyone who wants to drive there could. Zangl asked the petitioner if there has been any talk with DNR or any potential future acquisition by the DNR. Zastrow stated they have made an offer a couple of years ago. Zangl asked if there was anything recent. Zastrow stated no.

V1598-17 – Randy Sonley: Variance from Sec. 11.04(f)6 of the Jefferson County Zoning Ordinance to construct a detached garage at less than the required side yard setback in an A-1, Exclusive Agricultural zone. The site is at **W6110 County Road K** in the Town of Koshkonong, on PIN 016-0514-2844-003 (0.46 Ac).

Laurie Sonley, W6110 County Road K, presented the petition. She stated that this was a one room school house built in 1846. When the garage was put on, it was put over the septic. They want to move the garage location to the front of the pavement.

Weis asked the petitioner if the existing garage would be removed. The petitioner stated they would be building new and removing the old garage.

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

Zangl gave staff report. He stated that this was supposed to be a carport, but is a garage and is a violation. There is a 1975 permit for a carport that has been turned into a garage built over the septic tank. Zangl gave the required setbacks of 20', and noted they are asking for a 14' setback. He asked the petitioner the new location of the garage. The petitioner explained would be up to the cement.

Hoelt commented that they were going from a two-car garage to a one-car garage. The petitioner further explained. Carroll questioned staff on the existing septic. The petitioner stated that they just received notice for servicing. Carroll noted that it may be easier to move the septic than the garage if the septic was not OK. Zangl noted that they just got the pumping notice, so if there were any clear signs of failure, they would become aware of it at the time. The petitioner stated they have had a servicing of their septic before and it was OK. With the current notice, they are due to have service by July. There was further discussion.

10. Discussion and Possible Action on Above Petitions (See files and following pages.)

11. Adjourn

Hoelt made motion, seconded by Carroll, motion carried 3-0 on a voice vote to adjourn @ 2:13 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.

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

Secretary

Date

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

FINDINGS OF FACT

PETITION NO.: 2017 V1596
HEARING DATE: 05-11-2017

APPLICANT: Michael R Ready

PROPERTY OWNER: SAME

PARCEL (PIN #): 022-0613-1223-000

TOWNSHIP: Oakland

INTENT OF PETITIONER: To replace the home at W7638 Perry Road at 83.8 feet
from the centerline of Perry 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:

- V23 1975 to create substandard A-1 lot
- 1987 Land Use Permit and Sanitary Permit for existing residence
- Section 11.07(d) requires 85' from CL and 50' from ROW, requesting 83.8' from CL
- Town approval dated March 21, 2017

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:

- 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 utilizing the current foundation, and it would be unnecessarily burdensome to do otherwise. It would be burdensome not to be able to replace the mobile home with a stick built house. This is just replacing an existing foundation with a few changes in the placement by inches.
- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE Perry Road angles a lot. They are approximately 1.5' short. There are existing structures on the property which influence the placement as well as the orientation of Perry Road. This property has developed over the years, and it is extremely difficult to alter the placement of the new home.
- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE there is no vision problem coming in or out and no emergency access problem. There is no change in the effect of the structure on public safety from Perry Road. It improves the existing property without changing the structure numbers on the lot.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Carroll **SECOND:** Hoeft **VOTE:** 3-0 (voice vote)

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 05-11-2017

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.: 2017 V1597

HEARING DATE: 05-11-2017

APPLICANT: Daniel & Toni Zastrow

PROPERTY OWNER: SAME

PARCEL (PIN #): 018-0713-2533-000

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: Create a 110 acre A-1 lot without access and frontage on a public road

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(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:

-Wetland, Floodplain, Flood Storage (See Environmental Corridor Map)

-Access over a 30' easement?

-Potential buyer? Hunting & recreational land

-Section 11.03(d) applies

-R3847A-2015 for A-3 farm consolidation

-R2767A-2003 for two 1 acre A-3 lots on corner of Conservation & Mud Lake

-CU726-1996 for Intensive Agricultural Dairy Operation

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/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
5. THE HARDSHIP IS NOT DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE there is not hardship due to the physical limitations of the property.
6. 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 DENIED.

MOTION: Weis SECOND: Hoeft VOTE: 3-0 (voice vote)

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: DATE: 05-11-2017 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.: 2017 V1598
HEARING DATE: 05-11-2017

APPLICANT: Randy D & Laurie A Sonley

PROPERTY OWNER: SAME

PARCEL (PIN #): 016-0514-2844-003

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: To construct a detached garage at 14.5 feet from side property line at W6110 County Road K

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:

- 2013 VIO025
- 2013 Permit 59873 for porch and roof
- 1975 Permit 4179 for carport
- No sanitary permit on file
- 11.04(f)(6) requires buildings to be 20' from side lots lines in A-1 zone

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:

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 there are other violations on this property that need to be resolved. This is a permitted lean-to that became an un-permitted garage. This clears this up. The current site placement is not in compliance.
2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE this lot is extremely small and the present location of the septic system both create a hardship. It's a small lot. If they moved over 6', there would be a tree line and the neighbor's land. Also because of the location of the existing septic tank.
3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it is best to resolve the violations and still have a functional garage. It brings the property into conformity and the current, non-conforming garage will be gone. It improves compliance with the current ordinance.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Hoeft

SECOND: Carroll

VOTE: 3-0 (voice vote)

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 05-11-2017
 CHAIRPERSON

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