

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, JULY 13, 2017
IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 10:15 A.M. IN
COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 10:45 A.M.
FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 10:15 a.m.

Meeting called to order @ 10:15 a.m. by Weis

2. Roll Call (Establish a Quorum)

Members present: Carroll, Hoeft, Weis

Members absent: -----

Staff: Laurie Miller, Matt Zangl, Rob Klotz

3. Certification of Compliance with Open Meetings Law Requirements

Hoeft & Carroll acknowledged publication. Staff also presented proof of publication.

4. Election of Officers

Hoeft made motion to retain all current board positions, seconded by Weis, motion carried 3-0 on a voice vote.

5. Approval of the Agenda

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

6. Approval of May 11, 2017 Meeting Minutes

Hoelt made motion, seconded by Weis, motion carried 3-0 on a voice vote approve the meeting minutes.

7. Communications and Public Comment - NONE

8. Discussion and Possible Decision on V1597-17 for Dan Zastrow, Town of Lake Mills

Klotz explained past practices and a possible new way of looking at requests for reduced access and/or easements for ag or hunting land. He noted that there are previous approvals granted for these requests. These are not buildable lots which he further explained. He would like to see consistent decisions.

There was a discussion with the Board and staff. Rob stated that he would look at decisions done in the past as examples, and this will be revisited on next month's agenda.

9. Site Inspections – Beginning at 10:45 a.m. and Leaving from Room 203

V1600-17 – Ronald & Constance Noe, N7566 County Rd X, Town of Watertown

V1599-17 – Edward & Laura Klein, W6202 Klein Ln, Town of Milford

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

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

Members present: Carroll, Weis, Hoelt

Members absent: -----

Staff: Laurie Miller, Matt Zangl

11. 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, July 13, 2017 in
C:\Users\tammiej\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\I3S02F42\July.doc

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:

V1599-17 – Edward & Laura Klein: Variance from Sec. 11.07(d) of the Jefferson County Zoning Ordinance to allow a shed addition at less than the required minimum setback to right-of-way and centerline at W6020 Klein Ln in the Town of Milford on PIN 020-0714-0913-006 (7.056 Acres). The property is zoned A-1, Exclusive Agricultural.

Ed Klein, W6202 Klein Lane, presented his petition. He wants to add a 10'x25' lean-to/overhang onto the existing pole shed to give shelter to the horses. To the north is the kiln, to the east is a wooded area, and to the west is the pottery shop. This would be the only spot to give the horses some relief, and it gives some visual to the horses. This is a dead end road with no current neighbors, and there are no visual restrictions.

Weis questioned the proposed setback of 75' rather than 85' to the centerline. The petitioner explained that was correct and it was 3' into the ROW. Hoeft made comment of no visual impacts or problems for emergency vehicle access. Carroll asked if this was roofed and sided. The petitioner stated it was not going to be enclosed – it's basically a roof.

In favor was Ronald Noe, N7566 County Road X. There were no questions or comments in opposition of the petition. Hoeft noted that the Board is not obliged to the town's decision, but they do take their decision into consideration.

There was a town response in the file from the town which was read into the record by Weis approving the petition.

Staff report was given by Zangl. The required setbacks are 85' to the centerline and 50' to the right-of-way. The addition is being proposed at 75' from the centerline and 35' from the right-of-way. There is a permit on file for the original structure. The addition is a 10'x25' overhang. A site plan showing the location of the addition along with the other structures on the property and the septic system is included in the file. There is also a topography map and findings of fact in the file. Zangl also addressed the septic location, the slope to the east, and that it's on a dead end road.

V1600-17- Ronald & Constance Noe: Variance from Sec. 11.07(d) of the Jefferson County Zoning Ordinance to allow shed placement at less than the required minimum setback to right-of-way at N7566 County Road X in the Town of Watertown. The property is zoned A-3, Agricultural/Rural Residential on PIN 032-0815-3423-002 (1.907 Acre)

Ronald Noe, N7566 County Road X, presented his petition. They are proposing a 10'x18' shed. The right-of-way is the problem. They would be quite a distance from the edge of the road. They are asking for a 35' setback from the right-of-way which is a 15' variance. The placement of the shed would come off the existing driveway which is the best place for it. Anywhere else would conflict with the existing septic and septic replacement area. He is using basically the entire top of the hill. It's a hillside which is very steep, and would not physically be able to place it anywhere else.

Connie Noe, N7566 County Road X, was in favor. There were no questions or comments in opposition of the petition.

Staff report was given by Zangl. He stated that 85' centerline setback and 50' right-of-way setback was required. They will be 35' from the right-of-way. The property has a steep hill and the right-of-way encroaches on their property. There is a topographical map in the file. The majority of the lot is over a 20% slope. The area that is not at a 20% slope is the where the septic and septic replacement area are.

There was a town decision in the file approving the petition which was read into the record by Weis.

Hoelt commented that they are allowed this building. Weis further explained. Weis also touched upon all the restrictions to the property which the petitioner had demonstrated.

12. Discussion and Possible Action on Above Petitions (See following pages, files and recorded proceedings)

13. Adjourn

Hoelt made motion, seconded by Weis, motion carried 3-0 on a voice vote to adjourn @ 1:33 p.m.

NOTE: Hoelt requested that the St Croix Supreme court decision be put on next month's agenda for discussion.

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

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

FINDINGS OF FACT

PETITION NO.: 2017 V1599
HEARING DATE: 07-13-2017

APPLICANT: Edward S & Laura S Klein

PROPERTY OWNER: SAME

PARCEL (PIN #): 020-0714-0913-006

TOWNSHIP: Milford

INTENT OF PETITIONER: Construct an addition (10' x 25' overhang/lean to) to existing ag barn

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:

-Ordinance requires 85' from CL, 50' from ROW

-Addition would be at 75' from CL, 35' from ROW

-2002 permit for structure

-Approved by Town

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.: 2017 V1600
HEARING DATE: 07-13-2017

APPLICANT: Ronald Noe

PROPERTY OWNER: Ronald J & Constance L Noe

PARCEL (PIN #): 032-0815-3423-002

TOWNSHIP: Watertown

INTENT OF PETITIONER: To construct a shed at less than required setback to ROW

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:

- Ordinance requires 85' from CL, 50' from ROW
- Proposed location of shed is 68' from CL, 35' from ROW
- Septic system installed north of house, replacement site south of house
- Steep location with 20% slopes
- ROW size increases on hill

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

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

