

# ***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 AUGUST 10, 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 10:30 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 (Establish a Quorum)**

Members present: Carroll, Hoeft, Weis

Members absent: ---

Staff: Matt Zangl, Rob Klotz, 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**

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

## **5. Approval of July 13, 2017 Meeting Minutes**

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

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

Rob noted there two members of the public present, and asked if they wished to make comment. Anita Martin stated that she is interested in the next agenda item.

Klotz noted that the Board received an updated ordinance, but that additional changes are coming. The Board will get another copy when the changes are made.

## **7. Discussion and Possible Decision on Variances for Road Frontage and Access in Agricultural Zones**

Klotz reviewed with the Board the Zastrow petition request and the ordinance requirements. The Board did not recall approving petitions in the past for reduced access of ag lands from last month's discussion. Klotz met with Zastrow for discussion of the decision and said he would take it to the Board for discussion.

Per last month's discussion, Klotz found 10+ variance petitions where the Board granted these requests looking through a portion of all variance files. Klotz listed the years of approvals. He explained that if it was not for a building site, whether agricultural or natural resources, they have been adequately served by easement. He felt there should be a discussion on granting/denying these requests, or, create an ordinance amendment.

Weis noted that looking at the spirit of the county ordinance, there are no issues for granting a variance in ag land, but to fit the ordinance the best that it can, it should be zoned Natural Resource. They can still consider ag land for reduced access.

Klotz asked Weis about making a change in the text amendment. Weis stated they should consider a change in the ordinance for a Natural Resource, but still come before the Board for ag zoned lands. Klotz did note that easement access for ag lands have had problems in the past, and further explained. There was a discussion on Natural Resource and ag land reduced access and buildable lots. Weis noted that he was looking to the future to not be so lenient.

Hoelt asked Klotz how long and what would it take to change the ordinance. Klotz explained and suggested that both the Board and Planning & Zoning Committees come together on this issue. Hoelt asked for this to be put on the next Planning & Zoning Committee Meeting for discussion. Klotz noted that

he would not be here for that meeting, but that Matt Zangl would be. The next meeting is August 28, 2017.

Weis asked Klotz if this change would need town board approval. Klotz stated that the towns would receive the text amendment and the majority of the townships would have to approve the change. Weis questioned the Zastrow petition. Klotz stated that he can wait 9 months and come back with his request, or, he can appeal to circuit court. Weis noted that he would like to see it zoned correctly.

There was a discussion on setting a precedent, specific requests and circumstances, and if it meets standards.

Carroll stated the decision was right and proper for the Zastrow petition. Each case needs attention to matters of fact. If the ordinance changed, it could be allowed. There was further discussion. Carroll stated the land only should be considered, not the circumstances.

## **8. Discussion and Possible Decision on Substandard Lots in Shoreland Areas Based upon Supreme Court Decision**

This is in reference to the Murn Case in St. Croix County. Klotz stated it has been long-standing that if there are substandard lots in common ownership, the ordinance states the lots cannot be resold separately if they don't meet the current regulations. In the St. Croix County case, there was a family that owned 2 lots, in the floodplain, non-conforming, etc... St. Croix County told them the lots could not be sold separately. They sued the county which went as far as the US Supreme Court. The decision was based on the law of the State of Wisconsin that they had no standing and the lots could not be sold separately, so the county's decision was upheld. The Supreme Court said that the counties can regulate, but the State of Wisconsin is working on rewriting the law. Once the law changes, we will have to change our ordinance. Klotz had spoken with County Board last week and told them the land use ordinance regulations are on a pendulum and further explained.

## **9. Site Inspections – Beginning at 10:30 a.m. and Leaving from Room 203** V1601-17 –Kimm Hansen, W4101 County Road B, Town of Farmington V1602-17, V1603-17, V1604-17, V1605-17 – Steven & Catherine Buckwinkler, Lake Drive, Town of Sumner V1606-17, V1607-17, V1608-17 – Jeff & Laurie Dresen, 384 Sandy Beach Drive, Town of Lake Mills

## **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, Hoefl

Members absent: ---

Staff: Matt Zangl, Rob Klotz, Laurie Miller

Also present was Patricia Cicero from the Land and Water Conservation Department.

## 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, August 10, 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:

**V1601-17 –Kimm Hansen:** Variance from Sec. 11.07(d) Highway Setback Requirements to allow detached garage construction at less than the required right-of-

way and centerline setback to Switzke Road in the Town of Farmington. The site is at **W4101 County Road B**, on PIN 008-0715-1714-001 (2 Acres) in an A-1, Exclusive Agricultural zone.

Kimm Hansen, W4101 County Road B, presented his petition. He is proposing a detached garage closer to the road. If this would not be granted, the only other place would be 200' away. The lot is very narrow; the setbacks take up half the lot, and because of the septic location.

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

Hoelt noted they always ask for a town opinion, but they are not obligated to their recommendations.

Staff report was given by Zangl. He confirmed with the petitioner that the proposed structure is 30'x26' and 20'2" high. Zangl gave the required setbacks of 85' to the centerline and 50' to the ROW. It is being proposed at 44' to the centerline and 9' from the ROW. The lot is very narrow and very long, and he does not have much area to work with.

Hoelt noted this is not a high traffic area and confirmed with the petitioner that parking lot was to the east of the church. The petitioner stated that was correct. Weis noted there would be no vision problem with County Road B and made comment that this was right near the intersection of the road so the cars are going slower.

**V1602-17, V1603-17, V1604-17, V1605-17 – Steven & Catherine Buckwinkler:**

Variances from the Jefferson County Zoning Ordinance, Sec. 11.04(f)1 Zoning Controls to exceed maximum lot coverage allowed by principal and accessory structures; from Sec. 11.07(b)1 Yards to exceed 15% yard area with a detached accessory structure; from Sec. 11.03(f)2 Use Restrictions to allow an accessory structure without the principal structure; and from Sec. 11.10(i) Impervious Surface Standards to vary minimum requirements. The site for all of these requests is on **Lake Drive**, PIN 028-0513-3022-049 (0.129 Acre), Town of Sumner, in a Residential R-1 zone.

Steve Buckwinkler, W9633 Lake Drive, presented his petition. He stated the home was built on the lake, and there is no room to have an accessory structure. Both lots are substandard, and there is no place to put anything. Both lots are titled as 1 and cannot be sold separately. There are no conflicts with the neighbors. There is a garage on 1 side of the property, vacant on the other side, and there's farm land

behind the lot. He would like to put everything under one roof and clean up the yard to protect his property. There are no utilities to the building.

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

Staff report was given by Zangl. He stated that they are proposing an accessory structure exceeding 30% allowed lot coverage. 11.04(f) states the maximum lot coverage for principal and accessory structures is 30%. The proposed building is approximately 2,000 square feet which includes the overhang. The lot across the street is 6,000 square feet. The lot on the lake side is 5,280 square feet. Combined, it would be a little bit over 11,000 square feet. When it's broken down to include the proposed structure, they would be at 33.3% lot coverage for the proposed location which is just for the accessory structure without the house, but with the 2 lots combined, they would be at 27.9% lot coverage. So for the one lot across the road, they would be at >30% lot coverage, but if the lots were considered as 1, lot coverage would be <30%. Hoeft asked if this included a boat house. The petitioner stated there was just the house on that lot.

Patricia Cicero, Land and Water Conservation Department, noted that she works with a lot of water resource issues and understands that there are a lot of zoning rules in place to protect the public. She noted that impervious surface standards are put in in place because the more impervious surfaces there are, there could be a more detrimental impact to the lake, to the fish and water life, and property values. She further explained. She encouraged more mitigation such as a rain garden or shoreline restoration, if possible to compensate for the impervious surfaces.

Carroll asked how the parcels are being considered as one parcel. The petitioner stated it was by deed that they could not be separated. Zangl gave the requirements for accessory structure lot coverage and stated that for this accessory structure, it was greater than 15% lot coverage and 15' in height. It would be at 33.3% with the proposed structure as a single lot, and if the lots were considered together with the proposed structure, it would be at 17.7%, over the 15% allowed.

Zangl noted that the lots are very narrow. It's at a 40' lot width. The minimum lot width in the R-1 is 80'. There have been past petitions approvals for detached accessory structures across the road from the principal structure. The DNR was noticed and there was no response.

Zangl stated that the last request was for the impervious surface standards. Both lots are within 300' from the OHWM. They are proposing going from 6.4% impervious surface to 33.3% on the lot across the street from the house. On the lot with the

house, the impervious surface coverage would be at 24.5%. With the proposed and considering both lots together, they would be at 29.2%. He further explained impervious surface standards and what it all includes. If it was under 15%, it can be permitted but there would need to be mitigation. If it is a greater mitigation process, it can be engineered to mitigate the water.

Klotz further explained the new impervious surface standards that were added to the ordinance which were written by state legislators. Klotz reiterated the variance requests.

Zangl noted he had a conversation with the petitioner regarding the runoff and mitigation. The petitioner explained that he has owned the property since 1989 and is aware of a water problem. There is 13' between the proposed structure and the lot line. He has done some research and there is the possibility of installing 15"-18" drain tiles.

Hoelt asked the petitioner about the old culvert underneath the driveway. The petitioner stated that the properties across the street have culverts, some that are old and not usable. When there are new structures added, the replacements are done. Hoelt asked about the water flow through his property. The petitioner stated there was none at this time, and further explained.

Zangl noted the property is zoned R-1 which allows for 2 accessory structures, one not to exceed 500 square feet, and the other not to exceed 1,000 square feet. They can exceed the square footage through a conditional use permit for an extensive onsite storage structure, so along with all these variances, they are on the agenda for a conditional use permit review with the Planning & Zoning Committee.

Patricia Cicero stated the state now has a special grant program in which counties and lakes districts can install special mitigation practices that are going to benefit the lake. She further explained. It is cost sharable and she can provide assistance to apply for the grants. Hoelt asked if this for river property or lake property. Cicero stated it was just for lake property at this point.

Hoelt asked what would be happening to the blue shed. The petitioner stated it would be destroyed. Weis was looking at the survey, and asked the petitioner if the rear of the building would be to the north. The petitioner stated yes, that 18' was added to the property. There was a discussion on the placement of the proposed structure. The petitioner stated that it would line up aesthetically with the other garages. Weis and the petitioner went over the setbacks and placement. Weis asked if the setbacks were from the foundation or the roof. The petitioner stated that included the overhang – it is aerial dimensions. Weis asked if it would be 20-21' to the rear of the lot. The petitioner stated yes, within inches. Weis asked the petitioner

if there would be a proposed driveway. The petitioner stated it would just be grass with no daily use. Weis asked if there would be any driveway, gravel, or sidewalks. The petitioner stated there would be gravel just for the support post to the building.

Weis asked Zangl to reiterate the %'s. Zangl showed the Board the findings of fact in the file which lays out the %'s.

Klotz noted that they have covered the mitigation plan requirements and the permitting process which has to allow for any engineered mitigation. The Board does not have to set what the mitigation would be.

**V1606-17, V1607-17, V1608-17 – Jeff & Laurie Dresen:** Variances from the Jefferson County Zoning Ordinance, Sec. 11.10(f)1 Shoreland Setbacks to allow home reconstruction near Rock Lake at less than 75 feet from the ordinary high water mark; from Sec. 11.10(k) Non-Conforming Uses and Structures; and from 11.10(i) Impervious Surface Standards to vary minimum requirements. A mitigation plan shall be submitted as part of this request. The site is at **384 Sandy Beach Drive** in the Town of Lake Mills, on PIN 018-0713-2321-014 (0.147 Acre), and is zoned Residential R-1.

Laurie Dresen, 384 Sandy Beach Road, presented her petition. Regarding the 75' lake setback, they are asking for 25' less of a setback. It will put it back 17' further back and be in line with the neighbors. She asked the Board if they received the support letters from the neighbors. Weis noted there were 3 letters in the file.

The petitioner addressed the second request to exceed 30% impervious surface. They have hired an engineer and the plan should be in the file for grading and erosion control. It shows the existing house and what is being proposed. It's an approximate 20% reduction to what was there before by removing the driveway and old garage. They went to the Town Plan Commission, and they were pleased with the reduction.

There were no questions or comments in favor of the petition. Glen Williams, 380 Sandy Beach Road, was opposed. He noted the lot was substandard and had concerns about the increase in the footprint, increase in water runoff, and a shared well. This will still contribute to the runoff.

Mike & Ann Williams, 376 Sandy Beach Road, were also opposed. They noted this would further reduce the view of the lake. In 2009, they were told by the Zoning Department they would not be allowed to expand the footprint greater than 30% lot coverage. They were also concerned about runoff and contamination to their shallow, driven point well.



Hope Oostdik, Town Chairperson, was opposed although the petition passed at the town 2-1 with her objection. There are 8 properties along Sandy Beach which are still in the jurisdiction of the Town of Lake Mills, all being substandard, very small, and are on a small town road which is in very bad shape. Many of these properties have either have rip-rap frontage or a concrete wall, and they are really small. They cannot make any more lots on Rock Lake. It is a very desirable property. She could not vote in favor of this because for two reasons. Mainly, she was confused about the storm water runoff and mitigation plan. There was no engineer involved and no hardship. She did not have much detail regarding the size of the structure, the height of the structure, the square footage of the structure, and was very concerned about the shared well. She also noted that regarding the letters of support, one of the letters was from the property owner's builder, and did not believe this was a very good reference. She was here today to better understand the mitigation laws which are all new things. One of the things she had thought about was as a town, they should adopt a razing ordinance and maybe a component for a landscaping plan that they could reference later on. In good conscious, she could not vote in the affirmative on this.

Glenn Williams commented that 2 letters in the file were from 4-5 lots away and not next door.

The petitioner responded that the letters in support are full-time home owners on the lake. Regarding blocking the view, the red flags have been marked on the lot and further explained. The house will sit behind the neighbor's house, and the screened porch will come out about a foot. Regarding the storm water run-off, they have hired an engineer, and they will not let the water run off onto other properties.

Zangl gave staff report. He stated they need the variance for the required 75' to the ordinary high water mark. The existing home is approximately at 45' and the proposed is 46' from the patio, and 48.5' from the building. There were no previous permits on file for the property. This is a substandard lot and they will meet all the other setbacks. Zangl gave the required setbacks.

The DNR was noticed and gave no response. Zangl explained the impervious surface standards, regulations and existing standards and read the ordinance impervious surface requirements. He noted that they are currently at 59.3% lot coverage per the engineer. The proposed is at 46.2% lot coverage which is a 13% reduction. Reconstruction of the non-conforming structure does not meet the 75' setback from the ordinary high water mark. Zangl read the ordinance requirements for reconstructing a non-conforming structure.

Klotz explained the need for a <75' setback variance and the impervious surface standards noting that if they are reducing the amount of impervious surface, there is

nothing that we can be involved with because this is an area where the legislature took out the original impervious surface language of the original ordinance and had the new standards inserted. He further explained the reducing the impervious surface area versus the non-conforming structure requirements. He addressed runoff and mitigation and noted the Board can set conditions as part of their decision. We have to accept an engineer's plan for surface runoff and mitigation.

Oostdik asked if the surface runoff was designed by an engineer. Klotz explained state law with regard to an engineering plan for runoff and we have to accept it. Oostdik asked about sump pump water. Klotz stated that it is clean water and can be discharged to the lake.

Hoelt asked the size of the patio. Zangl stated the proposed patio and porch was 172 square feet. Hoelt asked if the patio was an impervious surface. The petitioner stated that she had talked with Patricia Cicero about pavers and other options they could look at. Klotz explained to Board their options with regard to the sections of the ordinance that would or could apply to the variance request(s).

Glen Williams noted that it was a reduction, but it was still at 46%. Klotz explained that with the state law requires and the way our ordinance is written, there's a reduction which doesn't require mitigation. This would be different if it was new construction.

Patricia Cicero stated there could be things that could be changed to lessen the impervious surfaces and runoff to the lake.

Weis asked if the changes were more lenient than stricter. Klotz stated yes and that the Shoreland Ordinance trumps the Land Use Ordinance. He further explained.

Weis asked if there were demolition permits. Klotz stated the ordinance does not require them, but they were encouraged to obtain them so copies will go to the town clerk, the town assessor, and the town building inspector. That way the assessor can make an adjustment for the removal of the structure and the town building inspector and the town is aware they are tearing this building down. There was further discussion on demolition permits.

There was a brief break at 2:30 p.m. – reconvened at 2:35 p.m.

## **12. Discussion and Possible Action on Above Petitions (See following pages, files and tape)**

## **13. Adjourn**

Carroll made motion, seconded by Weis, motion carried 3-0 on a voice vote to adjourn @ 4:15 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)

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

**FINDINGS OF FACT**

PETITION NO.: 2017 V1601  
HEARING DATE: 08-10-2017

APPLICANT: Kimm Hansen

PROPERTY OWNER: SAME

PARCEL (PIN #): 008-0715-1714-001

TOWNSHIP: Farmington

INTENT OF PETITIONER: To construct a 30' x 26' detached garage, 20' 2" tall  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

- Setbacks from CTY B – 110' from CL, 50' from ROW
- Setbacks from Switzke – 85' from CL, 50' from ROW
- Requesting 44' from CL of Switzke and 9' from ROW
- Lot is narrow (appx. 96') and long (appx. 630')
- Permit from 1971 for a porch addition
- Town approval dated 7-10-2017

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 everyone deserves a garage. The only other option is hundreds of feet from the house. The frontage of the lot exceeds the depth of the lot. The placement of the septic, therefore, pre-decides the placement of the garage.
2. THE HARDSHIP IS DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the roads are where they are at. It's a long, narrow lot. The septic field occupies much of the back yard. The narrow lot and placement of the septic necessitates the variance. The lot frontage exceeds the lot depth.
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 a Class D road and lightly travelled. The church parking lot is not a factor. It does not affect vision of the intersection. The frontage is so large, there would be no congested area.

\*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: 08-10-2017
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 V1602  
HEARING DATE: 08-10-2017

APPLICANT: Steven & Catherine Buckwinkler

PROPERTY OWNER: SAME

PARCEL (PIN #): 028-0513-3022-049

TOWNSHIP: Sumner

INTENT OF PETITIONER: Construct an accessory structure exceeding 30% allowed lot coverage for principal and accessory buildings

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)1 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:

-11.04(f)1 Maximum lot coverage for principal and accessory structures is 30%

-Petition is for 1,999 sq. ft. building

-Lot 22-49 is 6,000 sq. ft. with vacated drive, Lot 22-23 is 5,280 sq. ft.  
Total combined = 11,280 sq. ft.

-Proposed structure = 1,999 sq. ft.  
appx. coverage on 22-43 = 1,146 sq. ft. + boat house?

-22-49 alone = 33.3%  
Lots combined % = 27.9%

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 V1603  
HEARING DATE: 08-10-2017

APPLICANT: Steven & Catherine Buckwinkler

PROPERTY OWNER: SAME

PARCEL (PIN #): 028-0513-3022-049

TOWNSHIP: Sumner

INTENT OF PETITIONER: Construct an accessory structure (1,999 sq. ft.) that will exceed 15% lot coverage for accessory buildings

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(b)1 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:

-Lot 22-49 = 6,000 sq. ft., Lot 22-23 = 5,280 sq. ft.

-Proposed structure = 1,999 sq. ft., any other accessory buildings? Boathouse?

-1,999/6,000 = 33.3% OR 1,999/11,280 = 17.7%

-11.7(d)1 – detached accessory structures shall not exceed 15' in height and 15% of yard area

-Proposed height of structure?

-Structure currently exists on property 24' x 16'

-DNR Noticed, previous permits for house and deck addition on 22-023

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 V1604  
HEARING DATE: 08-10-2017

APPLICANT: Steven & Catherine Buckwinkler

PROPERTY OWNER: SAME

PARCEL (PIN #): 028-0513-3022-049

TOWNSHIP: Sumner

INTENT OF PETITIONER: Construct a detached accessory structure on PIN 028-0513-3022-049 without a principal structure

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(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:

- Zoned R-1, Principal uses are SFH, parks/conservancy or group homes
- Petitioner owns PIN 028-0513-3022-023 directly across road from 22-049
- Both parcels are substandard, roughly 1/2 size of a standard R-1 lot
- Currently, a 24' x 16' accessory structure is on PIN 22-049
- Proposing a 1,999 sq. ft. structure which will require a Conditional Use Permit from the Planning and Zoning Committee, they are on 8-17-17 PH and 8-28-17 Decision meeting
- 2010 58483 – Deck Addition      2009 57775 - House      843 - Garage
- Shoreland restoration in 2010
- DNR Noticed

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:

10. 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 it's a hardship not to have a storage structure. It's a unique consolidation for sales of joint properties. He is entitled to a storage facility.
11. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE per the previous decision, this is being considered as 1 lot which is unusual.
12. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE the owner cannot sell the parcels separately. The parcels are considered as 1 lot.

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

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

**MOTION:** Weis

**SECOND:** Carroll

**VOTE:** 3-0 (voice vote)

**CONDITIONS OF APPROVAL/DENIAL:**

SIGNED: \_\_\_\_\_ DATE: 08-10-2017  
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 V1605  
HEARING DATE: 08-10-2017

APPLICANT: Steven & Catherine Buckwinkler

PROPERTY OWNER: SAME

PARCEL (PIN #): 028-0513-3022-049

TOWNSHIP: Sumner

INTENT OF PETITIONER: To construct an accessory structure of 1,999 sq. ft. and exceed the standards listed in Section 11.10(i) Impervious Surface Standards

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.10(i) 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:

-Section 11.10(i) sets impervious surface standards for lots within 300' of the OHWM

-Lot 22-049 = 6,000 sq. ft., existing building = 384 sq. ft., proposed = 1,999 sq. ft.  
Existing impervious surfaces = 6.4%  
Proposed impervious surfaces = 33.3%

-Lot 22-023 = 5,280 sq. ft.  
House = 27.33' x 32' + deck 420 sq. ft. = 1,294.56 sq. ft.  
Impervious surfaces = 24.5%..... Driveway? Walkways? Boathouse?  
Proposed imp. surface with both lots = 29.2%

-15% to 30% is permitted but requires mitigation

-Over or under 30%? Mitigation required? 2010 Shoreland restoration #58483

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 V1606  
HEARING DATE: 08-10-2017

APPLICANT: Jeffery/Laurie Dresen

PROPERTY OWNER: SAME

PARCEL (PIN #): 018-0713-2321-014

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: To construct a single family home at less than the required 75' setback from the OHWM

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.10(f)1 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:

- 11.10(f)1 requires 75' setback from OHWM
- Existing home is appx. 45' from OHWM
- Proposed home is 46' from patio and 48.5' from building to OHWM
- No prior permits on file
- Substandard lot and will meet all other setbacks
- 2009 V1309 – to allow addition to non-conforming structure in excess of 50% of FMV, new porch closer to road and lake (approved, never permitted)
- Town meeting 8-8-2017

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

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



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

**FINDINGS OF FACT**

PETITION NO.: 2016 V1607  
HEARING DATE: 08-10-2017

APPLICANT: Jeffery & Laurie Dresen

PROPERTY OWNER: SAME

PARCEL (PIN #): 018-0713-2321-014

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: To reconstruct a nonconforming structure

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.10(k) 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:

-2009 V1309 – to allow addition to non-conforming structure in excess of 50% of FMV, new porch closer to road and lake (approved, never permitted)

-Nonconforming structure, does not meet OHWM setback

-11.10(k) expansion, relocating, etc. nonconforming structures in shoreland

-No sections apply to this property

- Town meeting 8-8-2017

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

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





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

**FINDINGS OF FACT**

PETITION NO.: 2017 V1608  
HEARING DATE: 08-10-2017

APPLICANT: Jeffery & Laurie Dresen

PROPERTY OWNER: SAME

PARCEL (PIN #): 018-0713-2321-014

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: To reconstruct a single family home, attached garage, driveway, porch and patio exceeding the impervious surface standards in 11.10(i)

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.10(i) 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:

- Impervious surfaces permitted with mitigation up to 30% of lot coverage
- Existing impervious coverage = 59.3% (see breakdown of percent on plot plan)
- Proposed impervious coverage = 46.2% (see breakdown of percent on plot plan)
- Reducing overall coverage by 13.1%
- House/garage/patio = 30.29% lot coverage
- Existing footprint changes by more than 200 sq. ft.
- Public Hearing Notice typo (shall be should be may be)
- Town meeting 8-8-2017

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

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

