

***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 OCTOBER 12, 2017 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

**CALL TO ORDER FOR BOARD MEMBERS** IS AT 9:00 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

**SITE INSPECTION FOR BOARD MEMBERS** LEAVES AT 9:10 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

**1. Call to Order-Room 203 at 9:00 a.m.**

Meeting called to order @ 9:00 a.m. by Weis

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

Members present: Weis, Hoeft

Members absent: Carroll

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**

Staff noted petition V1617-17 Jon Gross under the site inspections should read Glenview Avenue, not Glenwood Avenue.

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

**5. Approval of September 14 Meeting Minutes**

Weis made note the meeting minutes received were not complete copy. Staff will provide a complete copy of the minutes to the Board.

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

NOTE: Carroll present @ 9:06 a.m.

## 6. Communications and Public Comment

There was a brief discussion on mineral extraction.

Zangl also noted that there are a lot of legislative bill changes in the works.

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

V1614-17, V1615-17, V1616-17 - Robert & Laurie Miller, **W9661 Lake Dr**,  
Town of Sumner

V1612-17 - Michael & Doris Cronin, **W4849 Shaner Ln**, Town of Hebron

V1613-17 - Laura A Willson, **W1250 State Rd 59**, Town of Palmyra

V1617-17 - Jon Gross, **W1214 Glenwood Ave**, Town of Ixonia (Correction--should be Glenview Ave)

V1611-17 – Matthew Bertelson, **N9261 Ash Rd**, Town of Watertown

V1618-17 – J&D Messmann Trust/Robert E & Vesta M Biver Trusts  
Property, **County Rd Y**, Town of Farmington

## 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, Hoeft, Carroll

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, October 12, 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:

**V1611-17 – Matthew Bertelson:** Variance from Sec. 11.04(f)6 Minimum Yards of the Jefferson County Zoning Ordinance to allow a residential garage 18 feet from a side lot line in an A-1, Exclusive Agricultural zone at **N9261 Ash Road**. This is proposed on PIN 032-0815-1221-001 (0.681 Acre) in the Town of Watertown.

Matthew Bertelson, N9261 Ash Road, stated the garage pre-existed prior to when he purchased the property. It was separate from the house and is now attached. It was not flagged initially when the house was built that it was too close to the lot line. He tried to purchase some land from the adjacent neighbor, but that did not work out. According to the permit, the setback was supposed to be at 22', but was built at 18'. He presented a larger plot plat to the Board. He stated there are no alterations that were done to the garage other than attaching it to the house.

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.

Hoelt noted that the Board is not obliged to a town decision, but it is very helpful to them.

Staff report was given by Zangl. He referenced Sec. 11.04(6) from the ordinance which requires a 20' setback in the A-1 zone. In 2003, there was a permit issued for a setback at 22'. The surveyor's plot plan shows an 18' setback from the lot line.

Carroll asked the petitioner for clarification that the garage exists, that he didn't move it, but rather just attached it. The petitioner stated he just attached it to the house.

**V1612-17-Michael & Doris Cronin:** Variance from Sec. 11.03(d)Site Restrictions and Sec. 11.04(f)8A-3 Ag/Rural Residential of the Jefferson County Zoning Ordinance to create two A-3 zoned lots without 66 feet of frontage on/access to a public road, with one at less than the required lot area & lot depth. The site is at **W4849 Shaner Ln**, Town of Hebron, on PIN 010-0515-0622-002 (3 Ac).

Doris Cronin, W4849 Shaner Lane, and Lisa Kysley, W4849 Shaner Lane, were present. There is a 3 acre lot with 2 homes in it. At one time the barn was converted to a house. They would like to rezone the parcel to be in compliance with zoning so each house could be on its own parcel of land. Ms. Cronin stated they would be retiring, and will be living in the house. Their son will be living in the converted barn. Ms. Kysley stated that they want to be in compliance, and did not realize they needed 2 separate parcels.

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

Zangl gave staff report. He noted there a couple of variances to consider. He explained 11.04(f)8 minimum lot size requirements for A-3 which is 1 acre with a width of at least 150' and depth of 200'. He also explained 11.03(d) frontage and access requirements. This is unique in that there is a limited amount frontage to get the 2 lots. The required frontage is 66'. If they split the lot, each lot would get half of the frontage that is there. He explained the proposed lot sizes from the existing parcel.

The barn conversion took place in sometime around 2000 with no permit. A sanitary permit was issued. The ordinance allows only 1 residence on a parcel. The rezoning request is on the Planning & Zoning Committee agenda for October, pending this variance.

Carroll questioned the roads. Zangl explained this is a smaller town road that appears to have a 60' ROW. The preliminary survey shows each lot would have about 29' of frontage. Weis asked the petitioner when the barn was converted. Ms. Kysley stated it was around 2000. Carroll asked if each has their own well and septic. Ms. Cronin stated they both will have their own septic, but will share 1 well.

**V1613-17 – Laura A Willson:** Variance from Sec. 11.07(d)Highway Setback Requirements of the Jefferson County Zoning Ordinance to allow reduced setback to State Road 59. The proposal is for construction of a 12-foot overhang on the building at **W1250 State Road 59** on PIN 024-0516-2223-004 (1.435 Ac), Town of Palmyra, in a Business zone.

Don Partoll, W1250 State Road 59, presented the petition. He stated the hardship is because it is 124' from the front of the building to the road. They are asking for a 12' overhang.

Weis asked if the building was there for a long time. Partoll stated about 60 years or better.

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

Zangl gave staff report. He stated the required setbacks are 140' from the centerline and 70' from the ROW. They are proposing 79' from the ROW and 112' from the centerline.

There are no permits for the structure on file, and it is zoned Business. Zangl asked Partoll if there would be any sides or walls to the proposed, or was it just an overhang. Partoll stated it is just an overhang.

Weis noted there was a drawing in the file. Weis questioned the location of the village limits in respect to this property. Partoll stated it was 2 properties, about 500', from the village limits to the east. Weis noted to the west was an industrial park in the village. Partoll stated that it does wrap around this property. Zangl noted they are kind of an island surrounded by the village limits. Weis asked if the setbacks change when in the village limits. Zangl stated he would guess that they are. Weis made statement that this building was there before the current ordinances, and they are somewhat of an island in the township in that spot. He asked the petitioner if the addition would be a hindrance in the sight lines. Partoll stated there would not be. Carroll questioned the width and depth of the addition. Weis stated 12'x130'. Weis also stated it exists at 124' to the centerline. With the addition it would be 112' to the centerline. Carroll questioned the support of 2x6's. Partoll stated that it would be supported by 6'x6's with, they were thinking, a 10' span along the front, whatever the architect's plan was.

**V1614-17, V1615-17, V1616-17 – Robert & Laurie Miller:** Variance from Sec. 11.10(f)1 Shoreland Setback to sanction both a house and a deck constructed at less than the minimum setback to the ordinary high water mark of Lake Koshkonong. Variance from Sec. 11.10(i) Impervious Surface Standards to allow the replacement/reconstruction of the deck exceeding impervious surface standards. The property is at **W9661 Lake Dr** in the Town of Sumner on PIN 028-0513-3022-015 (0.242 Ac), and is zoned R-1.

Robert Miller, W9661 Lake Drive, presented his petition. He stated the existing house was purchased in 2014 which is on the lake with a deck. He came in to apply for a deck permit which was denied because there was no permit for the existing deck when it was built. The variance request is for the deck which was built with the house and has been there since day one. He was informed by the previous owner that at the time of construction, he was given a verbal OK from the town building inspector. It is a pressure treated deck which is now is decaying and needs replacing as a matter of safety. They will be replacing it in its current footprint. They are altering the design a bit for functionality and making it more rectangular, but are not exceeding distance out. He has talked to the neighbors and they are in approval with it. They will not be obstructing any views. The property is elevated at least 19', and they want a deck that is safe to use.

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

Zangl gave staff report. He noted that the house was not built where it was permitted in 1985 at 65' to the OHWM in which a setback average was used. The requirement is 75' to OHWM. The plot plan submitted shows the home was built at 56.5' which is too close to the lake. Zangl noted the DNR was noticed, and we have received no response. He also noted that the deck can be OK with the building inspector, but they do not issue zoning permits which was still needed. The deck is illegal without permits. The existing setback from the deck to the OHWM is 45.5'. They are proposing about the same with stairs that do encroach a little bit closer.

Zangl asked the petitioner which sketch provided will be used. The petitioner identified the sketch and presented it to the Board. Zangl stated they would have to meet the impervious surface standards if the variance is granted. They are allowed up to 30% with mitigation. They are just under 50% with current impervious surfaces. The proposed deck is roughly 550 square feet which is a 5.3% increase to the impervious surface. Zangl gave the Board several options when considering the impervious surface requirements.

Hoelt noted that they saw the impervious surfaces at site inspections. Weis added that there was grass, vegetation and terracing.

Carroll asked if there was a change to the site plan to what was in the file. Zangl stated it was in the file and clarified the revised sketch is what was being proposed. The petitioner stated the lake levels do change, and the house is elevated and out of any flood zone. Carroll asked if they were aware, that in front of that wall on the lake side, there is a public park. The petitioner stated yes, the whole shoreline is for public

access. Carroll asked the end of the wall was the end of the lot. The petitioner stated that was correct.

**V1617-17 – Jon Gross:** Variance from Sec. 11.07(d) Highway Setback Requirements of the Jefferson County Zoning Ordinance to replace a shed at less than the minimum required setbacks to US Highway 16 in the Town of Ixonia. The site is on PIN 012-0816-2224-004 (1.498 Ac) at **W1214 Glenview Ave** in a Community zone.

Jon Gross, W1214 Glenview Ave., presented his petition. He wants to replace a shed that was taken down 4 years ago. The State of Wisconsin moved the road and ROW into his property. Now his setbacks are too short. The shed would be replaced on the existing foundation to keep all his personal property in during the winter. It is being proposed at the same dimensions, and not any bigger. The original building was constructed in 1966, and there was an addition in 1984. He took the shed down before it fell down. The road is now too close to meet the setbacks.

In favor was Howard Wiedenhoft, W2340 State Road 16 (neighbor), who stated the petitioner was correct in where the location of the old garage was. The road was redone, and now it is too close from what was there before. With the new roundabouts and embankments, safety is not an issue with the present conditions.

There was a DOT response in the file, read into the record by Weis, with no concerns with what was being proposed. There was also a town response in the file in favor of the petition which was read into the record by Weis. Hoeft noted that this was not visible from the front of the property; however, they could see it from STH 16. There were no questions or comments in opposition of the petition.

Staff report was given by Zangl. He noted the required setbacks for STH 16, and stated they would be approximately 75' to the ROW and 110 to the centerline. The garage was built in 1966 with an addition in 1984, and was removed in 2014. It is zoned Community which allows for a side setback of 3'. It is being proposed at 5.5' to the side lot line. He is meeting all the other setbacks.

Weis commented that with the addition of the roundabout, this is no longer a high-speed area, and there is no real safety issue.

**V1618-17 – J&D Messmann Trust/Robert E Biwer Trust & Vesta M Biwer Trust (LE) Property:** Variance from Sec. 11.03(d) Site Restrictions of the Jefferson County Zoning Ordinance to create a Natural Resource zoned lot from PIN 008-0715-3042-001 (8.487 Ac) without access and frontage on a public road. The site is in the Town of Farmington, near **County Road Y**, and is currently zoned A-1, Exclusive Agricultural.

Jerry Messman, W4667 Marsh Rd., presented his petition at the table with the Board. He stated this would be a 20 acre parcel total. In 2000, they purchased 10.5 acres. He now has the opportunity to purchase 8.5 acres. It is lowland in the front with cattails and marsh grass. The back half is wet and wooded. It would be used for hunting purposes and to raise pheasants. It will be left as is. It has not been farmed, but was used as pasture land about 20 years ago. There is a small amount of farmland on the northwest that will remain work land. There is an easement for the 10.5 acres, and now they need an easement for this property.

Hoelt noted that this will be reclassified to Natural Resources. Weis noted that with the reclassification, this would be a larger parcel. The petitioner showed the Board the request on the map explaining the existing easement and the need for another easement for the additional land.

Dee Messman was in favor. There were no questions or comments in opposition of the petition. Zangl noted that Don Reese, Town Chairperson for the Town of Farmington, called in to inform us that the town board had passed the variance last night.

Staff report was given by Zangl. He explained 11.03(d) – all lots shall front on and have access to a public road for at least 66'. He noted the request was for the property to be served by easement which he already has for the easterly lot. The rezone request is on this month's public hearing. This is hunting/recreational land of which 80% is wetland.

Weis questioned using the existing easement and if it could/could not be sold separately. Zangl stated the lots would not be combined because there is a 66' strip in between the 2 lots. It will still be 2 parcels because they won't be attached by ownership. He further explained the possibility of selling them separately. Weis was concerned that it would be a land-locked parcel if one or the other parcel was sold. Zangl informed the Board that they could set that as a condition if there was some concern.

Carroll had concerns if there was a possibility it could be sold separately. There was further discussion. The petitioner stated that they could do another easement if needed and further explained. Weis explained his thoughts on setting a condition if it was sold separately.

## **10. Discussion and Possible Action on Above Petitions (See following pages & tape)**

### **11. Adjourn**

Weis made motion, seconded by Carroll motion carried 3-0 on a voice vote to adjourn @ 3:18 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

Date

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

**FINDINGS OF FACT**

PETITION NO.: 2017 V1611  
HEARING DATE: 10-12-2017

APPLICANT: Matthew Bertelson

PROPERTY OWNER: SAME

PARCEL (PIN #): 032-0815-1221-001

TOWNSHIP: Watertown

INTENT OF PETITIONER: To sanction a garage at 18' from the side lot line  
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\_\_\_\_\_  
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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:

- 11.04(f)6 – all structures need to be at least 20' from a side lot line
- Permit 55719 for detached garage applied by Douglas Grover, issued at 22'
- Permit 60582 for Home attached to existing garage  
-site plan from plumber shows garage at 20'4"
- Bertelson applies for a Deck permit, shows garage at 18.0' from side lot line  
-Michelle starts violation
- Plat of Survey shows garage at 18.0' from side lot line  
-Unknown 3.03'? Recently brought to our attention  
-Found by recent survey? Were passed plot plans using the 3'?

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

**FINDINGS OF FACT**

PETITION NO.: 2017 V1612  
HEARING DATE: 10-12-2017

APPLICANT: Michael & Doris Cronin

PROPERTY OWNER: SAME

PARCEL (PIN #): 010-0515-0622-002

TOWNSHIP: Hebron

INTENT OF PETITIONER: To allow the creation of a 0.7 acre A-3 zone with less than the required lot depth, lot area and lot frontage on a public road to bring the parcel into compliance with the Zoning Ordinance

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(d), 11.04(f)8 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)8 A-3 zone minimum lot sizes:
  - 1 acre, width = 150, depth = 200
- 11.03(d) all lots shall front and have access on public road for 66'
- Proposed lot = 0.7 acre, 195' x 160'
- Existing parcel was a farm consolidation in 1993
- Barn converted in 2000? to an additional home (septic permit issued in 2000), creating two homes on one parcel
- Requesting variance to create a new A-3 lot to become in compliance
- Town approved variance and rezone

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:

- 4. 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 is house already on the proposed lot. There is not a way to enlarge the lot to meet one acre. The ROW ends at both property lines & exists at less than 60'. It would be a hardship not to split the properties.
- 5. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the house is where it is. This is a separation of 50% to each lot for the driveways. The parent parcel is serviced by a dead end road which is less than 66'; therefore, only 29' is available to each lot.
- 6. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE they are trying to bring the property into conformance with the ordinances. There would be no impact on either property or neighboring structures. Each property is served by it's own septic system. If the parcels are separated, a well agreement or separate well is needed.

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

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

**MOTION:** Weis to allow frontage of less than 66' to a public road for each lot or approximately 29' per lot. Lot 1 (small house), waive the lot size requirement and dimensions. **SECOND:** Hoef  
**VOTE:** 3-0 (voice vote)

**CONDITIONS OF APPROVAL/DENIAL:**

SIGNED: \_\_\_\_\_ DATE: 10-12-2017  
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 V1613  
HEARING DATE: 10-12-2017

APPLICANT: Laura Willson

PROPERTY OWNER: SAME

PARCEL (PIN #): 024-0516-2223-004

TOWNSHIP: Palmyra

INTENT OF PETITIONER: Construct a 12' overhang onto the existing building  
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\_\_\_\_\_  
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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:

- STH 59 setbacks = 140' from CL and 70' from ROW (Sec. 11.07(d))
  - Proposed overhang will be 79' from ROW and 112' from CL
  - No permits for structure on file
  - Zoned Business
  - Overhang will not have any walls or sides?
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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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\_\_\_\_\_



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

**FINDINGS OF FACT**

PETITION NO.: 2017 V1614  
HEARING DATE: 10-12-2017

APPLICANT: Robert/Laurie Miller

PROPERTY OWNER: SAME

PARCEL (PIN #): 028-0513-3022-015

TOWNSHIP: Sumner

INTENT OF PETITIONER: To sanction the existing home at 56' 6" 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:

- Permit #39439 issued 5-16-1995 for a new home 65' from OHWM
- Plot plan submitted shows home built at 56' 6" from OHWM
- 11.10(f)1 – setback for all structures to OHWM is 75'  
-1995 permit was issued using setback averaging
- Need a variance to sanction the house built closer to OHWM than permitted
- Town in favor
- 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 \_\_\_\_\_
- 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:

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 there is no solution to this situation other than to tear the home down. The hardship exists resulting from inadvertent permitting.
11. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the house is where it is and the lake is where it is. They purchased the house where there were obvious errors in permitting and enforcement. Conditions of the property create the situation.
12. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE the house is where it is. It is bringing it into compliance. There would be possible positive impacts to the area.

\*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:** 10-12-2017  
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 V1615  
HEARING DATE: 10-12-2017

APPLICANT: Robert & Laurie Miller

PROPERTY OWNER: SAME

PARCEL (PIN #): 028-0513-3022-015

TOWNSHIP: Sumner

INTENT OF PETITIONER: To sanction and allow the reconstruction of a deck  
illegally built without a permit

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 – all structures have a setback of 75' from OHWM

-1995 permit for house does not show a deck, no permit for deck on file

-All provisions in Ordinance for structures too close to OHWM are for *legally*  
constructed structures

-Existing illegal deck is 45' 6" from OHWM

-Proposed deck is 45' 6" from OWHM with stairs encroaching apprx. 8' 7" closer?

-Two deck plans? Which one does the petitioner want?

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:

- 13. 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 the existing deck is showing deterioration, may be dangerous, and needs to be replaced. They are bringing the the deck access more into compliance with our current lake water requirements.
- 14. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the placement of the house and deck with respect to the lake and lot size make it non-compliant. It is a necessary replacement of a weather-deteriorated deck.
- 15. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE safety access from the upper floor level to a deck is necessary. It will only be a positive impact on neighboring structures.

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

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

**MOTION:** Weis – as per submitted plot plan at 11’x43’ with no stairway. **SECOND:** Hoeft  
**VOTE:** 3-0 (voice vote)

**CONDITIONS OF APPROVAL/DENIAL:**

**SIGNED:** \_\_\_\_\_ **DATE:** 10-12-2017  
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 V1616  
HEARING DATE: 10-12-2017

APPLICANT: Robert & Laurie Miller

PROPERTY OWNER: SAME

PARCEL (PIN #): 028-0813-3022-015

TOWNSHIP: Sumner

INTENT OF PETITIONER: To construct a deck exceeding the allowed 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:

-11.10(i) – impervious surface standards, up to 30% allowed with mitigation over 30% not permitted or requires a variance

-Rough calculations (GIS) – Lot = .24 ac = 10,454.4 sq. ft  
House + driveway = 4,784 sq. ft.  
Current impervious surfaces = 47.8%  
Proposed deck = 549.5 sq. ft. or 5.3% of total lot area

-If variance to construct deck is granted, also need to look at impervious surfaces

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:

- 16. 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 what was viewed on site inspection was the best possible scenario for compliance. The existing allowed construction and fill achieves some minimal adjustment.
- 17. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the property is small and steep – it’s the best that it can be. The proximity of the lake is an issue. Access to maintain the property is served by a paved route on the lake side and structure.
- 18. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE they have done everything they can to keep the water from running into the lake. The present landscape is controlling the erosion and runoff. Impact to the surrounding area properties is positive in nature.

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

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

**MOTION:** Hoelt for no mitigation      **SECOND:** Weis      **VOTE:** 3-0 (voice vote)

**CONDITIONS OF APPROVAL/DENIAL:**

**SIGNED:** \_\_\_\_\_ **DATE:** 10-12-2017  
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 V1617  
HEARING DATE: 10-12-2017

APPLICANT: Jon Gross

PROPERTY OWNER: SAME

PARCEL (PIN #): 012-0816-2224-004

TOWNSHIP: Ixonia W1214 Glenview Ave

INTENT OF PETITIONER: To replace/construct a shed at less than the required  
State Road 16 setback

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:

-11.07(d) – USH 16 setbacks are 200’ from CL and 100’ from ROW

-Proposed shed = 75’ to ROW and 110’ to CL

-Email from DOT with no concerns

-Shed originally constructed in 1966, permit for addition in 1984

-Shed removed in 2014

-Zoned C – shed in backyard can be 3’ of side and rear lot lines

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: \_\_\_\_\_
- 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:

19. 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 the petitioner wants to put up a shed to house items sitting out. There was a permitted shed there until 2014. Replacement of a pre-existing, permitted structure poses no negatives. It would be a hardship not to replace an existing, compliant structure.
20. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the parcel was in conformance before the DOT put in a round-about on State Road 16. Lines of site from adjacent roadways are not imposed by the structure. DOT improvements created the hardship.
21. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE there was no written objection from the DOT, there is no site line problem from State Road 16, and will look better than having it out. There are no negative aspects to the surrounding properties or roadways. The round-about reduces the speed on State Road 16 minimizing setback safety requirements.

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

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

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

**CONDITIONS OF APPROVAL/DENIAL:**

**SIGNED:** \_\_\_\_\_ **DATE:** 10-12-2017  
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 V1618  
HEARING DATE: 10-12-2017

APPLICANT: J&D Messman Trust

PROPERTY OWNER: Robert & Vesta Biwer Trust

PARCEL (PIN #): 008-0715-3042-001

TOWNSHIP: Farmington

INTENT OF PETITIONER: Create a Natural Resource zone without frontage and access. Access to be served by an existing easement

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:

-11.03(d) – all lots shall front on and have access to a public road for at least 66 feet

-Petitioner owns N lot east of proposed lot with a variance granted and served by an easement

-Petitioner to use land for hunting and recreation

-Most of property is wetland

-Rezone is on this month's public hearing and decision, County Board in November

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:

- 22. 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 would be a hardship not to allow an access easement. The hardship exists due to limited access.
- 23. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the proposed lot is remote. A 66' ROW would be unreasonable and unnecessary. Upon sale of either properties, access will be provided.
- 24. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it promotes and encourages wildlife development. It's not buildable land & it's been disused for generations. The impact on the area is positive.

**\*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:** **Appropriate access is allowed as not to land-lock any parcels.**

**SIGNED:** \_\_\_\_\_ **DATE:** 10-12-2017  
CHAIRPERSON

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