

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, JUNE 14, 2018
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 10:30 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 @ 10:20 a.m. by Hoeft

2. Roll Call (Establish a Quorum)

Members present: Carroll, Hoeft

Members absent: Weis

Staff: Matt Zangl, Laurie Miller

3. Certification of Compliance with Open Meetings Law

Hoeft acknowledged publication. Staff also presented proof of publication.

4. Approval of the Agenda

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

5. Approval of May 10, 2018 Meeting Minutes

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

6. Communications and Public Comment

Zangl noted Hoeft has been reappointed for another 3-year term.

Weis in attendance @ 10:28 a.m.

7. **Site Inspections – Beginning at 10:30 a.m. and Leaving from Room 203**
V1629-18 – Kurt & Cathy Liebenow, N6985 Lakeview Dr, Town of Lake Mills
V1630-18 – Gregory & Kelly Lutzen, N4186 County Road A, Town of Oakland
V1628-18 – Curt & Mary Peterson/Richard Knoflicek Property, N1193 Garvert Lane, Town of Koshkonong
8. **Public Hearing – Beginning at 1:00 p.m. in Room 205**

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

Members present: Carroll, Hoeft, Weis

Members absent: -----

Staff: Matt Zangl, Sarah Higgins, Lindsey Schreiner, 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, June 14, 2018 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 may occur after public hearing on the following:

V1628-18 – Curt & Mary Peterson/Richard Knoflicek Property: Variance from Sec. 11.07(d)2 and 11.04(f)8 of the Jefferson County Zoning Ordinance to allow a detached accessory structure 15 feet from the road right-of-way, 63 feet from the road centerline and 3 feet from the side yard in a proposed A-3 zone. The property is at **N1193 Garvert Lane** in the Town of Koshkonong, on PIN 016-0514-2023-003 (0.688).

Curt Peterson, N1193 Garvert Lane, presented his petition. Mary Peterson was also present. Mr. Peterson stated they were asking for a variance of 15' to the ROW, and 3' to the side lot line. Looking at the entire lot, there would be problems to place it in the back yard because of the septic. On the other side of the property, there are problems with drainage. To move it any further back on the property on that side of the lot would place it over the well. He checked with Diggers Hotline, and there will be no problems with any underground utilities. The ROW is good sized, close to 40'. Weis clarified if the road was not centered in the ROW. The petitioner stated no. They talked to the neighbors and they had no problem. They would be able to use the existing driveway. Hoelt commented it was too close to the side lot line, but when on the site visit, they saw the slope on the property. The petitioner further explained.

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.

Zangl gave staff report. He referred to Sec. 11.04(f)a of the ordinance and stated that these are subdivision lots on a dead end road. The lots were created in 1955 through a small subdivision plat. There is a 63' centerline and 30' ROW requirement. Even if it was a town road, a variance would still be needed. They do meet the 63' centerline setback requirement, but not the ROW setback. The houses are approximately 50' to the ROW along the road and 96' to the centerline. It is an 80' ROW and the road is not in the center of the ROW. For the next 2 properties to the south, the ROW shrinks/narrows down to about 66'.

The septic is in the back which limits structural placement there. They are on the Planning & Zoning Committee agenda this month to rezone the property to A-3, and for a conditional use permit to allow them to run a small business.

Hoelt asked if because of the small business aspect, is that why would they are changing the zoning. Zangl explained. Weis asked the petitioner about the site plan and asked if "O" on the plan is the well. The petitioner stated that it was the well. Zangl noted that as it is currently zoned, a 3' side setback would be allowed. The rezoning to A-3 would require a 20' setback. Weis asked the type of construction. The petitioner stated it would be a pole building used year-round. Hoelt asked if there would be water. The petitioner stated there would only be electric and heat. Carroll made comment on the small business. The petitioner stated that it was a custom plasma cutting business creating signs and metal art. There is no big equipment.

V1629-18 – Kurt & Cathy Liebenow: Variance from Sec. 11.09(c) of the Jefferson County Zoning Ordinance to allow an addition to a non-conforming structure in an R-1 zone at **N6985 Lakeview Drive**. The site is on PIN 018-0713-0233-015 (0.2 Ac) and 018-0713-0233-016 (0.298 Ac) in the Town of Lake Mills.

Kurt Liebenow, N6985 Lakeview Road, presented the petition. He stated that they purchased the property last fall for a retirement home. The existing house is non-conforming. The setbacks may have been different when the house was built in 1954. They are looking to update the house and add a 2-car garage and some space to the south. All additions are in the buildable area on the front side and the right side. The need for the variance is because they are adding more than 50% of the square footage. They would like to change the entry in the front. The Town of Lake Mills was OK with the request as long as it was not closer to the road.

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

Staff report was given by Zangl. He referenced Sec. 11.09(c) of the ordinance, non-conforming structures. He explained the requirements for footprint and structural member expansion. They are exceeding those requirements so they need the variance. All the additions they are doing meet all the setbacks. Zangl asked if the entry was changing or if they were just redoing it. The petitioner showed Zangl what is currently existing and what was being proposed. There will be the garage, and sunroom and deck on the back.

Weis asked if this was to sanction what already exists. Zangl stated all the additions meet the setbacks. The existing structure is just too close to the lot lines, so they need the variance. Zangl noted that the easterly lot could be sold separately, but once they add on, it couldn't be sold separately. Weis commented that a condition could be set to acknowledge that. Zangl further explained. Weis asked if the petitioner recognized

that by building over the lot line, the second lot could not be sold separately. The petitioner stated yes, and further explained.

V1630-18 – Gregory & Kelly Lutzen: Variance from Sec. 11.03(d) of the Jefferson County Zoning Ordinance to allow access to an A-3 zoned property, PIN 022-0613-0844-021 (2.02 Ac) at **N4186 County Road A** over adjoining A-1 zoned land under the same ownership. The site is in the Town of Oakland.

Greg Lutzen, N4186 County Road A, presented his petition. He stated that they built their house on the A-3 lot. They were told that they needed an access for that lot and the A-1 lot. With all the rain, there has been a lot of flooding and a lot of issues on County Road A. The County Highway Department is asking to alleviate some of the water problems there. One of the problems with the water issue is the access drive for the A-3 lot. They would like to take that out. The Highway Department felt it was such a problem that they wanted to take it out before the variance and at their own expense, put it back in if this was denied. He said he had a letter from them, and noted that they actually went ahead and took it out. The lot to the north has an access drive with better visibility and is safer in general.

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. There was also a letter in the file from the neighbors, Perry & Laura Thomson, N4146 County Road A, in support of the variance read into the record by Weis. Weis also read correspondence in the file from the Highway Department into the record.

Hoelt questioned the vision problem. The petitioner stated it was tough to see from the right (north). There is no problem from the south.

Staff report was given by Zangl. Zangl stated the town wants the driveway removed. He referred to Sec. 11.03(d) of the ordinance regarding the frontage and access requirements. This lot does have frontage, but has problems with the access. The lot was created in June 2000 which required the applicant to talk to the Highway Department to grant access. They did grant access, and the lot was approved. There is a 20% slope, so the lot was created before the current regulations. In 2016, they started construction, and there were neighbor complaints about washouts. It does not fit the current ordinance with the slopes, so they need the variance to allow access over the A-1 land. The driveway has been removed by the Highway Department. They would like this access point gone and the Board to allow the other access. Zangl noted the address would have to be changed due to the new location of the driveway. The Board could put restrictions on their decision if they decide to approve, and Zangl further explained.

Weis asked the petitioner if he understood if the lots were sold separately, they would have no legitimate access. The petitioner understood and explained. Weis commented that they could impose a condition as a solution for legal access for the home lot if sold separately. The petitioner stated that he would be fine with that.

Weis commented on the driveway when the lot was created. Zangl stated this lot has a lot of 20% slope and would not be allowed now. He did note that the Highway Department did issue a driveway permit in 2000. There was further discussion.

Carroll asked if the current access was a gravel pathway. Zangl stated yes, and explained. Carroll asked who owned the safe access/egress. The petitioner stated he owned the land. Carroll noted they were talking about the land and not personal preference or desire, but safety of the access point of the land. Zangl noted the other option was to rezone a portion of the A-1 land to A-3 to add to the land for access, but they were maxed out on the acreage allowed to be rezoned. There was further discussion on the safety of both accesses.

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

11. Adjourn

Hoelt made motion, seconded by Weis, motion carried 3-0 on a voice vote to adjourn @ 2:36 p.m.

If you have questions regarding these variances, please contact the Zoning Department at 920-674-7113 or 920-674-8638. Variance files referenced on this hearing notice may be viewed in Courthouse Room 201 between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, excluding holidays. Materials covering other agenda items can be found at www.jeffersoncountywi.gov.

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so appropriate arrangements can be made.

A digital recording of the meeting will be available in the Zoning Department upon request.

Additional information on Zoning can be found at www.jeffersoncountywi.gov

Secretary

Date

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

FINDINGS OF FACT

PETITION NO.: 2018 V1628
HEARING DATE: 06-14-2018

APPLICANT: Curt & Mary Peterson

PROPERTY OWNER: Richard Knoflicek Sr & Richard Knoflicek Jr

PARCEL (PIN #): 016-0514-2023-003

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: Construct a structure at 15' from the Road Right-of-Way and 63' from the Road Centerline

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 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 = Road setback of 85' from Centerline & 50' from ROW

-Request to create structure at 63' from CL and 15' from ROW

-Lots created in 1955-ish

-0.69 ac lot with septic system located in back of house

-Town approval 5-9-2018

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.: 2018 V1629
HEARING DATE: 06-14-2018

APPLICANT: Kurt S & Kathy A Liebenow

PROPERTY OWNER: SAME

PARCEL (PIN #): 018-0713-0233-015 & 018-0713-0233-016

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: Add an attached garage, sunroom and deck to
a non-conforming structure in excess of 50% of the footprint

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09(c) 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:

-Sec 11.09(c) – expansion of non-conforming structures
-can expand up to 50% of footprint and 50% structural members

-Home is non-conforming, does not meet road setback
-Footprint of home is about 1,700 sq. ft.
-Proposed expansion is 1,392 sq. ft. and 12 structural members

-Additions meet all setbacks

-Propose to build over lot line, lots cannot be sold separately
-Survey to combine parcels or tax combination

-Town approval

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.: 2018 V1630
HEARING DATE: 06-14-2018

APPLICANT: Gregory Lutzen/Kelly Steele Lutzen

PROPERTY OWNER: SAME

PARCEL (PIN #): 022-0613-0844-021

TOWNSHIP: Oakland

INTENT OF PETITIONER: Remove access point for A-3 lot and instead access
A-3 lot from an adjoining A-1 lot

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:

- Sec 11.03(d) all lots shall front and have access along a public road for 66'
- R2140A-01 approved 6-21-2000 to create 2 lots, with approved access from
County Hwy Department
- Lutzen purchased in 2016 and Permit #61882 for new home issued 6-12-2017
with access point as approved by Hwy
- After access point was installed, complaints began about flooding and runoff down
hill and washing out the County Hwy
- County Hwy removed culvert prior to variance to resolve problem (see letter)
- Town approved 5-22-2018

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

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

