

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Dale Weis, Chair; Janet Sayre Hoeft, Vice-Chair; Aari Roberts, Secretary;

PUBLIC HEARING BEGINS AT **1:00 P.M.** ON NOVEMBER 8, 2018 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 11:00 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 11:10 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 11:00 a.m.

Meeting called to order @ 11:00 a.m. by Weis

2. Roll Call (Establish a Quorum)

Members present: Weis, Hoeft, Roberts

Members absent: -----

Staff: Laurie Miller, Lindsey Schreiner, Matt Zangl

3. Certification of Compliance with Open Meetings Law

Hoeft acknowledged publication. Staff also verified and presented proof of publication.

4. Approval of the Agenda

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

5. Approval of July 12, 2018 Meeting Minutes

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

Note: Hoeft was not present @ the July meeting and therefore abstained from vote.

6. Communications and Public Comment

Roberts asked about any zoning updates. Zangl stated there was one small change. He will provide the Board with an updated ordinance.

Zangl noted that alternates for the board are still being considered.

7. Site Inspections – Beginning at 11:10 a.m. and Leaving from Room 203

V1635-18 – Chris Nash, Town of Aztalan

V1637-18 – Colleen Janssen, Town of Oakland

V1636-18 – Tom & Patricia Doeberlein/Jon & Penny Bound Property, Town of Jefferson

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, Roberts

Members absent: -----

Staff: Laurie Miller, Matt Zangl, Sarah Higgins, Lindsey Schreiner

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, November 8, 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:

V1635-18 – Chris Nash: Variance from Sec. 11.03(f)2 and 11.04(f)2 of the Jefferson County Zoning Ordinance to sanction an accessory structure in an R-2 zone on PIN 002-0714-3441-004 (0.74 Ac) without the principal use. The site is on **County Road N** in the Town of Aztalan.

Chris Nash (675 N Marion Ave., Jefferson) presented the petition. He stated that he bought the properties in October which was part of a larger parcel. There is an existing shed that he would like to use.

Cynthia Nash (675 N Marion Ave., Jefferson) was in favor of the petition. Larry Christianson (W6002 Gehler Rd.) had concerns. His property is just north of this property, and there is a driveway that is shared and being used to access this property. He would appreciate them installing their own driveway. The petitioner stated that they have applied for a driveway permit which has been approved, and he has contracted with Tom Gallitz to install it. They hope to have this done by the end of November.

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

For clarification, Hoefl stated that there are three lots so the south lot was where the house is, the next lot is vacant, and the last lot is where the shed is. Roberts asked staff if not approved, would they have to remove the shed. Zangl stated yes, then it would be a violation and they'd have to take the shed down or establish the principal use and get the permit for the house. Roberts asked the petitioner when they planned on building the house. Nash stated it would be sometime possibly within the next 2-3 years. Weis asked staff when everything was built, was it all correct. Zangl stated it was. They had a permit and it was built in 2000. It was at one time all in common ownership and had a house until the lots were separated off. Weis asked if the house was also sold to them. The petitioner stated no, the owners still own the house on the lot furthest south. They bought the 2 vacant lots, one with the shed, to the north. Weis asked why this wasn't flagged at the time of sale. Zangl stated they came into

the office right after they bought the lots, and further explained. He noted a deed can be filed which our office cannot stop. He further explained and there was further discussion. Roberts noted that they don't look for violations. Hoeft noted that sometimes they are found at the time of site inspections.

V1636-18 – Tom Doeberlein/Jon & Penny Bound Property: Variance from Sec. 11.03(f)2 and 11.04(f)8 of the Jefferson County Zoning Ordinance to allow an accessory structure without the principal use in an A-3 zone. The site is on PIN 014-0614-2014-001 (2.319 Ac) in the Town of Jefferson, at **W6510 Kiesling Rd.**

Tom Doeberlein (W6490 Kiesling Road) presented the petition. He wants to purchase this property and put up a personal storage shed. This is adjacent to their property, and it was the old Humane Society property.

There were no questions or comments in favor or opposition of the petition. There was a town response in the file to approve the petition to Tom & Patricia Doeberlein only which was read into the record by Weis.

Staff report was given by Zangl. He stated that the property was operated by the Humane Society. In 2014, the property was rezoned to A-3 to allow for a new home and keep the existing buildings on there. The plans to build a single family home never happened. The petitioner wants to purchase the property and build a storage structure without having the single family home there. It is required in that zone that the principal structure be built before an accessory structure. Zangl asked the petitioner about building over the existing septic system. The petitioner stated that the septic is bad so they will be taking it out and building over that area. Zangl asked about the existing buildings. The petitioner stated the buildings are also bad. Zangl asked if any of those building were connected to the septic. The petitioner stated he didn't believe that anything was connected to the septic. Zangl asked the petitioner his intent for the rest of the buildings. The petitioner stated they will be razing the existing buildings and moving the storage structure to the back of the lot. He said he has a son that has an interest to build there. The shed is set back to be able to have room to build. Zangl asked the petitioner if this would be for personal or business use. The petitioner stated it would be for personal.

Roberts asked about screening around the building. The petitioner stated there will be the trees on the north property line that separates it from the farmland behind it. Roberts asked about screening in front of the building. The petitioner stated there was no plan at this time. They were planning to allow room for a future house and septic.

Weis asked, if in the A-3 zone, could they have business use with zoning because of the A-2 zoned area. The petitioner stated that it was a bad spot to have room for a

house. There was further discussion the A-2 zoned portion of the property. The petitioner asked about moving the A-2 zone. Zangl stated they would need to go through the rezoning process. The petitioner asked if it could be done after they build the house. Zangl explained and there was further discussion of the A-2 zone.

V1637-18 – Colleen Janssen: Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to allow a home addition at less than the required **Ripley Rd and Poplar Ave** road setbacks. The site is in the Town of Oakland on PIN 022-0613-0842-003 (0.542 Ac) in a Residential R-1 zone.

Colleen Janssen (N4266 Poplar Avenue) presented the petition. She stated they want put a garage where they were originally approved for a screened porch. They would be changing a window to a doorway. In order to get into that doorway, they will need two steps. In order to pull a car in the garage without hitting those steps, it needed to be a little bit wider. This would be a two-car garage at 24'x24'. Roberts asked if that included the overhang. The petitioner stated with the overhang, it would be 25'. The entry to get into the garage takes up more space.

Weis asked about their other variance request. The petitioner stated what was submitted before was for a screened porch. This is going to be their retirement home. Weis asked if the existing garage would remain. The petitioner stated it would remain, but it's not attached. Zangl stated that this is slightly different than what was originally approved in 2015. Zangl noted they are asking for a 61' centerline setback and 36' to the ROW and 58' setback to the centerline of Ripley Rd. The petitioner stated the front of the garage is bumped out a bit further. It does not go any closer than the existing garage. She further explained. They could not go back any further because of an egress window in the back.

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.

Staff report was given by Zangl. He stated that there was a 30' to the ROW and 63' to centerline requirement. The greatest setback variance they are requesting is 58' from the centerline. The ROW setback is fine being proposed at 30.6'.

Robert asked about any expansion the roads. Zangl stated that Ripley Road was just done last year. The petitioner stated Poplar Road was done a year before that. Weis asked about vision corners. There was a town member that questioned that. He went out to do some measuring and we did not hear back from him, so we assumed it was OK. Weis note that this is in a lake, recreational area where there is no 55 MPH. Zangl stated no. Weis made note that this was the nature of the neighborhood. Hoeft asked about accessibility. Roberts clarified there was a question about handicap

access. The petitioner stated they were going to have the handicap access from the front porch. The front porch will be a enclosed, 3-season porch around the front and attached to the garage. Zangl clarified the porch with the petitioner.

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

11. Adjourn

Weis made motion, seconded by Roberts, motion carried 3-0 on a voice vote to adjourn @ 2:23 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 V1635
HEARING DATE: 11-08-2018

APPLICANT: Christopher & Cynthia Nash

PROPERTY OWNER: SAME

PARCEL (PIN #): 002-0714-3441-004 (.79A) – County Road N

TOWNSHIP: Aztalan

INTENT OF PETITIONER: Purchase PIN 002-0714-3441-004 and 007,
including a storage shed without the principal use (home)

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(f)2 & 11.04(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:

- Three PIN's under common ownership
 - 1 PIN includes house
 - 1 PIN vacant
 - 1 PIN includes shed (permit issued 8-14-2000)
- Petitioner would like to purchase vacant PIN and PIN with shed, creating a lot with an accessory use without the principal use
- 11.03(f)2 – accessory uses are only permitted once the principal use is established
- Town of Aztalan approved petition

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 V1636
HEARING DATE: 11-08-2018

APPLICANT: Thomas & Patricia Doeberlein Trust

PROPERTY OWNER: Jon A & Penny L Bound

PARCEL (PIN #): 014-0614-2014-001 (2.319 Acres) – W6510 Kiesling Road

TOWNSHIP: Jefferson

INTENT OF PETITIONER: To allow an accessory structure without
the principal use

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(f)2 & 11.04(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:

- Property has previously operated as the Jefferson Humane Society
- Rezoned from A-1 to A-3 and A-2 in 2014
 - intention of rezone was to allow a new home to be placed with the existing outbuildings
 - House was never built
- Petitioner owns adjoining A-3 parcel with house, would like to purchase property and build shed in future
- Town approved petition to only Thomas and Patricia Doeberlein
- 11.03(f)2 – accessory uses are only permitted once the principal use is established

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 V1637
HEARING DATE: 11-08-2018

APPLICANT: Colleen Janssen

PROPERTY OWNER: Patrick J & Colleen A Janssen

PARCEL (PIN #): 022-0613-0842-003 (.542 Acre) – N4266 Poplar Avenue

TOWNSHIP: Oakland

INTENT OF PETITIONER: Create an addition of a sunroom and attached garage
at less than the required road setbacks

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d)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:

-11.07(d)2 – road setbacks = 30' from ROW and 63' from road centerline

-Proposed – Poplar Ave setbacks = 36.4' to ROW & 61.4' to CL

- Ripley Rd setbacks = 30.6' to ROW & 58' to CL

-1997 V820 for a ramp and deck at 40' from CL and steps at 33' from CL

-2015 V1474 for porch at 60.4' to CL of Poplar Ave – Approved, permitted, Built??

-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.

