#### JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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

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

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

<u>SITE INSPECTION FOR BOARD MEMBERS</u> 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:

<u>V1635-18 – Chris Nash:</u> 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, Hoeft 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 it. 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.

<u>V1636-18 – Tom Doeberlein/Jon & Penny Bound Property:</u> 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.

<u>V1637-18 – Colleen Janssen:</u> 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 notee 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.

#### JEFFFERSON 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 <a href="www.jeffersoncountywi.gov">www.jeffersoncountywi.gov</a>			
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	
	NER: Purchase PIN 002-0714-3441-004 and 007, ge shed without the principal use (home)	
	UESTS A VARIANCE FROM SECTION 11.03(f)2 & 11.04(f)2 C UNTY ZONING ORDINANCE.	)F
RELATE TO THE GRA	HE PROPOSED CONSTRUCTION AND PROPERTY WHICH NOT OR DENIAL OF THE VARIANCE APPLICATION ARE: er common ownership	H
	ludes house	
-1 PIN vac		
-1 PIN inc	ludes shed (permit issued 8-14-2000)	
-Petitioner would	like to purchase vacant PIN and PIN with shed, creating a	
	accessory use without the principal use	
-11.03(f)2 – access	ory uses are only permitted once the principal use is established	
-Town of Aztalan	approved petition	
20 11 01 120 100 100	mpplo, em pennon	
	IONS BASED ON SITE INSPECTIONS: Site inspections rved property layout & location.	
FACTS PRESENTED A	T PUBLIC HEARING: See tape, minutes & file.	

#### **DECISION STANDARDS**

Α.	NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT				
В.	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				
2.	THE HARDSHIP IS DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the building was originally permitted and was conforming. The existing building was permitted and was a conforming use recently. The two lots are where they are, and the shed was already on the northern lot of the two lots.				
3.	THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it's an existing building & nothing will change. The building meets the setbacks and floodplain requirements and, therefore, is not a burden to the public. Owners are asking for a variance so the shed is okay on this separated-out lot.				
*A VA	RIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET*				
DECI	SION: THE REQUESTED VARIANCE IS GRANTED.				
MOT	ION: Hoeft SECOND: Weis VOTE: 3-0 (voice vote)				
CONI	DITIONS OF APPROVAL/DENIAL:				
SIGN	ED:DATE:11-08-2018 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.:	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 PETITION the principa	<del>-</del>
	UESTS A VARIANCE FROM SECTION <u>11.03(f)2 &amp; 11.04(f)2</u> OF NTY ZONING ORDINANCE.
RELATE TO THE GRAN	HE PROPOSED CONSTRUCTION AND PROPERTY WHICH NT OR DENIAL OF THE VARIANCE APPLICATION ARE:
	ously operated as the Jefferson Humane Society to A-3 and A-2 in 2014
	f rezone was to allow a new home to be placed with the
	ing outbuildings
-House was	never built
	ljoining A-3 parcel with house, would like to purchase property ned in future
and build sr	ied in future
-Town approved pe	etition to only Thomas and Patricia Doeberlein
	<u> </u>
-11.03(f)2 – accesso	ry uses are only permitted once the principal use is established
	ONS BASED ON SITE INSPECTIONS: Site inspections
conducted. Observ	ved property layout & location.
FACTS PRESENTED AT	T PUBLIC HEARING: See tape, minutes & file.

#### **DECISION STANDARDS**

A.			AY BE GRANTED WHI NY DISTRICT A USE N 			
В.	ALLO	OWING A USI	AY BE GRANTED WH E OF LAND OR PROPE ISTRATIVE RULES:	RTY WH	ICH WOULD VI	
C.	WHE RESU STAN SUBS	ERE STRICT I JLTS IN AN U NDARDS WIL	E ABOVE LIMITATION ENFORCEMENT OF T UNNECESSARY HARD L ALLOW THE SPIRIT STICE TO BE ACCOM	HE TERN SHIP & W OF THE	MS OF THE ORI HERE A VARIA ORDINANCE T	DINANCE ANCE IN THE O BE OBSERVED,
	BASI	ED ON THE I	FINDINGS OF FACT, T	HE BOAI	RD CONCLUDE	S THAT:
4.	OF T PRE PUR	HE TERMS ( VENT THE O POSE OR WO IECESSARILY open any op building wil structures to	HARDSHIP IS PRESENT OF THE ZONING ORD OWNER FROM USING THE ULD RENDER CONFORM BURDENSOME BECAUTIONS IN the future, and it allow the owner to move the new building. The put the variance.	INANCE I'HE PRO ORMITY V AUSE! would be any nece	WOULD UNRE PERTY FOR A I WITH SUCH RE by not approving burdensome. Co ssary items from	ASONABLY PERMITTED STRICTIONS this, it would not onstruction of this the existing
5.	THE	HARDSHIP	<mark>IS</mark> DUE TO UNIQUE P	HYSICAL	LIMITATIONS	OF THE
	PRO	PERTY RATH AUSE <u>the cand the zone</u> existing stru	IER THAN THE CIRCU circumstances have been ing of the A-2 zone which ictures are unique, and coese buildings. The limit	UMSTANO created by was appronstruction	CES OF THE AF the prior use of topriate for the Hunder of this building	PLICANT the Humane Society umane Society. The may facilitate
6.	EXP	RESSED BY TAUSE dem building wo allow the co facilitate the	WILL NOT BE CONTR 'HE PURPOSE AND IN olishing the existing stru uld create a safer environ nstruction of this buildir demolition of the existing aze the buildings is certa	TENT Of the control o	F THE ZONING replacing them version the best interpolation for a part location for a general transfer and the main built.	G ORDINANCE with a new storage est of the public to residence and
*A VA	ARIAN	CE MAY BE G	GRANTED IF ALL THE	SE CONI	OITIONS ARE M	<u>ET*</u>
DECI	SION:	THE REQUI	ESTED VARIANCE IS (	GRANTEI	).	
MOT	ION:	Weis	SECOND:	Hoeft	VOTE: 3	-0 (voice vote)
SIGN	ED:		CHAIRPERSON		DATE:	11-08-2018

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.:	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
	ER: Create an addition of a sunroom and attached garage
at less than the requ	ired road setbacks
	ESTS A VARIANCE FROM SECTION <u>11.07(d)2</u> OF TTY ZONING ORDINANCE.
THE FEATURES OF TH	E PROPOSED CONSTRUCTION AND PROPERTY WHICH
	T OR DENIAL OF THE VARIANCE APPLICATION ARE:
-11.07(d)2 - road set	backs = 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 ram	p and deck at 40' from CL and steps at 33' from CL
2045 774454	(0.4) (0.4) (1.4)
-2015 V1474 for porc	h at 60.4' to CL of Poplar Ave – Approved, permitted, Built??
-Town approval	
-10wii approvai	
FACTS OR OBSERVATIO	ONS BASED ON SITE INSPECTIONS: Site inspections
	ed property layout & location.
FACTS PRESENTED AT	PUBLIC HEARING: See tape, minutes & file.

#### **DECISION STANDARDS**

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 OBSERVE SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST NOVIOLATED.	•
BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:	
7. UNNECESSARY HARDSHIP IS PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE WOULD/WOULD NOT UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE	<b>A</b>
8. THE HARDSHIP IS DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the property is a lake district area where lots are usually smaller. The road are where they are which was not caused by the applicant. The residence was previously relocated necessitating the variance.	<u>s</u>
9. THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE there is no danger to public safety. There is no vision triangle problem. Be roads have recently been redone. There is minimal infringement on the ROW, therefore, not contrary to public interest.	oth_
*A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET*	
DECISION: THE REQUESTED VARIANCE IS GRANTED.	
MOTION: Weis SECOND: Hoeft VOTE: 3-0 (voice vote)	
CONDITIONS OF APPROVAL/DENIAL:	
SIGNED:DATE:DATE:11-08-2018	

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