

NOTICE OF PUBLIC HEARING
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE

Steve Nass, Chair; George Jaeckel, Vice-Chair; Don Reese, Secretary; Matt Foelker and Blane Poulson

SUBJECT: Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits

DATE: Thursday, June 21, 2018

TIME: 7:00 p.m. (*Courthouse doors will open at 6:30*)

PLACE: Room 205, Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI

1. Call to Order

The meeting was called to order by Chairman Nass at 7:00 p.m.

2. Roll Call

All Committee members were present at 7:00 p.m. Also present were Matt Zangl, Sarah Higgins, and Lindsey Schreiner of the Zoning Department.

3. Certification of Compliance with Open Meetings Law

Reese verified that the meeting was being held in compliance with open meetings law.

4. Approval of Agenda

Motion by Jaeckel, seconded by Reese to approve the agenda as presented. Motion carried on a voice vote with no objection.

5. Explanation of Public Hearing Process by Committee Chair

Nass explained the evening's proceedings.

6. Public Hearing

Zangl read aloud the following notice:

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, June 21, 2018, in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. A hearing will be given to anyone interested in the proposals. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** Matters to be heard are petitions to amend the official zoning map of Jefferson County and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files, which include staff finding of fact, are available for viewing between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, excepting holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

**FROM R-2 RESIDENTIAL AND A-1, EXCLUSIVE AGRICULTURAL TO A-3,
AGRICULTURAL AND RURAL RESIDENTIAL**

R4061A-18 – Bryant Dahnert/Bryant Dahnert, Don Foltz Properties: Rezone all of PIN 016-0514-2022-002 (0.688 Ac) owned by Bryant Dahnert and 0.3 acre of PIN 016-0514-2023-000 (21.14 Ac) owned by Donald R Foltz to create a 1-acre A-3 zoned lot. The site is at **N1205 Garvert Lane** in the Town of Koshkonong. This is in accordance with Sec. 11.04(f) 8 of the Jefferson County Zoning Ordinance.

PETITIONER: Bryant Dahnert from N1205 Garvert Lane, Fort Atkinson, WI presented himself as the petitioner for this rezone. He stated that he would like to buy 3/10 of an acre of the land from Don Foltz so he can rezone from R-2 to A-3 for more possible uses for his land.

COMMENTS IN FAVOR: None

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file. Zangl also stated that this is a unique situation in that a portion of the A-1 that is being purchased was split off by the 26 expansion. He stated that questions for the committee to consider would be what would the A-1 parcel be classified as (a parcel of record, parent parcel, or make them use last remaining A-3 split for the property)? Zangl stated that they could cut off and it could easily be called a parcel of record which would allow them to rezone to A-3, and not affect the remaining A-1 acreages availability of the last split.

TOWN RESPONSE: Approved and in the file.

R4062A-18 – Richard Knoflicek/Knoflicek, Don Foltz Properties: Rezone all of PIN 016-0514-2023-003 (0.6 Ac) owned by Richard Knoflicek and 0.4 acre of PIN 016-0514-2023-000 (21.14 Ac) owned by Donald R Foltz to create a 1.1-acre A-3 zoned lot. The site is at **N1193 Garvert Lane** in the Town of Koshkonong. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Curt Peterson from N1193 Garvert Ln, Fort Atkinson, WI presented himself as the petitioner for this rezone. He stated that he has already purchased this land from Rich Knoflicek and he would like to rezone it for some more leeway for a building he would like to put up. He is also looking into purchasing land behind this property from Don Foltz in order to expand and rezone to A-3 to accommodate the needs for his small business.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file. Zangl did also state that passing this rezone could possibly require the use of the remaining split to go to A-3. Zangl also stated that the ownership could have been our mistake because of the database being slightly slower than what's recorded in real-time. Therefore, when we did the information for the public hearing, the property was still in Richard's name, but could now very well be in Peterson's name if the deed went through.

TOWN RESPONSE: Approved and in the file.

CONDITIONAL USE PERMIT APPLICATION

CU1947-18 – Curt & Mary Peterson/Richard Knoflicek Property: Conditional use for a home occupation to create metal décor and signs in a proposed A-3 zone at **N1193 Garvert Lane**, Town of Koshkonong, on PIN 016-0514-2023-003 (0.688 Ac) and part of PIN 016-514-2023-000 (21.14 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Curt Peterson from N1193 Garvert Ln, Fort Atkinson, WI presented himself as the petitioner for this conditional use. He stated that he would like this permit so he can run his small business from home. He owns a business that works with custom plasma cutting, creating signs, yard art, etc. He stated that it is a small business that would have no effect on the neighborhood at all, and that when the door is closed no one would even have any idea a business is run there.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file. Zangl also asked the petitioner what the hours of the business would be, or if it would be open to the public. The petitioner stated that the only public that would be there would only be to briefly pick up their sign. He said that there would be no store front and that it wouldn't be a sales area – he mainly sells his creations at craft fairs/flea markets, or custom orders. Zangl then asked if the petitioner would have any employees besides himself. The petitioner said there would be no employees. Zangl asked if there would be a bathroom in the proposed structure for the business and the petitioner said there would be no bathroom. Zangl then asked if there would be any signs on site for the business.

Petitioner said there would be no business signs on site. Lastly, Zangl asked if there would be any outside storage. The petitioner stated everything should be kept inside.

TOWN RESPONSE: Approved and in the file.

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL BUSINESS

R4063A-18 – Andrew J Fincutter: Create a 2-acre A-2, Agricultural and Rural Business zone from part of PINs 032-0815-2743-000 (20 Ac) and 032-0815-2744-000 (20 Ac) near **N7780 Little Coffee Road** in the Town of Watertown. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: Andrew Fincutter from N7780 Little Coffee Rd, Watertown, WI presented himself as the petitioner for this rezone. He stated that he is asking for this rezone so he can move his excavating business to his home and use his existing shop for work. He would then like to build a proposed 80' x 150' shed for cold storage for his work equipment.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file.

TOWN RESPONSE: Approved and in the file.

CONDITIONAL USE PERMIT APPLICATION

CU1948-18 – Andrew J Fincutter: Conditional use for a home occupation/excavation business near **N7780 Little Coffee Road** in the Town of Watertown from part of PINs 032-0815-2743-000 (20 Acres) and 032-0815-2744-000 (20 Ac). This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: Andrew Fincutter from N7780 Little Coffee Rd, Watertown, WI presented himself as the petitioner for this conditional use. He stated that he would like to move his business to his home so he does not have to continue to rent a separate shop elsewhere for his business.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: Reese asked if there would be any outside storage. The petitioner stated there would be no outside storage.

STAFF REPORT: Given by Zangl and in the file. Zangl also asked how many employees the petitioner had. The petitioner stated that he currently has 6 employees. Zangl then asked if that number would increase at all. The petitioner said that he could get up to 10 employees at the maximum. Zangl asked what the business hours would be. The petitioner stated that they usually work from 6 AM until whenever they are done. Zangl asked if there would be any bathrooms in the structures. The petitioner stated there would be 1 bathroom. Zangl asked if there was adequate room for parking. The petitioner stated that there is plenty of space for parking.

TOWN RESPONSE: Approved and in the file.

**FROM A-1, EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL/RURAL
RESIDENTIAL**

R4064A-18 – Deborah Rockwell: Rezone 2 acres of PIN 004-0515-2143-002 (8.29 Acres) for a new building site on **Marshall Road** in the Town of Cold Spring. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Roy and Deb Rockwell from N979 Marshall Rd presented themselves as the petitioner for this rezone. Roy stated that they would like to create an A-2 parcel in the pasture area in order to build a smaller home for retirement that requires less maintenance than their family farm. He stated that their son will take over their family farm. He stated that 80% of the land in the area is permanently farmed, but where they are looking to build is not good soil for farming land.

COMMENTS IN FAVOR: Penelope Kleinhaus from N981 Marshall Rd, Whitewater, WI spoke in favor of this rezone. She said that Roy and Deb have owned the property for over 25 years and Kleinhaus bought the original homestead after Rockwell's built the new house. She stated that she believes the land value will only increase with the additional home. She also stated that she is in favor of it remaining a family compound with the son running the existing farm. She also said that she lives at the foot of the hill and there is a shared driveway and they do not see a need for adding another driveway to the area.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file. Zangl also explained the history of the property with prior application for rezone. Zangl also stated that the committee would need to determine whether or not the soils are classified as non- prime or prime. If they are determined to

be prime, there would be zero allowable splits – they would need to find it as non-prime land in order to allow the split and rezone to A-3. If a split is granted, that would be the last split available which would then require the petitioner to file for an affidavit.

TOWN RESPONSE: Approved and in the file.

R4065A-18 – Louis Garbelman: Create a 2.32-acre building site on **County Road B** from part of PINs 006-0716-1321-002 (29.259 Ac) and 006-0716-1324-000 (32.2 Ac) in the Town of Concord. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Louis Garbelman from W365 County Rd B, Oconomowoc, WI presented himself as the petitioner for this rezone. He stated that he would like to have this building site for his son to build a home. He stated that his family has owned this farm since the 1940's, and the land has since then been "reclaimed." He went on to explain that there used to be a big hill on the property but when I-94 was built, they took soil off the top of the hill and never replaced the topsoil. Therefore, the land does not suite well for farming land because there is no subsoil.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file. Zangl also asked if there is an access point for the remaining agricultural land. The petitioner said yes, there is an access point. Zangl also asked if the petitioner has worked with the highway department yet to determine driveway access for the proposed lot. The petitioner stated that he hasn't talked with them on this yet. Zangl stated that if the rezone is approved the petitioner does need to reach out to the highway department for driveway access and approval. Zangl also stated that the soils in this area were unclassified because of the disturbance due to I-94 construction. It was also stated that a soil test has been recently done on the property and it did pass for a conventional site to be installed on site.

TOWN RESPONSE: Approved and in the file.

R4066A-18 – James Keller/Clem & Geneva Keller Trust: Create a 1-acre lot around the home at **N5345 Hillside Drive**, Town of Concord, on PIN 006-0716-2933-001 (19.2 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: James Keller from N5365 Hillside Dr, Sullivan, WI presented himself as the petitioner for this rezone. He stated that his parents originally owned this land, and when they passed away, they left it to him and his siblings in the will. They would like to zone part of the land off to let his sister have her ownership of her part of the land that was given to them.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file. Zangl also asked the petitioner what year the home was built. The petitioner stated that the house was built in 1987. Zangl also asked if the pre-existing home had its own septic, or if it's shared. The petitioner stated that the home has its own septic system, but that the well is shared.

TOWN RESPONSE: Approved and in the file.

R4067A-18 – Michael Quinn: Rezone for a new 4-acre building site on **County Road E** in the Town of Sullivan, part of PIN 026-0616-3414-000 (26.88 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Michael Quinn from N2720 County Rd E, Palmyra, WI presented himself as the petitioner for this rezone. He stated that he would like to create a 4-acre lot on the north end of the property so his daughter can one day build a home there.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file. Zangl also asked if the petitioner has worked with the highway department yet for driveway access. The petitioner stated he has not contacted the highway department yet, but there is an existing culvert for future driveway access. Zangl also asked if there is access for the remaining A-1 agricultural portion and the petitioner said yes there is. The petitioner added that he had a new survey done that reconfigures the splits a little differently than originally presented. The new survey proposes the 3.66 to 4.10 and the 4.77 to 4.30 in order to square up the land a little more. Zangl asked if he had an updated preliminary survey, but the petitioner stated he did not yet due to the surveyor being out of town. Zangl asked if he could get a copy of the updated prelim survey, to the Committee to add to the file before the Decision Meeting on Monday, June 25, and the petitioner stated he could email a rough copy for the Committee before then.

TOWN RESPONSE: Approved and in the file.

R4068A-18 – Steve Homann/Marvin & Marion Homann Property: Create a new 1.3919-acre building site near **N7379 State Road 89** in the Town of Waterloo from part of PIN 030-

0813-3634-000 (29.68 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Steve Homann from 410 College St, Lake Mills, WI presented himself as the acting agent for petitioner for this rezone. He stated that in 2012 a 1-acre lot was approved by the board for this location and his dad passed away 2 months after the original approval for this rezone, so the file was never recorded with the Register of Deeds. He said since then he has been working with the DOT on moving the driveway to line up with the one on the other side of the road where the sand pit is. They will not allow another access to the highway because of an agreement in 1964 to not allow any more accesses. Therefore, the existing ones need to be closed for safety. He stated that the proposal is the same as it was in 2012, other than adding 247' of additional driveway. He stated that he also is going to extend the driveway in order to keep the Department of Transportation happy. Homann added that they have been doing a lot of cleaning up on this lot in order to restore it to its original beauty, and in doing so has removed stumps and added fill/grading. He also stated that his son and fiancé want to build a single family home here with a shed, and that the site was approved for a conventional septic system.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file. Zangl also asked if a driveway permit has been issued. Homann said that a permit for the driveway has not yet been issued because they didn't want to get it before the proposed rezone was approved. Zangl did add that he has talked with the DOT regarding this situation, and vouched for them that they are okay with moving the driveway.

TOWN RESPONSE: Approved and in the file.

R4069A-18 – Brent & Regina Mosher: Rezone to create a new 1.2-ac building site on **Veith Road** from part of PIN 030-0813-3023-001 (10 Ac) in the Town of Waterloo. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Brent Mosher from 5025 Missouri Rd, Marshall, WI presented himself as the petitioner for this rezone. He stated that they would like the rezone in order to build a home on the property.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file. Zangl also asked the petitioner if there would still be access for the remaining A-1 land. The petitioner stated that they would need to put a driveway in for that access. Zangl said that they would need to work with the town for access for that point.

TOWN RESPONSE: Approved and in the file.

**FROM EXCLUSIVE AGRICULTURAL A-1 TO A-3, AGRICULTURAL/RURAL
RESIDENTIAL AND FROM A-3 TO A-1**

R4070A-18 – Wilbur Miller: Rezone to reconfigure an existing 4.5-acre A-3 zone, PIN 032-0815-1544-002 (4.51 Ac) by adding 0.8 acre of PIN 032-0815-1544-000 (55.29 Ac) currently zoned A-1 and by rezoning 0.8 ac of the existing A-3 zone to A-1. The site is in the Town of Watertown on **Witte Lane**. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Andrew Fincutter from N7780 Little Coffee Rd, Watertown, WI presented himself as the petitioner for this rezone on behalf of Wilbur Miller. He stated that they would like the rezone for 50 acres to allow for possible splits of the land in the future. He made it that size because of the wetlands and to allow for driveway access.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file. He also added that they may want to consider keeping the remaining splits for future use.

TOWN RESPONSE: Approved and in the file.

CONDITIONAL USE PERMIT APPLICATION

CU1949-18 – Donald & Barbara Williams: Conditional use to allow an extensive on-site storage structure 20 feet in height in a Residential R-2 zone at **N5493 Indianhead Drive**. The site is in the Town of Aztalan, part of PIN 002-0714-2642-006 (0.57 Ac). This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

PETITIONER: Donald Williams from 411 Frederick St, Fort Atkinson, WI presented himself as the petitioner for this conditional use. He stated there is currently a 16' x 29' shed in the approximate location and that it's within 3" of the property line. He said they'd like to take that

old shed down and build a 30' x 30' shed. He stated that he would like to add on an extra 5 feet to the height of the proposed shed in order to allow for enough storage room of personal equipment such as bikes, canoes, etc.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: Reese asked if there would be any outside storage. The petitioner stated that everything should be able to easily fit inside of the proposed storage shed, so no outside storage would be present.

STAFF REPORT: Given by Zangl and in the file. Zangl also asked if there would be any bathrooms in the shed. The petitioner said no bathrooms would be in the shed. Zangl then asked if the shed would be used for business use at all. The petitioner said that there would be no businesses run from the shed, and that it is just for personal storage use.

TOWN RESPONSE: Approved and in the file.

It was motioned and seconded for meeting to be adjourned at 7:44 p.m.

Don Reese, Secretary

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 24 hours prior to the meeting so that appropriate arrangements can be made.

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

Further information about Zoning can be found at www.jeffersoncountywi.gov