

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, October 18, 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 Steve Nass at 7:00 p.m.

2. Roll Call

All Committee members were present at 7:00 p.m. Also present were Matt Zangl 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 Nass, and seconded by Jaeckel to approve the agenda as presented. Motion passed unanimously 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, October 18, 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 A-1, EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL
BUSINESS**

R4101A-18 – Dan Zastrow/Sara Zastrow-Seubert and Ronald Seubert Property: Rezone 7.16 acre of PINs 030-0813-3614-000 (54.949 Ac) and 030-0813-3614-002 (0.698 Ac) in the Town of Waterloo, and 020-0814-3123-003 (9.032 Ac) in the Town of Milford. The site is at **W7312 Manske Road**. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: Dan Zastrow (N5307 Mud Lake Rd, Lake Mills, WI) explained that he would like to rezone to A-2 in order to sell that piece of the property to buyer, whom wants to utilize lot & buildings to run a lawn care company out of.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: no additional information or questions were discussed other than what was written in the report and put in file. Zangl noted that the extra agricultural land being included in the proposal is to encompass the septic system which is located on western side of property.

TOWN: The Town of Milford approved the petition 8-9-18. The Town of Waterloo approved it 9-12-18.

CONDITIONAL USE PERMIT

CU1960-18 – Dan Zastrow/Sara Zastrow-Seubert and Ronald Seubert Property: Conditional use to allow a landscape/lawn care business in a proposed A-2 zone at **W7312 Manske Road**. The site is in the Towns of Waterloo and Milford, part of PINs 030-0813-3614-000 (54.949 Ac), 030-0813-3614-002 (0.698 Ac) and 020-0814-3123-003 (9.032 Ac). This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: Dan Zastrow (N5307 Mud Lake Rd, Lake Mills, WI) explained that he is applying for this conditional use for the buyer whom wants to run a landscape and lawn care business at the site.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE:

Nass asked what the hours of operation would be and how many employees would there be.

Chris Jardine (Jardine Lawn Care) responded with standard 9-5 hours and that there will be three employees.

Nass asked if there would rest rooms available on the property. Jardine answered that there is an existing septic system on the property.

Reese asked if the buildings would be utilized for storage and if everything was going to be stored inside. Jardine responded with no outside storage except for potentially under the lean-to.

Nass asked if Jardine would be having any customers come on site. Jardine answered no, the site would only be used for using the equipment and that there would be no parking plan needed.

STAFF REPORT: Zangl asked to clarify start and end of business. Jardine clarified approximately sunrise-sunset. Zangl asked if there would be any expansion in the near future and if the number of employees will change. Jardine answered that the business could grow to five employees. Zangl clarified

that there is a bathroom present. Zangl and Jardine clarified that any bulk storage of wood chips, etc., would be stored under a lean-to or inside storage structures.

TOWN: The Town of Milford approved the petition 8-9-18. The Town of Waterloo approved it 9-12-18.

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

R4102A-18 – S&L Land Company LLC, c/o Jeffery Bartolotta/Richard Smith & Jessican Duncan
Property: Rezone approximately 22 acres of PIN 026-0616-3412-002 (15.043 Ac) and 026-0616-3413-003 (23.251 Ac) on **County Road E** in the Town of Sullivan. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance._____

PETITIONER: John Kannard (PO Box K, Palmyra, WI) of Southwest Surveying represented Jeff Bartolotta. John explained that non-prime farm land is being used in the proposal to rezone the property and to conduct a firework business. The site would only be used to store the fireworks. Business would be done off site. Some area would be continued to farm and some area would be used for storage structures.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: John Ebbott (W1518 County Road CI, Helenville, WI) stated he was opposed to the petition because he claimed it was making the countryside too industrial. He is concerned about any discharge into Mud Creek and wants to hear a commitment from petitioner that nothing will ever be discharged into the creek. He also expressed concern that the business proposed is an LLC and asked who is reliable for things that go wrong.

REBUTTAL: Jeff Bartolotta (N4828 County Road D, Helenville, WI) expressed that he understands the concerns and that the storage containers all look nice and are approved by the ATF. They are presentable looking and fit into countryside, and there will be nothing manufactured on site and nothing will be discharged into the creek. The business is conducted off site.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Zangl questioned if there was access for the remaining A-1 zone. Kannard answered yes. Zangl asked if the proposed 22-acres of the A-2 zone is needed immediately. John Kannard answered that to begin there will be 10 storage containers on site, each of which having a 200' spacing requirement and 300' spacing requirement from a residence. There will be 16-acres needed immediately, and the left over acreage is proposed for future expansion.

TOWN: Approved 9-5-18

CONDITIONAL USE PERMIT

CU1961-18- S&L Land Company LLC, c/o Jeffery Bartolotta/Richard Smith & Jessican Duncan
Property: Conditional use allowing storage of contractor's equipment and materials/storage of fireworks, racks and equipment for the displays. The site is near **County Road E** in the Town of

Sullivan, on PINs 026-0616-3412-002 (15.043 Ac) and 026-0616-3413-003 (23.251 Ac). This is in accordance with Sec. 1104(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: John Kannard (PO Box K, Palmyra, WI) explained that there is a written business plan available for viewing and that this land location is just for storage of fireworks. The written business plan was turned in and gives hours of operation, etc. Kannard also stated that restrooms for employees will be available at proposed adjacent A-3 lot in home/office location.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: John Ebbott (W1518 County Road CI, Helenville, WI) again stated his concern in regards to liability and who the shareholders are of the LLC. He also asked for a copy of the business plan.

REBUTTAL: Bartolotta (N4828 County Road D, Helenville, WI) responded that the LLC is owned by two individuals and that they are licensed through Wolverine Fireworks. Wolverine Fireworks acts as a corporation and has approximately \$10 million worth of insurance on the property and events. He emphasized that there is more insurance than you could imagine. Nass clarified that the firework company is not the LLC. Nass ask it would be possible if the business plan could be shared. Bartolotta answered absolutely.

QUESTIONS FROM THE COMMITTEE: Nass asked if the other equipment for the Firework Company will be stored inside a building. Bartolotta answered that a 60' x 144' storage structure will store other equipment.

Nass asked for the number of employees. Bartolotta answered that there will be three employees. Nass also questioned if there would be a bathroom on site. Bartolotta responded with the same answer as before (a bathroom would be located on the adjacent A-3 zone).

STAFF REPORT: Zangl asked if the public would be coming on-site. Kannard replied with no and that the displays are only assembled there and then are taken off site. Zangl stated that the petitioners are proposing to build on the adjacent A-3 lot. Zangl/Kannard discussed if this proposal could be considered as storage of contractors equipment, because fireworks are stored there and nothing is manufactured or conducted on site. All business is conducted off site.

TOWN: Approved 9-5-18

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

R4103A-18 – Brian Neumann/HHL Zastrow Homestead LLC Property: Rezone approximately 0.03 acres of PIN 006-0716-0922-000 (32.477 Ac) in the Town of Concord to add it to an existing adjoining A-3 zone at **N6830 County Road E**. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Brian Neumann (N6830 County Road E, Oconomowoc, WI) explained he wants to rezone this small sliver of land to combine with his existing A-3 zone for the driveway and proposed building.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: no additional information or questions were discussed other than what was written in the report and put in file.

TOWN: Approved 8-13-18.

R4104A-18 – Ronald E Hahm/David Hahm Properties: Rezone PIN 012-0816-2523-001 (3.245 Ac) owned by David Hahm to sanction the addition of 0.25 acres from 012-0816-2523-000 owned by the Ronald & Anne Hahm Trust. The properties are in the Town of Ixonia, at **W443 Madison Ave.** This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Petitioner was not present for public hearing.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: None.

TOWN: None.

R4105A-18 – Jim Baker & Nancy Aguire deBaker/Juan & Leah Zalapa Property: Rezone approximately 1 acre of PIN 014-0614-1824-000 (40 Ac) for a new building site near **N3942 County Road G** in the Town of Jefferson. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Juan Zalapa (N4932 County Road G, Fort Atkinson, WI) explained that he is the new property owner and that they would like to rezone the property in order to obtain a building site for his parents/parent-in-law to build a home on and live close to him and his wife.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Zangl asked to clarify if the highway department has approved access. Zalapa answered that the department is still working on the proposed access.

TOWN: Approved 9-12-18.

R4106A-18 – Todd Tesch/Phyllis Salamone Property: Create a 1.05-ac building site on **County Road A** in the Town of Sumner from part of PIN 028-0513-0424-001 (35 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Todd Tesch (714 Riverside Drive, Fort Atkinson, WI) explained that he plans to buy the property and desires to rezone the area in order to build a home on the property.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: Susan Teubert (N2373 County Road A, Fort Atkinson) explained her concern about natural water runoff rushing over the proposed driveway site. She also questioned if a soil test had past for the site.

REBUTTAL: Tesch responded that he was told by his builders that the location of proposed access near fence line was most likely the best site, but driveway access is yet to be approved. There has been no soil test done yet.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Zangl asked to clarify if there was access approval for driveway. Tesch answered not yet. Zangl clarified that there has not been a soil test conducted for the property and if approved, the petition will be conditioned upon a soil test. Zangl stated that there has been no previous approval for a residential lot. Zangl explained Teubert's drainage concern.

TOWN: Approved 9-11-18.

R4107A-18 – Gary & Jessica Hellenbrand: Rezone 2.3 acres of PIN 030-0813-3131-000 (40 Acres) around the home at **N7477 County Road O** in the Town of Waterloo. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Gary Hellenbrand (W9005 Hope Lake Rd, Cambridge, WI) explained that he wants to create the A-3 zone around the home and buildings while using minimal farm land as possible in lot.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Zangl questioned if there will be access for the remaining agricultural land. Hellenbrand answered yes there is an existing access. Zangl asked when the home was built. Hellenbrand answered that it was built sometime in the late 1800's. Zangl asked for the committee if this

will use an A-3 split. Yes, it may potentially use a split because the remaining acreage of the parcel is under 35-acres.

TOWN: Approved 9-18-18.

FROM A-1 TO N, NATURAL RESOURCE

R4108A-18 – Eggert Acres LLC: Create a 15-acre Natural Resource zone from part of PIN 020-0814-2041-000 (40 Ac) near **West Rd** in the Town of Milford. This is in accordance with Sec. 11.04(f)12 of the Jefferson County Zoning Ordinance.

PETITIONER: Charlie Eggert (N7816 Island Road, Waterloo, WI) explained that the natural resource zone is to be created for an interested buyer who wants to purchase for hunting land.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: no additional information or questions were discussed other than what was written in the report and put in file. Zangl emphasized it will be sold to an adjoining neighbor and no one else because it does not have access to a public road.

TOWN: Approved 9-13-18.

FROM A-T, AGRICULTURAL TRANSITION TO R-1, RESIDENTIAL

R4109A-18 – Mark Reinecke: Rezone to create two, 1.8-ac R-1 lots near **N1108 Olson Rd** in the Town of Sumner from part of PIN 028-0513-1942-000 (12.3 Ac). This is in accordance with Sec. 11.04(f)1 of the Jefferson County Zoning Ordinance.

PETITIONER: Mark Reinecke (9952 Bluebonnet Dr, Machesney Park, IL) explained that he only owns a small farming operation and does not need this remaining agricultural land, thus wanting to rezone it to residential in order to sell part of it.

COMMENTS IN FAVOR: Blair Kransberger (W9466 Lake Dr, Edgerton, WI) is in favor of this rezone because he would like to purchase land to put storage building on and his children may eventually build on property.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: no additional information or questions were discussed other than what was written in the report and put in file. Zangl noted that lot two cannot be sold separately because it does not have frontage/access to a public road.

TOWN: Approved 9-10-18.

CONDITIONAL USE PERMIT APPLICATIONS

CU1962-18 – Kenneth & Sue Havlovick: Request for an addition/modification to CU1777-14 and CU1269-04 which created an extensive on-site storage structure in a Residential R-2 zone. The site is in the Town of Cold Spring on PIN 004-0515-2833-001 (1.259 Ac) at **N516 Fremont Rd.** This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

PETITIONER: Ken Havlovick (N516 Fremont Rd, Whitewater, WI) explained that he is requesting the conditional use to put an addition on an existing building and that the extra land is also needed to accommodate a door update as well.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Zangl clarified with Havlovick that the addition will be 8 feet in height and that there will be no bathrooms in building with no business or habitable use.

TOWN: Approved 8-16-18.

CU1963-18 – John Hoffmann: Request for modification to CU1388-06 which allowed for storage of non-farm equipment in an A-2, Agricultural and Rural Business zone at **W2712 State Road 59.** This site is in the Town of Cold Spring on PIN 004-0515-2534-000 (2.439 Ac), and is requested in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: John Hoffmann (N460 Woodward Rd, Whitewater, WI) explained he would like to build the addition for the existing building for additional storage.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: no additional information or questions were discussed other than what was written in the report and put in file.

TOWN: Approved 9-13-18.

CU1964-18 – Jeremy Furrer/WEPCO Property: Conditional use for business services, including audio/video, security and smart home installation on PIN 010-0515-0222-001 (1.16 Ac) in the Town of Hebron. The site is along **N2457 County Road D** in a Community zone. This is in accordance with Sec. 11.04(f)9 of the Jefferson County Zoning Ordinance.

PETITIONER: Jeremy Furrer (1124 Charles St, Fort Atkinson, WI) explained that his plan is to build a shop (40' x 80') to conduct his audio/video, security, and smart home installation business out of. There are currently five employees and some business vehicles will be stored there inside. Start time is around 7 am and return at approximately 5pm.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Zangl asked how many employees will there be, will there be any signs and bathrooms, and will any cars be stored inside. Furrer answered that there will be five employees and most of them will drive the work vehicles at home at night. However, if they are brought back to shop, they will be stored inside. Furrer explained there will be a restroom present in building for the employees. There will be no signs. The soil test is on file.

TOWN: Approved 9-10-18.

CU1965-18 – Glenn & MaryAnn Manke: Conditional use to allow for outside storage in an A-2 zone at **N8460 Pleasant Valley Road**. The site is in the Town of Watertown on PIN 032-0815-2422-009 (7.84 Ac). This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: MaryAnn (N8460 Pleasant Valley Road, Watertown, WI) explained that they would like to correct their conditional use to allow outside storage for minimal machinery parked outside their shed. There is an existing fence and they do not agree with the Town's condition to install a gate to be closed at 8pm every night.

COMMENTS IN FAVOR: Dale Hardtke (N8413 County Road E, Watertown, WI) explained that Glen keeps his property in pristine condition and is very organized. He is in favor of the petition.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Zangl explained that petitioners are here to update the existing conditional use to allow for the outside storage that is currently there. The original approval was in 1990.

TOWN: Approved 9-10-18. The town approved the condition under the recommendation that there be a gate installed and that it should close at 8 pm every night. The fence would also have to be extended to 6' tall.

CU1967-18 – Jacob Wegner: Conditional use to allow two additional duplexes in a Residential R-2 zone at **W3266/W3268 Oak Hill Rd**, Town of Watertown. The site is part of PIN 032-0815-0222-007 (3.003 Ac). This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

PETITIONER: Jacob Wegner (W3268 Oakhill Rd, Watertown, WI) requested to be allowed to build two additional duplexes on the property.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: John Donaghy (W3238 Oak Hill Rd, Watertown, WI) explained that he is opposed to living next to commercial-type properties and that there are no other rentals in the area, nor does he want any to be built. He believes that the existing duplex was built by the previous owners for their parents to live next to them and not for commercial use.

Kenneth Zindars (N9589 Dreamfield Drive, Watertown, WI) explained that he believed to be living in a residential area and desires to keep it that way. He believes that there would be too much traffic in and out of the area and that it doesn't belong.

Kyle Nelson (N9555 Dreamfield Dr, Watertown, WI) explained that he chose to live in this area because of the neighborhood's quiet and calm demeanor. He is against apartment-type living structures. He believes these duplexes would lower home value, and thus would want to see lower taxes and a reassessment of the home.

Nathan Opps (N3256 Oak Hill Rd, Watertown, WI) explained that he is about to close on the property near Wegner's and would not have purchased the home if he knew there was going to be duplexes built and if he knew more renters were going to be in the area.

Kathy Preston (W3290 Oak Hill Rd, Watertown, WI) explained that she has been living in the area for 45 years and believes it is a beautiful area without more duplexes.

REBUTTAL: Wegner responded that the property was originally set up back in 1997 to have five residences per acre and for more duplexes to be built. He is choosing to build only two more duplexes.

QUESTIONS FROM THE COMMITTEE: None.

STAFF REPORT: Zangl answered a question asked during comments opposed, regarding property taxes, and that the city's assessor would have to be contacted for any assessment questions. Zangl discussed the previous conditional use and plan unit of development. Zangl asked for the number of

bedrooms per duplex. Wegner replied that there would be two bedrooms on each side. Zangl posed the question of whether or not this proposal is a planned unit development and how it may fit into the zoning ordinance. He announced that there was a petition turned that contains signatures of those opposed to the duplexes, and letters also turned in from those opposed.

TOWN: Approved 9-10-18.

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

Chairman Nass called for Hahm one last time, and no response.

Supervisor Reese moved to adjourn at 8:10 p.m., and was seconded by Supervisor Jaeckel. Motion passed unanimously on a voice vote.

Minutes prepared by: *Lindsey Schreiner*
Zoning/On-Site Waste Management Technician
Jefferson County Planning and Zoning Department



Supervisor Reese, Planning & Zoning Committee Secretary

