

# ***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 MARCH 14, 2019 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

**CALL TO ORDER FOR BOARD MEMBERS ONLY** IS AT 10:30 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

**SITE INSPECTION FOR BOARD MEMBERS ONLY** LEAVES AT 10:40 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

## **1. Call to Order-Room 203 at 10:30 a.m.**

Meeting called to order @ 10:30 a.m. by Weis

## **2. Roll Call (Establish a Quorum)**

Members present: Weis, Roberts, Hoeft

Members absent: -----

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

Weis noted the newly appointed alternates, Dan Jaeckel and LaVerne Beherens, were present.

## **3. Certification of Compliance with Open Meetings Law**

Hoeft acknowledged publication. Staff also presented proof of publication.

## **4. Approval of the Agenda**

Roberts made motion to approve. Hoeft made motion requesting a modification to hear the Lemke petition first. Motion was seconded by Roberts, motion carried 3-0 on a voice vote to approve the agenda with the change.

## **5. Approval of January 10, 2019 Meeting Minutes**

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

**6. Communications** – There was a brief discussion on future trainings.

**7. Public Comment** - None

**8. Site Inspections – Beginning at 10:40 a.m. and Leaving from Room 203**

V1641-19 – Richard & Bonnie Barnhart, Town of Lake Mills

V1642-19 – Doral Richardson, Town of Lake Mills

V1643-19 – Nancy May Bishell, Town of Oakland

V1640-19 – Michael Martorano/Mortarono Trust Property, Town of Koshkonong

V1638-19 – John A Lemke Sr/N&M Lemke Trust Property, Town of Koshkonong

**9. Public Hearing – Beginning at 1:00 p.m. in Room 205**

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

Members present: Weis, Roberts, Hoeft

Members absent: ---

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

**10. Explanation of Process by Board of Adjustment Chair**

The following was read into the record by Roberts:

***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, March 14, 2019 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:

(NOTE: The Lemke petition was moved to be heard first)

**V1638-19 – John A Lemke Sr/N&M Lemke Trust Property:** Variance from Sec. 11.03(d)1 of the Jefferson County Zoning Ordinance to allow creation of a 2.8-acre building site using an existing private right-of-way to State Road 106. The site in the Town of Koshkonong on PIN 016-0614-3633-003 (12.665 Ac), near **W5273 State Road 106**, and is zoned Residential R-2.

John Lemke, 6646 W Woodridge Drive, Janesville, presented the petition. He approached the map and explained the petition. He stated that they went back to the town to modify the lot. They found out that Hebbe owned part of the ROW at the very beginning. They have met with all the property owners accessing the private drive, and he explained what they all wanted before they all signed the agreement. They wanted to get it blacktopped, and were going to set it up as shares. He showed the Board all that was owned. Stiemke wanted to buy additional lands, but it would create a landlocked piece. He showed other ways to access the property. Hebbe owns a portion of the ROW, but wants additional land added to the back of his lot. He noted that there should be a copy of the tentative easement agreement in the file. Mr. Lemke read an email from Attorney Jim Vance regarding the easement.

Roberts asked about the change in the area being split off. The petitioner stated they would be splitting off mom's house and they would be buying the balance. Weis asked the petitioner if he would be OK with having a final signed easement agreement as a condition, if approved. The petitioner said he would. Weis explained the ordinance requirements that every property has to have 66' frontage and access to a public road. He noted the houses have been there for a long time, but there has been no recorded agreement for the use of the driveway. It was previously tabled for the easement agreement and a lot reconfiguration. Regarding the remnant parcel that could be built on, Weis suggested there may be a condition that if there were any more houses or lots being proposed, they would have to have it converted to a public road.

The petitioner explained the reason they wanted to do it this way was so he could be close by to take care of his mom. Roberts asked for clarification of the lot and access to the farmland. The petitioner stated they would access through their own land. Zangl further explained. Weis noted that Kutz farmed all the land all around. Roberts noted that he wanted to make sure the ag lands were not landlocked. Zangl noted that there have been restrictions for ag equipment access, but not an all vehicle restriction access.

There were no questions or comments in favor or opposition of the petition. Zangl noted they did go back to the town, but we did not get the newer decision from the town. There was the original town response in the file of approval read into the record by Weis. The petitioner noted that they did go back to the town, and they are aware of the changes that were made.

Zangl gave staff report. He noted there was a revised preliminary and easement agreement in the file. There were some recent changes, so not all of the property owners have signed yet. Mrs. Lemke asked how long they had to get the agreement. Zangl stated there was no time limit unless the Board decides otherwise. Mrs. Lemke stated that she believed that everyone was in agreement. Weis commented that there were questions on how the access was being used and have come a

long way to resolve that. The petitioner noted that a drainage ditch/tile was also included in the agreement to solve drainage problems.

**V1640-19 – Michael Martorano/Martorano Trust Property:** Variance from Sec. 11.04(f)2 and 11.07(d) of the Jefferson County Zoning Ordinance to allow a home addition at less than the required road setbacks, and on a property previously granted variance with V1350-10, in 2010. The site is at **W7618 Koshkonong Mounds Rd**, Town of Koshkonong, in a Residential R-2 zone on PIN 016-0513-2433-002 (0.58 Ac).

Pete Weston, Design Alliance Architects (1030 Madison Avenue), presented the petition. Michael Mortorano (W7618 Koshkonong Mounds Road), was also present. Mr. Weston explained that both owners were disabled, so they were trying to get a master bedroom on the main floor. There is an existing porch on the front of the house that they are proposing to in-fill. There is an existing porch, stoop and steps in the front that will not be any closer to the road than the existing steps already are. He had drawings and approached the Board to explain. They will be filling in where the porch currently is and will have steps with an entry stoop. Weis noted the front roofline would virtually remain the same. The petitioner stated that would be right. Mr. Weston also showed that they will be adding a small decorative roof with pillars.

Hoeft ask if there were any other options. Mr. Weston stated it was steep to the lake, and there is the location of the septic and well. Doing it differently would increase the footprint of the house and would stretch beyond the limits. Hoeft commented on not taking personal circumstances into consideration. Mr. Weston noted it would become a substantially bigger project if done differently.

Roberts asked about the roofline being moved out. Mr. Weston explained that it would be the same footprint as the corner of the deck. There was further discussion on the roofline. Weston explained that it would not be any closer than the existing. Roberts asked about the handicap access and why this does not address any of that. Mr. Weston stated they will have a lot of room in the back when they need to. They will need to bring it to grade and further explained. There was further discussion on what was being proposed. Hoeft noted that it was OK now, but as some point they would need to be able to have ramp access. Mr. Weston explained. Roberts ask why they shouldn't address the handicap access now with this project. Mr. Weston explained. Mr. Mortorano stated that it could probably be put inside, not on the outside because they enter through a back mudroom. There was further discussion on the handicap access.

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.

Roberts questioned the location of the well. Mr. Mortorano stated it was in the back and the mound was to the west.

Zangl gave staff report. He noted the plan submitted by the petitioner was the same as what was in the file. This is an existing, non-conforming structure. The house was built a long time ago, and there are no permits on file. It is a shoreland property with steep slopes to the north. There have

been a couple other previous variances. This is a small addition/remodel to the front of the house. It's 5' from the lot line, but does not meet the road setbacks.

Hoelt asked staff about ordinance Section 11.07(d) for setbacks. Zangl explained that is for the road setbacks, and the R-2 zone setback is referenced in Section 11.04(f). Roberts asked what the setbacks were for this project. Zangl stated it would be 6.2' to the foundation and 5' from the roofline. This project itself is closer to 7' where the entrance is.

**V1641-19 – Richard & Bonnie Barnhart:** Variance from Sec. 11.04(f)1 of the Jefferson County Zoning Ordinance to allow an addition to the home at **N6840 Shorewood Hills Road** at less than the required side yard setback. The site is on PIN 018-0713-1011-010 (0.55 Ac) in the Town of Lake Mills and is zoned Residential R-1. It had previously been granted a variance, V253-86, in 1986.

Rick Barnhart, N6840 Shorewood Hills Rd., presented his petition. They want to add onto the house because the garage is not useful. In 1986, there was a variance to reduce the setback for a screened porch and deck. This is a very narrow lot at 58' in front and 65' in the back. The project is to add a 3-car garage with an entryway that's more useable.

Roberts asked the petitioner to approach the table with his plans and explain. The petitioner showed the Board the site plan and explained his project. Roberts asked if a 2-car garage with a handicap access along the side of it would meet the setbacks. The petitioner explained.

Zangl explained that this was a unique situation. They are not coming any closer to the setback, and we could most likely permit this without coming in front of the Board, but they are here because there was a previous variance in 1986. The setbacks being proposed are being met well within the setbacks. Roberts asked Zangl for clarification and Zangl explained. The petitioner stated they are taking off the old deck, replacing it and putting a screened porch under it.

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.

Staff report was given by Zangl. He stated that the existing deck is at 5.6' and at its closest corner, it would be 4.2'. They are proposing 11' off one corner and 8.5' from the other. They are well within the setbacks – they are just making it bigger. Zangl asked the petitioner how far off the front property line they would be. The petitioner stated about 100'.

**V1642-19 – Doral Richardson:** Variance from Sec. 11.04(f)6 and 11.07(d) of the Jefferson County Zoning Ordinance to allow an accessory structure at less than the required right-of-way setback at **W8511 Airport Rd.** The site is on PIN 018-0713-0414-001 (2.25 Ac) in the Town of Lake Mills, and is zoned A-1, Agricultural.

Doral Richardson, W8511 Airport, explained his petition. He stated he wants a 24'x36' structure off the side of the other building and explained the location. It would be more than 50' from the

property line. The power comes through on the south side of the property, there's the septic and the old & new well location. This seems to be the best spot.

Weis asked if the use was for general storage. The petitioner stated that it was a workshop. Weis asked if it had the same roofline. The petitioner stated it would be the same. Hoeft asked who owned the property to the north. The petitioner stated it was owned by the state/town. Roberts asked if they have approached the town for dedication. The petitioner stated that he has had discussions with the town, and he said he needed to get this done first. Shifting that property line could take months. Hoeft stated he had a lot of land. The petitioner stated he like the open yard. Roberts questioned the other structures. The petitioner explained the older buildings. Weis commented on possible other buried foundations. Robert asked about placing it in the northwest corner meeting the setbacks. The petitioner stated there would be problems with the approach due to the slope, with a lot of other buildings and quarry that used to be there. Roberts commented they could do some grading. The petitioner said it would then become cost prohibitive. Weis noted the width of ROW. Roberts commented the ROW could be vacated.

Hoeft stated she was looking at all the empty land. It's what he wants to do rather than needs to do. There are alternatives. The petitioner stated there are probably alternatives, but are not the best. There was further discussion on placement. Roberts suggested he place it by the milk house. The petitioner stated there was a problem with the slope, and he would have to tear out all that was there and start over. There was plumbing in there and there is currently power into there. All that would have to be redone and changed.

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.

Staff report was given by Zangl. He stated the property was zoned A-1. The setbacks would be 50' from the ROW and 85' to the centerline. The location he is proposing the structure, meets the 85' from the centerline. However, the ROW is abnormally located. The proposed structure does not meet the 50' to the ROW. The road was relocated for some reason. At that time, the ROW was never dedicated or changed. If there was dedication, it would meet the setbacks or appears it would meet the setbacks. The petitioner explained the location of the septic and drain field, and the wells.

Weis asked if he was proposing it to be physically connected. The petitioner stated it is not. Zangl noted that if he added to the existing, he would still have to go through the process. The petitioner stated it would 8' away from the other building. Roberts asked if he would be open to adding on. The petitioner stated he was told that wouldn't work either. Zangl explained that if he wanted to add on, it would have limitations of less than 50% of the footprint expansion and less than 50% of structural members, so he would still need the variance.

**V1643-19 – Nancy Bishell:** Variance from Sec. 11.04(f)1 of the Jefferson County Zoning Ordinance to allow new lot creation at less than the minimum lot area, and resulting in a garage at less than the required side/rear yard setback. The site is at **W9304 & W9308 Oakland Rd**, on

PINs 022-0613-0533-012 (0.158 Ac), 022-0613-0533-013 (0.287 Ac) and 022-0613-0533-022, all in the Town of Oakland. The properties are zoned Residential R-1.

Attorney Michael Rumpf presented the petition. He stated that the map and narrative has already been submitted. The town has approved the petition. The Bishell's have owned the lots for a significant time with some lands being vacated by the town. He submitted the survey and explained the land split with one lot not meeting the total lot square footage as well as not meeting the setbacks between the garages.

Roberts questioned the setbacks. Zangl stated 3' would be required for a detached accessory structure. Weis asked if the measurements were from the roofline. Attorney Rumpf stated he did not know, that the surveyor did it, but suspected it was from the roofline. Roberts asked about the lot square footage. Attorney Rumpf stated 19,540 square feet. He explained that they cannot acquire any more land. Hoeft asked if he was asking to create a non-conforming lot. The petitioner further explained the 2 lots. Roberts stated it was 3 lots now which are substandard. They could take the garages down and put a house in the middle. The petitioner stated the two houses were on the north and south with the garages in the middle. They are just trying to clean this up. Weis commented this would be a better compromise. Hoeft questioned the garages. Weis showed her the map found in the file.

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

Zangl gave staff report. He stated that this is as close as they can get. Two lots are substandard. The sheds don't meet the setbacks by .2'.

There was a break @ 2:30 – reconvened at 2:35.

## **11. Discussion and Possible Action on Above Petitions (see following pages & files)**

## **12. Adjourn**

Hoeft made motion, seconded by Weis, motion carried 3-0 on a voice vote to adjourn @ 3:45 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](http://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](http://www.jeffersoncountywi.gov)

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Secretary

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Date

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

**FINDINGS OF FACT**

PETITION NO.: 2019 V1638

HEARING DATE: 1-10-2019 & 3-14-2019

APPLICANT: John A Lemke Sr

PROPERTY OWNER: N & Lemke Trust c/o Mildred Lemke

PARCEL (PIN) #: 016-0614-3633-003 (State Road 106)

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: To allow for a 3.2-acre R-2 zoned building site without frontage and access to a public road

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:

- Rezoned to R-2 in 1975 (R131A)
- Petitioners would like to build another home/create a lot-would only need a CSM approved and signed off by the Town and Zoning Director if it meets all ordinance requirements.
- Property is a larger than normal for an R-2 zone (12.67-acres)
- 4 homes currently exist on the private drive located off State Road 106
- 11.03(d)- All lots shall front on and have access to a Public Road for a minimum distance of at least 66 feet.
- The proposed lot will have frontage and access to the private road that is owned by Lemke's, but is not public. Access would be an easement onto the private road.
- Town approved with condition 11-14-18 (see file for condition)

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

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

**DECISION STANDARDS**



**FINDINGS OF FACT**

PETITION NO.: 2019 V1640

HEARING DATE: 03-14-2019

APPLICANT: Michael Martorano

PROPERTY OWNER: Martorano Trust

PARCEL (PIN) #: 016-0513-2433-002 (W7618 Koshkonong Mounds Rd)

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: To allow for the addition to a home with a previously granted Variance for the setbacks of an R-2 zone at W7618 Koshkonong Mounds Rd, PIN 016-0513-2433-002.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)(2) & 11.07(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:

- Existing non-conforming structure; house built prior to issuance of permits
- Shoreland property with greater than 20% slopes on majority of property
- 1987 V264 to reduce minimum lot depth of that 50ft by 207ft strip of land
- 1990 V476 to waive minimum lot area in the division (denied)
- 2010 V1350 shoreland grading/landscaping
- Violation in 2008 for grading, filling, and construction of retaining wall and sheds without permits
- Septic permit #13390 issued in 2018 for replacement system
- Adding 1' to the rake overhang to existing gable roof (asking for 5' from front lot line) - Sections 11.04(f)(2) & 11.07(d) of Jefferson County Zoning Ordinance requires 30' from road right-of-way and 63' from centerline

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

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

**DECISION STANDARDS**

- A. 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: \_\_\_\_\_
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- B. SUBJECT TO THE ABOVE LIMITATIONS, AREA VARIANCES MAY BE GRANTED WHERE STRICT COMPLIANCE WITH THE ZONING ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP WHICH WOULD UNREASONABLY PREVENT THE PETITIONER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE, OR WOULD RENDER CONFORMITY WITH THE ZONING ORDINANCE UNNECESSARILY BURDENSOME, AND WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, AND THE PUBLIC INTEREST NOT VIOLATED.
- C. SUBJECT TO THE ABOVE LIMITATIONS, USE VARIANCES MAY BE GRANTED WHERE STRICT COMPLIANCE WITH THE ZONING ORDINANCE WOULD LEAVE THE PROPERTY OWNER WITH NO REASONABLE USE OF THE PROPERTY IN THE ABSENCE OF A VARIANCE AND WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, AND THE PUBLIC INTEREST NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

4. 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 (AREA VARIANCE) OR STRICT COMPLIANCE WITH THE ZONING ORDINANCE WOULD LEAVE THE PROPERTY OWNER WITH NO REASONABLE USE OF THE PROPERTY (USE VARIANCE) BECAUSE the addition would be allowed if the structure were not out of compliance. There is nowhere else on the property where the needed expansion can go. Roberts was opposed because there are alternatives available to meet the handicap access.
5. THE HARDSHIP OR NO REASONABLE USE **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the physical features of the property does not allow many options. The back has a steep drop-off to the lake, the road is where it has always been, most or all neighbors are equally close to the road. Roberts was opposed because the setback is closer at the southwest corner.
6. THE VARIANCE **WILL/WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE the addition will not in any way affect public safety. There would be no difference in vision along the road. It does not encroach on the ROW.

**\*A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET\***

**DECISION:** THE REQUESTED VARIANCE IS **GRANTED**.

<b>MOTION:</b>	Roberts	<b>SECOND:</b>	Weis (Motion Withdrawn)
<b>MOTION:</b>	Weis	<b>SECOND:</b>	Hoelt <b>VOTE:</b> 2-1 (voice vote)

**CONDITIONS OF APPROVAL:** **As proposed by the architect.**

SIGNED: \_\_\_\_\_ DATE: 03-14-2019  
 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.: 2019 V1641  
HEARING DATE: 03-14-2019

APPLICANT: Richard M & Bonnie M Barnhart

PROPERTY OWNER: SAME

PARCEL (PIN) #: 018-0713-1011-010 (N6840 Shorewood Hills Rd)

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: To construct an addition to a home with a previously granted variance at N6840 Shorewood Hills Rd, PIN 018-0713-1011-010.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)(1) 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:

- Proposed 8.5' side setback - Section 11.04(f)(1) of the Jefferson County Zoning Ordinance requires a 10' side set back
- Greater than 20% slope on majority of property
- 1986 V253 for reduced R-1 side setback to construct screened porch addition to single family residence
- Setback to road right-of-way and center of road?
- These proposed additions will not go any closer to the property line
- Proposed additions include garage, new entrance, screen room addition

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

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

**DECISION STANDARDS**



**FINDINGS OF FACT**

PETITION NO.: 2019 V1642

HEARING DATE: 03-14-2019

APPLICANT: Doral Richardson

PROPERTY OWNER: Doral & Linda Richardson

PARCEL (PIN) #: 018-0713-0414-001 (W8511 Airport Rd)

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: To construct an accessory structure at less than the required setback from the property line at W8511 Airport Rd, PIN 018-0713-0414-001.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)(6) & 11.07(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:

- Currently zoned A-1 (2.25ac)
- Proposing an accessory structure just a few feet from the ROW – Sections 11.04 (f)(6) and 11.07(d) require 50' from road right-of-way
- If road were dedicated properly, proposed structure would meet the setbacks
- Greater than 20% slopes between road and proposed structure (see map)
- Septic and drainfield located directly south of home
- What is the exact distance from proposed building to ROW?

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

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

**DECISION STANDARDS**

A. 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: \_\_\_\_\_



PETITION NO.: 2019 V1643  
HEARING DATE: 03-14-2019

APPLICANT: Nancy May Bishell

PROPERTY OWNER: SAME

PARCEL (PIN) #: 022-0613-0533-012, -013, -022 (W9304/W9308 Oakland Rd)

TOWNSHIP: Oakland

INTENT OF PETITIONER: To allow for the variance of the rear/side set back of a detached structure at W9304 & W9308 Oakland Rd, PIN 022-0613-0533-012& 0533-013 and for a variance to create a residential lot (8,628 sq. ft.) below the minimum lot size at W9308 Oakland Rd, PIN 022-0613-0533-013.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)(1) 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:

- Currently zoned R-1 (0.16ac) & (0.29ac)
- Platted road was vacated May 2018
- Petitioner would like to divide parcels
- Minimum lot size = 10,000 sq. ft. (80' x 80') – Section 11.04(f)(1)
- All new lot lines and structures must meet setbacks
- Proposed lot 1 will be less than the required area; proposing 8,628 sq. ft. and does not have an 80' x 80' section
- Required setback for detached garage would be 3 ft; proposing 2.8 ft.
- Proposed lot 2 meets 10,000 sq. ft. area but not the 80' x 80'; proposing 68.47' x 62.49'

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

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

**DECISION STANDARDS**

A. 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: \_\_\_\_\_

