

**MINUTES OF PUBLIC HEARING
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE**

Steve Nass, Chair; George Jaeckel, Vice-Chair; Blane Poulson, Secretary; Matt Foelker and Lloyd Zastrow

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

DATE: Thursday, December 19, 2019

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 except for Supervisor Foelker were present at 7:00 p.m. Also present were Matt Zangl and Sarah Higgins of the Zoning Department.

3. Certification of Compliance with Open Meetings Law

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

4. Approval of Agenda

Motion by Jaeckel and seconded by Poulson to approve the agenda as presented. Motion passed 4-0 on a voice vote.

5. Explanation of Public Hearing Process by Committee Chair

Nass explained the evening's proceedings.

6. Public Hearing

Zangl read aloud the follow notice:

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing on December 19, 2019, in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. Members of the public will be allowed to be heard regarding any petition under consideration by the Planning and Zoning Committee. **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-3, AGRICULTURAL/RURAL RESIDENTIAL

R4198A-19 – Dennis Stair: Create a 1.15-ac building site on **Bakertown Rd** in the Town of Concord from part of PIN 006-0716-3024-000 (24 Acres). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Dennis Stair (W2336 Bakertown Dr, Sullivan, WI) presented himself as the petitioner for this rezone. Stair explained he would like to create the 1-acre building site on the 24-acre parcel south of Bakertown Dr to build a new home after selling his current home on the north side of the road. The current home is too big for his liking and would like a new building site for a smaller home.

COMMENTS IN FAVOR: Robert Lorier (W273 N875 Robby Ln, Waukesha, WI) stated he was neutral on the subject. Lorier expressed that he is in favor of agricultural preservation but may also desire potential future splits for himself. Lorier is for preservation of farm land but doesn't have any objections to the proposal at this point.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl asked if there would still be access for the remaining A-1, and there is access. Zangl asked if Stair had considered shifting the lot to the western boundary line. Stair explained the reason for the lot being proposed where it's at is due to access. The view can be dangerous elsewhere due to a knoll in the road.

TOWN: In favor.

R4199A-19 – Dennis Stair: Create a 4.26-ac lot around the home and buildings at **W2336 Bakertown Rd** in the Town of Concord from part of PIN 006-0716-3024-000 (24 Acres). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Dennis Stair (W2336 Bakertown Rd, Sullivan, WI) presented himself as the petitioner for this rezone. Stair explained the proposal for an approximately 4-acre lot to include the home and buildings on the lot. Stair said that the land to the north is low and holds water in the spring and summer. It has been grassland and would like to include it for with the home to allow future owners to have livestock if desired. Having 4 acres also allows for more flexibility for a potential buyer.

COMMENTS IN FAVOR: Robert Lorier (W273 N875 Robby Ln, Waukesha, WI) spoke in favor of this petition. Lorier stated it made sense and thought having the larger parcel would be nice with the home site. Lorier did ask about the 66 ft area between the proposed lot line and western lot line butting up to his property. Lorier questioned the access to the east and the need for the 66 ft access on the west.

COMMENTS OPPOSED: None.

REBUTTAL: Stair explained that the 66 ft strip on the west side is a right-of-way to keep options open for access to the remaining A-1 land.

QUESTIONS FROM COMMITTEE: Nass asked the age of the home. Stair explained the original home was built in the 1930's and then it was torn down and rebuilt in the 2000's.

STAFF: Given by Zangl and in the file. Zangl explained that there were questions regarding whether the septic was included on the proposed lot. Stair explained the surveyor went out to map the septic and update the survey to include the location of the septic, and verify it was out of the proposed 66 ft right-of-way area.

TOWN: In favor.

R4200A-19 – Shirley Wagi/Lucht-View LLC Property: Rezone to create a 2-acre building site on **Ehlert Rd**, Town of Hebron, from part of PIN 010-0515-1221-000 (36.009 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Shirley Wagi (W3559 Lower Hebron Rd, Fort Atkinson, WI) presented herself as the petitioner for this rezone. Wagi explained that this land has been owned by them for 20 years and this is the last parcel left as everything else has been sold. It is clustered to 3 other homes and Mark Anderson worked with zoning to draw up the CSM. The idea is to sell off the whole parcel if possible along with 16 acres of woods and about 18 acres of workable land.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl explained there are currently 76 contiguous A-1 acres after a piece was recently sold off from the original 115 acres. Zangl asked if there was still access for the remaining A-1, and there is access. Zangl also discussed a prior split, but that it was considered a farm consolidation.

TOWN: In favor.

R4201A-19 – Jonathan W Schrock: Rezone to create a 3.969-acre lot around the home and buildings at **W1715 Gopher Hill Rd** in the Town of Ixonia from PIN 012-0816-0841-000 (17.993 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Jonathan Schrock (702 Western Meadows Dr, Watertown, WI) presented himself as the petitioner for this rezone. Schrock explained there is a large 5 bedroom home on the property that they are selling to a family. In order to sell the property, they would like to separate the home and buildings from the rest of the A-1 property in order to sell.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: Nass asked what year the house was built. The house was built in the 1800's.

STAFF: Given by Zangl and in the file. Zangl asked if there was access for the remaining A-1 onto Gopher Hill, and there is access to Gopher Hill. Zangl addressed a concern regarding only approximately 17 ft of access for the lot but there was an agreement with the neighbor to allow for the 66 ft of frontage and access to the road.

TOWN: In favor.

FROM WATERFRONT TO RESIDENTIAL R-2

R4202A-19 – Steve & Leanne Lehmann: Rezone all of PIN 028-0513-1142-004 (1.148 Ac) around the home and buildings at **W7847 High Ridge Rd** in the Town of Sumner. This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

PETITIONER: Steve Lehmann (729 Lexington Blvd, Fort Atkinson, WI) presented himself as the petitioner for this rezone. The reason for the rezone is to allow for the following conditional use for an extensive on-site storage, which isn't allowed on a property zoned Waterfront.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: Nass asked if the structure would be just for personal use. The structure will just be for personal use.

STAFF: Given by Zangl and in the file. Zangl also mentioned that the DNR was notified since this is a property located in the floodplain and there were no concerns from the DNR other than regards to building outside the floodplain or meeting all rules and regulations if built in the floodplain.

TOWN: In favor.

CONDITIONAL USE PERMIT APPLICATIONS

CU2011-19 – Steve and Leanne Lehmann: Conditional use to allow an extensive on-site storage structure in a proposed R-2 zone at **W7847 High Ridge Rd**, Town of Sumner, on PIN 028-0513-1142-004 (1.148 Ac) This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

PETITIONER: Steve Lehmann (729 Lexington Blvd, Fort Atkinson, WI) presented himself as the petitioner for this conditional use. Lehmann explained the plans to tear down the existing garage and replace it with the proposed structure. The proposed location is outside of the floodplain as shown in a survey done by Mark Anderson.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: Nass asked if there would be any habitable use in the garage, and the petitioner stated no.

STAFF: Given by Zangl and in the file. Zangl asked about the size of the proposed structure. The proposed structure will be 38 ft deep by 57 ft and not to exceed 20 ft in height (it will be approximately 19 ft 6 inches in height.) The setback will also remain the same as it is now with the existing structure. It was also discussed that the structure will be a 2 story garage but will not have a bathroom and will not be used for business. Zangl also noted that if approved, it should be conditioned upon the petitioner receiving the permit to build the garage within an appropriate timeframe as determined by the Committee.

TOWN: In favor.

CU2012-19 – Laura Dexter: Conditional use for up to six dogs in an A-1 zone at **W6044 Gehler Rd**, Town of Aztalan. The site is part of PIN 002-0714-2233-002 (2 Ac) and is zoned A-1. This is in accordance with Sec. 11.04(f)6 of the Jefferson County Zoning Ordinance.

PETITIONER: Laura Dexter (W6044 Gehler Rd, Jefferson, WI) presented herself as the petitioner for this conditional use. Dexter she does a lot of dog rescue for senior dogs. Dexter has a medical background that she uses to help dogs that need surgery, rehab, injections, medications, etc. Dexter previously lived in an urban area and believes there is more room for rescue dogs in a rural area, especially if allowed to keep 1-2 more dogs that what is currently allowed. There are no kennels, dog runs, dog houses, etc. outside. The dogs are only let out to

go to the bathroom and run around as needed. There is no breeding, showing, or selling as Dexter is only looking to do rescue type work. There was also mention of a petition signed by neighbors in support of this endeavor.

COMMENTS IN FAVOR: Karen Glasser (W6102 Gehler Rd, Jefferson, WI) spoke in favor of this petition. Glasser stated she lives close to Laura and believes that the dogs don't cause any problems. They have had no issues with noise, odors, or run away dogs. Glasser stated there is a large attractive fence around the yard that the dogs stay in and the property is also well taken care of. There is no breeding or selling occurring. Glasser stated she believes Dexter should we receive approval. Theresa Schuette (W5844 Gehler Rd, Jefferson, WI) also spoke in favor of this petition. Schuette stated she often walks by the property and there have never been any issues.

COMMENTS OPPOSED: Jo Christianson (W6002 Gehler Rd, Jefferson, WI) spoke in opposition of this petition for several different reasons. Christianson brought up the denial of the petition at the Town level. Christianson explained the Town's comprehensive plan was used for denial. It was asked that the Committee uphold the Town's decision. Christianson also brought up setting precedence for other dog owners in the area, and problems from the past. Christianson also questioned the conditional use staying with the property and not the owner, and possibility of revocation. Christianson also asked what would happen if Dexter would to go over her limit again.

REBUTTAL: Dexter explained that at one time she had 5 dogs at her property but is currently in compliance as she only now has 3 dogs. Dexter also questioned a proposal that was approved by the town in the past for a site that had 75 dogs.

QUESTIONS FROM COMMITTEE: Nass questioned the disposal of medical waste from the dogs. Dexter explained the vet's office supplies what is needed to properly dispose of any medical waste.

STAFF: Given by Zangl and in the file. Zangl asked if there are up to 6 total dogs being proposed, and Dexter said yes. Zangl also asked about dog waste removal. Dexter explained she has a service that comes and scoops the property and takes the waste away to dispose of it. Zangl also elaborated on the Committee being able to approve a conditional use based on ownership or for a certain length of time due to recent changes at the State level. After questions from the Burow, Zangl also explained the conditional use process at the County level.

TOWN: Not in favor. Mike Burow (W6064 Riess Rd, Jefferson, WI) was present and gave further explanation regarding the Town's denial. Burow explained that Dexter lives in what is considered to be a clustered area and the current application is non-compliant with their comprehensive plan. The Town believes this would not be a good fit and it was voted down 3-0 by the Planning Commission and 2-0 by the Town Board. Burow also explained the situation from the conditional use for the 75 dogs approved in 2005 and that it was prior to the establishment of their comprehensive plan, and the operation was shut down.

CU2013-19 – Torry & Roxanne Butler: Conditional home occupation for a percussion drumstick manufacturing business at **N6367 County Road E**, Town of Concord. The site is on PIN 006-0716-1614-001 (1.44 Ac) and is in a Community zone. This is in accordance with Sec. 11.04(f)9 of the Jefferson County Zoning Ordinance.

PETITIONER: Roxanne Butler (N6367 County Road E, Oconomowoc, WI) presented herself as the petitioner for this conditional use. Butler explained they would like to operate a drumstick manufacturing business as they phase out their current window washing business.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: Nass asked what the drumsticks are made of. Butler explained they are made of hickory.

STAFF: Given by Zangl and in the file. Zangl asked about public coming to the site. No public would come to the site because they do not sell from that location. Everything is made and then shipped out. However, sometimes artists do stop by the facility. Zangl also asked about lighting and any employees. Butler explained there are no employees and there is no outside lighting other than the existing light above the shop. Zangl also asked about a timeline for phasing out the window washing business. The window washing business will be phased out within 5 years.

TOWN: In favor.

CU2014-19 – Torry & Roxanne Butler: Conditional use to allow further expansion of the extensive on-site storage structure housing a window washing service and percussion drumstick manufacturing at **N6367 County Road E**, Town of Concord. The site is on PIN 006-0716-1614-001 (1.44 Ac) and is in a Community zone. This is in accordance with Sec. 11.04(f)9 of the Jefferson County Zoning Ordinance.

PETITIONER: Roxanne Butler (N6367 County Road E, Oconomowoc, WI) presented herself as the petitioner for this conditional use. There will be a 38 ft x 16 ft canopy addition on the south end and a 20 ft x 30 ft enclosed addition on the back of the already existing structure.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl asked for more explanation on the size of the additions and then the total size of the structure. The additions for the canopy will be 16 ft by 38 ft deep and the back addition will be 20 ft x 30 ft. The total size of the extensive on-site storage structure will be 3800 sq ft and will be 16 ft in height. Zangl also asked about bathrooms and the use of the structure. There will be no bathrooms in the structure and it will be used for the manufacturing and storage of drumsticks.

TOWN: In favor.

CU2015-19 – Patrick Baudhuin: Conditional use for an extensive on-site storage structure at **N4768 Indian Point Rd**, Town of Sullivan. The site is on PIN 026-0616-0114-000 (4.304 Ac) and is zoned Residential R-2. This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

PETITIONER: Patrick Baudhuin (N4768 Indian Point Rd, Sullivan, WI) presented himself as the petitioner for this conditional use. Baudhuin explained the request for a 28 ft x 64 ft addition to the existing structure. There will be no business use, no bathrooms, and the structure will be used for personal use only.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl asked again about the proposed size and if there would be any bathrooms. The proposed size will be 28 ft x 64 ft and there will be no bathrooms, and the structure will only be used for personal use.

TOWN: In favor.

Supervisor Jaeckel moved to adjourn at 7:43 p.m., and was seconded by Supervisor Poulson. Motion passed 4-0 on a voice vote.

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

Supervisor Poulson, Planning & Zoning Committee 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