

**JEFFERSON COUNTY
ZONING BOARD OF ADJUSTMENT MINUTES**

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

PUBLIC HEARING BEGINS AT **1:00 P.M.** ON THURSDAY, AUGUST 8, 2019 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

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

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 11:15 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. **Call to Order-Room 203 at 11:00 a.m.**
Meeting called to order at 11:04 a.m. by Chairman Weis.
2. **Roll Call (Establish a Quorum)**
Members Present: Weis, Hoeft, and Roberts
Members Absent: ---
Staff: Lindsey Schreiner and Matt Zangl
3. **Certification of Compliance with Open Meetings Law**
Hoeft acknowledged publication. Staff also presented proof of publication.
4. **Approval of the Agenda**
Motion by Hoeft, seconded by Roberts to approve the agenda as presented.
Motion carried 3-0 on a voice vote to approve the agenda.
5. **Approval of July 11, 2019 Meeting Minutes**
Motion by Hoeft, seconded by Roberts to approve the minutes as presented.
Motion carried 3-0 on a voice vote to approve the Minutes.
6. **Communications**
Zangl informed board members that the next step in the Comprehensive Plan is intergovernmental interviews.
7. **Public Comment**
None.
8. **Site Inspections – Beginning at 11:15 a.m. and Leaving from Room 203**

V1651-19 – Jeremy Gill, W4352 Emerald Drive, Town of Watertown
V1652-19 – Terry and Patricia Zoller, N7493 Switzke Road, Town of Watertown
9. **Public Hearing – Beginning at 1:00 p.m. in Room 205**
Meeting called to order at 1:00 p.m. by Chairman Weis.
Members Present: Weis, Hoeft, and Roberts
Members Absent: ---
Staff: Lindsey Schreiner and Matt Zangl

10. Explanation of Process by Board of Adjustment Chair

The following was read into the record by Chairman Weis.

***NOTICE OF PUBLIC HEARING
JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT***

NOTICE IS HEREBY GIVEN that the Jefferson County Zoning Board of Adjustment will conduct a public hearing at 1:00 p.m. on Thursday, August 8, 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. An AREA VARIANCE is a modification to a dimensional, physical, locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of adjustment. A USE VARIANCE is an authorization by the board of adjustment to allow the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance. 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, a petitioner for an AREA VARIANCE bears the burden of proving “unnecessary hardship,” by demonstrating that 1) strict compliance with the zoning ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose, or 2) would render conformity with the zoning ordinance unnecessarily burdensome. A petitioner for a USE VARIANCE bears the burden of proving that 3) strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. Variances may be granted to allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated. **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:

V1651-19 – Jeremy Gill: Variance from Sec. 11.04(f)5 and 11.07(d) of the Jefferson County Zoning Ordinance to allow an in ground pool at less than the required setback to the right-of-way of State Road 26. The site is at **W4352 Emerald Drive** in the Town of Watertown on PIN 032-0815-3224-004 (1.5 Acre) in an A-T, Agricultural Transition zone.

PETITIONER: Jeremy Gill (W4352 Emerald Drive, Watertown, WI 53094) explained that he is requesting the variance to allow an in-ground pool at his residence because it would not meet road setbacks. He stated that the entire property and home does not meet the setbacks and that there is no other place to put a pool on the property.

COMMENTS IN FAVOR: Patricia Zoller (N7493 Switzke Road, Watertown, WI 53094) was in favor.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: Roberts noted that if the pool was to comply with the appropriate setbacks, it would be located way in the corner of the lot. Petitioner answered yes, that would put the pool location where the retaining wall and detached garage exists. Roberts asked if there is going to be any fencing around the pool. Petitioner answered that there will be an automatic pool cover. Weis asked if the expansion of Highway 26 encroached on the property. Gill answered not exactly, and that most of the construction occurred on the west side of Highway 26. However, the setback then increased and their house has been there since the 1800’s.

STAFF REPORT: Given by Schreiner/Zangl and in the file.

TOWN: Approved 7/8/19 with conditions. (see file).

V1652-19 – Terry and Patricia Zoller: Variance from Sec. 11.04(f) 2 and 11.07(d) of the Jefferson County Zoning Ordinance to allow a detached garage at less than required setbacks to Switzke Road right-of-way and centerline. The property is on PIN 032-0815-3332-007 (1.385 Acre) at **N7493 Switzke Road**, Town of Watertown, and is zoned Residential R-2.

PETITIONER: Patricia Zoller (N7493 Switzke Road, Watertown, WI 53094) explained they are looking for the variance to put up a garage on their property. The committee questioned if there is a reason to put the garage in the proposed location as compared to elsewhere on the property. Zoller answered that the back side of the property is a hill and that to the north, they'd like to reserve the location for a replacement septic system site. Zoller noted that their neighbors are okay with this placement of the proposed garage.

COMMENTS IN FAVOR: Jeremy Gill (W4352 Emerald Drive, Watertown, WI 53094) was in favor.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: Weis asked the petitioner to elaborate on the Preliminary CSM in the file. Zoller replied that they have purchased 7 feet of the neighbor's land in order to build the garage in the proposed location. Weis asked where the well is located on the property. Zoller explained that it is located on the south side of the house right behind the garage. Roberts asked what would happen if the property owners were to put the structure in a different location. Zoller explained that if it was put anywhere else there would be unsafe access concerns, drainage issues, and no location for a replacement septic system site. Zoller discussed the slope and drainage issues on the property to the west.

STAFF REPORT: Given by Schreiner/Zangl and in the file.

TOWN: Approved 7/8/19.

11. Discussion and Possible Action on Above Petitions

12. Adjourn

Roberts moved to adjourn, seconded by Weis.

Motion carried 3-0 on a voice vote to adjourn at 1:58 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 at the Jefferson County Courthouse in 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.

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

Minutes prepared by:

Lindsey Schreiner
Zoning/On-Site Waste Management Technician
Jefferson County Planning and Zoning Department

Secretary

Date

DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN

FINDINGS OF FACT

PETITION NO.: 2019 V1651

HEARING DATE: 08-08-2019

APPLICANT: Jeremy Gill

PROPERTY OWNER: SAME

PARCEL (PIN) #: 032-0815-3224-004 (W4352 Emerald Drive)

TOWNSHIP: Watertown

INTENT OF PETITIONER: To allow for an in-ground pool at less than the required setback from the road right-of-way and center line of State Road 26 at W4352 Emerald Drive.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)5 & 11.07(d)2 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:

-1.5 acre A-T Zone, Agricultural Transition – Section 11.04(f)5

-Required Setback (11.04(f)5 & 11.07(d)2):

100 feet to the Road right-of-way

200 feet to the Centerline of the Road

-Proposed Setbacks:

60 feet to the Road right-of-way

Approximately 180 feet to the Centerline of the Road

-Town approved the reduced setback as 60 feet or more to the road right-of-way

-1980 Sanitary Permit on file – Mound System

-Home built pre-1975 (existing nonconforming structure 11.09(c))

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

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

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

FINDINGS OF FACT

PETITION NO.: 2019 V1652
HEARING DATE: 08-08-2019

APPLICANT: Terry G & Patricia J Zoller Trust

PROPERTY OWNER: SAME

PARCEL (PIN) #: 032-0815-3332-007 (N7493 Switzke Rd)

TOWNSHIP: Watertown

INTENT OF PETITIONER: To allow for an extensive on-site storage structure at less than the required setback from the road right-of-way and center line of the road at N7493 Switzke Road.

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

- 1.39 acre R-2 Zone, Residential- Unsewered – Section 11.04(f)2
- Required Setback (11.04(f)2 & 11.07(d)2):
 - 50 feet to the Road right-of-way
 - 85 feet to the Centerline of the Road
- Proposed setbacks:
 - 26 feet from the road right-of-way
 - 59 feet from the centerline of the road
- Home built pre-1975
- No sanitary permit on file

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

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

