

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 THURSDAY, SEPTEMBER 12, 2019
IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

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

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 10:45 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 at 10:30 a.m. by Hoeft.

2. **Roll Call (Establish a Quorum)**
Members present: Hoeft & Roberts

Members absent: Weis

Staff: Matt Zangl, Lindsey Schreiner, and Sarah Higgins

3. **Certification of Compliance with Open Meetings Law**
Hoeft acknowledged publication. Staff also presented proof of publication.

4. **Approval of the Agenda**
Hoeft made motion, seconded by Roberts, motion carried 2-0 on a voice vote to approve the agenda.

5. **Approval of August 8, 2019 Meeting Minutes**
Hoeft made motion, seconded by Roberts, motion carried 2-0 on a voice vote to approve the minutes.

6. **Communications**
Hoeft stated that elections and discussion of alternatives typically takes place in the month of July. Discussion and possible action should be on next month's agenda. Matt Zangl briefly provided the board members Comprehensive Plan Update.

7. **Public Comment**
None.

8. **Site Inspections – Beginning at 10:45 a.m. and Leaving from Room 203**
V1654-19 – Susan Casey/Kyle & Whitney Jacobson Property-W7574 County
Road J, Town of Oakland

V1653-19 – Keith Clark-W8338 Cedar Ln, Town of Lake Mills

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

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

Members present: Weis, Hoeft, Roberts

Absent: ---

Staff: Matt Zangl, Lindsey Schreiner, and Sarah Higgins

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

The following was read into the record by 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, September 12, 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:

V1653-19 – Keith Clark: Variance from Sec. 11.04(f)1 and 11.07(d)2 of the Jefferson County Zoning Ordinance in order to allow placement of a detached accessory structure at less than the required setbacks to Cedar Lane in the Town of Lake Mills. The site is at **W8338 Cedar Lane** on PIN 018-0713-1521-033 (1.311 Acre) and is zoned Residential R-1.

PETITIONER: Keith Clark (W8338 Cedar Ln, Lake Mills, WI 53551) explained that in February they applied for a conditional use permit for an extensive on-site storage structure. After receiving approval, the plumber was looking into where/how to hook-up shop bathroom to sewer line when he found that the sewer line runs right under where the building was proposed. Moving the sewer line would cost up to \$40,000, so that is why they chose the route of requesting the variance for reduced roadway setbacks.

QUESTIONS FROM THE COMMITTEE: Roberts questioned if there would be access to the building from the road. Clark answered: they will not be putting in an additional access because it is unnecessary. There will be access through the yard from the house. Roberts asked how he plans to alleviate drainage concerns. Clark answered: Gravel and mulch will be added to absorb water properly. Contractor plans to do some grading as necessary. Roberts asked if there will be any screening against the property lines. Clark answered: possibly, if it is going to be required.

IN FAVOR: None.

OPPOSED: None.

TOWN RESPONSE: Approved 8/13/19.

STAFF REPORT: Given by Zangl and in file.

V1654-19 – Susan Casey, C&D Construction & Design LLC/Kyle & Whitney Jacobson Property: Variance from Sec. 11.04(f)6, 11.07(d)2 and 11.09(c) of the Jefferson County Zoning Ordinance to allow a porch addition at less than the required setbacks to **County Road J**, Town of Oakland. The site is on PIN 022-0613-2424-002 (4.5 Acres) at **W7574 County Road J** in an A-1, Exclusive Agricultural zone.

PETITIONER: Susan Casey (C and D Construction & Design LLC W7937 US Highway 12, Fort Atkinson, WI 53538) explained that the front stoop of the house is sagging and needs repair. The current stoop goes out 4 feet from the foundation. Casey explained that the house is very old and has existed prior to the ordinance. She provided an example that if an ambulance (EMS) needed to access the current stoop, it would be difficult. They plan to take off the existing stoop and replace it with a deck, roof, and pillars while creating steps down towards the driveway for access. Stoop is currently 58 feet to center line of the road.

QUESTIONS FROM THE COMMITTEE: Roberts asked how many access doors the home has. Casey answered: one door on the north side, and one sliding door off the patio entrance. Roberts asked why the porch is necessary. Casey answered: Structural repair is required, aesthetics, and that this is the primary entrance. The porch overhang will also eliminate heat from southern exposure.

IN FAVOR: None.

OPPOSED: None.

TOWN RESPONSE: Approved 8/18/19.

STAFF REPORT: Given by Zangl and in the file.

11. Discussion and Possible Action on Above Petitions

12. Adjourn

Weis made motion, seconded by Hoeft, motion carried 3-0 on a voice vote to adjourn at 2:04 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.

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

COPY

PETITION NO.: 2019 V1654
HEARING DATE: 09-12-2019

APPLICANT: Susan Casey – C&D Construction & Design LLC

PROPERTY OWNER: Kyle P. & Whitney P. Jacobson

PARCEL (PIN) #: 022-0613-2424-002 (W7574 County Road J)

TOWNSHIP: Oakland

INTENT OF PETITIONER: To allow for an open porch addition on an existing non-conforming structure at less than the required road setbacks in an A-1 zone at W7574 County Road J, PIN 022-0613-2424-002.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)6, 11.07(d)2, & 11.09(c) 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:

- 4.5 ACRE A-1 Zone
- No Land Use Permit on file for home(built pre-1975)
- 1999 49423 Screen Porch Addition
- 2009 57716 Detached Garage
- 2013 12792 Sanitary Permit
- 1995 Conditional Use for Home Occupation Craft Shop
- Required Setbacks (11.04(f)6----Zoning Districts & 11.07(d)2----Highway Setback Requirements):
 - Road R-O-W: 50 feet
 - Centerline of the Road: 85 feet
- Proposed Setbacks:
 - Road R-O-W: 19 feet
 - Centerline of the Road: 52 feet
- 11.09(c) ---Existing non-conforming structures.... Additions are no to exceed 50% of existing foundation footprint nor structural members
- Porch addition would likely be possible if not proposed closer to road
- existing foundation footprint= approx. 1,669 sq ft; proposed addition=400 sq ft
- existing structural members=approx. 16; proposed structural members= 2 (floor & roof)
- Town approval on 7/18/19

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: _____
- 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:

- 1. 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 _____
 WEIS – The residence is entitled to safe, useable access to the front (south side) of the house.
 ROBERTS abstained from approval discussion.
 HOEFT – This would provide safe access to the south side.
- 2. THE HARDSHIP OR NO REASONABLE USE **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE _____
 WEIS – This addition is too close by ordinance to the road, but that is due to placement of house and road, of which is long- standing. ROBERTS abstained from approval discussion.
 HOEFT – House is too close to Highway J and obviously has been for a very long time.
- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE _____
 WEIS – This access will be safer and will have no effect on public roadway.
 ROBERTS abstained from approval discussion.
 HOEFT – The Zoning Administrator states that they would likely be okay as far as square footage and structural members.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: WEIS SECOND: HOEFT. VOTE: 2-1

CONDITIONS OF APPROVAL/DENIAL: ---

SIGNED:  DATE: 09-12-2019
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

COPY

PETITION NO.: 2019 V1653
HEARING DATE: 09-12-2019

APPLICANT: Keith Clark

PROPERTY OWNER: Keith C Clark & Jean L Schoeni

PARCEL (PIN) #: 018-0713-1521-033 (W8338 Cedar Ln)

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: To allow for a proposed extensive on-site storage structure at less than the required road setbacks in an R-1 Zone at W8338 Cedar Ln, PIN 018-0713-1521-033.

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

-1.31 ACRE R-1 Zone

-Home built in 1972 (Permit # 1972 2058)

- Public Sewer

-Required Setbacks (11.04(f)1----Zoning Districts & 11.07(d)2----Highway Setback Requirements):

Road R-O-W: 30 feet

Centerline of the Road: 63 feet

- Proposed Setbacks:

Road R-O-W: 15.9 feet

Centerline of the Road: 48 feet

- Conditional Use for the Extensive On-site Storage Structure in an R-1 Zone (over 15' in height) was approved by the Planning and Zoning Committee on 5/20/19

-Town approved the Petition for Variance on 8/13/19

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: _____
- 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 _____
 WEIS – Structure would be permitted if it wasn't for required setbacks.
 HOEFT – An extensive on-site storage is needed and permitted. 'This is their only shot.'
 ROBERTS – Sewer easement location causes necessity of relocating the building.
- 5. THE HARDSHIP OR NO REASONABLE USE **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE _____
 WEIS – The setback from the public sewer line is the hardship. It is not something the owners have created.
 HOEFT – An alternative location would mean re-doing the sewer line. It is present on three sides of the house.
 ROBERTS – Proposed location is the only possible site on the property.
- 6. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE _____
 WEIS – Public safety is best protected by this compromise.
 HOEFT – R-1 Lot is entitled to the conditional use for parking and storage.
 ROBERTS – There is still a setback from the road. The neighbor to the west is in favor of relocating the building.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

DECISION: THE REQUESTED VARIANCE IS GRANTED.

MOTION: ROBERTS SECOND: HOEFT VOTE: 3-0

CONDITIONS OF APPROVAL/DENIAL: ---

SIGNED:  DATE: 09-12-2019
 CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.