

**STAFF 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, March 14, 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 Vice-Chairman George Jaeckel at 7:00 p.m.

**2. Roll Call**

All Committee members except Chairman Steve Nass and Lloyd Zastrow 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**

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

**4. Approval of Agenda**

Motion by Poulson, seconded by Foelker to approve the agenda as presented. Motion carried on a voice vote with no objection.

**5. Explanation of Public Hearing Process by Committee Chair**

Vice-Chairman Jaeckel 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 7:00 p.m. on Thursday, March 14, 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 findings of fact, are available for viewing between the hours of 8:00 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**

**R4139A-19 – Daniel Buss:** Create a 2.66-acre A-2 zone at **N4531 Rome Rd** in the Town of Jefferson from part of PIN 014-0615-0144-000 (29.53 Ac). This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Petitioner was not present for the public hearing.

**COMMENTS IN FAVOR:** N/A

**COMMENTS OPPOSED:** N/A

**REBUTTAL:** N/A

**QUESTIONS FROM COMMITTEE:** N/A

**STAFF:** N/A

**TOWN:** In favor.

### **CONDITIONAL USE PERMIT APPLICATION**

**CU1976-19 – Daniel Buss:** Conditional use to allow storage of contractor’s equipment for a tree removal operation in a proposed A-2 zone at **N4531 Rome Rd.** The site is on PIN 014-0615-0144-000 (29.53 Ac) in the Town of Jefferson. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Petitioner was not present for the public hearing.

**COMMENTS IN FAVOR:** N/A

**COMMENTS OPPOSED:** N/A

**REBUTTAL:** N/A

**QUESTIONS FROM COMMITTEE:** N/A

**STAFF:** N/A

**TOWN:** In favor.

### **FROM A-3, AGRICULTURAL/RURAL RESIDENTIAL TO A-2, AGRICULTURAL AND RURAL BUSINESS**

**R4146A-19 – Ryan & Tara Foust:** Create a 0.265-acre A-2 zone to enlarge the existing adjacent A-2 zone near **N2312 Becker Rd** in the Town of Sumner. This is part of PIN 028-0513-0314-003 (4.243 Ac), and is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Jimmy Shanks (N2315 Becker Rd, Fort Atkinson) spoke on behalf of Ryan and Tara Foust. Shanks explained that the Fousts want the additional A-2 land added onto the existing to allow for more room to park their trailers.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file.

**TOWN:** In favor.

### **CONDITIONAL USE PERMIT APPLICATION**

**CU1977-19 – Ryan & Tara Foust:** Conditional use to allow for a concrete contractor's parking area on **Becker Rd**, part of PIN 028-0513-0314-003 (4.243 Ac), Town of Sumner. This is on a proposed A-2 zone, and is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Jimmy Shanks (N2315 Becker Rd, Fort Atkinson) spoke on behalf of Ryan and Tara Foust for this conditional use petition. Shanks explained that the Fousts want the additional A-2 land added onto the existing to allow for more room to park their trailers. Shanks also explained they are not using the whole area, just using an area that is about the size of the width of a car.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file. Zangl noted the Foust's are not asking for anything additional that hasn't already been approved on their original conditional use permit for this property.

**TOWN:** In favor.

### **FROM A-1, EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL/RURAL RESIDENTIAL**

**R4140A-19 – Mark Krause:** Rezone 2.6 acres of PIN 014-0614-2711-001 (10.408 Ac) to create a lot around the home and buildings at **N3217 County Rd K** in the Town of Jefferson. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Elizabeth Krause (N3217 County Road K, Jefferson) spoke on behalf of Mark Krause for this rezone petition. Krause explained that her parents own the home and the land and they would like to split off the home and buildings to sell to their daughter.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file. Zangl asked what year the house was built. Krause explained she wasn't sure but it was prior to 1970.

**TOWN:** In favor.

**R4141A-19 – Badger Bank/Jon A Witkins Estate:** Create a 2.8-acre lot around the former home site and farm buildings at **N415 Wojtkunski Rd** in the Town of Palmyra from part of PIN 024-0516-3121-000 (19.5 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Ann Herdendorf from Badger Bank (220 Grant St, Fort Atkinson) spoke on behalf of the petitioner. Herdendorf explained that there used to be a home here, and they would like to split off the existing home site from the tillable acreage.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file. Zangl asked what year the previous home at the site was built. Herdendorf stated the house was torn down in August of 2018.

**TOWN:** In favor.

**R4142A-19 – Judith Punzel:** Create a 3-acre lot around the home and buildings at **W9573 Kumlein Road** in the Town of Sumner from part of PIN 028-0513-1821-000 (40 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Judith Punzel (1208 Camanche Ct, Fort Atkinson) presented herself as the petitioner for this rezone. She explained she would like to split off the home, buildings, and a little bit of the land to sell to her neighbor. She explained that a small amount of land would be sold with it in order to allow for enough room for a tractor to get around on the property.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file. Zangl also asked what year the house was built. Punzel said the original home was built in the 1860's. Zangl then asked if there would be access for the remaining A-1 land and Punzel said yes.

**TOWN:** In favor.

**R4143A-19 – Wileman Farms Inc:** Rezone to create a 3-acre lot around the home and buildings at **W9475 Rockdale Rd** in the Town of Sumner from part of PIN 028-0513-1812-000 (40 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Doug Wileman (399 County Road X, Edgerton) presented himself as the petitioner for this rezone. Wileman explained that he does not utilize the buildings on the property anymore, so he'd like to rezone the land around the home and buildings to sell off, and retain the separate A-1 land.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file. Zangl asked what year the house was built. Wileman said the original house was built in the 1800's. Zangl then asked if there would be access for the remaining A-1 land to a public road and Wileman answered that it does.

**TOWN:** In favor.

**R4147A-19 – Jesse M Topel:** Rezone 3.4 acres of PIN 022-0613-0524-000 (35.959 Ac) for a new building site along **Hope Lake Rd** in the Town of Oakland. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Jesse Topel (1349 Topel St, Lake Mills) presented himself as the petitioner for this rezone. Topel explained he would like to rezone the property in order to build a home.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file. Zangl also explained that the County's GIS breakdown of the soils determined the proposed lot was about 60% prime and 40% non-prime so it would be up to the Committee to determine whether or not the lot is considered prime or non-prime. If determined to be prime, the request would

need to be cut down to 1 acre instead of 3.4 acres. Zangl then asked if there would still be access for the remaining A-1 land and Topel explained there would be access.

**TOWN:** In favor.

**R4144A-19 – Richard Potthast:** Create a 1.01-acre lot around the home and buildings at **W5526 Curtis Mill Rd** in the Town of Jefferson, part of PIN 014-0614-2634-000 (23.46 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

*Zangl explained that Potthast recently requested to up the A-3 acreage from 1.01-acre to 1.92-acres, and that this affected the Town's decision but that will be addressed.*

**PETITIONER:** Richard Potthast (W6494 Stewart Rd, Poynette) presented himself as the petitioner for this rezone. Potthast explained he has a farmer interested in buying the cropland, so he'd like to split off the house and proposed natural resource lot from the A-1 land.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file. Zangl asked what year the house was built. Potthast responded that the house was built in the late 1800's. Zangl also explained that there is just enough room on the lot to have the house and the potential for a detached garage to stay out of the floodplain.

**TOWN:** In favor.

#### **FROM A-1, EXCLUSIVE AGRICULTURAL TO N, NATURAL RESOURCE**

**R4145A-19 – Richard Potthast:** Create a 33-acre Natural Resource zone from part of PINs 014-0614-2634 (23.46 Ac), 014-0614-2633-000 (34.1 Ac) and 014-0614-2744-000 (9.06 Ac). The property is between **Curtis Mill and Buena Vista Roads** in the Town of Jefferson. This is in accordance with Sec. 11.04(f)12 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Richard Potthast (W6494 Stewart Rd, Poynette) presented himself as the petitioner for this rezone. Potthast explained he would like to rezone what is a primarily wetland area on the property to be a natural resource zone.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file. Zangl explained this proposal fits the natural resource description because of the woods on the property in this proposed lot area. Zangl asked about proposed access for the proposed natural resource lot. Potthast explained the access would be joined with the house lot. Zangl went onto explain that if sold off separately in the future, the natural resource zone would need frontage and access to the road for approved access. Zangl also noted the proposed natural resource zone is primarily floodplain and wetland.

**TOWN:** In favor.

*Zangl explained the County reached out to the town to see if they wanted to take action on the revised proposal, but have not yet gotten a response from them regarding the changes.*

### **CONDITIONAL USE PERMIT APPLICATIONS**

**CU1978-19 – Shirley Kuhl:** Conditional use for a conference center/banquet hall/event facility at **N4716 County Road G**, Town of Jefferson, in an existing A-2 zone. This is on PIN 014-0614-0623-000 (5 Ac) and is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Brian Hafenstein (N4716 County Road G, Lake Mills) presented himself as the petitioner for this conditional use. Hafenstein explained that they bought this property 6 years ago and since then have renovated the barn. In that process, there became a growing interest to use the barn as an event facility for weddings, funerals, parties, etc. Hafenstein explained they would host no more than 12 events per year.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file. Zangl asked Hafenstein to better explain his proposal. Hafenstein brought forth poster boards that contained pictures of the property and further explained his proposed use. Hafenstein explained that there is a gravel area that can be used for parking which would fit 294 cars and another parking area in front of the barn that would fit 22 more cars for a total of 316 cars. Hafenstein also mentioned there is a ramp leading into the barn that was ADA approved. Hafenstein has also contacted the Jefferson building inspector, who has been involved with inspecting the barn. Hafenstein stated they are looking into using Port-a-Johns for the time being, but may look later into getting bathrooms in the barn, which would require a hook up to a septic system. Hafenstein stated there is a separate septic system from the house that is located on the property that could possibly be used for this purpose. Zangl stated if this were to happen an inspection of that septic would be needed. Hafenstein also explained that the barn can fit seat 294 people. Hafenstein also stated that the electric in the barn has been installed per commercial code and that they have applied for state approval and are currently waiting to hear back from them. Zangl explained that the building inspector can issue a temporary approval until the state gives their approval.

**TOWN:** In favor.

**CU1979-19 – Timothy J Tiry:** Conditional use to enlarge an existing extensive onsite storage structure in a Residential R-2 zone at **N1851 Parkview Circle**. The site is in the Town of Palmyra, on PIN 024-0516-12343-021 (0.81 Acre). This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Timothy Tiry (N1851 Parkview Circle, Palmyra) presented himself as the petitioner for this rezone. Tiry explained there is an existing detached garage on the property and he would like to build an addition onto it for more storage space.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file. Zangl asked what the approximate size of the proposed addition would be. Tiry said the addition would be 1000 sq ft. Zangl then asked what would be stored and if there would be any outside storage. Tiry explained addition would be used for storage of automobiles and there would be no outside storage. Zangl also asked if there would be any bathrooms in the garage, and Tiry answered no.

**TOWN:** In favor.

## **SECOND HEARING TO ALLOW SUBMITTAL OF ADDITIONAL INFORMATION**

### **FROM A-1, EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL/RURAL RESIDENTIAL**

**R4128A-19 – Karl H Zinser Estate:** Create a 3.748 gross acre lot (including road right-of-way)/3.257 net acre lot (excluding road right-of-way) around the home and buildings at **N9469 West Road** in the Town of Watertown from part of PIN 032-0814-0342-000 (40 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. This petition was initially presented at public hearing on January 17, 2019 and was considered by the Planning and Zoning Committee on January 29, 2019. On February 19, 2019, the County Board of Supervisors granted the request of Petitioner to send this petition back to the Planning and Zoning Committee for further review.

**PETITIONER:** Attorney Chris Koppes (117 N 2<sup>nd</sup> St, Watertown) spoke on behalf of this petition. ***Koppes passed out papers to the Committee for their review.*** Koppes explained that the estate originally submitted a petition to create lot 1 in order to allow a family member of estate to live on a portion of farm while the remainder of the land was sold by a real estate agent. Koppes then explained that the lot was later subsequently sold to an educational charity. Koppes also explained there is limited amount of space from the West Road right-of-way that allows for limited opportunity to put a replacement residence there if ever desired. Koppes went onto explain the limitations for septic placement requirements. It was also mentioned that the amount of A-1 tillable land would not at all be reduce from the request of the A-3 lot. Koppes stated they are looking for the best use and best value for the lot.

**COMMENTS IN FAVOR:** Stan Jones (W6520 County Road J, Clyman) stated he used to represent this estate and property and has tried to conserve as much farm land as possible, and this would keep the integrity of the property. Jones then added that he contacted a CST whom recommended there would be a small area of suitable soil for a replacement septic on the property.



**COMMENTS OPPOSED:** Dennis Stilling (N5315 Harvey Rd, Jefferson) stated he was opposed to the size of the lot being requested. Stilling went onto explain he owns property to the north of the proposed lot. Stilling explained there were originally 14 agricultural buildings on the property and now there are only 10. Stilling also explained the process of when he purchased the farm land around the proposed lot.

**REBUTTAL:** Attorney Koppes stated that Stilling's argument brings up nothing with respect to the appropriateness of lot 1 to be rezoned according to the ordinance.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file.

**TOWN:** In favor.

**Supervisor Poulson moved to adjourn at 7:48 p.m., and was seconded by Supervisor Foelker. Motion passed unanimously 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](http://www.jeffersoncountywi.gov)

