

# ***JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT***

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

**PUBLIC HEARING BEGINS AT 12:00 P.M. ON THURSDAY, AUGUST 13, 2020 Via Zoom Videoconference or in Room 205, Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI**

THE BOARD WILL MEET BEFORE THE PUBLIC HEARING AT 9:00 A.M. IN ROOM 205 AND WILL LEAVE FOR SITE INSPECTIONS AT 9:10 A.M.

**PETITIONERS OR MEMBERS OF THE PUBLIC MAY ATTEND THE MEETING VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS IF THEY CHOOSE NOT TO ATTEND IN PERSON:**

Join Zoom Meeting

<https://zoom.us/j/94579787018?pwd=alc5Qkd2cHhSOEhxaVZRZkRJMU92UT09>

**OR** Phone: +1 301 715 8592 US

Meeting ID: 945 7978 7018

Passcode: 764527

**PETITIONERS OR THEIR REPRESENTATIVES MUST PARTICIPATE BY EITHER USING ONE OF THE ZOOM MEETING OPTIONS DESCRIBED ABOVE, OR BY ATTENDING IN PERSON.**

**1. Call to Order-Room 205 at 9:00 a.m.**

Meeting called to order at 9:03 a.m. by Weis

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

Members present: Hoeft, Roberts, Weis

Members absent: ---

Staff: Matthew Zangl, Laurie Miller

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

Staff presented proof of publication.

**4. Approval of the Agenda**

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

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 12:00 p.m. on Thursday, August 13, 2020 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:

**V1668-20 – Cyndi Pitzner/Cynthia Pitzner Trust, Ronald & Susan Pitzner Trust:** Variance from Sec. 11.03(d) of the Jefferson County Zoning Ordinance to allow access by easement over PINs 002-0714-2721-000 (18.023 Ac), 002-0714-2724-000 (40 Ac) and 002-0714-2731-000 (40 Ac) to serve a proposed Natural Resource zone on PIN 002-0714-2742-000 (40 Ac) off of **Gross Lane**. The site is in the Town of Aztalan in an A-1 Agricultural zone.

Cyndi Pitzner, N4977 Popp Road, presented the petition. She was looking to create access to a 40 acre parcel for hunting purposes only which does not need a 66' wide access to the road. The land is not tillable and is a wet area.

There were no questions or comments in favor or opposition of the petition. There was a town response in the file approving the petition with conditions that the survey be redone to show access from Gross Lane instead of Gehler Road at 15' wide. This was read into the record by Roberts.

Pitzner stated the survey was redone, was given to the town to sign, and should have been sent in. Zangl noted it was received, but it may be in the rezoning file.

Zangl gave staff report. He stated this was an A-1 zoned property that the petitioner is currently requesting to be rezoned to a NR (Natural Resource) Zone. The land is all woodland and wetland.

Hoeft asked if he would be cutting into the ROW. Zangl stated no. Hoeft asked what was being stored there. The petitioner explained the type of storage and use of the building being a mini-warehouse mainly for off season recreational vehicles. Hoeft asked if all the miscellaneous items stored outside would be gone. The petitioner stated yes, and further explained. He wants it cleaned up and to look nice. Hoeft asked about any proposed lighting. The petitioner explained that each individual unit will have a LED motion light inside of it with an outlet connected electric panel that he would control by turning it on and off when needed. There would be dusk to dawn LED's set at 10'-12' apart to flood straight down on the exterior of the building so it doesn't affect the neighbors.

Roberts asked about the overall plan for the property and what the plan was for the existing building. The petitioner stated the existing building would be for storage spaces as well and he further explained. There are about 5-6 storage units inside that building. Zangl further explained the existing Conditional Use Permit allows him to have those different areas to rent out and run some sort of business out of it. The petitioner further explained the storage and plan for outside storage on the northeast corner of the property.

Hoeft asked about the 3 violations and how long he has owned the building. The petitioner stated he has owned it for 5 years. There was a discussion on the violations. The petitioner stated that he wants to do it the right way.

Roberts noted that he thought it would be an improvement to the property. He asked the petitioner about parking equipment in the northeast corner with two residences to the north, and if he would be opposed to putting a fence along that area. The petitioner stated there would be a problem with a fencing that area, but could fence the east side of the lot, probably with a cedar fence. The northeast corner is used for the snow removal area. Roberts discussed with the petitioner where he could put the fencing. He was concerned about the residences seeing the lighting. The petitioner asked Roberts how far he was thinking he should go with fencing. There was further discussion on the fencing and lighting. The petitioner stated the building would be 10' tall.

Roberts asked about the lighting pollution as noted by Hoeft's early concerns. Hoeft stated her was concerned about lights that were on all the time at night when people are trying to sleep. The petitioner explained the lighting would dusk to dawn and be straight down as opposed to flood lights in the soffits of the building.

Weis commented on 6' fencing, and even though he has a good relationship with the neighbors, ownerships do change. Hoeft commented that any new owners should be aware. Roberts noted he is considering making a recommendation for condition on fencing. He further explained.

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

Weis asked staff if there was any response from the DOT. Zangl responded no. Hoeft asked if the DOT was noticed. Zangl stated they were through the Highway Department.

Jacob Schepp, W891 Gold Finch Lane, presented his petition and appeared by zoom. He stated he is asking for a storage structure to be placed on the property without a residence.

Weis asked what the building would be used for. The petitioner stated he would be storing trailers, a boat and camper. Weis confirmed it was for personal recreational storage. The petitioner stated that would be correct.

There were no questions or comments in favor or opposition of the petitioner.

Weis asked the petitioner, that with no principal structure on the property, how is this unique. The petitioner stated he purchased the property from the Town of Milford/Jefferson County strictly for storage. There was an agreement during the purchase process. He has been making improvements to the property, and wants to use the property based on the original purchase plan. Weis asked about the agreement, and the petitioner explained.

There was a town response in the file approving the petition which was read by Roberts.

Staff report was given by Zangl. He stated the Community Zone does not allow for an accessory structure without the principal use which is a single family home. He is proposing a pole building for personal storage. There use to be a 4-bedroom duplex with a holding tank that was torn down and removed from the property.

The petitioner does not own a home in the adjacent area. The surrounding area is all floodplain and this is the only dry area in the section and is not mapped as a floodplain. The rest of the area is in the floodplain, and building in there would be very difficult. This has a dry area. This is a holding tank area so it's not ideal to build a home.

Weis asked for the location of the building. The petitioner stated it is an L-shaped lot. The building proposed is 24'x36' at 18'-20' tall so he is also applying for a conditional use permit. It will be tucked away in the corner where the trees shield it and it will have solar LED lighting. Weis asked about the size of the building. Roberts commented about the location proposed and asked staff what the required setbacks were. Zangl stated 3'. Hoeft asked if he already owned the property. The petitioner stated yes. Roberts noted he didn't own anything adjacent to this to the south or to the east. The petitioner stated no. Hoeft asked the petitioner if he planned on using the recreational equipment in Lake Mills. The petitioner stated no and further explained the use. Hoeft asked if storing his recreation equipment in Marshall was not an option. The petitioner stated no.

Hoeft asked staff if there was no other use of the property. Roberts made comment that best situation would for one of the neighbors to buy it. Zangl stated it was for sale for a long time and they didn't buy it. As for building any structures on it, this is a flood-prone area. A storage structure is one of the better uses of the property. It is a low impact use and if it does flood, there would be low damage. There was further discussion on flooding and the property sale.

Mary Young was also concerned about the substandard lots. It was their understanding that the typical lot size was 65' wide and that they have two of them so she wanted clarification. Weis explained that typically there are standards for the lots by ordinance. Apparently, they do not meet the specifications so that would automatically list it as substandard. He further explained. Mary Young asked if there is any reason why wouldn't be considered substandard? Weis explained about them not meeting the current setbacks with the house which makes the house substandard. Mary Young commented on the Wolak's concerns.

There was a decision from the town in the file approving the petition which was read into the record by Roberts.

Zangl gave staff report. He explained what the statutes were before, and the new definitions/requirements that were passed recently. They were 2 lots that were platted at one time and are each substandard. There was one provision in the new law that stated that if a structure was built over the property line at any time, that law is pretty much wiped out. By looking at the map, it shows that there is a structure that is built over the lot line. The structure itself is not over the lot line, but just a portion of a deck. So, because it is over the line, the lots are together until they request a variance. By removing the deck, it will give them a setback of 4'4". The required setback for a substandard lot is 5' from the side property lines. Right now it is one standard lot made up of two substandard lots.

Roberts stated that by taking off the deck, the setback would be 4'4", and asked that if they could make modifications to the structure to meet the setback, would need the variance. Zangl explained that there is a gray area in that the statutes state that at any time a structure is over a lot line for the lifetime of the property, both parcels would have to stay together, but he stated he would have to do further review. Roberts stated this was two-part variance. One is that they are too close to the lot line, and second, they want to create substandard lots and return it them to what it once was.

Hoeft commented she could not come to a decision to meet the 3 criteria and wanted confirmation of the legalities. Roberts stated, based on the information he has heard, that he was comfortable with making a decision. He suggested they may want to make it subject to legal review.

Zangl explained they are still looking at a variance for the reduced setback and putting the parcels back to what they originally were platted as. State law would give them permission to do this without a variance, but they are asking to do this with a variance because they don't quite meet the provisions. He also explained the ordinance requirements in 11.09(b). They would still need to meet all the other ordinance requirements such as impervious surface.

Helen Young asked what would happen if they tore the existing house down. Zangl stated it would have to be reviewed further. Helen Young stated they would meet the setback if they removed the house. Zangl stated it would still need further review. Weis suggested that if the petitioner wanted that to be considered, they may want this to be tabled for a legal opinion.

**DECISION OF THE JEFFERSON COUNTY**

**BOARD OF ADJUSTMENT**

**FINDINGS OF FACT**

**PETITION #:** V1668-2020 **TOWNSHIP:** AZTALAN

**SITE INSPECTION DATE:** 08-13-2020 **HEARING DATE:** 08-13-2020

**PETITIONER NAME(S):** CINDY PITZNER

**PROPERTY OWNER(S):** CYNTHIA PITZNER TRUST/RONALD & SUSAN PITZNER TRUST

**PROPERTY ADDRESS:** GROSS LANE

**PARCEL(S) (PIN#):** 002-0714-2742-000

**INTENT OF PETITIONER:** To allow for access to a proposed Natural Resource zone by a 15 ft easement off of Gross Ln, PIN 002-0714-2742-000.

**THE APPLICANT REQUESTS A VARIANCE FROM SECTION(S)** 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:**

- Property currently zoned A-1 (40.00 ac)
- Proposed to be rezoned to Natural Resource zone
- Property is wooded with wetlands covering about 90% of land
- Variance from section 11.03(d) - all lots shall front on and have access to a public road for a minimum distance of at least 66 ft
- Proposed access is via 15 ft easement off of Gross Ln
- 15 ft wide was suggested by fire/EMS in order to efficiently get to the property for emergency
- Property is proposed to be bought by another land owner (not adjoining) for hunting purposes which created the need for an access point to the land locked piece

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

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

**TOWN BOARD RECOMMENDATION:** In favor on 7/8/2020

DECISION OF THE JEFFERSON COUNTY

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BOARD OF ADJUSTMENT

FINDINGS OF FACT

PETITION #: V1669-2020 TOWNSHIP: LAKE MILLS

SITE INSPECTION DATE: 08-13-2020 HEARING DATE: 08-13-2020

PETITIONER NAME(S): SCOTT NELSON

PROPERTY OWNER(S): SCOTT A NELSON & SETH J SIEDSCHLAG

PROPERTY ADDRESS: N5526 STATE ROAD 134

PARCEL(S) (PIN#): 018-0713-3023-023

INTENT OF PETITIONER: To allow for a reduced setback from the road right-of-way to a proposed structure at N5526 State Road 134, PIN 018-0713-3023-023.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION(S) 11.04(f)9 & 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:

- Community zoned lot (.57 ac)
- Existing CU1373-05 for construction, contractor's storage/business
- Was approved with Town condition that only licensed vehicles/trailers be allowed for outside storage
- Petitioning to update existing conditional use to allow for new structure for storage/warehouses
- Previous violations (2012 VIO061, 2015 VIO037, 2005 VIO) for outside storage & unlicensed vehicles/salvage material on the property outside of the designated approved area
- Section 11.07(d) = setback from right of way should be at least 50'
- Proposed setback from ROW for County Road Q/Hwy 134 = 23"
- Also requesting reduced setback from road ROW for Ivan St

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

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

TOWN BOARD RECOMMENDATION: In favor on 7/14/2020

DECISION OF THE JEFFERSON COUNTY

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BOARD OF ADJUSTMENT

FINDINGS OF FACT

PETITION #: V1670-2020 TOWNSHIP: LAKE MILLS

SITE INSPECTION DATE: 08-13-2020 HEARING DATE: 08-13-2020

PETITIONER NAME(S): KURT L ORCUTT

PROPERTY OWNER(S): KURT L ORCUTT

PROPERTY ADDRESS: W8696 COUNTY ROAD B

PARCEL(S) (PIN#): 018-0713-3023-023

INTENT OF PETITIONER: To allow for a reduced setback from the road centerline and road right-of-way from a proposed shed in an A-3 zone at W8696 County Road B, PIN 018-0713-0942-002.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION(S) 11.04(f)8 & 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:

- Property is zoned A-3 (1.398 ac)
- Section 11.07(d)
  - Setback from centerline = 110 ft
  - Setback from right-of-way = 50 ft
- Proposed setback from proposed shed to centerline is approx. 70 ft
- Proposed setback from proposed shed to right-of-way is approx. 20 ft
- Wetlands located on northeast portion of property
- Greater than 20% slopes through property
- Septic located on south side of home - Permit #4762

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

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

TOWN BOARD RECOMMENDATION: In favor on 6/9/2020



DECISION OF THE JEFFERSON COUNTY  
BOARD OF ADJUSTMENT

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**FINDINGS OF FACT**

PETITION #: V1671-2020 TOWNSHIP: LAKE MILLS  
SITE INSPECTION DATE: 08-13-2020 HEARING DATE: 08-13-2020  
PETITIONER NAME(S): JACOB SCHEPP  
PROPERTY OWNER(S): JACOB SCHEPP  
PROPERTY ADDRESS: W7075 MAIN STREET  
PARCEL(S) (PIN#): 020-0814-0613-008

INTENT OF PETITIONER: To allow for an accessory structure without a principal structure in a Community zone at W7075 Main St, PIN 020-0814-0613-008.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION(S) 11.04(f)9 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:**

- Community zoned lot (.308 ac)
- Variance from section 11.04(f)9 which does not allow for accessory structure on property without primary structure
- Proposed structure is a pole shed that would be 36' x 24' x 18'
- Proposed structure would require conditional use approval for extensive on-site storage structure in C zone
- 4 bedroom duplex used to be located on property - torn down between 2013-2015
- Holding tank on property was abandoned in 2013
- Violation in 2000 for more than 2 unlicensed vehicles on the property
- Property is very wet with floodplain surrounding on all sides

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

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

TOWN BOARD RECOMMENDATION: In favor on 6/11/2020

DECISION OF THE JEFFERSON COUNTY

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BOARD OF ADJUSTMENT

FINDINGS OF FACT

PETITION #: V1672-2020 TOWNSHIP: LAKE MILLS

SITE INSPECTION DATE: 08-13-2020 HEARING DATE: 08-13-2020

PETITIONER NAME(S): HELEN YOUNG

PROPERTY OWNER(S): RITA M YOUNG TRUST

PROPERTY ADDRESS: W1393 N BLUE SPRING LAKE DRIVE

PARCEL(S) (PIN#): 024-0516-2841-029

INTENT OF PETITIONER: To allow for a reduced side setback of 4'4" on a substandard lot in an R-1 zone at W3193 N Blue Spring Lake Dr, PIN 024-0516-2841-029.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION(S) 11.09(e) 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:

- R-1 zoned lot (1.119 ac)
- Current property consists of two lots (lot 25 & 26), but family is looking to separate them
- Proposed new construction home on lot 25
- Variance needed from section 11.09(e) - substandard lot setbacks
  - Substandard lot setback from side lot line = 5'
  - Setback from side lot line being requested = 4'4"
- Permit #13867 from 1982 for enclosed patio deck
  - Wood deck on existing home to be removed
- Floodplain at the edge of the lots near the water front

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

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

TOWN BOARD RECOMMENDATION: In favor on 7/13/2020