

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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

PUBLIC HEARING BEGINS AT 1:00 P.M. ON THURSDAY, OCTOBER 8, 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 10:45 A.M. IN ROOM 203 AND WILL LEAVE FOR SITE INSPECTIONS AT 11:00 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

Register in advance for this meeting:

[https://zoom.us/meeting/register/tJAkdO2hpzotE91k89KkypPtwsIfux6nPZgU](https://zoom.us/join/zoom/register/tJAkdO2hpzotE91k89KkypPtwsIfux6nPZgU)

After registering, you will receive a confirmation email containing information about joining the meeting.

PETITIONERS OR THEIR REPRESENTATIVES MUST PARTICIPATE IN THE PUBLIC HEARING AT 1:00 P.M. BY EITHER USING ONE OF THE ZOOM MEETING OPTIONS DESCRIBED ABOVE, OR BY ATTENDING IN PERSON.

1. Call to Order-Room 203 at 10:45 a.m.

Meeting called to order @ 10:45 a.m. by Weis

2. Roll Call (Establish a Quorum)

Members present: Hoeft, Roberts, Weis

Members absent: ---

Staff: Brett Scherer, Laurie Miller

3. Certification of Compliance with Open Meetings Law

Staff provided 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.

5. Approval of August 13, 2020 Meeting Minutes

Hoeft made motion, seconded by Roberts, motion carried 3-0 on a voice vote to approve the minutes with the following corrections:

Hoeft: correction to Helen Young petition, 1st paragraph, 1st line from “formally” to “formerly”

Roberts to the Orcutt petition: addition to 7th paragraph, 1st line to include “northwest” corner.

6. Communications - None

7. Public Comment - None

8. Site Inspections – Beginning at 11:00 a.m. and Leaving from Courthouse Room 203, Driving to the Following Sites:

V1673-20 – Andrew J and Katie L Luebke Property, N1494 County Road K, Town of Koshkonong, PIN 016-0514-1542-000

V1674-20 – Sherry L Stern Property, W9226 London Rd, Town of Lake Mills, PIN 018-0713-3223-001

9. Public Hearing – Beginning at 1:00 p.m. in Room 205 – Petitioners, or their representatives, must be present

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

Members present: Weis, Hoeft, Roberts

Members absent: ----

Staff: Matt Zangl, Brett Scherer, Laurie Miller (Sarah Higgins appeared by Zoom)

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, October 8, 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:

V1673-20 – Andrew J and Katie L Luebke: Variance from Sec. 11.04(f)8 and 11.09 of the Jefferson County Zoning Ordinance for a reduced setback from the road right-of-way and road centerline to a proposed porch entryway for an existing non-conforming structure in an A-3 zone. The site is at **N1494 County Road K** on PIN 016-0514-1542-000 (3.00 Ac) in the Town of Koshkonong.

Andrew Luebke (N1494 County Road K) presented his petition. He stated they wanted to add a porch to the front of the house for access. There is only an access in the back of the home at this time. It will be 8'x20', and are asking to go 8' closer to the road.

Weis asked what the setback was to the centerline of the road. Roberts stated it was at 78' now, and with the addition it would be 8' closer. Weis asked if that was from the foundation. The petitioner stated yes. Weis asked about the overhang. The petitioner stated it would be another 18" closer.

Roberts questioned the roofline and the porch. The petitioner stated the roof would be over the entire porch area. Roberts asked how much was going to be the overhang. The petitioner stated about 18". Roberts confirmed that the porch would be coming out 8' with an additional 18" overhang, so it would be almost 10' or 68' from the centerline of the road. The petitioner stated yes, roughly. Zangl asked if there would be any sides to the porch. The petitioner stated there

would be a roof and railings on the side with the stairway going up. Zangl noted that it's basically a deck with a roof.

Roberts asked about the location of the well. The petitioner stated the stairway would be over the well with a section of the stairway to be removable if they needed to access it. Roberts asked what the setback was from the house to the well. Zangl explained it is 2' feet, but who actually regulates it is a gray area. There was further discussion on well setback regulations.

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.

Hoelt asked staff if this needed to run through the town building inspector. Zangl asked the petitioner if he was in contact with the building inspector. The petitioner stated he has talked to the town building inspector, and he didn't have any issues there. He also didn't believe they require a permit through them, but would double-check.

Staff report was given by Higgins. She stated this is an A-3 zoned property of 3 acres. It is an existing, non-conforming structure because it is already too close to the road. The setback requirements are 85' to the centerline and 50' to the ROW. They currently have a 78' setback from the centerline. With the proposed overhang, they will be 68'-68 1/2' to the centerline and 30' to the ROW. The proposed addition is an 8'x20' porch/entryway. Currently, it is 30" off the ground with no stairs for entry or exit. There is no permit on file for the home which was built before 1970 and no permit on file for the septic.

Roberts commented that it seems that it would be easier to design the porch to access the well so they could meet the 2' well setbacks, and that it seemed to be a self-created, homeowner imposed variance. The porch could easily be modified and have the stairs come in on the other end or somewhere else so it's not going over the well and then meet the 2' setback.

Weis asked if the roof was over the well and the steps. The petitioner explained that the steps would go just past the roofline so there should be no interference if they needed to service it. The well is directly in front of the doorway, and with the steps in the front, it would be a straight shot to the doorway. Roberts asked if the steps could be moved to the north so they would walk in from that direction from the driveway. The petitioner stated his wife wanted this plan, but he would be OK to move them. Weis asked staff if the steps were considered as part of the setback. Zangl stated yes. Weis commented on the steps being an encroachment and the house being there before the setback ordinances were created.

Hoelt asked the petitioner if this access would be readily accessible for an emergency. The petitioner stated it definitely would be more efficient and helpful for emergency access. Roberts asked how many doors there were to get in the house. The petitioner stated there were two on the west side of the house. One is for access to the main area of the home and the other is for access into the basement which also has stairs to get to the upstairs part of the home. This is the only

other access. Roberts commented on the access to the house, the location of the stairs and going closer to the road than they need to.

Weis noted this property is located close to the city, and believed on S Main St, the city has a wider than normal ROW. He further explained.

Katie Luebke appeared by Zoom. She stated the location of stairs was cosmetic, but with emergency services, it would be easier to maneuver in the front versus on the north side. Weis stated that the porch appears to be wide enough to make a turn, and if the stairs were to the north, it would be straight shot from there to a vehicle parked in the driveway. If the road would be widened in the future, the less that it encroaches would be better. For appearance purposes, if the steps were not put in the front, it wouldn't distract from the symmetry of the front view of the house.

Roberts stated that it was obvious something needs to be done in the front for safe access/exit, but felt it would be better to have the stairs to the north. Katie Luebke stated that they wanted to maintain the current roofline, but was not sure that would be possible if the stairs were to the north. She wondered if they could narrow the deck portion to bring the stairs back so they wouldn't interfere with the well. Roberts stated the problem with that would be that the stairs would end and the well would be right in front of it. He stated they may be better off to go over the well or to the north to avoid going around it. Zangl commented that the Board needed to look at what the petitioner was asking for and how close they are looking to go towards the road, and if that is something we could grant a variance for. They did their homework regarding the well. We don't necessarily regulate it. He further explained.

Hoelt asked staff about no permit for the sanitary. Zangl stated they will need a permit whenever the septic fails and further explained. Roberts commented how close it was to the ROW and believed the stairs need to be taken into consideration on how far back they are going to be from the ROW line or centerline of the road. Zangl asked the petitioner about the setback for the stairs. The petitioner stated he didn't think it would extend beyond 3' but would have to get that measurement from his contractor. Zangl stated they were only talking about 3-4 steps or 3-4 feet at the most. There was further discussion on the setbacks from the deck and from the stairs.

V1674-20 – Sherry L. Stern: Variance from Sec. 11.04(f)6 of the Jefferson County Zoning Ordinance for a reduced setback of 0.5' from the rear lot line to an existing structure in an A-1 zone. The site is at **W9226 London Rd** on PIN 018-0713-3223-001 (0.76 Ac) in the Town of Lake Mills.

Sherry Stern (W9226 London Rd) presented her petition. She stated the shed was built 20 years ago. She wants the variance so she doesn't have to tear down the shed. On the backside of the shed, the roof is over the lot line. The shed was built on an existing concrete slab from an old shed that was there at one time has been torn down.

Higgins gave staff report. She stated the property is zone A-1 and is a .76 acre parcel. The setback for any accessory structure in that zone is 20'. They are proposing the shed to remain at a .5' setback from the rear lot line which is where the original foundation is that they added onto. The 1988 Certified Survey Map (CSM) shows the existing foundation of the old structure that was there for quite some time. The 2017 CSM shows that when they added onto that shed, the corner of it then went over the lot line by .7' and the overhang was only over by 3'. She further explained that they were proposing to go back to the .5' where the original foundation was on and take away the overhang that is over the lot line.

The shed was built legally prior to 1988. Around 2000, the shed was added onto without a permit and does not meet the setbacks which turned into a violation eventually. The addition to the shed was built using an existing slab of concrete from the old farm building.

The owner sent a letter back in March to the neighboring property owner to acquire more land to bring this into conformance and rectify the situation, but they got no response. The existing foundation was there prior to 1980 as shown on a land use permit for the detached garage. There is a sanitary permit on file. The town approved their petition.

Weis asked for the location of the well. The petitioner explained the location and noted it was a shared well. Weis noted it did not appear that the well or septic have any bearing on the variance. Higgins stated, no, it was shown just for reference.

Roberts stated that if they could take off the overhang and part of the addition, they would still need the variance for the .5' setback. Higgins explained the current and previous layout, and further explained. Weis asked if the illegal addition would remain or be taken off. Higgins stated the current layout that was turned in by them is asking for a .5' setback from that lot line. It was her understanding that the corner of the building and the overhang would be eliminated. There was further discussion on the setbacks and removal of part of the building and/or overhang.

Hoelt asked the petitioner if removing the shed altogether was a factor. The petitioner stated it would be a huge problem, and did not understand because it was built on the existing concrete. Zangl stated that from the 1988 survey, it does show it was not over the lot line and was completely on the property by .5'. The petitioner stated she didn't understand how that it could now be over the lot line. Zangl stated there could be a discrepancy with the survey. If the petitioner does not agree with it, it would be up to her to ask the Board to postpone their decision until she felt comfortable moving forward. It does need to move forward, however, because it started as a violation that needs to be resolved.

Higgins stated they could get another survey done. The survey from 2017 shows it's over the lot line. Hoelt asked what the chances were to get another survey and come back before the Board. Zangl stated that if the survey is wrong and the shed is on the property, they would still need a variance for being too close to the lot line. Hoelt asked if they could postpone the decision until they could get a new survey and then come back in. Zangl stated they could, but it may throw a

wrench in it in that the town may want to see it again if it changes at all. They could then be under a new variance. There was further discussion.

Weis commented on the 1988 survey and asked if this is when the lot was created and separated from the farm. Zangl stated yes and asked the petitioner when they bought the property. The petitioner stated 1988. Weis commented that in 1988, there was a rear setback at that time. Zangl stated that it would have been the same. Weis asked if it was 20'. Zangl stated yes. Higgins stated that there was a land use permit on file from 1980 which would have been prior to the 1988 survey which shows that the shed existed there. There was discussion the location of the shed, what was previously there, and what currently exists. Zangl noted that they added onto the existing shed. Higgins stated in 2000 they added onto the existing building which was also on the existing foundation. Weis noted that he was guessing the 1988 survey was done somewhat in error and the newer survey was probably a little more accurate. Zangl stated that would be hard to say and further explained.

Higgins explained the violation that the shed was over the lot line was reported by the adjacent property owner as shown on the survey done in back in 2017.

There were no questions or comments in favor or opposition of the petition. There was further discussion on removing the overhang and a portion of the corner of the building. Zangl asked the petitioner if she wanted to proceed forward, or did she want to have the Board table it and get her own survey done. The petitioner stated she didn't think she wanted to do another survey, but was still not clear on what she would all have to do. She asked if they could have another hearing so that her son could be present.

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

11. Discussion and Possible Action on Above Petitions Beginning @ 1:56 p.m. (See following pages & files)

12. Adjourn

Hoelt made motion, seconded by Roberts, motion carried 3-0 on a voice vote to adjourn @ 2:17 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.

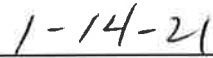
Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so appropriate arrangements can be made.

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



(Secretary)



(Date)

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

FINDINGS OF FACT

PETITION NO.: 2020 V1673
HEARING DATE: 10-08-2020

APPLICANT: Andrew J & Katie Luebke

PROPERTY OWNER: SAME

PARCEL (PIN) #: 016-0514-1542-000 (N1494 County Road K)

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: To allow for a reduced setback from the road right-of-way and road centerline to a proposed porch entryway for an existing non-conforming structure in an A-3 zone at N1494 County Road K, PIN 016-0514-1542-000.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)8 & 11.09 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 zoned A-3, Agricultural/Rural Residential (3.00 Ac)
- Structure is an existing non-conforming structure due to not meeting setbacks from road right-of-way and road centerline
- Required setback from County Road K = 85ft from centerline and 50 ft from right-of-way
- Setback from proposed addition = 70ft from centerline and approx. 30 ft from right-of-way
- Proposed addition is a 20' x 8' porch entryway
- Currently door is 30" off ground with no stairs for entry/exist
- No permit on file for home - built prior to 1970
- No permit on file for septic system location
- Town approved on 7/22/2020

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

COPY

FINDINGS OF FACT

PETITION NO.: 2020 V1674
HEARING DATE: 10-08-2020

APPLICANT: Sherry L Stern

PROPERTY OWNER: SAME

PARCEL (PIN) #: 018-0713-3223-001 (W9226 London Road)

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: To allow for a reduced setback of 0.5 ft from the rear lot line to an existing structure in an A-1 zone at W9226 London Rd, PIN 018-0713-3223-001.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)6 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 zoned A-1, Exclusive Agricultural (0.76 Ac)

-Setback from rear lot line in an A-1 zone = 20 ft

-Proposed setback is 0.5 ft from rear lot line

-CSM from 1988 shows existing foundation = 0.5 ft from rear lot line

-CSM from 2017 shows current shed has a corner located 0.7 ft over lot line and an overhang that is located 3.1 ft over lot line

-Stern is proposing that overhang and corner be removed and setback be what it was for the original foundation at 0.5 ft

-Shed was built legally prior to 1988 – around 2000, the building was added onto without a permit to its current setbacks (VIO070 - 2019)

-Addition to shed was built using the existing slab of concrete from the old farm building

-Current owner sent a letter on 3/11/20 to neighboring landowner asking for purchase of surrounding land in order to add onto lot and meet setbacks

-No response was received from neighboring landowner

-LU permit #10814 from 1980 for detached garage – plot plan shows part of existing shed/foundation on property

-Sanitary permit #2527 from 1974 shows location of septic on property

-Town approved on 9/9/2020

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

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

