NOTICE OF PUBLIC HEARING JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE

George Jaeckel, Chair; Steve Nass, 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, June 17, 2021

TIME: 7:00 p.m. (Courthouse doors will open at 6:30)

PLACE: Room 205, Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI

OR Via Zoom Videoconference

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

You are invited to a Zoom meeting.
When: June 17, 2021 07:00 PM Central Time (US and Canada)
Meeting ID: 957 3344 0565
Passcode: Zoning

Register in advance for this meeting:

https://zoom.us/j/95733440565?pwd=eHZRbHZXWXhIUnlKdkhtOXhoTmtNZz09

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

1. Call to Order

The meeting was called to order by Chairman Jaeckel at 7:00 p.m.

2. Roll Call

All Committee members were present at 7:00 p.m. Also present were Matt Zangl and Sarah Elsner of the Zoning Department.

3. Certification of Compliance with Open Meetings Law

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

4. Approval of Agenda

Motion by Supervisor Nass and seconded by Supervisor Poulson to approve the agenda as presented. Motion passed 5-0 on a voice vote.

5. Explanation of Public Hearing Process by Committee Chair

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 on June 17, 2021 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 EITHER IN PERSON OR VIA ZOOM.** 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 finding

of fact, are available for viewing between the hours of 8 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-T, AGRICULTURAL TRANSITION TO RESIDENTIAL R-1

R4320A-21 – Richard & Christine Schwarze: Create a 5.48-acre R-1 zoned lot from part of PINs 018-0713-1034-009 (35.485 Ac) currently zoned A-T and 018-0713-1522-040 (0.478 Ac) zoned R-1. The site is in the Town of Lake Mills on Shorewood Meadows Circle. The request is in accordance with Sec. 11.04(f)1 of the Jefferson County Zoning Ordinance.

PETITIONER: Richard Schwarze (533 W Lake Park Place, Lake Mills, WI) presented himself as the petitioner for this rezone. Schwarze explained that there has been extensive planning done for this proposal. There have been wetland permits acquired from WI DNR and Army Corps of Engineers for the lot. The proposal is to build a home on lot 1 and sell lot 2. The remainder of land will be kept as forest management land. The driveway access is also already zoned R-1.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

COMMENTS NEITHER IN FAVOR OR OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl also noted that a variance was granted by the Jefferson County Board of Adjustment to allow for reduced frontage and a 30'-33' driveway access. Approval was also given from the City of Lake Mills for the access of emergency vehicles.

TOWN: In favor.

<u>R4321A-21 – Richard & Christine Schwarze:</u> Create a 5-acre R-1 zoned lot from part of PINs 018-0713-1031-000 (33.05 Ac) and 018-0713-1034-009 (35.485 Ac) zoned A-T. The site is in the Town of Lake Mills on **Shorewood Hills Road**. The request is in accordance with Sec. 11.04(f) 1 of the Jefferson County Zoning Ordinance.

PETITIONER: Richard Schwarze (533 W Lake Park Place, Lake Mills, WI) presented himself as the petitioner for this rezone. Schwarze

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

COMMENTS NEITHER IN FAVOR OR OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl explained that the remaining A-T would be an outlot because there is no frontage to the public road. The outlot would need to sold with lot 1 or lot 2, and could not be sold separately.

TOWN: In favor.

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL BUSINESS

R4322A-21 – Donald Popp/Hickory Wood Ranch LLC Property: Enlarge the existing A-2 zone at N6189 County Road F, Town of Concord by approximately 0.482 acres. The site is part of PIN 006-0716-1644-000 (36.950 Ac). This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

Petition was not presented and was not heard by Committee.

PETITIONER: N/A

COMMENTS IN FAVOR: N/A

COMMENTS OPPOSED: N/A

COMMENTS NEITHER IN FAVOR OR OPPOSED: N/A

REBUTTAL: N/A

QUESTIONS FROM COMMITTEE: N/A

STAFF: N/A

TOWN: N/A

CONDITIONAL USE PERMIT

<u>CU2075-21- Donald Popp/Hickory Wood Ranch LLC Property:</u> Conditional use for storage of non-farm equipment/boat storage in a proposed A-2 zone at **N6189 County Road F**, Town of Concord, on PIN 006-0716-1644-000 (36.95 Ac). This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

Petition was not presented and was not heard by Committee.

PETITIONER: N/A

COMMENTS IN FAVOR: N/A

COMMENTS OPPOSED: N/A

COMMENTS NEITHER IN FAVOR OR OPPOSED: N/A

REBUTTAL: N/A

QUESTIONS FROM COMMITTEE: N/A

STAFF: N/A

TOWN: N/A

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL BUSINESS

R4323A-21 - Donald Popp/Hickory Wood Ranch LLC Property: Create a new 1.318-acre A-2 zone at **N6189 County Road F**, Town of Concord, on PIN 006-0716-1644-000 (36.950 Ac). This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

^{*}Petition was not presented and was not heard by Committee.*

CONDITIONAL USE PERMIT

<u>CU2076-21 - Donald Popp/Hickory Wood Ranch LLC Property:</u> Conditional use for a dog kennel/training facility at **N6189 County Road F**, Town of Concord, on PIN 006-0716-1644-000 (36.950 Ac). This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

Petition was not presented and was not heard by Committee.

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL BUSINESS

<u>R4324A-21 – Martin Dula:</u> Create a 1.731-acre A-2 zone at **W8525 Finch Brothers Rd** in the Town of Lake Mills on PIN 018-0713-2111-000 (1.731 Ac). This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ord

PETITIONER: Martin Dula (W8525 Finch Brothers Rd, Lake Mills, WI) presented himself as the petitioner for this rezone. Dula explained he would like to use the barn to rent out for fundraisers, charitable events, etc. There will be an engineer hired to come look at the barn for structural soundness if approval is granted. There will also be an easement set up pending approval.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

COMMENTS NEITHER IN FAVOR OR OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl also explained that the rezone request was to include the entire parcel to be rezoned to A-2, which would include the home on the property.

TOWN: In favor.

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CONDITIONAL USE PERMIT

<u>CU2077-21 – Martin Dula:</u> Conditional use for a conference center, banquet hall and event facility in a proposed A-2 zone at **W8525 Finch Brothers Rd** on PIN 018-0713-2111-000 (1.731 Ac) in the Town of Lake Mills. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: Martin Dula (W8525 Finch Brothers Rd, Lake Mills, WI) presented himself as the petitioner for this conditional use. Dula explained he'd like to have 1-2 events per week at the facility with a max of 150 people or whatever the Fire Department would grant as maximum capacity. There will also be an easement (1/4 mi) for parking from the neighbor. There will also be ADA accessibility for the structure. Events would end at 10pm and events would be ticketed to control the space availability. There will be port-a-potties set up for bathroom use. Dula also explained that neighbors have been supportive of the proposal.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

COMMENTS NEITHER IN FAVOR OR OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl also addressed the parking on the property and it was determined that there would be enough space for parking of guests.

TOWN: In favor.

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

<u>R4325A-21 – Tom & Joy Probst/Probst Trust:</u> Create a 6-acre new building site from part of PIN 008-0715-3521-000 (33.55 Ac) in the Town of Farmington on **Bakertown Rd.** This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Joy Probst (904 Country Ln, Watertown, WI) presented herself as the petitioner for this rezone. Probst explained that the property has been in the family for the past 5 generations, and she would like to build a home on the property.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: Letters of opposition from neighboring land owners Tami Latsch and Lucas Heideman are included in the file and were read into record. The letters of opposition mentioned concerns regarding clustering, ag land preservation, and driveway disputes.

COMMENTS NEITHER IN FAVOR OR OPPOSED: None.

REBUTTAL: Probst explained that her husband has farmed the land for 4 years and the land classified as non-prime is truly non-prime. Probst is not trying to upset the land, neighbors, or wildlife with this request.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. There will also be an affidavit required if approved and the majority of the lot is non-prime soils.

TOWN: In favor with the condition of the driveway being placed to the far east of the property and avoiding slopes of greater than 20%.

<u>R4326A-21 – Erin Seif/Jaymie McCoy Property:</u> Create a 5.45-acre new building site from part of PIN 008-0715-1431-000 (35 Ac) in the Town of Farmington on **North Helenville Rd.** This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Erin Seif (348 E Dodge St, Jefferson, WI) presented herself as the petitioner for this rezone. Seif explained she would like to create the new building site in order to a build a home for herself, husband, and kids.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

COMMENTS NEITHER IN FAVOR OR OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file.

TOWN: In favor.

<u>R4327A-21 – Jon Hartwig/J&T Hartwig Trust:</u> Create a 1.3-acre new building site from part of PIN 016-0514-2813-000 (19.285 Ac) in the Town of Koshkonong on **McIntyre Rd.** This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Jon Hartwig (W6513 Grogan Rd, Fort Atkinson, WI) presented himself as the petitioner for this rezone. Hartwig explained the lot was being requested in order to build a home for him and his wife, and that they have been farming the surround land for 30+ years.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

COMMENTS NEITHER IN FAVOR OR OPPOSED: None.

REBUTTAL: None.

OUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl explained that the 1.3-acres requested was to accommodate the driveway access because of a weird curve in the road. Hartwig elaborated that the extra acreage was to square up the lot because of a bad corner.

TOWN: In favor.

<u>R4328A-21 – Aaron Johnson:</u> Create a 2-acre new building site from part of PIN 018-0713-2724-000 (53.587 Ac) in the Town of Lake Mills on **County Road A**. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Jennifer Johnson (4504 Scenic View Rd, Windsor, WI) presented herself as the petitioner for this rezone. Johnson explained she would like the proposed building site in order to build a home to be closer to family.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

COMMENTS NEITHER IN FAVOR OR OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file.

TOWN: In favor.

<u>R4329A-21 – Diane Franks/Gordon Kottwitz Property:</u> Create a 1.61-ac lot around the existing home from PIN 020-0814-3343-000 (40 Ac) in the Town of Milford at **N7396 County Road Q.** This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Diane Franks (N7396 County Road Q, Johnson Creek, WI) presented herself as the petitioner for this rezone. Franks explained that the estate is in the process of being sold and she would like to stay in the home.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

COMMENTS NEITHER IN FAVOR OR OPPOSED: None.

REBUTTAL: None.

OUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl asked what year the house was built and Franks replied that it was built in

1922.

TOWN: In favor.

CONDITIONAL USE PERMITS

<u>CU2078-21 - Christopher & Ashley Winkelman:</u> CU for a dog training and boarding facility for up to 45 dogs in the Town of Koshkonong on part of PIN 016-0514-2212-000 (40 Acres). This is proposed in an A-1, Exclusive Agricultural zone at **N1260 County Road K**, and is in accordance with Sec. 11.04(f)6.

PETITIONER: Chris Winkelman (N1260 County Road K, Fort Atkinson, WI) presented himself as the petitioner for this conditional use. Winkelman explained the conditional use for a boarding/training facility for dogs. Winkelman has spoken with neighbors and they were supportive. There may be barking at night but the dogs cannot go outside at night. The busiest time for the operation would likely be during the holiday season.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

COMMENTS NEITHER IN FAVOR OR OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl asked about the number of dogs. There are 29 kennels but the max would be for 45 dogs because of the possibility of 2 dogs to 1 kennel for dogs that come from the same home. Zangl then asked the petitioner to elaborate on the training side of the proposal. Winkelman explained that the training side would be for hunting dogs, for training, or whatever else the client would want. The dogs would stay at the facility for training. Zangl also asked about shielding and fencing for the facility. There will be heavy insulation on the interior of the kennels and there will also be a double fence system and shrubbery around the facility. The dogs will be fenced in while outdoors and let out in small groups.

TOWN: In favor with the condition that there is shielding for noise and follow the Town's outdoor lighting ordinance.

<u>CU2079-21 – Sean Heaslip:</u> CU for an extensive on-site storage structure 18 feet in height and at 960 square feet in a Residential R-1 zone at **W9066 Lakeview Dr.** The site is in the Town of Oakland on PIN 022-0613-0813-043 (0.33 Ac). This is in accordance with Sec. 11.04(f)1 of the Jefferson County Zoning Ordinance.

PETITIONER: Sean Heaslip (W9066 Lakeview Dr, Cambridge, WI) presented himself as the petitioner for this conditional use. The proposal is to construct a 24'x40' structure with a 10 ft overhead door to store a truck, camper, and boat.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

COMMENTS NEITHER IN FAVOR OR OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl asked about bathrooms and any outdoor lighting. There will be no bathrooms in the structure and there will be 2 lights for outdoor lighting.

TOWN: In favor.

<u>CU2080-21 – RNRS Trust:</u> CU for an extensive on-site storage structure that will total 1,092 sq ft in a Residential R-1 zone at **W9212 Ripley Rd**, Town of Oakland on PIN 022-0613-0821-012 (0.23 Ac). This is in accordance with Sec. 11.04(f)1 of the Jefferson County Zoning Ordinance.

PETITIONER: Richard Nelson (W9212 Ripley Rd, Cambridge, WI) presented himself as the petitioner for this conditional use. Nelson explained the conditional use proposal is to allow for an addition to his existing garage.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

COMMENTS NEITHER IN FAVOR OR OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl asked about bathrooms and any outdoor lighting. There will be no bathrooms in the structure and there will be just a simple outdoor light by the front door.

TOWN: In favor.

<u>CU2081-21 – Andrew & Heidi Deuster:</u> CU for home occupation HVAC business in an A-1, Exclusive Agricultural zone at **N2356 County Road E**, Town of Palmyra on PIN 024-0516-0314-001 (3 Ac). This is in accordance with Sec. 11.04(f)5 of the Jefferson County Zoning Ordinance.

PETITIONER: Andy Deuster (N2356 County Road E, Palmyra, WI) presented himself as the petitioner for this conditional use. Deuster explained the conditional use proposal was to use the existing building on the property to hold materials for an HVAC business.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

COMMENTS NEITHER IN FAVOR OR OPPOSED: Ron Zabler (N2398 County Road E, Palmyra, WI) asked questions about any future expansion plans for the business, if there will be any fluids on the property and expressed concerns regarding the shared driveway being paved. Kristen Zabler (N2398 County Road E, Palmyra, WI) then asked questions about hours of operation and traffic.

REBUTTAL: Deuster explained that all equipment is recovered at the work site before it comes back to the property. The business recovers all equipment on-site and employees work out of their vans. This property is to store equipment for the business. Deuster also explained the paving of the shared driveway in order to make it thicker and it will allow for equipment to go through.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl asked about the square footage for the usage, if there will be any bathrooms in the structure used for the business, hours of operation, signs, and recovery of materials. Deuster will use 2400 sq. ft. for the space and there are no plans for bathrooms right now but possibly in the future. Hours of operation will

be 7:30a-4:00p Monday through Friday with deliveries scattered. There will also not be any signs and all systems are emptied at clients' properties then dismantled and scrapped out.

TOWN: In favor.

<u>CU2072-21 – Brattset LLC/Damon & Kirsten Brattset:</u> Allow for mineral extraction on PIN 024-0516-0522-000 (25.193 acres,) Town of Palmyra, at **N2463 State Road 106** in an A-1, Exclusive Agricultural zone. This is in accordance with Sec. 11.04(f)6 and 11.05(c) of the Jefferson County Zoning Ordinance.

PETITIONER: Randy Johnson (W279S8840 Lookout Ln, Mukwonago, WI) presented himself as the petitioner for this conditional use. Johnson explained that a DNR stormwater permit has been approved for the site and all topsoil is on-site for the reclamation of the site. Johnson also addressed concerns regarding dust, noise and crushing on-site. Guidelines for dust will be followed and they will have a crusher on-site which is permitted by DNR. They will add berms along the north property line and Hwy 106. There have also been noise impact studies done for nearby neighbors, which are included in the file. There will be crushing on-site 1-2 times per year. There will be no washing, asphalt, or concrete. The roadway will be kept clean of debris and if necessary, they can exit the site on Brattset Ln but Hwy 106 is much better for that.

Damon Brattset (333 State St, Oconomowoc, WI) also spoke. Brattset explained that neighbor's concerns about noise, dust, and gravel were addressed and there are also trees included in the plans. There is also an ag conservation easement that prohibits the ability to exist on Brattset Ln.

Kirsten Brattset (N2437 Brattset Ln, Jefferson, WI) also spoke. Brattset explained that she has owned this property since 1997 and they have planted trees, used it for a hay field, and etc. A map of the property was provided. The original driveway for the property was moved and at that time Brattset had conversation with a neighbor of a possible excavation site there in the future. They are looking to reclaim the existing pit.

COMMENTS IN FAVOR: Larry Kau (N2316 Mehring Rd, Palmyra, WI) spoke in favor of this petition. Kau expressed the belief that this would be a good thing for the Town and that the restrictions recommended by the neighboring property owners were unreasonable and no other pits were subject to that.

COMMENTS OPPOSED: Scott Keppen (709 E Sherman Ave, Fort Atkinson, WI) spoke in opposition of this petition. Keppen expressed concerns regarding the elevation and filling back in after the project is complete, and concerns about the overall low areas and grade of the area.

Sharon Heinz (N2474 State Road 106, Jefferson, WI) spoke in opposition of this petition. Heinz expressed concerns regarding possible effects to the water table and the proximity of the pit to homes and if it was comparable to other pit site locations to neighboring homes.

COMMENTS NEITHER IN FAVOR OR OPPOSED: None.

REBUTTAL: Johnson explained that the existing grade is 886' and the proposed is 882'. They will not get into the water table and they will not be pumping or anything along those lines.

Kirsten Brattset also stated the belief that other pits have homes that close in proximity and she does not believe they have any issues.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl requested that the Department needs an updated plan from petitioners. Zangl also explained that NR135 is a separate issue and approval of that does not grant approval of the Conditional Use Permit. Zangl also asked about the timeframe for the planting of the proposed berms and they will be planted in the 1st season, by the end of this year yet. There is also a copy of the memo from the Land and Water Conservation Department for Completeness of Application and they monitor for annual compliance.

TOWN: In favor.

7. Adjourn

Supervisor Poulson moved to adjourn at 8:12 p.m. and was seconded by Supervisor Foelker. Motion passed 5-0 on a voice vote.

Minutes prepared by: Sarah Elsner

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