

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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

THE BOARD OF ADJUSTMENT WILL MEET ON THURSDAY, MAY 13, 2021 AT **9:30 A.M.** Members of the public may attend Via Zoom Videoconference or in Room 205, Jefferson County Courthouse, 311 South Center Avenue, Jefferson, WI.

THE BOARD OF ADJUSTMENT WILL LEAVE FOR SITE INSPECTIONS AT **9:45 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.

Register in advance for this meeting:
https://zoom.us/meeting/register/tJEoce6sqz4oH9MhFxYB_TP4Sq7MFBBifXHI
Meeting ID 955 6745 5257
Passcode Zoning
After registering, you will receive a confirmation email containing information about joining the meeting.

1. Call to Order

Meeting called to order @ 9:30 a.m. by Weis

2. Roll Call (Establish a Quorum)

Members present: Weis, Hoeft, Roberts

Members absent: ----

Staff: Matt Zangl, Laurie Miller

3. Certification of Compliance with Open Meetings Law

Staff presented proof of publication. Hoeft also confirmed publication.

4. Approval of the Agenda

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

5. Approval of March 23, April 7, April 8 and April 20, 2021 Meeting Minutes

Roberts made motion, seconded by Hoeft to postpone minute approvals until the afternoon hearing. Motion carried 3-0 on a voice vote.

6. **Communications** - None
7. **Public Comment** (Not to exceed 15 minutes and not to include the petitions slated for decision. Members of the public who wish to address the Committee on specific agenda items must register their request at this time) – None
8. **Site Inspection** – Leaving from Courthouse Room 205 and Driving to the Following Sites:
V1681-21 – Vione Lightfield/Verdal Anderson Property, N1941 County Rd A, Town of Sumner
V1680-21 – Richard & Jane Klopchic Trust, W1314 South Shore Dr, Town of Palmyra
V1679-21 – James & Barbara Zagrodnik, N5126 Knoll Dr, Town of Concord
V1682-21 – Stewart Hassler, Kasten Ln, Town of Watertown
9. **Public Hearing – Beginning at 1:00 p.m. in Courthouse Room 205 – Petitioners or their representatives MUST be present in person or via Zoom**

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

Members present: Weis, Hoeft, Roberts

Members absent: ---

Staff: Matt Zangl, Laurie Miller, Brett Scherer

10. Explanation of Public Hearing Procedure by Board of Adjustment Chair

The following was read in to 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, May 13, 2021 in Room 205 of the Jefferson County Courthouse, Jefferson, WI. 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:

V1679-21 – James & Barbara Zagrodnik: Variance from Sec. 11.03(d)1 of the Jefferson County Zoning Ordinance to reduce the minimum road frontage and access required to serve the existing home after the proposed creation of a new residential building site. The site is at N5126 Knoll Drive, Town of Concord on PIN 006-0716-3523-000 (25.707 Acres.) The property is in an A-1, Exclusive Agricultural zone.

James Zagrodnik, N5126 Knoll Drive, presented his petition. He stated he was asking for a 15' variance for frontage so he can build a house. He bought the property in 1971 which was created in 1862. He explained the current access to the property, and noted he currently has 118' and he needs 66' for each property. He cannot buy additional lands from the neighbor who only has 1 acre and does not want to sell. On the other side of his property, he would have to obtain a 15' triangular piece from his neighbor; however, they use that area for a driveway to their outbuildings.

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

Staff report was given by Zangl. He stated the property is zoned A-1. They want to create a new lot for a new home, and each lot would need 66' frontage and access to a public road. They are proposing to have the remaining land, after creating the residential lot, with 51' frontage and access instead of the 66'.

Hoeft asked if the current access for the existing house would be reduced and the newer lot would meet the requirements. Zangl clarified that the new lot would have the 66' access, and the remnant with the existing house and outbuildings would have the 51' frontage. Hoeft asked if both parcels would be on a public road. Zangl stated, yes, it is a town road. Weis stated that if they ever considered a farm consolidation, that could create a landlocked parcel. Zangl explained it could, but it would not be approved for a farm consolidation because the remnant does not have the required access. They would have to go through this process again to get access to that remnant. Weis explained a farm consolidation and by doing this, they would be giving up their right to do this. The petitioner explained the land.

Roberts asked the petitioner to explain the existing house. The petitioner stated it's a log cabin built in 1864 with some additions added to the structure. He also explained the existing outbuildings. Roberts asked him about the foundation. The petitioner stated it was a stone foundation. Roberts asked about the heating. The petitioner stated that everything was new and

updated. He didn't feel he could tear it down because it was worth a lot of money. There was a discussion on removing the house and building new on the lot. Zangl stated they would be in the same situation with access by having to ask for a second house on the property. Zangl noted that it will be in front of the Planning & Zoning Committee for the rezoning at the end of the month. Roberts asked how many lots were available. Zangl explained he could create 3 non-prime lots or 1 prime lot.

Weis asked about the white PVC pipe just north of the shed. The petitioner stated it was from the old septic system which has now been abandoned. A new mound system was put in to the south about 10 years ago. Zangl stated it looks like the soils are all prime so the lot they are asking for is the only one available on the property. Roberts noted that he wants to put the house in the middle of a farm field. To protect the agricultural lands as much as possible, Roberts had a problem with the location of the house. Zangl stated that the rezoning was up to the Planning & Zoning Committee. The BOA only needs to look at the access. Roberts noted they have 118' feet and asked about dedicated frontage. Zangl stated they went through several options, and the town would have to accept the dedication. Roberts made comment about putting the lot in the middle of a farm field. The petitioner stated it was on a hill and it slopes down, and further explained the land and the proposed lot.

Roberts explained that they have the option of tearing down the existing house and putting up a new house within a 100' of that site. They also have the option of dedicating the land to the town. The petitioner also talked about buying land from the neighbors which could be a possibility even though they may or may not be interested in selling it. So, Roberts felt that the petitioner had a lot of other options. Hoeft stated they were here to consider the access. There was further discussion on the request. Weis noted that the road was extended to the north, and the lot is clustering with the other houses in the neighborhood. There was further discussion.

V1680-21- Richard Klopac: Variance from Sec. 11.10(f)1 of the Jefferson County Zoning Ordinance to allow a patio addition less than 75 feet from the ordinary high water mark of Blue Spring Lk, Town of Palmyra. The site is at W1314 South Shore Dr, on PIN 024-0516-2733-001 (0.501 Acre.) The site is zoned Residential R-1.

Richard Klopac, W1314 South Shore Drive, explained his petition. He stated they own the property next to this lot. They have been remodeling and have gotten a previous variance to build a small addition. They are asking for a permeable patio and will be putting in a rain garden next to it which is being worked on by a landscaper and engineer to avoid excess runoff. The patio will be around 320 square feet. They checked with their neighbors on either side of the property and they had no problem.

In favor was Jane Klopac, W1314 South Shore Drive. Opposed was Marisa Ulman from the Land & Water Conservation Department, Jefferson County. She expressed concerns for the water resources and water quality. She further explained. It was her recommendation that the variance not be granted to protect the water quality. Roberts noted that they plan on putting in a rain garden. Ulman stated that would be a great improvement but it wouldn't completely offset the

impact. Roberts stated they could recommend native ground cover. Ulman further explained. Weis noted that the door enters into that area, so they need something for access. There was further discussion on the proposed patio. The petitioner stated he would be OK with squaring off the area rather than have it bow out. There was further discussion on the location of the patio and the shoreline. The petitioner came to the table to explain his project and the location of the rain garden.

Roberts questioned the details for the rain garden. The petitioner stated they would be drawing that up. They are replacing the driveway and changing the pitch so there isn't as much runoff going that way. Hoeft asked if the mitigation plan from the previous project has been completed. Zangl stated no, but they have two years from the permit issuance to do so. There was a discussion on a rain garden plan. Roberts suggested they have a detailed plan in place before they make a decision. Zangl stated that the Board could approve something with conditions or have the applicant come back with some more detailed plans on what they want to do. If Mr. Klopch would put in all this time and money to come up with a plan, he would probably want some sort of idea that he would approved for something. There was further discussion. Weis noted that they should make a decision on how far they could come out, and then have the petitioners come back with a finalized and detailed plan for the rain garden so that it can be reviewed and checked.

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

V1681-21 – Vione Lightfield/ Verdal Anderson Property: Variance from Sec. 11.03(d)1 of the Jefferson County Zoning Ordinance to allow creation of Natural Resource zones near N1941 County Road A, Town of Sumner, without the minimum required frontage and access onto a public road. The proposed Natural Resource lots would be on PINs 028-0513-0814-000 (20 Acres) and 028-0513-0922-001 (20 Acres.) The sites are currently zoned A-1, Exclusive Agricultural.

Attorney Michael Rumpf presented the petition. Also present was Vione Lightfield, N1941 County Road A. They want to rezone the property from A-1 to Natural Resource(NR) which is non-farmland with a deed restriction. They are asking for a 24' easement/ROW. There has been a farm road located there for many years. This area is non-tillable and non-farmable.

Hoeft asked how this was zoned A-1 and not farmable. Zangl explained the A-1 zone is the general zoning classification outside the development area.

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

Hoeft asked why there were 2-20 acre parcels. Roberts stated it was 2 tax parcels. Rumpf further explained.

Zangl gave staff report. He noted they are requesting to rezone the property to NR. Weis commented on the access and noted that 24' access was a good and practical choice. Rumpf

explained how they came up with 24' access. There was further discussion on the layout of the land. Robert made suggestion that there could be a possible condition that it may not be sold separately unless sold to an adjacent property owner. Weis noted they were here to determine if they could be granted a reduced access. Rumpf noted they were here to request the reduced access so they wouldn't be taking up any farmland.

V1682-21 – Stewart Hassler: Variance from Sec. 11.03(d)1 of the Jefferson County Zoning Ordinance to reduce the minimum road frontage and access required to serve the remaining A-1, Exclusive Agricultural zone after proposed creation of a new residential building site. The site is on PIN 032-0815-1844-001 (35.1 Acres), Kasten Lane in the Town of Watertown.

Stewart Hassler, Kasten Lane, present the petition. He noted there is 115' road frontage making them 16.14' short to create a residential lot and leave 66' access for the remaining lands. They are looking to create a lot for a farm residence.

There were no questions or comments in favor of the petition. Opposed was Ashley, N8524 Kasten Lane, which is the property directly south of this property. She explained her reasons for opposition primarily to protect farmland. John Turner, N8524 Kasten Lane was also opposed. Kathleen Turner, N8489 Kasten Lane explained her reasons for opposition.

Zangl noted they were here today to consider the reduced access. Hoeft noted that this request was the third for the day, and they are not much different from the other 2 petitions. Zangl noted they are different with different circumstances. Hoeft noted it was the same ordinance section.

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

Roberts noted the frontage could be taken care of by dedication. There is difference in that there is no building site here. Roberts asked if the petitioner had a soil test. The petitioner stated they do not. They need to get the variance first and then get the rezoning approvals. Roberts noted there was a wet area in the front, and asked the petitioner to explain his intended use of the property. The petitioner stated that the front portion or the west half of the property is tillable. The back is all marsh and wetland.

Zangl gave staff report. He stated they were asking for less than 66' access. The board could require that the A-1 land is not sold separately so it is all one parcel. They still have to go through the A-3 zoning and when they do the survey, they could survey it as one lot.

Approval of March 23, April 7, April 8 and April 20, 2021 Meeting Minutes

Hoeft made motion, seconded by Weis to approve all the minutes. Motion carried 3-0 on a voice vote with the exception of March 23 minutes in which Roberts abstained due to not being present.

11. Adjourn

Hoeft made motion, seconded by Roberts, motion carried 3-0 on a voice vote to adjourn @ 3:18 p.m.

If you have questions, please contact the Zoning Department at 920-674-7113 or 920-674-8638. Files referenced on this agenda 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.

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

Aimee J. Roberts

Secretary

Vice-Chair

6-10-21

Date

024DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN

COPY

FINDINGS OF FACT

PETITION NO.: 2021 V1679
HEARING DATE: 05-13-2021

APPLICANT: James & Barbara Zagrodnik

PROPERTY OWNER: SAME

PARCEL (PIN) #: 006-0716-3523-000 (N5126 Knoll Drive)

TOWNSHIP: Town of Concord

INTENT OF PETITIONER: To allow lot creation without the minimum 66 ft of frontage and access onto Knoll Drive; the petitioner proposes to have 51 ft of access left with the existing home at N5126 Knoll Dr, PIN 006-0716-3523-000.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(d)1 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 currently zoned A-1, Exclusive Agricultural

-Property owner is looking to create a new 1.3-acre A-3 zone which would have 66' frontage and access to public road

-Asking for existing home to be left with 51' of frontage and access to the road

-Zoning Ordinance requires that all lots front on and have access to a public road for a minimum distance of at least sixty-six (66) feet - Sec. 11.03(d)1

-No permit on file for when current home was built

-Town approved request

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

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

COPY

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 Hoefl: There might be other solutions, but any/all are unnecessarily burdensome. Weis: The owner would be restricted on being able to develop a new A-3 parcel. Roberts(opposed): Other options exist. There is an existing residential site on the property by taking down the existing structure.
2. THE HARDSHIP OR NO REASONABLE USE **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE Hoefl: The existing house is where it is & no additional land seems readily available for the petitioner to purchase. Weis: Historically, there is not enough room to create two-66' accesses. Roberts(opposed): Dedicate additional 15' frontage.
3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Hoefl: It was OK with the town, and there are no vision problems. Weis: There is no restriction to access to the road for visibility & traffic encumbrances. Roberts(opposed): It is not typical for the area.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

Roberts made motion to deny, no second.

MOTION: Hoefl

SECOND: Weis

VOTE: 2-1 (voice vote)

CONDITIONS OF APPROVAL/DENIAL:

SIGNED:

Dale Weis (sm)

CHAIRPERSON

DATE: 05-13-2021

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

COPY

FINDINGS OF FACT

PETITION NO.: 2001 V1680
HEARING DATE: 05-13-2021

APPLICANT: Richard Klopccic

PROPERTY OWNER: Richard S & Jane R Klopccic Trust

PARCEL (PIN) #: 024-516-2733-001 (W1314 South Shore Drive)

TOWNSHIP: Town of Palmyra

INTENT OF PETITIONER: To allow for a patio addition less than 75 feet from the ordinary high-water mark in an R-1 zone at W1314 South Shore Dr, PIN 024-0516-2733-001

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.10(f)1 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 R-1, Residential-Sewered

-Property owner is looking to allow for a patio addition less than 75 feet from the ordinary high water mark

-Zoning Ordinance requires a setback of 75 feet from the ordinary high-water mark of any navigable water to the nearest part of a building or structure shall be required for all buildings and structures- 11.10(f)1

-No Zoning and Land Use Permit on file for home.

-Zoning and Land Use Permit on file for home addition- 2020 #63486

-Variance approved to allow for the reduced setback from the OHWM for an addition to an existing non-conforming shoreland structure- 2019 V1656

-Town approved request

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

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

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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 Hoef: It is reasonable to have some sort of patio out of the back entrance to the home. Weis: It would be a hardship if access for a reasonably sized patio area was denied to the existing house addition. Roberts: The entrance to the residence requires a solid surface for ingress/egress.
5. THE HARDSHIP OR NO REASONABLE USE **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE Hoef: The whole house is not set back 75' from the shoreline. Weis: The entire house is within the 75' setback from the lake which has existed for years. Roberts: The patio area is within 75' of the lake.
6. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Hoef: It will not be contrary once the conditions are met. Weis: A required and approved storm water management plan will help with the quality of runoff. Roberts: Impermeable surfaces in excess of 15% are being mitigated by a storm water management plan to maintain lake quality.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Weis: **SECOND:** Roberts **VOTE:** 3-0 (voice vote)

CONDITIONS OF APPROVAL: The permeable patio area for access to the passage door on the new addition not to extend more than 10' from the building towards the lake and not more than 20' in width of the addition. A mitigation plan shall be approved and implemented by the Zoning and Land & Water Conservation Departments for any impervious surface above 15% of the lot area. The mitigation shall cover the impervious surface areas closest to the lake.

SIGNED: _____


CHAIRPERSON

DATE: 05-13-2021

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

COPY

FINDINGS OF FACT

PETITION NO.: 2021 V1681
HEARING DATE: 05-13-2021

APPLICANT: Vione Lightfield, Personal Representative

PROPERTY OWNER: Verdal E Anderson

PARCEL (PIN) #: 028-0513-0814-000, 028-0513-0922-001 (County Road A)

TOWNSHIP: Town of Sumner

INTENT OF PETITIONER: To allow two Natural Resource zones to be created without the minimum 66 feet of frontage and access to a public road, PIN(s) 028-0513-0814-000 and 028-0513-0922-001

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(d)1 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 currently zoned A-1, Exclusive Agricultural
- Asking for two Natural Resource zones to be created without the minimum 66 feet of frontage and access to a public road.
- Zoning Ordinance requires that all lots front on and have access to a public road for a minimum distance of at least sixty-six (66) feet - Sec. 11.03(d)1
- Access easement recorded 2/23/2021
- Town approved request

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

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

COPY

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:

7. 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: If the Natural Resources Zones are created, they obviously need access. Hoeft: Alternative areas are unnecessarily complex. The two parcels need access. Roberts: The Natural Resources area will not be able to be split from the larger parcel without 66' access.
8. 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 Zoning Ordinance requires 66' which is a larger requirement than necessary. Hoeft: While the ordinance mandates 66', just the 24' access will work. Roberts: The Natural Resources is set back in excess of 2,000' from the road.
9. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Weis: Allowing a 24' access will preserve the farmland which is consistent with the Farmland Preservation Plan. Hoeft: The 24' easement preserves farmland. Roberts: Public interest (ag land) is minimized by the 24' instead of a 66' easement.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Weis

SECOND: Hoeft

VOTE: 3-0 (voice vote)

CONDITIONS OF APPROVAL: 24' easement for access.

SIGNED:

Dale Weis (lm)
CHAIRPERSON

DATE: 05-13-2021

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

COPY

FINDINGS OF FACT

PETITION NO.: 2021 V1682
HEARING DATE: 05-13-2021

APPLICANT: Stewart Hassler

PROPERTY OWNER: Stewart C & Dianna L Hassler

PARCEL (PIN) #: 032-0815-1844-001 (Kasten Lane)

TOWNSHIP: Town of Watertown

INTENT OF PETITIONER: To allow less than 66 feet of road frontage to be left to serve an A-1 zone after proposed A-3 lot creation on Kasten Ln, PIN 032-0815-1844-001.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(d)1 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 currently zoned A-1, Exclusive Agricultural.
- Asking to allow less than 66 feet of road frontage and access to be left to serve the A-1 zone after proposed A-3 lot creation.
- Zoning Ordinance requires that all lots front on and have access to a public road for a minimum distance of at least sixty-six (66) feet - Sec. 11.03(d)1
- Town approved request.

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

- BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:**

- *A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET***

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