

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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

THE BOARD OF ADJUSTMENT WILL MEET ON THURSDAY, JUNE 10, 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 **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.

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-Room 203 at 10:00 a.m.**
2. **Roll Call (Establish a Quorum)**
3. **Certification of Compliance with Open Meetings Law**
4. **Approval of the Agenda**
5. **Approval of May 13, 2021 Meeting Minutes**
6. **Communications**
7. **Public Comment**
8. **Site Inspections – Beginning at 10:10 a.m. and Leaving from Room 203**
V1683-21 – David Hainline/Old World Investments LLC at N7970 Ski Slide Rd, Town of Ixonia
V1684-21 – Patti Werner at W1152 South Shore Dr, Town of Palmyra
9. **Public Hearing – Beginning at 1:00 p.m. in Room 205**
10. **Explanation of Process by Board of Adjustment Chair**

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, June 10, 2021 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:

V1683-21 – David Hainline/Old World Investments LLC: Variance from Sec. 11.04(f)9 of the Jefferson County Zoning Ordinance to allow a residential structure 39 feet from the Wisconsin Avenue/Ski Slide Rd intersection right-of-way, and less than the required 50 feet from the Wisconsin Avenue right-of-way. The site is in a Community zone, at **N7970 Ski Slide Rd**, Town of Ixonia on PIN 012-0816-2513-011 (1.59 Ac).

V1684-21 – Patti Werner: Variance from Sec. 11.10(f)1 to allow a fence within 75 feet of the ordinary highwater mark of Blue Spring Lake, at **W1152 South Shore Dr**, Town of Palmyra. The site is in a Residential R-1 zone on PIN 024-0516-2731-020 (0.339 Ac).

11. Discussion and Possible Action on Above Petitions

12. Adjourn

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

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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

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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-Room 203 at 10:00 a.m.

Meeting called to order @ 10:00 a.m. by Weis

2. Roll Call (Establish a Quorum)

Members present: Weis, Roberts, Behrens

Members absent: Hoeft

Staff: Matt Zangl, 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 Behrens, motion carried 3-0 on a voice vote to approve with it being noted that the Old World Investment petition will be not heard in today's hearing.

Weis noted that there was a discrepancy/error in the time in the notice of hearing.

5. Approval of May 13, 2021 Meeting Minutes

Roberts made motion, seconded by Weis, motion carried 2-0 on a voice vote to approve. Behrens abstained due to not being present at the meeting.

6. Communications - None

7. Public Comment

There was discussion on the hearing held in May.

8. Site Inspections – Beginning at 10:10 a.m. and Leaving from Room 203

V1683-21 – David Hainline/Old World Investments LLC at N7970 Ski Slide Rd, Town of Ixonia

V1684-21 – Patti Werner at W1152 South Shore Dr, Town of Palmyra

9. Public Hearing – Beginning at 1:00 p.m. in Room 205

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

Members present: Weis, Roberts, Behrens

Members absent: Hoeft

Staff: Matt Zangl, Brett Scherer, Laurie Miller

10. Explanation of Process by Board of Adjustment Chair

The following was read into the record by Weis:

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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:

V1683-21 – David Hainline/Old World Investments LLC: Variance from Sec. 11.04(f)9 of the Jefferson County Zoning Ordinance to allow a residential structure 39 feet from the Wisconsin Avenue/Ski Slide Rd intersection right-of-way, and less than the required 50 feet from the Wisconsin Avenue right-of-way. The site is in a Community zone, at **N7970 Ski Slide Rd**, Town of Ixonia on PIN 012-0816-2513-011 (1.59 Ac).

This petition was not heard – withdrawn.

V1684-21 – Patti Werner: Variance from Sec. 11.10(f)1 to allow a fence within 75 feet of the ordinary highwater mark of Blue Spring Lake, at **W1152 South Shore Dr**, Town of Palmyra. The site is in a Residential R-1 zone on PIN 024-0516-2731-020 (0.339 Ac).

Patti Werner, W1152 South Shore Drive, presented her petition. She stated that she was asking for a 6' high privacy fence from the house to the lake along the property line.

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

Zangl gave staff report. He referenced 11.10(f)1 regarding the setback from the OHWM. In the shoreland, a fence is considered a structure and must meet the 75' setback. It is not regulated by zoning ordinance but rather by the shoreland ordinance. Most typically, the towns regulate fencing and their locations. The property is unique because it's next to a public boat launch, and there is a fence there currently. Zangl asked the petitioner the fence was her fence or if it was on the town property. The petitioner stated that the existing fence belongs to the town and part of it is on her property. Zangl asked how far she would be going with the fence. The petitioner stated it would be from the back of the garage to the water. Zangl noted variance request is to be at less than 75' from the water and asked if she was going to the water's edge. The petitioner stated she was asking for what was reasonable. She wanted to go at least to the post at the end of where the existing chain-linked fence was now. She thought that would be reasonable to go that far before the land slopes down. The petitioner approached the table and showed the Board her plan. There was further discussion on the location of the fence.

For clarification, Zangl asked the petitioner if she wanted to stop where the fence is now and not going any closer to the water. The petitioner stated that was correct, that she would not be going down the slope. Roberts asked about the stake that was out on site. The petitioner stated it was a stake the surveyor placed there. Roberts ask about the stake down by the water and if that was where the fence would end. The petitioner stated where the end of the chain-linked fence is now is

where it would end. Weis noted that on this lake, the OWHM usually doesn't change much. The petitioner again stated that it would come no further than the existing fence.

Weis asked if the town had any intension of changing their fence. The petitioner stated yes, they would be taking it down and hopefully before she was ready to put her fence up so she can get in there. Weis asked if she would be placing the fence on the property line. The petitioner stated she would like to put it on the property line. Roberts noted that by putting it 6" in on her property, it could assure that it is on her property. The petitioner noted that is why she had the surveyor out on the property. There is a tree that was an obstacle that they would have to work around because she didn't want to take any trees down. She noted that she is all about plants as well and would have liked to go that route, but there were too many trees that give canopy of shade where the plants wouldn't thrive. Plants would also not give them the privacy they need.

There was a town response in the file in favor of the petition which was read into the record by Roberts. Roberts also noted there was a letter from the DNR in the file. He noted that they don't come out and say that they are opposed to the fence but rather they are opposed to the fence within the 75' OHWM. Weis read the DNR letter into the record. Roberts noted there was also a letter in the file from the management district not opposing the petition request.

Roberts asked about the wildlife. Zangl asked the petitioner how they would be handling the wildlife if they put a barrier up. The petitioner stated that they are not putting up a barrier, and the fence would not go down to the water. They were asking to put it up a fence where the existing fence ends now which does not impede the waterfowl travelling back and forth.

Weis asked staff about the ordinance regulations regarding fencing. Zangl stated that in the shoreland, it is required to be 75' from the OHWM. Roberts asked the petitioner if they could put the fence behind the existing fence and off the ground about 6"-8" for wildlife migration. The petitioner noted that it would not be to the ground as it would pick of moisture, but did not know the distance. Roberts noted that the public access is right next to her property so they want to put up something so people don't come onto her property. He suggested it be off the ground so ducks and geese and other wildlife can pass under it. The petitioner stated she would like to keep the top even and in a straight line, and is not worried about the bottom. She stated she also has a concern about the dogs coming from the boat ramp.

Zangl asked if she had no trespassing or private property signs up that indicate the barrier between the public property and her property. The petitioner stated she could when she has her new fence. Zangl asked if she had called the police department for anyone trespassing, or what has she done to prohibit it besides installing a fence. There is an existing fence there now, so he asked how the new fence going to change what it is currently happening. The petitioner stated the existing fence is all broken so there are openings. Even with the fence, it does not solve all the problems. Roberts noted the town has a fence on either side of the boat ramp. Weis noted that both sides seem to be in disrepair. Roberts noted that the petitioner's side seems to be worst. The petitioner stated there currently is no direct vision with trees, wood, and bushes. Weis noted that most of Blue Spirit Lake is developed. By putting up the fence, it would not destroy the look or the area. Fencing is common along around the lake.

Roberts noted there are no fences in this area. The petitioner stated there are not fences but those properties are not right next to the boat ramp. There is currently no vision or openness now, and they cannot see through to the other properties. Weis noted that the boat ramp makes this unique and the public has the right to use the boat ramp and beach. He asked staff what the distance was off the beach before it's considered trespassing. Zangl stated it was his understanding that feet had to be in the water.

There was discussion what the distance from the fence to the water should be that would be appropriate. Roberts stated that he would be in favor if the fence would be 6"-8" off the ground. There was further discussion. Weis asked to see an aerial of the property. Zangl noted that there was a map in the file. There was additional discussion regarding the placement of the fence. Zangl noted the existing fence was approximately 8' from the water. There was further discussion on the gap from the ground to the bottom of the fence and the proposed distance from the water.

11. Discussion and Possible Action on Above Petitions (See also following pages & files)

12. Adjourn

Roberts made motion, seconded by Weis, motion carried 3-0 on a voice vote to adjourn @ 2:08 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.

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Ami H. Blat

Vice-Chair

7-8-21

Date