

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, OCTOBER 14, 2021 AT 10:00 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 10:15 A.M.

PETITIONERS OR THEIR REPRESENTATIVES MUST BE IN ATTENDANCE FOR THE PUBLIC HEARING AT 1:00 P.M. PETITIONERS AND 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 205 at 10:00 a.m.

Meeting called to order @ 10:03 a.m. by Weis

2. Roll Call (Establish a Quorum)

Members present: Hoeft, Roberts, Weis

Members absent: ----

Staff: Sarah Elsner, Laurie Miller

3. Certification of Compliance with Open Meetings Law

Staff provided proof of 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 May 27 and July 8, 2021 Meeting Minutes

There was an error in this agenda item – these meeting minutes have been previously approved.

6. Communications - None

7. Public Comment - None

8. Site Inspections – Beginning at 10:15 a.m. and Leaving from Room 203

V1691-21 – Jeffrey Siedschlag, W8257 Lake Terrace, PIN 018-0713-1042-020 in the Town of Lake Mills

V1692-21 – Matthew J Heine, N7971 County Road N, PIN 020-0814-2523-003 in the Town of Milford

V1693-21 - Mark Reinecke, W9687 Lake Drive, PIN 028-0513-3022-009 in the Town of Sumner

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

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

Members present: Hoeft, Weis, Roberts

Members absent: ----

Staff: Brett Scherer, Sarah Elsner, Matt Zangl, Laurie Miller

9. Explanation of Process by Committee 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 14, 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:

V1691-21 – Jeffrey Siedschlag: Variance from Sec. 11.04(f)1 of the Jefferson County Zoning Ordinance to allow reduced rear yard setbacks in an R-1 zone for the home at **W8257 Lake Terrace**, PIN 018-0713-1042-020 (0.341 Ac), Town of Lake Mills.

Jeffrey Siedschlag, W8257 Lake Terrace Dr, presented his petition. He stated that the home does not have a roof overhang and they were looking to add 1'. They are currently at 19.5' from the back lot line. With the 1' overhang they will be at an 18.5' setback. They are having problems with water damage, ventilation issues, and ice damming.

Roberts asked if they would be adding to the overhang in the front as well. The petitioner stated that they have already added ventilation in the existing front overhang. Roberts asked about the damage. The petitioner stated they have had to replace the walls on the west side down to the studs because of water damage but not into the drywall. Roberts asked if a 1' overhang would be enough. The petitioner stated he would like to add more, but was concerned about infringing on the setback. Thomas Siedschlag, 5513 Otto Carol Rd, Cross Plains, explained the air venting and stated they would like to have a 2' overhang to get the air movement. He further explained. Robert noted the setback was required to be at 25', but they are currently at 19.5'. With a 2' overhang, it would be at 17.5'. The petitioner stated the neighbor to the south was OK with it with the understanding that it's just an overhang. This is all preventative measures. Hoeft noted that the neighbor in the back was not close.

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 Weis.

Zangl gave staff report. He noted the property is zoned R-1. Their request is to encroach on the rear lot line. There is a permit on file for the house; however, it was not placed on the lot exactly where it was permitted. The setbacks the petitioner presented should be correct.

Weis asked if they could grant more than what was published. Zangl stated yes.

V1692-21 – Matthew Heine: Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance for construction of a garage at less than the road right-of-ways and road

centerlines of County Roads A and N. The site is in a Community zone at **N7971 County Road N**, Town of Milford, on PIN 020-0814-2523-003 (1.15 Ac).

Matthew Heine (N7971 County Road N) presented his petition. He stated they would like to tear down a 14'x20' garage and rebuild a larger garage at 32'x36'. They currently have three vehicles and only one parking spot inside. There is also no basement in the house so they need a storage area. There was a variance granted for the current garage in the 1980's. It will be going back 4' from County Road N than what exists.

Roberts asked for the setbacks. The petitioner stated it would be 51' from County Road A in the back. In the front, it would be 36' from County Road N. Roberts asked about the construction. The petitioner explained. Roberts asked about the distance between the garage and the house. The petitioner explained zoning has no requirements and there was no distance required by their insurance company. Roberts asked if he had talked to the building inspector. The petitioner stated he made no comment on the distance. The only setback he was worried about was the well, and the garage will be 5' from the well which includes the overhang. Roberts questioned the visibility with backing out of the driveway. The petitioner stated it has been OK. The house is actually closer to County Road N than the proposed garage. Most of the time, he is backed into the driveway for visibility.

There was a discussion on visibility and the location of the proposed garage. Weis explained the septic drainfield location and Roberts asked if the garage would be close to the septic line. The petitioner stated they would be within 2' of the septic line. When he spoke with DNR, they said he could build over it.

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

Staff report was given by Zangl. He noted this was in the Community Zone on a triangular piece of land. The house is non-conforming being too close to the two county roads. Setbacks are 110' to the centerline of both County Road A and County Road N. From County Road A they are requesting to be at 61' from the centerline, and from County Road N, they are requesting to be at 50' from the centerline. There was a previous variance approval on file for a garage. The County Highway Department was notified and gave no response.

V1693-21 – Mark Reinecke: Variance from Sec. 11.10(k)2 of the Jefferson County Zoning Ordinance to allow vertical expansion of a second deck at less than the required setback from the ordinary high water mark of Lake Koshkonong. The site is at **W9687 Lake Dr**, PIN 028-0513-3022-009 (0.121 Ac), Town of Sumner in a Residential R-1 zone.

Mark Reinecke, 9952 Blue Mound Drive, Illinois presented his petition. He stated the structure is old and they want to tear it down and replace it. The building currently has a cement patio within the 75' OHWM. They want to tear it out and replace it. They have an

emergency egress on the main level with an elevated deck, and they want to be allowed to put a patio/deck underneath at the same size and footprint at ground level.

Roberts clarified that he was tearing down the existing house and replacing it. The petitioner stated they were working on the plans right now. It's a new structure meeting all the existing setbacks with the allowance that they would be as close to the OHWM as they currently are. Roberts asked the petitioner to describe the properties next to his. The petitioner explained the neighboring properties with a concrete patio and an elevated deck. Roberts noted that the neighboring properties had something similar to his request.

Roberts asked about the well and septic. The petitioner stated this was on city sewer and the well was in the front. Weis asked about the design of the house and the storm water runoff. The petitioner stated he has plans drawn up by Combs. Weis asked if the plan had been submitted to the county. Zangl noted it was, and that a permit has already been issued for the house. There is a unique row of houses having small lots and all of them are that way – with the concrete patio/deck under the upper deck. Everything was existing and too close to the water. They are rebuilding on the existing footprint with a small expansion which included the elevated deck. The patio/deck is currently on the ground level which will now be elevated to the first story level. They are being required to do mitigation for a small addition of 43 square feet which is within the 75' OHWM. Combs Engineering has been working with them to develop a rain garden. They have decreased the impervious surface by roughly 250 square feet. The variance request is for the second deck. Zangl explained the DNR regulations and noted this deck/patio is a vertical expansion but at the ground level.

Roberts asked how the neighbors got their elevated decks. Zangl stated these houses have been there forever. There was further discussion on removing/replacing structures within the 75' OHWM.

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

10. Discussion and Possible Action on Above Petitions @ 1:38 p.m. - (See following pages & files)

11. Adjourn

12.

Hoeft made motion, seconded by Roberts, motion carried 3-0 on a voice vote to adjourn @ 2:10 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
JEFFERSON COUNTY, WISCONSIN

COPY

FINDINGS OF FACT

PETITION NO.: 2021 V1691
HEARING DATE: 10-14-2021

APPLICANT: Jeffrey Siedschlag

PROPERTY OWNER: Jeffrey & Erin Siedschlag

PARCEL (PIN) #: 018-0713-1042-020 (W8257 Lake Ter)

TOWNSHIP: Town of Lake Mills

INTENT OF PETITIONER: To allow for a reduced setback of 18'6" from a proposed new overhang off the home to the rear lot line in a R-1 zone at W8257 Lake Ter, PIN 018-0713-1042-020.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(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 zoned R-1, Residential-Sewered (0.341 Ac)
- Permit #7756 – 1978 for house
- Permit #59475 – 2012 for open porch addition to house
- Previous permits show back of house being 30' from rear lot line, but petitioner's paperwork shows back of house is currently 19.5' from rear lot line?
- If back of house is only 19.5' from rear lot line, then it is an illegal non-conforming structure
- Variance from section 11.04(f)1
- Rear setback requirement from rear lot line in R-1 zone should be 25'
- Requesting 18'6" from rear of house (new overhang) to the rear lot line
- Town approved on 9/14/2021 with no conditions

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.: 2021 V1692
HEARING DATE: 10-14-2021

APPLICANT: Matthew J Heine

PROPERTY OWNER: SAME

PARCEL (PIN) #: 020-0814-2523-003 (N7971 County Road N)

TOWNSHIP: Town of Milford

INTENT OF PETITIONER: To allow for a reduced setback from the centerline and right-of-way of County Road A/County Road N to a proposed new structure in a Community zone at N7971 County Road N, PIN 020-0814-2523-003.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d)2 OF THE JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

- Property is zoned Community (1.15 Ac)
- Variance from section 11.07(d)2
- County Road A required setback from centerline = 110'
 - Petitioner is proposing 61' from new garage to County Road A centerline
- County Road N required setback from centerline = 85'
 - Petitioner is proposing 50' from new garage to County Road N centerline
- Variance #V52 granted in 1982 to allow for reduced setbacks for current garage on property
- Land Use Permit #14046 granted for current garage
- If Variance is granted, applicant also going for conditional use approval to allow for size of proposed garage as an extensive on-site storage structure
- Town approved on 9/9/2021 with no conditions

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 **COPY**
JEFFERSON COUNTY, WISCONSIN

FINDINGS OF FACT

PETITION NO.: 2021 V1693
HEARING DATE: 10-14-2021

APPLICANT: Mark Reinecke

PROPERTY OWNER: Mark C & Tammy J Reinecke

PARCEL (PIN) #: 028-0513-3022-009 (W9687 Lake Dr)

TOWNSHIP: Town of Sumner

INTENT OF PETITIONER: To allow for a reduced setback of 35' from a proposed deck addition to the ordinary high water mark at W9687 Lake Dr, PIN 028-0513-3022-009.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.10(k)2 OF THE JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

- Property is zoned R-1, Residential-Sewered (.121 Ac)
- Substandard shoreland lot
- Greater than 20% slopes on majority of property
- Permit #64519 issued 8/5/21 for existing home to be rebuilt
- Variance from section 11.10(k)2
 - Allows for upper deck, but does not allow for lower deck due to limitations of vertical expansion
- Town approved on 9/14/2021 with no conditions

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

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

