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:

<u>V1691-21 – Jeffrey Siedschlag:</u> 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' over hang 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.

<u>V1692-21 – Matthew Heine:</u> 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.

<u>V1693-21 – Mark Reinecke:</u> 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.

JEFFFERSON 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

Junit free Hart	
Secretary	Date

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

FINDINGS OF FACT

PETITION NO.: HEARING DATE:	2021 V1691 10-14-2021		a x	
APPLICANT:	Jeffrey Siedschlag	Y		
PROPERTY OWNER:	Jeffrey & Erin Siedsch	ılag		
PARCEL (PIN) #:	018-0713-1042-020	(W8257 Lake Ter)		
TOWNSHIP:	Town of Lake Mills			
off the home to the	ER: <u>To allow for a rear lot line in a R-1 zon</u>	reduced setback of 18 e at W8257 Lake Ter,	'6" from a propose PIN 018-0713-104	ed new overhang 2-020.
THE APPLICANT REQU JEFFERSON COUNTY Z	ESTS A VARIANCE F ONING ORDINANCE	ROM SECTION	11.04(f)1	OF THE
THE FEATURES OF THE	E PROPOSED CONST	RUCTION AND PR	OPERTY WHIC	H RELATE TO
THE GRANT OR DENIA	L OF THE VARIANCE	E APPLICATION AI	RE:	
-Property zoned R-1	, Residential-Sewered (0).341 Ac)		
-Permit #7756 - 1978				
-Permit #594/5 - 201	12 for open porch addition	on to house		
-Previous permits sn	ow back of house being	30' from rear lot line	, but petitioner's p	paperwork shows
	rently 19.5' from rear lot		. 91	• 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
-Variance from section	ouse is only 19.5' from re	ar lot line, then it is a	n illegal non-conf	orming structure
	requirement from rear	lot line in R-1 zone si	hould be 25'	
-Requesting 1	18'6" from rear of house	(new overhang) to th	e rear lot line	
-Town approved on	9/14/2021 with no cond	itions	TO ACMA AOU AMAC	
				d
FACTS OR OBSERVATIO	NS BASED ON SITE I d property layout & loca	NSPECTIONS: S	ite inspections	
	1	4.0400000000000000000000000000000000000	1/4-1/4	
FACTS PRESENTED AT F	PUBLIC HEARING:	See tape, minut	es & file.	
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DECISION STANDARDS

CO	DECISION STANDARDS
	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:
В.	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 NOT PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE WOULD NOT 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 Hoeft: There is
	currently severe water damage due to no overhang – need to correct. Roberts: There are major
	structural & health issues necessitating a 2' overhang. Weis: The unforeseen design issues with the original construction has caused severe problems with moisture, venting & ice dams.
2.	THE HARDSHIP OR NO REASONABLE USE IS DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE Hoeft: They are experiencing water damage – need to correct. Roberts: The house was constructed at less than the setback of 25'. Weis: This lot is quite wooded, and the house requires good ventilation.
3.	THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Hoeft: The request was fine
	with the neighbors & town. It will make the home weather-proof and a healthier environment for the
	family. Roberts: There is minimal infraction on the setback area, but an adequate setback remains. Weis: Proper venting will create a healthier environment for the occupants.
A VA	RIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET
DECIS	SION: THE REQUESTED VARIANCE IS GRANTED.
MOTI	ON: Roberts SECOND: Weis VOTE: 3-0 (roll call vote)
CONI	DITIONS OF APPROVAL: Approved for a 2' overhang exclusive of rain gutter addition.
SIGNI	ED: DATE: 10-14-2021 CHAIRPERSON
	DESCRIPTIONS MAY BE ABBEAUED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDING

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.

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

FINDINGS OF FACT

PETITION NO.: 2021	V1692		
	-2021		
APPLICANT: Mat	thew J Heine		_
PROPERTY OWNER: SAM	· F		
TROIERTIOWINER, SAIV	. L		_
PARCEL (PIN) #:020-0	0814-2523-003	(N7971 County Road N)	
TOWNSHIP:Tow	n of Milford		
INTENT OF PETITIONER: County Road A/County R County Road N, PIN 020-	oad N to a proposed	uced setback from the centerline and right-of-way of new structure in a Community zone at N7971	<u>of</u>
			_
THE APPLICANT REQUESTS JEFFERSON COUNTY ZONIN	A VARIANCE FRO IG ORDINANCE.	OM SECTION <u>11.07(d)2</u> OF THE	
THE FEATURES OF THE PRO	POSED CONSTRI	UCTION AND PROPERTY WHICH RELATE T	<u>'</u>
THE GRANT OR DENIAL OF	THE VARIANCE A	APPLICATION ARE:	U
-Property is zoned Commu	mity (1.15 Ac)		
-Variance from section 11.0	7(d)2		
-County Road A required s			
-Petitioner is propo	sing 61' from new ga	arage to County Road A centerline	
-County Road N required :	setback from centerl	ine = 85'	
-Petitioner is propo	sing 50' from new ga	arage to County Road N centerline	
-Variance #V52 granted in	1982 to allow for red	luced setbacks for current garage on property	
-Land Use Permit #14046 g	ranted for current g	arage	
-If Variance is granted, app	olicant also going for	r conditional use approval to allow for size of	
proposed garage as an exte	nsive on-site storage	e structure	
-Town approved on 9/9/20	21 with no condition	ns	
			_
FACTS OR OBSERVATIONS BAconducted. Observed prop	SED ON SITE INS	SPECTIONS: Site inspections on.	
		LP.	_
FACTS PRESENTED AT PUBLI	C HEARING:	See tape, minutes & file.	
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DECISION STANDARDS

JO.	DECISION STANDARDS
Ä.	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:
В.	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.
	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 Weis: Being able to build a 3-car garage is a necessary request. Hoeft: This is a property wedged in between CTH A & CTH N so it is limited to the location of a new structure. Roberts: A garage close to the residence is essential in
	this climate.
5.	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 unique location of the 2 county highways with reduced setbacks is a feature of this lot. Hoeft: CTH A & CTH N are where they are. Roberts: The setbacks from CTH N & CTH A necessitate a variance.
6.	THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Weis: There will be no effect on visibility or safety at the highway intersection. Hoeft: There is no change in the viewpoint from the driveway. There was no response from the Highway Department – no news is good news. Roberts: the garage is centered in between 2 county highways with some remaining setback. The safety issue on CTH N can be addressed by accessing the garage from the south.
7. *A VA	RIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET*
DECIS	SION: THE REQUESTED VARIANCE IS GRANTED.
MOTI	ON: Roberts SECOND: Hoeft VOTE: 3-0 (roll call vote)
CONE	DITIONS OF APPROVAL/DENIAL:
SIGNI	ED: DATE: 10-14-2021 CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.

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

FINDINGS OF FACT

PETITION NO.: HEARING DATE:	2021 V1693 10-14-2021			
3 				
APPLICANT;	Mark Reinecke			
PROPERTY OWNER:_	Mark C & Tammy J R	einecke		
PARCEL (PIN) #:	028-0513-3022-009	(W9687 Lake I	Or)	
TOWNSHIP:	Town of Sumner			
INTENT OF PETITION the ordinary high v	IER: <u>To allow for a r</u> vater mark at W9687 Lake	educed setback of 3 e Dr, PIN 028-0513-	35' from a proposed 3022-009.	l deck addition to
THE APPLICANT REQUIRES	JESTS A VARIANCE FI ZONING ORDINANCE	ROM SECTION _	11.10(k)2	OF THE
THE FEATURES OF THE THE GRANT OR DENIA	AL OF THE VARIANCE R-1, Residential-Sewered	E APPLICATION A	ARE:	
-Substandard shore	land lot llopes on majority of proj	nerty		
-Permit #64519 issu	ed 8/5/21 for existing ho	ome to be rebuilt		
-Variance from sect	ion 11.10(k)2			
	pper deck, but does not	allow for lower dec	k due to limitations	of vertical
expansion Town approved an	9/14/2021 with no cond	***		
-10wii approved on	9/14/2021 With no cond	itions		
FACTS OR OBSERVATION conducted. Observer	ONS BASED ON SITE I	NSPECTIONS:	Site inspections	
		196	5 5 5 5 5 WH	
FACTS PRESENTED AT	PUBLIC HEARING:	See tape, min	utes & 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:
В.		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.
С.		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:
	8.	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: Because of the unique development & this section of shoreline, the property owner should be entitled to the vertical deck expansion. Hoeft: They will be building a new home on the lot, but not closer to the water. See Item #3-need for access. Roberts: The property owners on either side have 2-story decks. Egress issues are addressed by the deck.
	9.	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 lot sizes are small with unique features of close proximity to the water & height differences. Hoeft: The whole place is too close to the water. They are demoing the current home with the new one no closer to the water. Roberts: Neighborhood has less than the 75' setback, typically at 40' to 50'.
	10.	THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE
		PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Weis: The proposed new structure will be better designed for runoff. Hoeft: Emergency access will be improved. The petitioner is
		aware of the impervious surface requirements. The new home is already permitted. The houses on
		both sides have the same sort of deck. Roberts: Vertical expansion of the patio will be no closer to the lake. Houses in this area have similar 2-story decks & setbacks.
		man. Andrew in the second seco
A	VA	RIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET
DE	CIS	ION: THE REQUESTED VARIANCE IS GRANTED.
MC	TI	ON: Roberts SECOND: Hoeft VOTE: 3-0 (roll call vote)
CO	ND	OITIONS OF APPROVAL/DENIAL:
SIC	INE	ED: DATE: 10-14-2021
		D DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDING LILABLE UPON REQUEST.

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