

# ***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, NOVEMBER 11, 2021 AT 10:15 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 10:30 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/join/zoom/register/tJEoce6sqz4oH9MhFxYB\\_TP4Sq7MFBBifXHI](https://zoom.us/join/zoom/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 10:15 a.m.**

Meeting called to order @10:15 a.m. by Weis

## **2. Roll Call (Establish a Quorum)**

Members present: Hoeft, Roberts, Weis

Members absent: ----

Staff: Brett Scherer, Laurie Miller

## **3. Certification of Compliance with Open Meetings Law**

Staff presented proof of publication.

## **4. Approval of the Agenda**

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

## **5. Approval of June 23, September 9 and October 14, 2021 Meeting Minutes**

Hoeft made motion, seconded by Roberts, motion carried 3-0 on a voice vote to approve the June 23, 2021 minutes.

Weis made motion, seconded by Hoeft, motion carried 2-0 on a voice vote to approve the September 9, 2021 minutes. Roberts abstained – was not present at this meeting.

Roberts made motion, seconded by Hoeft, motion carried 3-0 on a voice vote to approve the October 14, 2021 minutes with corrections.

## **6. Communications - None**

## **7. Discussion and Possible Action on DNR Correspondence**

Scherer explained and provided a packet to the Board regarding state requirements for DNR comments on variance petitions. He explained further and there was discussion.

Roberts made motion, seconded by Weis to request comment from DNR on an individual case-to-case basis. Motion carried 3-0 on a roll call vote.

## **8. Public Comment - None**

## **9. Site Inspections – Beginning at 10:30 a.m. and Leaving from Room 205**

**V1694-21** – Allan Wood, **W3224 State Road 59** in the Town of Cold Spring

**V1696-21** – David & Jean Anich Trust, County Road E and County Road CI in the Town of Sullivan

**V1695-21** – James & Darcie Wilson, **N6424 S Farmington Rd** in the Town of Farmington

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

Members present: Hoeft, Weis, Roberts

Members absent: ---

Staff: Brett Scherer, Sarah Elsner, Laurie Miller

## **10. 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, November 11, 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:

**V1694-21 – Allan Wood:** Variance from Sec. 11.09(c) of the Jefferson County Zoning Ordinance to allow an addition to a non-conforming structure in excess of 50% of the existing foundation footprint and structural members. The site is at **W3224 State Road 59**, Town of Cold Spring, on PIN 004-0515-2633-000 (23.351 Ac) in an A-1 Exclusive Agricultural zone.

Allan Wood(308 Lauren Ln #2, Watertown) for W3324 STH 59 presented the petition. He stated that they would like to add an addition with a 2-car attached garage onto the west side of the house. The ceiling height in the bedrooms is just over 6', and the house was built in the 1900's with additions since that time. The floor joists are tongue and groove and are not in compliance with building codes which will have to be taken out.

Weis noted the house is too close to the road by today's standards. The petitioner stated they would like to maintain the integrity of the house and do this addition. They are going over by 254 square feet so they need the variance. The overall structure will be the same. He further explained. They will be keeping as much of the current house as possible. The majority of the square footage that is over is because of the garage.

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

Staff report was given by Elsner. She stated the property is zoned A-1. The house currently exists at 1,764 square feet so they are allowed an addition up to 882 square feet. They are proposing an addition of 1,136 square feet for a total of 2,900 square feet. The centerline setback requirement is 140' and they are at 79.4'. The proposed addition is not any closer to the road - they will be adding to the west. The Highway Department had no issues, and there are permits on file. One is for a garage addition, and the other is a sanitary permit showing it is located on the east side of the structure and far away from the proposed addition.

Roberts asked about any proposed new foundation areas. The petitioner explained there was bowing on the west side of the structure so they are proposing a foundation to secure the floor. Roberts noted it looked like the whole 2-story area was getting a new foundation. The petitioner explained at the map in the front. There is no basement under the new addition. Roberts asked if he was doing the work himself. The petitioner explained he would be having contractors do the work. There was a discussion about removing the structure and building new so they could meet the setback.

Hoelt asked if they would be adding more bedrooms. The petitioner stated no. Hoelt asked about the septic. The petitioner stated it was set up for 3 bedrooms and there will only be 3 bedrooms. Roberts asked about the location of the well. The petitioner showed the location on the front map. Weis asked how far they were from the ROW. The petitioner stated it was 10'. Weis asked what the required ROW setback was. Elsner stated it is 70'. Roberts confirmed they will not be any closer with their addition. The petitioner stated they would actually be set back a little bit further than the existing house.

**V1695-21 – James & Darcie Wilson:** Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance for reduced setbacks from the road right-of-way and road centerline to a proposed deck addition and a variance from Sec. 11.09(c) to allow deck additions to a non-conforming structure in excess of 50% of the existing foundation footprint. The site is at **N6424 S Farmington Rd**, Town of Farmington, on PIN 008-0715-1321-007 (0.617 Ac) in a Community zone.

James Wilson (N6424 S Farmington Road) presented the petition. He stated they would be putting on a deck in the front which would be longer than what is there currently. He explained further at the map in the front. The deck they are proposing would include a ramp, and would not be any closer to the road than what exists.

Weis asked if this was a handicap access ramp/deck. The petitioner stated that was correct. Roberts asked if the deck in the back was also part of the variance request. Elsner explained the back deck was also included because the house is already in excess of the 50% allowed so

any addition would require a variance. The petitioner explained the back deck at the map in the front, and noted that this will also include a ramp. Roberts commented that they needed the decks for ingress/egress for emergencies. The petitioner explained that they have 2 disabled boys and they also have a group home. He further explained. Elsnor further explained the proposed decks and ramps.

There were no questions or comments in favor or opposition of the petition. Elsnor gave staff report. She stated the property is currently zoned Community and is a .617 acre parcel. The required centerline setback is 85' and they are at 34'. The required ROW setback is 50' and they are at 4'. They have had previous variance approvals which she explained. She also explained the previous permit approvals. The town approved the petition which was also included in the file. A group home in that zone would be allowed.

Weis asked the status of the septic and well. Elsnor stated there was a mound that was not close to either addition. Roberts asked for the well location. The petitioner showed it was on the south side of the house at the map in front.

**V1696-21 – David & Jean Anich Trust:** Variance from Sec.11.09(c) of the Jefferson County Zoning Ordinance to allow a shed at reduced setbacks from the County Road E right-of-way and centerline, and County Road CI centerline in the Town of Sullivan. The site is at the northeast corner of those roads' intersection on PIN 026-0616-3441-008 (0.504 Ac) in a Community zone.

John Kannard (W1065 CTH CI), surveyor and representative, presented the petition. He noted there was a sketch in the packet found in the file. He said the he had previously surveyed this property years ago. They are proposing this location because it's wet on the back of the property.

Roberts asked what was being proposed. Mr. Kannard stated it was a 30'x50' pole barn that was originally for personal storage, but they also want include business use for their equipment repair. Roberts asked where the building access doors would be. Mr. Kannard stated it would face CTH E using the existing driveway, and the building would be set just behind the existing gravel pad. He also noted that there was once a barn there, but it was burned down in the mid 90's because it was a hazard. There should be an updated explanation in the file. They will also need a Conditional Use Permit for the equipment repair.

Weis asked if they are proposing a well or septic. Mr. Kannard stated the property was too wet for a septic. Roberts gave an overview of the request. Mr. Kannard stated that he doubted they would put in a septic. Weis asked if they met the vision requirements. Mr. Kannard stated they were back far enough not to impact the view. Roberts commented that if they were going to sell vehicles out in front, that could be a problem. Mr. Kannard explained there wouldn't be cars for sale there – he is not a car dealer. Roberts asked staff to

put the wetland and floodplain overlay on the map. Mr. Kannard stated he didn't believe it was mapped wetland. Elsner stated that there was no floodplain or wetland on the property.

Hoeft asked where the existing access was. Mr. Kannard stated there was an existing gravel driveway coming off of CTH E. Hoeft asked where the employees would park. Mr. Kannard stated there wouldn't be a lot of employees there. The business use would not be a daily thing, but at times, there may be a few vehicles in the front. Hoeft asked about electric service. Mr. Kannard stated there is electric service on both sides of the property.

Roberts noted they could bring in fill and meet the setbacks so there is an alternative. Hoeft asked if there were any vision problems. Scherer stated not from his standpoint but they would have to check with the Highway Department. Weis noted it was located where people would stopping or coming to a stop. Roberts noted they could remove the trees and bring in fill as an alternative other than a variance.

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

Staff report was given by Elsner. She stated the property was zoned Community and the lot is currently vacant. The request is for a storage structure for equipment repair. The required setback from CTH E is 85' to the centerline of the road and they are proposing a 60' setback. The required setback from the ROW is 50' and they are proposing a 30' setback. The required setback from CTH CI is 110' to the centerline of the road and 50' from the ROW. They are proposing an 88.5' centerline setback.

Roberts asked if there was contact with the Highway Department. Elsner stated an email should be in the file that they were notified. Mr. Kannard stated the Highway Department put in curb and gutter there, and they put the access there.

The public hearing was closed @ 1:43 p.m. to discuss and make possible decisions on the petitions.

## 11. Adjourn

Hoeft made motion, seconded by Roberts, motion carried 3-0 on a voice vote to adjourn @ 2:25 p.m.



Secretary

12-9-21

Date

DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN

**COPY**

**FINDINGS OF FACT**

PETITION NO.: 2021 V1694  
HEARING DATE: 11-11-2021

APPLICANT: Allan Wood

PROPERTY OWNER: Allan C & Jennifer K Wood

PARCEL (PIN) #: 004-0515-2633-000 (W3224 State Road 59)

TOWNSHIP: Town of Cold Spring

INTENT OF PETITIONER: To allow an addition to a non-conforming structure in excess of 50% of the existing foundation footprint.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09(c) 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 A-1, Exclusive Agricultural (23.35 Ac)

-Existing structure footprint = 1764 sq. ft.

-Allowed addition = 882 sq. ft.

-Proposed addition = 1136 sq. ft.

-Proposed total sq. ft. = 2900 sq. ft.

-Existing structure = 79.4 ft from road centerline

-Setback requirement from centerline = 140 ft

-Proposed addition will not go any closer to the road – expansion will be to the west

-Permit #12177 – 1981 for 418 sq. ft. attached garage addition

-Septic permit #8033 – 1992 shows septic location on east side and far away from proposed addition

-Town approved on 10/14/2021

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 Hoeft: The 2 bedrooms are currently not of a normal height and work is needed on the foundation in several areas. Weis: It would be a hardship to not be able to improve the structure. Roberts: The necessary improvements and upgrades are in the setback and require replacement/remodeling to address the bedroom ceiling height & foundation issues.
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: State Highway 59 is where it is. Currently some ceilings restrict usage of the rooms. Weis: The existing setbacks are non-conforming, but when the house was built, there were no such rules and therefore not the owner's fault. Roberts: The house is approximately 10' from the ROW.
3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Hoeft: It will improved the quality of the house in various ways. There are no concerns with the location of the septic or well and visibility. Weis: There is a proper well and septic, and any physical expansion is to the west which will not affect the public. Roberts: The newer parts of the residence will be set further back than the existing residence. State Highway 59 is a modern road and probably will not be expanded in the near future.

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

**DECISION:** THE REQUESTED VARIANCE IS.

**MOTION:** Hoeft **SECOND:** Roberts **VOTE:** 3-0 (roll call vote)

**CONDITIONS OF APPROVAL/DENIAL:**

SIGNED: \_\_\_\_\_

*Dale Hefert* (Sm)  
CHAIRPERSON

DATE: 11-11-2021

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 V1695  
HEARING DATE: 11-11-2021

APPLICANT: James & Darcie Wilson

PROPERTY OWNER: James A & Darcie Jo Wilson

PARCEL (PIN) #: 008-0715-1321-007 (N6424S Farmington Road)

TOWNSHIP: Town of Farmington

INTENT OF PETITIONER: To allow for a reduced setback from the road right-of-way and centerline to a proposed deck addition on an existing non-conforming structure.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09(c) & 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 zoned C, Community (0.617 Ac)

-Required setback from road centerline = 85 ft

-Proposed setback from road centerline = ~34 ft

-Required setback from road right-of-way = 50 ft

-Proposed setback from road right-of-way = 4 ft

-V922-1999 for garage placement at less than required setbacks to road and for expansion of non-conforming structures in excess of 50% of equalized assessed value - Approved

-V1272-2008 for modification of V922-1999 to allow an 11'x22' addition and 20'x24' addition to the previously approved 24'x24' detached garage - Approved

-V1382-2012 for addition in excess of 50% of fair market value

-Variance was tabled and never approved or denied for the addition

-LU Permit #39603 - 1995 for deck addition

-LU Permit #43747 - 1997 for detached garage

-LU Permit #48867 - 1999 for 1024 sq. ft. home addition

-LU Permit #56976 - 2008 & #57620 - 2009 for addition(s) to detached garage

-LU Permit #59218 - 2012 for home addition

-Town approved on 10/11/2021

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 Weis: Having access to the front and the rear is necessary. Hoeft: The house is currently not handicap accessible. Roberts: The 2 handicap decks and ramps are necessary for egress in case of fire.
2. 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 is small and too close to the road making this property non-conforming. Hoeft: Both variances are needed due to the house being too close to the town road. Roberts: The house is very close to the road.
3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Weis: The ramps will make access safer and does not affect any setbacks. Hoeft: You do not question handicap accessibility. Roberts: The proposed front deck/ramp is not any closer than the existing structure.

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

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

**MOTION:** Roberts      **SECOND:** Hoeft      **VOTE:** 3-0 (roll call vote)

**CONDITIONS OF APPROVAL/DENIAL:**

SIGNED:  (Don) DATE: 11-11-2021  
CHAIRPERSON

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



DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN

**COPY**

**FINDINGS OF FACT**

PETITION NO.: 2021 V1696  
HEARING DATE: 11-11-2021

APPLICANT: David A & Jean H Anich Trust

PROPERTY OWNER: SAME

PARCEL (PIN) #: 026-0616-3441-008 (County Road E & County Road CI)

TOWNSHIP: Town of Sullivan

INTENT OF PETITIONER: To allow a proposed storage structure 60' from the centerline and 30' from the road right-of-way of County Road E and 88.5' from the centerline of County Road CI.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d) 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 C, Community (0.504 Ac)

-Lot is currently vacant

-Proposed request for a storage structure for business use (repair of vehicles and equipment)

-Required setback from centerline of County Road E = 85'

-Proposed setback = 60'

-Required setback from road right-of-way of County Road E = 50'

-Proposed setback = 30'

-Required setback from centerline of County Road CI = 110'

-Proposed setback = 88.5'

-Town approved on 10/5/2021

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:

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 Hoeft: Any other placement of the shed on this property would entail work and expense which would be unnecessarily burdensome.  
Weis: It would be a hardship not to allow a structure on the parcel.
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: The property is where it is – between 2 county highways.  
Weis: The property is unique with the size, shape, and physical limitations.
3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Hoeft: There was no objection from the Highway Department or town. There was no vision problem noted.  
Weis: Any concerns especially with visibility are noted below.

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

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

**MOTION:** Hoeft

**SECOND:** Wies

**VOTE:** 2-1 (roll call vote)

**The BOA had concerns regarding visibility & outside storage - to be considered by the Planning & Zoning Committee during the Conditional Use Permit process.**

**SIGNED:**

Dale Hoef (ln)

**DATE:** 11-11-2021

CHAIRPERSON

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