

## ***JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT***

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

**THE BOARD OF ADJUSTMENT WILL MEET ON THURSDAY, NOVEMBER 10, 2022, AT 10:30 A.M.** Members of the public may attend Via Zoom Videoconference **OR** at the **Jefferson County Highway Department Training Room, 1425 S Wisconsin Dr, Jefferson, WI**

**THE BOARD OF ADJUSTMENT WILL LEAVE FOR SITE INSPECTIONS AT 10:45A.M.**

**PETITIONERS OR THEIR REPRESENTATIVES MUST BE IN ATTENDANCE FOR THE PUBLIC HEARING AT 1:00 P.M.** PETITIONERS AND OTHER 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://us06web.zoom.us/j/88432018141?pwd=RjNkakh5YnROYzd5UDBOMXNEY05HUT09>

Meeting ID 884 3201 8141

Passcode Zoning

After registering, you will receive a confirmation email containing information about joining the meeting

### **1. Call to Order-Highway Department Training Room, 10:30 a.m.**

Meeting called to order @ 10:30 a.m. by Weis

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

Members present: Roberts, Hoeft, Weis

Members absent: ---

Staff: Sarah Elsner

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

Weis acknowledged publication. Staff also provided proof.

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

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

## 5. Approval of September 8, 2022 Meeting Minutes

Roberts made motion, seconded by Weis, motion carried 2-0 on a voice vote to approve. Hoeft abstained.

## 6. Communications

The Board was informed the Zoning Ordinance has been updated.

## 7. Public Comment - None

## 8. Site Inspection – Beginning at 10:45 a.m. and Leaving from Highway Department Training Room

V1709-22 – Cyndi Pitzner, PIN 014-0614-0321-002, Town of Jefferson, near West Spangler Street & Hwy 26 Bypass

V1707-22 – Jennifer Pitzner/Steve and Pat Flounders Property, PIN 028-0513-1613-025, Town of Sumner on Joyce Rd

V1710-22 – Kenneth & Jamie Hawkins, PIN 016-0513-2431-017, Town of Koshkonong, N1045 Vinnie Ha Ha Rd

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

Meeting called to order @ 1:04 a.m. by Weis

Members present: Weis, Hoeft, Roberts

Members absent: ----

Staff: Matt Zangl, 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 10, 2022 in the Jefferson County Highway Department Training Room, 1425 S Wisconsin Dr, 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:

**V1709-22 – Cyndi Pitzner/Ronald J & Susan C Pitzner Trust:** Variance from Sec. 11.07(d) of the Jefferson County Zoning Ordinance to allow a structure at less than the required setback to State Road 26 Bypass. The site is on PIN 014-0614-0321-002 (3.87 ac), Town of Jefferson, near **West Spangler Street & Hwy 26 Bypass** and is zoned A-1 Agricultural.

Cyndi Pitzner (N4977 Popp Road) presented the petition. They are looking to better the use of the property. They have looked at many things including putting a storage facility there. They have been in contact with the DOT. The DOT does not have a variance for building off their right-of-way, and they received information from them. They have met with the utilities, and they would want 15' off the center of their ROW for the electric because they have an easement along there. The county has a 100' setback from the ROW for a building. This property is only approximately 100' wide, so any building they would propose on this property would require a variance. They did take their request through the township; however, the township said they could not give them any ruling on it because the county states it needs to be 100'. At this time, they need to know what setback they could get approval for so they can move forward.

Weis noted that when the Board hears from the town, and while they do like to hear from town, the Board does not have to abide by their decision.

Roberts asked how wide and long the lot was. The petitioner stated she did not recall the length of the lot, but the width does vary from 100' to 106'. Roberts questioned the required setbacks. Weis noted the 100' setback is east of the fence. Roberts stated the setback would take up the entire lot. He asked the petitioner about the road on the east side of the property.

The petitioner stated that it is owned by Spanglers and the city has an easement to access the substation. They have an easement agreement for agricultural purposes, and they have been in touch with Spanglers for this project. Part of the drawback with the DOT is they do have a 92' setback off the bridge where the bypass goes over. That gives them a very limited access for a driveway. They would like to use the easement road for access, and Spanglers are willing to work with them to amend the easement agreement so it is not just for agricultural use. Theoretically, the entire road could be used to access the storage facility. The utilities were open to that. They just want 15' from the utility poles before there is a building so they have access to the transformers. And, if they would put access along that road, they may have to put some sort of concrete barrier around the poles. They would be looking at pursuing the option to use that easement road for access. The city is aware, and the utilities are aware. They understand they may have hoops to jump through. Or, they may explore this and find out it may not be economically feasible to put anything there depending on what the variance is. What they are trying to find out is what setbacks they could have and go from there.

MSA did a site survey to look at where and what they might be able to do to deal with the water. They incorporated the easement road on the survey because if that would be a city street someday or paved, then the water flow from that can be incorporated. They have tentative plans to run a ditch along the bypass ROW fence and run it to the north and add a basin that would allow for a collection of water at that point. So, a lot has to go into this yet in order to move forward.

Weis asked about the DOT restriction from the overpass. The petitioner stated it was for a driveway setback to the overpass. Weis noted if they cannot access off the driveway, they would have no access to this piece of land. The petitioner stated they have access through the easement on the gravel driveway. Weis stated he understood but that does not necessarily satisfy the county's requirements unless something is worked out. What he was assuming was the legal access would be off Spangler Road. The petitioner stated it would be off Spangler Road and there would be about 8'-10' that they could work with if the DOT's setback would be followed. Weis stated there would not be much room. The petitioner stated the county probably would not want a driveway to the storage units with the easement road to the substation right next to each other which would not be the best or a feasible entrance point. Weis commented that access off a legal town road or public highway is a big part of county ordinance so that is probably a big hurdle that would have to be achieved. Typically, a lot cannot be created that is served by an easement.

Hoeft asked staff why there was something from the County Highway Department but nothing from the state. Zangl explained communication is sent to Brian at the Highway Department and he forwards it to the state. If the state needs anything or has any comments, they will reach out to us or Brian. He further explained.

Hoeft commented the decision from the town was not very helpful. Zangl asked if there was anyone present from the town. Town of Jefferson Supervisor, Jim Mode, stated the Town

Planning Commission met on August 29<sup>th</sup> and they came up with the reasons to turn the request down. 1) This is not a hardship – they can still crop the land. 2) The setback shortens the area for traffic congestion. There were no other conditions for the storage units. There were ingress/egress concerns. They also need a conditional use permit and zoning change approvals. This does not meet the Jefferson County Ordinance setbacks. On October 8<sup>th</sup>, the Town Board met and supports their Plan Commission. Weis read the town response from the file into the record.

In favor of the petition was Barb Simdon, N4936 Popp Road. There were no questions or comments in opposition of the petition.

Staff report was given by Elsner. Their request is for a reduced setback from State Road 26 for proposed mini warehousing. The property is zoned A-1. If the variance is approved, they will need to rezone from A-1 to A-2 with a conditional use to allow for the mini warehousing. The required setbacks from the centerline of State Road 26 are 200' and 100' from the road ROW. They are requesting about a 10' setback from the ROW which be an approximate 95' setback from the centerline of the road.

Zangl explained the flexibility options of the setbacks to the Board. Elsner noted there was a town decision in the file dated September 8<sup>th</sup>. Zangl noted the road on the east side of the property is considered as a side lot line and has a 20' setback.

Roberts noted that there is a 15' setback to the power poles along there anyway. He asked what the size of the warehousing would be. The petitioner stated it would depend. They looked at putting some larger ones one the one end and if they needed to back it up further, they will. They need a ditch on the back for the water. That ditch could be anywhere from 5'-15', so if the variance is 15', they may be able to back it up to that. The size could vary depending on the variance. They also need to make it financially feasible. Without the variance and knowing what setback they can get, they cannot explore further. Roberts noted that when the highway came through, they did get paid for the land they took. The petitioner stated that it went to her parent's estate. Roberts noted they still got paid. They can still grow crops, and he agreed with the township that there was no hardship.

The petitioner stated she traced the bypass through the county. Most of the parcels that are touched the bypass were either a bike trail, wetland, already property that belongs to a municipality, they have existing buildings on them, or they are large enough to be meet that setback and it not being an issue. She could not find a single parcel along the bypass that would be small enough to have this kind of an issue. They can only farm it and could not even put a farm building on it. She felt that this did put a certain amount of hardship on it. It leaves it as its own parcel which has a limited use, and they could not do anything else on it ever. Roberts stated the property is already low and water goes to it. It could be used as a stormwater retention pond. This request is an industrial use in the middle of a farm field. A lot of the other variances that come before the Board are asking for a reduced setback, for

example, 20' -40' off a 200' setback so a 10-20% reduction. This request is for 50-75% of the setback. This would probably, for the most part, meet the setback off the east lot line, but this request is for some severe setback changes. The setbacks are designed as buffers. The petitioner stated this is a unique parcel.

Zangl asked the petitioner if she knew what the setback was to south parcel located in the city limits. The petitioner stated that she did not. She has talked to the city but has not pursued it for a long time. She further explained. Roberts noted the setbacks in the city are significantly different. The petitioner stated she would rather leave the tax base in the county if they could get a variance that would allow them to explore this. Hoeft commented on the water situation. The petitioner explained the history, culverts, and tile. Roberts asked if they would annex to the city, would they have to bring in water and sewer to the property. The petitioner stated she did not know and did not know at this point how feasible it would from a financial standpoint. They were probably looking for dry storage with electricity. Without knowing what the variance is, it is pointless to spend all the time exploring all aspects of this kind of project.

Weis commented on annexation and noted that it is still part of an island away from other development. He felt that they would probably have to progressively develop the area until it became adjacent before they could even consider annexation.

**V1710-22 – Kenneth & Jamie Hawkins:** Variance from Sec. 11.07(d) of the Jefferson County Zoning Ordinance to allow a detached garage at less than the required road setback. The site is at **N1045 Vinnie Ha Ha Rd** on PIN 016-0513-2431-017 (0.27 ac), Town of Koshkonong, in a Residential R-2 zone.

Pat Anderson, builder, presented the petition. Kenneth Hawkins (N1045 Vinnie Ha Ha Rd) was also present. They are asking for a 20'x26' detached garage for personal storage and for protection from the elements and vandalism. It is consistent with the neighborhood development patterns. They did try setback averaging which average out to 9'7.5". Weis asked if that was from the ROW. The petitioner stated it was. The property to the north was 18.5' and the property to the south was 9' from the ROW. Other neighboring properties have been granted similar variances. He felt that the ordinance has created an unnecessary hardship on these properties. When it was developed, it probably met the requirements at the time.

The lot width is 60' so it is substandard, and the lot area is also substandard. The septic location prevents putting the garage anywhere else on the property. There is also a severe slope to the lake. In order to prevent erosion and protect the lake, they feel this is the best location. They tried to do a setback average to get a reasonable setback but it did not allow for a reasonable size garage. Everyone should have a garage. They feel the public interest is being maintained as the project is consistent with the neighborhood pattern. It is a dead-end road with 25 MPH speed limit through there.

Weis asked what setback they were proposing. The petitioner stated that with the overhang, it would be 1'3". It matches the neighboring garage next door. Roberts noted that something that was there in the 1940's is not comparable to what they are proposing to build. There are differences between the two. Weis asked how much overhang was on the proposed garage. The petitioner stated on the gable end, there is a 6" overhang and on the eave, there is 12". Weis asked if the gabled end would be towards the road. The petitioner stated yes. Weis stated that from the property line to the edge of the pavement, that is a minimal distance as well. The petitioner stated he believed it was. It is a substandard roadway as well.

Roberts asked the petitioner to describe what the house is like such as how many levels there were and the layout. The owner stated the house is approximately 1,400 square feet. The house is 24' wide by 35' in length with a main floor and a loft area. There is a sunroom on the lake side on a deck, and there is a full basement below. Roberts asked about the bedrooms. The owner stated the two bedrooms are on the east side/roadside of the house. The loft area is used for their office. The garage will almost butt up to where the two bedrooms are. The petitioner made correction that it was the eave side of the garage that is facing the road. Weis asked if the overhang was 6". The petitioner stated it was 12" on the eave side.

Zangl stated from the ROW, there is 1'3" for the overhang setback versus the structure setback. Weis explained that the overhang is not as critical as the building setback. Zangl asked if they could shorten the overhang distance if needed or if there is any flexibility. The petitioner stated they have little flexibility. There is 1'9" from the ROW to the building, from the overhang, it would be 1' but it could be 6". Zangl asked how wide the building would be. The petitioner stated it would be 26' along the road.

Roberts asked the petitioner if he could attach the garage to the house. Zangl asked if he could reduce the separation between the house and garage by moving it back an additional 2'. Weis commented that by moving it back 2', it would make quite a bit of difference. Roberts asked if reducing the size to 18' would be feasible to fit their vehicles in the garage. There was a discussion that the vehicle would probably not fit, and there is 8" lost on the walls inside. Zangl asked if his vehicle would fit in the garage. The petitioner stated yes, as proposed. Zangl asked if it was a two-car garage. The petitioner stated yes. Zangl asked if they could orient it differently and enter it differently to reduce the width. The owner explained how that would not work. Zangl asked what was the absolute closest they could get to the house or the closest and most narrow building they could get in order to get the largest setback from the road. He asked if this is the smallest structure as close to the house they could get it. The petitioner stated yes, because of the location of the gas meter. Zangl noted that if the gas meter was moved, they will be gaining only inches. The owner stated that by attaching it, they would only gain 2', even with the gas meter being moved. He had met with WE Energies, and they said they needed 4' between the garage and the house. They suggest they could move the gas meter to the north of the house and then just run a pipe there to its existing entry point. Part of the issue is that they do not have a lot of light in the bedrooms. By

attaching the garage to the house, it would block windows in each bedroom. By having 2' between the garage and the house, he could get some light filtering down.

Weis noted in the town decision of December 2<sup>nd</sup>, the town requested a snow removal plan. The petitioner stated that was from the initial meeting. They went back the following month and had a meeting with them. They have two different agreements. For the snow removal, a company can come in and shovel it out, put it in their trucks and haul it away. His neighbor down the street also takes care of the snow for other neighbors in the area. They submitted a snow mitigation plan to the town, and they approved it. There was further discussion. Zangl asked if they had a formal agreement or just a verbal agreement. The petitioner stated there was a verbal discussion at this point.

There were no questions or comments in favor or opposition of the petition. Elsnor stated everything in the staff report was discussed. In the file, there is the septic location which is on the south part of the lot and previous permits that have been issued.

Hoelt noted there was a 2021 permit for a deck addition and driveway extension. The petitioner explained. Roberts noted there is a safety issue being too close to the road. There are other garages down the road that are close, but there is nothing on the other side and asked if he would be open to consider attaching the garage to gain another 2'. The owner stated he would be open but had a concern about the light in the bedrooms. He would prefer detaching the garage.

Weis asked if he owned any land across the street. The petitioner stated no. Weis asked if someone came to his house, would the only place to park a vehicle be where the two cars were in front of the house. The owner stated there is room for parking three cars on that side of the house, and then they have the driveway. Weis stated that if they could put the garage there, the only way they could park would be parallel to the garage in front of it or in the garage. The petitioner stated there was room to park one car on the north side and then the driveway. Weis asked further questions about parking. The petitioner stated the neighbors park in front of their garage, and he was fully off the road. Zangl asked if the garage was built, how many cars could be parked on the property. The petitioner stated they could park five on the property. There was further explanation and a discussion at the table with the site plan.

**V1707-22 – Jennifer Pitzner/Steve and Pat Flounders Property:** Variance from Sec. 11.03(h)2 and 11.04(f)2 of the Jefferson County Zoning Ordinance to allow an accessory structure without a principal structure in a Residential R-2 zone on PIN 028-0513-1613-025 (0.388 ac), **Joyce Rd**, Town of Sumner.

Jennifer Pitzner (W8515 White Crow Road) presented the petition. Also present was Pat Flounders, owner. Roberts asked Ms Pitzner where her house was in relation to this lot. The petitioner stated it was kitty-corner, not even 500' away. The petitioner stated they are asking



for the variance to allow a shed without a home. There are similar properties in the area, and the property is very close to their primary home. It will be used to store and maintain their large boats and trailers. They view this project as an improvement to the land and the lots as an extension of their own home. They would build the shed first, and a house could be added in the future. The lots are a perfect spot near their home with lake access tucked away neatly in the woods. The adjacent property to the north has a large amount of outside storage. No one is going to want to put a home in view of the mess. The shed and possible decorative fence would eliminate the eyesore. The shed they are proposing will match their house. The property to the west is not improved and there is no view of the lake on or across from these lots.

Weis asked for the size of the shed. The petitioner stated it would be 1,500 square feet (30'x50'). Weis asked for the height of the sidewalls. The petitioner stated there would be a 14' door because of the height of their houseboat. Zangl noted they have put in a request for a conditional use because of the size of the structure which was tabled by the Planning & Zoning Committee pending this decision. The owner noted both requests were approved by the town. Zangl explained the conditional use request. The owner noted that she had documentation of similar requests that have been approved in the past. There are also letters from other residents who live in the area that are in favor of the shed being built. Elsner noted that the letters should be in the file. The petitioner stated there are also pictures in the file of properties in the area with people having a lot of storage laying around outside that should be in a shed.

Elsner explained the other similar variances that were found where the Board approved the request. There is one on Joyce Road and a couple other north of this property. She provided the Board with copies of those approvals.

Zangl asked if they intend on building a house in the future. The petitioner stated that it would be possible. Roberts asked if they were planning on building now. The petitioner explained. Hoeft asked why they could not put the shed on their lot where the house is located. The petitioner stated the house sits close to the road because there is floodplain on the lot, so they have no other room there to build a shed. Roberts asked how big the lot was. The petitioner stated it was two lots consisting of about an acre. Roberts asked how wide the lots were. Weis noted this was an old plat and old lots consisting of 40' wide for each lot. Zangl stated there were three-40' lots and a 20' lot. There are two tax parcels right now. The lot in the front where the storage structure would potentially be built is 130'x130'. The petitioner provided a sketch to the Board. Zangl explained that in addition, they have an accepted offer on the second lot behind it which is another lot, so there would be a total of four-40' lots of approximately 180'x 120'. Robert asked where they would place the house. The petitioner explained there is almost an acre there so there should be space to build a house. There was further discussion on the lots and combining the lots

Roberts commented on the objections to the petition assuming they were from the people along the lake who do not want the building in front on Joyce Road. The petitioner stated there is no lakeview from the property. There was a discussion on placement of the structure on the lot and the neighboring properties.

Roberts asked for the side and back setbacks. Zangl stated it is 3'. Roberts commented they could stay 20' off the back lot line as a buffer. Zangl stated they have the ability to go 3' to the lot line. Roberts asked if the land starts out low and then goes up or is flat. The petitioner stated it is flat and nothing is in the floodplain. Roberts asked if they were proposing to bring in any fill. The petitioner stated they would like a concrete base but would do whatever the code would allow. Hoeft questioned the petitioners on the three criteria needed to be met for a variance approval specifically unnecessary hardship is due to the unique limitations of the property rather than the circumstances of the applicant because they want a big shed. The petitioner stated it was because of how it is zoned, it does not allow them to build just a shed on it.

There was a town response in the file approving the petition which was read into the record by Weis. Opposed was Attorney Noah Rusch representing Rosemary Olson and other residents of the area. He submitted a letter which should be in the file. There were several concerns that this is a fairly large structure, and it is visible from the road. He stated there was no physical limitation to the property except it is zoned residential. He further explained the concerns.

Zangl asked for comments from anyone on Zoom. Kathy Kalvatis (N1552 Joyce Road) was in favor. She stated it was done on many other properties along Joyce Road and it would be an improvement to what is there now. It would be a nice addition to the neighborhood, and it would be nicer lot. Zangl noted there were letters of opposition and in favor of the petition in the file. The petitioner was asked for a rebuttal. She stated that regarding the petition opposing the request, a lot of the neighbors that signed were told it would be used for commercial storage units, and it would be 5,000 square feet. There were many untruths told to those who signed and were in opposition. Zangl commented that in the past, the Board has granted similar variances surrounding and in close proximity to this property that had limited room for a storage structure.

2:42 Break

2:45 Back in session for decisions.

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

## 12. Adjourn

Hoeft made motion, seconded by Roberts, motion carried 3-0 on a voice vote to adjourn @ 3:33 p.m.

### **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](http://www.jeffersoncountywi.gov)



DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN

COPY

FINDINGS OF FACT

PETITION NO.: 2022-V1709  
HEARING DATE: 11-10-2022

APPLICANT: Cyndi Pitzner

PROPERTY OWNER: Ronald J & Susan C Pitzner Trust

PARCEL (PIN) #: 014-0614-0321-002 (Pitzner Parkway & W Spangler Street)

TOWNSHIP: Jefferson

INTENT OF PETITIONER: Reduced road setback from State Road 26 for proposed mini-housing.

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 A-1, Exclusive Agricultural (3.87-Ac)
- Proposing to rezone property to A-2 with conditional use to allow for mini warehousing
- Required road setback from centerline = 200'
- Requesting ~95' setback
- Required road setback from right-of-way = 100'
- Requesting 10' setback
- Town denied petition on 9/8/22 and referred to the Jefferson County Zoning Ordinance as guidance in their decision

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 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 \_\_\_\_\_
2. THE HARDSHIP OR NO REASONABLE USE **IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE \_\_\_\_\_
3. THE VARIANCE **WILL** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE \_\_\_\_\_

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

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

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

**REASONS FOR DENIAL:** The property is currently being used for a permitted purpose – it is being farmed. The setback adjustment request is too severe, and the Town Plan Commission and Town Board were opposed. There are access and water drainage issues, and there is also a concern for public safety.

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

*Dale Weis (lm)*  
CHAIRPERSON

DATE: 11-10-2022

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.: 2022 V1710  
HEARING DATE: 11-10-2022

APPLICANT: Kenneth & Jamie Hawkins

PROPERTY OWNER: Kenneth WS & Jamie A Hawkins

PARCEL (PIN) #: 016-0513-2431-017 (N1045 Vinnie Ha Ha Road)

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: Reduce the road setback for a proposed detached garage.

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 R-2, Residential-Unsewered (0.27-Ac)

-Substandard shoreland lot

-Required road setback from property line = 25'

-Proposed setback from detached garage to road property line = 1.75'

-Land Use Permit #62453 – 2018 for home addition

-Land Use Permit #64379 – 2021 for sunroom on existing deck

-Land Use Permit #64361 – 2021 for deck addition and driveway extension

-Sanitary Permit #13430 – 2018

-Town approved on 10/13/2022

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:

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: It is caused by the limited space of the lot. Not having a garage is a hardship. Hoeft: They do not currently have a garage and the unused space on the lot is unusually limited. Roberts: Wisconsin winters require a garage.
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: There is limited space on the lot. Hoeft: The house and street are where they are. Roberts: The lot is narrow in width and the house is too close to the rd.
6. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Weis: The setback provides some separation distance to the pavement, and a snow removal mitigation plan will make winter travel safer. Hoeft: The specified setback will provide the best that can be hoped for. Roberts: There will be a snow removal/mitigation plan with the town. The speed limit is 25 MPH or slower. Visibility - 4' will allow for site lines down the street.

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

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

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

Motion was made with the condition that the setback be 4' from the property line to the structure. Motion was amended by Roberts, seconded by Weis (motion carried 3-0) with an additional condition that the owner work out a written snow removal/mitigation plan with the township.

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

  
CHAIRPERSON

DATE: 11-10-2022

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.: 2022 V1707

HEARING DATE: 11-10-2022

APPLICANT: Jennifer Pitzner

PROPERTY OWNER: Steve & Pat Flounders

PARCEL (PIN) #: 028-0513-1613-025 (Joyce Road)

TOWNSHIP: Sumner

INTENT OF PETITIONER: Allow an accessory structure without the principal structure on a vacant, R-2 zoned lot.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(h)2 & 11.04(f)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 R-2, Residential-Unsewered (0.388-Ac)

-Requesting accessory structure without the primary structure

-Proposing a shed for personal storage

-Town approved on 10/10/2022

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: There have been previous petition requests that are similar to this that have been approved which have allowed an accessory structure without a primary structure. Hoeft: The petitioner, by purchasing both lots, will have enough room for a garage & a future home placement. Roberts: There are other examples of this hardship in the area & in the county.
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 created a situation where not allowing the accessory structure is a hardship. Hoeft: The limitation is because of the way the Ordinance is written. Robert: Zoning requires a residence, but the lot does not have one at this time.
9. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Weis: This structure is for personal use only and is intended to be screened from public view. Hoeft: There is a precedence on the Board's part by allowing an accessory structure without the principal structure in place when the owner's residence is nearby. Roberts: The shed will allow items to be stored inside and away from the sight of the roads and neighbors.

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

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

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

**CONDITIONS OF APPROVAL:** 1)Lots must be combined into one lot 2)For residential use only 3)Structure must be screened from the roads & west parcels 4)Garage to be built on the western part of the lot 5)There must be sufficient room left on the lot to place a single family home

SIGNED: Dale Weis (Signature) DATE: 11-10-2022  
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.  
<https://jeffersoncountywi.sharepoint.com/sites/ZoningDepartment/Shared Documents/General/BOA/BOA Decisions/2022/November.doc>