

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, FEBRUARY 10, 2022 AT 11:00 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 11:00 A.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

1. Call to Order-Room 205 at 11:00 a.m.

Meeting called to order @ 11:00 a.m. by Weis

2. Roll Call (Establish a Quorum)

Members present: Weis, Roberts, Hoeft

Members absent:---

Staff: Matt Zangl, 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 3-0 on a voice vote to approve.

5. Approval of December 9, 2021 Meeting Minutes

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

6. **Communications** - None

7. **Public Comment** - None

8. **Site Inspections – Beginning at 11:00 a.m. and Leaving from Room 205**

V1699-22 – Dan Higgs/Neil Mau, James & Constance Repyak Properties, N1102 Vinnie Ha Ha Rd, Town of Koshkonong on PINs 016-0513-3442-002 and 016-0513-2442-001

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

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

Members present: Weis, Roberts, Hoeft

Members absent: -----

Staff: Matt Zangl, Sarah Elsner, Brett Scherer, 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, February 10, 2022 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:

V1699-22 – Dan Higgs/Neil Mau, James & Constance Repyak Properties: Variance from Sec. 11.04(d)2 and 11.09 of the Jefferson County Zoning Ordinance to allow for a lot line adjustment between two substandard R-2 zoned lots. The site is at **N1102/N1106 Vinne Ha Ha Rd**, Town of Koshkonong, on PINs 016-0513-2442-002 (0.152 ac) owned by Mau and 016-0513-2442-001 (0.356 ac) owned by Repyaks.

Constance Repyak (N1106 Vinnie Ha Ha Road) presented the petition. She stated the lot is landlocked and if they needed to replace the septic, they would have no way to get into the lot. They are asking for the lot adjustment in preparation if they needed to install a mound system.

In favor was Neil Mau (N1102 Vinnie Ha Ha Road). They came to an agreement for the land transfer that works better for both owners. Also in favor was Angela Powers (N1102 Vinnie Ha Ha Road).

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

Staff report was given by Elsner. She stated they were asking for a lot line adjustment between the two R-2 zoned lots. The lots are both substandard – they do not meet the size requirements for today's standards for an R-2 lot, so the lot line adjustment requires a variance. There is a sanitary permit on file from 1994.

Weis asked for the septic location. Elsner stated a copy of the septic permit should be in the file for N1102 Vinnie Ha Ha Road. Weis asked for the well location. Repyak and Mau gave their well locations. Hoeft asked how old the septic was. Elsner stated the permit was from 1994. They are anticipating in the future of having access if they needed to replace the septic.

Roberts asked if this request was for access or septic. Mau stated it was for access right now with foresight of a septic replacement in the future.

Weis noted that if they needed to travel over a neighboring property for access or for a septic replacement, he would suggest a legal agreement.

Dan Higgs, RLS, was also present and noted they could facilitate an agreement.

The hearing was closed for decisions @ 1:17 p.m.

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

12. Adjourn

Roberts made motion, seconded by Hoeft motion carried 3-0 on a voice vote to adjourn @1:25 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


Secretary

4-14-22

Date

DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN

COPY

FINDINGS OF FACT

PETITION NO.: 2022 V1699

HEARING DATE: 02-10-2022

APPLICANT: Dan Higgs, PLS – Combs & Associates

PROPERTY OWNER: Neil Mau (N1102 Vinnie Ha Ha Rd)

James D/Constance J Repyak (N1106 Vinnie Ha Ha Rd)

PARCEL (PIN) #: 016-0513-2442-002 & 016-0513-2442-001

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: To allow for a lot line adjustment between two substandard lots that are zoned R-2 at N1102 Vinnie Ha Ha Rd, PINs 016-0513-2442-002 and 016-0513-2442-001.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09 & 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 (0.152 Ac) (11.04(f)2)
- Petitioner looking to buy small portion of property from N1106 to add onto the back of his lot
- Current lots are both substandard lots - do not meet the size requirements for today's standards for an R-2 lot, so lot line adjustment requires variance (11.09)
- Sanitary permit #8632 - 1994
- Town approved on 11/22/2021

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

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

