

***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, APRIL 14, 2022 AT 10:45 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 meeting

**1. Call to Order-Room 205 at 10:45 a.m.**

Meeting called to order @ 10:45 a.m. by Weis

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

Members present: Hoeft, Roberts, Weis

Members absent: ---

Staff: Laurie Miller, Matt Zangl, Brett Scherer

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

Staff presented proof of publication. Hoeft also acknowledged 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 February 10 Meeting Minutes**

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

## **6. Communications**

Zangl stated that the new county board members' terms will start next week. There are new rules being proposed to remove the secretary position from the boards/committees. However, the BOA can elect to have a secretary if they choose to. No signatures will be needed on the minutes if the motion is included in the minutes.

## **7. Public Comment - None**

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

V1700-22 – Jackson Brummel, N449 Haight Road, Town of Koshkonong on PIN 016-0513-3511-004

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

Meeting called to order @ 1:00 by Weis

Members present: Hoeft, Roberts, Weis

Members absent: ----

Staff: Brett Scherer, Laurie Miller, Matt Zangl

## **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, April 14, 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:

**V1700-22 – Jackson Brummel/Paul & Kathy Brummel Property:** Variance from Sec. 11.09(e)2 of the Jefferson County Zoning Ordinance to sanction a detached garage at 10 feet 8 inches from the pavement of Haight Road in the Town of Koshkonong. The site is zoned Residential R-2 on PIN 016-0513-3511-004 (0.564 ac) at N449 Haight Rd.

Paul Brummel (214 Indiana St., St Charles, Illinois) presented his petition. He noted the house was close to the road so he could not put the garage on the house side of the road. The lot across from the house is 74' wide and 50' deep. In order to back in his trailers into the garage, he put it parallel to the road. It's about 10'8" from the road. If they had to meet the setback, they would have a hard time backing into the garage.

Weis asked the petitioner if there was ever a structure there before. The petitioner stated it has been vacant. Weis stated he noticed that just to the south of this building there appeared to be septic vent pipes and was assuming this was the neighbor's septic. The petitioner stated yes it was. There was a septic just to the south. Weis asked if their septic was across the road. The petitioner stated it was under the flagpole. Weis asked for his well location. The petitioner stated it was down the from there, more than 50' from the septic. Roberts asked for clarification on the location of his septic. The petitioner explained. Weis asked how long they have owned the property. The petitioner stated it has been 9 years.

Roberts asked what the setbacks were to the septic. Scherer stated it needed to be 10' from any structure, and it doesn't matter whose septic it is. There was a discussion on the location of the tank and septic field near the proposed structure. Roberts noted that it appeared that it would only be 6' from the septic. Because the system looked newer, the county should have records on the location. The petitioner stated that house was approximately 12 years old. Hoeft asked Weis if his concern was to get access for service to that septic system to the south of his building and if it's going to be hampered by the existence of that building. Weis stated it was because of a plumping code which dictates that it needs to be 10' away, and the Board cannot do anything that violates statute or ordinance. The petitioner asked if it was the owner's responsibility to keep a certain distance away. Weis stated that it only needed to be 5' away from a property line and 10' away from a structure. Weis noted that the petitioner put up the structure after the system was there.

Jackson Brummel (214 Indiana St., St Charles, Illinois) was also in favor.

Opposed was Jeff Kronforst (N439 Haight Rd) appearing by Zoom. He stated this was too close to the road and restricted the view for anyone passing by. He also had concerns with the snow when the plow comes through. He noted that the garage could be made smaller and meet the codes.

George Johnson (N445 Haight Rd) appearing by Zoom stated he owns the house to the south. He explained the location of the septic and asked if the garage was permitted before it was built. Weis stated that it will not matter to the Board whether they started construction or not. The Board will make a decision on the concept and not use construction without a permit as part of their judgement. Mr. Johnson asked if the structure met the height restrictions. Zangl intervened and explained hearing procedure and that this was not a question and answer session, so Mr. Johnson needed to just state his concerns or questions which would be addressed throughout the meeting. Mr. Johnson explained that it would open it up for further encroachment.

Julia Voss (N381 Haight Rd) appearing by Zoom stated there were 23 homes along the road which is very narrow with no sidewalks. She was concerned about safety.

There was a town response in favor of the petition found in the file and was read into the record by Roberts. Hoeft noted that although it's helpful to have input from the town, they are not obligated to abide by their decision when making their own decisions.

Staff report was given by Zangl. He stated this was zoned R-2 with a septic located on the adjacent property. They are asking for a reduced road setback. This is a substandard lot which allows for a 25' setback from the front property line. The setback average would be @ 17' 6" so they do not qualify to use the average because they are looking to be closer at 10'8". They started the construction without the permit. The structure is 900 square feet and just under the 15' height restriction so they meet the size restriction but do not meet the setback restrictions.

Roberts asked what the rear setback would be. Zangl stated that for a detached structure, the setback would be 3'. He noted this is a unique area and roadway. It is a private road, but the department recognizes it as a public road because it serves all those properties. It's private in the sense that the town does not maintain it, and the town recognizes it as a private road. Weis asked if the road was platted. Zangl stated that it is a ROW. There was further discussion on the road.

Roberts asked how wide the ROW was. Zangl stated it was about the width of the road. Weis asked if the issue was the setback off the ROW. Zangl stated yes. Hoeft asked about them being too close to the septic and asked staff to address the septic location and setbacks. Sherer left to get a copy of the septic plan on the adjacent neighbor's property.

Brummel stated that he knows he should not have started construction without the permit and did not know about the road setback. There was discussion on the property lines. Brummel noted that there were 15 garages along that road that were closer to the road than what he was proposing. He further explained. He left the 10'8" so that cars could pass on the narrow, one-

lane road and then graveled it so it would allow for a passing lane. You can see clearly from both directions when pulling out of the driveway.

Weis asked if they had the addresses of those garages that are closer. The petitioner stated that Brett Scherer should have them.

Weis asked about documentation of the setbacks to the garage. Zangl addressed the other structures to determine setback average; however, only the structures on either side of the property are used for the average. Weis commented that the petitioner noted some of the structures were really old. If they are old, it's possible they were there before there were permits. Zangl noted that he took a look at some of them, and they do not have permits on file so they would be pre-1978.

Scherer provided the board with a copy of the site plan and location of the septic on the adjacent property. Weis stated that based on the drawings of the septic field, the septic is located 5' off the lot line. Weis asked the petitioner how far he was off the lot line. The petitioner stated 3'6". Zangl noted the setback from the septic is 10'. Weis stated that the building setback is probably from the foundation and not the roofline for the septic setback. He further explained.

Roberts asked the petitioner the use of the building. The petitioner stated that it was going to be used to store their boat, jet skis, cars, tools, etc... Roberts noted the front yard setback should be at 25'. Scherer explained setback averaging, and if that would be used, he could be at 17'8". Roberts noted the concerns that were previously brought up and had a concern about the setback the petitioner was asking for. He suggested making the structure smaller would be reasonable. The petitioner stated that they then would not be able to park their boat in the garage. Hoeft noted how it was placed on the lot and questioned why it couldn't be moved back. The petitioner stated that it would be harder to get the boat in. Zangl clarified by asking why they could not meet the setbacks. There was further discussion on the setbacks.

Hoeft asked why it could not be back further and made wider. The petitioner stated because of how they would then have to back the boat in on an angle.

Roberts asked what the rear setback was. Zangl stated the plan showed a 13' setback to the rear and asked if there was any reason why they couldn't move it back. The petitioner stated they could move it back, but the further back you go, the harder it is to get the boat in.

The petitioner made comment about the other garages in the neighborhood. Roberts stated that those garages were probably there before the ordinance started and if they allow this one, they would be setting a precedent. Roberts asked for the rear setback. Zangl stated the plan they submitted was at 13'. Roberts stated they could move it back 10' and he could meet the front yard setback.

Jackson Brummel wanted to address the concerns that Jeff Kronforst had with visibility and people driving by. He stated the area in front is more than enough for cars to pass and his concern was why there wasn't any concern with any of the other properties that are even closer

than what they are proposing. There haven't been any problems so far and hoped that there were not going to be any issues with their structure.

Hearing closed at 1:50 p.m.

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

**12. Adjourn**

Roberts made motion, seconded by Weis, motion carried 3-0 on a voice vote to adjourn @ 2:14 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)