

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, SEPTEMBER 8, 2022 AT 9:15 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 9:30 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 9:15 a.m.

Meeting called to order at 9:15 a.m. by Weis

2. Roll Call (Establish a Quorum)

Members present: Hoeft, Roberts, Weis

Members absent: -----

Staff: Matt Zangl, Sarah Elsner, Brett Scherer, Laurie Miller

3. Certification of Compliance with Open Meetings Law

Staff presented proof of publication.

3. Approval of the Agenda

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

5. Election of Officers

Hoeft made motion, seconded by Roberts, motion carried 3-0 on a voice vote elect Weis as chair.

Hoeft made motion, seconded by Weis, motion carried 3-0 on a voice vote to elect Roberts as vice-chair.

Hoeft made motion, seconded by Roberts to eliminate the secretary. Motion carried 3-0 on a voice vote.

6. Approval of June 9, 2022 Meeting Minutes

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

7. Communications

Zangl informed the Board that this meeting would be the last one held in the building until next year. The meetings will be held at the County Highway Department.

There was a discussion on any upcoming training sessions. The last one the Board attended was in 2017.

Zangl noted the Pitzner variance request on the agenda had a town issue, and the town chair requested the Board not act on it today so the town could take formal action.

Janet will not be available for the October meeting.

8. Public Comment - None

9. Site Inspection -- Beginning at 9:30 a.m. and Leaving from Room 205

V1705-22 – Tony Stenzel and Lakeside Construction/Brenda Blank Property, W6436 County Rd A, Town of Milford

V1707-22 – Jennifer Pitzner/Steve & Pat Flounders Property, Joyce Rd, Town of Sumner

V1708-22 – Joanne Larson, US Highway 12, Town of Koshkonong

V1706-22 – Gene Sheedy/Sheedy Trust Property, W1144 South Shore Dr, Town of Palmyra

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

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

Members present: Weis, Hoeft, Robert

Members absent: ----

Staff: Matt Zangl, Sarah Elsner, Brett Scherer Laurie Miller

11. 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, September 8, 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:

V1707-22 – Jennifer Pitzner/Steve & 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.

The Board called the Pitzner petition first. Weis made motion, seconded by Roberts to move right to the decision phase. Motion carried 3-0 on a voice vote.

Weis made motion, seconded by Hoeft, motion carried 3-0 on a voice vote to table the petition for additional information from the town.

Zangl explained that information was received from the town chair requesting that the Board not act on the petition at this time until it is properly noticed at the town. Some information has also been received from concerned citizens which is in the file.

Weis noted that they do not have to abide by a town’s vote but would certainly like them to be represented, so the Board feels it is better to table it at this time.

The petitioner noted that the town approved it at their last town meeting. Weis stated that it was not noticed correctly. He understood that the issue was they noticed the conditional use

request but not the variance, so there is a technicality, and the approval cannot be recognized.

Roberts explained there were two issues in that conditional use goes through the Planning & Zoning Committee and the variance goes through the Board of Adjustment.

Zangl explained at the town level, they only noticed the conditional use request. They did not notice for the variance. By them taking action on the variance, it was technically illegal and an invalid action. While the county could proceed forward with the variance and make a decision, it does leave some uncertainty in the Board's decision and definitely in the towns. So, based on the miscommunication at the town level, and to keep it simple and clean without problems or questions down the road, the Board prefers to have it go back to the town so it is noticed and published correctly to get the decision correct.

V1705-22 – Tony Stenzel, Lakeside Construction/Brenda Blank Property: Variance from Sec. 11.09 of the Jefferson County Zoning Ordinance to allow an addition to a non-conforming structure in excess of 50% of the structural members of the existing structure and with additions exceeding 50% of existing foundation footprint. The site is in an A-1 Exclusive Agricultural zone at **W6436 County Road A, Town of Milford on PIN 020-0714-0432-004 (0.582 ac).**

Tony Stenzel, Lakeside Construction, (N8190 State Road 89, Waterloo) presented the petition. He stated that there was a manufactured home on the lot, and they would like to connect the detached garage for the purposes of providing coverage for a wheelchair accessible ramp into the home. The problem is the existing detached garage is within the 20' side setback as well as a small portion of what they are intending on adding.

Weis asked if he was okay with the centerline setback. The petitioner stated they were. What they would be adding would be flush with the front of the existing garage, but behind the front face of the home that is there. Roberts asked if the handicap ramp was for access with a wheelchair. The petitioner stated one of the owners has a slight mobility issue at this time, but they are not in a wheelchair. They are planning for the future. Roberts stated if they would add the ramp without the structure overhead, they would have an issue with snow and ice in the wintertime. The petitioner stated the snow would be coming off the garage and onto the ramp.

Roberts noted the house was set out in front of the garage by about 12-13'. The petitioner stated it was 9'. The house is closer to the centerline of the road than what the proposed intended build is. Roberts asked for the location of the well and septic. The petitioner stated the septic field was in the front of the house, the tanks are to the north of that and west of the house, and the well is to the north and west. Roberts noted the garage is setback to the east lot line at 1'.

Roberts asked if there was just one person handicapped in the house. The petitioner stated there was one person with limited mobility. Hoeft commented on being less than 20' to the side lot line. The petitioner stated that they did a setback average for the house to the road. The new house is

further away from the road than the old house. Weis asked if it is compliant with the ordinance. The petitioner stated they were. Weis noted that by adding on, they would be 1' off the property line. The petitioner stated that with what they are adding, there is only 1' of the addition in the setback, but by adding the garage, it will make the whole structure closer to the lot line.

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

Scherer stated the property was zoned A-1. There is a required side setback of 20'. The structure will be at less than 1' once they connect it since it will be a part of the primary structure. They have a recent land use permit for the house which they did a setback average to push everything back. They also have a sanitary permit on file.

V1706-22 – Gene Sheedy/Sheedy Trust: Variance from Sec. 11.04(d) and 11.04(f)1 of the Jefferson County Zoning Ordinance to temporarily allow a garage to be used as a residence in a Residential R-1 zone at **W1144 South Shore Dr**, Town of Palmyra on PIN 024-0516-2731-022 (0.436 ac).

Gene Sheedy (W1144 S Shore Drive, Palmyra) presented his petition. He stated they were trying to build a garage and live above it temporarily while they construct a new house for their primary residence. They would like to stay at the property during construction.

Weis asked if they were going to raze the existing garage and replace it with livable space above it. The petitioner stated yes, they would be adding a one bedroom living space with a kitchen and bathroom above it. Weis asked how long he proposing to have this temporary use. The petitioner stated it would probably be about 9 months. Hoeft asked if he intended it not to be living space when the house was done. The petitioner stated he wanted to use it as a seasonal guest house if they had additional guests.

There was a town decision in file, read into the record by Roberts. They were in favor of the petition with the condition that the public sewer be disconnected from the garage when the house is completed and occupied. Roberts noted that the town does not want it occupied or operated as a rental after the house is complete. The petitioner stated he wanted to use it as a seasonal guest house with no bathroom or running water.

Zangl gave staff report. He stated the petitioner is requesting to be allowed to utilize this structure to stay in while constructing a new home. It was the understanding that once the house is finished being built, this would be removed. The garage would still be there, but no one would be living in there whether it is overnight, on weekends, or a long-term residence. There is concern if someone is utilizing this space to sleep in or have guests stay there after the home is constructed. The petitioner stated that all they talked at the town was about was disconnecting the plumbing. Zangl

further explained the concerns about allowing detached garages to be lived in whether it's on the weekends or temporary or what it's going to be. The petitioner stated the reason they want to do it is because there is an easement between the garage and house so they cannot connect them to live in there, and they cannot build over the easement. Zangl stated that this then goes back what they are requesting. Are they asking to live in this solely while building a new house, or it sounds like they are requesting to use it as a residential structure. At the end of the day, there will be two residential structures on the property. There was further discussion on the request, what is allowed, the town's intent on their conditions, and the Board's options.

Sheedy asked what it would take to allow someone to stay there. Zangl explained they would need a variance or connect it to the house. Only one residential unit is allowed on the property. He further explained, for example, if there was a request to add on a mother-in-law suite or another area for someone to sleep to the house, it is still one house on the property. Hoeft stated that the cut-off date could be when they are issued their occupancy permit. Roberts clarified, that in the case of a mother-in-law suite, that has to be connected to a part of the house. It has to be connected to the living space. Zangl stated from that point, it would be viewed as an addition to the house.

Sheedy asked if he could build over the sewer easement. Zangl stated that the Zoning Department does not regulate that. It would be up to the sanitary district and the property owner to negotiate an agreement. Weis noted that plumbing code states that no sewers shall pass under a building so there is another code problem there. The petitioner stated that he would just want to go over it with a roof to connect it.

Roberts asked how much the garage would cost with the living quarters above. The petitioner stated it would be about \$150,000. Roberts stated they could probably rent a nice place for less.

There were no questions or comments in favor or opposition of the petition. Joanne Larson (N1496 US Highway 12) asked if the petitioner could withdraw and ask for another variance. Weis noted that allowing it to be used as continued living space is not on variance. Zangl stated he could always come back and ask for another variance. Roberts stated it sounded like the town was opposed of any type of variance like that. The petitioner asked if the town was okay with it, would the county be okay with it. Weis stated it is under the county ordinance. Hoeft noted that although they respect the town's opinion, the Board is not obligated to follow their decision, but are taking into consideration the conditions they had. Roberts noted there was a response from the DNR who had no comment.

Zangl commented that regarding the town's decision, Zoning would allow them to connect the garage to the sewer and install a bathroom, but they could not use the area as residential living space. Weis further explained. Sheedy stated there could be a bathroom and sink, but no living space. Zangl further explained and there was further discussion.

Roberts asked the petitioner to describe more about the proposed house, such as does it have an exposed basement or three levels. The petitioner stated it would be approximately 1,000 square feet on each level. The building would be a total of approximately 3,000 square feet.

V1707-22 – Jennifer Pitzner/Steve & 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.

See above for all information related to this petition.

V1708-22 – Joanne Larson: Variance from Sec. 11.04(f)2 and 11.07(d)2 of the Jefferson County Zoning Ordinance to allow a home addition at reduced centerline and right-of-way setbacks to US Highway 12. The site is in the Town of Koshkonong on PIN 016-0514-1432-001 (1.793 ac) in a Residential R-2 zone at **N1496 US Highway 12**.

Joanne Larson (N1496 US Highway 12) presented her petition. She stated that she wants to put an addition on the front of the house. When Highway 12 was redone, they took a lot of land and the setback requirement has expanded.

Roberts asked her to describe the addition. The petitioner stated it is a front-end residential addition. The roofline will go the opposite of what is there so she'll have more living space. Roberts asked how far in front of the house she would be coming. The petitioner stated she would coming out no more than 16'. Roberts said he didn't see any plans and asked the petitioner if she was still in the planning stage. The petitioner stated they were in the planning stage right now because she didn't know if she could go forward yet to even get estimates at this point until she knew she could go forward. Roberts asked if the reduced setback would put the addition at 100' and 77'. Weis stated that it is currently at approximately 97.9 to the ROW and there's an additional 58.3' to the centerline so the 16' could come off those setbacks. That would be approximately 80'-81' to the ROW. Weis asked what the legal setbacks requirements were. Elsnor stated there was a 200' to the centerline and 100' to the ROW requirement. Roberts asked if the house was put up at the setbacks at the time. The petitioner stated it was further back than the setbacks at the time. Roberts noted the DOT then came through to purchase some land to widen the road twice, and in the meantime, the setback requirements have changed in that they are further than what they were before.

Roberts asked if there was any other direction she could go with the addition. The petitioner stated the septic was in the back of the house to the north. The septic tanks were to the east. The well was located on the southeast corner, and the gas and electric run from south to east. Roberts asked if this would be another living room. The petitioner stated she wanted to expand. The current room is 11'x16'. Roberts asked why she couldn't put it to the east. The petitioner stated the septic and electric would be in the way. Hoeft asked about the State DOT response. Weis explained the

state is saying they do not have any particular setbacks other than what ROW they own right now. Whatever setbacks are enforced are through the county ordinance. Robert asked about the trees in the front. The petitioner stated those would all be gone. She does intend on replanting them.

Weis noted that why there was such a large setback was for future expansion of the road to a possible 4-lane highway and further explained. Roberts asked when the first DOT land acquisition was. The petitioner stated it was after 1976. Roberts commented that they just bought more ROW so they should be good for another 40 years, theoretically. Hoeft commented on the second criteria for hardship.

There were no questions or comments in favor or 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.

Break at 2:00. Back in session at 2:07 for decisions

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

13. Adjourn

Roberts made motion, seconded by Weis, motion carried 3-0 on a voice vote to adjourn at 2:55 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 hrs 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.jeffersoncountyiwi.gov

DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN

COPY

FINDINGS OF FACT

PETITION NO.: V1705-2022
HEARING DATE: 09-08-2022

APPLICANT: Tony Stenzel (Lakeside Construction)

PROPERTY OWNER: Brenda A Blank

PARCEL (PIN) #: 020-0714-0432-004 (W6436 County Road A)

TOWNSHIP: Milford

INTENT OF PETITIONER: Construct a breezeway connecting the house & existing garage at a reduced side yard setback.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09 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 (.582 Ac)

-Request for reduced side yard setback – A-1 zone requires 20' side setback

-Existing garage is a legal non-conforming structure that sits right alongside lot line on east side of property

-Request is to construct a breezeway connecting the new house and existing garage

-Side setback of principal structure will then be \leq 1'

-Land Use Permit #64387-2021 for new home

-Sanitary Permit #13936-2021

-Town approved on 8/11/2022

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 Hoelt: The intent of all this is to provide an ADA ramp for the residence against future need. Roberts: One person living in the house requires a handicap ramp, and a second person may need it in the future. Covering it is essential for safety reasons. Weis: The owner is requesting to add an addition for handicap access which is required.
2. THE HARDSHIP OR NO REASONABLE USE **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE Hoelt: The breezeway addition is going to be 1' from the lot line. ADA requirements override anything else. Roberts: The garage is set back 1' from the property line. Weis: The connection to the existing house and garage reclassifies the side-yard setback which is approximately 1'.
3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Hoelt: The necessity of the ramp prevails. Roberts: The house is closer to the road than the addition. The garage to the east already has a 1' setback. Weis: No part of the addition or structures will be closer to any lot lines or limitations than what exists.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Hoelt

SECOND: Roberts

VOTE: 3-0 (roll call vote)

CONDITIONS OF APPROVAL/DENIAL:

SIGNED:

Dale Weis (Im)
CHAIRPERSON

DATE: 09-08-2022

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.: V1706-2022
HEARING DATE: 09-08-2022

APPLICANT: Gene Sheedy

PROPERTY OWNER: Sheedy Trust

PARCEL (PIN) #: 024-0516-2731-022 (W1144 South Shore Drive)

TOWNSHIP: Palmyra

INTENT OF PETITIONER: Allow for residential living quarters in a proposed detached structure while constructing a new home.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(d) & 11.04(f)1 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-1, Residential-Sewered (0.436 Ac)

-Request to allow for residential living quarters in a proposed detached structure while constructing new home

-11.04(d) Limited Number of Buildings – there shall not be more than 1 principal dwelling structure and 2 accessory structures on R-1 lots

-Town approved on 8/16/2022 with condition that the sewer hook-up from the garage be disconnected when the house is completed and occupied. The town reserves the right to perform periodic inspection if deemed necessary.

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 a hardship not to have a residence in an R-1 zone. Hoeft: Everyone needs a house. Roberts: The existing house is being razed, and the owner would like to live on site.
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: It's a small lot. Hoeft: It's a small lot & the current house will be razed. Roberts: Residence will be razed.
6. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Weis: As long as the conditions are met, it will not affect the public. Hoeft: There will be only one living space at any time considering the conditions. Roberts: Public interest will be protected because a second living quarters will not be allowed via a required conversion permit.

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) to approve the variance
Roberts Weis 3-0 (roll call vote) to approve the following conditions:

1) The garage is not to be inhabited once the town building inspector issues an occupancy permit for the new house, and an affidavit, approved by the Zoning Department, is required to be signed and submitted with the land use application for the garage which will be recorded. 2) The owner is to obtain a conversion permit from the Zoning Department to convert the living space to storage/garage use once the occupancy permit has been issued for the new house. 3) This variance is valid for 2 years from the date of this approval. 4) The structure shall be converted back to storage/garage use within 2 years from the date of the issuance of the land use permit for the new house.

SIGNED: _____

Dale Weis (Pm)

DATE: 09-08-2022

CHAIRPERSON

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

JEFFERSON COUNTY, WISCONSIN

COPY

FINDINGS OF FACT

PETITION NO.: V1708-2022
HEARING DATE: 09-08-2022

APPLICANT: Joanne Larson

PROPERTY OWNER: Same

PARCEL (PIN) #: 016-0514-1432-001

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: Allow for a reduced road setback for a proposed home addition.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)2 & 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 R-2, Residential-Unsewered (1.793 Ac)
- Request is to allow for reduced road setback for proposed home addition
 - Required setback from centerline of Hwy 106 is 200'
 - Proposed setback from centerline of Hwy 106 is ~136'
 - Required setback from road right-of-way of Hwy 106 is 100'
 - Proposed setback from road right-of-way of Hwy 106 is ~77'
- Structure is legal non-conforming structure for not meeting setbacks from Hwy 106
- Land Use Permit #5248-1976 for home
- Land Use Permit #7066-1977 for shed (Variance granted for reduced setback of 131' from centerline of Hwy 106 to shed - V26-1977)
- Land Use Permit #11946-1981 for home addition, attached garage, and shed
- Sanitary Permit #3160-1976
- Town approved on 8/17/2022

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

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

DECISION STANDARDS

- BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:**

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

VOTE: 2-1 (roll call vote)

DATE: 09-08-2022

<https://jeffersoncountywi.sharepoint.com/sites/ZoningDepartment/Shared Documents/General/BOA/BOA Decisions/2022/September.doc>