

MINUTES OF PUBLIC HEARING
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE

George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker and substitute Michael Wineke

SUBJECT: Map Amendments and a Text Amendment to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits

DATE: Thursday, April 21, 2022

TIME: 7:00 p.m. (*Courthouse doors will open at 6:30*)

PLACE: Room 205, Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI
OR Via Zoom Videoconference

PETITIONERS OR MEMBERS OF THE PUBLIC MAY ATTEND THE MEETING VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS IF THEY CHOOSE NOT TO ATTEND IN PERSON:

You are invited to a Zoom meeting.
When: Thursday, April 21, 2022 at 07:00 PM Central Time (US and Canada)
Meeting ID: 957 3344 0565
Passcode: Zoning
Register in advance for this meeting:
<https://zoom.us/j/95733440565?pwd=eHZRbHZXWXhlUnlKdkhtOXhoTmtNz09>
After registering, you will receive a confirmation email containing information about joining the meeting.

1. **Call to Order**
The meeting was called to order by Chairman Jaeckel at 7pm.
2. **Roll Call**
All Committee members were present at 7pm. Also in attendance were Matt Zangl and Sarah Elsner from the Zoning Department. Attending via Zoom was Dianne Owens, Danielle Thompson, Lloyd Bartlett, Jean, Jer Bastin, and Carol Juneau.
3. **Certification of Compliance with Open Meetings Law**
Supervisor Poulson verified that the meeting was being held in compliance with Open Meetings Law.
4. **Approval of Agenda**
Motion by Supervisors Poulson/Foelker to approve the agenda as presented. Motion passed 5-0.
5. **Explanation of Public Hearing Process by Committee Chair**
Chairman Jaeckel explained the process.
6. **Public Hearing**

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing on Thursday, April 21, 2022 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. Members of the public will be allowed to be heard regarding any petition under consideration by the Planning and Zoning Committee. **PETITIONERS, OR THEIR REPRESENTATIVES SHALL BE PRESENT EITHER IN PERSON OR VIA ZOOM.** Matters to be heard are petitions to amend the official zoning map of Jefferson County, a Zoning Ordinance text amendment and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files, which include staff finding of fact, are available for viewing between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, excepting holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

Final decisions on the **rezoning and text amendments** may be made by the Planning and Zoning Committee on April 25 and County Board of Supervisors on May 10.

Final decisions on the **conditional uses** may be made by the Planning and Zoning Committee on April 25.

FROM A-1, EXCLUSIVE AGRICULTURAL TO B, BUSINESS

R4400A-22 & CU2113-22 – Kathy Doering-Kilkenny: Rezone all of PIN 016-0514-3644-000 (1.5 ac) with conditional use to sanction an eating and drinking place in a proposed Business zone at **N112 Old Highway 12**, Town of Koshkonong. This is in accordance with Sec. 11.04(f)3 of the Jefferson County Zoning Ordinance.

PETITIONER: Kathy Doering-Kilkenny (N112 US Highway 12, Whitewater, WI) presented herself as the petitioner for this rezone and conditional use. Kilkenny explained the request to rezone from A-1 to Business to allow for operation of the bar. The business was last opened in January of 2011.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl explained the previous business and that it is now a non-conforming use after not being in operation for more than 12 months. Zangl asked about hours/days of operation. The hours and days of operation will be Tuesday – Thursday from 10:30a – 11:30p; Fridays 10:30a – 12a; Saturdays 8:30a – 12a; Sundays 8:30a – 7p. Zangl also asked if the existing building would be used or if a new one is proposed. The existing building will be used for the business. Zangl asked about the existing septic and Kilkenny stated it has not been looked at yet.

TOWN: In favor.

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL/RURAL RESIDENTIAL

R4401A-22 – Steven D Grant/SGRT Morgan LLC: Create a 1-ac building site **north of N6779 Morgan Road**, Town of Concord, from part of PINs 006-0716-1211-000 (30.4 ac) and 006-0716-1214-000 (34.51 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Steve Grant (N51 W34861 Wisconsin Ave, Unit 2117, Okauchee, WI) presented himself as the petitioner for this rezone. Grant explained the request to split the property into 2 lots zoned A-1, and into two lots zoned A-3.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: Carol Juneau (N6779 Morgan Rd, Oconomowoc, WI) spoke in opposition to the rezone and would like to see the property remain farmland.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file.

TOWN: In favor.

R4402A-22 – Steven D Grant/SGRT Morgan LLC: Create a 1-ac building site **south of N6747 Morgan Road**, Town of Concord, from part of PIN 006-0716-1214-000 (34.51 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Steve Grant (N51 W34861 Wisconsin Ave, Unit 2117, Okauchee, WI) presented himself as the petitioner for this rezone. Grant explained the request to split the property into 2 lots zoned A-1, and into two lots zoned A-3.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: Lloyd Bartlett (N6693 Morgan Rd, Oconomowoc, WI) spoke in opposition of the petition with concern about proposed lot 4 and the location of the proposed new home and it obstructing view, and loss of backyard privacy. Carol Juneau (N6779 Morgan Rd, Oconomowoc, WI) spoke in opposition to the rezone and would like to see the property remain farmland.

REBUTTAL: Grant explained the proposed house is positioned the way it is due to the topography of the proposed new lot. There are plans for an exposed basement and a soil test for the property has already been completed that supports that location. There will also be pine trees between houses for privacy.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file.

TOWN: In favor.

R4403A-22 – Anfang Properties LLC: Create two new building sites, a 1.3-ac and a 1-acre lot near **N3981 Betschler Rd**, Town of Jefferson, from part of PIN 014-0615-1323-000 (37 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Tom Anfang (N4589 Pioneer Dr, Sullivan, WI) presented himself as the petitioner for this rezone. The request is to have a couple lots in place for further development.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: Dave Rasmussen (N3930 Betschler Rd, Helenville, WI) spoke in opposition of the petition. Rasmussen had questions regarding the total acreage and number of splits allowed. Rasmussen owns the property across the road from the proposed lots and spoke of concerns regarding sight issues and safety with the driveways due to a steep hill to the west, and the road not being well maintained. Rasmussen also felt the splits wouldn't maintain the rural character of the area.

REBUTTAL: Anfang explained the request for the size of the 1.3-acre lot was to get off the corner between 2 trees and not up and down the hill. The speed limit of the road is also a slower speed.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file.

TOWN: In favor.

R4404A-22 – Anfang Properties LLC: Create a new 2-ac building site west of **W1646 US Highway 18** from part of PINs 026-0616-0423-000 (13.268 ac) and 026-0616-0424-000 (27.404 ac) in the Town of Sullivan. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Tom Anfang (N4589 Pioneer Dr, Sullivan, WI) presented himself as the petitioner for this rezone. The request is to have a couple lots in place for further development. Anfang stated his own would like to some day build a house at this location.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: Chairman Jaeckel questioned about access approval from DOT. Anfang stated he has not gotten access approval yet.

STAFF: Given by Zangl and in the file. Zangl questioned the lot design. Anfang explained the design is to get up the hill and get back in the trees and off of the field area.

TOWN: In favor.

R4405A-22 – Arnold Vandre: Create a 2.6-ac lot around the home and buildings at **N7548 Vandre Rd**, Town of Milford, from part of PIN 020-0814-3224-000 (40 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Arnold Vandre (N7548 Vandre Rd, Johnson Creek, WI) presented himself as the petitioner for this rezone. Vandre explained the request to split off the farmhouse and buildings from the 40-acre parcel.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: Chairman Jaeckel asked if the petitioner would like to increase the lot size request to 3 acres to accommodate for extra space, animal units, etc. Vandre explained he did not want to take up farmland and the buyer would like the buildings.

STAFF: Given by Zangl and in the file. Zangl asked about an area for a future septic replacement site. Vandre stated that there should be plenty of room for that.

TOWN: In favor.

R4399A-22 – Kyle Skalitzky: Create a 3-ac lot around the home and buildings at **W8968 Kenny Ln**, Town of Waterloo from part of PIN 030-0813-1744-000 (38.859 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Kyle Skalitzky (N8272 Moungey Ln, Waterloo, WI) presented himself as the petitioner for this rezone. Skalitzky explained the request for 3 acres to split off the original homestead for his nephew to purchase.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl asked what year the house was built and if there is access for the remaining A-1 land. The house was built in the early 1900's and there is access for remaining land.

TOWN: In favor.

FROM A-3, AGRICULTURAL/RURAL RESIDENTIAL TO A-2, AGRICULTURAL & RURAL BUSINESS

R4406A-22 & CU2114-22 – Nick Draskovich/Larry & Lyn Tarnowski: Rezone approximately 1.601 ac of PIN 024-0516-1432-002 (3.6 ac) with conditional use to allow for storage of concrete contractor's equipment and materials. The site is at **N1424 Zion Rd** in the Town of Palmyra. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: Jason Heinonen (1741 Erin Ln, Waukesha, WI) presented himself on behalf of the petitioners/owners for this rezone and conditional use. Heinonen explained the request is to allow for the business in the rear of the property.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl asked about the size of area to be used. Just the rear 1.6-acre area of the lot will be used for the concrete business as the front of the lot has floodplain and wetlands. There is a pole barn in the back of the lot for equipment. Only employees from the company will come to the site. The petitioner is unsure about outside storage. There will be no bathrooms in the building.

TOWN: In favor.

CONDITIONAL USE PERMIT APPLICATIONS

CU2115-22 – James G Reu: Request for an agriculturally-related grain storage facility for up to 1,000,000 bushels per year in an A-1, Exclusive Agriculture zone. The site is at **W3020 Willing Rd**, Town of Hebron, on PIN 010-0615-3041-002 (36.023 ac). This is in accordance with Sec. 11.04(f)6 of the Jefferson County Zoning Ordinance.

PETITIONER: James Reu (N2508 Frommader Rd, Fort Atkinson, WI) presented himself as the petitioner for this conditional use. Reu explained the request to add storage to an existing grain facility.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file.

TOWN: In favor.

CU2116-22 – Troy Blakey: Request for a conditional home occupation plumbing business at **W5462 Church Rd**, Town of Milford. The site is zoned A-3, Agricultural/Rural Residential on PIN 020-0714-0243-001 (1.883 ac). This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: Ed Spiegelhoff (N7619 Rock Lake Rd, Lake Mills, WI) presented himself on behalf of the petitioner for this conditional use. Spiegelhoff explained that he is purchasing the property to live and operate his plumbing business from.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: Supervisor Nass asked if there would be any outside storage, and Spiegelhoff responded with no.

STAFF: Given by Zangl and in the file. Zangl asked about the size of the building area being used for the operation. Spiegelhoff explained that the business will only be occupying part of the shop area, approximately 2400 square feet. They will be utilizing the existing building. Zangl asked about public coming to the site and if there would be deliveries to the property. There will be 1 employee on-site and there will be deliveries to the site and trucks will come from County Road N.

TOWN: In favor.

CU2117-22 – Donald C & Jean J Lenz Trust/Joyce J Takle Trust: Request to have five dogs as household pets in an A-1, Exclusive Agricultural zone at **N7214 Stoney Creek Rd.** The site is in the Town of Lake Mills on PIN 018-0713-0522-000 (36.842 ac). This is in accordance with Sec. 1104(f)6 of the Jefferson County Zoning Ordinance.

PETITIONER: Jean Lenz (N7214 Stoney Creek Rd, Waterloo, WI) presented herself as the petitioner for this rezone. Lenz explained the request for 5 dogs as zoning only allows 4. The property has 3 acres fenced off for the dogs and they have outside water available. The dogs come in the house every night.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl asked about the breed of the dogs and waste disposal. Lenz has 5 standard poodles, all of which are fixed, groomed, and fed. Lenz also explained that they have a manure pile on the property where waste is disposed of. There are no neighbors, and they are on a dead end.

TOWN: In favor with the condition that if there are noise complaints it may result in suspension or revocation of the conditional use permit.

ZONING ORDINANCE TEXT AMENDMENT

R4407T-22 – Jefferson County: A text amendment to the Jefferson County Zoning Ordinance defining “Agricultural Tourism.”

PETITIONER: Jefferson County was the petitioner for this text amendment.

COMMENTS IN FAVOR: Anita Martin (261 Pinnacle Dr, Lake Mills, WI) had questions regarding the text amendment. Martin suggested better verbiage for the definition and working with the Ag Tourism Committee at the state level. Martin also mentioned WI Act 269 for immunity from liability for farms. Dianne Owens and Paul Elliott (N7040 Saucer Dr, Watertown, WI) spoke in favor of the amendment.

COMMENTS OPPOSED: Sue Marx (N4642 S Helenville Rd, Helenville, WI) opposed of the amendment as written. Marx explained the purpose of agricultural tourism is to promote agriculture and connect the public with farms. Marx had concerns with the definition opening doors for more permanent business/commercial uses. Marx also expressed concern with the text amendment being in conjunction with a resident that wants an event center, and that ag tourism should not be

combined with event centers. Marx expressed concerns with this causing a loophole that will create more problems down the road.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF: Given by Zangl and in the file. Zangl noted that 15/16 towns responded. Zangl stated that all Towns except for Sullivan were in favor. There was no response from Town of Sumner. Anita Martin then corrected that there were 2 Towns who were not in favor – Town of Jefferson and Town of Sullivan. The correction was noted.

TOWN: In favor.

Supervisor Nass moved to adjourn at 7:50 p.m. and was seconded by Supervisor Foelker. Motion passed 5-0 on a voice vote.

7. Adjourn

Minutes prepared by: *Sarah Elsner*
Zoning/On-Site Waste Management Technician
Jefferson County Planning and Zoning Department

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