JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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

THE BOARD OF ADJUSTMENT WILL MEET ON THURSDAY, JANUARY 12, 2023, AT 10:45 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 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-Highway Department Training Room, 10:45 a.m.

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

2. Roll Call (Establish a Quorum)

Members present: Weis, Hoeft

Members absent: ----

Staff: Brett Scherer, Laurie Miller

3. Certification of Compliance with Open Meetings Law

Hoeft acknowledged publication.

4. Approval of the Agenda

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

5. Approval of November 10, 2022 Meeting Minutes

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

6. Communications

There was discussion on the need for a new board member. The Board was also informed that LaVerne Behrens (alternate) has resigned.

7. Public Comment - None

8. Site Inspection – Beginning at 11:00 a.m. and Leaving from Highway Department Training Room:

V1711-23 – John B Meinel , N5183 County Rd N, Town of Aztalan on PIN 002-0714-3522-001

V1712-23 – Ryan Church, N3053 County Rd F, Town of Sullivan, on PIN 026-0616-2931-000

9. 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

Members absent: ----

Staff: Matt Zangl, 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, January 12, 2023 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:

<u>V1711-23 – John B Meinel:</u> Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to allow construction of a deck, stairs, and ramp at less than the required setbacks to County Road N. The site is on PIN 002-0714-3522-001 (1.626 ac) in the Town of Aztalan at **N5183 County Road N** and is zoned A-3, Agricultural/Rural Residential.

John Meinel (N5183 County Road N) presented his petition. He stated he was asking for a deck for accessibility into the house. Zangl asked him to explain why the Board should grant his request. The petitioner explained that the way the house is constructed, this would be the easiest to access. He would be adding a patio door on that side for easy access rather than at the back of the house. Weis asked if this would also be handicap accessible. The petitioner stated yes. Zangl asked for more details. The petitioner stated the deck would come no further than the bushes which is about 8' and would be the length of the house. Scherer asked the petitioner if it would be an open deck. The petitioner stated yes.

Weis asked for the proposed setbacks to the house. The petitioner stated the addition would be 47' from the centerline. It is currently 55' from the centerline to the house. Scherer stated the required road setbacks were 85' to the centerline of the road and 50' from the ROW. The petitioner stated they recently widened the road. Hoeft noted that the house was probably there before the road. Weis commented on the power pole line that was there between the house and the roadway. He asked for the location of the well and septic. The petitioner stated the well was in the garage and the septic was on the southwest side of the house.

Staff report was given by Sherer. He stated the petitioner was asking for a deck with stairs and a ramp at a reduced setback from the road. The property is zoned A-3 and the petitioner was asking for a setback of 47' to the centerline of the road. The existing structure is legal, non-conforming and currently exists at 55' to the centerline so they are looking to go 8' closer to the road.

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

<u>V1712-23 – Ryan Church:</u> Variance from Sec. 11.09(c) of the Jefferson County Zoning Ordinance to allow an addition to a non-conforming structure exceeding 50% of the existing foundation footprint. The site is on PIN 026-0616-2931-000 (1 ac) in the Town of Sullivan at **N3053 County Road F** and is zoned A-3, Agricultural/Rural Residential.

Joe Church (W2088 Turner Road) presented the petition. He stated the house was built in the 1900's, and it sits at 69' to the centerline which limits them adding to the footprint of the house. They want to add on a three-car garage which would allow them to park their work vehicle as well as a personal car. It would also give them a little extra room in the garage to create an access into the house and basement. The addition of the garage would be away from the road and from the other farm buildings.

Scherer asked for the location of the well and septic. The petitioner stated the septic was to the south and the well was on the north. Scherer asked if there would be a proposed bathroom. The petitioner stated no, but there would be a mudroom enclosed in the garage.

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

Scherer gave staff report. He stated they are asking for an attached garage which will be greater than 50% of the existing footprint. The property is zoned A-1 and the existing footprint of the home is 1,398 square feet. With the 50%, this would allow 699 square feet, but they are asking for 924 square feet.

11. Discussion and Possible Action on Above Petitions (see following pages & files)

12. Adjourn

Hoeft made motion, seconded by Weis, motion carried 2-0 on a voice vote to adjourn @ 1:34 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

DECISION OF THE ZONING BOARD OF ADJUSTMENT COPY JEFFERSON COUNTY, WISCONSIN

FINDINGS OF FACT

| PETITION NO.: HEARING DATE: | | | |
|---|--|--------------------------------------|--------------|
| TIEMMINO DATE | 01-10-2023 | | |
| APPLICANT: | John B Meinel | | |
| PROPERTY OWNER: | John B & Joann J Meine | el | |
| PARCEL (PIN) #: | 002-0714-3522-001 | (N5183 County Road N) | |
| TOWNSHIP: | Aztalan | | |
| INTENT OF PETITIO setback | NER: Allow the constru | action of a deck, stairs & ramp at a | reduced road |
| JEFFERSON COUNTY THE FEATURES OF T THE GRANT OR DEN | ZONING ORDINANCE. HE PROPOSED CONSTRIAL OF THE VARIANCE. | | |
| -Property zoned A | -3, Agricultural/Rural Resi | dential (1.626 Ac) | |
| -Proposed setbac | of 4/' from new addition to | centerline of Hwy N | |
| -Laisting s | -conforming attractive | dine = 55' | |
| -Required sethacl | C | | |
| -Required setback | C ' 1 C TO | | |
| -Proposed | sethack from right-of-way? | | |
| -LU permit #7609 | -78 for detached garage | | |
| -LU permit #5834 | 0-10 for attached garage add | lition | |
| -Sanitary permit # | 3004 (1975) | ation | |
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| FACTS OR OBSERVAT | ONS BASED ON SITE IN | SPECTIONS: Site inspections on. | |
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| FACTS PRESENTED A | Γ PUBLIC HEARING; | See tape, minutes & file. | |
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DECISION STANDARDS

| 70 | DECISION STANDARDS |
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| 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: |
| В. | 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 Weis: The owner is entitled to a safe access to an egress door. Hoeft: They are protectively readying the property for handicap access. |
| 2. | 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 house is too close to the highway per ordinance setbacks, but the house was built prior to any of the present setbacks. Hoeft: County Road N is where it is. |
| 3. | THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Weis: There will be no effect on public safety. Hoeft: There will be no further building other than whatthere is now for landscaping. Handicapped access is encouraged. This will provide a safe access and exit from the home. |
| *A VA | RIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET* |
| DECU | SION: THE REQUESTED VARIANCE IS GRANTED. |
| MOTI | |
| CONI | DITIONS OF APPROVAL/DENIAL: |
| SIGN | (d) - (d) |

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

DECISION OF THE ZONING BOARD OF ADJUSTMENT COPY JEFFERSON COUNTY, WISCONSIN

FINDINGS OF FACT

| PETITION NO.: HEARING DATE: | V1712-2023 01-10-2023 | <u>.</u> | |
|---|---|--|---------|
| APPLICANT: | Ryan Church | · | |
| PROPERTY OWNER:_ | Ryan T & Rachel M | Church | |
| PARCEL (PIN) #: | 026-0616-2931-000 | (N3053 County Road F) | |
| TOWNSHIP: | Town of Sullivan | | |
| INTENT OF PETITION structure greater th | ER: Add an attach an 50% of the existing f | ed garage to the existing, non-conforming residence footprint | lential |
| | | | |
| THE APPLICANT REQUEFFERSON COUNTY 2 | JESTS A VARIANCE F ZONING ORDINANC | FROM SECTION 11.09(c) OF | THE |
| THE GRANT OR DENIA | AL OF THE VARIANC | TRUCTION AND PROPERTY WHICH REL E APPLICATION ARE: I (1.00 Ac) | |
| -Existing footprint | of home = 1398 sq. ft. | | |
| -Allowed inc | rease = 699 sq. ft. | | |
| -Proposed ac | <u>ldition = 924 sq. ft.</u> | | |
| -Sanitary permit #5 | 22 for home addition | | |
| -Samtary permit #5. | 540 (1764) | | |
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| ACTS OR OBSERVATIO | ONS BASED ON SITE ed property layout & loc | INSPECTIONS: Site inspections cation. | |
| ACTS PRESENTED AT | PUBLIC HEARING:_ | See tape, minutes & file. | |
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| | | | |

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: |
|-------|---|
| | ************************************** |
| В. | 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. |
| С, | 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: Having an attached |
| | garage with the residence is considered necessary. Hoeft: There is no garage. The applicant wishes to |
| | build an attached garage large enough to store their vehicles and have direct access from the house to the 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: The house existed prior to any of the present-day regulations. The addition will be no problem if the structure was not considered non-conforming. Hoeft: The variance request is triggered by the fact that the house is too close to County Road F. |
| | |
| 6. | THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Weis: There is no conflict with the well or septic or any other structures. Hoeft: The garage will not be anywhere near the highway and there are no visibility issues. |
| *A VA | RIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET* |
| DECI | SION: THE REQUESTED VARIANCE IS GRANTED. |
| MOT | ION: Weis SECOND: Hoeft VOTE: 2-0 (roll call vote) |
| CONI | DITIONS OF APPROVAL/DENIAL: |
| SIGN | ED: DATE: 01-10-2023 CHAIRPERSON |

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