

# ***JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT***

*Dale Weis, Chair; Janet Sayre Hoeft, Joann Larson*

**THE BOARD OF ADJUSTMENT WILL MEET ON THURSDAY, MAY 25, 2023 AT 9:15 A.M.** Members of the public may attend Via Zoom Videoconference **OR** at the Jefferson County Highway Department Committee Room, 1425 S Wisconsin Dr, 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 12:30 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-Highway Department Committee Room, 9:15 a.m.**

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

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

Members present: Weis, Hoeft, Jaeckel

Members excused: Larson

Staff: Brett Scherer, Laurie Miller

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

Scherer acknowledged publication.

## **4. Approval of the Agenda**

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

## **5. Approval of April 13, 2023 Meeting Minutes**

Weis made motion, seconded by Hoeft, motion carried 2-0 on a voice vote to approve.  
(Jaeckel abstained)

6. **Communications** – Scherer noted the hearing will be beginning at 12:30, even though it was published for 1:00, and we will accommodate the petitioners as needed.

There was discussion on finding another alternate to the Board.

7. **Public Comment** - None

8. **Site Inspections-Beginning at 9:30 a.m. & Leaving from Hwy Dept Committee Room**

V1720-23 – Jay Wilson, **N5575 County Rd D**, Town of Farmington, PIN 008-0715-2624-000

V1723-23 – Dale & Julie Schmeling, **W3914 Staude Rd**, Town of Farmington, PIN 008-0715-0413-000 (3 ac)

V1721-23 – Shawn Austin Sr, **N7081 Rock Lake Rd**, Town of Lake Mills, PIN 018-0713-0341-001

V1722-23 – Daniel Raatz, **W9240 County Rd B**, Town of Lake Mills, PIN 018-0713-0832-000

V1725-23 – Steve Marcus, **W7768/W7766 Lamp Rd**, Town of Sumner, PINs 028-0513-1141-033& 028-0513-1141-034

V1724-23 - Tyler Holzhueter/Mitchell & Robin Gardner Property, **Majestic Circle**, Town of Oakland, PIN 022-0613-1811-046

9. **Public Hearing Beginning at 12:30 p.m. in Hwy Dept Committee Room**

Meeting called to order at 12:30 p.m. by Weis

Members present: Weis, Hoeft, Jaeckel

Members excused: Larson

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 12:30 p.m. on Thursday, May 25, 2023 in the Jefferson County Highway Department Committee Room, 1425 S Wisconsin Drive, 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:

**V1720-23 – Jay Wilson:** Variance from Sec. 11.09(c) 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 50% of the existing foundation footprint. The site is in an A-3 zone at **N5575 County Rd D** on PIN 008-0715-2624-000 (2.215 ac), Town of Farmington.

Jay Wilson (N5575 County Road D) presented his petition. He stated that they needed a variance to tear off the additions and add onto the house. The house was built in the 1860's with a kitchen and upper bedroom added in about 1900, and a two-car garage added on in 1979. They will be removing the two-car garage because of the buckling concrete and will also be removing the kitchen and upper bedroom. The foundation wall was just small rocks stacked on each other that were not mortared, so it is not a proper foundation. They will also be removing the one-car garage next to the house to make room for the addition. The addition will be a new 2 ½ car garage with a kitchen and bedroom on the first floor. They would like to keep the 1860's German log frame house.

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

The petitioner noted they just upgraded the septic system. Weis asked for the well location. The petitioner stated that it was on the north side of the house and away from the construction. Hoeft asked if he would be closer to County Road D than what exists. The petitioner stated that everything was being built will be away from the road. Scherer explained he needs the variance because of the current setbacks, and the current location of the house puts it in a non-conforming category. Hoeft asked the petitioner to explain how the existing shed impacts the possibility for expansion of the house. The petitioner stated he needed to be 10' minimum away for fire distance. They tried different configurations on where to put the garage. It would either overlap buildings or they would have to put it on the north side of the house which would be disjointed. With the architect, they went over different scenarios, and this would be the best option. The garage on the south side of the house would also provide a buffer to the house because of the sounds from the highway.

Staff report was given by Elsner. She stated that it is an existing, non-conforming structure due to the current road setback. They are not going any closer to the road so he would still be within what would be allowed. The existing house footprint was 921 square feet including the existing porch. The proposed square footage is 3,453 square feet including the deck and garage. They did have a new septic permit moving the tank and upgrading to accommodate the expansion.

Weis asked if there was any correspondence from the Highway Department. Hoeft noted there was nothing in the file.

**V1721-23 – Shawn Austin Sr:** Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to place a shed at less than the minimum required setback to both right-of-way and centerline of I-94. The site is in an A-3 zone at **W7081 Rock Lake Rd**, Town of Lake Mills, on PIN 018-0713-0341-001 (2.685 ac).

Shawn Austin (W7081 Rock Lake Rd) presented the petition. He stated that he needs the variance to put up a garage on the south side of the property. With the slope of the property, this is the only flat spot to put a garage. It would be close to the freeway fence, and he would be putting it on the existing pad. The elevation to the road from the site is 80' so there is no hazard. The septic is in the front of the house and to the north is the well. There is a very steep slope.

There were no questions or comments in favor or opposition of the petition. There was an approval from the town in the file and read into the record by Weis.

Weis asked if he was proposing a pole-type structure. The petitioner stated yes. Weis noted the site was marked and filled in and was assuming the poles would be set for frost protection. There was further discussion.

Elsner gave staff report. She stated the property was zoned A-3. I-94 has setbacks of 200' to the centerline of the road, and 100' from the ROW. The ROW cuts into the property quite a bit. There are >20% slopes, and there is a limit to where he could place a structure. There is no sanitary permit on file and she asked the petitioner if he was proposing any water or bathroom in the structure. The petitioner stated no.

Weis asked if there was anything from the DOT and if they were routinely being noticed. Zangl explained that it is sent to the Highway Department and we have not heard anything back.

**V1722-23 – Daniel Raatz:** Variance from Sec. 11.04(8) of the Jefferson County Zoning Ordinance to allow two existing homes on one proposed A-3 lot at **W9252 and W9258 County Rd B**, Town of Lake Mills, PINs 018-0713-0833-000 (7.768 ac) and 018-0713-0832-001 (15.867 ac).

Realtor Adrian Stibbs from Remax Shine presented the petition. She stated that Dan wants to build new on the property and would like to section off the newer home, the original farmhouse,

and the outbuilding to sell separately. He would like to keep the old farmhouse. The well is located in the old farmhouse and serves both houses.

Weis confirmed there was one well that services both houses. The petitioner stated yes. Weis stated the well is probably not physically in the house. The petitioner explained it was not, but the pressure tank is in there. Jaekel asked if there were two septic systems. There was discussion on the septic situation. The petitioner stated there was no one living in the house at this time and understood that the septic would need to be addressed.

Hoeft asked for the proposed size of the lot. Scherer brought it up on the map at the front and the petitioner noted it would be approximately 3.07 acres. Weis asked who owned the land around the area. The petitioner stated it was owned by Battist. There was discussion on what was owned. The petitioner stated Dan wanted to keep the wooded area.

There were no questions or comments in favor or opposition of the petition.

Staff report was given by Elsner. She stated the petitioner would like to create a lot with two homes. The newer house had a mobile home placed in 1981. The mobile home was removed and replaced with a home in 2011. There is a septic permit on file from 1981, but there is no septic permit on file for the older home. They need the variance because the ordinance only allows one residential dwelling unit on a property.

There was a town response in the file approving the petition which was read into the record by Weis.

Hoeft asked how this was brought to the Boards attention. Zangl explained they were looking to create a new lot. The new lot only allows for one, single family home and they are requesting to have two. Hoeft noted that there was really no difference between a duplex and two homes. Weis asked why they could not create two lots. The petitioner stated the town would not allow two lots. Zangl explained setback issues and driveway.

**V1723-23 – Dale & Julie Schmeling:** Variance from Sec. 11.07(d) of the Jefferson County Zoning Ordinance to allow home replacement at less than the minimum required setbacks to road right-of-way and centerline at **W3914 Staude Lane**. The site is in the Town of Farmington on PIN 008-0715-0413-000 (3 ac) and is zoned A-1, Agricultural.

Weis abstained.

Dale and Julie Schmeling presented their petition. Mr. Schmeling stated that one portion of the house is a log cabin and there have been three to four additions. The only basement is a crawl space under the cabin. It would be too difficult to try to remodel it, so they want to tear it down and rebuild. Staude Lane comes into the property by 60' which is too close to the proposed new location. The north end of the proposed house is the area for the new septic. A new well is located to the southeast of the proposed house. The old septic is located east of the original house and goes across the driveway, and the drainfield is on the eastern end of the lot. Currently, the

plow truck comes into the yard and turns around. There could be proposed cul-de-sac on the dead-end road which would be split with the neighbor, Steve Schluter who is to the west of this property. He did not see this in the foreseeable future because the plow truck can turn around in his yard.

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

Elsner gave staff report. This is a three-acre parcel. They are asking to reduce the road setbacks to build a new home. The required setbacks are 85' to the centerline of the road and 50' from the ROW. The ROW cuts into their property so they are looking for a 45' setback from the road centerline and a 30' setback to the ROW. There are previous permits on file, but there is no septic permit on file. Elsner asked the petitioner if he was having anyone take a look at the septic. Jaeckel asked if they were proposing a new septic. The petitioner stated yes. There was a new well put in about two years ago. The new septic will be located in the northwest corner so they can keep the trees and maintain the wind break.

Hoeft asked about the process for building a new home. Zangl explained.

**V1724-23 – Tyler Holzhueter/Mitchell & Robin Gardner Property:** Variance from Sec. 11.07(d) of the Jefferson County Zoning Ordinance to allow home construction at less than the minimum required setbacks to road right-of-way and centerline on **Majestic Circle**, Town of Oakland. The site is on PIN 022-0613-1811-046 (0.232 ac) in a Residential R-1 zone.

Mitchell and Robin Gardner (2501 Ironwood Dr, Sun Prairie) presented the petition. Hoeft asked who Tyler Holzhueter was. The petitioner state he was their builder.

Due to the angle of road coming in towards the lot, it is forcing the setbacks for the house to be pushed back. They are trying to abide by their HOA requirements of 1,600 square feet on the main level of the house. It was challenging to fit the house on the lot and maintain 1,600 square feet. They have drawn up two plans. One that abides by the setbacks for around a 1,500 square foot house. The other plan is for a 1,600 square foot home with the overhang that crosses the setback. Zangl noted several plans were submitted and asked the petitioner for an updated site plan. The petitioner submitted an updated plan and further explained. Zangl noted that the petition was published for the road setbacks, but not any of the other setbacks and further explained. There was discussion on shifting the house towards the road to meet the other setbacks.

The petitioner noted that the HOA covenants require the house to be 1,600 square feet on any split-level house on the main level. The other issue is to maintain water run-off from the roof with the overhang and setback. Elsner asked the petitioner to explain how they explored a two-story home and how that did not work. The petitioner stated the HOA guidelines stated they can only have a one-story or split-level ranch. He believed that was to maintain the site lines to the water. Hoeft asked for confirmation that by moving it slightly towards the road, they could meet all the

other setbacks. Zangl stated by looking at the site plan in the file, it meets all the other setbacks. Weis noted a surveyor should stake out the house to assure the setbacks are met.

There were no questions or comments in favor or opposition of the petition. The town approved the petition.

Staff report was given by Elsner. The property is zoned R-1 so they do not need to worry about a septic placement. She stated they were asking for reduced centerline setback of 58'. The required setback is 63'. The required setback to the ROW is 30' but they are asking for a 25' setback. Weis asked for clarification that the setback was from the roof overhang. Elsner confirmed it was from the overhang.

**V1725-23 – Steve Marcus:** Variance from Sec. 11.04(d) of the Jefferson County Zoning Ordinance to allow two existing homes at **W7768 and W7766 Lamp Rd** to be on one proposed lot. The homes are on PINs 028-0513-1141-033 (0.11 ac) and 028-0513-1141-034 (0.297 ac) in the Town of Sumner, in a Waterfront zone.

Steve Marcus (W7766 Lamp Rd) presented the petition. He stated that he just purchased the property in January and found that the septic was shared by the two dwellings with a 3,000-gallon holding tank. It has been this way for at least 20 years with both structures sharing the well, septic and driveway. The smaller parcel does not allow room for a septic.

There were no questions or comments in favor or opposition of the petition.

Jaeckel asked if he was living there year-round. The petitioner stated he was living at W7766 Lamp Road. The other property is not a year-round, fulltime residence. Weis asked if it was typically used in the summer. The petitioner stated yes, it was a one-bedroom cottage and very small. The petitioner stated that in lieu of asking for a variance to combine the two lots into one creating an additional problem, he would request the two parcels continue to share the one holding tank and remain as it has for years. The town was okay with it providing the tank was adequate. He last service it on February 29 and it does not need servicing now, so a quarterly servicing does not seem to be unreasonable.

Hoelt questioned staff if the ordinance states that on a Waterfront property, there can only be one principal dwelling. Zangl stated one dwelling is the same as one principal dwelling. He clarified that in the ordinance, it would be for existing dwellings in the Waterfront district, and no new dwellings are allowed which means under that clause, the homes could never be rebuilt.

Elsner gave staff report. The property is zoned Waterfront. In 2000, a sanitary permit was issued for the three-bedroom home at W7766 Lamp Road, and it was illegally connected to the home located at W7768 sometime after that. There is no permit on file to connect. There was a previous variance on file to allow for the garage.

To combine the lots into one and sharing the septic between the two homes is the easiest to allow because sharing the septic over two separate lots is not in conformance today's standards with the

POWTS Ordinance. Right now, they are two separate, saleable properties. The town approved their request on April 10<sup>th</sup>, 2023 and the properties are in the 100 year floodplain.

Weis commented that most of these kinds of problems are around the lake and was worried about setting a precedent. Hoeft commented on the Waterfront District with two houses on the property. Hoeft asked how much space was needed for a holding tank. Weis stated it depended on what the conditions were. There was further discussion on the request.

The petitioner provided a rebuttal explaining that his property is one of the nicest looking properties in the area. It is also higher and probably did not flood in 2008. The house has value as a house, and if it becomes storage shed, that would be a huge financial burden right now or for resale purposes. He requested that they either consider the variance by combining the two lots because of how small that one is where there is not much room or allow the two homes to continue to share the septic as they have for over 20 years. There is no physical space on the lot to have its own system without ripping out the deck structure or parking space.

#### **11. Discussion and Possible Action on Above Petitions at 2:12 p.m. (See following pages & files)**

#### **12. Adjourn**

Jaeckel made motion, seconded by Hoeft, motion carried 3-0 on a voice vote to adjourn at 2:29 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)



DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN

COPY

FINDINGS OF FACT

PETITION NO.: 2023 V1720  
HEARING DATE: 05-25-2023

APPLICANT: Jay Wilson

PROPERTY OWNER: SAME

PARCEL (PIN) #: 008-0715-2624-000 (N5755 County Road D)

TOWNSHIP: Farmington

INTENT OF PETITIONER: Allow for an addition to the existing, non-conforming house that is greater than 50% of the structural members and 50% of the existing footprint.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09(c) 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:

- A-3 zoned property
- County Road D setbacks
  - 110' from the centerline and 50' from the Road right of way
- current structure is non-conforming because it does not meet the road setbacks
- Section 11.09(c) limits any work to the structure to 50% of the: a. structural members and b. footprint expansion
- Permit #65437 issued for a porch in March 2023
- Septic permit #14296 issued in March 2023 to move the septic tank and enlarge the septic field
- Variance proposal is to add an addition and structure members more than allowed under s. 11.09
- Existing house footprint = 921 sq. ft. including existing porch
- Proposed addition = 3,453 sq. ft. including deck and garage
- Town Board approved variance on April 10, 2023

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:

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: Not to be able to improve the structure to meet the owner's demands is a hardship. Hoeft: They want to bring a very old house into the present. They are anticipating the owner's ADA needs in the future. Jaeckel: Due to the placement of the well, septic and buildings on the lot, there is no other place for the addition.
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 non-conforming because it is too close to County Road D, but the structure has been in its present location prior to any ordinances. Hoeft: County Road D is where it is. The existing shed takes up room on the lot. The addition will not be any closer to County Road D than it is now. Jaeckel: Due to the placement of the well, septic and buildings on the lot, there is no other place for the addition.
3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Weis: The owner has secured permits to replace the septic and well and will do so for rebuilding the structure. Hoeft: They are not closer to County Road D and the town approved. Jaeckel: The house is already too close to the road and the addition is no closer.

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

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

**MOTION:** Hoeft                      **SECOND:** Weis                      **VOTE:** 3-0 (roll call vote)

**CONDITIONS OF APPROVAL/DENIAL:**

SIGNED:  (Sm)                      DATE: 05-25-2023  
CHAIRPERSON

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

<https://jeffersoncountywi.sharepoint.com/sites/ZoningDepartment/Shared Documents/General/BOA/BOA Decisions/2023/05-25-2023.doc>

DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN

**COPY**

**FINDINGS OF FACT**

PETITION NO.: 2023 V1721  
HEARING DATE: 05-25-2023

APPLICANT: Shawn Austin Sr

PROPERTY OWNER: SAME

PARCEL (PIN) #: 018-0713-0341-001 (N7081 Rock Lake Rd)

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: Construct an accessory storage structure at reduced setbacks to the road ROW and centerline of I-94

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 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:

-Zoned A-3

-Road Setback = 200' from centerline and 100' from the road right of way

-Propose detached garage at 17' from the road right of way

-Road right of way expands due to slope increase

-No septic permit on file

-Town approved variance on April 11, 2023

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 Hoeft: They are entitled to another accessory building. Weis: It would be a hardship not to be allowed to build the accessory structure. Jaeckel: They are entitled to another building on the lot.
5. THE HARDSHIP OR NO REASONABLE USE **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE Hoeft: This is the steepest property imaginable, and this is the only flat spot available left on the property. Weis: Because of its topography being very steep, there is little room on the lot. Jaeckel: The elevations prevent placing it in another location, and because of the location of the well and septic.
6. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Hoeft: I-94 is well beyond the space for the new pole shed. Weis: There are no implications to public safety. Jaeckel: It will not cause any problem with the setbacks.

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

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

**MOTION:** Jaeckel                      **SECOND:** Hoeft                      **VOTE:** 3-0 (roll call vote)

**CONDITIONS OF APPROVAL/DENIAL:**

**SIGNED:**   **DATE:** 05-25-2023  
CHAIRPERSON

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.: 2023 V1722  
HEARING DATE: 05-25-2023

APPLICANT: Daniel Raatz

PROPERTY OWNER: Gerald E & Victoria M Raatz Trust

PARCEL (PIN) #: 018-0713-0833-000 (W9252 & W9258 County Road B

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: Allow a land division incorporating two homes on one lot.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)8 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:

-Propose to rezone to A-3 to divide the property and create a new lot with 2 houses

-Zoning Ordinance section 11.04(f)8 only allows 1 single family home the property

-propose to have 2 single family homes on one lot

-Mobile home replaced with new home in 2011 – Land Use Permit #58996

-1981 septic permit for the “mobile home”, no septic permit on file for farm house

-Town approved rezoning and variance to create a 3.00 acre lot with two homes

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:

7. 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 driveway & water supply are both shared and it would be difficult to split. Hoeft: There are two houses with one being very old and the other being relatively new. Their best solution is to rezone and keep them both on one parcel. Jaeckel: They cannot split the two houses separately – there is no other solution.
8. 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 older house nearest the road has existed for some time. The other home replaced a trailer unit. Hoeft: A new A-3 lot design seems the best answer. The petitioner stated the town believes the splits were all used. Jaeckel: The township will not allow them to split them.
9. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Weis: The township will not allow additional splits so it leaves little to no option. Hoeft: The ordinance looks to restrict developing homes in the zone. These two houses are already there. Jaeckel: It is already on the tax roll as is.

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

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

MOTION: Weis SECOND: Jaeckel VOTE: 3-0 (roll call vote)

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: Dale Weis (Jm) DATE: 05-25-2023  
CHAIRPERSON

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.: 2023 V1724  
HEARING DATE: 05-25-2023

APPLICANT: Tyler Holzhueter

PROPERTY OWNER: Mitchell D & Robin R Gardner

PARCEL (PIN) #: 022-0613-1811-046 (Majestic Circle)

TOWNSHIP: Oakland

INTENT OF PETITIONER: Reduce the road setbacks for a proposed home.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d) 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 (0.232-Ac)

-Request for reduced road setbacks for proposed new home

-Sec 11.07(d) requires setback of 63' from road centerline

-Proposing ?' setback from road centerline

-Sec 11.07(d) requires setback of 30' from road right-of-way

-Proposing ?' setback from road right-of-way

-No previous permits on file for property – vacant lot

-No septic permit on file – connected to sewer district

-Town

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:

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: To not be able to build a house, it would be a hardship. Hoeft: The owners are stuck between where the street is, the HOA rules, and the ROW and centerline setbacks in a subdivision. Jaeckel: They would not be able to build a house the size of the HOA rules.
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: They have very limited space on the lot and are subject to the terms of a subdivision covenant. Hoeft: There is not another solution. They have worked with zoning and their builder to squeeze this house on the lot. Jaeckel: The size required to fit on the lot and the setbacks cause the problems.
3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Weis: The owners shall secure all the appropriate permits and shall have a licensed surveyor plot and confirm placement of the house on the lot. Hoeft: With some effort, the petitioner can now come close enough to the ordinance restrictions. Jaeckel: It causes no safety issue.

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

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

MOTION: Weis SECOND: Hoeft VOTE: 3-0 (roll call vote)

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: Dale Weis (Pm) DATE: 05-25-2023  
CHAIRPERSON

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

<https://jeffersoncountywi.sharepoint.com/sites/ZoningDepartment/Shared Documents/General/BOA/BOA Decisions/2023/05-25-2023.doc>



DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN

**COPY**

**FINDINGS OF FACT**

PETITION NO.: 2023 V1723  
HEARING DATE: 05-25-2023

APPLICANT: Dale R & Juliet A Schmeling

PROPERTY OWNER: SAME

PARCEL (PIN) #: 008-0715-0413-000 (W3914 Staude Lane)

TOWNSHIP: Farmington

INTENT OF PETITIONER: Reduce the road setbacks for a proposed home replacement.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d) 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 (3.00-Ac)
- Request for reduced road setbacks for proposed house replacement
- Sec 11.07(d) requires setback of 85' from road centerline
  - Proposing 45' setback from road centerline
- Sec 11.07(d) requires setback of 50' from road right-of-way
  - Proposing 30' setback from road right-of-way
- LU permit #6433-1977 for porch addition
- LU permit #56015-2007 for pole barn
- No septic permit on file
- Town approved on 5/4/2023

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:

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 Hoeft: The petitioners are wanting to do a tear down and build new. On the 3-acre parcel, there are a lot of accessory buildings taking up the lot. Jaeckel: The existing structure is too difficult to remodel so they wish to build a new one.
2. THE HARDSHIP OR NO REASONABLE USE **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE Hoeft: The current house is too close to Staude Lane. The property is surrounded by farmland. Jaeckel: There is no other place due to the location of the well, septic and other buildings on the lot.
3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Hoeft: The petitioners made strides in creating a cul-de-sac to address any future access concerns. Jaeckel: It is the only house on a dead-end lane. It will not affect anything.

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

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

**MOTION:** Jaeckel                      **SECOND:** Hoeft                      **VOTE:** 2-0 (Weis abstained)

**CONDITIONS OF APPROVAL/DENIAL:**

**SIGNED:** Dale Weis (Rm)                      **DATE:** 05-25-2023  
CHAIRPERSON

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

<https://jeffersoncountywi.sharepoint.com/sites/ZoningDepartment/Shared Documents/General/BOA/BOA Decisions/2023/05-25-2023.doc>

DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN

COPY

FINDINGS OF FACT

PETITION NO.: 2023 V1725  
HEARING DATE: 05-25-2023

APPLICANT: Steve Marcus

PROPERTY OWNER: SAME

PARCEL (PIN) #: 028-0513-1141-033 & -034 (W7766/W7768 Lamp Road)

TOWNSHIP: Sumner

INTENT OF PETITIONER: Allow the house located at W7768 Lamp Road be connected to and share the holding tank located at W7766 Lamp Road, and combine the lots to allow for two homes on one parcel

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(d) 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:

- Properties zoned W, Waterfront (0.297-Ac) & (0.11-Ac)
- Sec. 11.04(d) stated that there shall be not more than one (1) principal dwelling structure on any lot in Waterfront district
- Proposal to allow for one holding tank to service two homes, and combine the lots to allow for two homes on one parcel
- Sanitary permit #10465-2000 to service 3-bedroom home at W7766 Lamp Rd
- After tank was installed, it was illegally connected to the home at W7768 (no permit on file for this septic)
- Department found out about the illegal work during real estate transaction inspection of the system and started violation process
- Previous variance granted to allow for a garage to be placed lower than 2' below the regional flood elevation
- Both properties are located in 100-yr floodplain
- Town approved 4/10/2023

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:

1. UNNECESSARY HARDSHIP **IS NOT** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD NOT** 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 making an exception and combining the two lots into one does not really resolve any issues if there is no room to install a second holding tank.
2. THE HARDSHIP OR NO REASONABLE USE **IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE This is truly floodplain and it will flood again.
3. THE VARIANCE **WILL** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE \_\_\_\_\_

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

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

**MOTION:** Weis **SECOND:** Hoeft **VOTE:** 3-0

**CONDITIONS OF APPROVAL/DENIAL:**

**SIGNED:** Dale Weis (Hoeft) **DATE:** 05-25-2023  
CHAIRPERSON

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