

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:

V1711-23 – John B Meinel: 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.

V1712-23 – Ryan Church: 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

Hoelt 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
JEFFERSON COUNTY, WISCONSIN

COPY

FINDINGS OF FACT

PETITION NO.: V1711-2023

HEARING DATE: 01-10-2023

APPLICANT: John B Meinel

PROPERTY OWNER: John B & Joann J Meinel

PARCEL (PIN) #: 002-0714-3522-001 (N5183 County Road N)

TOWNSHIP: Aztalan

INTENT OF PETITIONER: Allow the construction of a deck, stairs & ramp at a reduced road setback

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:

-Property zoned A-3, Agricultural/Rural Residential (1.626 Ac)

-Proposed setback of 47' from new addition to centerline of Hwy N

-Existing setback from house to centerline = 55'

-Legal non-conforming structure

-Required setback from centerline = 85'

-Required setback from right-of-way = 50'

-Proposed setback from right-of-way?

-LU permit #7609-78 for detached garage

-LU permit #58340-10 for attached garage addition

-Sanitary permit #3004 (1975)

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

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

DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN

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FINDINGS OF FACT

PETITION NO.: V1712-2023

HEARING DATE: 01-10-2023

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 PETITIONER: Add an attached garage to the existing, non-conforming residential structure greater than 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:

-Property zoned A-1, Exclusive Agricultural (1.00 Ac)

-Existing footprint of home = 1398 sq. ft.

-Allowed increase = 699 sq. ft.

-Proposed addition = 924 sq. ft.

-LU permit #65266-22 for home addition

-Sanitary permit #5340 (1984)

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

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

