

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Dale Weis, Chair; Janet Sayre Hoeft, Joann Larson

The Board of Adjustment will meet on **Thursday, March 21, 2024, at 10:30 a.m.** Members of the public may attend at the Jefferson County Courthouse, Room C1049, 311 S Center Ave, Jefferson, WI

The Board of Adjustment will leave for site inspections from Room C1049 at 10:45 a.m.

Petitioners or their representatives must be in attendance for the public hearing at 1:00 p.m. in Courthouse Room C1049. 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-Jefferson County Courthouse Room C1049

Meeting called to order by Weis @ 10:30 a.m.

2. Roll Call (Establish a Quorum)

Members present: Weis, Hoeft, Larson

Members absent: ----

Staff: Matt Zangl, Brett Scherer, Laurie Miller

3. Certification of Compliance with Open Meetings Law

Staff presented proof of publication.

4. Approval of the Agenda

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

5. Approval of December 14, 2023, Meeting Minutes

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

6. Communications – Zangl explained the lot division of pre-2000 A-3 lots.

7. Public Comment – None

8. **Site Inspection – Beginning at 10:45 a.m. and Leaving from Courthouse Room C1049**

V1735-24 & V1736-24 – Bob Morrone (Huxhold Builders)/Lewis & Carin M Knapp property, W3023 Gopher Hill Road, Town of Watertown, PIN 032-0815-1112-000

9. **Public Hearing Beginning at 1:00 p.m. in Courthouse Room C1049**

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

Members present: Weis, Hoeft, Larson

Members absent: -----

Staff: 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 1:00 p.m. on Thursday, March 21, 2024, in the Jefferson County Courthouse Room C1049. 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:

V1735-24 – Bob Morrone (Huxhold Builders)/Lewis & Carin M Knapp: Variance from Sec. 11.07(d) of the Jefferson County Ordinance to allow a house at less than the required road setbacks from Gopher Hill Road and State Road 16. The site is in the Town of Ixonia in an R-2 Residential Zone at W3023 Gopher Hill Road on PIN 032-0815-1112-000.

Bob Morrone, Huxhold Builders, presented the petition. They are requesting reduced setbacks to Gopher Hill Road and STH 16 for the house and garage. The building envelope, because of the triangular nature of the lot, is small and shortened because of the ROW on STH 16. It has also made the lot odd shaped due to the wetland delineation which creeps into the building envelope creating a hardship. This is best scenario. The town had concerns about being too close the STH 16 because of future expansion of the road, so they moved the buildings closer to Gopher Hill Road. He spoke with the State DOT, and they do not have any plans for expansion at this time. If there was a future expansion of STH 16, it may turn Gopher Hill Road into a dead-end road.

Weis noted they were asking for a 68' setback to the centerline of Gopher Hill Road and the requirement is 85'. He asked the petitioner if that was from the foundation or the overhang and what was the overhang measurement. The petitioner stated the overhang was 24" so they would be asking for a 66' setback to the centerline of the road. They are 261' to the centerline of STH 16. The petitioner stated the DOT expanded the ROW easement in the 1950's. He noted they will be staying 25' off the edge of the wetland.

There were no questions or comments in favor of opposition of the petition. There was a town response in the file from the town approving the petition on February 12, 2024, which was read into the record by Hoeft.

Elsner gave staff report. She stated the property was zoned R-2 and was a 4.52-acre lot. She noted the required setbacks to STH 16 were 200' to the centerline, and 100' to the ROW. There was a discussion on the acreage due to a possible easement adjustment.

Weis asked if there was a soil test on file. Elsner stated yes. The petitioner confirmed it was done. A location of the borings was shown on the map by staff.

There was a discussion on the setbacks. Using the measurements from the overhang, the setbacks to Gopher Hill Road will be 66' to the centerline, and 33' to the ROW. The setbacks to STH 16 will be 260.1' to the centerline which does not need a variance and 90.1' to the ROW (easement line).

Weis asked if there was input from DNR. Elsner stated the full wetland delineation was in the file. She further explained. The Highway Department commented but there was nothing in the file from the DOT.

Weis made comment on the future expansion of STH 16 and how this house would be impacted. The petitioner noted the Highway Department referred them to the DOT and he had contact with them. He stated there was a study done in 2014 and there was no need at this time to do an expansion. Weis noted the Town Plan Commission expressed some concerns which have been addressed. Elsner noted there was a study done stating that STH 16 will not recommend the road be made a 4-lane highway and will remain a 2-lane as long as possible.

Hoeft asked if they were proposing a berm for the noise from STH 16. The petitioner stated there were a lot of trees on the lot that will provide a barrier to the noise. Elsner noted that the road was also elevated.

V1736-24 – Bob Morrone (Huxhold Builders)/Lewis & Carin M Knapp: Variance from Sec. 11.07(d) of the Jefferson County Ordinance to allow a detached garage at less than the required road

setbacks from Gopher Hill Road and State Road 16. The site is in the Town of Ixonia in an R-2 Residential Zone at W3023 Gopher Hill Road on PIN 032-0815-1112-000.

Bob Morrone, Huxhold Builders, stated the garage cannot fit in the building envelope off Gopher Hill Road and STH 16. Weis asked about the proposed garage being detached. The petitioner stated they are proposing a 2-car attached garage as well.

The setbacks measuring from the roofline are 52.2' to the centerline and 23' to the ROW of Gopher Hill Road. The setbacks to STH 16 will be 261.3' to the centerline and 91.3' to the ROW.

The petitioner went back to the house setbacks to Gopher Hill Road and stated it should be 62.3' to the centerline.

Per Elsner, there is a town decision in the file approving the petition. There were no questions or comments in favor or opposition of the petition.

11. Discussion and Possible Action on Above Petitions @ 1:34 p.m.(See also following pages and files)

12. Adjourn

Larson made motion, seconded by Hoeft, motion carried 3-0 on a voice vote to adjourn @ 1:53 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.jeffersoncountyiwi.gov

DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN

COPY

FINDINGS OF FACT

PETITION NO.: 2024 V1735

HEARING DATE: 03-21-2024

APPLICANT: Bob Morrone (Huxhold Builders)

PROPERTY OWNER: Lewis C & Karin M Knapp

PARCEL (PIN) #: 032-0815-1112-000 (W3023 Gopher Hill Rd)

TOWNSHIP: Town of Watertown

INTENT OF PETITIONER: Allow at single-family home at reduced road setbacks.

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 R-2, Residential-Unsewered (4.52-Ac)

-Sec. 11.07(d)2 requires 200' setback from road centerline for Hwy 16

-Proposed setback = 170'

-Sec. 11.07(d)2 requires 100' setback from road right-of-way for Hwy 16

-Proposed setback = 92.1'

-Sec. 11.07(d)2 requires 85' setback from road centerline for town roads

-Proposed setback = 64.3'

-Sec. 11.07(d)2 requires 50' setback from road right-of-way for town roads

-Proposed setback = 35'

-Town approved with no conditions on 2/12/2024

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

COPY

FINDINGS OF FACT

PETITION NO.: 2024 V1736
HEARING DATE: 03-21-2024

APPLICANT: Bob Morrone (Huxhold Builders)

PROPERTY OWNER: Lewis C & Carin M Knapp

PARCEL (PIN) #: 032-0815-1112-000

TOWNSHIP: Town of Watertown

INTENT OF PETITIONER: Allow a detached garage at reduced road setbacks.

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 R-2, Residential-Unsewered (4.52-Ac)

-Sec. 11.07(d)2 requires 200' setback from road centerline for Hwy 16

-Proposed setback = 170'

-Sec. 11.07(d)2 requires 100' setback from road right-of-way for Hwy 16

-Proposed setback = 93.3'

-Sec. 11.07(d)2 requires 85' setback from road centerline for town roads

-Proposed setback = 54.2'

-Sec. 11.07(d)2 requires 50' setback from road right-of-way for town roads

-Proposed setback = 25'

-Town approved with no conditions on 2/12/2024

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 Larson: It is an allowable accessory structure. It is zoned R-2, and if they had to comply with the setback, they could not build. Weis: The accessory structure could not be built there if there were not reduced setbacks. Hoeft: The need for an additional storage facility is understandable.
- 2. THE HARDSHIP OR NO REASONABLE USE **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE Larson: Because of the wetland delineation. Weis: The wetlands, the extra-ordinary large ROW to State Road 16, and the narrowing lot are physical factors creating the hardship. Hoeft: The space for this accessory building is limited by the extensive presence of wetlands on the parcel.
- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Larson: This is off a township road and there is plenty of room to State Road 16. Weis: It would be close to the intersection with State Road 16 so the speed would be reduced creating less of a safety hazard. Hoeft: Storage space is to be encouraged. This building is in addition to the 2-car, attached garage.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION:

SECOND:

VOTE:

CONDITIONS OF APPROVAL/DENIAL:

SIGNED:  (Sm) DATE: 03-21-2024
 CHAIRPERSON

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