

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Dale Weis, Chair; Janet Sayre Hoeft, Joann Larson

THE BOARD OF ADJUSTMENT WILL MEET ON THURSDAY, April 11, 2024 AT 9:30 A.M. Members of the public may attend at the Jefferson County Courthouse, 311 S Center Ave, Jefferson, WI, Room C1049

THE BOARD OF ADJUSTMENT WILL LEAVE FOR SITE INSPECTIONS AT 9:45 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 meeting

1. Call to Order – 9:30 a.m. Room C1049 of the Jefferson County Courthouse

Meeting called to order @ 9:30 a.m. by Weis

2. Roll Call (Establish a Quorum)

Members present: Weis, Hoeft

Members absent: Larson

Staff: Matt Zangl, Sarah Elsner, 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 Weis, motion carried 2-0 on a voice vote to approve.

5. Approval of March 21, 2024 Meeting Minutes

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

- 6. Communications** – Zangl noted there will be five petitions on next month’s agenda and asked the Board if they would like to split the meeting. Weis stated no and suggested the hearing start at 12:30 p.m.

Hoelt noted she will be gone for the May Board of Adjustment meeting.

- 7. Public Comment – None**

Note: Larson was present for site inspections.

- 8. Site Inspection – Beginning at 9:45 a.m. and Leaving from Room C1049 of the Jefferson County Courthouse, 311 S Center Ave, Jefferson, WI**

V1737-24 – The Concord Inn LLC (Jonathan Kohlmetz), W1240 Concord Center Drive, Town of Concord, PIN 006-0716-1532-006

V1741-24 – Tom & Valerie Krejcie Trust, Shore Acres Road, Town of Lake Mills, PIN 018-0713-1113-019

V1739-24 – Erik & Sarah Hoffman, N435 Oxbow Bend, Town of Koshkonong, PIN 016-0513-3412-017

V1739-24 – John & Jane Anderson Trust, 1222 Van Buren Street, Town of Koshkonong, PIN 016-0514-0422-033

V1738-24 – Brandon Strawn/J Strube & Co LLC, W5800 Wendorf Ln, Town of Jefferson, PIN 014-0614-2741-013

- 9. Public Hearing Beginning at 1:00 p.m., Jefferson County Courthouse Room C1049**

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

Members present: Weis, Hoelt, Larson

Members absent: ---

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 1:00 p.m. on Thursday, April 11, 2024, at the Jefferson County Courthouse Room C1049, 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:

V1737-24 – The Concord Inn LLC (Jonathan Kohlmetz): Variance from Sec. 11.09(c) and 11.04(f)3 of the Jefferson County Zoning Ordinance to allow for an addition to an existing, non-conforming structure located in the road right-of-way and at a reduced side-yard setback. The site is located at **W1240 Concord Center Drive** in the Town of Concord, PIN 006-0716-1532-006.

John Kohlmetz, W1240 Concord Center Drive, presented his petition. He stated they were asking to put on an addition on the right side of the building to put in handicapped accessible bathrooms and an ADA compliant entryway. Weis asked if this would be on the existing foundation. The petitioner stated yes. There be a deck on the back of the building to provide another exit because there is no secondary exit. It will a small deck with stairs.

Weis asked for the lot line setbacks and noted there were extensive plans in the file which were reviewed. Larson asked if the stairway was ADA. The petitioner explained there would be a new entry into the addition which will have a ramp. Weis noted it was a non-conforming structure because it was too close to the road. He asked the petitioner if he was working with an engineer. The petitioner stated yes, this has been over a year in the works, and he has been working with a structural engineer. Hoeft asked when the structure was built. The petitioner stated it was in 1859. Weis noted the front setback from the centerline was 26.9’ and the holding tank was located at the rear of the building off the northwest corner of the building. The petitioner stated that was correct. Weis asked for the location of the well. The petitioner stated it was at the rear of the building and it should be on the site plan. He showed the location to the Board on the site plan from the file. Hoeft asked the petitioner if he was going any closer to the ROW. The petitioner stated no.

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

Staff report was given by Elsner. She stated the property was zoned Community and was a .28-acre parcel. The request is from Section 11.09(c) which states an existing, non-conforming structure located in the ROW or over the lot line, that no additions or alteration of structural members not including ordinary maintenance shall be permitted. They are requesting to allow a 640 square foot addition. The request is also from Section 11.04(f)9 requires a 10' setback to the side lot line, and they are requesting a 2' setback. In 1974, there was a land use permit for an addition and one in 1995 for a deck and stairway addition. The holding tank permit was issued in 2006, and it is being serviced regularly. The town approved the petition with no conditions.

V1738-24 – Brandon Strawn (J Strube & Co LLC): Variance from Sec. 11.03(f)1 of the Jefferson County Zoning Ordinance to allow for reduced road frontage for a proposed lot at **W5800 Wendorf Lane** in the Town of Jefferson, PIN 014-0614-2741-013.

Brandon Strawn appeared by Zoom. He purchased the land a few years ago. There is a dual zoning on the property of agricultural and residential. The neighbor has offered to purchase the some of the residential land and add it to their lot. By doing so, he would have to put in a new driveway to cut through the residential portion of the property or come in for a variance to be able to utilize Wendorf Lane for access which is 60' wide when 66' is needed. Limiting the acreage transferred was unnecessary since the larger agricultural portion would not be planned for building at any point.

Weis asked if the house located on the property would remain there. The petitioner stated yes. The goal is to eventually sell to the adjoining neighbor. Elsner further explained how the lot would be divided up in the future. There is 60' of road access from Wendorf Lane and approximately 62' to Stokke Road which is platted but not developed. There was further discussion.

There are no questions 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.

Staff report was given by Elsner. The property is zoned A-1 and R-2 and is a 12.442-acre parcel. Section 11.03(f)1 requires that all lots shall front on and have access to the public road for a minimum distance of 66'. He is asking to be allowed to reduce the road frontage to 60'. The parcel is all one property, but they would like to divide the existing lot to create separate properties which would require the reduced road frontage.

There are some past violations on the property. In 1994, there was a variance to allow an accessory structure without the principal structure, but it was denied due to the land not passing for anything other than a holding tank at the time, and a storage structure already existed on the property. In 2002, there was a travel trailer that was parked and the property and connected to services using it as a habitable site which is not allowed. And, in 2004, there was camping and habitation in the shelter located on the property. There was then an accessory structure added to the property without the principal structure. There is no septic located on the property, but there is a soil test for a mound. The town approved the petition with no conditions.

Larson questioned County Road K and Wendorf Lane and asked if a soil test passed in the R-2 zone. Elsner stated it would likely be a holding tank, but it would need a soil test. Larson asked if a holding tank was allowed for new construction in Jefferson County. Elsner stated, no unless a waiver is obtained through the Planning & Zoning Committee.

Weis asked if there was there was a well. Elsner stated she was not aware of any well. The petitioner stated there was a well approximately 15' just north of the small building. They use it to water the garden. He stated he knows nothing else about it.

V1739-24 – John R & Jane M Anderson Trust: Variance from Sec. 11.04(f)5 of the Jefferson County Zoning Ordinance to allow the addition of an attached garage at a reduced side-yard setback at **1222 Van Buren Street** located in the Town of Koshkonong, PIN 016-0514-0422-033.

Hoefl abstained from hearing the petition.

John & Jane Anderson, 1216 Sherman Avenue, were present. Mr. Anderson stated they bought this property in 2023. They hired Jon Bound to construct the garage. They are asking for a variance to 11' to the north lot line to be able to add a 14' wide garage. The current garage is a two-car garage at little over 15'. The truck does not fit in the existing garage and if both vehicles are in the garage, it would be difficult to open the car doors and get out. They are proposing a 14' wide garage with an 8' door. Pete Weston is in the process of drawing up the plans. The house was built in 1955. There is no other place to attach the garage. The bedrooms are on the east and south side of the house. The structure was built in 1955 where it is which had no restrictions at that time. There is a fence on the north side. He contacted the owners, and there is no problem and no visual impact objectionable to the neighbors. The property is zoned A-T. The house, well and septic were inspected after they purchased the property. After they complete this project, they will be contacting the city to annex. The septic system is old, and they will need to connect to public sewer. They need to keep the vehicles out of the elements. Weis asked if the setback was from the roof. The petitioner stated that John Kannard did a survey, and the measurement is from the roof.

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

Elsner gave staff report. The property is zoned A-T and is a 1.576-acre lot. This is from Section 11.04(f)5 which requires 20' to the lot line and they are asking for 11'. There was a previous permit on file for a home addition, and no sanitary permit on file. The town approved their petition with no conditions.

Weis asked what the A-T zone was and Elsner explained. Larson asked if it were in the city, what would be the side setbacks. The petitioner stated the zone would change to CR2 and there would be a 10' setback. Larson asked if they thought about coming forward towards Wilson Ave. with the garage. The petitioner stated the project would then require replacing the roof and rafters and further explained. Weis noted they would still be dealing with the same width

V1740-24 – Erik & Sarah Hoffman: Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to allow for a reduced road setback for a proposed detached garage in an R-2, Residential-Unsewered zone at **N435 Oxbow Bend** in the Town of Koshkonong, PIN 016-0513-3412-017.

Erik Hoffman (N435 Oxbow Bend) stated he is asking for a detached garage. His house is the last house on a dead-end road. He will be combing lots and placing it on the property where there should not be an issue at 55' to the centerline of the road.

Weis noted the house was not compliant with the new flood ordinance and questioned the two buildings being close together. The petitioner stated the new garage will roughly be 2 ½' higher than the house. Weis asked how he was going to accomplish that. The petitioner stated there would be stairs and explained. Weis asked how he would fill in that close to the house. The petitioner stated there is 5' to the house. There was discussion. Larson asked if there was a drainage plan. The petitioner stated the garage will have gutters and further explained. Weis asked staff if they will need an impervious surface plan. Zangl stated yes, as part of the permitting process, staff will have to look at the impervious surface. The petitioner stated with the lot combination, he will get the impervious surface calculations. Zangl stated the petitioner has been working with Combs & Associates for that, and he will need to get an engineer because the building is in the floodplain.

Weis asked if he had a holding tank. The petitioner stated it is on septic. There was discussion. The petitioner stated he would not be proposing water or sewer in the garage and it would just be for storage. Weis asked for the location of the well. The petitioner stated it was in the house.

There were no questions 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.

Hoelt commented the 5' between the building was not very much. Zangl stated he was originally asking for a 0' setback, but will now be 20' setback from the ROW. He will meet the 75' setback to the water. Hoelt asked about the other section of land. Zangl stated the lots will be combined.

V1741-24 – Tom C & Valerie M Krejcie Trust: Variance from Sec. 11.03(h)2 and 11.07(d)2 of the Jefferson County Zoning Ordinance to allow a detached garage without a principal structure with a reduced road setback in an R-2, Residential-Unsewered zone off Shore **Acres Rd** in the Town of Lake Mills, PIN 018-0713-1113-019.

Tom Krejcie, W7852 Shore Acres Road, presented his petition. He explained his petition at the front map. The two lots that were combined are across from his home. The garage on the house lot is from 1924. The well is by the garage and part of the garage is in the ROW. So, he is proposing a garage across the street.

He would like a 2-car garage without the principal structure. He expanded the parking area by adding retaining walls and is as far back as he can go because of the hill. There is a utility ROW on the back of the property, and there is power on the lot.

Larson asked if they would be removing the portable shed. The petitioner stated he would be moving it. Larson asked where he would be moving it to. The petitioner stated he was not sure. Larson asked if he obtained a permit to place it there. The petitioner stated no, it was on skids. Larson noted that he would still need a permit. Weis noted that technically it is a structure. Zangl noted that before he moved the shed, he should check with Zoning. Hoeft asked if the existing garage is used just for storage. The petitioner stated yes.

There were no questions 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. Zangl explained the town's condition that the owner sign an affidavit that is recorded stating that no residence can be built on the lot due to the excessive slopes and there was discussion.

Zangl gave staff report. He stated the property is zoned R-2. A 25' setback to the ROW is required and they are asking for 15'. They are also asking for a detached garage without a house. The house is located across the street. Hoeft asked if the shed is attached to the house. The petitioner stated no.

11. Discussion and Possible Action on Above Petitions (See following pages & files) at 1:54 p.m.

12. Adjourn

Larson made motion, seconded by Hoeft, motion carried 3-0 on a voice vote to adjourn @ 2:54 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