

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Dale Weis, Chair; Joann Larson; Steven Masche

THE BOARD OF ADJUSTMENT WILL MEET ON THURSDAY, February 13, 2025, AT 10:30 A.M. Members of the public may attend at the Jefferson County Courthouse, 311 S Center Ave, Jefferson, WI, Room C1021.

THE BOARD OF ADJUSTMENT WILL LEAVE FOR SITE INSPECTIONS AT APPROXIMATELY 10:45 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 – 10:30 a.m. Room C1021 of the Jefferson County Courthouse
The meeting was called to order by Chairman Dale Weis at 10:30 a.m.
2. Roll Call (Establish a Quorum)
Committee members in attendance were Dale Weis, Joann Larsen, and Janet Sayre-Hoeft.
Department staff members in attendance were Matt Zangl, Sarah Elsner and Haley Nielsen.
3. Certification of Compliance with Open Meetings Law
Chairman Weis confirmed the meeting was in compliance with the open meeting laws.
4. Approval of the Agenda
Motion by Supervisor Larsen, second by Supervisor Sayre-Hoeft. Motion passed on a voice vote, 3-0
5. Communications
None.
6. Public Comments
None
- V1758-24 – Zachary Schmidt**, W4560 Hillview Lane, Town of Farmington – PIN 008-0715-3114-006
V1759-24 –Fauna Justman, W9479 Lake Drive, Town of Sumner – PIN 028-0513-1943-049
7. Public Hearing Beginning at 1:00 p.m., Jefferson County Courthouse Room C1021
Meeting called to order at 1:00 p.m. by Weis
Members present: Weis, Larson, Sayre-Hoeft
Staff: Matt Zangl, Sarah Elsner, Haley Nielsen
8. 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, February 13, 2025, at the Jefferson County Courthouse Room C1021, Jefferson, Wisconsin. Matters to be heard are applications for variance from terms of the Jefferson County Zoning Ordinance and Floodplain 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:

V1758-24 Zachary Schmidt: Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to allow for placement of a detached garage at a reduced road setback at **W4560 Hillview Lane** on parcel 008-0715-3114-006, Town of Farmington.

Petitioner: Zach Schmidt (W4560 Hillview lane), the hill on the property makes it difficult to meet the setback. Is trying to obtain a variance as the garage would be difficult to structurally build. Would like to minimally change the existing grade to allow for the most practical elevation difference between the driveway and garage.

In Favor: None.

Opposed: None.

Rebuttal: None.

Questions from Board: The Town approved. Weiss mentioned to the petitioner that the setbacks for the County are taken from the dripline of the roof and not the foundation. The petitioner understood. No further questions.

Staff: Given by Nielsen and in the file. Explained prior permits obtained for the property. A land use permit was issued in 2024 for detached garage. This was not constructed, the variance request was to alter the location of the proposed garage. The variance application shows the proposed garage to be 56 feet from the centerline and 30 feet from the road right-of-way. Nielsen asked why the location of the garage on the issued permit is being changed and why the variance is needed. The petitioner explain that due to the steep grade/hillside the initial location of the shed is challenging.

V1759-24 Fauna Justman: Variance from Sec. 14.4.3(1) of the Jefferson County Floodplain Ordinance to allow for a new single-family home, raised to the flood protection elevation, with less than the required 15’ of fill around the perimeter of the structure in the floodplain located at **W9479 Lake Drive** on parcel 028-0513-1943-049, Town of Sumner.

Petitioner: Fauna Justman & Ryan Combs with Combs engineering. Combs explained they would like to raise the existing house and put a new house there the lot is small, and adding the required amount of fill around the raised house would negatively affect the area and neighbors. The proposal is to pour foundation walls, without a basement, and put flood vents on the windows. Flood vents have been used in previous builds in the area. The house will be moved towards the road to place it further away from the water, and to get it out of the floodplain as much as possible, while still leaving room for a garage and driveway to avoid traffic congestion on the road. The house currently does not have a garage.

In Favor: None.

Opposed: None.

Rebuttal: None.

Questions from Board: Weiss asked about plan for septic. Elsner responded property will be connected to the sewer district. Weiss asked about the well. Justman responded that there is a spring fed well. Larson asked if the well comes from the lake or if it comes from the ground. Justman responded it comes from the ground. Combs responded the well is off the corner of the house. Zangl asked where the water/drainage issues are. Combs explained water runs off the roads, and between the properties. Combs further explained that following the 15 foot fill requirements around the house would create more drainage issues for the neighborhood. Sayre-Hoeft asked staff to read Town comments. Sayre-Hoeft noted the petition was passed by a 3-2 vote. Town condition – use existing footprint only. Justman added that the members opposed wanted the petitioners to speak with their neighbors. Larson asked about zoning specifics – Elsner clarified.

On zoom (public comment):

Doug Anderson (W9475 Lake Drive) Not opposed to petition, but just want to stay informed on potential drainage issues. The only concern was the pitch of the house and how the house/grading is constructed to handle heavy rains. Justman added that the construction

Chris McDermont (W9484 Lake Drive) Not opposed to petition, but wanted to add some comments. Heavy rains move downhill and create drainage issues. If the petitioner is building a garage, it may cause issues with water flow. The water usually runs across the road and downhill.

Staff: Given by Nielsen and in file. Nielsen explained the history of the property, and the requirements of the floodplain ordinance. Some floodplain items were clarified to the board by Elsner. Staff comments - variance should be for the minimum relief necessary. Larson clarified that the project would just be stem walls, with no fill. Combs confirmed. The DNR correspondence was to us as much fill as possible for minimum relief necessary. Zangl added some clarifying information on floodplain standards.

See file and recording for further information

9. Discussion and Possible Action on Above Petitions

10. Adjourn

Sayre-Hoeft made a motion, Larson second, motion carried 3-0 on a voice vote to adjourn at 2:41pm.

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