

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Lloyd Zastrow, Chair; Janet Sayre Hoeft, Vice-Chair; Don Carroll, Secretary; Dale Weis, Alternate; Paul Hynek, Alternate

PUBLIC HEARING BEGINS AT **1 P.M.** ON THURSDAY, MARCH 13, 2008
ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 10:15 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 10:30 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Courthouse Room 203

Meeting was called to order @ 10:18 by Lloyd Zastrow, Chair

2. Roll Call

Members present: Lloyd Zastrow, Don Carroll, Janet Sayre Hoeft

Members absent: ----

Staff: Rob Klotz, Laurie Miller

3. Certification of Compliance With Open Meetings Law Requirements

Janet Sayre Hoeft acknowledged publication. Rob Klotz also made not of publication in the paper.

4. Review of Agenda

Janet Sayre Hoeft made motion, seconded by Donald Carroll, motion carried 3-0 to approve the review of the agenda as presented

5. Approval of January 10, 2008 Meeting Minutes

Janet Sayre Hoeft made motion, seconded by Donald Carroll motion carried 3-0 to approve the minutes with a correction under the Dennis Kieck petition, last page of minutes – change name of “Dave” Ludwig to “Dan” Ludwig.

6. Site Inspections – Beginning at 10:30 a.m. and Leaving from Room 203

V1268-08 – Thomas Kiplinger, W3429 USH 18, Town of Jefferson

V1269-08 – Rodney Lee Jandrt, N6057 S Farmington Rd, Town of Farmington

V1267-08 – Gary Kincaid/Dean Kincaid Inc Property, N3734 CTH E, Town of Sullivan

7. Public Hearing – Beginning at 1 p.m. in Courthouse Room 205

Meeting called to order @ 1:00 p.m. by Lloyd Zastrow, Chair

Members present: Lloyd Zastrow, Donald Carroll, Janet Sayre Hoeft

Members absent: -----

Staff: Rob Klotz, Laurie Miller

***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 p.m. on Thursday, March 13, 2008 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. Matters to be heard are applications for variance from terms of the Jefferson County Zoning Ordinance. No variance may be granted which would have the effect of allowing in any district a use not permitted in that district. 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, variances may be granted where strict enforcement of the terms of the ordinance results in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated. Based upon the findings of fact, the Board of Adjustment must conclude that: 1) Unnecessary hardship is present in that a literal enforcement of the terms of the ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; 2) The hardship is due to unique physical limitations of the property rather than circumstances of the applicant; 3) The variance will not be contrary to the public interest as expressed by the purpose and intent of the zoning ordinance. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** There may be site inspections prior to public hearing; decisions shall be rendered after public hearing on the following:

V1267-08 – Gary Kincaid/Dean Kincaid Inc.: Variance from Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance to create a farm consolidation lot where the residence exists on the proposed lot in an area that does not meet minimum A-1 zone width requirements. The property is at **N3734 CTH E** in the Town of Sullivan, on PIN 026-0616-1434-001 (11.831 Acres).

Corey Kincaid presented this petition. Todd Wilkham, realtor, also spoke on behalf of the petitioner. There were no questions or comments in favor or opposition of this petition.

Janet Sayre Hoeft questioned the location of the land to the south. Donald Carroll questioned the driveway(s). Janet also questioned their plans on moving or replacing the existing home.

Staff report was given by Rob Klotz. There was a response from the town in the file of no objection which Donald Carroll read into the record.

V1268-08 – Thomas Kiplinger: Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to construct a pole building at less than the required right-of-way and centerline setbacks from USH 18. The property is at **W3429 USH 18** in the Town of Jefferson, on PIN 014-0615-0312-005 (0.72 Acre).

Thomas Kiplinger presented his petition. There were no questions or comments in favor or opposition of this petition.

Donald Carroll read DOT letter into the record and questioned access and site plan.

Rob Klotz gave staff report. Donald Carroll read the response from the town of no objection into the record.

V1269-08 – Rodney Lee Jandrt: Variance from Sec.11.07(d)2 of the Jefferson County Zoning Ordinance to allow an addition to an existing shed previously permitted by variance at 55 feet from the centerline of the town road. The site is at **N6057 South Farmington Road** in the Town of Farmington on PIN 008-0715-2422-000 (40.5 Acres).

Rodney Jandrt presented his petition. There were no questions or comments in favor or opposition of this petition.

Donald Carroll questioned the sketch and location of a shed not included on the sketch. Janet Sayre Hoeft questioned staff about the addition. Donald Carroll questioned the size of the addition.

Rob Klotz gave staff report. There was a response from the town in the file of no objection which Donald Carroll read into the record.

8. Decisions on Above Petitions (see files and attached)

9. Adjourn

Janet Sayre Hoeft made motion, seconded by Donald Carroll, motion carried to adjourn @ 2:08 p.m.

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Lloyd Zastrow, Chairman

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 24 hours prior to the meeting so appropriate arrangements can be made.

**DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN**

FINDINGS OF FACT

PETITION NO. : V1267-08
HEARING DATE : 0313-2008

APPLICANT: Dean Kincaid, Inc.

PROPERTY OWNER: Dean Kincaid, Inc.

PARCEL (PIN)#: 026-0616-1434-001

TOWNSHIP: Sullivan

INTENT OF PETITIONER: Create a farm consolidation lot with less than 150' width at
the existing residence location

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)7
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-1 farm consolidation – A-3 zoning controls apply

150' minimum lot width – 200' minimum lot depth

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Property layout &
location

FACTS PRESENTED AT PUBLIC HEARING: See tape & minutes
Home is existing

DECISION STANDARDS

- A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT _____

- B. 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 _____

- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED HERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIANCE IN THE STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST IS 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 BECAUSE there are 2 existing structures which, when they were constructed, were in compliance with the ordinance at that time. The initial placement of the home would make it unsalable.

- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE they only have a substandard distance between the existing homes.

- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE application would have the agreement that it would be built back into correctly sited, conforming area if ever reconstructed. This does not impact other property owners in this area. Town has no objection.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Donald Carroll **SECOND:** Janet Sayre Hoeft **VOTE:** 3-0

CONDITIONS OF APPROVAL:

SIGNED _____ DATE 03-13-2008
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT.

**DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN**

FINDINGS OF FACT

PETITION NO. : V1268-08
HEARING DATE : 03-13-2008

APPLICANT: Thomas S. Kiplinger

PROPERTY OWNER: SAME

PARCEL (PIN)#: 014-0615-0312-005

TOWNSHIP: Jefferson

INTENT OF PETITIONER: Variance to construct a pole building at less than the
 required R.O.W. & centerline setback from USH 18.

**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:**
 Minimum road setback – 140' centerline & 70' R.O.W.

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Property layout &
 location.

FACTS PRESENTED AT PUBLIC HEARING: See tape & minutes
 DOT letter in file. Speed reduction in this area. Building will be outside the R.O.W.

DECISION STANDARDS

- A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT _____

- B. 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 _____

- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED HERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIANCE IN THE STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST IS 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 BECAUSE of the size of the lot & the hill in the back. Could have serious erosion problems if cut into the hill. This is the only place for the shed. The road was not built in the center of the R.O.W.

- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE of the steep incline on the property, the position of the highway, and the location of the mound.

- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE visual inspection of the property indicated other structures along this road are even closer to the road. The DOT states access is safe. There is no visibility impact or problems with the driveway location which is pre-existing.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Donald Carroll **SECOND:** Janet Sayre Hoeft **VOTE:** 3-0

CONDITIONS OF APPROVAL: Structure is to be used for personal use only – no business use.

SIGNED _____ DATE 03-13-2008
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT.

**DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN**

FINDINGS OF FACT

PETITION NO. : V1269-08
HEARING DATE : 03-13-2008

APPLICANT: Rodney Lee Jandrt

PROPERTY OWNER: SAME

PARCEL (PIN)#: 008-0715-2422-000

TOWNSHIP: Farmington

INTENT OF PETITIONER: Modify existing variance to allow an addition to an existing
 shed at 55' from the centerline of a town road.

**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:**
 V163-94 permitted original shed.
 Proposed addition is 32x'30'

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Property layout &
 location

FACTS PRESENTED AT PUBLIC HEARING: See tape & minutes

DECISION STANDARDS

- A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT _____

- B. 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 _____

- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED HERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIANCE IN THE STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST IS 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 BECAUSE there are numerous other buildings on the property. There is a steep hill which limits where he could add on a building or add a new building.

- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE it's no closer than the existing shed he's adding onto. There is a steep hill and he has limited area to construct. The topography (terrain) of the parcel limits the placing of barns for reasonable use.

- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE all buildings are close to the road. This building will be no closer. Will continue to use the land for his agricultural operation.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Janet Sayre Hoeft **SECOND:** Donald Carroll **VOTE:** 3-0

CONDITIONS OF APPROVAL:

SIGNED _____ DATE 03-13-2008
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT.