

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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

PUBLIC HEARING BEGINS AT **1:00 P.M.** ON THURSDAY, SEPTEMBER 11, 2014 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 9:45 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 10:00 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 9:45 a.m.

Meeting called to order @ 9:45 a.m. by Hoeft

2. Roll Call

Members present: Don Carroll, Lloyd Zastrow, Janet Hoeft

Members absent: Dale Weis

Staff: Laurie Miller, Michelle Staff

3. Certification of Compliance with Open Meetings Law Requirements

Hoeft acknowledged publication. Staff also presented proof of publication.

4. Election of Officers

Zastrow made motion, seconded by Carroll, motion carried 2-0 to elect Hoeft as chair.

Hoeft made motion, seconded by Carroll, motion carried 3-0 to elect Weis as vice-chair.

Zastrow made motion, seconded by Hoeft, motion carried 2-0 to elect Carroll as secretary.

5. Review of Agenda

Carroll made motion, seconded by Hoeft, motion carried 3-0 to approve the review of the agenda.

6. Approval of August 14, 2014 Meeting Minutes

Carroll made motion, seconded by Hoeft, motion carried 2-0 approve the meeting minutes.

Carroll noted that the complete meeting is available on digital recording.

7. Communications - None

8. Site Inspections – Beginning at 10:00 a.m. and Leaving from Room 203

V1428-14 – S&M Mode Trust, **N2192 Clearview Ln**, Town of Hebron

V1429-14 – Wayne & Nicole Howie, **W3105 Markert Rd**, Town of Jefferson

V1431-14 – Donald Kiedrowski, **N8776 CTH E**, Town of Watertown

V1430-14 – Jaye Haberman/Suzanne Chadwick Trust Property, **W6393 CTH A**, Town of Milford

9. Public Hearing – Beginning at 1:00 p.m. in Room 205

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

Members present: Donald Carroll, Lloyd Zastrow, Janet Hoeft

Members absent: Dale Weis

Staff: Laurie Miller, Michelle Staff

10. Explanation of Process by Board of Adjustment Chair

The following was read into the record by Carroll:

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, September 11, 2014 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 which any interested parties may attend; decisions shall be rendered after public hearing on the following:

V1427-14 – Paul Antczak/Diane G West Property: Variance from Sec. 11.09(c) of the Jefferson County Zoning Ordinance to allow an addition to a non-conforming structure in excess of 50% of the existing foundation footprint. The site is at **N4615 Highland Drive** in the Town of Sullivan on PIN 026-0616-0244-010 (4.155 Acres) and is zoned A-3, Agricultural/Rural Residential.

Paul Antczak presented the petition and explained what modifications they have done to the structure that included a remodel of a summer kitchen, and what brought them in for variance. He has been to the town and it was approved unanimously. He explained the three criteria 1) the home was placed on the property in 1894 and the road was placed it created unique situation when the setbacks came into play. 2) The structure built in 1894 has a stone foundation, and they would lose the structural integrity of the home if it was moved. Also, the septic is to the south, the well is to the north, and the back would be too close to another structure. 3) It's on a dead end road with the addition to the back of the home, and there is no change in road access for emergency vehicles. He went on to explain the summer kitchen remodel and square footage which is now only by 14% over the 50%. The conditional use they applied for is on hold conditioned on the variance approval.

There were no questions or comments in favor or opposition of the petition. There was a decision in the file from the town of no objection which was read into the record by Carroll.

Staff gave staff report. She stated this is a 50% variance, not a setback variance. She explained this is non-conforming because it does not meet the current setback requirements. The Ordinance does allow for some expansion or alterations of a non-conforming structure. If it exceeds 50% of the footprint, they need a variance. She received information on the summer kitchen on the back of the house and determined that it was approximately 300 square feet which was removed and the new addition was placed. She also contacted the town assessor to get the square footage. They are still above the 50% allowed. The addition is to the rear of the structure and away from the road setback. The Planning & Zoning Committee approved the request for a duplex conditioned upon getting variance approval.

Carroll commented on the hardship exceeding the 50%. Dawn Antczak stated the home was built in 1894 and they are now held to today's setbacks and the 50%. The roads have been built in creating the setback issue making them non-conforming. Carroll commented the issue is the 50% and not setbacks, and asked the petitioners to explain the hardship to the 50%. Paul Antczak further explained. Hoeft questioned staff on the physical limitations of the land creating the setback issue, not the foundation. Staff explained and commented on the 50% rule. Carroll commented on exceeding the 50% on their expansion and asked the petitioner to explain the hardship. Paul Antczak explained. There was a discussion on hardship and physical limitations, case law, permits, and setbacks.

Zastrow questioned staff on the requirements of coming to the county for any type of permit, and was any plan submitted by the petitioner. Staff explained. Dawn Antczak provided further explanation. Zastrow asked the petitioner if the town indicated that they needed to come to the county also. Dawn Antczak explained. Staff commented that the storage structure was also started without permits, and the permit has now been issued. There was further discussion on permits. Carroll asked the petitioner if construction had stopped once they realized they needed permits. Paul Antczak explained that 90% of the construction was complete.

V1428-14 – S&M Mode Trust: Variance from Sec. 11.03(f)6. which states that uses not specifically permitted shall be prohibited, and from 11.04(f)6 which lists the allowed A-1 Exclusive Agricultural Accessory uses, in order to allow the rebuilding of a historic log cabin on the property at **N2192 Clearview Lane**, Town of Hebron. This will then allow a new residential structure in an A-1, Exclusive Agricultural zone. The site is part of PIN 010-0515-0631-001 (2 acres).

Steve Mode presented his petition. He explained that they had dismantled a log cabin and moved it to their property. They want to restore it to its original use, but do not intend on living it. It's a primitive log cabin that they want to restore.

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 Carroll.

Staff report was given by Staff. She stated that the property was zoned A-1, and they can have as many outbuildings as they want and a residence, but no new residences are allowed in this zone. She went on to explain the ordinance requirements.

Staff asked the petitioner if there would be water in the structure. Mode explained they would like to have a pioneer kitchen with a dry sink with a hand pump, and run the drain to the septic system. Staff also asked the petitioner if there was going to be a bathroom. Mode stated they would like to put in an old galvanized tub. He further explained the proposed amenities to the structure.

Hoeft asked the petitioner what his time line was. Mode explained that the log home had already been taken down, and now they want to get it off the ground. Hoeft questioned Staff on alternatives to possibly propose an ordinance text amendment. Staff explained. Staff stated that there were concerns that down the road, this could be a residence.

Staff questioned the petitioner on the setbacks. Mode stated there would be a 25' setback. He also explained to the Board what was submitted to the Town of Hebron. Carroll asked the petitioner if he would be amendable to certain restrictions being placed, if approved, to disallow its use as a residence. Mode explained.

V1429-14 – Nicole & Wayne Howie: Variance from Sec.11.07(d) to construct a detached garage at less than the required minimum setback to centerline and road right-of-way of CTH D, and from Sec. 11.09(c) to allow an addition to a non-conforming structure in excess of 50% of its existing footprint. The site is in an A-1, Exclusive Agricultural zone at **W3105 Markert Road**, Town of Jefferson, on PIN 014-0615-1421-000 (3.216 Acres).

Nicole Howie presented their petition. She stated they are proposing an addition of a mudroom to connect the garage and also a great room. The road on two sides of the house, the septic is to the south and the well is on the west side. She further explained her petition.

Hoeft asked the petitioner to explain their garage proposal, and then the addition to the home and connection of the garage. Howie explained. Hoeft questioned staff by doing this in stages whether they run into a variance aging out.

Staff gave staff report. She explained the two phases of the project. The variance for the detached garage is for a reduced setback. The proposed addition which would attach the detached garage to the house is exceeding 50% of the footprint. Staff explained the existing two story square footage footprint, and what square footage was being proposed. The variance is good for the property unless the Board put restrictions on their decision. She noted that they were out on the property and saw the location of the house, well, septic and outbuilding, and asked if the horses were theirs. Howie stated yes.

Hoeft questioned the petitioner on what lands they own. Howie explained. Staff questioned the petitioner if the addition was one or two stories. Howie stated that it would be one story.

There were no questions or comments in favor or opposition of the petition. Carroll questioned staff on the square footage. Staff explained. There was further discussion on the proposal and square footage. There was a town response in the file which was ready by Hoeft.

Zastrow questioned staff on the garage being part of the structure because it would be attached. Staff stated yes. Zastrow questioned what would happen if it was detached and later attached. Staff stated that they would still need a variance. Carroll commented on the old rules where they used value and now are using square footage. Carroll asked the petitioner what their time line was. Howie explained that they would like to put up the garage this fall, and the addition in five years.

V1430-14 – Jaye Haberman/Suzanne Chadwick Trust Property: Variance from Sec. 11.04(f)9. to allow creation of an unsewered, Community-zoned lot without the required minimum lot width and depth. The site is in the Town of Milford at **W6393 CTH A** on PIN 020-0714-0431-010 (1.12 Acre).

Barb Nahmens, real estate agent, and Rob Gilbert, Suzanne Chadwick's son, were present. Nahmens explained that these were once two separate properties and then were put into one. They would now like to have two separate properties again with a shared driveway and well. They are not meeting the setbacks for the house. Hoeft questioned why they wanted to now separate the properties. Nahmens explained.

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 Carroll. There was also a letter from the DNR in the file which was read into the record by Hoeft.

Staff asked petitioner if the Chadwicks owned the two lots together. Nahmens stated yes. Staff gave staff report. She noted that lot two was fine, but the house on lot one has a lot of restrictions. She further explained the need for a conditional use permit for a duplex.

Carroll questioned the need for a new septic. Staff stated that it would be a holding tank. Nahmens stated that it could maybe be a mound. There was further discussion on the septic for both structures. Hoeft questioned the location of the septic for the house. Nahmens stated that it's along the river. Staff stated that it would be a mound or a holding tank, so a soil test would need to be done. There was a discussion on the property being in the floodplain. Gilbert commented that 2008 was the only time there was water in the basement. Hoeft questioned staff on shared wells and driveways. Staff explained. Hoeft questioned the possibility of placing conditions of receiving certain documents before permits are issued. Carroll also commented on the septic conditions that could be placed on a decision.

V1431-14 – Donald Kiedrowski: Variance from Sec. 11.09(c) to allow an addition to a non-conforming structure in excess of 50% of that structure's footprint. The site is at **N8776 CTH E** in the Town of Watertown on PIN 032-0815-1424-000 (29 Acres) in an A-1 Exclusive Agricultural zone.

Don Kiedrowski presented his petition. The house had two sections. The front is a two story brick structure. The back, which is a single story, is what is being replaced. He further explained his project.

Hoeft commented on the structure being non-conforming because it's too close to the road. There were no questions or comments in favor or opposition of the petition. There was a town response in the file which was read by Hoeft. There was also a letter from the DNR which Hoeft also read into the record.

Staff report was given by Staff. She noted that the existing home was at 82' from the centerline and 49' from the ROW. They were expanding the footprint of the structure by 21% and replacing 43% for a total of 64%. She explained the old section would be the bedrooms, and the new addition will be the living space.

Hoeft questioned the well and septic. Kiedrowski explained that he wouldn't have to do anything with the septic, and that he was going from four bedrooms to three bedrooms. Carroll questioned the size of the septic. Staff explained that it was designed for four bedrooms, but he was going to have three.

11. Decisions on Above Petitions (See following pages & files)

12. Adjourn

Zastrow made motion, seconded by Hoeft, motion carried 3-0 to adjourn @ 3:56 p.m.

If you have questions regarding these variances, please contact the Zoning Department at 920-674-7113 or 920-674-8638. Variance files referenced on this hearing notice may be viewed in Courthouse Room 201 between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, excluding holidays. Materials covering other agenda items can be found at www.jeffersoncountywi.gov.

The Board may discuss and/or take action on any item specifically listed on the agenda.

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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.

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

FINDINGS OF FACT

PETITION NO.: 2014 V1427

HEARING DATE: 09-11-2014

APPLICANT: Paul Antczak

PROPERTY OWNER: Diane G. West

PARCEL (PIN #): 026-0616-0244-010

TOWNSHIP: Sullivan

INTENT OF PETITIONER: To exceed 50% of the existing footprint of the non-conforming structure for an addition and structural modifications of the existing structure.

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:

The existing lot is 4.1 acres. The residence is 40 feet from the right-of-way and 70 feet from the centerline of South Road, whereas the required setback is 50 feet from the right-of-way and 85 feet from the centerline. The petitioner would like to construct an addition to the existing structure. The Town Assessor has indicated that the footprint of the current residence is 988 sq. ft. The Petitioners did remove an addition that was 10' x 30' (300 sq. ft.), which would have made the original footprint a total of 1288 sq. ft. The total sq. ft. of the new first story addition is 936 sq. ft. at 73%, which is over 50% of the footprint of the non-forming structure. The proposed addition is proposed on the rear of the existing structure.

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**

FINDINGS OF FACT

PETITION NO.: 2014 V1428

HEARING DATE: 09-11-2014

APPLICANT: Steve Mode

PROPERTY OWNER: S & Mode Trust

PARCEL (PIN #): 010-0515-0631-001

TOWNSHIP: Hebron

INTENT OF PETITIONER: To rebuild a historic log cabin on the property therefore allowing a residential type structure in an A-1 zone.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(f)6 and 11.04(f)6 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:

The petitioner would like to rebuild a log cabin on the property without removing an existing residence on the property. The petitioner has indicated that the log cabin would have a kitchen, electrical and be heated with wood. Site plan needs setbacks to property lines. The property is currently zoned A-1. New residences are not permitted in the A-1 zone therefore, when a use not listed in the zone, it is prohibited.

Will the structure have water? What will the structure be used for? Will there be overnight habitation of the structure? How far from property line is the structure proposed?

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

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

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 WHERE 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 NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

Hoeft made motion to deny – motion did not receive a second.

- 4. 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 this is a historical structure that will double as a playhouse. It would remain a historical structure and no occupancy permit is to be issued.
Hoeft felt this should be denied because they still have use of the property.

- 5. THE HARDSHIP **IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE accessory structures are allowed. This is not being used as a residence, but for historical preservation.
Hoeft felt this should be denied because it's something they *want to do.*

- 6. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE the history of the structure is being maintained.
Hoeft felt that this was not an allowable use in the Ordinance.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Zastrow **SECOND:** Carroll **VOTE:** 2-1

CONDITIONS OF APPROVAL: No occupancy permit is to be issued. The structure may have electricity, but no water or septic.

SIGNED: _____ **DATE:** 09-11-2014

CHAIRPERSON

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

DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN

FINDINGS OF FACT

PETITION NO.: 2014 V1429
HEARING DATE: 09-11-2014

APPLICANT: Wayne & Nicole Howie

PROPERTY OWNER: SAME

PARCEL (PIN #): 014-0615-1421-000

TOWNSHIP: Jefferson

INTENT OF PETITIONER: To construct a detached garage at less than the required setback from the centerline and right-of-way of CTH D. In addition, the petitioner would like to expand their existing non-conforming house to add the proposed detached garage and a living addition to the structure which would exceed 50% of the existing footprint of the non-conforming structure for an addition and structural modifications of the existing structure.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09 (c) and 11.07 (d) 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:

The property is 3.2 acres and is an old homestead. The existing residence is on the corner of CTH D and Markert Rd. The petitioner is proposing two phases to their request. Their first request is to build a detached garage at 90 feet from the centerline of CTH D whereas the required setback is 110 feet from the centerline. The garage is proposed at 30 feet x 40 feet (1200 sq. ft.) Why couldn't the detached garage meet setbacks?

The second phase of the proposal is to add an addition and the proposed detached garage to the existing non-conforming residence. The current residence is 20 feet from the right-of-way of CTH D and 20 feet from the right-of-way of Markert Road whereas the required setback is 50 feet. In addition, the structure is 53 feet from the centerline of CTH D whereas the required setback is 110 feet and 53 feet from the centerline of Markert Road whereas 85 feet is required. The existing footprint of the residence is 961 sq. ft. The petitioner is asking to build an addition of 1,893 sq. ft. including the proposed garage whereas this would exceed 50% of the existing footprint of the current non-conforming structure.

Is there a second story to the proposed additions?

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

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

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 WHERE 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 NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

7. 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 this is a working animal farm that requires access to structures in inclement weather. It is ideal to attach the garage, and would be burdensome to have a detached structure. The house needs to be enlarged and needs a garage.
8. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE it requires access to a garage and mudroom related to animal farming. The house has been there and exists too close to the town road and highway. The 2 roads make it non-conforming.
9. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it is zoned for the purpose. It's in the middle of nowhere and is a rural property. The addition is to the back of the house.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Carroll **SECOND:** Hoelt **VOTE:** 3-0

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ DATE: 09-11-2014
CHAIRPERSON

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

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

FINDINGS OF FACT

PETITION NO.: 2014 V1430

HEARING DATE: 09-11-2014

APPLICANT: Jaye Haberman

PROPERTY OWNER: Suzanne Chadwick Trust c/o Jaye Haberman

PARCEL (PIN #): 020-0714-0431-010

TOWNSHIP: Milford

INTENT OF PETITIONER: To divide a parcel into two lots to sell them separately.
One of the lots will not meet required lot width or depth in a Community Zone.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)(9)
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:

The petitioner currently has one conforming lot with a single family residence and an
apartment building. The petitioner would like to split the parcel to create a lot for the single
family residence and one for the apartment building. The parcel with the single family
residence would not have the required width of 100 feet x 150 feet. The parcel is along the
Crawfish River. A majority of the property is in the floodplain and the single family
residence is in the floodplain.

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

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

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 WHERE 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 NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

- 10. UNNECESSARY HARDSHIP **IS/IS NOT** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD/WOULD NOT** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE _____

- 11. THE HARDSHIP **IS/IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE _____

- 12. THE VARIANCE **WILL/WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE _____

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

DECISION: THE REQUESTED VARIANCE IS **TABLED FOR ADDITIONAL INFORMATION.**

MOTION: Carroll **SECOND:** Hoeft **VOTE:** 3-0

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** _____ 09-11-2014
CHAIRPERSON

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

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

FINDINGS OF FACT

PETITION NO.: 2014 V1431
HEARING DATE: 09-11-2014

APPLICANT: Donald Kiedrowski

PROPERTY OWNER: SAME

PARCEL (PIN #): 032-0815-1424-000

TOWNSHIP: Watertown

INTENT OF PETITIONER: To exceed 50% of the existing footprint of the non-conforming structure for an addition and structural modifications of the existing structure.

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:

The structure is 82 feet from the centerline and 49 feet from the right-of-way whereas the required setback is 110 feet from the centerline and 50 feet from the right-of-way. The petitioner is proposing to remove 840 sq. ft. and replacing it with a 1,127 sq. ft. addition, therefore expanding the existing footprint of the structure by 21 %. In addition, the structural change on the existing structure would be 43%, therefore modifying and expanding the existing structure 64%.

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

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

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 WHERE 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 NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

13. 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 the setback that's not being met is small. The additional size is minimal, and is no closer to the road. The highway location reduces his options.
14. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the highway is located where it is. It's a building improvement, and is in a remote location.
15. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it's a remote location, and no closer to the road. It's not close to the river, and it improves an aging structure.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Zastrow **SECOND:** Hoeft **VOTE:** 3-0

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 09-11-2014
CHAIRPERSON

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