

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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

PUBLIC HEARING BEGINS AT **1:00 P.M.** ON MARCH 10, 2016 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 11:00 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 11:15 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 11:00 a.m.

Meeting called to order at 11:00 a.m. by Weis

2. Roll Call (Establish a Quorum)

Members present: Carroll, Weis, Hoeft

Members absent: -----

Staff: Rob Klotz, Laurie Miller

3. Certification of Compliance with Open Meetings Law Requirements

Hoeft acknowledged publication. Staff also presented proof of publication.

4. Approval of the Agenda

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

5. Approval of February 11, 2016 Meeting Minutes

Carroll made motion, seconded by Hoeft, motion carried 3-0 on a voice vote to approve February 11, 2016 meeting minutes.

6. Communications and Public Comment

Klotz informed the Board that we have hired Michelle's replacement, and he will probably start in June.

Klotz also noted that a meeting with Blair Ward, Corporation Counsel, regarding closed meetings, will be on a future agenda.

**7. Site Inspections – Beginning at 11:15 a.m. and Leaving from Room 203
V1582-16 – John Kane, N6640 County Road E, Town of Concord**

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

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

Members present: Carroll, Hoeft, Weis

Members absent: -----

Staff: Rob Klotz, Laurie Miller

9. Explanation of Hearing Process by Board of Adjustment Chair

The following was read into the record by Hoeft:

***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 10, 2016 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. The matter to be heard is an application 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; discussion and possible action shall be occur after public hearing on the following:

V1582-16 – John Kane: Variance from Sec. 11.09(a)2 and 11.09(c) of the Jefferson County Zoning Ordinance to exceed structural repairs and alterations of 50% of the structural members of the existing agricultural structure for an existing use. This may also be considered over 50% footprint expansion. The site is on PIN 006-0716-0931-001 (17.984 Acres) in the Town of Concord, in an A-1, Agricultural zone at N6640 County Road E.

Tom Cullin, 381 Model Road, Cuba City, presented the petition. He stated that the building was for keeping the animals under the roof.

Weis asked if this is permanent housing for the animals. The petitioner stated that the animals are there for a short time, and then are shipped out. Weis asked how long the animals are there. The petitioner stated it was for short periods of time, maybe 3-4 days up to a week. Weis asked how many workers there were. The petitioner stated he did not know. Weis asked how many head were there at any given time. The petitioner stated it could vary from one week to the next. It could be anywhere from 50-150. There are very few cattle coming in and out. About 95% are sheep and goats.

Lloyd Zastrow, neighbor, noted that this has been in operation since the 1960s. He is doing a major remodeling project and adding a roof over the pen area which is concrete that is already there. He won't be adding any new land area, and this will be an improvement to the area. There is no increase in the volume relating to the number of animals. It's just making it nicer for the animals and the people working there. There is no change in water movement which Zastrow further explained.

Lloyd Zastrow, Town Supervisor, also noted the town approved the petition. Weis also noted that there was a decision in the file with no objection.

There were no comments or questions in opposition of the petition. The petitioner noted that he had pictures of the site. Hoeft stated that they were out to the site.

Klotz gave staff report. He noted that we have relied on the town to verify that this has been in continued use since the 1960s and can continue. He stated that they are putting a roof over the existing concrete slab. He didn't feel this was a footprint extension. There are 2 alleyways between the two buildings so it is a structure in itself. The roof structure is over the 50% of the structural members, but it not closer

to the road. The building line is not changing. It does exceed 50% of the structural members, but not the footprint. The buildings are set back at 51' from the road, and 30' from the ROW.

Weis questioned the petitioner on the 3 criteria needed for variance approval. The petitioner stated that it was hard to use the facility without the roof for the animals and the workers. The existing building roof was bad and needed to be replaced. The buildings could not be moved anywhere else on the property because of the slope.

Klotz commented on the hardships seen on the property. The buildings are so close together and used together. The hardship is how it was laid out before the ordinance. The cement slab exists there, and the buildings exist.

Carroll questioned the existing building setbacks. Klotz stated it was 30' to the ROW and 51' from the road. Carroll questioned the last time this property was functional or used. The petitioner stated that it has always been used. Klotz further explained.

Zastrow explained that it's a gathering spot, and further explained. Carroll asked about the 50% structural modifications, and not 50% of the footprint. Klotz stated that it's a 63'x114' roof just covering the concrete. The petitioner stated that the roof would be trimmed to line up with the buildings.

10. Discussion and Possible Action on Above Petitions (See following pages & files.)

11. Adjourn

Hoelt made motion, seconded by Carroll, motion carried 3-0 on a voice vote to adjourn @ 1:37 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.

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

Secretary

Date

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

FINDINGS OF FACT

PETITION NO.: 2016 V1582
HEARING DATE: 3-10-2016

APPLICANT: John A Kane

PROPERTY OWNER: SAME

PARCEL (PIN #): 006-0716-0931-001

TOWNSHIP: Concord

INTENT OF PETITIONER: To exceed structural repairs and alterations of 50% of the structural members of an existing ag structure for an existing use.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09(a)2 & 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 property is zoned A-1, Agricultural. This is a legal, non-conforming use per the town. The structure is non-conforming in that it currently exists at 51 feet from the road. The petitioner is proposing to replace and/or expand over 50% of the structural members. It may also expand the structure over 50% of the existing footprint. There is town approval in the file.

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:

- 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 it is the elements that have caused the need to replace the roof. Everything is already there and has existed before the 1975 ordinance. The building is in need of building repairs and it's expansion to make it more efficient for its present use.
- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE there is existing usage of the property, driveway and loading areas. The road is where it is. The primary structure was built before the current setbacks that are in effect.
- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it is a permitted ag use in an ag area and will enhance and improve the use. It's just a roof over what's already there. There is town approval. The enclosing of the concrete yard will make it more appealing to the general public.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Hoeft

SECOND: Weis

VOTE: 3-0

CONDITIONS OF APPROVAL: **No part of the roofing is to be any closer to the road than what is existing.**

SIGNED: _____ **DATE:** 03-10-2016
CHAIRPERSON

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