

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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

PUBLIC HEARING BEGINS AT **1:00 P.M.** ON AUGUST 11, 2016, IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 10:30 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 10:45 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 10:30 a.m.

Meeting called to order @ 10:30 a.m. by Weis

2. Roll Call (Establish a Quorum)

Members present: Weis, Carroll, Hoeft

Members absent: -----

Staff: Rob Klotz, Matt Zangl, Laurie Miller

3. Certification of Compliance with Open Meetings Law Requirements

Hoeft acknowledged publication. Staff also provided 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 July 14, 2016 Meeting Minutes

Carroll made motion, seconded by Weis, motion carried 3-0 on a voice vote to approve the meeting minutes with a correction of the spelling of Weis on the last sentence, first page

6. Communications and Public Comment - NONE

7. **Site Inspections – Beginning at 10:45 a.m. and Leaving from Room 203**
V1589-16 – John Didion, **W8961 Ripley Rd**, Town of Oakland
V1588-16 – Dean & Brenda Piskula, **N5605 County Road Y**, Town of Farmington

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

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

Members present: Weis, Carroll, Hoeft

Members absent: -----

Staff: Rob Klotz, Matt Zangl, Laurie Miller

9. **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, August 11, 2016 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; discussion and possible action shall be occur after public hearing on the following:

V1588-16 – Dean & Brenda Piskula: Variance from Sec. 11.04(f)6 of the Jefferson County Zoning Ordinance to allow construction of a detached accessory residential structure five feet from the rear lot line in an A-1, Exclusive Agricultural zone. The site is on PIN 008-0715-3022-001 (0.98 Acre) at **N5605 County Road Y**, Town of Farmington.

Dean Piskula, N5605 CTH Y, presented his petition. He stated that he would like to replace the existing shed (16'x20') with a 30'x40' building for personal storage and equipment. If he went 110' from the road, he would still need a variance because it's a long, skinny lot. He was asking for a 5' setback, and would at some point like goats when he can acquire more land.

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.

Klotz gave staff report. He commented on hardship and noted there was a plot plan in the file showing where everything is on the property including the trees, the kid's play area, the garden, septic and house location, etc... The lot width and depth is also labeled on that sketch. There is a 110' centerline setback requirement. The proposed structure will be at 122' from the centerline of the road. If he would remove some trees and was 10' from the field and used up some of the kid's play area, he could probably meet the setback. He noted there are a number of issues with how the property has been developed and the Board was able to view the property when out on the site inspections. Klotz explained the reasons the 20' setback requirement because of the agricultural use of such as sprayers, cultivators, big equipment, etc... The adjacent property owner was notified but was not present at today's hearing nor was anything submitted for the file. Klotz further explained and commented on the standards needed for variance approval.

Carroll commented on the issue of being at less than a 20' setback separation for a uses which could inflict a burden on another property. The petitioner commented that the current shed is 5' from the lot line, but that there is also a fence around the property on the lot line. He considered getting a survey, but when talking with two surveyors, they felt the lot line/fence was accurate. Carroll again commented in the imposing a burden to another property. The petitioner stated that it has not been an issue yet.

Weis asked the petitioner about the size of the proposed building. The petitioner stated that he needed the size of structure for personal and equipment to fit into the

building. Weis questioned the property stakes at the rear of the lot. The petitioner stated that he could only find one stake at the front of the property, but not in the back. There was further discussion on a survey and property lines and what the petitioner was told by the surveyors. Weis noted that this is a bigger building, and is assuming there will be a level floor. The petitioner stated yes. Weis noted there is some slope to the property from east to west, and asked if there would be fill to create a level pad to build on. The petitioner stated there would be gravel fill brought in. Weis noted that they did not have any topographical information to know how much that might be. Weis expressed concern about the elevation, slope and fill and thought that a 10' setback would be better to build a maintainable pad. He noted that there was no recorded survey for the property but suggested the possibility of getting a survey for accuracy of the lot lines. The petitioner would need to keep in mind that the overhangs count in the setbacks.

Hoeft questioned the septic location and setback. The petitioner explained it would be 10' from the vent at the end of the septic field. He explained that he didn't want to lose a large, mature tree. There was possibility of moving the setback to 10' feet and further explained. Weis commented on Carroll's concern with imposing a burden on the adjoining property owner. Klotz also made comment and noted that the setback used to be 75'.

Carroll stated that they needed to address the land, not just this land, but also the surrounding land and general area. He further explained. The petitioner addressed the Board's concern regarding the adjacent property owner and requested that the Board consider a 10' setback to the lot line. There was further discussion on the location and placement of the shed at 10' or 15' from the lot line. Klotz stated that there's definitely a physical restriction and lack of depth. The petitioner noted that if he moved it to a 10' setback with the same size building, he would have to lose a tree but would like to keep the mature trees. There was a discussion on consideration of a 15' setback.

Weis asked about the door arrangement. The petitioner stated he would be putting in 3 overhead doors in the front facing the highway and to the east and further explained. Weis noted that the further you go to the east with the building, the grading comes up a little quicker. Klotz stated that it may be helpful to look at topographical maps. Matt Zangl left the hearing to print the maps, and brought them to the hearing for the Board to review and to be part of the record.

The petitioner stated the future plan is to buy additional land from the farmer.

V1589-16 – John Didion: Variance from Section 11.04(d) of the Jefferson County Zoning Ordinance to allow a third detached residential accessory structure in a

Residential R-1 zone at **W8961** Ripley Road. The site is in the Town of Oakland on PIN 022-0613-0842-027 (3.3 Acres).

Ann Didion (W8961 Ripley Road) presented the petition. She stated they want a garden shed. They already have two detached structures. The detached garage has limited space, and the other is on the down-slope. The proposed building will meet the setbacks, and the location of the proposed shed will not obstruct the neighbor's view.

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.

Carroll commented that on the site inspections this morning, there was a concrete pad, and asked the petitioner if this was the location of the shed. The petitioner stated yes. Carroll asked about the fence and land fill, and whether there were any plans to handle erosion. Klotz explained that the building inspector at the town level will issue a surface water erosion permit.

Klotz gave staff report. He noted that the property is unique in that it is served by an old platted ROW which is technically not a town road. The property is 3.3 acres which is a very large parcel. In the R-1 zone, it is the intent that the lots be 80'x80', which is about 1/4 of an acre or 10,000 square feet. This lot is 15x's larger. The lot cannot be split unless the town would dedicate the ROW to a town road. This is a 3 acre parcel in an R-1 zone. Their requested does not exceed the impervious surface or lot coverage requirements. None of the other ordinance sections are affected. The intent of the R-1 zone is for much smaller lots. This is not a true public road on an R-1 lot being 3 acres. If this was zoned agricultural, there would be no restriction on size or number of buildings. That would also apply to A-3 lots.

Hoelt questioned Carroll on his concern regarding erosion. Carroll explained. Klotz noted they are meeting the setbacks. The only issue is that this would be a third building.

Hoelt commented on the location or access for emergency vehicles, on vision triangle or neighbor's site line, and the shoreland which this shed is nowhere near that, and saw no issue. Weis noted that it was an impeccable lot that was well maintained was assured that they will address the slope. The petitioner stated the shed will be sided and have landscape around it.

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

11. Adjourn

Weis mate motion, seconded by Carroll motion carried 3-0 on a voice vote to adjourn @ 2:10 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 V1588
HEARING DATE: 08-11-2016

APPLICANT: Dean A & Brenda Piskula

PROPERTY OWNER: SAME

PARCEL (PIN #): 008-0715-3022-001

TOWNSHIP: Farmington

INTENT OF PETITIONER: To construct a new 30'x40' detached accessory structure
in an A-1 Zone at 5' from a rear lot line.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 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:

A-1 Zone – Minimum 20' side & rear setbacks required.

Parcel size - .98 acre

Existing Building at 5'

Plot plan in file

Why 30'x40'?

What is the proposed use & type of storage needed?

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 the property use is already in place.
The area for the shed is the only area available. It is a hardship due to the house placement being prior to the present zoning setbacks. Improvements to the highway have caused a variance to be required. There's a reasonable use limitation to the rear to lessen the impact on A-1 lot line setbacks.
2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE County Road Y & the neighbor's farmland are where they are. The house placement was prior to the present zoning setbacks. Improvements to the highway have caused a variance to be required. The limitation of 15' is within the front lot line setback.
3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE The shed is far off the highway. The adjacent farmer did not complain. It is meeting the highway setback & is compliant with the road & side lot line setbacks.
It is a reasonable setback as the code intends. It will not adversely impact the intent and purpose of the ordinance.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Carroll to approve a 15' rear lot line setback **SECOND:** Weis **VOTE:** 3-0

SIGNED: _____ DATE: 08-11-2016
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.: 2016 V1588
HEARING DATE: 08-11-2016

APPLICANT: John Didion

PROPERTY OWNER: John A & Ann E Didion

PARCEL (PIN #): 022-0613-0842-027

TOWNSHIP: Oakland

INTENT OF PETITIONER: Variance to allow a third detached accessory structure
in an R-1 Zone.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(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:

Property is zoned R-1

11.04(d) only allows 2 detached, residential accessory structures

Parcel is 3.3 Acres

Shoreland property – Lake Ripley

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

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

