

# ***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 THURSDAY, DECEMBER 8, 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 @ 11:00 a.m. by Weis

## **2. Roll Call (Establish a Quorum)**

Members present: Weis, Carroll, 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 October 7, 2016 Meeting Minutes**

Hoeft made motion, seconded by Weis, motion carried 3-0 on a voice vote to approve the meeting minutes.

## **6. Communications and Public Comment**

Klotz noted that he would be taking the Board out on site inspections, and Matt Zangl would be at the hearing.

**7. Site Inspections – Beginning at 11:15 a.m. and Leaving from Room 203:**  
V1592-16 – Jeffrey Reinkemeyer, N4096 Duck Creek Rd, Town of Jefferson

**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, Hoefl

Members absent: ----

Staff: Laurie Miller, Matt Zangl

**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, December 8, 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 occur after public hearing on the following:

**V1592-16 – Jeffrey J Reinkemeyer:** Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance for a home addition closer than allowed to a Town road right-of-way and centerline, and from Sec. 11.09(c) for an addition to a non-conforming structure exceeding both 50% of structural elements and 50% of the existing foundation footprint. The property is at **N4096 Duck Creek Rd** in the Town of Jefferson, on PIN 014-0615-1322-001 (2.75 Acres) and in an A-3, Agricultural/Rural Residential zone.

Architect Richard LaMuro presented the petition. He stated that the addition is closer to the ROW of Markert Road. They are proposing an addition to the existing school house which exists barely off the centerline setback. They are proposing the addition to the east which would be 5'-6' to the ROW. The original school house front was to the east and the back faced Duck Creek Road. The more prominent elevation to the school house is along Markert Road. The addition will encase this.

They are proposing a dining room to the east to encase the existing facade of the structure. Regarding the physical attributes, the site is quite above the level of Markert Road. There is a stop sign there with the embankment being steep, so there is no hazard. There is also vegetation and growth around the structure. The existing building is 912 square feet and they are proposing a 2,600 square foot addition.

Weis noted there was a survey in the file showing the existing structure and what was being proposed along with the setbacks. Hoeft asked about other rooms being proposed besides the dining room. The petitioner explained there would be a dining room with a gallery/hallway with a laundry room, mud room and bathroom on one side. The hallway would lead to a master bedroom. A total of 3 bathrooms will be added and will have a full basement. The central gallery above will have an attic gallery with sky lights in the crest of the addition.

Carroll asked if the building was enlarged before. The petitioner stated that yes it was and they would like to reverse that. That was for access facing Duck Creek Road which they don't use. They plan on removing the steps and entrance. There was gross square footage added as a second story to the original structure. Carroll questioned the septic requirement in 1993. Zangl clarified that the septic was installed and asked the petitioner for the number of bedrooms existing and how many bedrooms there will be at the end of the project. The petitioner confirmed a new septic was installed back in 1993 and stated there are 3 bedrooms right now and they will be adding 2 ½ bedrooms. The owners are aware that modifications to the septic will be needed.

Zangl gave staff report. He noted this was zoned A-3. In 1993, there was a variance granted for 50% of the Fair Market Value (old rules). They are now based on the structural modifications and footprints. He questioned the petitioner on the setbacks to the centerline on the map with the ROW setback at 27' with the current structure and 22' with the addition. The petitioner stated that it exists at 60' to the centerline and they propose the addition at 55' to the centerline. Weis asked the petitioner if that was from the overhang and not the foundation. The petitioner stated yes. Zangl asked the petitioner about the height. The petitioner stated that it would be 2 feet above the original structure, but below the second story. Zangl asked the petitioner if there would be any decks, porches, or stairs proposed. The petitioner stated that a conservatory for growing plants is proposed on the southeast side of the structure. Zangl noted the existing square footage was 912 square feet and the proposed addition would be 2,602 square feet. Weis asked Zangl about the height of the structure. Zangl believed it to be below 35 feet. There was further discussion on the height. Carroll noted that the height is measured highest to lowest and that it looked higher than 35 feet. Zangl stated that the addition is lower than the existing.

There was a town response in the file approving the petition which was read into the record by Weis.

Carroll asked about a highway department response. Zangl noted that the road was a town road.

There were no questions or comments in favor or opposition of the petition.

Carroll questioned the surrounding properties. Zangl noted that they are all zoned A-1 and there is an A-3 lot several parcels over from this one to the southeast. There was a discussion on lot line setbacks. Zangl stated that they are far enough away from the lot lines. The issues are with the road setbacks. Weis noted that it is not legal towards Duck Creek Road. The petitioner stated they were with the previously approved variance. There was a discussion on the existing road setbacks. Weis noted that they are non-compliant with the setbacks to Markert Road and Duck Creek Road. However, the Duck Creek setback will be reduced by 5 feet by the removal of the stairs. Carroll commented on the parking. There was further discussion.

## **10. Discussion and Possible Action on Above Petitions (see files & following pages)**

## **11. Adjourn**

Hoelt made motion, seconded by Carroll, motion carried 3-0 on a voice vote to adjourn @ 1:58 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](http://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](http://www.jeffersoncountywi.gov)

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Secretary

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Date

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

**FINDINGS OF FACT**

PETITION NO.: 2016 V1592  
HEARING DATE: 12-8-2016

APPLICANT: Jeffrey J Reinkemeyer

PROPERTY OWNER: Jeffrey J Reinkemeyer & Kristine L Gholson

PARCEL (PIN #): 014-0615-1322-001

TOWNSHIP: Jefferson

INTENT OF PETITIONER: Construct a residential addition to existing school house (Duck Creek Schoolhouse) approaching closer to Markert Road ROW and Centerline and exceeding 50% of footprint and 50% of structural members

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d) & 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:

- Zoned A-3
- Previous variance for additions/modifications in excess of 50% of FMV granted in 1993
- Current structure ±60 ft from Centerline, ±27 ft from ROW of Markert  
Proposed structure ±55 ft from Centerline, ±22 ft from ROW
- Septic? 1994 permit for 3 bedroom, listed at "To Do" in 2017, proposed number of bedrooms?
- Proposed height?
- Any decks/porches/stairs?
- Square footage of existing (1<sup>st</sup> & 2<sup>nd</sup> floor) = 1,824 sq. ft.
- Existing footprint = 912 sq. ft.
- Proposed addition square footage = 2,602 sq. ft.

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

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

