

***JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT***

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

***PUBLIC HEARING*** BEGINS AT **1:00 P.M.** ON JULY 14, 2011, ROOM 205, JEFFERSON COUNTY COURTHOUSE

***CALL TO ORDER FOR BOARD MEMBERS*** IS AT 9:30 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

***SITE INSPECTION FOR BOARD MEMBERS*** LEAVES AT 9:45 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

**1. Call to Order-Room 203 at 9:30 a.m.**

Meeting called to order @ 9:30 a.m. by Janet Sayre Hoeft

**2. Roll Call**

Members present: Janet Sayre Hoeft, Donald Carroll

Members absent: Dale Weis

Staff: Laurie Miller, Michelle Staff

**3. Certification of Compliance With Open Meetings Law Requirements**

Sayre acknowledged publication. Staff also presented proof of publication.

**4. Review of Agenda**

Carroll made motion, seconded by Hoeft, motion carried 2-0 to approve the review of the agenda.

**5. Approval of May 12, 2011 Meeting Minutes**

Carroll made motion, seconded by Hoeft, motion carried 2-0 to approve the May 12, 2011 meeting minutes.

**6. Discussion on Zoning Amendments**

NOTE: For future date, the Board would like to review the fees charged for variance petitions to be placed on the agenda.

**7. Site Inspections – Beginning at 9:45 a.m. and Leaving from Room 203**

V1365-11 – Jason Dey, W5332 Curtis Mill Rd, Town of Jefferson  
V1366-11 – Marcus & Tracy Rothmeyer, N953 Vinne Ha Ha Rd, Town of  
Koshkonong  
V1368-11 – Dennis J Mattila, N8042 CTH Y, Town of Watertown  
V1367-11 – Matthew & Nicole Thomas, N6974 Kuhl Rd, Town of Lake Mills

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

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

Members present: Janet Sayre Hoeft, Donald Carroll, Dale Weis

Members absent: --

Staff: Laurie Miller, Michelle Staff

Procedure explained by Hoeft.

The following was read into 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, July 14, 2011 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:

**V1365-11 – Jason Dey:** Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to allow a garage addition at less than 85 feet from the road centerline and less than 50 feet from the road right-of-way; variance from Sec. 11.09(c) to exceed 50% of the home’s fair market value for a second time for the attached garage. The site is at **W5332 Curtis Mill Road** in the Town of Jefferson, on PIN 014-0614-2641-003 (3.81 Acres) in an A-1 Agricultural zone.

Jason Dey presented his petition. There were no questions or comments in favor or opposition of the petition. Carroll read into the record the decision from the Town of Jefferson of approval which was in the file. Carroll also read into the record a letter from Heidi Kennedy, DNR, opposed to this petition. Michelle Staff gave staff report.

Hoelt questioned staff on the variance request. Staff explained. Carroll commented on Sec. 11.09 of the ordinance & asked the petitioner if he had any response to the DNR letter. Hoelt questioned staff on who determines the navigability of water. Weis commented on the DNR letter. There was a discussion on setbacks.

**V1366-11 – Marcus & Tracy Rothmeyer:** Variance from Sec. 11.07(b)1 to allow a detached accessory structure at less than 3 feet to a side property line in a Residential R-2 zone. The site is at **N953 Vinnie Ha Ha Rd** in the Town of Koshkonong, on PIN 016-0513-2434-009 (0.261 Acres).

Tracy Rothmeyer presented the petition. There were no questions or comments in favor or opposition of the petition. There was a response in the file from the Town of Koshkonong approving this petition which was read into the record by Carroll. Staff report was given by Staff.

Carroll questioned staff on the purpose of the variance. Weis questioned staff on the date the ordinance clarified setbacks from the foundation to the overhang.

**V1367-11 – Matthew & Nicole Thomas:** Variance from Sec. 11.02, “lot” definition and 11.03(g) and 11.03(d)1 for proposed creation of an A-2, Agribusiness zone without access to and frontage on a public road. The site, including an existing building, is near **N6974 Kuhl Road** in the Town of Lake Mills on PIN 018-0713-0431-000 (37.2 Acres) in an A-1, Agricultural zone.

Matthew Thomas presented his petition. There were no questions or comments in favor or opposition of the petition. Carroll read into the record the decision of approval from the Town of Lake Mills which was found in the file. Carroll also read

into the record a letter in the file from Ralph & Vicki Vernig. Staff report was given by Staff.

Hoelt questioned the purpose of the A-2 zone and if a house could be built on the A-2 lot. Carroll made a statement of the ownership of the lot and surrounding land. Carroll questioned landlocked parcels. There was a discussion on attaching the proposed A-2 lot to the A-3 lot or A-1 lands. Hoelt questioned the size of the proposed A-2 lot and access to the farmland. Weis questioned staff if the A-2 lot would create a development lot. Carroll questioned the storage of recreational vehicles and if it was impossible to create an access. Hoelt questioned/confirms with staff that no house could be built. Carroll questioned access. Petitioner approached the table to explain the access.

**V1368-11 – Dennis J Mattila:** Variance from Sec. 11.07(d)2 to allow a structure at less than 110 feet from the centerline and less than 50 feet from the right-of-way of CTH Y. The site is at **N8042 CTH Y** in the Town of Watertown, on PIN 032-0815-3011-001 (6.2 Acres) in an A-3, Rural Residential zone.

The petition was presented by Dennis Mattila. There were no questions or comments in favor or opposition of the petition. There was a response in the file from the Town of Watertown granting approval of this petition which was read into the record by Carroll. Staff report was given by Staff.

Hoelt questioned access into the building, and questioned staff if the County Highway Department was notified. Weis questioned the placement of the structure. Carroll made a statement on moving the structure back on the lot. Hoelt questioned where on the lot it started getting wet. Carroll commented on the physical hardship of the land, and explained the criteria to grant a variance. Hoelt questioned the petitioner on why the structure couldn't be moved back.

## **9. Decisions on Above Petitions (See Files)**

## **10. Adjourn**

Weis made motion, seconded by Carroll, motion carried 3-0 to adjourn @ 2:58 p.m.

**If you have questions regarding these matters, please contact the Zoning Department at 920-674-7113 or 920-674-8638.**

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.

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

**FINDINGS OF FACT**

PETITION NO.: 2011 V1365  
HEARING DATE: 07-14-2011

APPLICANT: Jason D. Dey

PROPERTY OWNER: SAME

PARCEL (PIN #): 014-0614-2641-003

TOWNSHIP: Jefferson

INTENT OF PETITIONER: Requesting a variance for a 756 sq. ft. attached garage addition to a single family residence that has already exceeded 50%, and the addition will be closer to the road.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d)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 structure is setback 14 feet from Deer Creek, whereas 75 feet is required. In addition, the structure's porch is 27.89 feet from Curtis Mill Rd Right-of-way and 60.89 feet from the centerline whereas the required setback is 50 feet from the right-of-way and 85 feet from the centerline. The proposed addition will be approximately 22 feet from the right-of-way and 55 feet from the centerline.

In 1977, a zoning/land use permit was issued for a 3-car attached garage, not going any closer to the road or creek. In 1982, the structure was granted a variance to add a front porch closer to the road setback. In 2008, the structure was granted a variance to exceed 50% of the FMV to add a 2<sup>nd</sup> story addition, doubling the square footage of the 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 STANDARDS**



**FINDINGS OF FACT**

PETITION NO.: 2011 V1366

HEARING DATE: 07-14-2011

APPLICANT: Marc & Tracy Rothmeyer

PROPERTY OWNER: SAME

PARCEL (PIN #): 016-0513-2434-009

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: To sanction the placement of a detached accessory structure that is 1.5 feet from the side lot line.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(b)1 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:

In 1982, a zoning and land use permit was issued to placed a detached accessory structure 3 feet from the side lot line, meeting all setback requirements. In 2011, it was discovered that the garage was actually placed 1 ½ feet from the side lot line whereas, the required setback was 3 feet. The petitioner would like to remove the roof of the existing structure and match it to the proposed height of the residence. The petitioners are not proposing to go any closer to the lot line than the existing garage roof line, but the new height of the structure would be 22 feet.

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**





JEFFERSON COUNTY, WISCONSIN

FINDINGS OF FACT

PETITION NO.: 2011 V1367

HEARING DATE: 07-14-2011

APPLICANT: Matthew Thomas & Nicole Schultz-Thomas

PROPERTY OWNER: SAME

PARCEL (PIN #): 018-0713-0431-000

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: To create an A-2 zone without frontage and access on a public road.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.02 & 11.03(d)1, 11.03(g) 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 is proposing an A-2 lot without frontage and access whereas, new lots are required to have 66 feet of ownership and frontage on a public road. In 2005, a certified survey map was recorded including the existing shed within the A-3 lot. The petitioner in 2006, revised the certified survey map and A-3 zone to exclude the building from the existing A-3 lot. Currently the owner has approximately 196 feet of frontage and could create a 66 foot strip to the public road for this new lot. There are no physical features preventing the creation of the 66 foot strip.

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



**FINDINGS OF FACT**

PETITION NO.: 2011 V1368

HEARING DATE: 07-14-2011

APPLICANT: Dennis J. Mattila

PROPERTY OWNER: Dennis & Julie Mattila

PARCEL (PIN #): 032-0815-3011-001

TOWNSHIP: Watertown

INTENT OF PETITIONER: To construct a 40 feet x 50 feet (2,000 sq. ft.) detached accessory structure less than 110 feet from centerline and 50 feet from right-of-way of County Highway Y.

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: The petitioner is proposing to construct a 40' by 50' (2,000 sq. ft.) detached accessory structure 46 feet from the right-of-way and 70 feet from the centerline, whereas the required setback is 50 feet from the right-of way and 110 feet from the centerline of CTH Y. The current A-3 lot is 2 acres in size. There is a location on the lot to meet all setback requirements for this size building (scaled map enclosed).

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**

