

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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

PUBLIC HEARING BEGINS AT **1:00 P.M.** ON APRIL 11, 2013, ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 10:45 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 11:00 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 10:45 a.m.

Meeting called to order at 10:50 a.m. by Carroll

2. Roll Call

Members present: Carroll, Hoeft, Weis

Members absent: ---

Staff: Michelle Staff, Laurie Miller

3. Certification of Compliance with Open Meetings Law Requirements

Hoeft acknowledged publication. Staff also presented proof of publication.

4. Review of Agenda

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

5. Approval of February 14, 2013 Meeting Minutes

Hoeft made motion, seconded by Carroll, motion carried 2-0 to approve the February 15, 2013 meeting minutes with a request by Carroll to make a correction to the decision conditions of petition 2013 V1401 (Bankert) according to the digital recordings. **(See also discussion minutes at the end of hearing regarding this request)**

NOTE: Weis was not present at the meeting, and therefore, did not vote)

6. **Communications** – Hoeft informed the Board that she will not be able to attend the May Board meeting.
7. **Site Inspections – Beginning at 11:00 a.m. and Leaving from Room 203**
8. **Public Hearing – Beginning at 1:00 p.m. in Room 205**

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

Members present: Carroll, Hoeft, Weis

Members absent: --

Staff: Michelle Staff, Laurie Miller

9. **Explanation of 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, April 11, 2013 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:

V1402-13 – Robert G. & Linda A. Banker/George W. Banker Trust Property:

Variance from Sec. 11.03(d) to allow access to an A-1 Agricultural lot over an easement and not over the A-1 lot's road frontage. The easement is requested over PIN 014-0614-2134-001(1.372 Acres) at **N3304 Banker Road** in the Town of Jefferson, to access an A-1 lot comprised of PINs 014-0614-2134-000 (32.273 Acres) and 014-0614-2812-000 (40 Acres).

Robert Banker presented the petition. Sally Kerr Seeber was also present and commented on the access request.

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

Staff report was given by Staff. Staff explained the facts of ordinance restrictions and the petitioner's request. Staff questioned the petitioner on the lot configuration, an alternative safe access, and if the petitioner had made a decision on who would get the available lots. The petitioner explained. Staff also commented on the proposed easement.

Carroll commented on the three criteria that the Board is required act on. Weis commented on the access to the agricultural land and made comment about the septic replacement area. Carroll questioned staff on any future splits of the property, access to the back 40 acres, and the remaining lot development. Weis commented on the remainder of lots available. Hoeft commented on the creation of this land that couldn't be built upon.

There was further discussion between the Board, staff, and the petitioner regarding the access easement proposed.

V1403-13 – Richard & Debra Kutz: Variance from Sec. 11.04(f)13 to allow reduced lot width for a proposed Residential Recreational lot at **N4227 Hillside Lane** in the Town of Oakland. The site is on PIN 022-0613-0842-025 (0.181 Acre).

Debra Kutz presented the petition. They want to use the existing structure for a tourist rooming house. She stated that the lots were platted in 1933.

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 by Hoeft.

Staff report was given by Staff. Staff explained the ordinance requirements, and that there would be no changes to the lot configuration or structure, just the use.

Hoeft questioned staff about the variance request. Carroll questioned the walkway adjacent to the property. Petitioner and staff explained. Carroll questioned a survey for the walkway/lot. Petitioner showed the Board the walkway easement paperwork. Weis commented on the easement being legally recorded. Hoeft commented on the difference in lot width required (40' vs. 100') and the rezoning. Carroll questioned the use. Staff explained tourist rooming house requirements and non-conforming lots, structures and uses. Carroll commented on the 3 criteria that the Board is required to act on.

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

DISCUSSION

There was a discussion regarding the request by Carroll earlier to make changes to the conditions on the decision of petition 2013 V1401 (Bankert) according to the digital recording. Upon review of the digital recording by staff, the decision as prepared by staff and mailed to interested parties, did reflected the decision of the Board. It was, therefore, determined that a letter be sent to the petitioner to emphasize the agreement of the petitioner in hearing as well as the statement on the decision that any future replacement of the structures were to satisfy all setback requirements.

11. Adjourn

Weis made motion, seconded by Hoeft, motion carried 3-0 to adjourn @ 2:43 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.

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.: 2013 V1402

HEARING DATE: 04-11-2013

APPLICANT: Robert G. & Linda Banker/George W. Banker Trust

PROPERTY OWNER: SAME

PARCEL (PIN #): 014-0614-2134-000, 014-0614-2134-000, 014-0614-2812-000

TOWNSHIP: Jefferson

INTENT OF PETITIONER: The petitioner is proposing a land division in an A-1 Zone where a new lot will not have access to a public road over the 66 foot frontage.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(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:

Currently the petitioner owns approximately 93 acres of A-1 zoned land. The petitioner is proposing to divide the land in half, one parcel at 46 acres and another parcel at 47 acres. One of the proposed parcels will have an 66 feet access strip to Banker Road but the Town will not give an driveway permit due to the unsafe access location. The petitioner is proposing to access the acreage by an easement over the lot at N3304 Banker Rd, which is owned by a family member. The site plan indicates that the 66 strip is in a septic replacement area. Our department does not have soil borings for a replacement septic location for N3304, but has copies of the previous sanitary permit for the N3304 Banker Rd showing previous boring locations. The applicant did not have a written explanation on the reasoning for the variance. Are there any other safe access points along the 1,790 feet of frontage? Is there another configuration of the proposed land division without requiring a variance?

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.: 2013 V1403
HEARING DATE: 04-11-2013

APPLICANT: Richard & Debra Kutz

PROPERTY OWNER: SAME

PARCEL (PIN #): 022-0613-0842-025

TOWNSHIP: Oakland

INTENT OF PETITIONER: To Rezone an Existing Lot from R-1 (Residential) to R/R (Residential/Recreational) for an proposed Tourist Rooming House. The R/R zone requires a lot width of 100 feet.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)13 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:

Currently, the property is zoned R-1, and the petitioners are proposing to rent out the house as an Tourist Room House which requires a rezoning of the property to R/R zone. The lot is a legal non-conforming lot due to the fact it does not meet the required width of an R-1 zone. The lot is currently 41 feet wide and 7,884 sq. ft in area, whereas the required lot width of a R/R zone is 100 feet and 10,000 sq. feet lot area. There will be no change to the current lot configuration or residence on the property.

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

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

