

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

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

**PUBLIC HEARING** BEGINS AT **1:00 P.M.** ON FEBRUARY 13, 2014 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

**CALL TO ORDER FOR BOARD MEMBERS** IS AT 11:15 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

**SITE INSPECTION FOR BOARD MEMBERS** LEAVES AT 11:30 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

**1. Call to Order-Room 203 at 11:15 a.m.**

Meeting called to order @ 11:15 a.m. by Hoeft

**2. Roll Call**

Members present: Carroll, Weis, Hoeft

Members absent: ---

Staff: Laurie Miller, Michelle Staff

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

Hoeft acknowledged publication. Staff also provided proof of publication.

**4. Review of Agenda**

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

**5. Approval of December 12, 2013 Meeting Minutes**

Weis made motion, seconded by Carroll, motion carried 3-0 to approve the December 12, 2013 meeting minutes.

**6. Communications - None**

**7. Site Inspection – Beginning at 11:30 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 Hoeft

Members present: Carroll, Weis, Hoeft

Members absent: ---

Staff: Laurie Miller, Michelle Staff

## 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, February 13, 2014 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 a site inspection prior to public hearing which any interested parties may attend; the decision shall be rendered after public hearing on the following:

**V1414-14 – Brian & Michelle Gauder:** Variance from Section 11.04(f)13 of the Jefferson County Zoning Ordinance to create a Residential/Recreational lot at less than the minimum lot dimensions and area. The site is at **N1011 Vinnie Ha Ha Road** in the Town of Koshkonong, on PIN 016-0513-2431-024 (0.2 Acre).

The petitioner was not present. Others present were Curt Backlund, Supervisor from the Town of Koshkonong and John Short. Chairman Hoeft announced that the Board would wait until 1:15 p.m. to give the opportunity for the petitioner to appear due to a possible delay with inclement weather. *Amended by BOA 3/13/2014 to add that during the break, Michelle Staff attempted to contact the petitioner.*

A discussion followed as a result of the petitioner/applicant not appearing.

Weis made motion to deny the petition because the applicant did not attend the hearing. The motion was seconded by Carroll. Motion carried 3-0.

#### **10. Decisions on Above Petition (see following pages & files)**

#### **11. Adjourn**

Weis made motion, seconded by Hoeft, motion carried 3-0 to adjourn @ 1:27 p.m.

**If you have questions regarding this variance, please contact the Zoning Department at 920-674-7113 or 920-674-8638. The variance file 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).**

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.*

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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.: 2014 V1414  
HEARING DATE: February 13, 2014

APPLICANT: Michelle & Brian Gauder

PROPERTY OWNER: Michelle & Brian Gauder

PARCEL (PIN #): 016-0513-2431-024

TOWNSHIP: Town of Koshkonong

INTENT OF PETITIONER: To create a Residential/Recreation lot at less than the minimum lot dimensions and area. The site is N1011 Vinnie Ha Ha Road

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:  
The petitioner is requesting that an existing non-conforming R-2 Residential lot be rezoned to Residential/Recreation (R/R) lot. The current lot is approximately 50 feet in width by 190 feet in length and 9,500 sq. ft., whereas the required lot in an R/R zone is 100 feet by 150 feet and 20,000 square feet. This variance request is to vary the required lot requirements of the R/R zoning district.

This area was subdivided in 1920, and all of the lots are similar in size. The lots in this area are flat by the road back to about 100 feet from the road; the grade then steeply drops to the lake.

This lot is currently zoned R-2 which allows a single family residence on the property. The Board of Adjustment must determine if this request meets the decision standards as listed on page 2 of this form.

Note: The Jefferson County Board of Supervisor's denied a rezoning request for this property from R-2 to R/R.

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

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

