

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 8, 2010, 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 by Sayre Hoeft at 9:32 a.m.

2. Roll Call

Members Present: Sayre Hoeft, Carroll

Member Absent: Weis

Staff: Deb Magritz

3. Certification of Compliance With Open Meetings Law Requirements

Sayre Hoeft acknowledged publication. Magritz also acknowledged publication.

4. Review of Agenda

Sayre Hoeft made motion, seconded by Carroll, motion carried 2-0 to approve the review of the agenda with no changes.

5. Approval of April 8 and June 10 Meeting Minutes

Carroll made motion, seconded by Sayre Hoeft, motion carried 2-0 to approve the April 8, 2010 meeting minutes.

Carroll made motion, seconded by Sayre Hoeft, motion carried 2-0 to table the June 10, 2010 meeting minutes.

Michelle Staff left with the Board for site inspections.

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

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

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

Members present: Carroll, Weis

Member absent: Sayre Hoeft

Staff: Michelle Staff, Deb Magritz

***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 8, 2010 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:

This notice was read aloud by Weis. An explanation of the upcoming proceedings was given by him; he also explained that Sayre Hoeft left earlier due to illness.

V1336-10 – William & Mavis Salske: Variance from Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance to reduce the minimum side yard setback allowed in an A-3, Rural Residential zone for a detached garage. The site is at **W2827 STH 59** in the Town of Cold Spring on PIN 004-0515-3622-004 (1.853 Acres).

Petitioner (or representative): William Salske of W2827 STH 59 spoke. He is planning a 24-foot by 20-foot garage to hold his car, his John Deere tractor, auger and patio furniture. The garage will look similar to his house. He feels the area he's chosen would be the best place for the building esthetically, near the evergreens. The site's close proximity to the house would be best logistically and for security. He indicated that the building is proposed at four to five feet from the property line. The setback from the septic system was checked and would be okay.

In Favor: No one else spoke in favor of the petition.

Opposed: No one spoke in opposition to the petition.

Committee Questions: Carroll asked the petitioner where a hardship existed in this situation. The petitioner stressed the esthetics, logistics and safety involved in the proposed location, but said there was no hardship involved.

Staff Report: The report was given by Michelle Staff.

Town Response: Town response in favor of the petition was in the file.

V1337-10 – Pam O'Leary/Timothy E & Pamela S O'Leary Property: Variance from Sec. 11.10(d)1 to reduce the setback for structures to less than 75 feet from the ordinary high-water mark (OHWM); from Sec. 11.10(d)3 to reduce setback specifically for a patio to the OHWM; and from Sec. 11.10(d)5 to reduce setback specifically for a retaining wall to the OHWM. The site is at **N945 Vinne Ha Ha Rd** in the Town of Koshkonong, on PIN 016-0513-2434-007 (0.26 Acre) in a Residential R-2 zone.

Petitioner (or representative): Pam O'Leary of 1521 Hunters Meadow, O'Fallon, MO spoke. She gave an update on the situation to date, including permit issuance and the fact that the flagstone was included on the DNR permit which was attached and reference in the County land use permit application. If the retaining wall would have to be removed to 4 ½ feet, the petitioner stated she didn't know how it could be done, and she also didn't know how the flagstone could be removed without the house being torn down. She further testified that six feet of the shoreline was lost in the 2008 flood, so the retaining wall being removed to 4 ½ feet would result in the hillside falling into the lake.

In Favor: No one else spoke in favor of the petition.

Opposed: No one spoke in opposition to the petition.

Committee Questions: Weis asked if the flagstone was installed by a landscaper. O'Leary stated that it was suggested and installed by the landscaper, but approved by the owners.

Staff Report: The report was given by Michelle Staff.

Town Response: A copy of the Town's 6/9/10 approval is in the file.

V1338-10 – Brian & Julie Karczewski: Variance from Sec. 11.09(c) to exceed 50% of a non-conforming structure's current fair market value with a proposed home addition. The property is in an A-1 Agricultural zone at **W5515 FINDER Rd** in the Town of Milford, on PIN 020-0714-0224-001 (10 Acres).

Petitioner (or representative): Brian Karczewski of W5515 FINDER Road is proposing a 2,754 square foot home and garage addition to include a master bedroom, new kitchen, and more living area. The septic was designed for a 3-bedroom home; this addition will add a fourth bedroom. He testified that the assessment of the existing structure is very low, so 50% of that assessment allows very little change, and the existing structure is small by today's standards. The house is over 100 years old, built when the road was either dirt or gravel, and long before current ordinances were in place.

In Favor: Dr. Robert Karczewski of N965 Vinne Ha Ha Road spoke in favor of the petition.

Opposed: No one spoke in opposition to the petition.

Committee Questions: Weis asked whether any part of the addition will be coming any closer to the road than the existing home; the petitioner responded that it will not. Weis asked if there is an existing attached garage; again, the petitioner responded that there was not.

Carroll noted that the petitioner is proposing over a 100% increase in the structure's current value with this large addition. The petitioner responded that the old home layout is not efficient.

Staff Report: The report was given by Michelle Staff. In response, the petitioner answered that the only structural change to the existing home will be the porch replacement. The entire roof will be resingled, and the extent of interior work has yet to be determined.

Town Response: Town response is in file, in favor of the petition.

V1339-10 – Herbert Altenburg: Variance from Sec. 11.09(c) to exceed 50% of a non-conforming structure's current fair market value with a proposed home addition at **W7545 HOPE LAKE Rd** in the Town of Oakland. The site is on PIN 022-0613-0121-000 (38.46 Acres) in an A-1 Agricultural zone.

Petitioner (or representative): Herbert Altenburg of W7545 Hope Lake Road testified that he did a home remodeling project in 2000, and now wishes to enclose an open porch and walkway to enlarge the family room. The project is not changing the footprint of the house, and not coming any closer to Hope Lake Road.

In Favor: No one else spoke in favor of the petition.

Opposed: No one spoke in opposition to the petition.

Committee Questions: Carroll asked the fair market value of the home. Staff explained that this would be answered in the staff report.

Staff Report: The report was given by Michelle Staff.

Town Response: An approval dated 6/15/10 is in the file.

V1340-10 – Ryan Pingel: Variance from Sec. 11.09(e) 2 to reduce the second street yard on a corner lot that is substandard. The site is at **W7863 Willow Rd** in the Town of Sumner, on PIN 028-0513-1142-026 (0.12 Acre), in a Waterfront zone.

Petitioner (or representative): Ryan Pingel referred to page 8 of his handout, which is in the file, to explain what he wished to do. His hardship is that he raised his home for flood protection, and now needs a deck to access it. His lot is 40-foot by 120-foot, so he has limited options on that small size property.

In Favor: John Nall of W7855 Willow Road spoke in favor of everything that Pingel proposed today.

Opposed: No one spoke in opposition to the petition.

Committee Questions: Carroll asked about shoreline vegetation. Pingel responded that the deck is not going toward the shoreline, but that he will maintain whatever exists as vegetation currently. No new shoreline work is proposed.

Staff Report: The report was given by Michelle Staff.

Town Response: An approval is in the file.

V1341-10 – Edward & Caroline Soleska: Variance from Sec. 11.04(f)5 which states “A-1 zoned lands transferred from a parcel of record after the adoption of these ordinance provisions shall not be used to create A-3 lots” and from 11.04(f)7 to exceed the maximum lot area over the allowed two acres. The site is in the Town of Jefferson, on **USH 18**, across from W4402, in an A-1 Agricultural zone. It is part of PINs 014-0615-0523-000 (36.451 Acres); 014-0615-0531-001 (11.163 Acres), 014-0615-0532-000 (18.110 Acres) and 014-0615-0532-002 (7 Acres).

Petitioner (or representative): John Kannard of Southwest Surveying spoke for the petitioner. He distributed a map showing the property transferred between DNR and Soleska and a map of the A-3 zoning request. This shows the only area on the 46+ acres where a building site could be considered. The wetland delineation shows the driveway out of wetlands; Kannard noted that only 33 feet of the 66-foot wide strip would be used. The former access strip would not have been viable for lot creation. This is not ag land; it is covered with brush and trees. The Town of Jefferson asked for an increase in lot size from the 2.2-acres originally requested.

In Favor: No one else spoke in favor of the petition.

Opposed: No one spoke in opposition to the petition.

Committee Questions: Weis asked how many lots would be available here. Kannard responded that if this is considered non-prime because of non-cultivation, it would utilize a lot combination. If prime, this would exceed the one to two acres allowed and variance would be required. Weis asked about the easement, shown with dotted lines. Kannard said that the easement is probably not over the traveled path currently, but will be adjusted so that it is. Land was swapped with DNR to make the land feasible to use, Kannard added to a Weis question.

Carroll noted that the access is close to 1,000 feet long, to which Kannard responded that it is over 1,000 feet. The town driveway ordinance required a pull-off every 300 feet for emergency vehicles. Carroll asked whether the site perked, and Kannard testified that it did.

Staff Report: The report was given by Michelle Staff. In response, Kannard testified that the Town required an additional 12-foot width at the pull-off points, that there is gravel under the grass on the access, and that the easement for the Schopens is probably not over the existing drive, but that the description of the easement will be moved to where the drive actually is.

Town Response: Not heard-no decision.

8. Decisions on Above Petitions (See file & tape)

9. Adjourn

Weis made motion, seconded by Carroll; motion carried 2-0 to adjourn at 3:51 p.m.

A digital recording was made of the proceedings. Please reference it for the complete record.

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

FINDINGS OF FACT

PETITION NO.: 2010 V1336
HEARING DATE: 07-08-2010

APPLICANT: William J. & Mavis K. Salske

PROPERTY OWNER: SAME

PARCEL (PIN #): 004-0515-3622-004

TOWNSHIP: Cold Spring

INTENT OF PETITIONER: _____

THE APPLICANT REQUESTS A VARIANCE FROM SECTION _____ 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:

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

