

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

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

**PUBLIC HEARING** BEGINS AT **1 P.M.** ON THURSDAY, JANUARY 10, 2008 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

**CALL TO ORDER FOR BOARD MEMBERS** IS AT 12:45 P.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

**THERE WILL BE NO SITE INSPECTIONS PRIOR TO THE PUBLIC HEARING BECAUSE BOARD MEMBERS HAVE VISITED BOTH SITES PREVIOUSLY**

### **1. Call to Order-Room 203**

Called to order @ 12:45 a.m. by Lloyd Zastrow, Chair

### **2. Roll Call**

Members Present: Lloyd Zastrow, Janet Sayre Hoeft, Donald Carroll

Members Absent: --

Staff: Rob Klotz, Laurie Miller

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

Janet Sayre Hoeft acknowledged publication. Staff also noted notice was in the newspaper.

### **4. Review of Agenda**

Janet Sayre Hoeft made motion, seconded by Donald Carroll, motion carried 3-0 to approve the review of the agenda as presented.

### **5. Approval of December 13, 2007 Meeting Minutes**

Janet Sayre Hoeft made motion, seconded by Donald Carroll, motion carried 3-0 to approve the minutes.

### **6. Public Hearing – Beginning at 1 p.m. in Room 205**

Meeting Called To Order @ 1:00p.m. by Lloyd Zastrow, Chair

Members Present: Lloyd Zastrow, Janet Sayre Hoeft, Donald Carroll

Members Absent: --

Staff: Rob Klotz, Laurie Miller

***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 p.m. on Thursday, January 10, 2008 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.** Decisions shall be rendered after public hearing on the following:

**V1261-07 – Rodney Roehl:** Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to allow a storage shed 78 feet from the centerline of Ornis Road. The site is on PIN 032-0814-0211-001 (3.03 Acres) in an A-1, Agricultural zone at **N9605 Ornis Road** in the Town of Watertown.

Rodney Roehl presented his petition. There were no questions or comments in favor or opposition of this petition. Rob Klotz gave staff report.

Richard Gimler from the Town of Watertown questioned the size of the building and noted that the petitioner had not been to the town yet. Rob Klotz questioned Richard Gimler whether there would be any road improvements on this road.

Janet Sayre Hoeft questioned the location of the railroad tracks and the neighbors. Donald Carroll & Lloyd Zastrow had no questions.

**V1266-08 – Dennis Kieck:** Variance from Sec. 11.02 and 11.03(d)1 of the Jefferson County Zoning Ordinance and Sec. 15.04(c) of the Jefferson County Land Division and Subdivision Ordinance to allow creation of an A-1 zoned remnant without access to and frontage on a public road, but served by easement for agricultural purposes, subject to a proposed A-3 rezoning. The

site is near **N8741 River Road** in the Town of Watertown. The remnant includes part of PINs 032-0815-1441-000 (35.02 Acres) and 032-0815-1413-000 (36 Acres).

Dennis Kieck presented his petition. There were no questions or comments in favor or opposition of this petition. Rob Klotz gave staff report and explained access requirements.

Richard Gimler from the Town of Watertown stated that he spoke with Dan Ludwig and noted that the Town Board denied all previous variances requests, but that they have not acted on this request.

Janet Sayre Hoeft asked staff for clarification of this variance. She also questioned the easement. Donald Carroll questioned petitioner's personal gain. Lloyd Zastrow questioned the ownership of the property to the right of the driveway.

**7. Decisions on Above Petitions (see files and attached)**

**8. Adjourn**

Janet Sayre Hoeft made motion, seconded by Lloyd Zastrow, motion carried 3-0 to adjourn @2:00 p.m.

**JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT**

Lloyd Zastrow, Chairman

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 24 hours prior to the meeting so appropriate arrangements can be made.



**DECISION STANDARDS**

- A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT \_\_\_\_\_  
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- B. 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 \_\_\_\_\_  
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- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED HERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIANCE IN THE STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST IS NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

- 1. UNNECESSARY HARDSHIP **IS** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE of \_\_\_\_\_  
topographical constraints (slope), location of road , septic, orchard & tree  
\_\_\_\_\_
  
- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE of the topographical constraints (slope), to build further back would be \_\_\_\_\_  
unnecessarily burdensome.  
\_\_\_\_\_
  
- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it's replacing the existing building, it's not a hazard because \_\_\_\_\_  
of the road, there are no other residences on the road whose view would be \_\_\_\_\_  
blocked.  
\_\_\_\_\_

**\*A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET\***

**DECISION:** THE REQUESTED VARIANCE IS **GRANTED**.

**MOTION:** Donald Carroll                      **SECOND:** Janet Sayre Hoeft                      **VOTE:** 3-02

**CONDITIONS OF APPROVAL:** Zoning Permit

SIGNED \_\_\_\_\_ DATE 01-10-2008  
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT.



**DECISION STANDARDS**

- A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT \_\_\_\_\_  
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- B. 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 \_\_\_\_\_  
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- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED HERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIANCE IN THE STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST IS NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

- 1. UNNECESSARY HARDSHIP **IS** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE there is only 1 lane to the house & farmland. Easement without variance would not allow owner to have access to farmland if it wasn't approved.
- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE he needs access to farm the land. There is no other possible way to have entrance from the public road.
- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it is clear to what belongs to the house parcel and the access to the farmland. Would like to keep this farmland. Will be using the existing driveway for farm land access.

**\*A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET\***

**DECISION:** THE REQUESTED VARIANCE IS **GRANTED**.

**MOTION:** Lloyd Zastrow                      **SECOND:** Janet Sayre Hoeft                      **VOTE:** 3-0

**CONDITIONS OF APPROVAL:** Ownership of the 66' access strip is to be with the home.  
Use of the easement is for farming purposes only.

SIGNED \_\_\_\_\_ DATE 01-10-2008  
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT.