

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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

PUBLIC HEARING BEGINS AT **1:00 P.M.** ON THURSDAY, AUGUST 14, 2008 IN 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

Meeting called to order @ 9:40 by Donald Carroll, Chair

2. Roll Call

Members present: Janet Sayre Hoeft, Donald Carroll

Members absent: Dale Weis

Staff: Rob Klotz, Laurie Miller

3. Certification of Compliance With Open Meetings Law Requirements

Janet Sayre Hoeft & Rob Klotz acknowledged publication.

4. Review of Agenda

Janet Sayre Hoeft made motion, seconded by Donald Carroll, motion carried 2-0 to approve the review of the agenda as presented.

Note: Rob Klotz requested to postpone #9 on the agenda until next month. The committee will address this item after the hearing and decisions.

5. Approval of July 10, 2008 Meeting Minutes

Janet Sayre Hoeft made motion, seconded by Donald Carroll, motion carried 2-0 to approve the minutes.

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

V1276-08 – David Statz, near N3822 CTH K, Town of Jefferson

V1275-08 – Matthew Davis at N3057 CTH K, Town of Jefferson

V1277-08 – Cecil Whitman at W1605 CTH E, Town of Sullivan

V1274-08 – Judith & Paul Foelker at W2796 CTH B, Town of Farmington

V1278-08 – Larry Stroebel at W4011 Ebenezer Rd, Town of Watertown

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

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

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

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 1:00 p.m. on Thursday, August 14, 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.** There may be site inspections prior to public hearing; decisions shall be rendered after public hearing on the following:

V1274-08 – Judith & Paul Foelker: Variance to sanction conversion of a non-conforming structure, a bar to a residence, in excess of 50% of its fair market value; allow that residence on a lot less than 50' wide; sanction deck placement at less than the required setbacks to North Farmington Road, all in accordance with Sec. 11.07(d), 11.09 and 11.09(e) of the Jefferson County Zoning Ordinance. The property is at **W2796 CTH B** in the Town of Farmington, on PIN 008-0715-1321-002 (0.25 Acre) in a Community zone.

Judith Foelker presented the petition. There were no questions or comments in favor or opposition of the petition.

Janet Sayre Hoeft questioned the variance, but that the work to convert and the deck were already there. Donald Carroll questioned the deck.

Rob Klotz gave staff report. Per petitioner, the town had no problem with their request.

V1275-08 – Matthew Davis: Variance to allow an addition to a non-conforming structure in excess of 50% of its fair market value, and reduce the required side yard setback in a Residential R-2 zone at **N3057 CTH K** in accordance with Sec. 11.09 and 11.04(f)2 of the Jefferson County Zoning Ordinance. The property is in the Town of Jefferson on PIN 014-0614-2741-010 (1.74 Acre).

Andrea Davis presented this petition. There was a letter in the file from the neighbor of no objection noted by the petitioner. There were no questions or comments in opposition of the petition.

Dale Weis confirmed with the petitioner of their meeting setbacks to the well, septic, and size of septic. Janet Sayre Hoeft questioned the use of the utility room.

Rob Klotz gave staff report. There was a response of no objection from the town in the file and read by Don Carroll.

V1276-08 – David Statz: Reduce the minimum side yard setback in a Residential R-2 zone to allow creation of a new lot line 1.8 feet from an existing structure in accordance with Sec. 11.07(b) of the Jefferson County Zoning Ordinance. The site is at **N3822 CTH K** in the Town of Jefferson, on PINs 014-0614-1442-004 (0.88 Acre) and 014-0614-1442-005 (1.16 Acre).

David Statz presented his petition. There were no questions or comments in favor or opposition of this petition.

Dale Weis questioned the size of the lots. Janet Sayre Hoeft questioned where the petitioner was with the town. Donald Carroll asked for clarification of the location of the overhang to the lot line and foundation. Dale Weis questioned consideration of the existing structures, well & septic. Jane Sayre Hoeft questioned today's step (variance) and his intention to keep going with the project. Donald Carroll questioned if the petitioner proceeds, but could not meet all the requirements. Janet Sayre Hoeft questioned the possibility of septic replacement on the new lot.

Rob Klotz gave staff report. There was a response from the town in the file that petitioner did not attend their meeting. The petitioner noted that he had met with the City's Plan Commission, and they had no objection.

V1277-08 – Cecil Whitman: Variance to exceed 50% of the fair market value of a non-conforming structure with an addition at **W1605 CTH F** in the Town of Sullivan in accordance with Sec. 11.09 of the Jefferson County Zoning Ordinance. The property is in a Business zone on PIN 026-0616-1621-008 (4.5 Acres).

Cecil Whitman presented his petition. There were no questions or comments in favor or opposition of this petition.

Dale Weis questioned the previous permits issued and the non-conforming structure because of the floodplain. He also questioned the septic. Janet Sayre Hoeft commented not on the property itself, but what he is requesting. Dale Weis questioned the committee's review of a petition in the floodplain and the position of the town. Donald Carroll questioned the hardship.

Staff report was given by Rob Klotz. The petitioner did not attend a town board meeting according to documentation in the file from the town, ready by Donald Carroll.

V1278-08 – Larry Strobel: Variance to allow an addition to a non-conforming structure in excess of 50% of its fair market value in accordance with Sec. 11.09 of the Jefferson County Zoning Ordinance. The site is in an Agricultural A-1 zone at **W4011 Ebenezer Road** in the Town of Watertown, on PIN 032-0815-2822-000 (5.85 Acres).

Larry Strobel presented his petition. There were no questions or comments in favor or opposition of this petition.

Dale Weis questioned the number of sheep. Donald Carroll questioned major operation at this site, and the zoning for this purpose.

Rob Klotz gave staff report.

8. Decisions on Above Petitions

9. Items for Discussion and Possible Action

Motion was made by Janet Sayre Hoeft, seconded by Dale Weis to postpone the following items until next month. Motion carried 3-0.

- a. **Notice to be Added to Variance Application Regarding Who May Attend Site Inspections**
- b. **Decision Process**
- c. **Statement to be Added to Decision Form Regarding Completeness of Taped Decision vs. Written Decision**

10. Adjourn

Dale Weis made motion, seconded by Donald Carrol, motion carried 3-0 to adjourn @ 3:07 p.m.

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 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.: V1274-08

HEARING DATE: 08-14-2008

APPLICANT: Judith & Paul Foelker

PROPERTY OWNER: SAME

PARCEL (PIN #): 008-0715-1321-002 (.25A)

TOWNSHIP: Farmington

INTENT OF PETITIONER: Variance to sanction the conversion of a non-conforming structure to a residence in excess of 50% of its Fair Market Value on a lot which is less than 50' in width & placement of a deck at less than the required town road setbacks.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09, 11.04, 11.09(e) 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:

Former tavern – proposed to convert to residence

Existing Structure

Deck proposed at R.O.W. of N. Farmington Rd.

Holding tanks on premises

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Property layout & location

FACTS PRESENTED AT PUBLIC HEARING: See tape & minutes

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 _____

- 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: _____
- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED WHERE 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 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 the building is useless without the variance. It's an old structure which is vacant. Owners are attempting to make it a useful residence. It's an existing structure with a holding tank, well, and access to the existing structure.
- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE of the highway, town road, and there is no room on the back of the structure. The structure is located in an old rural plat. The structure is old and was in compliance under the old subdivision and building codes. It's an odd-shaped lot.
- 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 an improvement because there's less traffic as a residence than there was when it was a bar. It provides a practical use to a vacant structure. It reduces the traffic at the intersection and provides continuity of occupation of the structure for residential use.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Janet Sayre Hoeft **SECOND:** Dale Weis **VOTE:** 3-0

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 08-14-2008
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT.

DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN

FINDINGS OF FACT

PETITION NO.: V1275-08

HEARING DATE: 08-14-2008

APPLICANT: Matthew Davis

PROPERTY OWNER: SAME

PARCEL (PIN #): 014-0614-2741-010

TOWNSHIP: Jefferson

INTENT OF PETITIONER: Variance to allow an addition to a non-conforming structure in excess of 50% of the Fair Market Value and reduce the side yard setback

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)2,11.09 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:

Existing residence

R-2 zone – 15' minimum side yard

Proposed 33'x22' addition

Septic? Any bedrooms in addition?

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Property layout & location

FACTS PRESENTED AT PUBLIC HEARING: The addition will be to the back of the house. Addition will include a basement, master bedroom, bath and bedroom. Will meet setback to septic.

DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN

FINDINGS OF FACT

PETITION NO.: V1276-08
HEARING DATE: 08-14-2008

APPLICANT: David Statz

PROPERTY OWNER: SAME

PARCEL (PIN #): 014-0614-1442-005

TOWNSHIP: Jefferson

INTENT OF PETITIONER: Variance to reduce the minimum side yard in an R-2 zone to allow the creation of a new lot line 1.8" from an existing structure.

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

3' minimum setback in R-2 for detached garage

Reduction to 1.8' for a detached garage

Proposed lot division to create 2 lots from 1

R-2 zone

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Property layout & location

FACTS PRESENTED AT PUBLIC HEARING: Wants to create a buildable lot.
The overhang of the existing garage would be too close to the lot line.

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 _____

- 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: _____
- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED WHERE 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 VIOLATED.

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

- 4. UNNECESSARY HARDSHIP **IS NOT** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD NOT** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE _____petitioner has _____current use of the property, & while restrictions may not be ideal, it is not a hardship to expand bedrooms. The property is currently being used for it's purpose. _____
- 5. THE HARDSHIP **IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE _____expanding bedrooms & a new roof has nothing to do with physical limitations. It is in a flood zone which requires variance & is not his doing, but it's not due to physical limitations. The applicant desires this petition for personal use. _____
- 6. THE VARIANCE **WILL** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE _____of the current ordinance restrictions. Without flood-proofing the house, it would be against the ordinance. There is no DNR or town input. _____

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Janet Sayre Hoeft **SECOND:** Donald Carroll **VOTE:** 3-0

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 08-14-2008
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 _____

- 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: _____
- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED WHERE 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 VIOLATED.

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

- 7. 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 the existing use is functionable & it's unreasonable that he's currently running back & forth. It will be all consolidated in the one building. This building existed before the current ordinance requirements
- 8. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the existing barn existed before the existing road was put in. The distance is very small (approx. 10'). There is an existing storage shed behind the existing barn – the barn is too close to the road but the shed isn't. Current building existed prior to the current ordinance.
- 9. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it will reduce the traffic on the road. It's a continued farm operation in a farming zone supporting agriculture. It's all set with the allowable animal units, septic & water. Agricultural use in an A-1 zone.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Dale Weis **SECOND:** Janet Sayre Hoeft **VOTE:** 3-0

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 08-14-2008
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT.