

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 DECEMBER 9, 2010, 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

1. Call to Order-Room 205 at 12:45 p.m.

Meeting called to order by Janet Sayre Hoeft @ 12:45

2. Roll Call

Members Present: Janet Sayre Hoeft, Donald Carroll, Paul Hynek

Members Absent: Dale Weis

Staff: Michelle Staff, Laurie Miller

3. Certification of Compliance With Open Meetings Law Requirements

Janet Sayre Hoeft acknowledged publication. Staff also provided proof of publication.

4. Review of Agenda

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

5. Discussion Regarding Open Meetings Law Requirements

Janet briefly discussed the news release from the Attorney General's Office. There are two videos available for review regarding open meetings law requirements.

6. Approval of June 10, July 8, and November 11, 2010 Meeting Minutes

Paul Hynek made motion, seconded by Janet Sayre Hoeft, motion carried 2-0 to approve the June 10, 2010 meeting minutes.

Donald Carroll made motion, seconded by Janet Sayre Hoeft, motion carried 2-0 to approve the November 11, 2010 meeting minutes.

Approval of the minutes of the July 8, 2010 meeting was deferred to next month's hearing.

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

Janet Sayre Hoeft called the meeting to order @ 1:00 p.m.

Members Present: Janet Sayre Hoeft, Donald Carroll, Paul Hynek

Members Absent: Dale Weis

Staff: Michelle Staff, Laurie Miller

Janet Sayre Hoeft explained procedures.

Donald Carroll read into record:

***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, December 9, 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.** Decisions shall be rendered after public hearing on the following:

V1345-10 – L. A. Wilson: Variance to permit a structure, as defined by the Jefferson County Floodplain Ordinance, within the floodway of the Rock River, which is prohibited per Sec. 14:3.2 – Permitted Uses, and 14:3.3(2) and 14.3.4(1) for a structure not associated with permanent open space uses as listed in 14:3.2. The site is at **W7722 Blackhawk Island Road** in the Town of Sumner, on PIN 028-0513-1333-011 (0.45 Acre) in a Waterfront zone.

LA Wilson explained his petition. He also referred to a permit issued for fill and a boat ramp issued in 1991.

Kim Farnsworth was in favor and explained her reasons. Also in favor was Wilma Todd. There were no questions or comments in opposition of the petition.

There was a response from the town in the file and read into the record by Donald Carroll, approving this petition with no conditions.

Staff report was given by Michelle Staff.

Paul Hynek commented on the Zoning & Planning Committees decision that this is a structure. Paul questioned the height, size and distance in the ground the pole would be placed as well as questioning the heritage. Donald Carroll referred to Sec. c under 14:7.0 and read it into the record as well as the criteria for a variance. Janet Sayre Hoeft questioned the installation of the totem pole, measure to be taken if it loosened during flooding, etc... in reference to 14:3.32. Donald Carroll questioned the proposed field stone and limestone around the pole. Paul Hynek questioned how high the field stone would go. Donald Carroll referred to sections of the ordinance.

V1353-10 – Quentin & Mary Carpenter Trust: Variance from Sec. 11.09(c) of the Jefferson County Zoning Ordinance to exceed 50% of the fair market value of a non-conforming home with a basement extension. The site is at **W8720 STH 106** in the Town of Sumner, on PIN 028-0513-0931-000 (27 Acres) in an A-1 Agricultural zone.

Dan Reuth, contractor, presented the petition. There were no questions or comments in favor or opposition of the petition.

There was a response in the file from the town in favor of the petition, and was read into the record by Donald Carroll.

Staff report was given by Michelle Staff.

Janet Sayer questioned if the modifications would be closer to STH 106. Donald Carroll questioned the value of the house. Paul Hynek questioned the existing

basement and crawl space. Janet Sayre Hoeft made comment on energy savings. Donald Carroll asked if this was a strengthening remodel, and commented on bringing the structure up to the current building codes.

8. Decisions on Above Petitions (See Files)

9. Adjourn

Paul Hynek made motion, seconded by Janet Sayre Hoeft, motion carried 3-0 to adjourn @ 2:45 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 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.: 2010 V1345
HEARING DATE: 12-09-2010

APPLICANT: LA Wilson

PROPERTY OWNER: LA,DL,AA Wilson

PARCEL (PIN #): 028-0513-1333-011

TOWNSHIP: Sumner

INTENT OF PETITIONER: To permit a structure, as defined by the Jefferson
County Floodplain Ordinance, within the floodway of the Rock River, which is
prohibited per Sec. 14:3.2

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 14:3.2, 14:3.3(2),
14:3.4(1) 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 would like to place a totem pole within the floodway of the Rock
River which is prohibited & within 10' of the Rock River, whereas the setback is 75'.
The purpose & intent of the Floodplain Ordinance discourages development in a
floodplain. As we have seen in 2008 when flood waters raise, they bring with them
materials, man-made (tanks, decks, etc...) and natural (trees, branches, etc...).
Added structures in the floodplain such as this pole, create obstructions that create
and can get caught on & block flowage, & could create dams in the water flowage.

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.: 2010 V1353
HEARING DATE: 12-09-2010

APPLICANT: Quentin J. & Mary E. Carpenter Trust

PROPERTY OWNER: SAME

PARCEL (PIN #): 028-0513-0931-000

TOWNSHIP: Sumner

INTENT OF PETITIONER: To exceed 50% of the assessed value for improvements
of the existing residence.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09(c) 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 residence is non-conforming due to the fact it's located 108 feet from the
centerline of STH 106, whereas the required setback is 140 feet from the centerline
and 70 feet from the ROW.

Permit #41039 was issued on 3/21/1996 to construct an addition at 50% of its
Fair Market Value; therefore, any modification to the structure requires a variance.

The residence was constructed in the 1800's.

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections
not conducted.

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

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 NOT VIOLATED.

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

- 4. 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 location of the structure predates the ordinance. It meets all the setback requirements except the centerline setback.
- 5. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE of the placement of the house, age, and structure condition is unique because of the period it was originally constructed.
- 6. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it will improve the safety standards, and bring the property into compliance with current building codes.
There is no site line problem and meets current code.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Donald Carroll **SECOND:** Paul Hynek **VOTE:** 3-0

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 12-09-2010
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.