

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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

PUBLIC HEARING BEGINS AT **1:00 P.M.** ON THURSDAY, JANUARY 14, 2010, ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 10:15 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 10:30 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203

Meeting called to order by Janet Sayre Hoeft @ 10:17 a.m.

2. Roll Call

Members Present: Janet Sayre Hoeft, Paul Hynek, Randy Mitchell

Members Absent: Dale Weis

Staff: Rob Klotz, Laurie Miller

3. Certification of Compliance With Open Meetings Law Requirements

Janet Sayre Hoeft acknowledged publication. Staff also confirmed publication.

4. Review of Agenda

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

5. Approval of November 12, 2009 Meeting Minutes

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

6. Election of Officers

Paul Hyneck made motion, seconded by Randy Mitchell, motion carried 3-0 to defer election of officers until next month when all the board members are present.

7. **Site Inspections – Beginning at 10:30 a.m. and Leaving from Room 203**
8. **Public Hearing – Beginning at 1:00 p.m. in Room 205**

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

Members Present: Janet Sayre Hoeft, Randy Mitchell, Paul Hynek

Members Absent: Dale Weis

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, January 14, 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:

V1321-10 – Neil & Michelle Stark: Variance from Sec. 11.07(d) of the Jefferson County Zoning Ordinance to allow a detached garage at less than the required setback

to centerline and right-of-way of Rome Oak Hill Rd. The site is in the Town of Sullivan, on PIN 026-0616-3511-003 (1.57 Acre) in an A-1, Agricultural zone.

Neil Stark presented his petition. There were no questions or comments in favor or opposition of this petition.

Paul Hynek questioned the zoning of the property and if the petitioners talked to the neighbors. He also questioned the replacement area for the septic. Janet Sayre Hoeft questioned the row of pine trees and site line.

Rob Klotz gave staff report. There was a response in the file from the town of no objection which was read into the record by Randy Mitchell.

V1322-10 – John J Pozorski Jr and Tamara E Towns-Pozorski: Variance from Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance to sanction the location of a residential structure at less than the required setback to side and/or rear lot lines in a Residential R-2 zone. The site is at N1571 CTH H on PIN 024-0516-1324-004 (10.369 Acres).

Tamara Pozorski presented the petition. There were no questions or comments in favor or opposition of this petition.

Paul Hynek questioned the petitioner on proof of when the structure was constructed. He also questioned the ordinances and uses in the R-2 zone as well as the septic. Janet Sayre Hoeft questioned the location of the septic. Randy Mitchell also questioned the septic. Paul Hynek questioned if the property had the ability to be split into 2 separate parcels. Janet noted nothing was received by the DNR. Paul Hyneck questioned the DNR land to the west.

Rob Klotz gave staff report. There was a town response in the file of no objection which was read into the record by Randy Mitchell.

9. Decisions on Above Petitions

10. Adjourn

Motion made by Paul Hynek, seconded by Randy Mitchell, motion carried 3-0 to adjourn @ 1:53 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.: V1321-10
HEARING DATE: 01-14-2010

APPLICANT: Neil & Michelle Stark

PROPERTY OWNER: SAME

PARCEL (PIN #): 026-0616-3511-003

TOWNSHIP: Sullivan

INTENT OF PETITIONER: To construct a detached garage at 65' to the centerline
 from a town road.

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

 Town Rd. – Hardscrabble Rd.
 85' centerline & 50' ROW minimum setback
 Plot plan in file – plumbers plot plan in file
 Staff notes in file – appears to be room to move back

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

FACTS PRESENTED AT PUBLIC HEARING: Proposed garage will be 20' closer
 to the road.

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** 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 structure has been in it's current location for 30 years with no complaints from the neighbors or town.
Paul Hynek was opposed because the structure could be positioned to meet setbacks
5. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the structure would be difficult to move from where it is. The structure is located in the middle of nowhere. There are marshy areas on the lot.
Paul Hynek was opposed because the petitioners were aware of the problems before they purchased the property.
6. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE there has been no objection from the town, neighbors, or DNR
Paul Hynek was opposed because the ordinance was written for a reason

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Randy Mitchell **SECOND:** Janet Sayre Hoeft **VOTE:** 2-0-2-1

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ s\Janet Sayre Hoeft _____ **DATE:** 1-14-2010
 ACTING CHAIRPERSON

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