

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 THURSDAY, NOVEMBER 11, 2010, ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 10:00 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 10:15 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 10:00 a.m.

Meeting called to order by Janet Sayre Hoeft @ 10:00 a.m.

2. Roll Call

Members Present: Janet Sayre Hoeft, Donald Carroll

Members Absent: Dale Weis

Staff: Laurie Miller, Michelle Staff

3. Certification of Compliance With Open Meetings Law Requirements

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

4. Review of Agenda

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

5. Approval of June 10, July 8, September 9 and October 14, 2010 Meeting Minutes

Approval of the June 10 and July 8, 2010 meeting minutes was deferred to next month.

Donald Carroll made motion, seconded by Janet Sayre Hoeft, motion carried 2-0 to approve the September 9, 2010 minutes with a correction on the motion of decision for the Carol Shortridge petition in September. Motion to “deny” should read 2-0 instead of 2-1.

Donald Carroll made motion, seconded by Janet Sayre Hoeft, motion carried 2-0 to approve the October 14, 2010 minutes.

6. Site Inspections – Beginning at 10:15 a.m. and Leaving from Room 203

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

Members Absent: Dale Weis

Staff: Laurie Miller, Michelle Staff

Janet Sayre Hoeft explained procedures.

***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, November 11, 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:

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.

Janet made motion, seconded by Donald Carroll, motion carried 2-0 to remove this petition off the table.

Mr. Wilson explained his petition. In favor were Kim Farnsworth and Wilma Todd. There were no questions or comments in opposition.

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

Michelle Staff gave staff report and read into the record the minutes/decision from the Planning & Zoning Committee. Michelle noted that DNR decided not to make comment.

Don Carroll made motion, seconded by Janet Sayre Hoeft, motion carried 2-0 to add the minutes to the file from the Planning & Zoning Committee. Don also read into the record the ordinance requirements for a variance and made motion to place in the file. Motion was seconded by Janet Sayre Hoeft and carried 2-0. Don asked the petitioner to respond to the standards for a variance.

L. A. Wilson submitted pictures for the file. Don explained the standards of a variance and asked the petitioner to explain. Kim Farnsworth responded.

Jim Mode questioned the board on telephone poles in the floodway. Michelle Staff responded.

V1349-10 – Michael & Cynthia Morano: Variance from Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance to reduce minimum lot width and side yard setback required in a Residential R-2 zone, and from 11.09(e) to allow separation of substandard lots in common ownership. The site is at **N561 Blackhawk Bluff Drive** in the Town of Koshkonong, on PIN 016-0513-2743-004 (0.363 Acre) and 016-0513-2743-005 (0.388 Acre).

Attorney Nick Anay represented the petitioner and explained the background of the subdivision, the acquiring of the second lot, and how they felt they meet the variance criteria. Michael Morano explained how they acquired the lot and that they were not aware it would become one lot.

There were no questions or comments in favor or opposition of the petition. There was a response in the file in favor of this petition, and was read into the record by Donald Carroll. Michelle Staff gave staff report.

Donald Carroll asked the petitioner to clarify the developed lots. Don commented on the slope of the property. Janet Sayre Hoeft questioned staff on the setback to the lake, the septic system, and a conforming lot. Donald Carroll questioned if the petitioner would object to conditions on setbacks.

Attorney Ansay questioned the board if approved, could they use the non-conforming setbacks. Donald Carroll questioned staff on sufficient distance for setbacks.

V1352-10 – Terry Richardt: Variance from Sec. 11.07(d) to reduce centerline and right-of-way setbacks for detached garage construction at 16 feet from the right-of-way and 38 feet from the centerline of Wruck Lane. The site is in the Town of Farmington, at **N5783 Christberg Rd.**, on PIN 008-0715-2034-004 (1.025 Acre) and in an A-3, Rural Residential zone.

Terry Richardt presented his petition. He is proposing a detached garage on the hill. The bottom of the slope floods out every spring.

There were no questions or comments in favor or opposition of the petition. There was a town response in the file approving this petition, and was read into the record by Donald Carroll.

Staff report was given by Michelle Staff. Michelle explained the requirements and questioned the petitioner on if they were using the existing driveway or if they were proposing a new driveway. She also questioned if there were plans for a detached garage when the house was built. Petitioner explained.

Donald Carroll questioned the location of the propane tank. Janet questioned the visibility of the road.

8. Decisions on Above Petitions (See files)

9. Adjourn

Motion made by Janet Sayre Hoeft, seconded by Donald Carroll, motion carried 2-0 to adjourn @ 2:45.

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: 11-11-2010

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 V1349

HEARING DATE: 11-11-2010

APPLICANT: Michael J. & Cynthia Mae Morano

PROPERTY OWNER: SAME

PARCEL (PIN #): 016-0513-2743-004, 016-0513-2743-005

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: Variance to allow separation of substandard R-2 lots

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

In 1995, Mr. & Mrs. Morano purchased the neighboring property. Section 11.09(e) states substandard lots in common ownership may not be sold or used without full compliance with the provisions of the ordinance. The property is zoned R-2, and the required width of the zone is 100 feet. The lots are part of the Bingham Point Estates Second Addition subdivision plat created in 1961. A copy of this plat is in the file. Conforming R-2 setbacks are 15 feet side lot lines, 75 feet from the lake, 30 feet from the ROW, and 63 feet from the centerline. If the parcels are substandard, setbacks are 5 feet from the lot line, 25 feet from the front property line, and 75 feet from the water. The existing house was built in 1969 and is 15' from the lot line. The detached garage is too close to the proposed lot line. With the overhang, the existing garage is 2.2 feet from the lot line whereas a 3 foot setback is required.

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 V1352

HEARING DATE: 11-11-2010

APPLICANT: Terry Richardt

PROPERTY OWNER: Terry L. & Tanya M. Richardt

PARCEL (PIN #): 008-0715-2034-004

TOWNSHIP: Farmington

INTENT OF PETITIONER: Reduce centerline & ROW setback minimums proposed to be reduced for the construction of a detached garage at 16' from the ROW and 38' from the centerline of Wruck Lane.

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:

The property was created by Certified Survey Map on October 12, 2001. The petitioner is requesting a 24' by 36' detached garage. The detached garage would be located 79 feet from the centerline and 39 feet from the right-of-way of Christberg Road and 48 feet from the centerline and 16 feet from the right-of-way of Wruck Ln. The required setback for a structure from the town roads is 50 feet from the right-of-way and 85 feet from the centerline. Is there any proposed driveways for the new structure? What is the intended use of the structure?

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

- 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 they are allowed a detached building.
Also because of the topography of the lot with a flooding tendency.
- 8. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE there's a swamp in the back and there is no room in the front. It has to be placed on the side. Much of the lot exhibits flooding problems. It's also a corner lot requiring greater setbacks.
- 9. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE the town has no problem with snow removal. They will not be cutting in another driveway. It does not create a further site problem stopping where Wruck Ln. meets Christberg Rd. The existing driveway is being utilized and no field of vision obstruction will occur.

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:** 2-0

NOTE: Overhang requirements taken into consideration when siting new garage.

SIGNED: _____ DATE: 11-11-2010
CHAIRPERSON

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