

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

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

***PUBLIC HEARING*** BEGINS AT **1:00 P.M.** ON THURSDAY, AUGUST 9, 2012, ROOM 205, JEFFERSON COUNTY COURTHOUSE

***CALL TO ORDER FOR BOARD MEMBERS*** IS AT 9:30A.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 at 9:30 a.m.**

Meeting called to order @ 9:30 a.m. by Carroll.

**2. Roll Call**

Members present: Hoeft, Carroll, Weis

Members absent: ---

Staff: Laurie Miller, Michelle Staff

**3. Certification of Compliance with Open Meetings Law Requirements**

Hoeft acknowledged publication. Staff also presented proof of publication.

**4. Review of Agenda**

Hoeft made motion, seconded by Weis motion carried 3-0 to approve the review of the agenda.

Staff noted that a survey was submitted for the Pundsack petition and a permit was issued because they were able to meet all requirements. Therefore, the petition has been withdrawn which will be noted at public hearing as well.

**5. Approval of July12, 2012 Meeting Minutes**

Hoeft made motion, seconded by Weis, motion carried 3-0 to approve the July 12, 2012 meeting minutes with corrections on the decision sheets for the Pundsack and Zimmerman hearing dates to be changed to July 12, 2012.

**6. Communications**

No communications were presented.

Staff noted that seminars should be starting up again this winter.

There was a discussion on a previous approval and who enforces decisions of the BOA. More specifically, Jeff Gerner had concerns that the bank had not removed a shed that was constructed too close to his property line which was denied a variance to remain at that location. Staff indicated that there has been contact with Mr. Gerner as well as the bank to deal with the issue, and that the department could issue citations if the structure was not removed.

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

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

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

Members present: Hoeft, Carroll, Weis

Members absent: ---

Staff: Laurie Miller, Michelle Staff

The following was read into the record by Hoeft:

***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 9, 2012 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:

**V1388-12 – Kenneth W Pundsack/Jankay Pundsack & Rory Beebe Property:** Variance from Section 11.09(e) of the Jefferson County Zoning Ordinance to allow an addition to an attached garage at less than the required 5-foot setback to a side property line. The site is on PIN 016-0514-0832-005 (0.53 Acres) at **W6871 Hartwig Lane**, Town of Koshkonong in a Residential R-2 zone.

This petition was withdrawn. It was determined that they were in compliance and a permit was already issued. Staff explained.

**V1391-12 – Dr. Jonathan & Elizabeth McLaughlin:** Variance from Sec. 11.03(f)2 to allow an accessory structure before a principal structure **near N6260 Korth Highlands** in the Town of Lake Mills. The property is zoned Residential R-1, on PIN 018-0713-1542-008 (1.55 Acre).

Elizabeth McLaughlin presented her petition. The shed is used as a boathouse, and they want to continue its use after the land split.

There were no questions or comments in favor or opposition of the petition. There was a town response in the file, read by Carroll, approving the petition. Staff gave staff report explaining the requirements. Staff questioned the petitioner on why the structure couldn't be moved to the other lot. Petitioner explained.

Weis questioned staff on the splitting off of the lot. Hoeft questioned the petitioner on why they were splitting off the lot. Petitioner explained. Weis questioned staff on the requirements of the land split. Carroll questioned the location of the shed. The petitioner responded and touched upon the three criteria for variance.

**V1392-12 – John Hinz:** Variance from Sec. 11.07(d) to allow a detached garage at 20 feet from the right-of-way and 70 feet from the centerline of CTH F. Variance from

Sec. 11.10(d)1 to allow the garage to be 35 feet from the ordinary high water mark of Rome Pond. The site is at **W1672 CTH F** in the Town of Sullivan, on PIN 026-0616-1714-002 (0.55 Acres) in a Residential R-1 zone.

John Hinz presented his petition. There is no garage currently on the property, and he stated that they couldn't place a garage anywhere on the property without a variance.

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

Staff noted that the County Highway Department gave her a verbal O.K. on the request.

Staff gave staff report. She questioned the petitioner on the use of the two sheds currently located on the property. Petitioner explained. Staff explained the ordinance requirements. The petitioner stated that if the garage could be constructed, the two sheds would be removed. Staff explained the 35' buffer requirements, and questioned the petitioner on the location of the proposed garage. Staff noted that a setback average could not be used. Staff also questioned the location of the lot.

Hoefl questioned the location of the garage. The petitioner presented the Board with a site plan.

**V1393-12 – Horst Krause:** Petitioner is proposing to live in a recreational vehicle attached to a garage while reconstructing a residence at **W5041 CTH T**. The request requires variances from Sec. 11.04(f)6 to temporarily allow two dwelling units; 11.04(h) which states that camping is prohibited in all areas except in campgrounds; 11.04(i) which states that all dwelling units shall contain a minimum of 850 square feet of floor area; 11.03(c)2 which states that the permit shall expire 12 months from the date of issue unless substantial work has commenced; 11.11(b)5.a.6) which states that permits shall lapse and become void if operations described in the permit are not complete within 2 years of issuance of the permit, excepting that the Zoning Administrator may grant an extension for a period of not to exceed one year upon showing of a valid cause. This site is in the Town of Watertown, on PIN 032-0814-0142-000 (40 Acres) in an A-1 Agricultural zone.

Horse Krause was present. Also present was Dan Krause who presented the petition. He stated the RV was to be used while the home was under construction.

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

Staff report was given by Staff. Staff explained the history of the property including previous permit issuances and variance approvals. She questioned the petitioner on how not having the RV placement on the property would prohibit them from completing construction, how long Horst has owned the property, and asked the petitioner to explain the three criteria for variance. Petitioner explained.

Hoeft questioned the home that burned down and no longer exists on the property. Weis questioned if there were extra ordinary circumstances for a construction trailer to be on the property. There was a discussion on the construction trailer being on the property versus someone living on the property. Carroll stated the three variance criteria needed, and asked the petitioner to address each one. Petitioner responded. Weis made a statement about the progression of the project, the permits, and RV request. Hoeft commented on what the property dictates. Carroll commented on the need for the petitioner to respond to the three criteria.

There was a brief break.

## **9. Decisions on Above Petitions (See files)**

## **10. Adjourn**

Weis made motion, seconded by Hoeft, motion carried 3-0 to adjourn @ 3:04.

**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 at least 24 hours prior to the meeting so appropriate arrangements can be made.

*A digital recording of the meeting will be available in the Zoning Department upon request.*

**DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN**

**FINDINGS OF FACT**

PETITION NO.: 2012 V1391  
HEARING DATE: 08-09-2012

APPLICANT: Dr. Jonathan G. & Elizabeth McLaughlin

PROPERTY OWNER: SAME

PARCEL (PIN #): 018-0713-1542-008

TOWNSHIP: Lake Mills

INTENT OF PETITIONER: Accessory structure on an R-1 Zone property without a principal structure.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.03(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:

Currently, the McLaughlin's own Lot 5 of Korth Highland Subdivision. They would like to split the one lot into two lots. There is an existing shed that would be located on proposed Lot 2 without a principal structure. Section 11.03(f)(2) states that a principal structure must be present before an accessory structure. The petitioner indicated they would like the shed to remain on Lot 2 , and does not want to move it to proposed Lot 1 with the principal 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 OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN**

**FINDINGS OF FACT**

PETITION NO.: 2012 V1392

HEARING DATE: 08-09-2012

APPLICANT: John A. Hinz

PROPERTY OWNER: SAME

PARCEL (PIN #): 026-0616-1714-002

TOWNSHIP: Sullivan

INTENT OF PETITIONER: To build a 28' x 22' (616 sq. ft) detached garage 70 feet from the centerline, 20 feet from the right-of-way, and 35 feet from the Ordinary High Water Mark (OHWM) of Rome Pond.

THE APPLICANT REQUESTS A VARIANCE FROM SECTIONS 11.07(d) and 11.10(c)(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 is proposing a 28' x 22' (616 sq. ft.) detached garage within 70 feet from the centerline and 20 feet from the right-of-way whereas the required setback is 110 feet from the centerline and 50 feet from the right-of-way. In addition, the structure will be 35 feet from the OHWM of Rome Pond whereas the required setback is 75 feet. The property is .55 acres where one side fronts on Rome Pond and the other side along CTH F. The property is approximately 100 feet wide.

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.: 2012 V1393

HEARING DATE: 08-09-2012

APPLICANT: Horst Krause

PROPERTY OWNER: SAME

PARCEL (PIN #): 032-0814-0142-000

TOWNSHIP: Watertown

INTENT OF PETITIONER: Existing residence is not completed, and they would like to bring a recreational vehicle on the property to live in while the residence is being built.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION      (See Below) 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: Petitioner is proposing to live in a recreational vehicle attached to a garage while reconstructing a residence at W5041 CTH T. The request requires variances from Sec. 11.04(f)6 to temporarily allow two dwelling units; 11.04(h) which states that camping is prohibited in all areas except in campgrounds; 11.04(i) which states that all dwelling units shall contain a minimum of 850 square feet of floor area; 11.03(c)2 which states that the permit shall expire 12 months from the date of issue unless substantial work has commenced; 11.11(b)5.a.6) which states that permits shall lapse and become void if operations described in the permit are not complete within 2 years of issuance of the permit, excepting that the Zoning Administrator may grant an extension for a period of not to exceed one year upon showing of a valid cause. This site is in the Town of Watertown, on PIN 032-0814-0142-000 (40 Acres) in an A-1 Agricultural zone.

The Zoning and Land Use permit expired in 1998 for the residence, and still has not been completed. The petitioner received three variances to keep two residences on the property until the new residence was completed. The second residence was removed from the property, but now the petitioner is asking to allow live in an RV while the residence is under construction. The residence has been under construction since 1994 - 2012

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections conducted. Observed property layout & location.

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

