

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, MARCH 8, 2012 IN 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.**
The meeting was called to order at 10 a.m. by Weis.
- 2. Roll Call**
Members present: Weis and Carroll

Member absent: Sayre Hoeft, who will be picked up prior to commencing site inspections.

Staff present: Michelle Staff and Deb Magritz
- 3. Certification of Compliance With Open Meetings Law Requirements**
Weis acknowledged publication. Staff also presented proof of publication.
- 4. Review of Agenda**
Carroll made a motion, seconded by Weis to approve the agenda as presented; motion carried on a voice vote with no objection.
- 5. Approval of December 8, 2011 Meeting Minutes**
Carroll made the motion, seconded by Weis to approve the December 8, 2011 meeting minutes as presented. Motion carried on a voice vote with no objection.
- 6. Communications**
None
- 7. Site Inspections – Beginning at 10:15 a.m. and Leaving from Room 203**
- 8. Public Hearing – Beginning at 1:00 p.m. in Room 205**

Meeting called to order at 1 p.m. by Sayre Hoeft.

Members present: Sayre Hoeft, Weis and Carroll

Members absent: None

Staff: Michelle Staff and Deb Magritz

Procedure was explained by Sayre Hoeft.

The following was read into the record by Carroll:

***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, March 8, 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:

V1379-12 – Timothy R & Carol Ann Hunn: Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance for construction of a detached garage at less than the required setbacks to STH 26 right-of-way and centerline. A 50-foot setback to the right-of-way is proposed. The site is at **N5984 Jefferson Road** in the Town of Aztalan, on PIN 002-0714-2424-000 (12.660 Acres) in an A-1 Agricultural zone.

Petitioner: Timothy Hunn stated that he wishes to replace an existing garage. STH 26 expansion and geographical features don't allow the new garage to meet setbacks.

In Favor: None

Opposed: None

Town Response: Neither the Plan Commission or Town Board had any opposition.

Staff Report: Given by Michelle Staff and now on file in Zoning. In addition, Staff asked whether the topography is natural or is a result of STH 26 reconstruction. Hunn replied that it is partly the bypass and partly as a result of their selling the topsoil.

Committee Questions: *Weis* asked whether the D.O.T. has responded; Staff reported that they were sent a notice about this meeting. *Carroll* asked where the excavation occurred; he

presented Hunn a topographic map. Hunn drew on the map for the Board, indicating it was adjacent to the driveway, south and west of the house.

V1380-12 – Tom Juraskinski/Rome Riverside Real Estate, LLC: Variance from Sec. 11.04(f) for expansion of a campground on less than 40 acres at **N3780 West Water Street** in the Town of Sullivan. The site is on PINs 026-0616-1734-008 (12.608 Acres), 026-0616-1734-009 (7 Acres) and 026-0616-1743-004 (8.5 Acres) in an A-1 zone, proposed to be changed to A-2, Agribusiness.

Petitioner: Tom Jurasinski spoke. He noted that the campground is not going to expand in acreage, but rather that 55 new sites are being created for overflow camping/tent camping as are 2 group camp sites, done in phases as he can afford to do so.

In Favor: None

Opposed: None

Town Response: No objection

Staff Report: Given by Michelle Staff and now on file in Zoning

Committee Questions: *Weis* commented that this is proposed for an A-2, Agribusiness zone. *Carroll* asked the petitioner to explain the issues he has with the Health Department; Jurasinski responded that it is the toilet and water supply issues. *Carroll* asked whether Jurasinski would accept a conditional approval based upon Health Department approval, to which Jurasinski said yes.

V1381-12 – Michael Ingram: Variance from Sec. 11.07(d)2 to allow a detached accessory structure at less than the required minimum setbacks to a town road. An 11-foot setback to the right-of-way is proposed. The property is at **N8131 Springer Road** in the Town of Waterloo, on PIN 030-0813-2344-002 (6.71 Acres) in an A-3, Rural Residential zone.

Petitioner: Michael Ingram would like a 27-foot by 48-foot pole barn at the location proposed. The property is on a hill, and there is no other place to place the building. His home has no basement, he needs additional storage space, and this should not present a safety issue since this is five feet above the road bed.

In Favor: None

Opposed: None

Town Response: In favor

Staff Report: Given by Michelle Staff and now on file in Zoning. Staff asked the petitioner whether they had considered building on the flattened area next to the existing garage, to which Ingram replied that it is their turn around area. Staff asked how Ingram plans to access the building, and Ingram said they would use the existing driveway. Staff questioned Ingram as to whether all current structures were constructed by him, and Ingram responded affirmatively.

Committee Questions: *Sayre Hoeft* asked if there were homes immediately on either of this property; Ingram responded that there are not. *Carroll* noted that Ingrams have other options, to which Ingram disagreed because the turn around area is the route to the top of their hill. *Sayre Hoeft* asked whether Ingrams were told at the time they built their house that it would not be feasible to have a basement. Ingram said yes. *Weis* asked the height of sidewalls proposed, and total height; Ingram replied 10-foot sidewalls and approximately 15-foot total height. *Weis* also asked the proposed use of the building. Ingram would like it for wood shop and personal storage; they currently rent storage elsewhere. *Carroll* asked whether it would be true to say that it would be a financial issue to build elsewhere. Ingram doesn't think that it can be done meeting setbacks. *Carroll* also asked, when the area was leveled, what was done with the dirt? Ingram responded that it was move to the other side, increasing the slope there.

9. Decisions on Above Petitions (See Files)

10. Adjourn

Motion made by Weis, seconded by Carroll to adjourn at 2:25 p.m. Motion carried on a voice vote with no objection.

Dale Weis, Secretary

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

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

FINDINGS OF FACT

PETITION NO.: 2012 V1379

HEARING DATE: 03-08-2012

APPLICANT: Timothy R. & Carol Ann Hunn Trust

PROPERTY OWNER: SAME

PARCEL (PIN #): 002-0714-2424-000

TOWNSHIP: Aztalan

INTENT OF PETITIONER: To construct a detached accessory structure too close to
STH 26 right-of-way and centerline.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d)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:
The petitioner is proposing to construct an 864 sq. ft. (24' x 36') detached garage 50 feet
from the right-of-way, whereas STH 26 is a Class A highway and the required setback
is 100 feet from the right-of-way and 200 feet from the centerline. The parcel is
approximately 10 acres in size. There are locations on the property to place the structure
without variance.

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 NOT 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 this request is to replace a garage to which they're entitled. The hardship was created by the state in construction of the STH 26 bypass.
- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the highway was moved closer to the house with STH 26 bypass construction, making the house non-conforming; this was not the result of anything the owner had done. Any other potential building site on the property would be 5' to 6' below the driveway.
- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE This will not cause interference with the highway or any other structures; it does not create a vision problem. The proposal keeps the cropland intact and restores the homestead to its original configuration, which contained a garage.

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:** Voice vote with no objection

CONDITIONS OF APPROVAL

SIGNED: _____ **DATE:** 03-08-2012
CHAIRPERSON

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

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

FINDINGS OF FACT

PETITION NO.: 2012 V1380

HEARING DATE: 03-08-2012

APPLICANT: Tom Jurasinski

PROPERTY OWNER: Rome Riverside Real Estate LLC

PARCEL (PIN #): 026-0616-1734-008

TOWNSHIP: Sullivan

INTENT OF PETITIONER: To expand an existing campground that is less than 40 acres

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.05(f) 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 to expand the campground to include additional sites and group camping areas. Currently, the campground is a legal non-conforming use. When a legal non-conforming use is expanded, it is required to meet all zoning regulations. To meet the current campground regulations the petitioner is currently rezoning the property to A-2 and applying for conditional use permit for a campground. Section 11.05(f) of the Jefferson County Zoning Ordinance requires that a campground be 40 acres whereas, the property is only 28.11 acres. According to air photos, the campground was developed between the years of 1963 and 1969. The petitioner's proposal meets density requirements for the number of campsites per acreage. In addition to Jefferson County regulations, the petitioner must meet all Department of Health regulations (DHS 178). The petitioner is currently working with Erin O'Brien from the Jefferson County Environmental Public Health Consortium to ensure that these codes are met.

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 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 property exists at less the requisite 40 acres; without variance, the rezoning and Health Department permits are not granted and the petitioner cannot comply with current regulations.
- 5. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE the property exists at less than 40 acres. It has been in operation at that size prior to the adoption of the ordinance regulating it.
- 6. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it "sets the record straight" by bringing something non-compliant into compliance.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Don Carroll **SECOND:** Dale Weis **VOTE:** voice vote with no objection

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 03-08-2012
CHAIRPERSON

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

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

FINDINGS OF FACT

PETITION NO.: 2012 V1381

HEARING DATE: 03-08-2012

APPLICANT: Michael A. & Barbara A. Ingram

PROPERTY OWNER: SAME

PARCEL (PIN #): 030-0813-2344-002

TOWNSHIP: Waterloo

INTENT OF PETITIONER: To build a detached accessory building too close to the right-of-way and centerline of a town road.

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

The lot consists of 6.71 acres and was rezoned in 1979 to A-3 Rural Residential. At that time, it was noted there were steep slopes on the property and the driveway was located in its current location because of said steep slopes. The petitioner bought the vacant lot in 1980 and built the current house on the property. In 1997, the petitioner built a detached accessory structure on the property meeting all setbacks. The petitioner is proposing a second detached accessory structure 11 feet from the right-of-way and 44 feet from the centerline, whereas the required setback is 50 feet from the right-of-way and 85 feet from the centerline. The petitioner currently has reasonable use of the property with a single family residence; 660 sq. ft. attached garage and 864 sq. ft. detached accessory structure. The petitioner bought this property aware of the current setbacks, steep slopes and built a residence with an attached garage and a detached accessory structure meeting all required setbacks.

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 NOT VIOLATED.

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

- 7. 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 the property owners already have existing storage structures.
- 8. THE HARDSHIP **IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE structures have been placed on the property by the current owner that meet the setback requirements.
- 9. THE VARIANCE **WILL** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE a building should not create an obstruction to the road. The proposed site is not a good location for a building.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Don Carroll **SECOND:** Dale Weis **VOTE:** voice vote with no objection

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 03-08-2012
CHAIRPERSON

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