

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Janet Sayre Hoeft, Vice-Chair; Don Carroll, Secretary; Dale Weis, Alternate; Paul Hynek, Alternate

PUBLIC HEARING BEGINS AT **1:00 P.M.** ON THURSDAY, MAY 8, 2008
ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 10:45 A.M. IN COURTHOUSE ROOM
203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 11:00 A.M. FROM
COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203

Meeting was called to order @ 10:45 a.m. by Janet Sayre Hoeft, Vice-Chair

2. Roll Call

Members present: Janet Sayre Hoeft, Donald Carroll, Dale Weis

Members absent: -----

Staff: Rob Klotz, Laurie Miller

3. Certification of Compliance With Open Meetings Law Requirements

Janet Sayre Hoeft acknowledged publication.

4. Review of Agenda

Dale Weis made motion, seconded by Donald Carroll, motion carried 3-0 to approve the review of the agenda as presented.

5. Approval of March 13, 2008 Meeting Minutes

Donald Carroll made motion, seconded by Janet Sayre Hoeft motion carried 2-0 to approve the minutes. (Note: Dale Weis was not present at the March meeting, and did not vote)

6. Site Inspections – Beginning at 11:00 a.m. and Leaving from Room 203

V1271-08 – Robert Lemke/Lemke’s Real Estate LLC, Town of Jefferson

V1272-08 – Reuben W. Schmitz Jr., Town of Farmington

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

Meeting called to order @ 1:00 p.m. by Janet Sayre Hoeft, Vice Chair

Members present: Janet Sayre Hoeft, Donald Carroll, Dale Weis

Members absent: ----

Staff: Robert 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, May 8, 2008 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; decisions shall be rendered after public hearing on the following:

V1271-08 – Robert Lemke/Lemke’s Real Estate LLC: Variance to allow reconstruction of an existing building 10 feet from the rear property line in a Community zone in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. The site is at **W3333 USH 18** in the Town of Jefferson, on PIN 014-0615-0314-030 (0.677 Acre).

Robert Lemke presented his petition. He also submitted pictures, and a packet of information which included the intent of the petition as well as a building placement sketch and building design. A petition of no objection from adjoining property owners was also presented. Angela Lemke read the intention of the petition into the record and explained the contents of the packet to the Committee. In favor was Mary Ball. There were no questions or comments in opposition of this petition.

Donald Carroll questioned the 2 parcels involved in the conditional use request and parking for the business. He also questioned the newly acquired land for the parking.

Rob Klotz gave staff report. Per petitioner, the town has approved his petition.

V1272-08 – Reuben W. Schmitz Jr.: Variance to allow a 242 square foot screened porch addition and a potential future 180 square foot addition to a structure previously permitted by

variance at less than the required centerline and right-of-way setbacks. The request is to conform to Sec. 11.07(d) of the Jefferson County Zoning Ordinance. The site is at **N6424 South Farmington Road** in the Town of Farmington, on PIN 008-0715-1321-007 (0.617 Acre) in a Community zone.

Reuben Schmitz presented his petition. There were no questions or comments in favor or opposition of this petition.

Dales Weis questioned the use of the 180 sq. ft. addition, and questioned staff if this addition was detached rather than attached to the existing structure. Donald Carroll questioned the location of the addition to the south.

Rob Klotz gave staff report, and had also spoken to the town chairperson who stated the town had no objection.

8. Decisions on Above Petitions (see attached)

9. Adjourn

Motion made by Donald Carroll, seconded by Dale Weis, motion carried 3-0 to adjourn @ 2:13 p.m.

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. : V1271-2008
HEARING DATE : 05-08-2008

APPLICANT: Robert Lemke

PROPERTY OWNER: Lemkes Real Estate LLC

PARCEL (PIN)#: 014-0615-0314-030

TOWNSHIP: Jefferson

INTENT OF PETITIONER: Variance to reconstruct a new building with a 10' rear lot
line setback.

**THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)8
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:**

Community Zone

Rear lot line requires a 25' setback

Side lot line requires a 10' setback

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: _____
Property layout & existing building location

FACTS PRESENTED AT PUBLIC HEARING: Petitioner presented pictures, a
statement of intent, a building placement site plan, building design, and a petition from the
adjoining property owners of no objection. Angela Lemke explained the handouts.

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 HERE 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 IS 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 Request #1: it's in a setting in the neighborhood where he would normally be able to do a setback average, but is the last lot in the area. Request #2: it would enhance the property. This addition would be limited to 180 sq. ft. to maximize the allowable sq. ft.
- 2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE Request #1: it's a small sized lot. They are not able to do a setback average. The placement of the existing structures also poses limitations. Request #2: They are limited by the size of the lot. They are not able to do a setback average or to add a 3rd structure without an additional public hearing request.
- 3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Request #1: the addition is further away from the road than the existing structure. The addition will be a benefit to the property & neighborhood. They already have 2 existing structures. Request #2: the public interest would not be affected by this approval because it does not encroach on legal setbacks other than the previously approved variance.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

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

MOTION: Donald Carroll **SECOND:** Dale Weis **VOTE:** 3-0

SIGNED _____ s/Janet Sayre Hoeft DATE _____ 05-08-2008
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT.

NOTE: Request #1 as listed above is to the east side of the existing detached garage.
Request #2 as listed above is to the south side of the existing detached garage.

NOTE: The written synapses of this petition is augmented in the recording of the proceedings of this petition.