

DODGE COUNTY BOARD OF ADJUSTMENT MINUTES
June 19, 2014

The Dodge County Board of Adjustment met on this 19th day of June at 5:30 p.m., in Rooms 1H and 1I on the 1st Floor of the Administration Building, located at 127 East Oak Street, Juneau, Wisconsin.

Chairman Armin Reichow called the meeting of the Dodge County Board of Adjustment to order.

Roll Call was taken.

Members present were as follows: Armin Reichow, Leon Schraufnagel, Harold Hicks, Wayne Uttke and William Nass (Alternate 1). Edward Premo (Alternate 2) was excused.

Chairman Reichow noted that a quorum is present.

Joseph Giebel of the Land Resources and Parks Department was in attendance at the request of the chairman;

The chairman asked the staff to confirm compliance with the open meeting laws and the public hearing notice requirements. Mr. Giebel noted that the meeting was properly noticed in accord with the open meeting law and noted that each of the public hearings listed on the agenda received a class two notice and the required mailing notices were sent in accord with the statute and code requirements.

The agenda was reviewed and approved by the Board.

The minutes from the October 17, 2013 meeting were reviewed by the Board.

Motion by Hicks to approve the minutes as written.

Second by Nass Vote: 5-0 Motion carried.

Chairman Reichow requested Mr. Giebel of the Land Resources & Parks Department to accompany the Board on the on-site inspections.

The meeting was adjourned to allow the Board to conduct on-site visits of the following sites for facts to be presented at a future public hearing:

- **John and Kim Greene, agents for Dodge J&M Lands LLC** - Part of the SE ¼, SE ¼, Section 4, Town of Lomira, the site address being W1348 State Road 49.
- **Mark Lauersdorf II** - Part of the NE ¼, NW ¼, Section 11, Town of Lebanon, the site address being W3546 Davidson Road

Following the On-site visits, the Board reconvened the meeting of the Dodge County Board of Adjustment at 7:22 P.M. in Rooms 1H and 1I located on the first floor of the Administration Building, located at 127 East Oak Street, Juneau, Wisconsin to hold the public hearings.

Chairman Reichow called the meeting of the Dodge County Board of Adjustment back to order.

Roll Call was taken.

Members present were as follows: Armin Reichow, Leon Schraufnagel, Harold Hicks, Wayne Uttke and William Nass (Alternate 1). Edward Premo (Alternate 2) was excused.

Chairman Reichow noted that a quorum is present.

The staff explained the hearing procedures to those in attendance;

PUBLIC HEARING

John and Kim Greene, agents for Dodge J&M Lands LLC- Request for a variance to the terms of the setback provisions of the Dodge County Land Use Code to allow the construction of a replacement home where said residence will be located 28' within the required highway setback of STH "49" and 5' within the required setback between the residence and an existing detached garage. The site is located in part of the SE ¼, SE ¼, Section 4, Town of Lomira, the site address being W1348 State Road 49.

Motion by Hicks to approve the following variance requests to the Code based on the previously mentioned findings and conditions.

- Highway Setback Provisions
- Building Setback Provisions
- Non-conforming Structure Provisions

Conditions:

The appellant shall sign and record a variance agreement with the Dodge County Register of Deeds prior to the issuance of the County Land Use Permit for this construction;

Motion failed for lack of a second.

Motion by Uttke to deny the following variance requests to the Code based on the previously mentioned findings:

- Highway Setback Provisions
- Building Setback Provisions
- Non-conforming Structure Provisions

Motion second Nass Vote 4-1 (Hicks) Motion carried.

PUBLIC HEARING

Mark Lauersdorf II – Request for a variance to the terms of the highway setback, lot coverage and nonconforming structure provisions of the Dodge County Land Use Code to allow the construction of a home addition on this lot where said addition will be located 9 feet within the required highway setback lines of Davidson Road, will exceed the maximum lot coverage provisions of the Code and where said addition is considered by the County as an expansion of a non-conforming structure. The property is located in part of the NE ¼, NW ¼, Section 11, Town of Lebanon, the site address being W3546 Davidson Road.

Motion by Nass to approve the following variance requests to the Code

- Highway Setback Provisions
- Lot Coverage Provisions

Non-conforming Structure Provisions

Subject to the following conditions:

1. The appellant shall remove the two existing sheds from the property.
2. A revised site plan shall be submitted to the Department for review and approval showing the modified location of the proposed house addition.

Motion second Schraufnagel Vote: 5-0 Motion carried.

Other Business

1. Review Board of Adjustment Decisions for 2012 and 2013

Mr. Giebel reviewed the results of the audit with the Board. He explained that reviewing the past decisions can be a useful tool to improving ordinance language, improving the effectiveness of standards used in the code and to improve administrative efficiency. Mr. Giebel noted that there was one variance request to the Sanitary Ordinance regarding holding tanks and one variance to the airport ordinance regarding height. No problems with code. There were a total of 4 requests to miscellaneous provisions of the subdivision provisions of the code. These provisions may be addressed in the upcoming amendment to the subdivision portion of the Code. Giebel noted that there have been several state statute changes to the platting and survey map provisions which will require the Department to amend the subdivision provisions of the code. There were three variance requests to the shoreland ordinance provisions of the Code. Giebel noted that the state is in the process of amending the shoreland regulations (NR 115) that may provide the County with additional flexibility when dealing with the impervious surface area provisions. The projected timetable for the amendments to NR 115 is in 2014. There were a total of 20 variance requests to the Land Use Code (16 approved, 4 denied). There were two miscellaneous requests: one for accessory building size and one for fence height - Both were denied.

There were a total of 18 requests to the highway setback provisions: 16 were approved and 2 were denied. Giebel discussed the similarities in the variance requests approved by the Board which would suggest that the Code be modified.

Giebel noted that in all 16 of the of the variance requests approved by the Board of Adjustment, the Town Boards or the County Highway Department (when applicable) recommended approval of the variance request. Safety didn't seem to be an issue with the variances that were granted.

In 10 out of 10 variance requests to the highway setback provisions of the Code were approved to allow an addition onto an existing nonconforming structure, where the proposed additions were also located within the highway setback line.

- Giebel noted that In 8 out of 10 requests, the Board found that the proposed additions did not encroach any further into the highway setback than the existing nonconforming structure and the additions did not pose a safety hazard.
- Giebel also noted that these findings would suggest that consideration should be given to amending the nonconforming structure provisions of the Code (10.3.2.B) to allow limited expansion of an existing nonconforming structure provided the expansion does not encroach further into the highway setback line than the existing nonconforming structure.

The Board would like to see an amendment to the Code to allow additions within the highway setback lines to an existing non-conforming structure provided the addition does not make the structure more non-conforming to the setback lines.

Giebel also noted that one of the purposes of the setback provisions of the code is prevent the public from having to pay to remove structures or additions that are located within the highway setback line if the road is upgraded in the future. Variance agreements were only required in 6 out of the 16 variance requests that were granted to the highway setback provisions of the code.

- Giebel noted that in these cases, the Board was hesitant to require a variance agreement because they believe that a variance agreement would negatively affect the marketability of the property in the future.
- Giebel noted that in order to protect the general public from having to pay for the removal of these structures in the future, consideration should be made to require a variance agreement as a standard to granting a variance or for locating any structure within the highway setback lines.

The Board would like to see a specific dollar amount placed in the Code for when a variance agreement should be required. Placing a variance agreement on the deed of the property for a small project tends to have an adverse effect on the sale of the property in the future.

Giebel indicated that he would look into creating an amendment to address these issues.

Motion by order of the Chairman to adjourn the meeting. 8:40 PM

Motion carried.

Respectfully submitted,



Wayne Uttke, Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.