

Board of Adjustment

MINUTES

May 20, 2021

Meeting Called to Order at 9:00 a.m. by Chairman Ron Carney.

Members Present: Ron Carney, Chuck Jensen, Larry Blaken, and Tom Clark.

Others Present: Gaylord Olson II, Land Conservationist, Jason Gazdecki, Zoning Administrator; and Beth Storlie, Zoning Assistant. Applicant, Michael Olsen participated via Zoom.

A Motion by Larry Blaken, to approve the February 25, 2021 minutes as presented, seconded by Chuck Jensen. Motion carried.

Qualifying Questions:

Are you an immediate family member of the petitioner?

No response.

Do you have any business activity or financial interests with the petitioner?

No response.

Have you prejudged the case or do you have a bias in favor or against the petition?

No response.

OLD BUSINESS:

NEW BUSINESS:

VARIANCE REQUEST # 2021-24 as requested by Orville Olsen, owner and Michael Olsen, agent on property being located in the SW1/4-NE1/4, Section 4, T24N, R5W, Town of Cleveland, Jackson County, WI. The request is to allow for the existing home and existing agricultural structures to encroach on the required setback from the property line. This is contrary to Section 17.27 (2) (f) and 17.61 (5) (c) of the Jackson County Zoning Ordinance, which requires a setback of 25 feet from the property line.

Michael Olsen stated that he is assisting his uncle, Orville with some estate planning. He added that he is a professional land surveyor and they are proposing separating the farm house from the agricultural operation and sheds as the home would be gifted to a family member. They would like the pole sheds to be part of the agricultural parcel and operation as they use them for equipment storage. Mr. Olsen added that they went through the public hearing process earlier this week for a zone change for the home into the R-2 (Residential) District and the remainder of the property remained in the A-1 (Agriculture) and A-2 (Forestry and Limited Agriculture) Districts.

Jason Gazdecki shared that the minimum setback to a property for the home would be 25 feet and for the accessory structures in the agricultural districts it is 40 feet. He questioned the

well placement as it would be located on the neighboring parcel and how this will be handled for the home.

Mike said that it's a very shallow well and they have been discussing drilling a new well for the home. They have issues with freeze ups. The other option is to prepare a well agreement for it to remain on the neighboring parcel but serve the home.

Tom Clark questioned why the Zoning Committee and ultimately, the County Board approved the zone change when it is a violation of the ordinance setbacks.

Beth Storlie stated that the zone change was done because the home has not been part of the agricultural operation for a while as it is rented. The occupants are not part of the operation, so it is necessary to bring the home into compliance with the Zoning Ordinance. The survey has not been completed or recorded yet and this hearing will direct how the property lines may be laid out. The zone change petition is not in violation of the ordinance, the proposed survey configuration is the question.

The committee departed at 9:15 a.m. to complete the site visit. They returned to the courthouse at approximately 11:15 a.m. Deliberations occurred.

Gaylord Olson II stated that there have not been animals onsite for many years. If there would be a transfer at sometime in the future, the pole sheds do not meet the setback for animal confinement. Mike Olsen added that he can add a statement on the certified survey map that would state that the structures do not meet the minimum setback standards to be utilized for animal confinement and that any such use requires to be reviewed and authorized by the Land Conservation Department.

Chuck Jensen said that he doesn't feel that it meets the hardship requirement to grant a variance as it is self-created. Tom Clark and Larry Blaken added that we can't predict the future uses.

Jason Gazdecki commented that he understands why they are considering the survey configuration as presented but the Board needs to evaluate the request based on the following:

1. Is unnecessary hardship present?
2. Is this unique to this the property?
3. Is it in the best interest of the public for health and safety?

In all three cases, this is not present with this request and these standards are not being met.

The committee questioned if they can place conditions on their decision. Corporation Counsels recommendations regarding decisions and stipulations of approval were reviewed and discussed.

A Motion by Larry Blaken, to deny variance request # 2021-24 for Orville Olsen, seconded by Chuck Jensen after calling for a second twice. Motion carried unanimously.

Next meeting date for another variance request submitted, either June 17 or June 24. The committee felt June 17th was best.

Litigation Updates:

- Jerome Laufenberg. Judge Goodman upheld the decision to deny the Laufenberg request. He referenced large portions of the decision by the Board of Adjustment in his decision brief. The next step is addressing the removal of the non-compliant structure. The timeframe for appeal to the Court of Appeals has come and gone, we are not aware of any appeal at this time.

Motion by Chuck Jensen, to adjourn, seconded by Larry Blaken. Meeting adjourned at 11:45 a.m.

Minutes respectfully submitted by Beth Storlie.