

# Board of Adjustment

## MINUTES

May 26, 2022

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

**Members Present:** Ron Carney, Chuck Jensen, John Higgins, Tom Clark, and Garth Rolbiecki.

**Others Present:** Jonathan Hemp, Zoning Administrator; Cody Brommerich, County Surveyor; Jay Borek, Highway Commissioner; and Rebecca Ayers, Zoning Assistant. Robert Gehrt and Ethan Remus, petitioners were present.

**A Motion by Chuck Jensen, to approve the October 21, 2021 minutes, seconded by Tom Clark. 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 # 2022-21** as requested by Robert Gehrt, owner and Ethan Remus, agent on property known as Lot 2 & 3 of CSM 2039 located in the SE1/4-SW1/4, Section 7, T23N, R6W, Town of Northfield, Jackson County, WI. The request is to allow for the creation of a six-lot subdivision served by a township road that is 50 feet in width. This is contrary to Section 18.72 (2) & 18.81 of Jackson County Subdivision and Platting Ordinance, which requires a right-of-way width of 66 feet for a township road.

Request Statement from Robert Gehrt had discussions with surveyor Ethan Remus and he said in all likelihood, it will be an uphill battle. (I'm) interested in petitioning the variance that would allow a 50-foot right way just like the adjacent property. (I'd) like the Board to consider the fact that number one; Ethan had drawn up a proposal for 6 different parcels, not so sure that the end plan would result in as many as that, but it was a preliminary drawing for us to proceed. This would be a relatively small section of the 600-foot easement

I have off Horgen Road. It would lead me up the hill, then I have additional availability of a 66 foot right away, when I get to the top of the hill. The East-West lateral leg of the proposal would have no problem to have an adjusted to incorporate a 66-foot easement. Basically 600 feet. In my estimation I would qualify as a relatively small stretch of land, I am hoping to avoid perusing additional properties to both the East and the West.

Jay asked that Mr. Gehrt use the less traveled road, as this is the policy. On G this is pretty close to a wetland. He was also concerned about the runoff going onto the highway.

Cody showed on **HANDOUT, attachment 1** where the southern region was, it is a low area. Looked at the plan and found no issues with the initial 50-foot strip. Sounds like acquiring any more land is not an option.

Robert stated that he had not entertained and pursued from either or at this point.

Ron asked if there was a road there currently.

Robert stated that is just an easement with a culvert going off of Horgen road which takes him to the lower Southeastern corner. There is no road, just access with a tractor, a field road would be a good description.

Jon asked how much of the 50-foot-wide touches Horgen Road?

Robert 50.

Ethan gave **HANDOUT, attachment 2**, which was the certified survey. Robert would own Lot 2 and Lot 3 on this map. Ethan said that Horgen Road is a four-rod road.

Tom asked what the minimum lot size is.

Cody responded with county-wide it is an acre and a half.

Jay was asked how wide the normal county road is, he responded with 66 feet.

Chuck asked if Robert was to put in a different entrance (here) would be higher ground.

Robert said there is so much elevation that he would think he might need a switchback on the road. There is a lot of elevation, in my estimation it is not feasible to come off of G.

Jay said that he would prefer that he use Horgen Road.

Garth asked if he used the private road and came off of Horgen Road would he (Robert) need to purchase additional parcels?

Robert responded with he proposed that is what they do, if he did decide to purchase more parcels, he would be doing so from that other parcel 0000. To the East of that. Again,

significant elevation as you travel away from the southern most point. My thinking is if we extend which would require an alternate plan with a straight road or switchback.

John asked if there were any county roads which had a 50 foot right away.

A lot of them.

Garth-This here, you do not own this part?

Robert-The question mark area is owned by Dustin Kolve, that is his parcel. I have not approached him. I thought the preliminary plan would be getting the preliminary approval.

Cody-We aren't really at the plat stage, just talking about the access.

Garth asked if the proposed 50-foot request was basically an easement.

Robert said he does own this, but it was something in addition to what would be qualified as an easement.

John asked if they approved this variance if he would then go to the township.

Jon responded with he didn't want to spend money designing the plat if they did not know if they could put it in.

John asked if the township had been approached.

Robert-at this point no.

Cody said this was a county ordinance and they wanted to start here, so if it needed to be reviewed. I would look at whatever you wanted to do; you could conditionally approve it contingent on township review so we would not have to reconvene. I think we are doing it in the correct order starting here.

Ron asked if anyone had any further questions or discussion. He commented that typically the board would recess to go out to the site to look at it, but today we are not going to do that.

Cody said yes, the last couple of years the zoning onsites have stopped. We can take pictures of the site or print off aerials. There have not been any onsites for quite some time.

Ron said we have reached a decision point.

**A Motion by John Higgins, to conditionally approve variance request # 2022-21 contingent on the township's decision for Robert Gehrt, owner and Ethan Remus, seconded by Tom Clark. Motion carried unanimously.**

Chuck asked what would happen if the township does not approve this.

Robert replied it seems as though they would be in a position to deny it and then offer another plan. At this point what might be in their opinion is totally we can't foresee that. As far as what would happen, we really don't know.

Cody said if this goes forward there will be many more meetings.

John requested that once the virus is contained that the board starts onsite again because it would be helpful.

Tom asked if there would be individual septic.

Ethan stated that there would be individual soil tests and septic for each lot.

**Litigation Updates:**

- Jon let the board know that Kerry Sullivan-Flock is no longer court council and we are looking for her replacement.

**Motion by Tom Clark, to adjourn, seconded by Chuck Jensen. Meeting adjourned at 9:28 a.m.**

Minutes respectfully submitted by Rebecca Ayers.