

Rock County Board of Adjustment
51 South Main Street
Janesville, WI 53545
Tel: (608) 757-5587
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ROCK COUNTY, WISCONSIN

ROCK COUNTY BOARD OF ADJUSTMENT
WEDNESDAY – April 29, 2015 6:00 P.M.
COURTHOUSE CONFERENCE CENTER, SECOND FLOOR
ROCK COUNTY COURT HOUSE
JANESVILLE, WI

ORDER OF PRESENTATION FOR GENERAL HEARING

1. State nature of the case by the Chair.
2. Applicant presents case.
3. Questions by Board Members to applicant.
4. Zoning Administrator/Corporation Counsel rebuttal.
5. Questions by Board Members to Zoning Administrator/Corporation Counsel.
6. Statements verbal or written by interested parties.
7. Questions by Board Members to interested parties in attendance.
8. Applicants rebuttal to Zoning Administrator/Corporation Counsel and/or interested parties in attendance.
9. Zoning Administrator/Corporation Counsel rebuttal to applicant and/or interested parties in attendance.



AGENDA

1. Roll Call
2. Adoption of the Agenda
3. Reading and Approval of Minutes of Board of Adjustment meeting held February 25, 2015.
4. Reading and Approval of Findings of Fact
 - A. Delbert Egerstaffer
5. Announcement of Decision from Last Meeting
 - A. Delbert Egerstaffer
6. Communications
7. Reports of Committees
8. Call of Cases on Agenda and Hearing of Requests for Continuance
 - A. Don & Suzanne Snyder
9. Hearing of Cases
 - A. Don & Suzanne Snyder
10. Unfinished Business
11. New Business
 - A. Election of Vice-Chair
12. Adjournment

**IF YOU DO NOT PLAN TO ATTEND THIS MEETING, PLEASE CONTACT THE
PLANNING AND DEVELOPMENT AGENCY OFFICE AT 757-5587.**



April 8, 2015

LEGAL NOTICE

Notice is hereby given that the Rock County Board of Adjustment will hear a request for a variance of the Rock County Shoreland Overlay Zoning Ordinance Section 4.205 Minimum Lot Size and Setbacks for Privately Sewered Lots. The Applicant is requesting a variance to construct a garage addition to an existing single family residential structure. The property owner Don & Suzanne Snyder Living Trust is making this request.

The property is located in the SW1/4 of the SW1/4 of Section 14, Janesville Township, Parcel 6-8-17. The proposed project is located at 2704 N. West River Rd., Janesville, WI.

The Public Hearing will take place in the Courthouse Conference Center, second floor, east wing of the Rock County Courthouse, 51 S. Main Street, Janesville, WI at 6:00 PM on Wednesday, April 29, 2015.

Please contact the Rock County Planning & Development Agency with any questions at 608-757-5587.

Colin Byrnes

Acting Director of Planning, Economic & Community Development

BOARD OF ADJUSTMENT APPLICATION

FOR OFFICE USE ONLY
Appeal No. _____ Date Hearing Advertised _____
Date _____ Fee _____

Name or Owner/Agent DON Snyder
Address 2704 N.W. River Dr JANESVILLE, WI 53548

Hereby appeal to the Board of Adjustment for:

[] Appeal relating to: _____

[X] A variance relating to: attaching 2 car garage to house

The description of the property involved in this application is as follows:

Location/Subdivision:
Lot: _____ Lot Size: .54 Present Use: single family residence

Present improvements upon land: house with attached single car garage and a single detached garage
Proposed Use: To use as 2 car garage

Note: Those property owners within 500 feet of the subject property (when located within an urban or rural development area as shown on the County Development Plan) or within 1,000 feet of said property (when located in an agricultural area as shown on the County Development Plan) shall be notified by mail by the County.

This appeal to the Board of Adjustment from the decision of the _____
whereby they denied application to: _____

VARIANCE of the following section of the attached garage

Ordinance is requested: _____

(a) Strict application of the regulations would produce UNDUE HARDSHIP because X as we get older we would have to go outside to get to car and it would be helpful to be on same level for wheel chair access

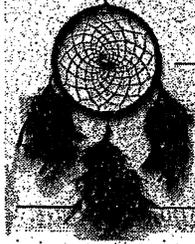
(b) The hardship created is UNIQUE and not shared by all properties alike in the neighborhood because the set backs were developed after the house was built so it puts the house to close to water, which all the houses in neighborhood are to close, (see attached paper)

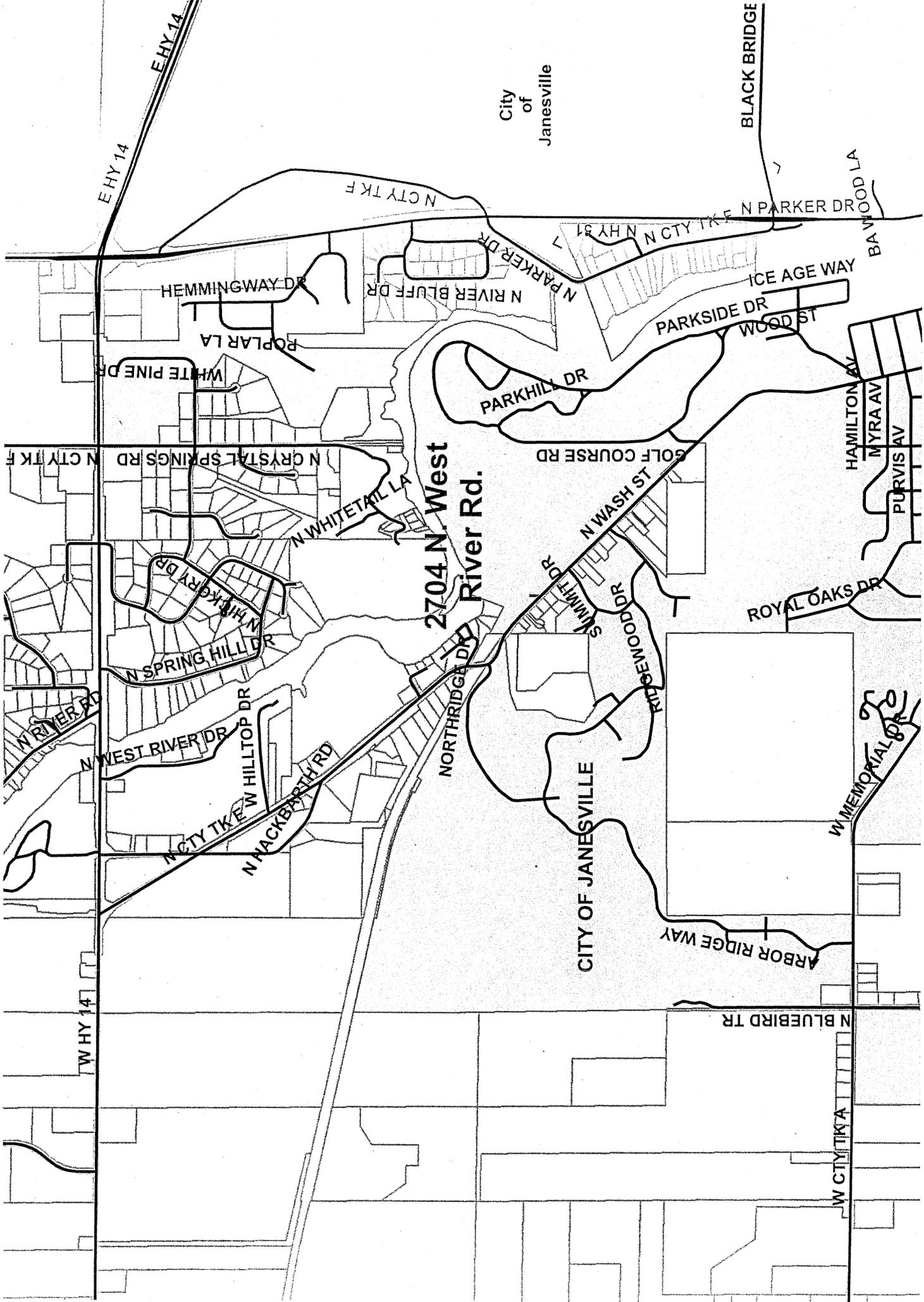
(c) The variance would not change the CHARACTER OF THE NEIGHBORHOOD because They are all ready there - it would bring this house up to the character of the houses in neighborhood

DATE FILED 4-5-15 SIGNED [Signature] (Applicant or Agent)

Members of the Board of Adjustment shall base any decision in a matter coming before the Board solely on those facts established in the record during the public hearing(s) held by the Board of Adjustment, and members shall refrain from communications of any sort with any interested party regarding a matter then pending before the Board.

(B) We do not want to change the outside structure of the house itself. We want to add a 2 car garage and make the house more appealing and make the neighborhood more desirable. Only part of the garage will be in the restricted area but it would need to be this way for the character of the house to look right.





2704 N. West River Rd.

City of Janesville

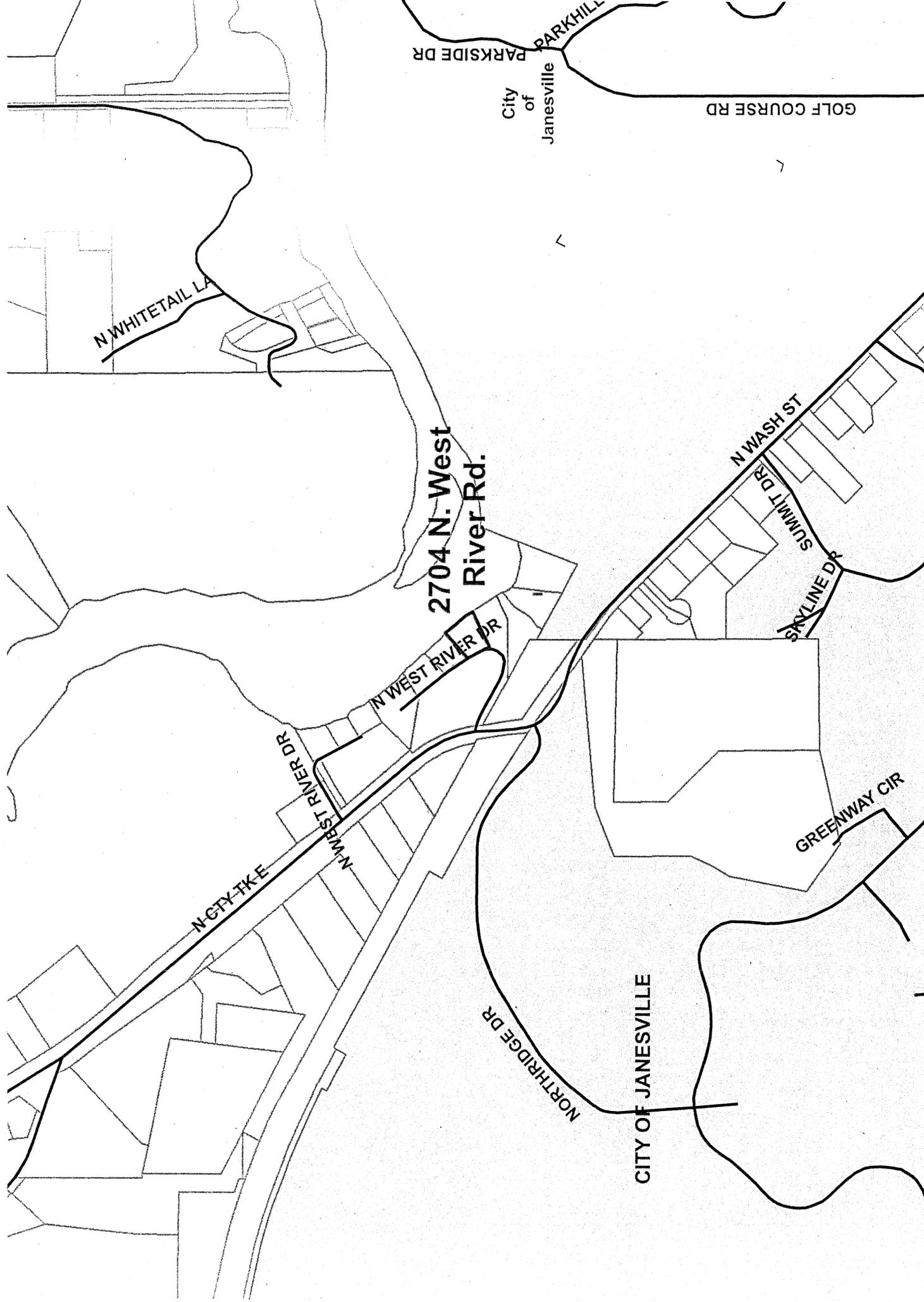
CITY OF JANESVILLE

Snyder Property
2704 N. West River Rd.
Janesville Township

□ Tax Parcels

1 inch = 1,700 feet





PARKHILL
 City of
 Janesville
 PARKSIDE DR
 GOLF COURSE RD

N WHITETAIL LN

2704 N. West
 River Rd.

N WASH ST

SUMMIT DR

SKYLINE DR

N WEST RIVER DR

N WEST RIVER DR

N CITY TRK E

N WEST RIVER DR

GREENWAY CIR

NORTHRIDGE DR

CITY OF JANESVILLE

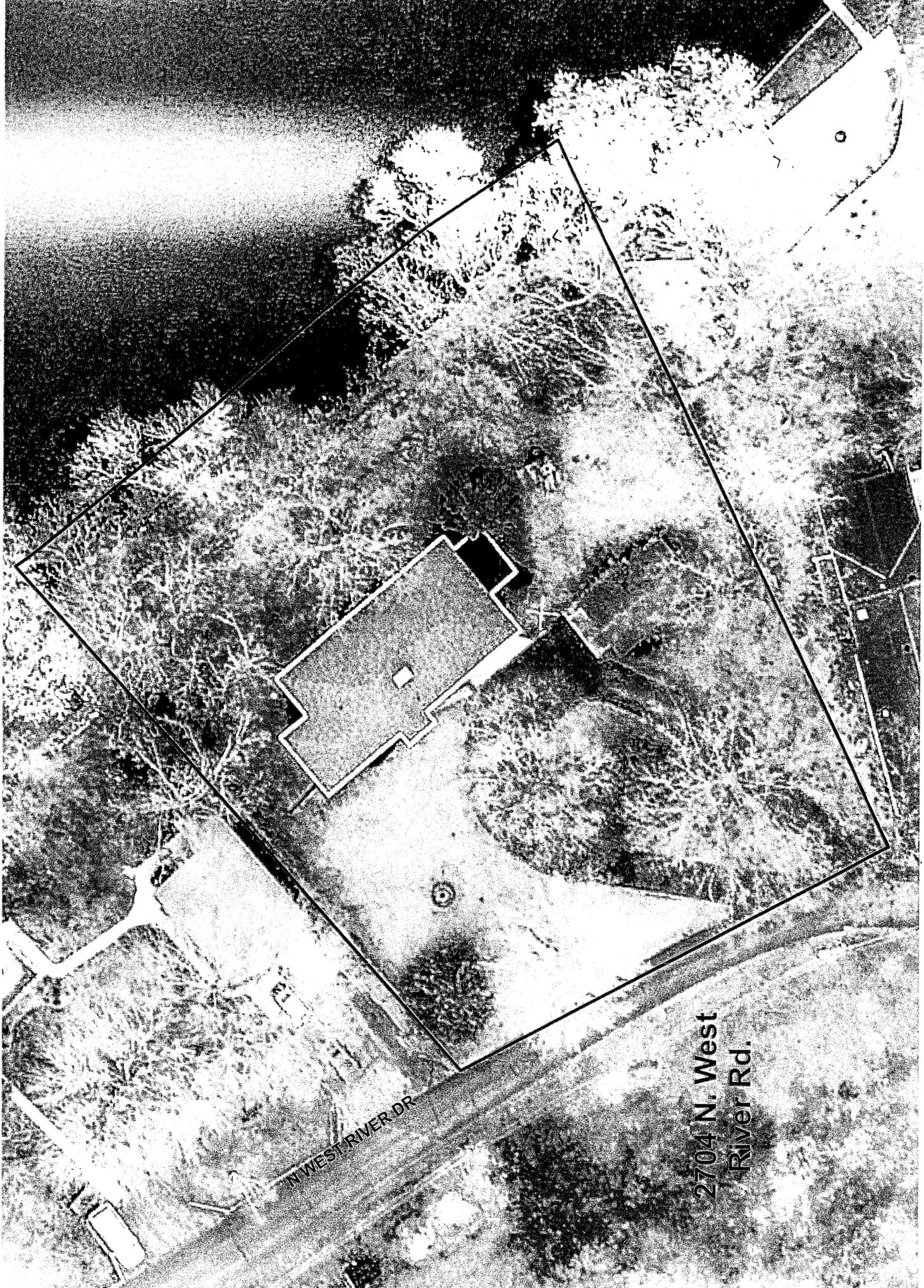


Snyder Property
 2704 N. West River Rd.
 Janesville Township

□ Tax Parcels

1 inch = 600 feet

City of Janesville, Wisconsin
 Planning Department
 1000 Parkside Drive
 Janesville, WI 53402
 (608) 785-3300



N WEST RIVER DR

2704 N. West
River Rd.



Snyder Property
2704 N. West River Rd.
Janesville Township

 Tax Parcels

1 inch = 30 feet
Airphoto: Spring 2010



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MEMO

TO: Rock County Board of Adjustment

FROM: Rock County Planning & Development Agency

MEETING DATE: March 20, 2014

APPLICANT: Don & Suzanne Snyder, 2626 N. West River Rd., Janesville, WI

GENERAL DESCRIPTION

Description of Request: Variance to allow additions to an existing residential structure on a lot with lesser dimensions than a Shoreland Substandard Lot served by a Private Onsite Wastewater Treatment System (Section 4.205 Rock County Shoreland Zoning Ordinance).

Location: SW1/4, SW1/4 of Section 14, Janesville Township, Tax Parcel 6-8-127 (2704 N. West River Road., Janesville, WI)

Current Zoning/Land Use: SFRR (Single Family Rural Residential), Town of Janesville

STAFF REVIEW COMMENTS

Planning staff has reviewed the petition for issues in accordance with the Rock County Shoreland Zoning District and has the following comments:

The Applicant is proposing to add an attached garage to an existing single family residential structure in the Shoreland Zoning District of the Rock River. The lot size, 29,892 sf does not meet minimum lot requirements (40,000 sf) for Private Onsite Wastewater Treatment System (POWTS) lots. Therefore, this lot is deemed substandard. This type of lot may be built upon if it meets all applicable sections of the Shoreland Zoning Ordinance. This includes setback requirements for principle and accessory structures.

In this case the proposed garage addition along the east property line (Rock River Shoreline) will not meet the required 75' setback. Therefore, as stated by Ordinance, a variance must be granted by the Rock County Board of Adjustment. Staff marked the lot with the required setbacks during the design phase of the project. One alternative design included a code compliant detached garage. The proposed attached two car garage is within 55' at its closest and 66.5' at its furthest from the Ordinary Highwater Mark of the Rock River. The variance requested will range from 20' (27%) to 8.5' (11%) along the back wall of the proposed garage.

Airphoto interpretation indicates approximately 16.1% of the lot is in impervious surfaces. The garage addition is allowable under code as long as it is mitigated.

In consideration for granting a variance three criteria shall be reviewed and met:

1. **Unnecessary Hardship:** It is the Staff's opinion that hardship does not exist due to a code compliant site being available on the lot for detached garage. The Applicant has indicated handicapped accessibility for vehicles is a concern and the only way to overcome this issue is to attach the garage. In order to justify this a variance on this handicapped issue the elevations of the proposed garage floor and first floor of the residential structure need to be the same. In addition, exterior and interior access

doors should be Americans with Disability Act compliant. Then, regardless of the current occupants the structure could serve a larger population in the future.

But, caution is required as this could be precedent setting. What is the limiting factor in the future for proposed additions if they were all deemed necessary for handicapped accessibility by the applicants? One car or two car garages are will be allowed in what situations?

2. **Hardship due to Unique Property Limitation:** It is Staff's opinion there is a not a unique property limitation in this case. Although, this lot was platted prior to Shoreland Zoning in 1982, there is a code compliant location for the proposed garage. If one were to use Setback Averaging (Sec. 4.206(2)) with the two adjacent lots the setback could be reduced to 60'. But, this is only allowed if you have a conforming lot size 40,000 sf vs. the Applicant's 29,892 sf Lot.
3. **Protection of the Public Interest:** It is Staff's opinion that the intent of the Shoreland Zoning Ordinance in this case will not be maintained. The addition puts about an additional structure 1/3 as again large within the 75' setback. This is a high bank in the river and the structure will be affect the esthetics of the area in a negative fashion.

STAFF RECOMMENDATION

Considering all the facts in this case, the purpose and intent of the Shoreland Zoning Ordinance, Staff recommends denial of the variance for an attached garage addition.