

ROCK COUNTY BOARD OF ADJUSTMENT MINUTES
WEDNESDAY – SEPTEMBER 24, 2014
COURTHOUSE CONFERENCE CENTER
SECOND FLOOR, ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN

Chair Jones called the September 24, 2014 meeting of the Rock County Board of Adjustment to order at 6:00 p.m. in the Courthouse Conference Center (CCC), 2ND Floor, Rock County Courthouse. Board of Adjustment members in attendance at roll call: Chair Don Jones, Henry Stockwell, J.P.Lengjak (Alternate) Francette Hamilton, Jo Miller and Harry O’Leary.

Development staff in attendance: Colin Byrnes (Acting Planning Director/Zoning Administrator), and Steve Schraufnagel, Acting Secretary.

Citizens in attendance: Mr. & Mrs. Anderson, Norm Weitzel, Attorney Fred Wesner and Jeannie and Brad Mommaerts.

Adoption of Agenda: Motion by Hank Stockwell to adopt the agenda as presented. Francette Hamilton seconded the motion. Motion approved 5-0

Reading and Approval of the Minutes – June 25, 2014: Motion by Hank Stockwell to approve the minutes with correction on page 1. Francette Hamilton seconded the motion to approve the minutes as amended. Minutes approved 5-0.

Reading and Approval of the Findings of Fact – June 25, 2014: Motion by Harry O’Leary to approve the Findings of Fact as presented. Jo Miller seconded the motion. Findings of Fact approved 5-0.

Announcements of Decisions – June 25, 2014: Chair Jones announced that the Brett Miller and Susan Barry-Banker variances were approved with conditions.

Communications: None at this time.

Reports of Committees: There were no reports of committees at this time.

Norm Weitzel Variance Request:

Chair Jones read into the minutes the public hearing notice and application. The applicant is requesting a variance to allow an addition to an existing residential structure with lesser sideyard setbacks than a Shoreland Substandard Lot served by Private Sewer. Sections 4.205(4)(A)(3) of the Rock County Shoreland Zoning Ordinance, need to be varied to allow the addition to be constructed.

The applicant handed out to the Board members a packet containing construction plans for the addition plus information on adjoining setbacks in the immediate neighborhood. This will be known as Exhibit A. Attorney Fred Wesner representing the application stated that the setback would be varied from 15' to 8.5'. There is located a 12' public walkway on this side of the lot.

Mr. Byrnes stated that staff supports the variance with the 3 conditions.

At this time Harry O'Leary made a motion to approve the variance with conditions. Francette Hamilton seconded the motion. Motion to approve 5-0 with the conditions that 1. South lot line is delineated and sideyard setback of 8.5 feet is confirmed; 2. A Shoreland Restoration plan is submitted and approved by the Agency. Main focus will be the 35-foot vegetative buffer zone from the Ordinary Highwater Mark; and 3. New impervious surfaces are mitigated via an approved stormwater management plan.

Findings of Fact to support approval of the variance:

1. Unnecessary hardship exists due to the combination of circumstances concerning lot size, setbacks, and the date the subdivision platting. Also, the date that the Shoreland Ordinance was adopted adds to the hardship. The structure addition is limited in expansion due to these factors.
2. This is a unique property limitation as a majority of these lots are 14,000 sq.ft. to 15,000 sq.ft. in size platted many years ago. Additionally, the land adjacent to the south is a 12-foot wide access to the Rock River that is part of the original plat and is not available to purchase but does increase the appearance of meeting the setback because it will remain in open space. This results in an effective south sideyard setback of 20.5 feet and a combined total of 35.5 feet. This is a variance of 11% from the combine total for both sideyards
3. It is staff's opinion that the intent of the Shoreland Zoning Ordinance in this case can be maintained. The relief in sideyard setback is reasonable given the land constraints in the area. Therefore, the impact of the proposal appears to be in context with the neighborhood.

Keith Anderson Variance Request

Chair Jones read into the minutes the public hearing notice and application. The applicant is seeking a variance to allow adding a second story and garage on a lot with an existing residence. Section 4.205(4)(A)(3) of the Shoreland Ordinance requires that a Substandard lot or parcel be developed to comply with all other ordinance requirements, including setbacks. The lot is currently 4,975 sq. ft. in size and considered substandard. 15,000 sq.ft. is required.

The Anderson's handed out to the Board and staff packets of information containing recommendations from neighbors to approve the variance requests, pictures depicting the neighborhood and house plans for the addition. This is to be known as Exhibit A.

A variance of 1-foot will be needed on the sideyard for the garage and 9-feet on the frontyard for the porch addition.

The neighbors located at 1608 E. Koshkonong stated that they supported the addition. It will improve the neighborhood.

Exhibit B is pictures on the applicant's I-phone that he will send to staff via an e-mail. Staff was in attendance when these pictures were taken and vouch for their authenticity.

Mr. Byrnes stated that staff is recommending approval of the variances with conditions of submission of a stormwater plan and rain garden to mitigate the added impervious surface of the garage and porch addition.

At this time Francette Hamilton made a motion to approve the variances with conditions. Hank Stockwell seconded the motion. Motion to approve 5-0 with the conditions that a stormwater plan be submitted and a rain garden to aid in mitigating the additional impervious surface.

Findings of Fact to support the approval of the variance:

1. Unnecessary hardship exists due to the combination of circumstances concerning lot size, setbacks, and date the subdivision was developed. The structure addition is limited in expansion due to these factors.
2. There are unique property limitations due to lots being substandard in size (6000 sq.ft.) and the lots to the east and west of this property are developed and additional land could not be added to this property to bring it up to code.
3. The intent of the Shoreland Ordinance is being maintained. New impervious surface is being mitigated via the stormwater plan and rain garden.

Unfinished Business: Hank Stockwell had a question concerning the case from last meeting (Barry-Banker). He was questioning the need to establish the road right-of-way via Certified Survey Map when granting a frontyard variance.

New Business: None at this time.

Adjournment: Harry O'Leary made a motion to adjourn the September 24, 2014 meeting of the BOA. Hank Stockwell seconded the motion. Meeting adjourned at 7:10 p.m.

Respectively Submitted,

Steve Schraufnagel
Acting Secretary

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE ROCK
COUNTY BOARD OF ADJUSTMENT**

FINDINGS OF FACT

Applicant:

Norm Weitzel
9910 N. Edgewood Shores Road
Edgerton, WI 53534

Nature of Case:

The applicant is seeking a variance to Section 4.205(4) and 4.209(4)(A)(3) of the Rock County Shoreland Zoning Ordinance. The applicant would like to construct a 17'x23' addition to his existing residence in Edgewood Shores. The existing residence is located on a lot that is substandard due to lot size. The addition located on the south side of the current structure will have a 8.5' setback. A 15' setback is required. The addition will also cause mitigation caused by the increase in impervious surface due to the new addition.

Harry O'Leary made a motion to approve the variance with conditions. Francette Hamilton seconded the motion. Motion approved 5-0 with the conditions that the south lot line is delineated and sideyard setback of 8.5 feet; 2. A Shoreland Restoration plan is submitted and approved by the Agency. Main focus will be the 35-foot vegetative buffer zone from the Ordinary Highwater Mark; and 3) New impervious surfaces are mitigated via an approved stormwater management plan.

Findings of Fact:

1. Unnecessary hardship exists due to the combination of circumstances concerning lot size, setbacks, and the date the subdivision platting. Also, the date that the Shoreland Ordinance was adopted adds to the hardship. The structure addition is limited in expansion due to these factors.
2. This is a unique property limitation as a majority of these lots are 14,000 sq.ft. to 15,000 sq.ft. in size platted many years ago. Additionally, the land adjacent to the south is a 12-foot wide access to the Rock River that is part of the original plat and is not available to purchase but does increase the appearance of meeting the setback because it will remain in open space. This results in an effective south sideyard setback of 20.5 feet and a combined total of 35.5 feet. This is a variance of 11% from the combine total for both sideyards

3. It is staff's opinion that the intent of the Shoreland Zoning Ordinance in this case can be maintained. The relief in sideyard setback is reasonable given the land constraints in the area. Therefore, the impact of the proposal appears to be in context with the neighborhood.

FINDINGS OF FACT

Applicant: Keith Anderson
6025 E. Koshkonong Dr.
Edgerton, WI 53534

Nature of Case: The applicant is seeking a variance to Section 4.205(4)(A)(3) of the Rock County Shoreland Zoning Ordinance. The applicant would like to construct a 10'x 20' single-car garage addition and a second story to an existing residence. The size of the lot does not meet the minimum 15,000 sq. ft. for publicly sewered lots. The garage addition will not meet sideyard and a porch addition will not meet front yard setbacks.

Francette Hamilton made a motion to approve the variance with conditions. Hank Stockwell seconded the motion. Motion approved 5-0 with the condition that 1. New impervious surfaces are mitigated via an approved stormwater management plan; and 2. A rain garden is created to mitigate the increased impervious surface.

- Findings:**
1. Unnecessary hardship exists due to the combination of circumstances concerning lot size, setbacks, and date the subdivision was developed. The structure addition is limited in expansion due to these factors.
 2. There are unique property limitations due to lots being substandard in size (6000 sq.ft.) and the lots to the east and west of this property are developed and additional land could not be added to this property to bring it up to code.
 3. The intent of the Shoreland Ordinance is being maintained. New impervious surface is being mitigated via the stormwater plan and rain garden.