

ROCK COUNTY BOARD OF ADJUSTMENT
November 29, 2017
COURTHOUSE CONFERENCE CENTER
SECOND FLOOR, ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN

MINUTES

Vice Chair Lengjak called the November 29th, 2017 meeting of the Rock County Board of Adjustment to order at 6:00 p.m. at Courthouse Conference Center

Board of Adjustment members in attendance at roll call: JP Lengjak, Rich Plywacz and Michael Saunders. Quorum Present.

Development staff in attendance: Colin Byrnes (Director of Planning and Development) Kurt Wheeler (Planner III /Acting Secretary).

Others in attendance: John and Heather Helgestad

Adoption of Agenda:

Motion by Mike Saunders to adopt the agenda, **Seconded** by Rich Plywacz. Adopted (3-0)

Reading and Approval of the Minutes –October 24th, 2017:

Motion was made by Rich Plywacz to approve the minutes, **Seconded** by Mike Saunders.
Minutes approved. (3-0).

Reading and Approval of Findings of Fact from previous meeting:

Vice Chair Lengjak read the findings of fact from the previous October 24th meeting. **Motion** by Rich Plywacz to approve the findings of fact from last meeting, **Seconded** by Mike Saunders. The members voted unanimously to approve.

Announcement of Decision from Last Meeting

Vice Chair Lengjak read the decisions from the last meeting to all in attendance.

Communications:

J.P. Lengjak inquired as to if the board has the power to limit public hearing speakers to a 5 minute time limit during meetings that have multiple cases scheduled. Mr. Byrnes opinion was that they did, especially for multiple case meetings or a large turnout for controversial cases.

Reports of Committees: None

Deliberation of Cases:

a. John Helgestad

The Legal Notice and application information were read to all in attendance.

Heather Helgestad (daughter of applicant) described the history and use of the property as well as the project needs.

Discussion and additional questions followed.

Ms. Helgestad distributed 3 letters (Exhibits 1, 2, and 3) from neighbors in support of the variance proposal.

Discussion and additional questions followed.

A **Motion** was made by Mike Saunders to approve the variance with conditions*, **Seconded** by Rich Plywacz.

On a vote of (3-0) the motion was approved and therefore the variance was approved with conditions.

FINDINGS OF FACT

1. Unnecessary Hardship

The Board determined that this standard was met based on evidence presented in the application and at the meeting.

2. Hardship due to Unique Property Limitation

The Board's opinion was that this standard was met based upon the fact that the existing topography limits the use of the area from a practical aspect in terms of accessibility.

3. Protection of the Public Interest

It was the Board's finding that the purpose and intent of the Ordinance would be met and public welfare would not be affected with the less than standard setback from the road. The character of the neighborhood will not be changed as long as the other Ordinance standards are maintained because there are many properties

developed closer to the road than the current standard. A thirty foot setback is still be greater than what would have been required had this property been within a sewer area (i.e. twenty five feet). The garage will be built on a current gravel parking area, so no additional impervious surfaces will be constructed. Considering the applicant is requesting to place a structure at a similar setback to the adjacent neighbor and the garage is a reasonable size, this request can be considered the minimum relief necessary to permit a garage on the property.

***Conditions:**

1. The garage shall be no closer to the road than the garage on the property to the north.
2. The garage shall be limited to approximately 24' x 24' in size and located within the area indicated on the application materials.
3. All structures shall be permanently removed from within the 75 foot Shoreland Setback between the owner's residence and the Rock River, with the exception of a pier, prior to applying for a permit to build the new garage. No structures shall be placed within the 75 foot setback in the future unless permitted under the Shoreland Zoning Ordinance.
4. The applicant obtains any and all necessary approval and/or permits from Rock County and other entities with jurisdiction, including the Town of Fulton, within ninety days and substantially completes the project within six months of the date of the decision.

Unfinished Business:

Mr. Byrnes informed the board that the timeline for appeals of previous cases had expired.

New Business:

None

Motion to Adjourn made by Mike Saunders, **Seconded** by Rich Plywacz.
All in Favor. **Time: 6:33 pm.**

Respectfully Submitted,
Kurt Wheeler, Acting Secretary Rock County Board of Adjustment

These Minutes are not official until approved by The Rock County Board of Adjustment