

Rock County Board of Adjustment  
51 South Main Street  
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ROCK COUNTY, WISCONSIN

ROCK COUNTY BOARD OF ADJUSTMENT  
WEDNESDAY – April 30, 2014 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 January 29, 2014.
3. Reading and Approval of Findings of Fact
  - A. Bettie Pickens Family Trust
  - B. Todd Carter
5. Announcement of Decision from Last Meeting
  - A. Bettie Pickens Family Trust
  - B. Todd Carter
6. Communications
7. Reports of Committees
8. Call of Cases on Agenda and Hearing of Requests for Continuance
  - A. Hendricks Land Development LLC
9. Hearing of Cases
  - A. Hendricks Land Development LLC
10. Unfinished Business
11. New Business
12. Adjournment

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

## FINDINGS OF FACT

**Applicant:**

Bette Pickens Family Trust  
8 Bury Court  
Sugar Grove, IL 60554

**Nature of Case:**

The applicant would like to construct a detached garage on a lot that does not currently have a garage. The proposed garage will increase the impervious surface beyond what is allowed by ordinance. Section 4.209(4) of the Rock County Shoreland Ordinance requires the impervious surface not be more than 30% coverage of the lot. The garage will increase the impervious surface to 34.8%.

The proposed construction will also encroach within 1-foot of the road right-of-way which means it will be a 49-foot variance.

Harry O'Leary made a motion to deny variance. Henry Stockwell seconded the motion. Motion to deny approved 5-0

**Findings of Fact:**

1. Unnecessary hardship does not exist because the lot can still be utilized without the convenience of the garage. Also, the lot has reached the maximum limit for impervious surface allowed in the shoreland area.
2. This is not a unique property limitation as there are other properties in the neighborhood that are also lacking garages and the current impervious surface can be maintained but no increase square footage is allowed without mitigation.
3. The protection of the public interest is jeopardized because the construction of the detached garage so close to the edge of the pavement would become a safety hazard with the driving public utilizing Badger Heights Road.

## FINDINGS OF FACT

**Applicant:** Todd Carter  
8902 N. Dix Drive  
Milton, WI 53563

**Nature of Case:** The applicant has purchased a property that has been abandoned for more than a year. He would like to remodel to make it livable and also to replace an existing deck with one that is much larger. Section 4.211 of the Rock County Shoreland Ordinance addresses Discontinued Nonconforming Uses and states that those uses discontinued for more than a year must conform in the future.

The applicant needs to combine lots in order to conform to the ordinance. The lot will be approximately 4,050 sq. ft. short of the required 40,000 sq. ft minimum. The existing structure is setback from the sideyard 7-feet on each side. Code requires that sideyard setback should be 15-feet on one side and 40-feet total for both sides. The deck construction as proposed would not meet these standards.

Harry O'Leary made a motion to approve the variance with conditions. Francette Hamilton seconded the motion. Motion approved 5-0 with the following conditions:

1. The septic system needs to be tested to prove its viability. If a new system is needed the permit shall be received by the Rock County Public Health Department.
2. Lots shall be combined via Certified Survey Map.
3. The variance shall expire if the applicant fails to apply for all necessary permits (Septic if needed) (Land Division) within 6 months and to substantially complete any work authorized by the Board within 1 year (Recording of the CSM), of the date of this decision.

**Findings of Fact:**

1. unnecessary hardship exists without granting the variance because the applicant could not continue to remodel the proposed project. The lots in this area were platted before the Shoreland Zoning Ordinance was adopted and do not meet minimum standards. However, the sideyard setback for the deck is not a hardship. A smaller deck could be utilized within the 15-foot setback..

2. There is a hardship due to unique property limitations because the applicant is unable to acquire any adjacent land to bring the lot up to the minimum of 40,000 sq. ft.

3. The variance is not contrary to the public interest as the general appearance will not be altered with the remodeling of this structure. The deck construction as proposed by the applicant would sacrifice two large, apparently healthy trees and is not in keeping with preserving shoreland vegetation.



April 9, 2014

## LEGAL NOTICE

Notice is hereby given that the Rock County Board of Adjustment will hear a request for a variance of the Rock County Zoning Ordinance, Airport Overlay Zoning District, Sections 4.313(1)B, Expansion of Existing Uses. The Applicant is requesting a variance to construct a bucket elevator servicing grain bins that will exceed the maximum height allowed by the Southern Wisconsin Regional Height Zoning Map. The permitted height is 848 feet. The proposed structure will reach an elevation of 863 feet. The property owner Hendricks Land Development LLC is making this request.

The property is located in the SW1/4 of the SW1/4 of Section 27, Rock Township. The proposed project is located at 3420 W. Third St, Afton, 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 30, 2014.

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

Colin Byrnes  
Acting Director of Planning, Economic & Community Development