



**ROCK COUNTY BOARD OF ADJUSTMENT  
WEDNESDAY – June 29, 2016 - 6:00 PM  
COURTHOUSE CONFERENCE CENTER, SECOND FLOOR  
ROCK COUNTY COURT HOUSE  
JANESVILLE, WI**

**AGENDA**

1. Roll Call
2. Adoption of the Agenda
3. Reading and Approval of Minutes of Board of Adjustment meeting held May 25, 2016.
4. Reading and Approval of Findings of Fact from Last Meeting
  - a. Philip Monk
  - b. Jonathon and Janice Lack
5. Announcement of Decision from Last Meeting
  - a. Philip Monk
  - b. Jonathon and Janice Lack
6. Communications
7. Reports of Committees
8. Deliberation of Cases
  - A. Katherine Wintlend
  - B. Robert and Joan McClure
  - C. Rosati's Pizza Pub – John Sheck, General Manager
  - D. Fulton Congregational Church
9. Unfinished Business
10. New Business
11. Adjournment

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



ROCK COUNTY BOARD OF ADJUSTMENT  
WEDNESDAY – June 29, 2016 – 6:00 PM

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.

# Rock County Board of Adjustment

## Standards for Evaluating Variances

The variance procedure allows the dimensional standards in an ordinance to be varied in response to unusual circumstances, which constitute unnecessary hardship. Variances are not to be granted routinely. **The applicant for a variance must clearly show the Board of Adjustment/Appeals that three statutory standards that govern the granting of a variance will be met.** These three standards require the existence of unnecessary hardship, the presence of a unique property limitation, and the protection of the public interest.

### 1. Unnecessary Hardship

Unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome. Board members must judge what is feasible use for a particular parcel as a whole. A variance is not warranted if the physical character of the property allows a landowner to build or develop in compliance with the zoning ordinance.

- (A) The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of the other parcels, not one that affects all parcels similarly. Hardship arises because of some unique property limitation of a parcel, or because the property was created before the passage of the zoning ordinance. If either circumstance renders the parcel unsuitable for any use permitted under the existing ordinance – if all area, yard and setback requirements are observed – the parcel may qualify for a hardship.
- (B) Loss of profit or pecuniary (financial) hardship is not and of itself grounds for a variance.
- (C) Self imposed hardship is not grounds for a variance. Reductions resulting from a sale of portions of a property that reduce the remainder below buildable size cuts off existing access to a public highway, deed restrictions imposed by the owner's predecessor in title, and improvements that were made in violation of the ordinance are generally considered to be self-imposed hardships.
- (D) The hardship cannot be one that would have existed in absence of a zoning ordinance. Sometimes, a legitimate hardship results from the interaction of the provision of the zoning ordinance with other actions or regulations adopted by public authorities.

Notes:

## **2. Unique Property Limitation**

Unique Property Limitations where unique physical characteristics of the property, not the desires of or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. These features may be wetland, soil type, parcel shape, or a steep slope that limits the reasonable use of the property.

Notes:

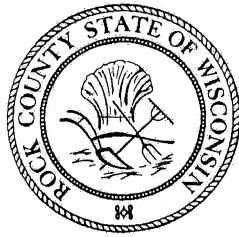
## **3. Protection of the Public Interest**

Protection of the Public Interest is where granting a variance must neither harm the public interest nor undermine the purpose of the ordinance. The Board actions should be consistent with the “Purpose” and “Intent” sections stated in this Ordinance. The public interest includes the interests of the public at large, not just that of nearby property owners. Lack of opposition does not in itself mean that a variance will not harm the public interest.

Notes:

### **General considerations**

- (A) In granting variances the Board may impose special conditions to ensure that the public welfare is not damaged. The conditions must relate reasonably to the purpose and intent established in this ordinance.
- (B) A variance should include only the minimum relief necessary to allow reasonable use of a property.
- (C) Violations by or variances granted to neighboring owners do not justify variance.
- (D) Variances are attached to the property as a permanent right. Once a variance has been granted, it is permanently attached to the property. A new owner of the property may make use of the variance that was granted to the previous owner if all the conditions that are attached to the variance are met.



June 9, 2016

## LEGAL NOTICE

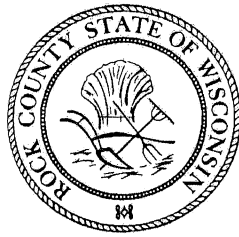
Notice is hereby given that the Rock County Board of Adjustment will hear a request for a variance of the Rock County Shoreland Overlay Zoning Ordinance Sections 4.205 and 4.206 related to setback requirements. The property owner/applicant (Katherine Wintlend) is requesting a variance of the twenty five foot front yard setback. The purpose of this project is to construct detached garage. The proposed garage would be located approximately ten feet from the road right of way, which results in a variance of fifteen feet. The applicant is also requesting that a variance to the seventy-five foot shoreland setback be considered if deemed necessary at the meeting based on review by the BOA and/or other permitting entities. As proposed, a shoreland setback variance is not necessary if the front yard setback is approved.

The property is located in part of the SE 1/4 of Section 5, Milton Township, Lot 1 CSM Vol 36 pp. 198-201, Parcel 6-13-1558. The address for this proposed project and the applicants address is 3307 E Charley Bluff Rd, Milton, 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, June 29, 2016. Interested parties are encouraged to attend.

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

Andrew Baker  
Senior Planner – Rock County Planning, Economic & Community Development



June 9, 2016

## LEGAL NOTICE

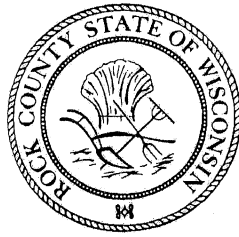
Notice is hereby given that the Rock County Board of Adjustment will hear a request for a variance of the Rock County Shoreland Overlay Zoning Ordinance Section 4.205 related to setback requirements. The property owners/applicants (Randy and Joan McClure) are requesting a variance of the fifty foot front yard setback. The purpose of this project is to reconstruct an existing detached garage in the current location. The existing garage is located entirely within the setback area, approximately five feet from the road right of way.

The property is located in part of the SW 1/4 of Section 16, Fulton Township, Lot 93 Arrowhead Shores Estates, Parcel 6-6-539. The address for this proposed project is 9341 N Arrowhead Shores, Edgerton, WI. The applicant's primary address is 12404 Oakmont Ct. Dunlap, IL.

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, June 29, 2016. Interested parties are encouraged to attend.

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

Andrew Baker  
Senior Planner – Rock County Planning, Economic & Community Development



June 9, 2016

## 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 Sections 4.205 and 4.206 related to setback requirements. The property owner (Rosati's Pizza Pub Dev. Edgerton LP) and applicant (John Sheck, General Manager) are requesting a variance of the seventy five foot shoreland setback. The purpose of this project is to construct a permanent roof over a portion of the existing deck. The proposed roof would extend to approximately sixty-eight feet from the Rock River, which results in a variance of seven feet.

The property is located in part of the NE $\frac{1}{4}$  of Section 12, Fulton Township, Parcel 6-6-113.2. The address for this proposed project and the applicants address is 723 E Ellendale Rd, Edgerton, 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, June 29, 2016. Interested parties are encouraged to attend.

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

Andrew Baker  
Senior Planner – Rock County Planning, Economic & Community Development



June 9, 2016

## 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 Sections 4.205, 4.206 & 4.210 related to shoreland, front and rear yard setback and height limitation requirements. The property owner, Fulton Congregational Church, is requesting these four variances in order to permit the construction of an addition to the Church as proposed.

The property is located in part of Section 18, Fulton Township, Parcel 6-6-993.1. The address for this proposed project and the applicant's address is 9209 N Fulton St, Edgerton, 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, June 29, 2016. Interested parties are encouraged to attend. Construction plans may be viewed in advance at the Rock County Planning and Development office at the same address.

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

Andrew Baker  
Senior Planner – Rock County Planning, Economic & Community Development