

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES
WEDNESDAY – JUNE 25, 2014
COURTHOUSE CONFERENCE CENTER
SECOND FLOOR, ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN**

Chair Jones called the June 25, 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, and Jo Miller. Harry O’Leary was not in attendance.

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

Citizens in attendance: Merle Miller, Pamela Miller, Todd Toepper and Susan Barry Banker.

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 – April 30, 2014: Motion by Hank Jo Miller to approve the minutes as presented. J.P. Lengjak seconded the motion to approve the minutes. Minutes approved 5-0.

Reading and Approval of the Findings of Fact – April 30, 2014: Motion by Hank Stockwell to approve the Findings of Fact as presented. J.P. Lengjak seconded the motion. Findings of Fact approved 5-0.

Announcements of Decisions – April 30, 2014: Chair Jones announced that the Hendricks Land Development variance request was denied;

Communications: It was stated that Harry O’Leary and Don Jones have both accepted and been appointed to another term on the Board.

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

Brent Miller 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 on a lot with lesser dimensions than a Shoreland Substandard Lot served by Public

Sewer. Sections 4.205(4) and 4.209(4) of the Rock County Zoning Ordinance, need to be varied to allow the addition to be constructed.

Mr. Miller testified that he will soon be disabled and needs the addition to enlarge the bedroom to be wheelchair accessible. He believes it would also improve the property. The addition will be built on a slab with a crawlspace.

Mr. Byrnes stated that impervious surface exceeds the maximum and a similar area (12' x 14') needs to be removed to accommodate the new addition. That could be satisfied by removing a portion of the front parking area. The stormwater will be diverted to the back of the lot.

At this time Francette Hamilton made a motion to approve the variance with conditions. Hank Stockwell seconded the motion. Motion to approve 5-0 with the condition that an equal area of existing impervious surface is removed from Lot 5 Nelson's Subdivision and stormwater off the rear half of the house is directed away from the adjoining lots.

Findings of Fact to support approval of the variance:

1. Unnecessary hardship exists due to the combination of circumstances concerning lot size, setbacks, and road frontage. 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 5,280 sq.ft. in size platted many years ago. There is no potential for this lot to acquire more land area to enlarge the size of this lot in order to meet new lot requirements.
3. The relief in sideyard setback is reasonable given the land constraints in the area and the existing impervious surface can be mitigated via removal of a portion of the front parking lot.

Susan Barry-Banker Variance Request

Chair Jones read into the minutes the public hearing notice and application. The applicant is seeking a variance to allow an addition to an existing residential structure on a lot with lesser dimensions than allowed in the shoreland zoning district substandard lot (Section 4.205(4)).

The applicant would like to add a 15' x 22' addition to her existing residence. There is no other area on the lot where a garage could be constructed. The garage addition would encroach upon the front yard setback of Ellendale Road.

The neighbor to the south of the applicant's lot stated that most homes in this area are the primary residence. Average setback from Ellendale Road in this area is 38.4' based upon

staff determination. Impervious surface is not an issue as the addition will be constructed over already impervious area.

Mr. Byrnes stated that staff is recommending approval with conditions of submission of a stormwater plan and a variance to allow garage no closer than 30' from the edge of the pavement from Ellendale Road. To achieve that setback, more living space will need to be converted.

At this time Jo Miller made a motion to approve the variance with conditions. Hank Stockwell seconded the motion. Motion to approve 5-0 with the condition that a stormwater plan be submitted and the addition will be no closer than 30' from the edge of the pavement from Ellendale Road.

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 road frontage. The structure addition is limited in expansion due to these factors.
2. There are unique property limitations due to lots being substandard in size (9000 sq.ft.) and the lots to the north and south 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. Impervious surface is not increasing and the front yard setback is based on what is currently in place in the immediate neighborhood.

Unfinished Business: None at this time.

New Business: None at this time.

Adjournment: Jo Miller made a motion to adjourn the June 25, 2014 meeting of the BOA. Hank Stockwell seconded the motion. Meeting adjourned at 7:22 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:

Brent Miller
3311 E. Thomas St.
Milton WI 53563

Nature of Case:

The applicant is seeking a variance to Section 4.205(4) and 4.209(4) of the Rock County Shoreland Zoning Ordinance. The applicant would like to construct a 12'x14' addition to his existing residence in Charley Bluff. The existing residence is located on a lot that is substandard due to lot size. Also, the impervious area of the lot will exceed the 30% maximum allowed within the Ordinance.

Francette Hamilton made a motion to approve the variance with conditions. Hank Stockwell seconded the motion. Motion approved 5-0 with the condition to remove an equal amount of existing impervious surface and that stormwater from the addition be diverted to the rear of the lot.

Findings of Fact:

1. Unnecessary hardship exists due to the combination of circumstances concerning lot size, setbacks, and road frontage. 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 5,280 sq.ft. in size platted many years ago. There is no potential for this lot to acquire more land area to enlarge the size of this lot in order to meet new lot requirements.
3. The relief in sideyard setback is reasonable given the land constraints in the area and the existing impervious surface can be mitigated via removal of a portion of the front parking lot.

FINDINGS OF FACT

Applicant: Susan Barry-Banker
10045 N. Ellendale Road
Edgerton, WI 53534

Nature of Case: The applicant is seeking a variance to Section 4.205(4) of the Rock County Shoreland Zoning Ordinance. The applicant would like to construct a 15'x 22' garage addition to the existing residence. The size of the lot does not meet the minimum 15,000 sq. ft. for publicly sewered lots. The addition will not meet sideyard and front yard setbacks. It is proposed that a part of the garage addition will utilize the existing residence.

Jo Miller made a motion to approve the variance with conditions. Hank Stockwell seconded the motion. Motion approved 5-0 with the condition that the garage addition will be no closer than 30' to the edge of the Ellendale Road pavement and that a stormwater plan is submitted.

Findings:

1. Unnecessary hardship exists due to the combination of circumstances concerning lot size, setbacks, and road frontage. The structure addition is limited in expansion due to these factors.
2. There are unique property limitations due to lots being substandard in size (9000 sq.ft.) and the lots to the north and south 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. Impervious surface is not increasing and the front yard setback is based on what is currently in place in the immediate neighborhood.