

**ROCK COUNTY BOARD OF ADJUSTMENT**  
**November 4, 2015**  
**COURTHOUSE CONFERENCE CENTER**  
**SECOND FLOOR, ROCK COUNTY COURTHOUSE**  
**JANESVILLE, WISCONSIN**

**MINUTES**

Chair Jones called the November 4, 2015 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: Francette Hamilton, Jo Miller, Henry Stockwell, Harry O'Leary and J.P. Lengjak.

Development staff in attendance: Colin Byrnes (Planning Director/Zoning Administrator), and Kurt Wheeler (Planner II /Acting Secretary).

Others in attendance: Deputy Corporate Council, Jodi Timmerman; Applicant Jerry Elsen.

**Adoption of Agenda:** Motion by Henry Stockwell to adopt the agenda, **Seconded** by Francette Hamilton. Motion approved 5-0

**Reading and Approval of the Minutes – October 28, 2015:** Motion by Henry Stockwell to approve the minutes, **Seconded** by Francette Hamilton. Minutes approved 5-0.

**Communications:** None

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

**Jerry and Sabrina Elsen Application Case**

Deliberation continued from October 28<sup>th</sup>, 2015 to review and correct a procedural issue.

Discussion followed.

Harry O'Leary made a new motion to approve the variance with the following conditions:

- 1). Impervious surface on the lot be reduced to 30%.
- 2). Roof height on a structures limited to 35 ft. Maximum.
- 3). Lots to be combined via a CSM.
- 4). Shoreland (Park Area) vegetation to be restored via a plan submitted by applicant and approved by the Rock County Planning and Development Agency.
- 5). Reduction in total square footage of structure from 2400 sq. ft. to 2200 sq. ft.

**Seconded** by Francette Hamilton. Roll call vote: Approval was Unanimous.

Findings of Fact:

- 1. Unnecessary Hardship:** An unnecessary hardship does exist. The Applicant is proposing building a structure that exceeds the standards set forth by the current Rock County Shoreland Zoning Ordinance. Given that these parcels were platted in 1924, prior to the adoption of the Rock County Shoreland Zoning Ordinance (1983) and the lots are non-conforming by creation, the applicant is in the process of combining lots to better meet the current ordinance.
- 2. Hardship due to Unique Property Limitation:** A hardship does exist. The shoreland area here has a common park area adjacent to the Rock River that reduces even further the usable lot size. In addition, the steep slopes of the area present a challenge for design and construction. As mentioned above, the applicant is in the process of combining lots to better meet the current ordinance as well as including the property limitations in the design of construction going forward.
- 3. Protection of the Public Interest:** The intent of the Shoreland Zoning Ordinance, as proposed in this case, is maintained. The Park reserve serves as a buffer to this parcel that enables the area to retain a natural looking shoreline. The construction can be accomplished with the proper construction and engineering best practices. The applicant understands the intent of the ordinance and has agreed to revegetate and maintain the shoreline as well as improve the aesthetics of the property which is now in dis-repair.

**The following Conditions apply to the approval of the Variance:**

- 1). Impervious surface on the lot be reduced to 30%.
- 2). Roof height on a structures limited to 35 ft. Maximum.
- 3). Lots to be combined via a CSM.
- 4). Shoreland (Park Area) vegetation to be restored via a plan submitted by applicant and approved by the Rock County Planning and Development Agency.
- 5). Reduction in total square footage of structure from 2400 sq. ft. to 2200 sq. ft.

**Unfinished Business:** None.

**New Business:** None.

**Motion** to Adjourn made by Harry O’Leary, **Seconded** by Francette Hamilton.  
All in Favor. **Time:** 6:13 p.m.

**Respectfully Submitted, by Kurt Wheeler, Acting Secretary**

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