

**ROCK COUNTY BOARD OF ADJUSTMENT**  
**APRIL 29<sup>TH</sup>, 2015**  
**COURTHOUSE CONFERENCE CENTER**  
**SECOND FLOOR, ROCK COUNTY COURTHOUSE**  
**JANESVILLE, WISCONSIN**

**MINUTES**

Chair Jones called the April 29th meeting of the Rock County Board of Adjustment to order at 6:00 p.m. in the Courthouse Conference Center (CCC), 2<sup>ND</sup> Floor, Rock County Courthouse. Board of Adjustment members in attendance at roll call: Henry Stockwell, J.P. Lengjak, Francette Hamilton, Jo Miller. Harry O'Leary was absent.

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

Citizens in attendance: Jim Stotler, Bob Corey, Sue Snyder, Don Snyder, Brad Snyder, Jeff Hageman, and George Babcock.

**Adoption of Agenda:** Item 11 was removed from the Agenda, as it was addressed at the previous meeting. Motion by Francette Hamilton to adopt the agenda with deletion of item 11. Seconded by Jo Miller. Motion approved 5-0

**Reading and Approval of the Minutes – February 25, 2015:** Motion by Henry Stockwell to approve the minutes as presented. Francette Hamilton seconded the motion. Minutes approved 5-0.

**Reading and Approval of the Findings of Fact – February 25, 2015:** Motion by Henry Stockwell to approve the Findings of Fact. J.P. Lengjak seconded the motion. Approved 5-0.

**Announcements of Decisions – February 25, 2015:** Decision of Delbert Egerstaffer variance request from February 25, 2015 read by Chair Jones to all in attendance.

**Communications:** None

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

**Don and Susan Snyder Variance Request:**

Chair Jones read into the minutes the public hearing notice and application. The applicant is requesting a variance to construct a garage addition to an existing single family residential structure with lesser rear-yard setbacks than a Shoreland Substandard Lot

served by Private Sewer. Section 4.205 of the Rock County Shoreland Zoning Ordinance needs to be varied to allow for the construction of the garage.

Applicant, Don Snyder described the rationale for the variance request. Mr. Byrnes elaborated on the lot configuration and ordinance affecting the lot and location area.

Jim Stotler, Bob Corey, Sue Snyder, Don Snyder, Brad Snyder, Jeff Hageman, and George Babcock spoke on behalf of the Snyders and all speakers supported his request for variance. The committee asked various questions as to the configuration, orientation, and dimensions of the proposed garage. At this time Don Snyder produced a hand drawn plan map of the site which was entered into the record as Exhibit A. Several committee members questioned Mr. and Mrs. Snyder as to some missing dimensions on Exhibit A, and the actual size of the proposed garage as well as possible alternative designs that would make the garage a conforming structure and reduce the variance distances and setbacks.

Motion to Deny the request for a variance by Henry Stockwell, seconded by J.P. Lengjak. Denial Approved 5-0.

#### **STAFF REVIEW COMMENTS**

Planning staff has reviewed the petition for issues in accordance with the Rock County Shoreland Zoning District and has the following comments:

The Applicant is proposing to add an attached garage to an existing single family residential structure in the Shoreland Zoning District of the Rock River. The lot size of 29,892 sf does not meet minimum lot requirements (40,000 sf) for Private Onsite Wastewater Treatment System (POWTS) lots. Therefore, this lot is deemed substandard. This type of lot may be built upon if it meets all applicable sections of the Shoreland Zoning Ordinance. This includes setback requirements for principle and accessory structures.

In this case, the proposed garage addition along the east property line (Rock River Shoreline) will not meet the required 75' setback. Therefore, as stated by Ordinance, a variance must be granted by the Rock County Board of Adjustment. Staff marked the lot with the required setbacks during the design phase of the project. One alternative design included a code compliant detached garage. The proposed attached two car garage is within 55' at its closest and 66.5' at its furthest point from the Ordinary Highwater Mark of the Rock River. The variance requested will range from 20' (27%) to 8.5' (11%) along the back wall of the proposed garage.

Airphoto interpretation indicates approximately 16.1% of the lot is in impervious surfaces. The garage addition is allowable under code as long as it is mitigated.

#### **STAFF RECOMMENDATION**

Considering all the facts in this case, the purpose and intent of the Shoreland Zoning Ordinance, Staff recommends denial of the variance for an attached garage addition.

**Unfinished Business:** None at this time

**New Business:** None at this time.

**Adjournment:** JP Lengjak made a motion to adjourn the April 29<sup>th</sup>, 2015 meeting of the BOA. Francette Hamilton seconded the motion. Meeting adjourned at 7:09 p.m.

Respectively Submitted,

Kurt J. Wheeler  
Acting Secretary

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE ROCK  
COUNTY BOARD OF ADJUSTMENT**

## FINDINGS OF FACT

**Applicant:** Don Snyder  
2704 N.W. River Drive  
Janesville, WI 53548

**Nature of Case:** The applicant is seeking a variance to Section 4.205 of the Rock County Shoreland Zoning Ordinance. The applicant would like to replace an attached single-car garage and construct an attached 2-car garage.

**Findings of Fact:** **1. Unnecessary Hardship:** It is the Staff's opinion that hardship does not exist due to a code compliant site being available on the lot for detached garage. The Applicant has indicated handicapped accessibility for vehicles is a concern and the only way to overcome this issue is to attach the garage. In order to justify this variance regarding the handicapped issue, the elevations of the proposed garage floor and first floor of the residential structure need to be the same. In addition, exterior and interior access doors should be Americans with Disability Act compliant. Then, regardless of the current occupants the structure could serve a larger population in the future.

But, caution is required as this could be precedent setting. What is the limiting factor in the future for proposed additions if they were all deemed necessary for handicapped accessibility by the applicants? One car or two car garages are will be allowed in what situations?

**2. Hardship due to Unique Property Limitation:** It is Staff's opinion there is a not a unique property limitation in this case. Although, this lot was platted prior to Shoreland Zoning in 1982, there is a code compliant location for the proposed garage. If one were to use Setback Averaging (Sec. 4.206(2)) with the two adjacent lots, the setback could be reduced to 60'. But, this is only allowed if you have a conforming lot size of 40,000 sf versus the Applicant's 29,892 sf lot.

**3. Protection of the Public Interest:** It is Staff's opinion that the intent of the Shoreland Zoning Ordinance in this case will not be maintained. The addition puts about an additional structure 1/3 as again large within the 75' setback. This is a high bank area of the river and the structure will affect the esthetics of the area in a negative fashion.