

ROCK COUNTY BOARD OF ADJUSTMENT
June 25th, 2019
COURTHOUSE CONFERENCE ROOM 2nd Floor
ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN

MINUTES

Vice Chair Lengjak called the June 25th, 2019 meeting of the Rock County Board of Adjustment to order at 6:00 p.m. at Courthouse Conference Center Second Floor.

Board of Adjustment members in attendance at roll call: JP Lengjak, Rich Plywacz, and Michael Saunders. David Diestler absent. Quorum Present.

Development staff in attendance: Andrew Baker (Rock County Zoning Administrator),

Others in attendance: David Mastos, applicant.

Adoption of Agenda:

Motion by Mike Saunders to adopt the agenda, **Seconded** by Rich Plywacz. Adopted (3-0)

Reading and Approval of the Minutes – March 26th, 2019:

Motion was made by Rich Plywacz to approve the minutes, **Seconded** by Mike Saunders. Minutes approved. (3-0).

Reading and Approval of Findings of Fact from previous meeting:

Vice Chair Lengjak read the findings of fact from the March 26th, 2019. The members voted unanimously to approve. (3-0)

Announcement of Decision from Last Meeting

Vice Chair Lengjak read the decision from the last meeting.

Communications: None

Reports of Committees: None

Deliberation of Cases: David Mastos

Chair Lengjak read the Legal Notice.

Applicant David Mastos was sworn in and described his request for a variance. Mr. Mastos intends to build a detached garage on the property, but in order to do so he must combine the existing 2.5 lots from the original subdivision into one new lot. Doing so is required otherwise the garage would be a lot(s) separate from the principle structure. The area of the combined lots is less than what is required for a new lot served by private sanitary sewer, which is 20,000 square feet. The total area of the property is 19,665 square feet based on preliminary Certified Survey Map (CSM) provided, therefore the variance requested is 335 square feet.

The Board asked questions regarding the plans for new garage. Mr. Saunders asked specific questions related to the area of the lot being covered by buildings or other surfaces and what the plan is for management of runoff. Mr. Baker explained that both the Town and the County have lot coverage/impervious surface limits in this area. Mr. Mastos is not requesting a variance from those limits at this time. There was further discussion related to runoff direction, steep slopes in the area and access to the garage.

Public hearing was open and closed considering there were no members of the public in attendance.

After extensive discussion, Mr. Plywacz made a **Motion** to approve the variance with the conditions:

1. The owner develop a plan to mitigate storm water runoff, such as a rain garden, as part of the permit process for any new construction.
2. The maximum allowable lot coverage be reduced relative to the amount of lot size reduction approved with the variance.

Chair Lengjak **Seconded** the motion with conditions.

Findings of Fact:

1. Unnecessary Hardship/Unnecessarily Burdensome (Affirmed 2-1)

The limitations created by the minimum lot size requirements are unnecessarily burdensome to the applicant in light of the purpose and intent of the Ordinance. In this case, strict conformity to the ordinance would prohibit the building of a garage one of the existing lots individually due to the property characteristics. Additionally, it is common practice in a residential area to not permit an accessory structure on a lot without a primary residence on the same lot. If the property existed as a single lot prior to adoption of the ordinance it could be built on as is. Also, lot coverage standards will prevent the less than standard sized lot from being over-built.

2. Hardship due to Unique Property Limitation (Affirmed 2-1)

There are limitations to this property because the lots were platted prior to the Ordinance and generally intended for seasonal cottage usage. The existing lots have been in common ownership for many years and are individually too narrow to be built on. The owner has made reasonable efforts to purchase additional land to make the property conforming to lot size requirements but has been unable to do so.

3. Protection of the Public Interest (Affirmed 2-1)

The purpose and intent of the Ordinance can be met and public welfare will generally not be affected considering the variance is minimal. The character of the neighborhood will not be changed as long as the other Ordinance standards are maintained.

As a result of the vote on the motion the **variance was approved (2-1)**.

Unfinished Business:

None

New Business:

None

Motion to Adjourn made by Rich Plywacz, **Seconded** by JP Lengjak.
All in Favor. **Time: 7:25 pm.**

Respectfully Submitted,
Andrew Baker, Acting Secretary Rock County Board of Adjustment

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