

**ROCK COUNTY BOARD OF ADJUSTMENT**  
**March 23, 2016**  
**COURTHOUSE CONFERENCE CENTER**  
**SECOND FLOOR, ROCK COUNTY COURTHOUSE**  
**JANESVILLE, WISCONSIN**

**MINUTES**

Chair Jones called the March 23, 2016 meeting of the Rock County Board of Adjustment to order at 6:03 p.m. at Courthouse Conference Center.

Board of Adjustment members in attendance at roll call: Jo Miller, Henry Stockwell, Don Jones. Quorum present. Members absent: Harry O'Leary, JP Lengjak. Francette Hamilton arrived at 6:15

Development staff in attendance: Andrew Baker (Senior Planner/Zoning Administrator), and Kurt Wheeler (Planner III /Acting Secretary).

Others in attendance: Keith and Gary Kapa; applicants, Keith Anderson, Thomas Nolfi, Brad Mommarnts.

**Adoption of Agenda: Motion** by Henry Stockwell to adopt the agenda with changes (additions of reading the Findings of Fact from last meeting), **Seconded** by Jo Miller. Motion approved 3-0

**Reading and Approval of the Minutes – October 28, 2015:** **Motion** by Henry Stockwell to approve the minutes, **Seconded** by Jo Miller. Minutes approved 3-0.

**Reading and Findings of Fact from previous meeting:** Jerry and Sabrina Elsen.

Chair Jones read the decision and finds of fact from the last meeting to all in attendance. Approval with conditions (5-0), Jerry and Sabrina Elsen.

**Communications:** Mr. Baker advised the committee that the Traynor case has been dismissed. Discussion followed.

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

**Deliberation of Cases: Keith Kapa**

Chair Jones read the application information, correspondence, and portions of the staff report concerning the case. Mr. Gary Kapa and son Mr. Keith Kapa were sworn in and provided an overview of the project. The applicants seek a variance from minimum lot size in the Shoreland Zoning District to combine two existing lots and build a new home. The applicants also seek a variance for front and/or rear yard setbacks.

Mr. Baker made reference to the staff report and recommendation included in the agenda packet and highlighted the main points of consideration. Generally, staff recommends approval of the minimum lot size variance and denial of the setback variance unless the applicants can prove the three statutory standards are met.

Discussion between the applicants, Board Members and staff regarding the fact that this property is in a location where a public road and private road meet and are physically divided by a wood fence. Therefore, there is no through traffic in the vicinity at this time. Parties discussed that the applicants attempted to purchase additional property from the neighbors to the west to obtain land to meet minimum lots size standards, but that deal was not able to close. Also discussed that property to the north and northeast is open space owned and maintained by the Maple Beach Homeowners Association.

An email from neighbors Daryl and Jan Snowden (1241 E Lakeside Dr, the property to the west) was submitted for the record. The primary concerns were the side yard setback from the common lot line and overall size of the house relative to the size of the lot. Staff pointed out to the Board that the Snowden property is located a different Town of Milton Zoning District, and therefore the Town setback requirements are different. The side yard setbacks are not a part of this variance request, but the applicant indicated that they intend to build with sideyard setbacks that exceeded the minimum as referenced in the Snowden's email.

There were no other comments from citizens with concerns about the variance requests.

**Motion** to approve the variance from the 10,000 sq ft minimum lot size to allow the combination of two lots totaling 7,500 sq. ft. lot size made by Henry Stockwell, **Seconded** by Francette Hamilton. Approved (4-0).

**Motion** to approve reducing the rear yard setback by 6 feet (i.e. a setback of 19 feet rather than 25 feet) made by Henry Stockwell, **Seconded** by Jo Miller. Approved (4-0)

**Conditions of Approval:**

1. Lots to be combined via CSM as per the Rock County Land Division and Management Ordinance. Application for the Lot Combination shall be submitted within 90 days of the decision of the Board.
2. The Applicant obtains any and all necessary approval and/or permits from other entities with jurisdiction, including the Town of Milton.

**Findings of Fact considered by the Board:**

1. A hardship exists in this case because the lots were created prior to ordinance and, separately, are nearly unbuildable for a home suitable for a year-round family residence. Building across the lot cannot be permitted, thus the request to combine the lots.
2. The applicant has made efforts and exhausted any possibility of buying additional land from the neighbors to make a conforming lot.

3. The property is unique because it is located at the end of a private road and a portion of the rear yard is adjacent to open space owned by the homeowners association.
4. The purpose and intent of the Shoreland Zoning Ordinance can be met and public welfare will generally not be effected. The character of the neighborhood will not be changed as long as the other Ordinance standards are maintained.

**Unfinished Business:** Henry Stockwell inquired about previous cases and status on compliances.

**New Business:** Mr. Baker advised the committee on upcoming term renewals for the Board of Adjustment members. The terms for Members Stockwell and Hamilton expire at the end of June along with Alternate Lengjak. Discussion followed.

**Motion** to Adjourn made by Henry Stockwell, **Seconded** by Francette Hamilton.  
All in Favor. **Time:** 6:58 p.m.

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

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