

**ROCK COUNTY BOARD OF ADJUSTMENT
NOVEMBER 30, 2016
COURTHOUSE CONFERENCE ROOM N-2
FIFTH FLOOR, ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN**

MINUTES

Chair Jones called the November 30, 2016 meeting of the Rock County Board of Adjustment to order at 6:00 p.m. at Courthouse Conference Room N-2.

Board of Adjustment members in attendance at roll call: Mike Saunders, Jo Miller, Richard Plywacz, and Chairman Don Jones. Harry O'Leary and J.P. Lengjak were excused.

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

Others in attendance: Katherine Wintlend, Jon Sockness

Adoption of Agenda: Motion by Mike Saunders, **Seconded** by Jo Miller to adopt the agenda. Adopted (4-0)

Reading and Approval of the Minutes –October 26, 2016:

Motion was made by Jo Miller to adopt minutes, **Seconded** by Mike Saunders. Minutes approved. (4-0).

Reading and Approval of Findings of Fact from previous meeting:

Chair Jones read the findings of fact from the previous meeting and members voted unanimously to approve.

Announcement of Decision from Last Meeting

Chair Jones read the decisions from the last meeting to all.

Communications:

None.

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

Deliberation of Cases:

- a. Katherine Wintlend

Katherine Wintlend and Jon Sockness presented the project overview and details to the Board. The applicant proposes to construct an attached garage and porch which requires variances from the front yard setback and shoreland setback standards. Board members asked questions pertaining to setbacks on neighboring properties, driveway locations, traffic flow, and project configuration. Discussion followed.

Mr. Baker summarized the staff report and noted that, per BOA guidelines, it is Ms. Wintlend's responsibility to prove to the Board that the 3 criteria for variance approval are met. In the staff report, it was noted that the Board has the option to consider each of the two variance requests separately and should evaluate each for the 3 criteria if approval is considered. It is Staff's opinion that the 3 criteria were not met in this case. In addition, it was noted that this is the second variance request for the same property, and that a previous variance request in June 2016 was granted to this property for the construction of a one car detached garage. Ms. Wintlend communicated that after the previous variance was granted, she re-evaluated her needs, and submitted this second request to build an attached two car garage with interior ramp to house and porch for guest entrance to the house.

Board discussion and additional questions followed regarding erosion control measures, additional square footage added to the project, sewer lateral location, proximity to neighbors, and previous variance conditions. Concern was voiced over the fact that the garage would be quick close to the road, which could cause a safety concern. Ms. Wintlend and Mr. Sockness stated that the current plan is not to build the garage any closer than what was approved in the previous case, possibly even setback slightly further from the road.

At this point, Board of Adjustment member Mike Saunders discussed the intent of the Shoreland Ordinance and the fact that we are revisiting a project that has changed significantly in scope from the previously granted variance. Mr. Wheeler spoke to the Board as a staff member of the Planning and Development Agency and reminded the Board that the two basic intents of the ordinance were to protect water quality, and to preserve wildlife habitat. In addition, he stated that a variance should only allow minimum relief necessary to the applicant.

Following additional discussion, Mr. Saunders made a motion to deny the application as presented based on the intent of the ordinance. Seconded by Rich Plywacz. Vote to deny application (3-1). Carried. Denied. After the vote was made, the Board and the applicant discussed that the decision was made to deny because the three criteria were not met sufficiently, regardless of the approval that was made in the past. Ms. Wintlend and Mr. Sockness asked the Board to consider voting on each variance separately (front yard setback for the garage and Shoreland setback for the porch) rather than denying the project as a whole. Doing so would be consistent with how the Staff report was presented. Mr. Baker stated that Staff encouraged the Board to consider each variance request separately in order to be certain, in the event of a motion and vote to approve, that it was documented that the three factors were met for each Ordinance standard which was varied. It is not, however, a requirement that they vote on

each request separately. The action to take is up to the Board to decide when a motion is made, seconded and voted upon. The applicant also asked what they could do to modify the plan in order to meet the criteria and obtain approval. After further discussion, the Board decided that the decision was made on a specific motion and they did not feel comfortable going back and modifying it or entertaining additional motions at the applicant's request.

Unfinished Business:

None.

New Business:

None

Motion to Adjourn made by Jo Miller, **Seconded** by Don Jones.
All in Favor. **Time: 7:30 pm.**

Respectfully Submitted, by Kurt Wheeler, Acting Secretary

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