

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES  
WEDNESDAY – NOVEMBER 19, 2014  
COURTHOUSE CONFERENCE CENTER  
SECOND FLOOR, ROCK COUNTY COURTHOUSE  
JANESVILLE, WISCONSIN**

Chair Jones called the November 19, 2014 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: Chair Don Jones, Henry Stockwell, J.P.Lengjak (Alternate), Francette Hamilton, Jo Miller and Harry O'Leary.

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

Citizens in attendance: John & Jo Kinnett, Attorney Jeff Rothe.

**Adoption of Agenda:** Motion by Hank Stockwell to adopt the agenda as presented. Francette Hamilton seconded the motion. Motion approved 5-0

**John Kinnett Continued Variance Case:**

Chair Jones read into the minutes the public hearing notice and application and reminded the audience and Board that this is a continued case from the last meeting. It was continued due to the Board feeling they did not have enough information to make an educated decision. The applicant has since redesigned the addition to move it back beyond the 75-foot setback. What remains within the 75-foot setback is the handicapped ramp and the deck that will have a roof constructed over to provide shade. Sections 4.206(1) of the Rock County Shoreland Zoning Ordinance states that all new structures need to be set back 75 feet from the ordinary high water mark.

Attorney Jeff Rothe, representing the applicant, handed out to the Board members a letter (Exhibit 7) urging that the Board approve the variance.

Mr. Kinnett handed out to the Board construction plans depicting the location and size of the new structure. These plans will be known as Exhibit 8. He referred to several pages delineating the 75-foot setback from the Ordinary High Water (OHW) mark. The new addition has now been moved back beyond that setback. These plans are to be known as Exhibit 8. He referred to several pages delineating the 75-foot setback from the Ordinary High Water (OHW) mark. The new addition has now been moved back beyond that setback.

What now remains within the setback is the handicapped accessible entrance and the covered deck.

Mr. Byrnes handed out Exhibits 9 and 10. Exhibit 9 is an aerial that depicts the measurements from the OHW mark to the deck addition and the handicapped access. Exhibit 10 graphically depicts the location of deck and handicapped entrance.

Exhibit 11 is an artist's rendition of the deck addition that appears to contain walls. Mr. Kinnett explained that the deck will not be enclosed but will have a seating area above it. Exhibit 12 is same rendition view but from the east. The deck will be approximately 32' x 18'. Mr. Byrnes mentioned that the deck addition will be 25' from the right of way of State Road 59.

Mr. Byrnes discussed the management of the stormwater and the existing stormwater facility on site. He indicated that stormwater should not be running directly into the Rock River via the boat ramp.

At this time Harry O'Leary made a motion to approve the variance with the conditions; 1) the submittal of a code compliant stormwater plan, and 2) a stormwater restoration plan of the strip of land along the west side of the boat ramp that redesigns the existing drainage swale. Henry Stockwell seconded the motion. Motion to approve the variance 5-0 with conditions.

Findings of Fact to support variance:

1. This is a unique commercial property that has been operating in this area for many years.
2. The variance being granted is minimal and has very little adjacent residential development.

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

**New Business:** Hank Stockwell handed out to the Board an article from the Wisconsin State Journal that discussed the number of large mansions being constructed on tiny 3,000 sq. ft lots in the Madison area.

**Adjournment:** Jo Miller made a motion to adjourn the November 19, 2014 meeting of the BOA. Francette Hamilton seconded the motion. Meeting adjourned at 6:55 p.m.

Respectively Submitted,

Steve Schraufnagel  
Acting Secretary

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

## FINDINGS OF FACT

**Applicant:** Kinnett's Anchor Inn  
718 E. State Road 59  
Edgerton, WI 53534

**Nature of Case:** The Anchor Inn was destroyed by fire in August 2014. The applicant would like to rebuild the existing structure plus add an addition. The addition will be set back from the Ordinary Highwater Mark of the Rock River. A handicapped entrance and a deck will not meet the 75-foot setback and requires a variance from Section 4.206(1) of the Rock County Shoreland Overlay Zoning Ordinance.

Harry O'Leary made to motion to approve the variance with the following conditions; 1) the submittal of a code compliant Stormwater Plan, and 2) a stormwater restoration plan on the strip of land to the west of the boat ramp that redesigns the existing drainage swale. Hank Stockwell seconded the motion. Motion conditionally approved 5-0.

**Findings of Fact:**

1. This is a unique commercial property that has been operating in this area for many years.
2. The variance being granted is minimal and has very little adjacent residential development.