

ROCK COUNTY BOARD OF ADJUSTMENT MINUTES
July 15TH, 2015
COURTHOUSE CONFERENCE CENTER
SECOND FLOOR, ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN

Chair Jones called the July 15th meeting of the Rock County Board of Adjustment to order at 6:00 p.m. in the Courthouse Conference Center (CCC), 2ND Floor, Rock County Courthouse. Board of Adjustment members in attendance at roll call: Chair Don Jones, Henry Stockwell, J.P. Lengjak, Francette Hamilton, and Jo Miller. Harry O'Leary was absent.

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

Citizens in attendance: Brian and Debra Cross.

Adoption of Agenda: Motion by Francette Hamilton to adopt the agenda as presented.

Seconded by Henry Stockwell. Motion approved 5-0

Reading and Approval of the Findings of Fact – May 27, 2015:

Read by Chair Jones.

Announcements of Decisions – May 27th, 2015:

Read by Chair Jones

Communications: None

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

Brian and Debra Cross Continuance of Variance Request:

Brian Cross described lot sizes and rationale for variance request. Mr. Byrnes elaborated on the lot configurations and ordinances affecting the lots and proposed building location. Board members considered the new proposed variance in terms of the three tests the applicant must address.

Discussion followed.

Example #1 (Site plan for previously approved variance) was submitted by Mr. Byrnes.
Example #2 (Site plan for proposed variance) was submitted by Mr. Byrnes.

Discussion followed.

Motion to approve with conditions by Henry Stockwell, seconded by Francette Hamilton.

Discussion followed.

A Motion to amend the previous Motion with conditions* was made by Henry Stockwell, seconded by Francette Hamilton.

Roll Call Vote, Passed (5-0)

Conditions of Approval

1. A Stormwater Management Plan is submitted and approved by the Agency. Plan may include construction of rain gardens or catchment basins to handle the additional impervious surfaces. Also, approval of the permeable surface for the proposed new driveway. This will include a maintenance program that shall be recorded with the Rock County Register of Deeds
2. A Shoreland Restoration plan is submitted and approved by the Agency. Main focus will be the 35' vegetative buffer zone from the Ordinary Highwater Mark. Integral to this design is the submittal of elevation drawings of the proposed structure.
3. Move the new residence 5 feet towards E. Mound Drive to add additional distance to the Shoreland setback.
4. *All necessary permits will be obtained within 150 days of Original Board of Adjustment meeting of May 27th, 2015
5. *Obtain documentation from the Mallwood Lake District Association stating that the revegetation of the shoreline owned by the association is permitted and the maintenance program is acceptable.
6. *The demolition and construction must be Substantially Completed within 9 months of issuance of the Permit

Findings of Fact

1. **Unnecessary Hardship:** It is the Staff's opinion that hardship exists due to the combination of circumstances concerning lot size, setbacks, the date of subdivision platting and finally, the date the Shoreland Ordinance was adopted. The structure is limited in expansion due to these factors.

2. **Hardship due to Unique Property Limitation:** It is Staff's opinion that there is a unique property limitation in this case. Mallwood Estates lots, all under the 15,000 square feet required today, were platted many years ago. Additionally, the land adjacent to the south is held by the Mallwood Estates Improvement Association precluding the ability to purchase additional land to address side yard setback problems.
3. **Protection of the Public Interest:** It is Staff's opinion that the intent of the Shoreland Zoning Ordinance as proposed in this case can be maintained. The relief in side yard setback, a larger structure (49%) is offset by the improvement in Shoreland setback. Additionally, since the area to the south of the lot will not be built upon, except potentially for a boathouse for the Mallwood Estates Improvement Association, one could consider it in a density calculation. Both lots, the Applicant's and Association's lot, would total 17,197 square feet. The impact is like a new residence on a legal lot.

Unfinished Business:

Henry Stockwell asked about the status of previous cases in respect to the individuals following through with timelines, conditions of approval, and permitting.

Mr. Byrnes updated the Board on several previous cases and the activity status on previously approved variances.

New Business: None at this time.

Adjournment:

Francette Hamilton made a motion to adjourn the July 15th, 2015 meeting of the BOA. JP Lengjak seconded the motion. Meeting adjourned at 7:17 p.m.

Respectively Submitted,

Kurt J. Wheeler
Acting Secretary

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