

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES**  
**February 25th, 2015**  
**COURTHOUSE CONFERENCE CENTER**  
**SECOND FLOOR, ROCK COUNTY COURTHOUSE**  
**JANESVILLE, WISCONSIN**

Chair Jones called the February 25th 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: Henry Stockwell, J.P. Lengjak, Francette Hamilton, Jo Miller, and Don Jones.

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

Citizens in attendance: Delbert Egerstaffer (Applicant).

**Adoption of Agenda:** Motion by to adopt the agenda as presented by Henry Stockwell. Seconded by Francette Hamilton, Motion approved 4-0

**Reading and Approval of the Minutes – January 28<sup>th</sup>, 2015:** Motion by Francette Hamilton to approve the minutes as presented. J.P. Lengjak seconded the motion to approve the minutes. Minutes approved 4-0.

**Reading and Approval of the Findings of Fact – January 28<sup>th</sup>, 2015:** Motion by Henry Stockwell to approve the minutes as presented. Francette Hamilton seconded the motion. Approved 4-0.

**Announcements of Decisions – January 28<sup>th</sup>, 2015:**  
Thomas Lorenzin: Read by All

**Communications:**  
Chair Jones welcomed Mr. Wheeler as the new Acting Secretary.

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

**Delbert Egerstaffer Variance Request:**

Chair Jones read the legal notice and specifics of the application. Mr. Egerstaffer described the rationale for variance request. Mr. Byrnes elaborated on the lot configurations and ordinances affecting the lots and proposed building location. Mr. Byrnes gave an overview and explanation of the physical characteristics of the property and surrounding properties. Lot setbacks, garage size options, and drainage

characteristics of the property and proposed garage were discussed. Two size options for the garage were discussed, with the applicant having a first choice (larger), and an alternate choice of a smaller garage.

Motion to approve variance using applicant's first choice (larger garage) with conditions by Henry Stockwell, seconded by Francette Hamilton. Approved 4-0.

**Unfinished Business:**

None

**New Business:**

**Nomination of Vice Chair:** Henry Stockwell nominated J.P. Lengjak. There were no other nominations. J.P. Lengjak was approved as Vice-Chair by acclamation.

**Adjournment:** Francette Hamilton made a motion to adjourn the February 25<sup>th</sup>, 2015 meeting of the BOA. Jo Miller seconded the motion. Meeting adjourned at 7:00 p.m.

Respectively Submitted,

Kurt J. Wheeler  
Acting Secretary

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

## FINDINGS OF FACT

Applicant: Delbert Egerstaffer

- **Unnecessary Hardship or Unnecessarily Burdensome:** Without granting the variances the applicant cannot complete the project. The lots in this area were platted (1920 –1930) well before Shoreland Zoning. Each 6,250 sf lot requires a variance to do any additions, as do most lot combinations of a lot and a half or two lots like this case.
- **Hardship due to Unique Property Limitations:** The 15,000 sf minimum lot size for a new publicly sewerred lot limits the reasonable use of the property (constructing a garage). The ownership of the adjoining lots (East & West) shows it is highly improbable additional land could be purchased in the future. As is the case throughout the Mallwood development. This precludes the 15,000 sf requirement. Therefore, the owner is limited to the two lot combination as the only possible scenario.
- **The Variance is not contrary to the public interest:** The intent of the Shoreland Ordinance is to regulate development adjacent to lakes, flowages, rivers and streams. The Site Plan indicates the built environment will be Shoreland code compliant impervious surface ratios.

### STAFF RECOMMENDATION

Considering all the facts, the inability to acquire additional land, the character of the neighborhood and public purpose served in enhancing esthetics of the shoreland area Staff recommends approval of these variances subject to the following conditions:

1. The lots shall be combined via a Certified Survey Map.
2. Site plan addresses stormwater runoff (mitigation plan) and visual impact to adjacent property.
3. Town of Milton reviews and approves project.