

ROCK COUNTY BOARD OF ADJUSTMENT
July 24th 2018
COURTHOUSE CONFERENCE ROOM 2nd Floor
ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN

MINUTES

Vice Chair Lengjak called the July 24th 2018 meeting of the Rock County Board of Adjustment to order at 6:00 p.m. at Courthouse Conference Center Second Floor.

Board of Adjustment members in attendance at roll call: JP Lengjak, Rich Plywacz and Michael Saunders. Quorum Present.

Development staff in attendance: Andrew Baker (Rock County Zoning Administrator) Kurt Wheeler (Planner III /Acting Secretary).

Others in attendance: Joseph Janowiak

Adoption of Agenda:

Motion by Mike Saunders to adopt the agenda, **Seconded** by Rich Plywacz. Adopted (3-0)

Reading and Approval of the Minutes --April, 2018:

Motion was made by Rich Plywacz to approve the minutes, **Seconded** by Mike Saunders.
Minutes approved. (3-0).

Reading and Approval of Findings of Fact from previous meeting:

Vice Chair Lengjak read the findings of fact from the April for the two applicants. The members voted unanimously to approve.

Announcement of Decision from Last Meeting

Vice Chair Lengjak read the decision from the last meeting to all in attendance.

Communications:

None

Reports of Committees: None

Deliberation of Cases: Joseph Janowiak

GENERAL DESCRIPTION

Description of Request: The applicant is proposing a project which requires a variance from Rock County Shoreland Overlay Zoning Ordinance Sections 4.205 related to minimum lot size and setback requirements. The property owners/applicants (Joe and Patricia Janowiak) are requesting a variance of the standard for minimum lot size in a sewer area (10,000 square feet) in order to combine an existing lot and half of a vacated way consisting of 6,000 square feet total (a variance of 4,000 square feet). The applicants are also requesting a variance of the rear yard setback standard from twenty five feet to fifteen feet (a variance of ten feet). The request is being made as the first step in the process to approve an addition to the residence on the property.

Note: The application includes reference to a variance request for the "50% Rule" limitations associated with modifying a non-conforming structure located in the Floodplain. However, those standards have been addressed with Staff and no variance is necessary based on the current plan.

Location: The property is located in part of the NW 1/4 of Section 6, Milton Township, Lot 33, Maple Beach Second Addition, Parcel 6-13-1298 and half of the vacated way just east of Lot 33.

Current Underlying Zoning and Land Use: R1 – Residential, Town of Milton. The residence is also located in the 100-year Floodplain.

Findings of Fact:

1. Unnecessary Hardship

The Board felt that strict conformity to the ordinance would not allow any lateral expansion of the residential structure beyond the existing footprint. In this case, the total required between the two side-yard setbacks of twenty feet would allow no expansion without incorporating the newly acquired portion of the vacated way into the Lot. This property was originally developed prior to the adoption of the Shoreland Zoning Ordinance, and likely any local zoning (platted in 1925). It was primarily intended for cottages or seasonal dwellings only, which is why the existing lot is relatively narrow and small. The addition of the vacated way would add 1,000 square feet to the existing 5,000 square foot lot.

The rear of this property abuts land owned by the Maple Beach Property Holders Association and cannot be developed. Therefore, the Board felt that encroaching into the rear yard setback would have less of an impact in this case as compared to a situation where there is adjacent development.

The Committee decided that the standards for minimum lot size and rear yard setbacks are unnecessarily burdensome in the case.

2. Hardship due to Unique Property Limitation

The Board's opinion was that there are limitations to this property because the lots were platted prior to the Ordinance. The relatively small overall parcel size, combined with setback requirements, limits the amount of developable area. Revisions to state law and County Ordinance in the last couple years (reducing the minimum lot size requirements from 15,000 to 10,000 square feet) make the lot area variance requested in this case more reasonable. Additionally, the fact that there is already a house on the property allows the Board to view the request differently than if it was a vacant property. As referenced above, the existing house could be completely rebuilt under current state law even though the lot is half the size of what is required for a new lot. The same consideration applies to the request for the rear yard variance for the porch addition. In other words, had the existing residence not been built into the rear yard setback prior to zoning regulations, there would be less justification that the proposed porch should also be located in the rear yard setback.

3. Protection of the Public Interest

It was the Board's opinion that the purpose and intent of the Ordinance can be met and public welfare will generally not be affected. The character of the neighborhood will not be changed as long as the other Ordinance standards are maintained. Considering all the factors involved, this request can be considered the minimum relief necessary to relieve the burdens of zoning regulations on the property.

The Board granted this variance with a vote of (3-0) with the following conditions:

1. The applicant completes the Certified Survey Map (CSM) approval process within six months of the date of the decision unless the Board approves otherwise.
2. The applicant shall maintain compliance with the Impervious Surface Limit standards of the Shoreland Zoning Ordinance.
3. Preliminary measurements based on the parcel lines and air photo indicate that the side yard setback requirements can be met (minimum of 8 feet on one side and 20 feet total between the two sides). Therefore, this approval does not include a variance of those standards. If the results of the CSM indicate that the side yard setback requirements are not met, the proposed plans must be revised or an additional variance request must be made.
4. The applicant meets the standards of the Floodplain Zoning Ordinance regarding permitting an alteration or addition to a non-conforming structure in the Floodplain.
5. The applicant obtains any and all necessary approval and/or permits from Rock County and other entities with jurisdiction (Town of Milton) within ninety days and substantially completes the project within six months of the date of the decision.

6. A Deed Restriction be placed on the parcel and recorded with the Rock County Register of Deeds stating that there will be no increase in Impervious Surfaces to this lot including paved or gravel driveways, increase in roof pitch or direction.

Unfinished Business:

None.

New Business:

None

Motion to Adjourn made by Rich Plywacz, **Seconded** by Mike Saunders.
All in Favor. **Time: 6:40 pm.**

Respectfully Submitted,
Kurt Wheeler, Acting Secretary Rock County Board of Adjustment

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