

ROCK COUNTY BOARD OF ADJUSTMENT
October 30th, 2019
COURTHOUSE CONFERENCE ROOM 2nd Floor
ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN

MINUTES

Vice Chair Lengjak called the October 30th, 2019 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, Michael Saunders. David Diestler and Chris Munz-Pritchard. Quorum Present.

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

Others in attendance: Tim Gensler; applicant, Lon Coplien, Bruce Schneider, and Greg Gensler.

Adoption of Agenda:

Motion by Mike Saunders to adopt the agenda, **Seconded** by Chris Munz-Pritchard. Adopted (4-0).

Reading and Approval of the Minutes – March 26th, 2019:

Motion was made by Dave Diestler to approve the minutes, **Seconded** by Mike Saunders. Minutes approved. (4-0).

Reading and Approval of Findings of Fact from previous meeting:

Vice Chair Lengjak read the findings of fact from the June 25th, 2019 meeting. The members voted unanimously to approve. (4-0)

Announcement of Decision from Last Meeting

Vice Chair Lengjak read the decision from the last meeting.

Communications: None

Reports of Committees: None

Deliberation of Cases: Tim Gensler

Chair Lengjak read the Legal Notice to all in attendance.

Description of Request: The property owner/applicant (Tim Gensler) is requesting a variance from the standard fifty-foot front yard setback to allow the garage to be placed effectively at the property line (which is approximately thirty-three feet from the centerline of the road). A variance of approximately fifteen feet is also required from the standard seventy-five foot setback from the Rock River (to allow the closest point of the garage to be approximately sixty feet from the River).

Public hearing was opened and the applicant Tim Gensler was sworn in and described his request for a variance. He stated that the building inspector for the Town of Janesville, issued a building permit for both the construction of the house and the garage. He thought the issuance of that permit was all that he needed for the garage. The County approved a permit for the elevation and remodeling of the house in November 2018, but the construction of the garage was specifically excluded from the permit due to the setback requirements. That exclusion on the permit was not noticed until now when he reviewed the paperwork prior to construction.

Questions and discussion followed. Two (County) photographs were viewed as Exhibit A that showed the project site. Staff informed the Board as to the history of the project to date, the site limitations and the statutory language which allows for the rebuilding of non-conforming structures within the same footprint. The applicant could have replaced the original garage on the property, though it would have been smaller than preferred. Some of the original garage area was utilized for the entry-way to the remodeled house.

Bruce Schneider, Town of Janesville Chairman, spoke to the board and stated that he was in support of the variance approval and that many lots along N. River Rd. have less than required front yard setbacks and are small in size.

Lon Coplien, Town Board member, then spoke to the Board adding that Mr. Gensler has done everything correctly so far from the Town's perspective and construction standards and was in favor of granting Mr. Gensler approval.

Discussion followed on the topography of the site, FEMA Floodway, and other safety factors of the site.

Findings of Fact:

1. Unnecessary Hardship/Unnecessarily Burdensome (Denied (4-0))

The Board felt that the limitations created by the front and rear yard setback requirements are not unnecessarily burdensome to the applicant in light of the

purpose and intent of the Ordinance and location of the property. The applicant could have rebuilt the original garage on the property without a variance, but personal preference was to have a larger, two-car, garage.

2. Hardship due to Unique Property Limitation (Affirmed 3-1)

The majority of the Board felt that there are limitations to this property because the lots were platted prior to the Ordinance, and the presence of limitations due to topography, FEMA floodplains, and a small non-conforming lot.

3. Protection of the Public Interest (Denied (4-0))

The purpose and intent of the Ordinance cannot be met and public welfare will be negatively affected due to the close proximity to the Rock River and N. River Road. A smaller garage could be built on the property based on current Ordinances and recent State Legislation regarding existing non-conforming structures.

After lengthy discussion, Dave Diestler made a **Motion** to Deny the variance request based on the Findings of Fact. **Seconded** By Mike Saunders.
All in Favor, Variance Denied (4-0).

Unfinished Business:

None

New Business:

Mr. Baker mentioned that we are still looking for additional members to join the Board of Adjustment. He also mentioned that the election of Officers may take place next meeting.

Motion to Adjourn made by Mike Saunders, **Seconded** by Chris Munz-Pritchard.
All in Favor. **Time: 7:10 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