

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES
WEDNESDAY – OCTOBER 31, 2012
COURTHOUSE CONFERENCE CENTER
SECOND FLOOR, ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN**

Chair Jones called the October 31, 2012 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, Larry Clift, Henry Stockwell, and Harry O’Leary. Jo Miller and Francette Hamilton were absent.

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

Citizens in attendance: Mr. & Mrs. Friedo Hillmann, Jeff Hillmann , John Hillmann, Mark Utzig and Al Sweeney.

Adoption of Agenda: Motion by Larry Clift to adopt the agenda as presented. Seconded by Henry Stockwell. Motion approved 4-0

Reading and Approval of the Minutes – April 25, 2012: Motion by Henry Stockwell to approve the minutes as presented. Larry Clift seconded the motion. Minutes approved 4-0.

Reading and Approval of the Findings of Fact – April 25, 2012: Henry Stockwell made a motion to recommend approval of the findings of fact for the Beaudin variance. Harry O’Leary seconded the motion. Motion approved 4-0.

Larry Clift made a motion to recommend approval of the findings of fact for the Karich variance. Henry Stockwell seconded the motion. Motion approved 4-0.

Announcements of Decisions – September 28, 2011: Chair Jones announced that the Beaudin and Karich variance requests were approved at the last meeting on a 5-0 vote.

Communications: Colin Byrnes stated that a letter has been received from the Rock County Public Works Director concerning tonight’s case and will be read into the minutes during the hearing of the case.

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

Friedo Hillmann Variance Request:

Chair Jones read into the minutes the application and the public hearing notice. The applicant would like to appeal a condition imposed by the Planning and Development Committee (P&D Committee) of a 40-foot half road right-of-way (ROW) dedication on County Road M. The applicants received preliminary approval from the P&D Committee for a Certified Survey Map (CSM) for a land division to parcel off existing farm buildings adjacent to County Trunk Road M. A variance to an existing outbuilding will also be required.

Mr. John Hillman gave testimony concerning these requests. He believes that the County is not consistent in taking these road dedications. Mr. Hillman states that there is a difference between town and county roads. He believes there is a financial hardship to his family if this dedication is granted and is requesting compensation of \$22,028 for this "taking" of the 40-foot half road right-of-way is warranted. Mr. Hillman also stated that this dedication would remove land from the county and town property tax rolls. For these reasons he is asking the Board of Adjustment to grant his family an appeal to remove this dedication requirement.

At this time Mr. Byrnes read into the minutes a letter received from Ben Coopman the Rock County Public Works Director. In his letter (Exhibit A) he emphasizes the importance of obtaining road dedication along County highways to meet traffic needs and safety requirements. County Trunk Highways serve as Collectors and ROW widths of 80' are essential.

Mr. Byrnes went on further to state that the County Comprehensive Plan states that County Road M functions as Collector Road. Also it was pointed out that there are several CSM's in the area where the 40-foot half ROW has been dedicated.

Mr. Byrnes stated that staff supports granting a variance from the front-yard setback for the agricultural building (including the awning) in order to keep the building from becoming non-conforming. During the reconstruction of County Road M it is possible the centerline of the road may have shifted closer to the building.

Jeff Hillman testified that the awning was added in the winter of 2005 the same year construction on the agricultural building began.

At this time Harry O'Leary made a motion to deny the applicants appeal of the roadway dedication as a part of the approval of the Land Division 2012 029 and to approve a variance from the front-yard setback for the existing agricultural building to include the awning. Larry Clift seconded the motion.

Motion approved 4-0.

Finding of fact to support the decision:

1. The hardship is self-imposed, as the Hillmann's have elected to enter into the land division process voluntarily. This process requires certain conditions to be met before recording of the final plat.
2. Public safety is an issue, as County Road M functions as a collector highway that needs to meet traffic needs and safety requirements.
3. The condition of the road dedication for final approval is not unique to the area as it was substantiated that there are other CSM's in the neighborhood that have 40-foot dedicated rights-of-way.

Unfinished Business:

Mr. Byrnes stated that the Ellifson CSM has not yet been finalized, which was a condition of the approval of his variance request.

New Business: None.

Adjournment: Henry Stockwell made a motion to adjourn the meeting. Larry Clift seconded the motion. Motion to adjourn the meeting approved 4-0. Meeting adjourned at 6:51 p.m.

Respectfully Submitted,

Steve Schraufnagel
Acting Secretary

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

FINDINGS OF FACT

Applicant:

Friedo Hillmann
5744 Tarrant Road
Milton, WI 53563

Nature of Case:

The applicant has submitted an application to create a 4-acre parcel that includes existing buildings along County Road M in Johnstown Township. Part of the approval is a condition of 40-foot dedication of ½ road right-of-way. The applicant is appealing that condition.

Another part of this application is a variance from the front yard setback of County Road M for the existing agricultural building.

Harry O'Leary made a motion to deny the applicants appeal of the condition of the 40-foot ½ road right-of-way and to approve the variance from the front yard setback to include the building and awning. Larry Clift seconded the motion. Motion approved 4-0.

Findings of Fact:

1. The hardship is self-imposed, as the Hillmann's have elected to enter into the land division process voluntarily. This process requires certain conditions to be met before recording of the final plat.
2. Public safety is an issue, as County Road M functions as a collector highway that needs to meet traffic needs and safety requirements.
3. The condition of the road dedication for final approval is not unique to the area as it was substantiated that there are other CSM's in the neighborhood that have 40-foot dedicated rights-of-way.