

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES  
WEDNESDAY – MAY 29, 2013  
COURTHOUSE CONFERENCE CENTER  
SECOND FLOOR, ROCK COUNTY COURTHOUSE  
JANESVILLE, WISCONSIN**

Chair Jones called the May 29, 2013 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: Chair Don Jones, Henry Stockwell, Jo Miller, and Francette Hamilton.

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

Citizens in attendance: Ruth Lindbloom and Don Wolsfeld.

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

**Reading and Approval of the Minutes – April 24, 2013:** Motion by Francette Hamilton to approve the minutes as presented. Henry Stockwell seconded the motion. Minutes approved 4-0.

**Reading and Approval of the Findings of Fact – April 24, 2013:** Henry Stockwell made a motion to recommend approval of the findings of fact for the Paul Barber variance. Francette Hamilton seconded the motion. Motion approved 4-0.

**Announcements of Decisions – April 24, 2013:** Chair Jones announced that the Barber variance request was approved at the last meeting on a 5-0 vote.

**Communications:** None at this time.

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

**Ruth Lindbloom Variance Request:**

Chair Jones read into the minutes the application and the public hearing notice. The applicant would like to construct a new addition to an existing single-family residence along the Rock River. Section 4.205(4)(A) of the Rock County Shoreland Ordinance requires all such lots be a minimum of 7,500 sq.ft. minimum lot size. The lot is 6,250 sq. ft. The existing residence is also encroaching upon the front yard setback of N. Lakeview Dr. Hence, the proposed deck and addition will also encroach upon that setback.

Mr. Don Wolsfeld spoke representing the applicant. He stated that there are a number of steps they are avoiding with this reconstruction. Mrs. Lindbloom has fallen and broke her ankle. This deck addition would eliminate 14 steps. The new addition will not block anyone's view of the lake. No neighbors appeared at the meeting.

Mr. Wolsfeld referred the Board to the pictures included in the agenda packet. Pointed out that the addition cannot be seen from the water when the foliage is present. He stated that Mallwood Association dues are \$289 per year and covers snowplowing, resurfacing of roads, etc.

Mr. Byrnes handed out an aerial to the Board to be referenced as Exhibit A. This aerial depicted the parcel lines, and addresses of the immediate neighborhood around the subject property. Mr. Byrnes has calculated that the new addition will increase the impervious surface by 325 sq. ft. This will increase the total impervious surface of the lot to 25%. That is the maximum allowed by Milton Township.

Staff recommends approval of the variance with the following conditions:

1. North lot line is delineated and side yard setback of 8 feet is confirmed.
2. A Storm water Management Plan is submitted and approved by the Agency. Plan may include construction on rain gardens or catchment basins.
3. A Shoreland Restoration Plan is submitted and approved by the Agency. Main focus will be the 35-foot vegetative buffer zone from the Ordinary High-water Mark.

At this time Henry Stockwell made a motion to approve the variances with the above-mentioned conditions. Francette Hamilton seconded the motion. Motion approved 4-0.

Findings of Fact to support the approval of the variance:

1. Hardship exists due to the lot size, setbacks, and road frontage. The structure is limited in expansion due to these factors.
2. This is a unique property limitation due to lot size of 6,250 sq.ft. Because of a 50' road right-of-way (ROW) there is no way for the applicant to obtain more area to increase the lot size to over the minimum size need to not warrant a variance.
3. The protection of the public interest is maintained as the addition is well back from the ordinary high water mark of the Lake. The residence sits below the road and is well shielded from the water.

**Unfinished Business:** Mr. Byrnes mentioned that the County Board has approved the Shoreland Ordinance update.

**New Business:** Mr. Byrnes stated that Fins in Newville has been mowing the shoreland restoration area along the shoreline. Because of new owners, Mr. Byrnes will send them a notice informing them that they are required to maintain that area as natural.

**Adjournment:** Jo Miller made a motion to adjourn the May 29, 2013 meeting of the BOA. Francette Hamilton seconded the motion. Meeting adjourned at 6:50 p.m.

Respectively Submitted,

Steve Schraufnagel  
Acting Secretary

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

## FINDINGS OF FACT

**Applicant:**

Ruth Lindbloom  
859 Carol Av.  
Elgin, Il 60123

**Nature of Case:**

The applicant would like to construct an addition and deck to her residence along Lake Koshkonong in Mallwood Estates. The lot is substandard with 6,250 sq.ft. Section 4.205(4)(A) of the Rock County Shoreland Ordinance states that the lot shall be 15,000 sq.ft. The structure is out of the floodplain and back beyond 75' from the Ordinary High Water (OHW) from the Lake.

Henry Stockwell made a motion to approve the variance with the following conditions: 1. North lot line is delineated and sideyard setback of 8 feet is confirmed. 2. A Stormwater Management Plan is submitted and approved by the Agency. Plan may include construction of rain gardens or catchment basins. 3. A Shoreland Restoration plan is submitted and approved by the Agency. Main focus will be the 35-foot vegetative buffer zone from the Ordinary Highwater Mark.

Francette Hamilton seconded the motion. Motion approved 4-0.

**Findings of Fact:**

1. Hardship exists due to the lot size, setbacks, and road frontage. The structure is limited in expansion due to these factors.

2. This is a unique property limitation due to lot size of 6,250 sq. ft. The road right-of-way does not allow the applicant to obtain more area to increase the lot size to over the minimum size needed to not warrant a variance.

3. The protection of the public interest is maintained as the addition is well back from the ordinary high water mark of the Lake. The residence sits below the road and is well shielded from the water.