

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES**  
**WEDNESDAY – APRIL 25, 2012**  
**COURTHOUSE CONFERENCE CENTER**  
**SECOND FLOOR, ROCK COUNTY COURTHOUSE**  
**JANESVILLE, WISCONSIN**

Chair Jones called the April 25, 2012 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, Larry Clift, Henry Stockwell, Francette Hamilton and Jo Miller. Harry O'Leary was absent.

Planning and Development staff in attendance: Colin Byrnes; Zoning Administrator, and Steve Schraufnagel, Acting Secretary.

Citizens in attendance: Mr. & Mrs. Deuth, Lindsay Karich, and Wes Noble.

**Adoption of Agenda:** Motion by Larry Clift to adopt the agenda as presented. Seconded by Henry Stockwell. Motion approved 5-0.

**Reading and Approval of the Minutes – October 26, 2012:** Motion by Larry Clift to approve the minutes as presented. Henry Stockwell seconded the motion. Minutes approved 5-0.

**Reading and Approval of the Findings of Fact – October 26, 2012:** Henry Stockwell made a motion to recommend approval of the findings of fact for the Archie Ellifson variance. Francette Hamilton seconded the motion. Motion approved 5-0.

**Announcements of Decisions – September 28, 2011:** Chair Jones announced that the Ellifson variance request was approved at the last meeting on a 4-0 vote.

**Communications:** There were no communications at this time.

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

**Ray and Kim Beaudin Variance Request:**

Jo Miller made a motion at this time to hear this case second as the applicants have failed to appear at the appointed time. Francette Hamilton seconded the motion. Motion approved 5-0 to delay the case until later in the meeting.

**William and Lindsay Karich Variance Request:**

Chair Jones read into the minutes the application and the public hearing notice. The applicant would like to combine two non-conforming lots into one to be used as a new building site. Section 16.34(5)(A) of the Rock County Shoreland Zoning Ordinance require that all new lots be a minimum 40,000 sq. ft.

Lindsay Karich, the owner of the property addressed the Board. She stated that she would like to combine the lots to make the property more attractive to sell as a buildable lot. She mentioned that the existing structures would be razed. The lot combination would result in a 14,970 sq. ft. lot. 25,030 sq. ft. short of the required minimum lot size.

Mr. Byrnes stated that these lots were platted in the mid 1920's as cottage type dwellings. Exhibit 1 aerial in the agenda packet depicts the immediate neighborhood pattern of development. The razing of the building and combining lots will enhance the neighborhood by making it less impervious and dense. Also no land could be purchased from adjoining landowners to increase the size of the combination because all adjoining lots are built upon.

John Deuth, a neighbor in the area questioned the reason why a CSM has to be utilized. Mr. Byrnes explained that the Rock County Land Division Regulations require a CSM in order to physically join the lots together.

At this time Henry Stockwell made a motion to approve the request for variance with the condition that the lots be combined via a CSM. Larry Clift seconded the motion. Motion approved 5-0.

The findings of fact to support the variance:

1. Without granting the variances the applicant cannot combine the lots. The lots were platted in the 1920's well before Shoreland Zoning requirements.
2. There is a hardship due to unique property limitations that are not shared by adjacent properties. The applicant is unable to acquire additional land to bring the lot up to the minimum of 40,000 square feet.
3. The variance will allow for the neighborhood to become less impervious and dense by the removal of the existing structures and replacing it with one residence.

**Ray and Kim Beaudin Variance Request:**

Jacob Beaudin, the brother of the applicant is the representative for this presentation.

Chair Jones read into the minutes the application and public hearing notice. The applicant is seeking an after the fact permit for an addition constructed on the rear of his existing house located at 1713 E. Road Four in Mallwood, Milton Township. This after the fact variance is from Section 16.34(5)(C) of the Rock County Shoreland Zoning Ordinance for an addition to an existing structure on a substandard lot.

The applicant's brother stated that the addition has been added over the existing deck and the footprint of the structure has not been altered. The addition has been made necessary because of an addition to the family.

Mr. Byrnes provided to the Board Exhibits 1-5 of photographs depicting the addition to the house. The addition was constructed without both a County Shoreland Permit and Town Building Permit.

Mr. Byrnes also submitted Exhibit 6, which is the staff report that includes a sketch as to how the setbacks should be determined. Because the lot size is substandard, the setbacks should be proportional to normal setbacks in this zoning district. Impervious surface is another issue that will be addressed in the Town Building Permit.

At this time Francette Hamilton made a motion to approve the variance with the following conditions:

1. The Applicant applies for and receives a Shoreland Building Permit in which the fees are doubled for starting work without a permit.
2. The Applicant is compliant with the Town of Milton Zoning and Building Code and documentation is received by the Planning & Development Agency.

Jo Miller seconded the motion. Motion approved 5-0.

Findings of Fact to support the granting of variance:

1. This addition is consistent with the character of the neighborhood.
2. Hardship due to unique property limitations as there is no adjoining property in which the applicant may obtain area to enlarge his lot.
3. The variance is not contrary to the public interest because of the use of proportionality for the setbacks.

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

**New Business:** Mr. Byrnes mentioned to the Board the Shoreland Regulation update is continuing and should be completed sometime later this year. These new regulations will include impervious surface provisions.

**Adjournment:** Henry Stockwell made a motion to adjourn the meeting. Larry Clift seconded the motion. Motion to adjourn the meeting approved 5-0. Meeting adjourned at 7:26 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:**

Lindsay Karich  
10380 N. Riverview Dr.  
Edgerton, WI 53534

**Nature of Case:**

The applicant would like to combine two lots into one and raze existing structure to build a new residence. The minimum lot size is 40,000 sq.ft. with private sewer. The combined lots will be 14,970 sq. ft. A variance is needed for 25,030 sq.ft. from Section 16.34(5)(A) of the Rock County Shoreland Ordinance.

Henry Stockwell made a motion to approve the variance with the following conditions: 1. The lots shall be combined via a Certified Survey Map; Larry Clift seconded the motion. Motion to approve 5-0.

**Findings of Fact:**

- 1) Without granting the variances the applicant cannot combine the lots. The lots were platted in the 1920's well before Shoreland Zoning requirements.
- 2) There is a hardship due to unique property limitations that are not shared by adjacent properties. The applicant is unable to acquire additional land to bring the lot up to the minimum of 40,000 square feet.
- 3) The variance will allow for the neighborhood to become less impervious and dense by the removal of the existing structures and replacing it with one residence.

## FINDINGS OF FACT

**Applicant:**

Ray and Kim Beaudin  
1713 E. Road Four  
Edgerton, WI 53534

**Nature of Case:**

The applicant constructed an addition to his existing residence without obtaining a permit. The lot is substandard and on public sewer. The addition did not alter the footprint as it was constructed over the existing deck. Both the Town of Milton and Rock County require building permits before work is to begin. A variance from Section 16.34(5)(C) from the Rock County Shoreland Ordinance.

Francette Hamilton made a motion to approve the variance with the following conditions: 1. Applicant applies for and receives a Shoreland Building Permit (Fees are doubled for starting work without a permit); 2. The Applicant is compliant with the Town of Milton Zoning and Building code and documentation is received by the Planning & Development Agency.

Jo Miller seconded the motion. Motion approved 5-0.

**Findings of Fact:**

1. This addition is consistent with the character of the neighborhood.
2. Hardship due to unique property limitations as there is no adjoining property in which the applicant may obtain area to enlarge his lot.
3. The variance is not contrary to the public interest because of the use of proportionality for the setbacks.