

Rock County Board of Adjustment
51 South Main Street
Janesville, WI 53545
Tel: (608) 757-5587
Fax: (608) 757-5586



ROCK COUNTY, WISCONSIN

**ROCK COUNTY BOARD OF ADJUSTMENT
WEDNESDAY – SEPTEMBER 29, 2010 6:00 P.M.
COURTHOUSE CONFERENCE CENTER, SECOND FLOOR
ROCK COUNTY COURT HOUSE
JANESVILLE, WI**

ORDER OF PRESENTATION FOR GENERAL HEARING

1. State nature of the case by the Chair.
2. Applicant presents case.
3. Questions by Board Members to applicant.
4. Zoning Administrator/Corporation Counsel rebuttal.
5. Questions by Board Members to Zoning Administrator/Corporation Counsel.
6. Statements verbal or written by interested parties.
7. Questions by Board Members to interested parties in attendance.
8. Applicants rebuttal to Zoning Administrator/Corporation Counsel and/or interested parties in attendance.
9. Zoning Administrator/Corporation Counsel rebuttal to applicant and/or interested parties in attendance.



AGENDA

- 1. Roll Call**
- 2. Adoption of the Agenda**
- 3. Reading and Approval of Minutes of Board of Adjustment meeting held July 28, 2010.**
- 4. Reading and Approval of Findings of Fact**
 - A. Jerry Brutlag**
- 5. Announcement of Decision from Last Meeting**
 - A. Jerry Brutlag**
- 6. Communications**
- 7. Reports of Committees**
- 8. Call of Cases on Agenda and Hearing of Requests for Continuance**
 - A. Michael Hart**
- 9. Hearing of Cases**
 - A. Michael Hart**
- 10. Unfinished Business**
- 11. New Business**
- 12. Adjournment**

**IF YOU DO NOT PLAN TO ATTEND THIS MEETING, PLEASE CONTACT THE
PLANNING AND DEVELOPMENT AGENCY OFFICE AT 757-5587.**



September 9, 2010

LEGAL NOTICE

Notice is hereby given that the Rock County Board of Adjustment will hear a request for an appeal to allow a structure to have an address different from that assigned by the "Official Address and Road Map, Rock County Wisconsin" is being made by property owner Michael Hart.

The property is located in the NW1/4 of the SE1/4 of Section 2, Fulton Township. More commonly known as 279 E. Hemenway Lane, Edgerton WI.

The Public Hearing will take place in the Courthouse Conference Center, second floor, east wing of the Rock County Courthouse, 51 S. Main Street, Janesville, WI at 6:00 PM on Wednesday, September 29, 2010.

Please contact the Rock County Planning & Development Agency with any questions at 608-757-5587.

Paul Benjamin
Director of Planning, Economic & Community Development

LG2010019 Hart

BOARD OF ADJUSTMENT APPLICATION

FOR OFFICE USE ONLY
Appeal No. _____ Date Hearing Advertised _____
Date _____ Fee _____

Name or Owner/Agent Michael G. Hart
Address 279 E. Hemenway Lane, Edgerton, WI 53534

Hereby appeal to the Board of Adjustment for:

- [X] Appeal relating to: change of address ordered by Rock County Communications Center.
[] A variance relating to: _____

The description of the property involved in this application is as follows:

Location/Subdivision:

Parcel No. 6-6-23.3E NW 1/4 SE 1/4 Sec. 2 Fulton Township
Lot: _____ Lot Size: 24 Acres Present Use: Newville Auto Salvage (salvage yard)

Present improvements upon land: Currently used as a salvage yard (Newville Auto Salvage)

Proposed Use: Same

Note: Those property owners within 500 feet of the subject property (when located within an urban or rural development area as shown on the County Development Plan) or within 1,000 feet of said property (when located in an agricultural area as shown on the County Development Plan) shall be notified by mail by the County.

This appeal to the Board of Adjustment from the decision of the Rock County Communications Center to allow Applicant (Michael G. Hart) to maintain current address of 279 E. State Road 59 where they have application for salvage yard business. Sec. 26.01(1)

VARIANCE of the following section of the NA Official Address & Road Map
Ordinance is requested: NA of Rock County Address Ordinance

- (a) Strict application of the regulations would produce UNDUE HARDSHIP because SEE ATTACHED.
(b) The hardship created is UNIQUE and not shared by all properties alike in the neighborhood because SEE ATTACHED.
(c) The variance would not change the CHARACTER OF THE NEIGHBORHOOD because SEE ATTACHED.

DATE FILED _____ SIGNED Michael G. Hart (Applicant or Agent)

Members of the Board of Adjustment shall base any decision in a matter coming before the Board solely on those facts established in the record during the public hearing(s) held by the Board of Adjustment, and members shall refrain from communications of any sort with any interested party regarding a matter then pending before the Board.

**Michael G. Hart Board of Adjustment Application
Attachment**

(a) Strict application of the regulations would produce UNDUE HARDSHIP because:

Applicant has maintained a salvage yard at the location for 28 years. He has always used the address of 279 E. Highway 59 for the address of the salvage yard. His home, which is also on the lot referred to above, has an address of 279 N. Sherman Road. Newville Auto Salvage is a commercial business with daily interaction with people bringing in vehicles for salvage or wanting to buy salvage parts. An address on Highway 59 makes it much easier for clients, suppliers, dealers and other patrons to find him. All of his advertising refers to Highway 59. It would create a hardship on the Applicant to require him to change the address of his business to 279 E. Hemenway Lane.

(b) The hardship created is UNIQUE and not shared by all properties alike in the neighborhood because:

This request by the Applicant is not shared by other properties alike in the neighborhood. First of all, Hemenway Lane is a short road zoned commercially. There are no residences directly on Hemenway Lane, although the address of 397 East Hemenway Lane (Kenlyn Kennels) does consist of a home removed some distance from Hemenway Lane. Other owners on Hemenway Lane consist of a few commercial businesses and some warehouses. None of the other addresses on Hemenway Lane have the daily traffic that the Applicant has at his place of business.

(c) The variance would not change the CHARACTER OF THE NEIGHBORHOOD because:
The request for the Applicant to maintain his current business of 279 E. State Road 59, if granted, would not change the character of the neighborhood.

The Applicant recognizes that the explanations given above may refer to a variance but believe that they are equally applicable to the current situation. In a nutshell, Applicant simply requests to be allowed to maintain his address of 279 E. State Road 59 for his salvage yard business. This is the address that he has used for over 20 years, and his location is known as being on Highway 59. Having to now utilize an address of 279 E. Hemenway Lane will only serve to confuse customers of your Applicant.

Rock County Address Ordinance

April 28, 1994

Prepared By: Rock County Planning &
Development Agency


(5) Powers. The Planning and Development Committee shall have all the powers necessary to administer, enforce and litigate the provisions and/or violations of this ordinance.

(6) Jurisdiction. The jurisdiction of this ordinance is applicable to all the unincorporated area located in the geographic boundaries of the County of Rock, Wisconsin, except for the geographic areas of the incorporated Cities and Villages.

(7) Amendments. The Rock County Board of Supervisors may from time to time amend the provisions of this ordinance. A public hearing shall be held on all proposed amendments by the Planning and Development Committee after giving a Class 2 legal notice. The Committee shall then review the public hearing comments and make appropriate recommendations to the County Board.

(8) NON-CONFORMING SIGNS. The lawful use of address signs which existed at the time of the enactment of this ordinance may be continued subject to the address numbers being consistent with the County address numbering system. Whenever these signs need replacement the signs and sign units shall be replaced as specified in the provisions of this ordinance.

26.01 OFFICIAL MAP



(1) Official Address and Road Map. The address numbers and road names shown on a map entitled "Official Address and Road Map, Rock County Wisconsin", (hereafter called the Map) accompanies and is made part of this Ordinance. The Map shall be regularly updated by the Committee Designee and kept on file in the Office of the Planning and Development Agency with a copy on file in the County Clerk's office. The Rock County Planning and Development Agency shall keep the original version of said map and add all new address numbers, address number changes, new road names, and road name changes as they are established. A "Master Index of Rock County Road Names" shall be an integral part of the Official Address and Road Map and shall provide a grid midpoint location for all roads on the Map.

Committee. The standing committee of the Rock County Board of Supervisors established as Planning and Development Committee under Wisconsin Statutes 59.97 that has been delegated policy supervision over this Ordinance.

Sign. The individual address or road name sign plate which is mounted on a post.

Sign Unit. One or more address or road name sign plates mounted on a post with bolts and/or brackets.

* Vanity Address. An address number bearing the letters or numbers designated by the owner or tenant of a structure which are not consistent with the address and/or road name system established in this Ordinance.

SECTION 26.10 EFFECTIVE DATE

This Ordinance shall become effective the date the adopted Ordinance is published.

(3) Town of Beloit. Address numbering in the Town of Beloit will utilize a grid system based on the City of Beloit Address System expanded into Beloit Township. The grid system will extend from the State Line as a base line and number addresses north to Town Line Road. The center of the Rock River from the State Line to Town Line Road will be the base line for addresses numbered east and west. Address numbers will originate from base lines and extend north, east and west assigning 1,000 numbers to every mile, or 100 numbers every 528 feet. Each hundred series of numbers will originate at the nearest section or quarter section line. Individual address numbers will be assigned at 30 foot intervals from the nearest hundred marks. Even numbers will be assigned to the left hand side of the road and odd numbers will be assigned to the right hand side of the road as one would go from the base lines of the system to the north and west. East of the river base line even numbers will be assigned to the right hand side and odd numbers assigned to the left as one would go from the river to the east. ~~The number shall be assigned at the intersection of the centerline of the public road (in areas that are not platted) or at the center of the front lot line (in areas that have lots).~~

(4) Cities and Villages. The cities and villages in the County will retain their current address systems with the County addresses and road names being utilized in the surrounding rural areas.

* (5) Vanity Addresses. Vanity addresses shall be prohibited unless the address number is consistent with the address system as determined by the Committee Designee.

26.05 Address Signs:

(1) GENERAL. All buildings and other locations within the unincorporated areas of Rock County, shall have an assigned address number. The assigned address number shall be posted on an address sign unit located as provided by the following specifications:

- (a) The sign shall be installed so that the plate is parallel to the roadway and not more than three feet from the road right-of-way, and not closer than five (5) feet or further than ten (10) feet from the driveway serving the building.



(2) NON-COMPLIANCE WITH ORDER. If the owner or occupant person does not comply with a written order from the Committee Designee the owner or applicant shall be subject to one or more of the following actions and/or penalties:

- (a) The issuance of a citation under the provisions of Chapter 21 - County of Rock Ordinances.
- (b) Commencement of legal action seeking a court imposed forfeiture.

(3) PENALTIES. Any person, firm or corporation who fails to comply with, or violates, the provisions of the Ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500 and the costs of prosecution for each violation. Said person, firm or corporation shall also be responsible for all damages including sign replacement. Each day a violation exists or continues shall constitute a separate offense.

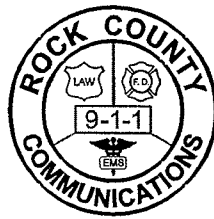
26.08 EFFECT ON OTHER ORDINANCES:

- (1) Should any section or provision of this Ordinance be declared unconstitutional, invalid or repealed, the constitutionality or validity of the remainder of the Ordinance shall not be affected.
- (2) Provisions of other Rock County Ordinances inconsistent herewith are hereby repealed and superseded.
- (3) This Ordinance shall take effect upon passage by the Rock County Board of Supervisors and publication.

26.09 DEFINITIONS:

Agency. Includes the Planning and Development Committee and the Planning and Development Department Staff authorized to act in all matters pertaining to this Ordinance and other planning and development activities as provided in Wisconsin Statutes 59.97 (2).

Committee Designee. Director of the Planning and Development Agency (or his/her designee) delegated the authority and responsibility to administer and enforce these regulations or, to perform a specific function in association with this Ordinance.



July 7, 2010

Michael Hart
279 N. Sherman Rd.
Edgerton, WI 53534

Parcel No. 6-6-23.3E

Dear Mr. Hart:

It has come to our attention that the address of the property you own at the above parcel (279 N. Sherman Rd.) is incorrect. The property is accessed off of E. Hemenway La.; therefore, the correct address is:

279 E. Hemenway La.

The red address sign in front of the property already reads 279, so you will only need to change the street name portion of your address.

By copy of this letter we will be notifying the Edgerton Post Office of this change. Please notify your telephone company of this corrected address.

Your cooperation is sincerely appreciated. This change will enhance emergency service responses to your residence and business should the need arise. Please contact me if you have any questions.

Sincerely,

Kris Pehl
Geo Application Specialist

cc: Steve Schraufnagel, Rock County Planning
Evan Sayre, Town of Fulton Chair
Commander Troy Knudson, Rock County Sheriff's Department
Michelle Schultz, Real Property Lister
Chief Ryan Beckwith, Edgerton Fire Department
Edgerton Post Office



July 29, 2010

Michael Hart
279 N. Sherman Rd.
Edgerton, WI 53534

Parcel No. 6-6-23.3E

Dear Mr. Hart:

Since your residence and your business are located on the same parcel, it is necessary to use two separate addresses. Therefore, per our telephone conversation, your residence (which is to the west of your business) will now be addressed **279 E. Sherman Rd.** since driveway access is off of E. Sherman Rd. The address for your business, Newville Auto Salvage, will continue to be 279 E. Hemenway La. per my letter to you dated July 7, 2010.

As we discussed, you are able to use whatever address you would like in the yellow pages of the phone book. However, for 9-1-1 and public-safety response purposes you should be using the above addresses.

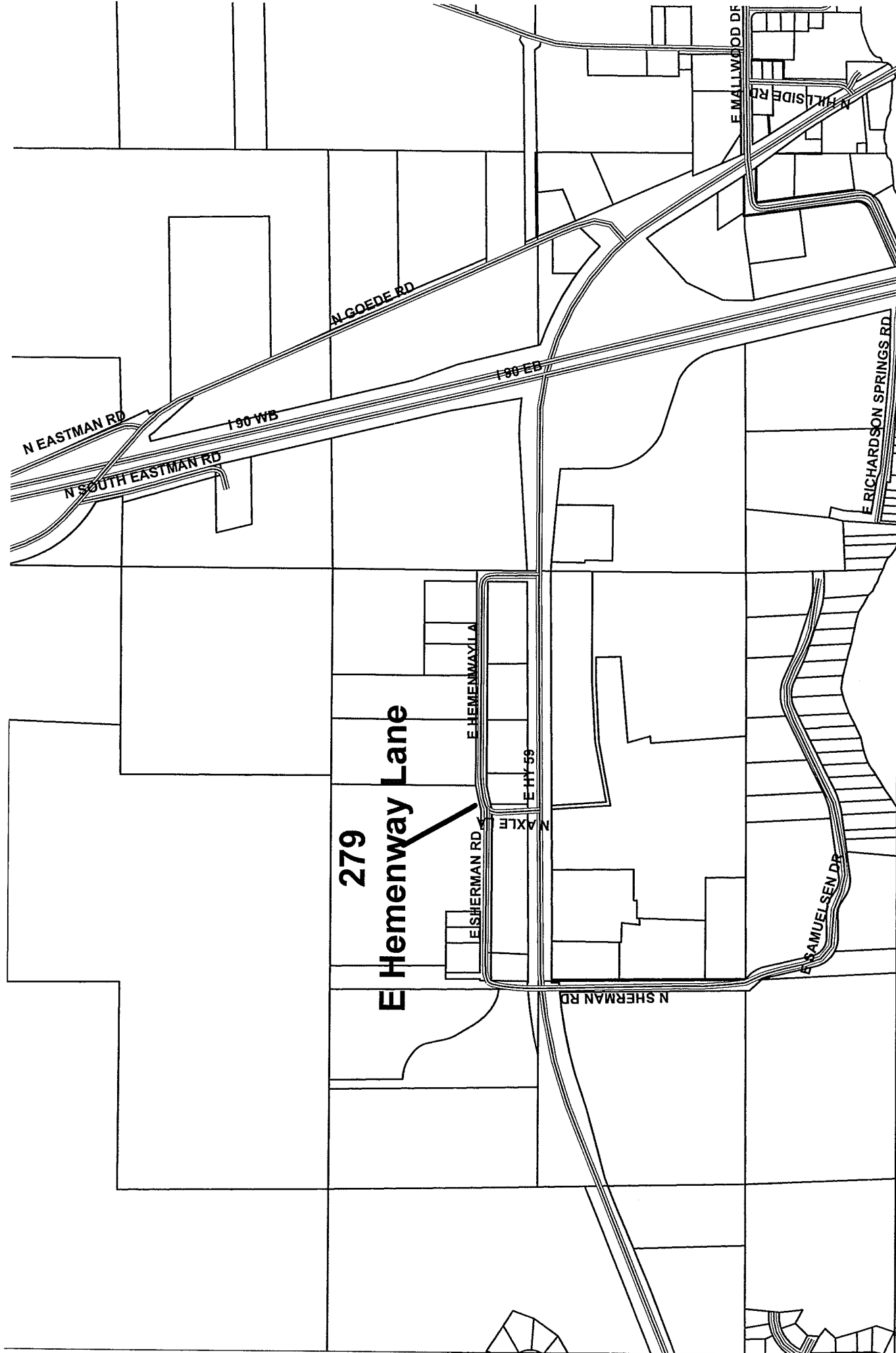
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Sincerely,

Kris Pehl
Geo Application Specialist


cc: Steve Schraufnagel, Rock County Planning
Evan Sayre, Town of Fulton Chair
Commander Troy Knudson, Rock County Sheriff's Department
Michelle Schultz, Real Property Lister
Chief Brian Demrow, Edgerton Fire Department
Edgerton Post Office



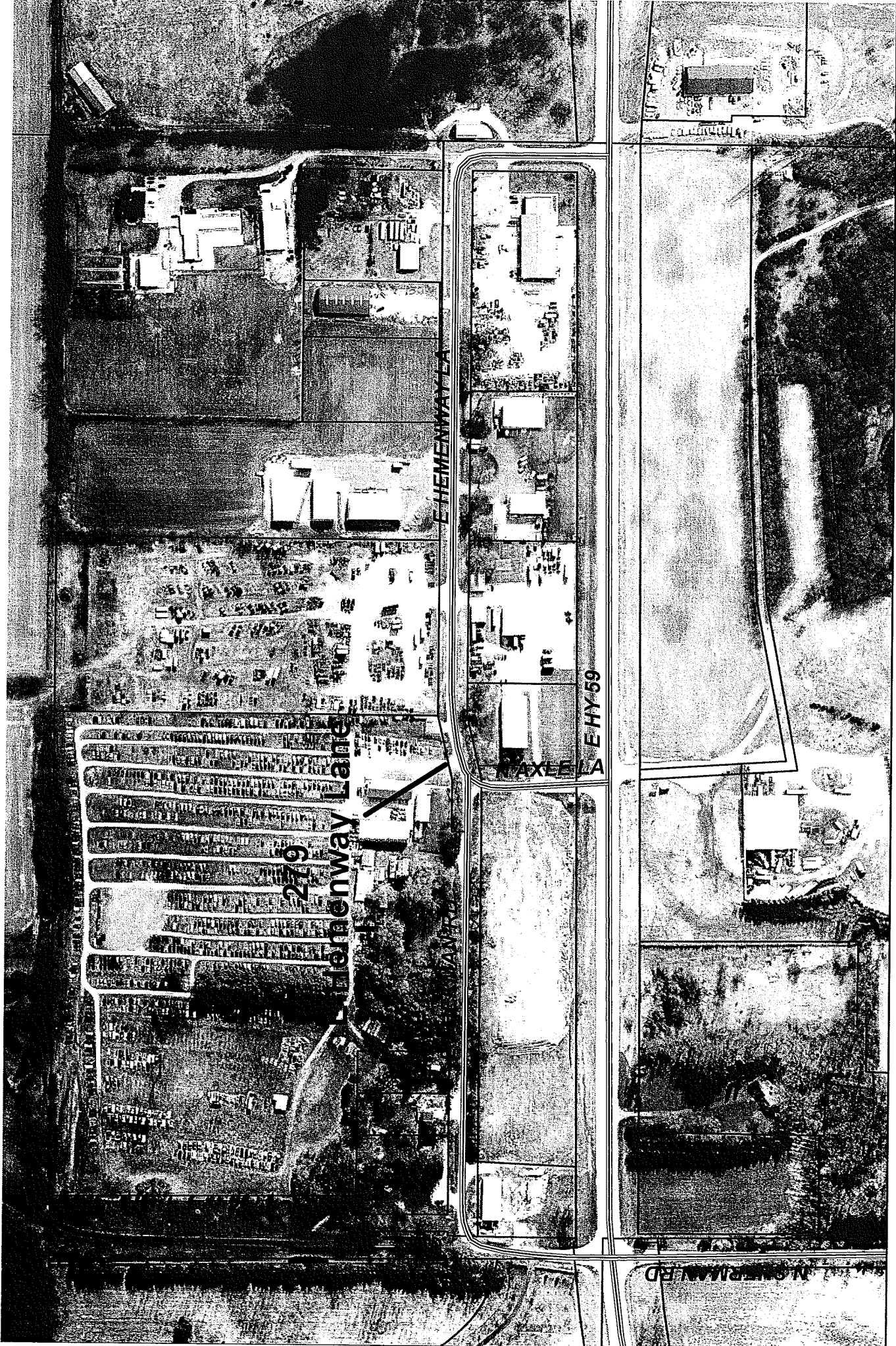
Hart BOA Case
 279 E Hemenway Lane
 Fulton Township



Legend


 Tax Parcels

1 inch = 800 feet



Hart BOA Case
279 E Hemenway Lane
Fulton Township

Legend

 Tax Parcels



1 inch = 300 feet
Airphoto: April 2008