

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES
WEDNESDAY – OCTOBER 30, 2013
COURTHOUSE CONFERENCE CENTER
SECOND FLOOR, ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN**

Chair Jones called the July 31, 2013 meeting of the Rock County Board of Adjustment to order at 6:03 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, Henry Stockwell, J.P.Lengjak, and Jo Miller. Harry O’Leary and Francette Hamilton were not in attendance.

Development staff in attendance: Colin Byrnes (Acting Planning Director/Zoning Administrator), and Adam Pritchard, Acting Secretary.

Citizens in attendance: John Vanko, Margaret Burlingham, Jill Kessenich, John Plambeck, Robert Collins, Kevin Laatsch, Colton Cornell, Ashley Hughes, Paula Carrier, Cindi Frees, Robert Forrestal, Therdeus Quibee, Antonio Mena, Nelson Zamora, Russ Hansen, Jeff Smith, and Mark Prado.

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

Reading and Approval of the Minutes – September 25, 2013: Motion by JP Lengjak to approve the minutes as presented. Jo Miller seconded the motion to approve the minutes. Minutes approved 4-0.

Reading and Approval of the Findings of Fact – September 25, 2013: No findings of fact to consider at this meeting.

Announcements of Decisions – September 25, 2013: Chair Jones announced that the Nicholas Schuette was continued to the October meeting.

Communications: None at this time.

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

Steve Shrider Continued Variance Request:

Chair Jones announced that this is a case continued from last month. The realtor has submitted documentation indicating she now represents Steve Shrider, the new owner. The applicant would like to construct a new garage on a lot that has none. Section 4.209(4) of the Rock County Shoreland Ordinance requires the impervious surface not be more than 30% coverage of the lot.

Paula Carrier (representative of the applicant) handed out to the Board a packet depicting the lot and proposal. This is to be known as Exhibit A. She also handed out a sketch depicting the makeup of the lot. This is Exhibit B. Ms. Carrier reiterated that this lot lacks a garage and is inconvenient for the homeowner.

Mr. Byrnes indicated the large excess square footage of impervious surface that this lot encompasses. The addition of the garage will only add to the excess impervious surface.

At this time Henry Stockwell made a motion to deny the variance. JP Lengjak seconded the motion. Motion to deny approved 4-0.

Findings of Fact to support the denial of the variance:

1. Unnecessary hardship does not exist because the lot can still be utilized without the convenience of the garage.
2. This is not a unique property limitation as there are other properties in the neighborhood that are also lacking garages.
3. The protection of the public interest is jeopardized because of the nearness of Lake Koshkonong and the large amount of impervious surface possibly causing contaminated runoff to flow into the lake.

John Varko Variance Request

Chair Jones read into the minutes the public hearing notice for this case. Mr. Varko is seeking three variances of the Rock County Shoreland Overlay Zoning Ordinance from Section 4.205(2)(A) (requires a minimum lot size of 15,000 sq.ft.), 4.206(1)(A) (requiring a structural setback of 75 feet from Ordinary High Water Mark) and 4.209(4) (maximum impervious surface allowed). The applicant is proposing to erect a new addition that would require combining lots, and reducing structural setback and impervious surface.

Exhibits A-E was distributed to the Board members depicting pictures of the property. Exhibit F is a depiction of the new addition.

At this time Henry Stockwell made a motion to approve the variance. JP Lengjak seconded the motion. Motion approved 4-0 with the following conditions.

1. Certified Survey required creating the new lot.
2. No new impervious surface and mitigation of the existing impervious surface.
3. Work with staff on the construction plans for new addition.

Findings of Fact to support the approval of the variances:

1. The protection of the public interest will be maintained as the impervious surface will not increase with the construction of this addition.

2. There is a hardship due to unique property limitations because the applicant is unable to acquire additional land to bring the lot up to the minimum of 15,000 sq. ft.
3. This addition is consistent with the character of the neighborhood.

Michael Rudd Variance Request

Chair Jones read into the minutes the public hearing notice for this case. The applicant is seeking variances from the Rock County Shoreland Overlay Zoning Ordinance Section 4.205(2)(A) (requires a minimum 15,000 sq.ft. lot size) and Section 4.206(1)(A) (requiring a structural setback of 75 feet from OHWM). The proposed project is located at 11617 N. Lake St. in Milton Township.

Russell Hansen agent from Shorewest Realtors described the project. A plat of survey sketch was distributed. To be known as Exhibit A. Danny Thomas and Jeff Smith from JS Construction are acting as agents for the applicant.

Jill Kessenich from Bungelow Pros Design provided a presentation on the new construction and landscaping. She introduced the Shoreland Mitigation plan for the site. The plan will include a rain garden, shoreland buffer zone and partially pervious paver blocks.

A neighbor to the north of this site, Robert Collins, expressed his concern about the vegetation being planted near his south property line. He is okay with the overall proposal of the construction project.

At this time Jo Miller made a motion to approve the variances with conditions. Henry Stockwell seconded the motion to approve with conditions. Motion adopted 4-0 with the following conditions:

1. Lots combined via Certified Survey Map before construction begins.
2. Needs to go through normal building permit process.

Findings of Fact to support the variance approval:

1. The protection of the public interest will be enhanced because of the mitigation plan the applicant will incorporate.
2. This is a hardship as the applicant is unable to obtain additional land to add to his property to meet the 15,000 sq. ft. minimum lot size.

John Plambeck Variance Request

Chair Jones read into the minutes the public hearing notice. The applicant is seeking a variance to Section 4.521(2) of the Rock County Access Control Regulations. This Ordinance requires that all new driveways are required to be a minimum of 600 feet apart from an existing driveway.

Mr. Plambeck addressed the Board concerning his variance request. His reasoning for the variance is the ditch/bank is very steep and a fiber optic cable is buried in the area making it difficult to construct conventional driveway. He handed out a plat of the lots he owns. Will be labeled as Exhibit A.

A neighbor spoke against the proposed location of the driveway believing it was near his driveway. He was informed that the proposed driveway is in fact south of his property.

At this time Henry Stockwell made a motion to deny the variance request. Jo Miller seconded the motion to deny. Motion to deny approved 4-0.

Finding of Fact to support denial:

1. The protection of the public interest will not be maintained as the proposed driveway will be less than the regulations allow.
2. There is no hardship as the applicant has more than enough area to install a driveway within the ordinance standards.

Unfinished Business: It was mentioned that Francette Hamilton has recently had knee surgery.

New Business: None at this time.

Adjournment: Henry Stockwell made a motion to adjourn the October 30, 2013 meeting of the BOA. JP Lengjak seconded the motion. Meeting adjourned at 8:45 p.m.

Respectively Submitted,

Adam Pritchard
Acting Secretary

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