

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES
WEDNESDAY – OCTOBER 26, 2011
COURTHOUSE CONFERENCE CENTER
SECOND FLOOR, ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN**

Chair Jones called the October 26, 2011 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 Jo Miller.

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

Citizens in attendance: Mr. & Mrs. Ellifson.

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 – September 28, 2011: 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 – September 28, 2011: Jo Miller made a motion to recommend approval of the findings of fact for the Diane Campton variance. Larry Clift seconded the motion. Motion approved 4-0.

Announcements of Decisions – September 28, 2011: Chair Jones announced that the Campton variance request was denied at the last meeting on a 3-2 vote.

Communications: There were no communications at this time.

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

Archie Ellifson Variance Request:

Chair Jones read into the minutes the legal notice announcing the meeting. The Ellifson's are seeking a variance from Section 16.34(5) (G) of the Rock County Shoreland Regulations that state that the minimum lot size for new sewerred lots is 12,000 square feet. The applicant proposes to combine one and a half existing lots into one lot of approximately 9,375 square feet.

Mr. Archie Ellifson is acting as agent for his father who resides at the residence and would like to add a 3-season porch onto to the existing structure. There is no area in

which to add more square footage from adjoining lots to reach the 12,000 square foot minimum lot size.

Mr. Byrnes proceeded to give the staff report. He handed out an aerial map depicting the neighborhood. This was termed Exhibit A. The map illustrates the number of substandard lots existing in the area. Mr. Byrnes explained that three variances will be required and the proposed addition has already been started without a permit.

The Mallwood Association levies a tax in order to maintain these private roads. The Ellifson's have owned this property for over 60-years.

Mr. Byrnes handed out a preliminary land division of the two lots combined. This is termed Exhibit B. Mr. Byrnes referenced the Town of Milton Zoning Ordinance that limits the amount of imperious surface on all lots. It appears that this addition will not exceed the Town's limit for imperious surface.

Mr. Byrnes stated that the drainage should be diverted to the rear of the lot to avoid stormwater running onto adjoining properties. Mr. Ellifson pointed out that the driveway between his property and the property to the west has been built up to prevent that problem. The stormwater should remain on the property.

At this time a motion was made by Larry Clift to approve the three variances with conditions. Henry Stockwell seconded the motion. The three variances are:

- 1) Minimum lot size – 12,000sq. ft. to 9,375 sq. ft.,
- 2) Front yard setback 60 feet to 58 feet, and
- 3) Minimum frontage on public road 80 ft. to 75 ft.

The conditions are:

- 1) The lots shall be combined via a Certified Survey Map.
- 2) Variances are for the project as shown only.
- 3) Site plan addresses stormwater runoff.
- 4) Town of Milton reviews and approves project.

The motion to approve the variances was approved 4-0.

The findings of fact to approve the variances are:

1. Without granting the variances the applicant cannot complete the project. The lots were platted in the 1930'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 his lot up to the minimum of 12,000 square feet. These lots were originally platted as 6,250 sq. ft.

3. The variance is not contrary to the public interest. This property, although in the shoreland district, does not front on the water. Any stormwater flow will remain on the property and eventually soak in.

Unfinished Business: Mr. Byrnes distributed a handout to the Board that addresses impervious surfaces. Standards for impervious surfaces are to be addressed in the new update of the Shoreland Regulations coming in 2012.

New Business: There was no new business at this time.

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 7:02 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:

Archie Ellifson
1720 E. Road One
Edgerton, WI 53534

Nature of Case:

The applicant would like to add a 3-season porch to the front of his existing structure. The addition has been constructed without a permit. The applicant is seeking three variances. Section 16.34 (5)(G) of the Rock County Shoreland Ordinance state that lot combinations of all existing substandard lots must be 12,000 square feet. The applicant proposes to combine two lots that total 9,375 square feet.

The front yard setback is 60 feet in this zoning district. The porch is 58 feet set back from the road. Lastly, the minimum frontage on a public street is 80 feet. This lot fronts for 75 feet.

Larry Clift made a motion to approve the variances with the following conditions: 1. The lots shall be combined via a Certified Survey Map; 2. Variances are for the project as shown only; 3. Site plan addresses stormwater runoff; and 4. Town of Milton reviews and approves project. Henry Stockwell seconded the motion. Motion to approve 4-0.

Findings of Fact:

1. Without granting the variances the applicant cannot complete the project. The lots were platted in the 1930'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 his lot up to the minimum of 12,000 square feet. These lots were originally platted as 6,250 sq. ft.
3. The variance is not contrary to the public interest. This property, although in the shoreland district, does not front on the water. Any stormwater flow will remain on the property and eventually soak in.