

**ROCK COUNTY BOARD OF ADJUSTMENT  
MARCH 28th, 2017  
COURTHOUSE CONFERENCE CENTER  
SECOND FLOOR, ROCK COUNTY COURTHOUSE  
JANESVILLE, WISCONSIN**

**MINUTES**

Chair Jones called the March 28th, 2017 meeting of the Rock County Board of Adjustment to order at 6:00 p.m. at Courthouse Conference Center

Board of Adjustment members in attendance at roll call: Mike Saunders, Richard Plywacz, JP Lengjak, Jo Miller and Chairman Don Jones. Harry O'Leary was excused.

Development staff in attendance: Andrew Baker (Senior Planner/Zoning Administrator), and Kurt Wheeler (Planner III /Acting Secretary).

Others in attendance: Katherine Wintlend, Linda Fewell, David McGrath

**Adoption of Agenda:**

Item 8b was removed from the agenda based on written request from the applicants, John and Jennifer Bailey. **Motion** by JP Lengjak to adopt the amended agenda, **Seconded** by Jo Miller. Adopted (5-0)

**Reading and Approval of the Minutes –February 22, 2017:**

**Motion** was made by JP Lengjak to adopt minutes, **Seconded** by Rich Plywacz. Minutes approved. (5-0).

**Reading and Approval of Findings of Fact from previous meeting:**

Chair Jones read the findings of fact from the previous February 22, 2017 meeting. **Motion** by Mike Saunders to approve the findings of fact from last meeting, **Seconded** by Rich Plywacz. The members voted unanimously to approve.

**Announcement of Decision from Last Meeting**

Chair Jones read the decisions from the last meeting to all.

**Communications:**

None.

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

**Deliberation of Cases:**

a. Katherine Wintlend

Legal notice for the evenings meeting was read by Chair Jones.

Katherine Wintlend was sworn in and described her project to the Board. Discussion followed. Ms. Wintlend stated that she revised her plans for the project based on feedback from the Board during her previous request.

**Motion** made by Jo Miller to approve based on findings and conditions as recommended by Staff in the Staff report. **Seconded** by JP Lengjak.

**Roll Call Vote on Findings of Fact:**

Approved (5-0) with the following conditions:

1. The applicant obtains any and all necessary approval and/or permits from other entities with jurisdiction including the Town of Milton within ninety days and substantially completes the project within six months of the date of the decision unless the Board approves otherwise.

**Findings of FACT**

**1. Unnecessary Hardship**

Strict conformity to the ordinance would prohibit the building of the garage on this parcel due to the combination of the Shoreland setback and the front yard setback requirement along with the placement of the existing house on the uniquely shaped parcel. This property was originally developed prior to the adoption of the Shoreland Zoning Ordinance on two plus lots of a subdivision. The lots were combined into one CSM lot in July 2014 to make the property more conforming as a whole. This was the applicant's third application for improvements on this property. For this meeting, the applicant modified the improvement plans on the advice from staff. After discussion with the board and staff the applicant was able to provide information as to why denial of the variance would be unnecessarily burdensome in this case.

**2. Unique Property Limitation**

The Board unanimously agreed that there are limitations to this property because the lot was first developed prior to the Ordinance. The parcel shape and the combination of the road and shoreland setback requirements do limit the amount of developable area. As noted during the prior case on for this property, the proposed garage location is on a relatively level portion of the property. Placing the garage at a greater distance from the front lot line would require that it be built in a slope that is approximately 10%. This is not

necessary “steep” relative to other areas, but building this area would generate more land disturbance and likely require fill to level the garage foundation.

**3. Protection of the Public Interest**

It was the Board’s opinion that the purpose and intent of the Ordinance will be met and public welfare will generally not be affected with the less than standard setback from the road. Doing so will allow the garage to be built at the standard setback from the shoreline. Also, designing the orientation of the garage to allow for ingress and egress without backing directly onto the road will improve overall safety of the site. The character of the neighborhood will not be changed as long as the other Ordinance standards are maintained because there are many properties developed closer to the road than the current standard. In terms of the general purpose and intent of the Shoreland Zoning Ordinance, the Board was of the opinion that the revised plan meets the “minimum relief necessary” test.

**Unfinished Business:**

None

**New Business:**

The topic of applicant contact prior to meetings was discussed by staff and the Board.

**Motion** to Adjourn made by Mike Saunders, **Seconded** by Rich Plywatz.  
All in Favor. **Time: 6:40 pm.**

**Respectfully Submitted, by Kurt Wheeler, Acting Secretary**

**These Minutes are not official until approved by The Rock County Board of Adjustment**