

ROCK COUNTY BOARD OF ADJUSTMENT
May 24, 2017
COURTHOUSE CONFERENCE CENTER
SECOND FLOOR, ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN

MINUTES

Vice Chair Lengjak called the May 24th, 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: JP Lengjak, Jo Miller and Rich Plywacz. Don Jones and Harry O'Leary were absent.

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

Others in attendance: Theoni Leventis

Adoption of Agenda:

Motion by Jo Miller to adopt the amended agenda, **Seconded** by Rich Plywacz. Adopted (3-0)

Reading and Approval of the Minutes –April 26, 2017:

Motion was made by Rich Plywacz to approve the minutes, **Seconded** by Jo Miller. Minutes approved. (3-0).

Reading and Approval of Findings of Fact from previous meeting:

Vice Chair Lengjak read the findings of fact from the previous April 26, 2017 meeting. **Motion** by Rich Plywacz to approve the findings of fact from last meeting, **Seconded** by Jo Miller. The members voted unanimously to approve.

Announcement of Decision from Last Meeting

Vice Chair Lengjak read the decisions from the last meeting to all.

Communications:

None.

Reports of Committees: Mr. Baker explained the process of filling Board of Adjustment members as terms expire to the Board.

Deliberation of Cases:

a. Theoni Leventis

Ms. Leventis' application was read to the Board, and Vice Chair Lengjak swore in Ms. Leventis. Ms. Leventis is requesting an after-the-fact variance to allow the construction of a deck the property to be completed. The deck extends ten feet from the house to within 55 feet of the Rock River and the setback required is 75 feet.

Ms. Leventis described the history of the structure, patios and retaining walls on site and events leading up to the construction of the deck project at the site. A previous owner constructed a series of retaining walls and other structures down the slope to the river, which are now falling apart. This includes the steps leading from the house to the patio adjacent the house. By constructing the deck she is attempting to address safety concerns walking out of the house and intends to address the old patios and retaining wall structures one step at a time down the slope

After lengthy discussion from Board members, and viewing photos of the project as presented in the agenda packet (page 19) a Motion to Approve the deck addition based on the revised plan siting a 2 foot reduction in depth (page 19 of agenda packet) and to give Planning Staff the discretion to apply fees and penalties as appropriate was made by Rich Plywacz, Seconded by Lengjak. Discussion in support of the motion included that the deck was being placed over an existing patio, it was not the closest structure to the water in the neighborhood, the variance request was only approximately a 27% reduction of the standards and the structure is high above the elevation of the River therefore not as much of an impact to the environment as a lot located at grade. In addition the Planning Dept. received no letters of rebuttal from the public notice mailed out to the neighborhood land owners.

The vote to approve was unanimous (3-0). Variance Granted with conditions.

Findings of Fact:

1. Unnecessary Hardship

In this particular case, the Board felt that the applicant was able to meet the unnecessary hardship standard. The Board felt the limitations created by the setback requirements are unnecessarily burdensome to the applicant based on the physical conditions of the parcel.

2. Hardship due to Unique Property Limitation

The Board felt that there was a Unique Property Limitation to this property based on slope and previous landscaping issues.

3. Protection of the Public Interest

It was the Board's opinion that the purpose and intent of the Shoreland Zoning Ordinance would not be undermined based on the revised proposal and approval of the variance with conditions.

Conditions:

- Two foot reduction in depth of deck.
- Future vegetative planting and screening of deck towards the waterside of the project.
- Planning and development Staff to assess fees and penalties as deemed appropriate by the Zoning Administrator.

Unfinished Business:

None.

New Business:

None

Motion to Adjourn made by Jo Miller, **Seconded** by J.P. Lengjak.
All in Favor. **Time: 6:54 pm.**

Respectfully Submitted, by Kurt Wheeler, Acting Secretary

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