



**ROCK COUNTY BOARD OF ADJUSTMENT
WEDNESDAY – October 26, 2016 - 6:00 PM
COURTHOUSE CONFERENCE CENTER, SECOND FLOOR
ROCK COUNTY COURT HOUSE
JANESVILLE, WI**

AGENDA

1. Roll Call
2. Adoption of the Agenda
3. Reading and Approval of Minutes of Board of Adjustment meeting held August 31, 2016.
4. Reading and Approval of Findings of Fact from Last Meeting - None
5. Announcement of Decision from Last Meeting - None
6. Communications
7. Reports of Committees
8. Deliberation of Cases
 - a. Donald Lucke, etal (continuation of case first heard at the August 31, 2016 meeting)
 - b. Alida Anderson Rev. Trust c/o Ronald Anderson
 - c. Terry Downing and Heidi Pichotta
 - d. Wisconsin Power and Light (easement owner) on behalf of DLS Land LLC (land owner)
9. Unfinished Business
10. New Business
11. Adjournment

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



ROCK COUNTY BOARD OF ADJUSTMENT
WEDNESDAY – October 26, 2016 – 6:00 PM

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.

Rock County Board of Adjustment

Standards for Evaluating Variances

The variance procedure allows the dimensional standards in an ordinance to be varied in response to unusual circumstances, which constitute unnecessary hardship. Variances are not to be granted routinely. **The applicant for a variance must clearly show the Board of Adjustment/Appeals that three statutory standards that govern the granting of a variance will be met.** These three standards require the existence of unnecessary hardship, the presence of a unique property limitation, and the protection of the public interest.

1. Unnecessary Hardship

Unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome. Board members must judge what is feasible use for a particular parcel as a whole. A variance is not warranted if the physical character of the property allows a landowner to build or develop in compliance with the zoning ordinance.

- (A) The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of the other parcels, not one that affects all parcels similarly. Hardship arises because of some unique property limitation of a parcel, or because the property was created before the passage of the zoning ordinance. If either circumstance renders the parcel unsuitable for any use permitted under the existing ordinance – if all area, yard and setback requirements are observed – the parcel may qualify for a hardship.
- (B) Loss of profit or pecuniary (financial) hardship is not and of itself grounds for a variance.
- (C) Self imposed hardship is not grounds for a variance. Reductions resulting from a sale of portions of a property that reduce the remainder below buildable size or cut off existing access to a public highway, deed restrictions imposed by the owner's predecessor in title, and improvements that were made in violation of the ordinance are generally considered to be self-imposed hardships.
- (D) The hardship cannot be one that would have existed in absence of a zoning ordinance. Sometimes, a legitimate hardship results from the interaction of the provision of the zoning ordinance with other actions or regulations adopted by public authorities.

Notes:

2. Unique Property Limitation

Unique Property Limitations where unique physical characteristics of the property, not the desires of or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. These features may be wetland, soil type, parcel shape, or a steep slope that limits the reasonable use of the property.

Notes:

3. Protection of the Public Interest

Protection of the Public Interest is where granting a variance must neither harm the public interest nor undermine the purpose of the ordinance. The Board actions should be consistent with the “Purpose” and “Intent” sections stated in this Ordinance. The public interest includes the interests of the public at large, not just that of nearby property owners. Lack of opposition does not in itself mean that a variance will not harm the public interest.

Notes:

General considerations

- (A) In granting variances the Board may impose special conditions to ensure that the public welfare is not damaged. The conditions must relate reasonably to the purpose and intent established in this ordinance.
- (B) A variance should include only the minimum relief necessary to allow reasonable use of a property.
- (C) Violations by or variances granted to neighboring owners do not justify variance.
- (D) Variances are attached to the property as a permanent right. Once a variance has been granted, it is permanently attached to the property. A new owner of the property may make use of the variance that was granted to the previous owner if all the conditions that are attached to the variance are met.



October 10, 2016

LEGAL NOTICE

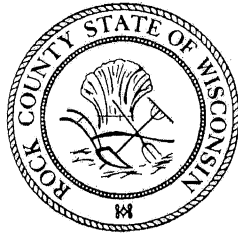
Notice is hereby given that the Rock County Board of Adjustment will hear a request for a variance of the Rock County Shoreland Overlay Zoning Ordinance Sections 4.205 and 4.206 related to setback and minimum lot size requirements. The property owners/applicants (Alida Anderson Rev. Trust, c/o Ronald Anderson) are requesting a variance of the seventy five foot Shoreland setback, the fifty foot front yard setback and the minimum lots size in an unsewered area (20,000 sq ft). The purpose of this project is to construct an attached garage addition to the current residence, which will require that two existing lots be combined into one (approximately 14,600 sq ft). The proposed addition would be located approximately ten feet from the road right of way and encroach on the Shoreland setback by approximately ten feet.

The property is located in part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Fulton Township, Lots 8 and 9, Pleasant View Park, Parcel 6-6-1079. The address for this proposed project is 8972 N Rock River Drive, Edgerton, WI. The applicant's primary address is 3702 Grand View Ct, St Charles, IL.

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, October 26th, 2016. Interested parties are encouraged to attend.

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

Andrew Baker
Senior Planner – Rock County Planning, Economic & Community Development



October 10, 2016

LEGAL NOTICE

Notice is hereby given that the Rock County Board of Adjustment will hear a request for a variance of the Rock County Shoreland Overlay Zoning Ordinance Sections 4.205 related to setback and minimum lot size requirements. The property owners/applicants (Terry Downing and Heidi Pichotta) are requesting a variance of the fifty foot front yard setback and the minimum lots size in an unsewered area (20,000 sq ft). The purpose of this project is to construct a 28 ft by 38 ft garage, which will require that two existing lots be combined into one (approximately 18,000 sq ft). The proposed garage would be located approximately twenty feet from the road right of way.

The property is located in part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16, Fulton Township, Lots 78 and 79, Arrowhead Shores Estates, Parcel 6-6-525. The address for this proposed project and the owner's address is 9223 N Arrowhead Shores, 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, October 26th, 2016. Interested parties are encouraged to attend.

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October 10, 2016

LEGAL NOTICE

Notice is hereby given that the Rock County Board of Adjustment will hear a request for a variance of the Rock County Access Control Ordinance Section 4.521 related to access spacing and frequency requirements. The applicant (Wisconsin Power and Light) is requesting a variance on behalf of the property owner (DLS Land LLC) to the required 600 foot separation distance between driveways on an access control highway. The purpose of the project is to consolidate two existing driveways into one location on the site in a location which is 125 feet from the next nearest driveway.

The property is located in part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, LaPrairie Township, Parcel 6-10-25.1. The location of this proposed project is at an existing facility just north of 1551 S County Rd J, Janesville, 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, October 26th, 2016. Interested parties are encouraged to attend.

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