

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES**  
**WEDNESDAY – APRIL 24, 2013**  
**COURTHOUSE CONFERENCE CENTER**  
**SECOND FLOOR, ROCK COUNTY COURTHOUSE**  
**JANESVILLE, WISCONSIN**

Chair Jones called the April 24, 2013 meeting of the Rock County Board of Adjustment to order at 6:00 p.m. in the Courthouse Conference Center (CCC), 2<sup>ND</sup> Floor, Rock County Courthouse. Board of Adjustment members in attendance at roll call: Chair Don Jones, Henry Stockwell, Jo Miller, Francette Hamilton and Harry O’Leary.

Development staff in attendance: Colin Byrnes; Zoning Administrator, Paul Benjamin (Planning Director) and Steve Schraufnagel, Acting Secretary.

Citizens in attendance: Mr. & Mrs. Paul Barber.

**Adoption of Agenda:** Motion by Henry Stockwell to adopt the agenda as presented. Seconded by Francette Hamilton. Motion approved 5-0

**Reading and Approval of the Minutes – March 27, 2013:** Motion by Henry Stockwell to approve the minutes as presented. Francette Hamilton seconded the motion. Minutes approved 5-0.

**Reading and Approval of the Findings of Fact – March 27, 2013:** Henry Stockwell made a motion to recommend approval of the findings of fact for the Greg Neubauer variance. Francette Hamilton seconded the motion. Motion approved 5-0.

**Announcements of Decisions – March 27, 2013:** Chair Jones announced that the Neubauer variance request was approved at the last meeting on a 4-0 vote.

**Communications:** Colin Byrnes stated that he has spoken to the surveyor for Neubauer about doing a 1-lot survey. The conditions of approval for the variance stated that a 2-lot survey was required. Nothing has yet been submitted.

It was announced that Francette Hamilton and Henry Stockwell have both agreed to serve another 3-year term on the Board of Adjustment. The County Board will act upon these appointments at their April 25 meeting.

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

**Paul Barber Variance Request:**

Chair Jones read into the minutes the application and the public hearing notice. The applicant would like to combine two lots to create a new lot for construction of an

addition to an existing single-family residence along the Rock River. Section 16.34(5)(A) of the Rock County Shoreland Ordinance requires all new lots be 40,000sq.ft. minimum lot size. The new lot will be 18,182 sq.ft. The residence is also within 75' from the Ordinary High Water mark (OHW). Section 16.34(5)(D) addresses this setback.

Mr. Barber gave testimony concerning this request. Stated that the current house sits across the lot line that would be eliminated after the CSM is completed. Stated that the current flood level has not come close to the structure. The applicant provided floor plans and sketches depicting the location of the addition which will be on the north side of the residence and about 72-feet from the (OHW).

No neighbors were present.

Mr. Byrnes reviewed with the Board the staff's recommendation. These lots were created prior to the creation of the Shoreland Zoning Ordinance in 1982. There does not appear to be any opportunity for the applicant to purchase adjoining property in order to get closer to the 40,000 sq. ft. minimum lot size.

Mr. Byrnes submitted Exhibits A & B depicting the staked out building addition and the setback from the north lot line and the new addition. Mr. Byrnes also referred to the agenda packet that indicates a sketch of how the addition fits on the lot.

Mr. Byrnes stated that staff supports granting the variances. The character of the neighborhood will not be changed with the approval of these variances. Staff, however, is seeking to mitigate the addition by using such methods as rain gardens and/or a shoreland restoration plan that would be approved by the Planning Department. Conditions to be applied to this variance approval are:

1. The lots shall be combined via a 1-lot Certified Survey Map.
2. A mitigation plan shall be submitted and approved by the Zoning Administrator that provides for a rain garden and/or stormwater mitigation to lessen visual impacts along the Rock River.

At this time Harry O'Leary made a motion to approve the variances from Section 16.34(5)(A) and 16.34(5)(D) of the Rock County Shoreland Zoning Ordinance with the above two conditions. Henry Stockwell seconded the motion.

Motion approved 5-0.

Finding of fact to support the decision:

1. The lots in the neighborhood were platted before the Ordinance was adopted and have been built upon.
2. This is an undue hardship as the house was inadvertently built over the lot line.

3. The general appearance of the adjoining lots will remain the same as average parcel size indicates the proposed lot is not out of scale.

**Unfinished Business:**

Mr. Byrnes stated that the Shoreland Ordinance would go to the County Board for 1<sup>st</sup> reading at their May 9 meeting and for approval at the May 23 meeting. Colin Byrnes and Andrew Baker have been the primary authors of the Ordinance that is based upon a State DNR model.

**New Business:** None at this time.

**Adjournment:** Henry Stockwell made a motion to adjourn the meeting. Francette Hamilton seconded the motion. Motion to adjourn the meeting approved 5-0. Meeting adjourned at 6:45 p.m.

Respectfully Submitted,

Steve Schraufnagel  
Acting Secretary

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