

ROCK COUNTY BOARD OF ADJUSTMENT MINUTES
WEDNESDAY – APRIL 27, 2011
ROOM N1 – N2, FIFTH FLOOR
ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN

Chair Jones called the April 27, 2011 meeting of the Rock County Board of Adjustment to order at 6:00 p.m. in Room N1-N2, Fifth Floor, Rock County Courthouse. Board of Adjustment members in attendance at roll call: Chair Don Jones, Francette Hamilton, Larry Clift, Jo Miller and Henry Stockwell. Harry O’Leary was not in attendance.

Planning and Development staff in attendance: Colin Byrnes, Zoning Administrator, Cheryl Martin, Administrative Assistant, and Neale Thompson.

Citizens in attendance: Mr. and Mrs. Nevel and John Kinnett.

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

Reading and Approval of the Minutes – December 1, 2010: Henry Stockwell made a motion to approve the minutes as presented. Francette Hamilton seconded the motion. Minutes approved 5-0.

Reading and Approval of the Findings of Fact – December 1, 2010: Henry Stockwell made a motion to approve the findings as presented. Jo Miller seconded the motion. Findings approved as presented 5-0.

Announcements of Decisions – December 1, 2010: Chair Jones announced that the Ernst Storm variance was approved 4-0.

Communications: There were no communications at this time.

Reports of Committees: Colin Byrnes announced that the Rock County Land Division Regulations are in the process of being updated. Colin also announced that the office has applied for a grant to update the Rock County Shoreland Regulations. The update needs to be completed by February 2012.

James Nevel Variance Request: The applicant is seeking a variance from Section 16.34(5)(G) of the Rock County Shoreland Regulations. This section allows the combining of lots if the new minimum lot size is at least 12,000 sq. ft. If the lots were combined, the total size would be 9,374 sq. ft. A variance of 2,626 sq. ft. would be needed to allow the addition to be constructed. As a part of the variance the lots would have to be combined via Certified Survey Map.

Mr. Nevel stated that he would like to improve the house by redoing the roof, kitchen and dining room.

Exhibit A, an e-mail from Scott Barker recommending approval of the variance was submitted.

Exhibit B, an e-mail from Don Saunders expressing a concern about the number of vehicles that currently occupy the site and that the addition would cause these vehicles to be parked on the street.

Mr. Byrnes stated that the staff recommends approval of the variance with conditions.

Jo Miller asked if the Board could make a future provision for the allowance of a garage for the applicant to keep some of the vehicles from parking on the street. It was agreed that it was not an option.

At this time Henry Stockwell made a motion to approve the variance with the staff conditions of the CSM to join the lots and that the footprint of the building will not be altered. Larry Clift seconded the motion. Motion approved 5-0

The findings of fact are:

1. Unnecessary hardship would not allow the applicant to use and improve his property. He will not enlarge the current footprint of the building.
2. The property is unique because of it being landlocked and the property owner cannot add any more acreage to increase the size to meet the regulations.
3. The character of the neighborhood will not be altered, as the lot sizes are all consistent.

John Kinnett Variance Request: The applicant is seeking a variance to the 75-foot setback from the ordinary high water mark of the Rock River found in Section 16.34(5)(D)1 of the Rock County Shoreland Regulations. Mr. Kinnett has an existing deck that extends out into the 75-foot setback and is attached to his restaurant/bar along the Rock River. He would like to add an addition to replace the flood-damaged deck. He had previously received a variance on October 29, 2008 but never acted on it and it subsequently expired after 6-months.

Mr. Kinnett is proposing to enclose the deck with a roof and walls that will open up to the river side of the restaurant. The project will be done in phases with the foundation and concrete walls completed this year and the walls, roof and windows completed by around September 1, 2012. Staff will determine this ending date.

Planning staff recommends conditional approval if it meets Rock County Floodplain Ordinance standards.

Motion by Larry Clift to approve the variance as presented with the following condition. Francette Hamilton seconded the motion. Motion approved 5-0 with the following condition:

1. That the proposed addition meet the standards of Section 16.34(5)(D)(2)(b) of the Rock County Shoreland Regulations which basically states that there shall be one primary structure within 200 feet of the subject structure and that the nearest portion of the addition shall be averaged from the normal 75-foot setback to come up with the setback for the addition.

The findings of fact are as following:

Unfinished Business: Colin stated that the applicant (Storm) from the December 2010 meeting have purchased the lot and have pulled their building permit for the building addition.

Mr. Byrnes stated that he attended the Town of Fulton CUP hearing for the Kinnett approval of parking lot construction.

Staff will check on the Finn's shoreland restoration project to see how it weathered the winter season.

New Business: The terms of Chair Don Jones and Harry O'Leary expire at the end of June. Planning staff will contact them to see if they are willing serve another 3-year term.

Adjournment: Larry Clift made a motion to adjourn the meeting. Henry Stockwell seconded the motion. Motion to adjourn the meeting approved 5-0. Meeting adjourned at 7:23 p.m.

Respectfully Submitted,

Cheryl Martin
Administrative Assistant

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

FINDINGS OF FACT

Applicant:

James Nevel
11120 N. Ridge Road
Edgerton, WI 53534

Nature of Case:

Mr. Nevel is seeking a variance to Section 16.34(5)(G) of the Rock County Shoreland Regulations. This section addresses the minimum lot size for new sewerer lot in the Shoreland Zoning District. All combinations of existing substandard lots must be a minimum of 12,000 sq. ft. The applicant proposes to construct an addition to his existing structure on the existing footprint. The lots must be combined as the existing structure sits on the lot line. The combined lots are approximately 9,375 sq.ft.

Henry Stockwell made a motion to approve the variance with conditions. Larry Clift seconded the motion. Motion approved with the following conditions:

1. That the lots are combined via Certified Survey;
2. That the building footprint is not expanded and follows the submitted plans.

Findings of Fact:

1. Unnecessary hardship would not allow the applicant to use and improve his property. He will not enlarge the current footprint of the building.
2. The property is unique because of it being landlocked and cannot add more acreage to increase the size to meet the regulations.
3. The character of the neighborhood will not be altered, as the lot sizes are all consistent.

FINDINGS OF FACT

Applicant:

John Kinnett/Anchor Inn
709 E. State Road 59
Edgerton, WI 53534

Nature of Case:

The applicant is seeking a variance from Section 16.34(5)(D)1, from the Rock County Shoreland Regulations to allow an existing structure/addition nearer than 75-feet from the ordinary high-water mark to the Rock River. Mr. Kinnett would like to repair flood damage to an existing deck and alter such deck into an addition to his bar/restaurant. Mr. Kinnett received a variance in October 2008 but failed to take out the necessary permits in the required 90 days from the variance approval and within 6 months to finish the project. The applicant is proposing to complete the project in 2 phases with the deck repairs and concrete wall to be completed during 2011 and the roof, walls and windows installed and completed by September 1, 2012.

Larry Clift made a motion to grant the variance with conditions. Francette Hamilton seconded the motion.

Motion approved with the following condition:

1. That this proposed addition meets the standards of section 16.34(5)(D)(2)(b) of the Rock Shoreland Regulations which states that there shall be one primary structure within 200 feet of the subject structure and that the nearest portion of the addition shall be averaged from the normal 75-foot setback to come up with the setback for the addition.

Findings of Fact:

1. Unnecessary hardship due to the 2008 flood caused damaged to the deck and foundation. The construction of the flood-proofed basement should protect the main structure in the future.
2. The hardship is unique to other properties in the area, as the restaurant could not be expanded because of the 500-year flood.
3. The character of the neighborhood will not change, as the area is local business district that allows similar land uses.