

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES  
WEDNESDAY – SEPTEMBER 28, 2011  
COURTHOUSE CONFERENCE CENTER  
SECOND FLOOR, ROCK COUNTY COURTHOUSE  
JANESVILLE, WISCONSIN**

Chair Jones called the September 28, 2011 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, Francette Hamilton, Larry Clift, Harry O’Leary, and Henry Stockwell. Also in attendance was Jo Miller, Alternate member.

Planning and Development staff in attendance: Colin Byrnes; Zoning Administrator, and Steve Schraufnagel, Acting Secretary.

Citizens in attendance: Mrs. Diane Campton, and two contractors from Badger Pro Construction.

**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 – April 27, 2011:** Motion by Larry Clift to approve the minutes as presented. Henry Stockwell seconded the motion. Minutes approved 5-0.

**Reading and Approval of the Findings of Fact – April 27, 2011:** Henry Stockwell made a motion to recommend approval of the findings of fact for the James Nevel variance. Francette Hamilton seconded the motion. Motion approved 5-0. Francette Hamilton made a motion to recommend approval of the findings of fact for the John Kinnett/Anchor Inn variance. Larry Clift seconded the motion. Motion approved 5-0.

**Announcements of Decisions – April 27, 2011:** Chair announced that the Nevel and John Kinnett variance requests were approved at the last meeting.

**Communications:** It was mentioned that both Chair Jones and Harry O’Leary were both reappointed by the County Board in June, 2011 for another term.

**Reports of Committees:** Chair Jones asked about the status of the Rock County Land Division Regulations Update. Mr. Byrnes stated that the workshops and public hearing has been held and it will be going to County Board for approval in October or November and will go into effect on January 1, 2012.

Mr. Byrnes stated that the update of the Rock County Shoreland Regulation is still scheduled to be completed in February 2012 even though the State of Wisconsin has

extended the deadline to February 1, 2014. The Planning Agency did receive a \$5,000 grant to complete the update.

**Kenneth & Diane Campton Variance Request:**

Chair Jones read into the minutes the legal notice announcing the meeting. The Campton's are seeking a variance to Section 16.34(D) (1) of the Rock County Shoreland Regulations and Section 32.06(3)(A) of the Rock County Floodplain Ordinance. This involves the 75-foot setback and the residence is 25-feet from the ordinary high water mark at its closest to the Rock River. The proposal is to add a second-story on an existing structure within the 100-year floodfringe district. The estimated cost of the addition exceeds the 50% of fair market value, which is allowed under the ordinances. The estimated fair market value is \$73,500 and the estimated cost of the addition is \$45,000.

Mrs. Campton testified that the addition would provide her family with another bedroom for her grandson. She handed out to the Board a summary of her proposal of the addition and this document was labeled Exhibit A. It included pictures of the site. The applicant stated that she has a deed dated 1926.

Francette Hamilton asked if the footprint of the residence would change. The applicant stated that it would not. The addition is going up to create another story on the backside of the house. The applicant also stated that the 2008 flood did not reach the living area of the house.

Mr. Byrnes proceeded to give the staff report. This proposed addition would exceed the 50% rule. The existing residence is within 25-feet and also in the floodfringe of the Rock River. The applicant has the option of floodproofing the house thereby eliminating the floodfringe issue. Averaging cannot be utilized as there are no houses within the 75-foot setback, within 200-feet either side of the applicants house.

Mr. Byrnes reiterated that the applicant needs two variances.

The applicant stated that the new addition would not interfere with any neighbor's view of the river. Mr. Byrnes stated that FEMA could decertify the County if too many of these types of variances are granted. It allows structures already in the floodplain to add value and if a flood such as in 2008 occurs it would increase payouts for potential damages.

Harry O'Leary asked the approximate distance from the addition to the water. Mr. Byrnes replied that it was about 56 feet.

Chad Besley, from Badger Pro Construction explained to the Board where the addition was located.

At this time a motion was made by Harry O'Leary to approve the variance of fifty feet from the Ordinary High Water and for exceeding the 50% rule for value added to a non-conforming structure. Henry Stockwell seconded the motion.

The motion to approve the variances was denied 3-2 with Larry Clift, Don Jones and Francette Hamilton voting to deny.

The findings of fact to deny the variance are:

1. The residence is non-conforming and not flood proofed and adding value to this structure could jeopardize Rock County participating in the FEMA flood program.
2. The setback from the water at its closest is 25-feet which would have required a 50-foot variance.

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

**New Business:** Mr. Byrnes discussed the current status of the Shoreland Ordinance update.

**Adjournment:** Henry Stockwell made a motion to adjourn the meeting. Larry Clift seconded the motion. Motion to adjourn the meeting approved 5-0. Meeting adjourned at 7:10 p.m.

Respectfully Submitted,

Steve Schraufnagel  
Acting Secretary

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

## FINDINGS OF FACT

**Applicant:**

Kenneth & Diane Campton  
2908 Riverside Drive  
Beloit, WI 53511

**Nature of Case:**

The applicant is seeking two variances. One from Section 16.34 (D)(1) of the Rock County Shoreland Ordinance and one from Section 32.06(3)(A) of the Rock County Floodplain Ordinance. The Shoreland Ordinance requires a minimum setback from the ordinary high-water mark of 75-feet for all structures. The Floodplain Ordinance requires non-conforming structures not be improved more than 50%. The applicant is proposing to add a second-story costing approximately \$45,000. The fair market value is currently \$73,500. The structure is only 25-feet at its nearest point from the Rock River. The residence is non-conforming due to not being flood-proofed and being less than 75-feet from the water.

Harry O'Leary made a motion to approve both variances. Henry Stockwell seconded the motion. Motion to approve failed 3-2 with Francette Hamilton, Larry Clift and Chair Jones voting to deny.

**Findings of Fact:**

1. The residence is non-conforming and not flood proofed and adding value to this structure could jeopardize Rock County participating in the FEMA flood program.
2. The setback from the water at its closest is 25-feet which would have required a 50-foot variance.