

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES  
WEDNESDAY – JULY 29, 2009  
COURTHOUSE CONFERENCE CENTER, SECOND FLOOR  
ROCK COUNTY COURTHOUSE  
JANESVILLE, WISCONSIN**

Chair Jones called the July 29, 2009 meeting of the Rock County Board of Adjustment to order at 6:00 p.m. in the Courthouse Conference Center, Second Floor of the Rock County Courthouse. Board of Adjustment members in attendance at roll call: Larry Clift, Francette Hamilton, Henry Stockwell and Chair Don Jones. Not in attendance were Harry O'Leary and alternate Jo Miller.

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

Citizens in attendance: Roman and Joyce Szymberski, Marlene Jewell, Jackie Ruud, Jan Foreman, John Wedel, Ron Combs, and Paul and Amy Dries.

**Adoption of Agenda:** Larry Clift made a motion to approve the agenda. Henry Stockwell seconded the motion. Motion approved as presented 4-0.

**Reading and Approval of Minutes - May 27, 2009:** Henry Stockwell made a motion to approve the minutes as presented. Francette Hamilton seconded the motion. Minutes approved as presented 4-0.

**Reading and Approval of Findings of Fact - May 27, 2009:** Larry Clift made a motion to approve the findings as presented. Henry Stockwell seconded the motion. Findings approved as presented 4-0.

**Announcements of Decisions - May 27, 2009:** Chair Jones stated that the James Quinn variance was approved 5-0 with conditions.

**Communications:** Staff handed out an application form for an upcoming Board of Adjustment workshop to be held in Slinger, Wisconsin on September 24 at 6:00 p.m. Board members are to contact the Planning office if they are interested in attending.

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

**LVM Properties, LLC Variance Request:** Chair Jones read into the minutes the public notice concerning this case. LVM Properties is seeking a variance from section 16.34(5)(G) of the Rock County Shoreland Ordinance. The applicants would like to combine two substandard lots into one buildable lot of less than 12,000 sq. ft. This section of the ordinance requires that all combined substandard lots be at least 12,000 sq. ft.

Ron Combs, representing the applicants, handed out Exhibit A, which is the original plat of the site. The four lots will be combined into two lots. A residence will be constructed on the combined southern two lots while the northern combined lots have an existing structure. A

garage straddling the lots line will be removed. The north lot will be 149 sq. ft. short of the required 12,000 sq. ft.

Colin Byrnes stated that there would be new monument pins inserted at the new corners. Staff recommends approval of this variance request upon completion of a CSM. Larry Clift made a motion to approve the variance with the condition of a CSM being completed. Henry Stockwell seconded the motion. Motion approved 4-0.

Finding of Fact to support the variance: This will have no negative effects on the neighborhood, in fact, this will lessen the density by the combining of four lots into two and no drainage problems will be created due to the new construction.

**Roman and Joyce Szymberski Variance Request:** Chair Jones read into the minutes the public hearing notice and application concerning this case. The applicants are seeking to combine 12 substandard lots into one buildable lot. The applicants would like to add an addition to the existing residence. The new addition would encroach upon the front yard setback and the combined lots (32,400 sq.ft.) will not meet the minimum lot size of 40,000 sq. ft. The variance required is from section 16.34 (5) (A) of the Rock County Shoreland Zoning Ordinance.

The applicant described the reasons for the addition as being that the current house is too small and dark. He intends to blend the new addition into the character of the neighborhood and believes it will enhance the area. He also stated that the drainage would be directed to the rear of the lot into an existing swale. The existing shed will be removed to help decrease the impervious surface. The addition will be 2-stories. As of yet, they have not completed the survey to combine the lots.

Henry Stockwell inquired on whether there is a basement and the distance from Clear Lake. There is a basement and the site is approximately 700-feet from the lake.

The resident to the south of the property inquired about run-off from the site. It is estimated that there will be an increase of approximately 1,000-1,300 sq. ft. of impervious area. She is concerned about where the runoff will end up. She feels it will go directly into the lake.

Mr. Byrnes stated that staff will recommend that the driveway be sloped to the north and the additional stormwater runoff caused by the construction be mitigated on site by the use of a rain garden or other similar means to reduce off-site drainage flow.

Staff has also measured the front yard setbacks of the two adjoining properties and none of the properties meet the required setback. Rockford Avenue is a private street.

The applicant stated that they are only increasing the width of the driveway by 5-feet.

Mr. Byrnes referred the Board to the staff report. There are no adjoining properties that the applicants can add to their lot to increase it upwards toward the minimum 40,000 sq. ft. required for unsewered areas. The front yard setback of the new addition will be further back than the existing residences to the north and south of the property.

Staff recommends approval of the variance with two conditions:

1. That a CSM be completed to combine the lots;
2. That a stormwater management plan be submitted and approved by staff.

Larry Clift asked if there have been drainage problems in the area in the past. The neighbors stated that there has not been a problem.

Henry Stockwell made a motion to approve the variances with the above-mentioned conditions. Francette Hamilton seconded the motion. Variances approved 4-0.

Findings of Fact to support the variance:

1. The stormwater mitigation plan will eliminate the added runoff caused by the increased impervious surface due to the new construction.
2. The new addition will enhance the neighbor and will not encroach any closer to the front yard setback than the current residences.
3. The Certified Survey Map will combine the lots and lessen the density of the neighborhood.

**Unfinished Business:** The Fins Bar and Grill in Newville shoreland restoration has been planted with flood resistant vegetation.

**New Business:** Mr. Byrnes stated that a potential applicant has requested that a special hearing be granted, as he is not able to attend if it is held on the scheduled time of the last Wednesday of each month. Specifically, he would like to have it held on a Tuesday evening. After some discussion the Board decided not to accommodate the change as requested.

**Adjournment:** Larry Clift made a motion to adjourn the meeting. Francette Hamilton seconded the motion. Motion approved 4-0. Meeting adjourned at 7:16 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:** LVW Properties, LLC  
1701 E Road Seven  
Edgerton, WI 53534

**Nature of Case** The applicant is requesting to combine four lots in the Mallwood Subdivision into 2-lots. All of the lots are substandard. The combination will make one new lot at 12,008 sq. ft. and the other at 11,851 sq. ft. Section 16.34 (5)(G) of the Rock County Shoreland Ordinance needs to be varied to allow the northern lot combination. This section requires that all combined substandard lots must be a minimum of 12,000 sq. ft. A new residence will be constructed on the southern lot combination. The north lot has an existing residence and a garage that is straddling the lot will be removed.

Larry Clift made a motion to approve the variance with the condition that a CSM be completed and approved by the Planning Agency. Henry Stockwell seconded the motion. Variance approved 4-0.

**Findings of Fact:**

1. The variance will have no negative effects on the neighborhood; in fact, this will lessen the density by the combining of four lots into two.
2. No drainage problems will be created due to the new construction.

## FINDINGS OF FACT

**Applicant:**

Roman and Joyce Szymberski  
8950 N. Rockford Road  
Milton, WI 53563

**Nature of Case**

The applicant is proposing to construct an addition to their residence located at 8950 N. Rockford Road in Clear Lake Subdivision. They own a number of lots (12) that need to be combined in order to complete the construction. When combined the total square footage will be 32,400 sq. ft. Minimum lot size for unsewered areas is 40,000 sq. ft. The new addition will also encroach upon the front yard setback and a variance will be required from the 50-foot setback. With the increase in impervious surface, staff is concerned about increased runoff. Because of the nearness of Clear Lake, staff would like to see stormwater mitigation if the variances are granted.

Henry Stockwell made a motion to approve the variance with the following conditions: That a CSM be required to combine the lots; and a stormwater management plan be submitted and approved by the Rock County Planning staff. Francette Hamilton seconded the motion. Variance approved 4-0 with conditions.

**Findings of Fact:**

- 1) The stormwater mitigation plan will eliminate the added runoff caused by the increased impervious surface due to the new construction.
- 2) The new addition will enhance the neighbor and will not encroach any closer to the front yard setback than the current residences.
- 3) The Certified Survey Map will combine the lots and lessen the density of the neighborhood.