

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES
WEDNESDAY – AUGUST 26, 2009
COURTHOUSE CONFERENCE CENTER, SECOND FLOOR
ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN**

Chair Jones called the August 26, 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, Jo Miller and Chair Don Jones. Not in attendance was Harry O’Leary.

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

Citizens in attendance: Julie Cifuentes and Lori Williams.

Adoption of Agenda: Larry Clift made a motion to adopt the agenda as presented. Henry Stockwell seconded the motion. Motion approved 5-0.

Reading and Approval of Minutes – July 29, 2009: Francette Hamilton made a motion to approve the minutes with the change of adding the word “new” on page 2, 7th paragraph from the top of the page. It refers to the type of construction in the second line. Larry Clift seconded the motion as amended. Motion approved 5-0.

Reading and Approval of the Findings of Fact – July 29, 2009: Henry Stockwell made a motion to approve the findings as presented. Larry Clift seconded the motion. Findings approved as presented 5-0.

Announcements of Decisions – July 29, 2009: Chair Jones stated that the LVM variance request was approved and the Roman Szymberski variance request was approved with conditions.

Communications: There were no communications at this time.

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

Julie Cifuentes Variance Request: Chair Jones read from the application the nature of the variance request. Mrs. Cifuentes is seeking a variance from Section 16.34 (5)(C) of the Rock County Shoreland Ordinance. They would like to construct a breezeway between the house and garage for safety purposes. The lot is substandard in size and nonconforming because it is situated within the 75-foot setback of the lake and setback of the road.

The applicant handed out to the Board a sheet depicting the amount of impervious surface both before and after the construction of the breezeway. It also discussed the Americans with Disability Act (ADA), which, even though this Act does not cover private residences, it would certainly be in the spirit of the Act by approving this variance. This will be known as Exhibit A. The applicant's husband is disabled and her mother-in-law is 77 years old.

The applicant also handed out the colored pictures depicting the site. She stated that a surveyor would set the regional flood elevation. She stated that the garage did not flood during last years flood event. The breezeway will be flood proofed.

Colin stated that the regional flood elevation at this site is 785. The breezeway must be 2-feet above that or 787.

Mr. Byrnes passed around an aerial flown during the height of the flooding depicting this area.

The applicant stated that she has lived here 5-years and there is a basement under the house. The house sits closer than 75-feet from the lake.

Mr. Byrnes stated that this is a unique neighborhood because all the structures sit closer than 75-feet and are within the road right-of-way of N. Shore Road.

Staff is recommending approval as long as the breezeway is flood proofed.

An inlet drain will be constructed under the breezeway to drain water to the Lake that accumulates along Shore Road.

At this time Henry Stockwell made a motion to approve the variances with the conditions that the new structure be flood proofed and that the water be diverted under the new construction in order to drain to the Lake. Larry Clift seconded the motion. Variances approved 5-0.

The findings of fact to support the variances are:

1. The character of the neighborhood will not change.
2. Because of the Lake and the road setback and ADA requirements, this becomes unduly burdensome to the applicant.
3. Flood proofing of the breezeway will protect it from future flooding, and
4. The drainage will not be obstructed from flowing to the Lake.

Rock County Public Works / Parks Variance Request: Chair Jones reviewed the application concerning this variance request. The Parks Division is seeking a variance to Section 16.34 (5) (A) & (D) of the Rock County Shoreland Zoning Ordinance to allow for the placement of a restroom facility in Murwin County Park within the right-of-way of Caledonia Road.

Lori Williams, Parks Director, explained that two old pit toilets (c. 1970) would be replaced with one new structure. A path will be constructed that will lead to the parking lot for handicapped individuals.

Staff recommends approval. The structure will be out of the floodplain and back 75-feet from the Yahara River.

Lori Williams passed around a pamphlet displaying the style of toilet facility that will be constructed on the site. This will be known as Exhibit A. It will be located on the high point of this area of the park. Approximately 4-feet above the regional flood level.

At this time, Francette Hamilton made a motion to approve the variance from the right-of-way of Caledonia Road of 35 feet. Larry Clift seconded the motion. Motion approved 5-0.

The findings of fact to support the variance are:

1. This area of the park will be more aesthetically pleasing by removing 2 old restroom facilities and replacing with one new structure.
2. The new facility will be ADA compliant.

Unfinished Business: Mr. Byrnes mentioned to the Board that the Treanor case shoreland restoration has been completed.

Henry Stockwell expressed concern that a structure located immediately off shore at the Anchor Inn should be removed. Mr. Byrnes explained that the structure appears to be in the water and that would imply that the DNR would have jurisdiction.

Henry Stockwell inquired as to who regulates piers. Mr. Byrnes stated that the DNR oversees the installation of piers.

New Business: There is no new business at this time.

Adjournment: Henry Stockwell made a motion to adjourn the meeting. Francette Hamilton seconded the motion. Motion approved 5-0. Meeting adjourned at 7:23 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:

Julie A. Cifuentes
11527 N. Shore Dr.
Milton, WI 53563

Nature of Case:

The applicant is seeking a variance from Section 16.34 (5) (C) of the Rock County Shoreland Zoning Ordinance. They own a residence that is on a substandard lot that is too close to both the lake and road right-of-way. They would like to add a breezeway to connect the house with the garage. This addition would protect them during inclement weather especially during the winter. The applicant's husband is disabled and the mother-in-law is 77-years old. However, the addition adds equity to an already nonconforming structure. A variance will be required from the water setback and the road right-of-way.

Henry Stockwell made a motion to approve the variance with the conditions that the addition is flood proofed and that a method to drain the water from the road to the lake is constructed. Larry Clift seconded the motion. Variance approved 5-0.

Findings of Fact:

- 1) The character of the neighborhood will not change.
- 2) Because of the Lake and the road setback and ADA requirements, this becomes unduly burdensome to the applicant.
- 3) Flood proofing of the breezeway will protect it from future flooding.
- 4) The drainage will not be obstructed from flowing to the Lake.

FINDINGS OF FACT

Applicant:

Rock County Parks Division
3715 Newville Road
Janesville, WI 53545

Nature of Case:

The Rock County Public Works Department – Parks Division is applying for a variance to allow the construction of new restroom facilities at Murwin County Park. The new location of the restroom will be within the right-of-way of Caledonia Road. The old restrooms will be removed. The new location will be out of the floodplain and beyond 75 feet back from the normal high water mark.

Francette Hamilton made a motion to approve the variance. Larry Clift seconded the motion. Motion approved 5-0.

Findings of Fact:

- 1) This area of the park will be more aesthically pleasing by removing the 2 old existing restrooms and replacing with one new facility.
- 2) The new facility will be ADA compliant.