

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES
WEDNESDAY – JANUARY 27, 2010
COURTHOUSE CONFERENCE CENTER, SECOND FLOOR
ROCKCOUNTY COURTHOUSE
JANESVILLE, WISCONSIN**

Chair Jones called the January 27, 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: Chair Don Jones, Francette Hamilton, Henry Stockwell, Jo Miller and Harry O’Leary. Not in attendance was Larry Clift.

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

Citizens in attendance: Bernard and June Partoll.

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

Reading and Approval of the Minutes – October 28, 2009: Francette Hamilton pointed out that on page two, sixth paragraph the word “packed” should be changed to packet and in the Findings of Fact in the Osborne Case, the second to last sentence should read “The combining of the lots will help in controlling the density within this neighborhood.” Harry O’Leary made a motion to approve the minutes as amended. Henry Stockwell seconded the motion. Minutes approved as amended 5-0.

Reading and Approval on Findings of Fact – October 28, 2009: Henry Stockwell made a motion to approve the Findings for the Pope case. Francette Hamilton seconded the motion. Motion approved 5-0. Francette Hamilton made a motion to approve the Findings for the Osborne case as amended. Harry O’Leary seconded the motion. Motion approved 5-0.

Announcements of Decisions – October 28, 2009: Chair Jones announced that the Charles Pope variance was denied 5-0 and the James Osborne variance was approved 5-0.

Communications: Colin Byrnes referred the Board to Board of Adjustment Workshop being held in Madison. Henry Stockwell and Don Jones stated that they would be attending. The Planning and Development Agency will pick up the costs for this daylong workshop.

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

Partoll Variance Request: Chair Jones read into the minutes the legal notice and application as submitted by the Partoll's. The applicants would like to add a deck to the front and east side of their residence located at 3129 E. Thomas St. in Charley Bluff.

June Partoll testified as to the request. She is seeking a variance from Section 16.34(5)(C)(3) of the Rock County Shoreland Zoning Ordinance. This lot is considered to be substandard (less than 7,500 sq.ft.) and in the shoreland district on public sewer.

Mrs. Partoll testified that the cottage was totally gutted and electrical, plumbing and the roof was replaced. They are requesting the variance to allow a deck to be constructed in the front and side of the structure. Mr. Byrnes passed around 6 photos labeled Exhibits A through F taken that day depicting the structure and surrounding property. Mrs. Partoll explained the pictures to the Board. She stated that the 2008 flood did not reach the cottage.

Mr. Byrnes explained to the Board the substandard section of the ordinance and that the deck is wrapping around the cottage to access the sliding glass doors on the east side. Staff is concerned about the sideyard setback not being met. It appears from the aeriels that proposed deck will encroach upon the 8-foot sideyard setback.

Mr. Byrnes also mentioned that the Town of Milton Zoning Ordinance manages impervious surface coverage. For this residential zoning district, the maximum coverage for all buildings shall not exceed 25% of the total lot. Mr. Byrnes conservatively estimated that approximately 31% of the lot is currently covered. The proposed development will increase that coverage by another 5%.

Mrs. Partoll stated that they are utilizing the deck to cover up the existing tree stumps and accessing the sliding doors on the east side of the cottage.

Mr. Byrnes reiterated that the front portion of the deck is recommended however the side portion of the deck has possible issues with the setback and is not being recommended for a variance.

At this time Henry Stockwell made a motion to approve the wrap-around deck to not exceed the width of the existing front stoop and the width of the air conditioner on the side. Harry O'Leary seconded the motion. Motion approved 5-0.

Findings of fact to support the variance approval are:

1. A hardship exists due to the combination of circumstances concerning lot size and the date of subdivision platting (1926) and the date the Shoreland Ordinance were adopted (1982). The structure is limited in development and repairs due to these factors.
2. There is a unique property limitation in this case because this subdivision was developed in 1926 and has a number of lots in the 5,000 sq.ft. range. Although there is vacant land adjacent to this parcel, it is better suited for a neighborhood stormwater management facility (rain garden).

3. The intent of the Shoreland Zoning Ordinance can be maintained if the development is limited to what is needed or safe ingress and egress to the residential structure.
4. The wrap around deck will allow the structure to be handicapped accessible utilizing the sliding glass doors on the east side of the cottage.

Unfinished Business: Mr. Byrnes mentioned to the Board that the Osborne's have received their building permit and that staff has not heard from Charles Pope (Buckhorn) as to the removal of the wall.

Adjournment: Henry Stockwell made a motion to adjourn the meeting. Harry O'Leary seconded the motion. Motion to adjourn the meeting approved 5-0. Meeting adjourned at 7:00 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:

Bernard and June Partoll
W2541 Piper Road
Whitewater, WI 53190

Nature of Case:

The applicants are requesting a variance to allow them to construct a wrap-around deck on the front and side of the cottage they own at 3129 E. Thomas Street in Charley Bluff, Milton Township. The variance is from Section 16.34 (5) (C) (3) of the Rock County Shoreland Zoning Ordinance. The lot is approximately 5,000 square feet in area. This does not meet the minimum 7,500 square foot substandard lot size for publicly sewered lots in the shoreland. For this reason, a variance is needed for the addition of the deck. The applicants state that the deck's width will extend no further out from the cottage than the stoop. Along the east side, it will extend no further than the existing sliding doors and the width being no greater than the existing air conditioner. There is a potential issue with the amount of impervious surface that is located in the Town of Milton Zoning Ordinance. That will have to be addressed at the time of the issuance of the Town building permit for the proposed deck. The maximum amount of impervious surface allowed is 25%. The current lot has approximately 31% and will be larger if the deck is constructed.

Henry Stockwell made a motion to approve the variance from the sideyard for the deck. Harry O'Leary seconded the motion. Motion approved 5-0 to grant the variance.

Findings of Fact:

1. A hardship exists due to the combination of circumstances concerning lot size and the date of subdivision platting (1926) and the date the Shoreland Ordinance were adopted (1982). The structure is limited in development and repairs due to these factors.
2. There is a unique property limitation in this case because this subdivision was developed in 1926 and has a number of lots in the 5,000 sq.ft. range. Although there is vacant land adjacent to this parcel, it is better suited for a neighborhood stormwater management facility (rain garden).

3. The intent of the Shoreland Zoning Ordinance can be maintained if the development is limited to what is needed or safe ingress and egress to the residential structure.

4. The wrap around deck will allow the structure to be handicapped accessible utilizing the sliding glass doors on the east side of the cottage.