

ROCK COUNTY BOARD OF ADJUSTMENT MINUTES
WEDNESDAY – JULY 28, 2010
COURTHOUSE CONFERENCE CENTER, SECOND FLOOR
ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN

Chair Jones called the July 28, 2010 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, Larry Clift, Henry Stockwell, and Francette Hamilton. Not in attendance: Harry O’Leary, and Jo Miller.

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

Citizens in attendance: Jerry Brutlag.

Adoption of Agenda: Larry Clift made a motion to adopt the agenda as presented. Francette Hamilton seconded the motion. Motion approved 4-0.

Reading and Approval of the Minutes – March 31, 2010: Henry Stockwell made a motion to approve the minutes. Francette Hamilton seconded the motion. Minutes approved as presented 4-0.

Reading and Approval of the Findings of Fact – March 31, 2010: Francette Hamilton made a motion to approve the findings of fact for the Ken Lemke variance request. Henry Stockwell seconded the motion. Findings approved as presented 4-0.

Announcements of Decisions – March 31, 2010: Chair Jones announced that the Ken Lemke variance request was denied on a 3-1 vote.

Communications: Colin Brynes informed the Board that the County Board has reappointed Larry Clift, Henry Stockwell and Francette Hamilton for a 3-year term.

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

Jerry Brutlag Variance Request: Chair Jones read in to the minutes the legal notice and the application concerning the variance as requested by Mr. Brutlag. He would like to reconstruct his patio and has removed the old paver block. The applicant submitted as Exhibit A a sketch depicting his proposal to reconstruct a patio of approximately 450 square feet using porous cement. The sketch also depicts a green area between the proposed patio and the existing seawall, which will aid in filtering runoff to the lake.

Colin Brynes submitted Exhibits B-G depicting colored photos of the site. The Board studied these photos and questioned the applicant concerning his proposal. Mr. Brutlag

stated that he believes this is his living area and should be allowed to create this patio area. He also stated that the patio area is not visible from the lake.

Colin Brynes referred the Board to the staff letter found in the agenda packet. The letter addresses the shoreland regulations that apply in this case. State Statute 59.692(lv) allows the construction of open structures such as a patio but certain criteria need to be satisfied. One criterion that affects this site is the patio nearest the water needs to be a minimum of 35 feet landward from the Ordinary Highwater Mark (OHWM) and the total area of the patio shall not exceed 200 square feet. The applicant is seeking to build a 450 sq. ft. patio and that would require a 250 sq.ft. Variance. The house is only 23 feet from the OHWM.

Henry Stockwell stated that porous concrete works only if it is maintained by power washing on an annual basis. Otherwise the concrete can get plugged up with debris and fails to drain.

Colin Brynes stated that the house could be replaced if damaged by wind, fire or insect infestation only on its existing foundation.

At this time Henry Stockwell made a motion to deny the variance as requested. Larry Clift seconded the motion. The motion was approved 3-1 with Francette Hamilton voted in the negative. Variance denied.

The findings of fact to support the variance denial:

1. Hardship is self-imposed. The applicant is allowed 200 sq. ft. in which to build a patio and has more than enough area to build it and still retain an area of green space to filter runoff into the lake.
2. Public safety of lake users comes into question because the imperviousness of the patio causes direct runoff into Lake Koshkonong.
3. Porous concrete could cause future problems since annual maintenance is required to keep the concrete from plugging up.

Unfinished Business: Colin Brynes mentioned to the Board that the previous case of the Buckhorn Supper Club variance denial will be appearing on the August 12 Planning and Development Meeting for a conditional use permit to allow fill in excess of 40 cubic yards to bury instead of removing the wall. The slope of fill shall be no more than 3:1. Much discussion ensued concerning this conditional use permit application.

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

Adjournment: Francette Hamilton made a motion to adjourn the meeting. Larry Clift seconded the motion. Motion to adjourn the meeting approved 4-0. 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:

Jerry Brutlag
6402 S15000W Road
Buckingham, IL 60917

Nature of Case:

The applicant would like to reconstruct a patio of approximately 450 square feet (sq.ft.) on property he owns along Lake Koshkonong. The existing patio was in disrepair and he has removed the old pavers and would like to pour some porous concrete over approximately 450 sq. ft. He would provide for a green buffer between the patio and Lake Koshkonong of about 150 sq.ft. An area would also be allowed for access to an existing pier.

The Rock County Shoreland Ordinance allows for up to 200 sq.ft. of patio area for this lot because the structure is within the 75-foot setback and is located within the 35-foot setback of the Ordinary Highwater Mark (OHWM).

Henry Stockwell made a motion to deny the variance request. Larry Clift seconded the motion. Variance denied on a 3-1 vote with Francette Hamilton voting in the negative.

Findings of Fact:

1. The hardship is self-imposed. The applicant is allowed 200 sq. ft. in which to build a patio and has more than enough area to build it and still retain an area of green space to filter runoff into the lake.
2. Public safety of lake users comes into question because the imperviousness of the patio causes direct runoff into Lake Koshkonong.
3. Porous concrete could cause future problems since annual maintenance is required to keep the concrete from plugging up.