

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES  
WEDNESDAY – SEPTEMBER 29, 2010  
COURTHOUSE CONFERENCE CENTER, SECOND FLOOR  
ROCK COUNTY COURTHOUSE  
JANESVILLE, WISCONSIN**

Chair Jones called the September 29, 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, Francette Hamilton, and Jo Miller. Not in attendance was Harry O’Leary.

Planning and Development staff in attendance: Steve Schraufnagel, Acting Secretary.

Citizens in attendance: Wayne Udulutch, Attorney Dale Pope, Mike Hart, Deanna Hart, Kris Pehl, and David Sleeter.

**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 the Minutes – July 28, 2010:** Francette Hamilton made a motion to approve the minutes as presented. Larry Clift seconded the motion. Minutes approved 5-0.

**Reading and Approval of the Findings of Fact – July 28, 2010:** Henry Stockwell made a motion to approve the Findings of Fact as presented for the Jerry Brutlag variance request. Larry Clift seconded the motion. Findings approved as presented 5-0.

**Announcements of Decisions – July 28, 2010:** Chair Jones announced that the Jerry Brutlag variance was denied 3-1.

**Communications:** There were no communications at this time.

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

**Michael Hart Variance Request:** Chair Jones read into the minutes the legal notice announcing the appeal to the Rock County Address Ordinance. The applicant is seeking a variance to section 26.01(1) of the Rock County Address Ordinance. This section states how addresses are to be determined, specifically, the road serving the house or place of business shall be the road name utilized when determining the address.

Chair Jones also proceeded to read into the minutes the document submitted by the applicant addressing the reasons why he should be able to retain his address as 279 E. State Road 59 involving undue hardship, a unique hardship shared by all the properties in

the neighborhood and that the variance would not change the character of the neighborhood.

At this time Attorney Dale Pope, representing the Harts presented his case. Attorney Pope handed out to the Board a packet containing an aerial and address breakdown of the immediate area around the Hart's business property. This packet shall be known as Exhibit A. It contains 4 pages of a maps and listings of landowners and addresses. It shows that some business owners have addresses off of E. State Road 59 even though their driveways front on E. Hemenway Lane.

He next handed out Exhibit B that contains 8 pages of photographs depicting the neighborhood roadways and intersections. It was indicated that the Hemenway and Highway 59 intersection sign on the east side is misspelled. The Town is aware and will replace.

Steve Schraufnagel stated that staff Googled the addresses of 279 E. Hemenway Lane and 279 E. State Road 59. Google accurately placed Newville Auto Storage at the 279 E. Hemenway Lane location. However, the 279 E. State Road 59 was located a block to the south of its current location. This was entered as Exhibit C.

Staff did the same using Bing Maps. Again, Bing Maps accurately located the E. Hemenway Lane address, however this time the E. State Road 59 address was located at two locations within the City of Edgerton along with one block south of the actual site. This was entered as Exhibit D.

David Sleeter, Director of the 911 Center addressed the Board concerning the need for a consistent address system. The 911 Center has thousands of addresses they maintain and it is an ongoing problem making sure the addresses entered into the system are accurate. An incorrect address may delay response time when emergency services are trying to locate a victim.

Steve Schraufnagel stated that the County Address Ordinance was enacted in 1994. Before that time each community had their own address system and without a countywide address system in place the 911 Communication Center would not be able to accurately locate emergency callers. The ordinance provides for standards to utilize when issuing new addresses. Because the applicant is requesting an address that does not follow these standards, the Planning Department is staff recommending denial of the variance.

At this time Francette Hamilton made a motion to deny the variance. Larry Clift seconded the motion. Motion to deny approved 5-0.

The findings of fact to support the denial:

1. The safety of the public comes into question if the Address Ordinance is not followed. There are standards to determine unique addresses for all sites

within Rock County. Response times may be jeopardized if the applicant's address does not coincide with the system.

2. This is a self-imposed hardship. The applicant can abide by the ordinance and still receive his mail according to the standards of the Rock County Address Ordinance. Using a road name other than the road serving the business may cause confusion when locating the business site.

**Unfinished Business:** Henry Stockwell questioned the status of the Buckhorn Supper Club wall on Lake Koshkonong. The owner applied for a conditional use permit to bring in fill to cover a major portion of the wall. The Rock County Planning and Development Committee approved the permit. The project will be finished this fall or early next spring.

**New Business:** No new business at this time.

**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 7:25 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:** Michael Hart  
279 E Hemenway Lane  
Edgerton, WI 53534

**Nature of Case:** Mr. Hart would like to retain an address he has been using for 28 years. The variance would be to Section 26.01(1) of the Rock County Address Ordinance. This address – 279 E. State Road 59 – may have been correct back 30 years ago, but since the County Address Ordinance was enacted in 1994, the address is now determined according to where the driveway serving the residence or business enters. In this case E. Hemenway Lane now serves this business, hence the address is 279 E. Hemenway Lane. The 911 Center requires a unique address in order to accurately locate an address within the County.

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

- Findings of Fact:**
- 1) The safety of the public comes into question if the Address Ordinance is not followed. There are standards to determine unique addresses for all sites within Rock County. Response times may be jeopardized if the applicant's address does not adhere to the system.
  - 2) This is a self-imposed hardship. The applicant can abide by the ordinance and still receive his mail according to the standards of the Rock County Address Ordinance. Using a road name other than the road serving the business may cause confusion when locating the site during an emergency.