



**Rock County Board of Adjustment
Variance Request – Colin Koratko
Variance Request – Jonathan Lack
July 7th, 2026 – 6:00 P.M.**

**Rock County Health Department
Glen Oaks Conference Room # 119
440 N US HWY 14 Janesville, WI 53546**



ROCK COUNTY BOARD OF ADJUSTMENT
JULY 7, 2026 – 6:00 PM

ORDER OF PRESENTATION FOR GENERAL HEARING

1. State nature of the case by the Chair.
2. Applicant presents case.
3. Questions by Board Members to applicant.
4. Zoning Administrator/Corporation Counsel rebuttal.
5. Questions by Board Members to Zoning Administrator/Corporation Counsel.
6. Statements verbal or written by interested parties.
7. Questions by Board Members to interested parties in attendance.
8. Applicants rebuttal to Zoning Administrator/Corporation Counsel and/or interested parties in attendance.
9. Zoning Administrator/Corporation Counsel rebuttal to applicant and/or interested parties in attendance.

Attention BOA Members: *If you are unable to attend this meeting, please inform the Planning and Development Agency as soon as possible. Please also inform the Agency if a particular case or cases on the agenda may constitute a conflict of interest for you.*

Section 4.1208(3) of the Rock County Code of Ordinances (The Board of Adjustment Rules and Procedures) states, in part, that a member having a personal interest in the subject of the hearing which may affect his/her ability to act impartially shall not participate. Furthermore, any member or other person who believes a conflict exists shall bring the question to the attention of the Chair prior to commencement of the hearing. The Chair shall make the final ruling on whether a conflict exists.

BOA Members are encouraged to visit and view the site subject to an application at his/her discretion. However, as per the Rules of Evidence (4.1208(4)(F)), members shall base any decision in a matter coming before the Board solely on those facts established in the record during the public hearing and shall refrain from communications of any sort with any interested party regarding a pending case. If a site visit results in information not presented in the application or at the hearing or if communication is had prior to the hearing, members are encouraged to inform the Board so that a determination can be made as to whether the information should be considered formal evidence in the case.



ROCK COUNTY BOARD OF ADJUSTMENT

Tuesday July 7, 2026 - 6:00 PM

Rock County Public Health Department

Glen Oaks Conference Room 119

3328 N US Hwy 51

JANESVILLE, WI

AGENDA

1. Roll Call
2. Adoption of the Agenda
3. Election of Chair
4. Election of Vice Chair
5. Communications
6. Reports of Committees
7. Deliberation of Cases
 - a. Jonathan Lack (Parcels 6-6-522 and 6-6-523) Vacant Lots between 9155 and 9223 N Arrowhead Shores, WI (Lot Size and Setback Variances – Shoreland Zoning)
 - b. Colin Koratko (Parcel 6-6-535) 9317 N Arrowhead Shores, Edgerton, WI (Lot Size and Setback Variances – Shoreland Zoning)
8. Unfinished Business
9. New Business
10. Adjournment

Rock County Board of Adjustment Standards for Evaluating Variances

The variance procedure allows the dimensional standards in an ordinance to be varied in response to unusual circumstances, which constitute unnecessary hardship. Variances are not to be granted routinely. **The applicant for a variance must clearly show the Board of Adjustment/Appeals that three statutory standards that govern the granting of a variance will be met.** These three standards require the existence of unnecessary hardship, the presence of a unique property limitation, and the protection of the public interest.

1. Unnecessary Hardship

Unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome. Board members must judge what is feasible use for a particular parcel as a whole. A variance is not warranted if the physical character of the property allows a landowner to build or develop in compliance with the zoning ordinance.

- (A) The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of the other parcels, not one that affects all parcels similarly. Hardship arises because of some unique property limitation of a parcel, or because the property was created before the passage of the zoning ordinance. If either circumstance renders the parcel unsuitable for any use permitted under the existing ordinance – if all area, yard and setback requirements are observed – the parcel may qualify for a hardship.
- (B) Loss of profit or pecuniary (financial) hardship is not and of itself grounds for a variance.
- (C) Self imposed hardship is not grounds for a variance. Reductions resulting from a sale of portions of a property that reduce the remainder below buildable size or cut off existing access to a public highway, deed restrictions imposed by the owner's predecessor in title, and improvements that were made in violation of the ordinance are generally considered to be self-imposed hardships.
- (D) The hardship cannot be one that would have existed in absence of a zoning ordinance. Sometimes, a legitimate hardship results from the interaction of the provision of the zoning ordinance with other actions or regulations adopted by public authorities.

Notes:

2. Unique Property Limitation

Unique Property Limitations where unique physical characteristics of the property, not the desires of or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. These features may be wetland, soil type, parcel shape, or a steep slope that limits the reasonable use of the property.

Notes:

3. Protection of the Public Interest

Protection of the Public Interest is where granting a variance must neither harm the public interest nor undermine the purpose of the ordinance. The Board actions should be consistent with the “Purpose” and “Intent” sections stated in this Ordinance. The public interest includes the interests of the public at large, not just that of nearby property owners. Lack of opposition does not in itself mean that a variance will not harm the public interest.

Notes:

General considerations

- (A) In granting variances the Board may impose special conditions to ensure that the public welfare is not damaged. The conditions must relate reasonably to the purpose and intent established in this ordinance.
- (B) A variance should include only the minimum relief necessary to relieve zoning regulations deemed to be unnecessarily burdensome on the property.
- (C) Violations by or variances granted to neighboring owners do not justify variance.
- (D) Variances are attached to the property as a permanent right. Once a variance has been granted, it is permanently attached to the property. A new owner of the property may make use of the variance that was granted to the previous owner if all the conditions that are attached to the variance are met.



June 23, 2026

LEGAL NOTICE

Notice is hereby given that the Rock County Board of Adjustment will hear two (2) requests for variances of the Rock County Shoreland Overlay Zoning Ordinance Section 4.205 relating to minimum lot size (4.205(3)) and building setback requirements (4.205(3)(B)).

- (1) The property owner/applicant (Jonathan Lack) are requesting a variance to create a substandard lot (via lot combination) that is less than 20,000 square feet required by Rock County Shoreland Zoning Ordinance 4.205 (3) for the purpose of building a single-family home. The applicant is also requesting a variance from the standard Fifty (50) foot front yard setback for the construction of the single-family home.

The properties are platted as Lots 76 & 77 of the Arrowhead Shores Estate subdivision, located in part of the southwest quarter of section 16 of Fulton Township; parcel numbers 6-6-522 & 6-6-523. Located between addresses 9155 and 9223 N Arrowhead Shores Rd.

- (2) The property owner/applicant (Colin Koratko) are requesting a variance to create a substandard lot (via lot combination) that is less than 20,000 square feet required by Rock County Shoreland Zoning Ordinance 4.205 (3) for the purpose of building a single-family home. The applicant is also requesting a variance from the standard side-yard setback (total of 40-feet) for the construction of an addition to the existing single-family home.

The property consists of Lot 90 and the north half of Lot 89 of the Arrowhead Shores Estate subdivision, located in part of the southeast quarter of section 16 of Fulton Township; parcel 6-6-535. Address: 9317 N Arrowhead Shores Rd. – Edgerton, WI 53534.

The Public Hearing will take place at the Rock County Public Health Office's Glen Oaks Conference Room 119, 3328 N US Hwy 51 Janesville, Wisconsin 53545, on Tuesday, July 7th, 2026, at 6:00 pm. Interested parties are encouraged to attend.

Please contact the Rock County Planning & Development Agency with any questions or comments at 608-757-5587 or at planning@co.rock.wi.us.

Steve Godding
Senior Planner – Rock County Planning, Economic & Community Development

Location: Town of Fulton
Tax ID: 012 09501 & 012 09409
Parcel Number: 6-6-523 & 6-6-522
Lots 76 & 77 of Arrowhead Shores Estates



Location: Town of Fulton
Tax ID: 012 09601
Parcel Number: 6-6-535
Lots 90 & N1/2 Lot 89 of Arrowhead Shores Estates



MEMO

TO: Rock County Board of Adjustment (BOA)

FROM: Rock County Planning & Development Agency

MEETING DATE: 7/7/2026

APPLICANT: Jonathan Lack
9155 N Arrowhead Shores Rd. – Edgerton, WI 53534

GENERAL DESCRIPTION

Variance Request:

- **Minimum Lot Size (20,000 square feet)**
- **Reduced Front-yard Setback (Contingent on Approval of Substandard Lot Creation)**
 - Rock County Shoreland District Front-Yard/Road-yard Setback: 4.205(3)(B)(3) 50-foot setback for principal structure.

Location: Town of Fulton
Tax ID: 012 09501 & 012 09409
Parcel Number: 6-6-523 & 6-6-522
Lots 76 & 77 of Arrowhead Shores Estates



Description of Request:

The property owner/applicant is requesting two variances from the Rock County Code of Ordinances. First, the creation of a substandard unsewered lot and second, (based on provided proposal) a reduced front-yard/road-yard setback for the construction of a single-family home.

Current Zoning/Land Use that apply:

After examining the proposed request, the following County Ordinances should be considered in the review of this variance.

1. Shoreland Zoning & County Owned Property – 4.205**4.205 (3) Unsewered Lots**

(A) Minimum Area and Width for Each New Lot. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet with at least 100 feet of frontage at the ordinary high-water mark.

1. The width shall be calculated by averaging measurements at the following 4 locations:
 - a. The ordinary high water mark.
 - b. The building setback line.
 - c. One other location on the lot within 300 feet of the ordinary highwater mark.
 - d. The rear lot line

2. Shoreland Zoning & County Owned Property – 4.205**4.205 (3)(B) Unsewered Lot Setbacks (Applicable to New and Existing Lots)**

1. There shall be a side yard for each principal structure or building. The minimum width of one side yard shall be 15 feet. The minimum combined width of both principal side yards shall be 40 feet. There shall be a side yard of 5 feet for accessory structures excluding fences.
2. The rear yard setback for all structures shall be 25 feet.
3. The front yard setback for all structures shall be 50 feet, except as described in (C) below.

**4.205 (3)(C) is not applicable as it pertains to accessory structures.*

STAFF REVIEW COMMENTS

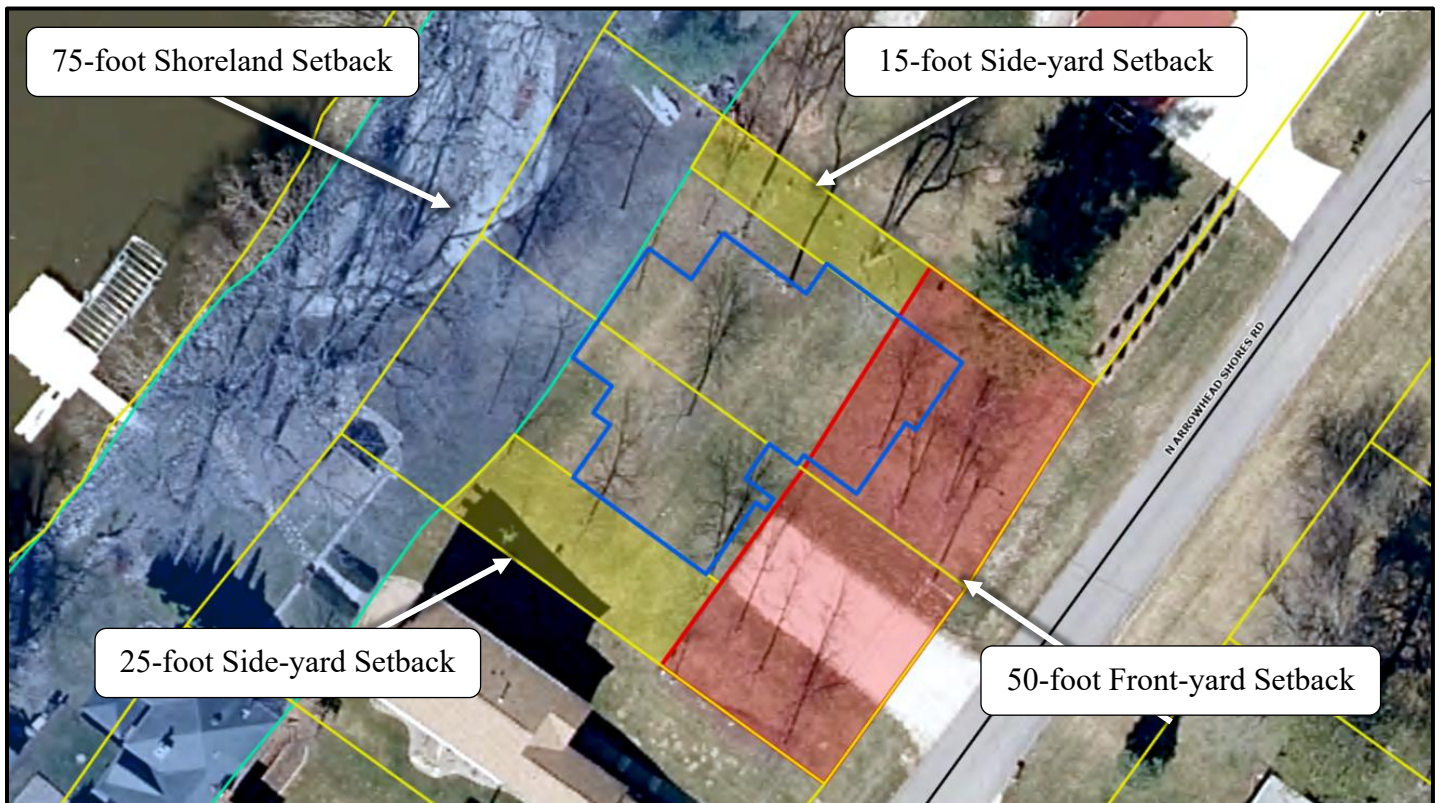
Planning staff has reviewed the petition in accordance with the standards of the Rock County Shoreland Zoning Ordinance and has the following comments:

The applicant is proposing to create a substandard lot to build a single-family home. The lot combination would create a lot that is approximately 17,772 square feet in size. This is 200-250 square feet below the minimum lot size allowed in unsewered lots (lots that utilize a private septic system) of 20,000 square feet.

The properties in question were platted 1941 prior to many of today's zoning and public health standards/requirements and prior to the adoption of the Rock County Code of Ordinances. There is precedent of previous Rock County Board of Adjustment granting approval of creating similar substandard lots via lot combination adjacent to the parcels in question.



The applicant is also asking for a variance of a reduced front-yard setback of approximately 20-feet based on the site plan for an attached garage that was provided to staff.



The following, *in italics*, is an excerpt from the Shoreland Zoning Ordinance to provide context for the basis of the Staff recommendation for this variance request. This section mirrors the state-wide model ordinance developed by the Wisconsin DNR to meet statutory and administrative rule standards.

4.201 Statutory Authorization, Finding of Fact, Statement of Purpose And Title

(1) *Statutory Authorization. This ordinance is adopted pursuant to the authorization in ss. 59.692 Wis. Stats to implement 59.69, 59.692, 59.694, 87.30, 236.45, and 281.31 and to parallel as closely as possible the regulatory provisions of ch. NR 115 Wis. Adm. Code and the statutory language reflected in Act 55, 167 and 391 (2015).*

(2) *Finding of Fact. Uncontrolled use of the shorelands and pollution of the navigable waters of Rock County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by the County of Rock, Wisconsin.*

(3) *Purpose and Intent. For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:*

(A) *Further the Maintenance of Safe and Healthful Conditions and Prevent and Control Water Pollution Through:*

1. *Limiting structures to those areas where soil and geological conditions will provide a safe foundation.*
2. *Establishing minimum lot sizes to provide adequate area for private on- site waste treatment systems.*
3. *Controlling filling and grading to prevent soil erosion problems.*
4. *Limiting impervious surfaces to control runoff which carries pollutants.*

(B) *Protect Spawning Grounds, Fish and Aquatic Life Through:*

1. *Preserving wetlands and other fish and aquatic habitat.*
2. *Regulating pollution sources.*
3. *Controlling shoreline alterations, dredging and lagooning.*

(C) *Control Building Sites, Placement of Structures and Land Uses Through:*

1. *Prohibiting certain uses detrimental to the shoreland-wetlands.*
2. *Setting minimum lot sizes and widths.*
3. *Setting minimum building setbacks from waterways.*
4. *Setting the maximum height of near shore structures.*

(D) *Preserve and Restore Shoreland Vegetation and Natural Scenic Beauty Through:*

1. *Restricting the removal of natural shoreland cover.*
2. *Preventing shoreline encroachment by structures.*
3. *Controlling shoreland excavation and other earth moving activities.*
4. *Regulating the use and placement of boathouses and other structures.*

The following, *in italics*, is an excerpt from the Rock County Land Division Ordinance to provide context for the basis of the Staff recommendation for this variance request.

4.103 Intent and Purpose

The intent and purpose of this Ordinance is to identify the process and requirements for regulation of all land division and other development activity in unincorporated areas of Rock County so as to maintain and advance the public health, safety, and general welfare of the County, its communities, and its residents, including the

administration of certain Town land division, other development, and related activity standards and regulations in accordance with Memorandums of Agreement (“MOAs”) between Rock County and said Town(s), all as defined in 4.107 of this Ordinance, by ensuring the following:

- (1) Orderly, economical, efficient, equitable, and environmentally-sound layout and use of land, including siting and construction of buildings, accessory buildings, and improvements, and other earth-disturbing activities, protection and preservation of Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils, woodlands, and open space, promotion of a regional land use and community planning and development vision, and enhancement of community character;
- (2) Prevention and minimization of hazards to life or property, including but not limited to those related to overcrowding of land, congestion, pollution, fire, flood, disease, noise, soil, bedrock formation, topography, drainage, steep slope, erosion, sewage treatment and disposal, water supply, and all other utilities;
- (3) Adequate public improvements and associated services, including but not limited to those related to transportation, sewage treatment and disposal, water supply, all other utilities, drainage, and outdoor recreation;
- (4) Adequate and safe lot ingress and egress;
- (5) Uniform, consistent, and accurate monumenting, mapping, and legal description of lots;
- (6) Consistency with the most current versions of the Rock County Comprehensive Plan, Rock County Farmland Preservation Plan, or any similar successive and other relevant County plan or document, Town, City, and Village comprehensive plans, Town, City, Village, and County zoning ordinances, and Sections 236 and 703, Wisconsin Statutes;

As in any variance request, the applicant must prove that each of the three standards can be met. The applicant has talking points included with the application and will likely provide additional testimony at the hearing. **Staff has considered the facts of this case and provides the following in regard to each standard for the Board’s consideration:**

REVIEW OF THE THREE STANDARDS FOR EVALUATING VARIANCES

I. MINIMUM LOT SIZE

1. Unnecessary Hardship

The subject property has not been developed. The Board should consider whether the limitations created by the setback requirements are unnecessarily burdensome to the applicant as related to the purpose and intent of the Ordinance. Furthermore, if determined that the setback requirements do create an unnecessary burden, approval should be for only the minimum variance necessary to relieve unnecessary burdens of the Ordinance(s) on the property and not be issued solely for a matter of convenience for the applicant. As is the case with any proposed construction, the structure should be appropriately sized for the lot and meet all other standards for development unless reduced/lessened through a variance process such as this. Current building setback standards make development of these pre-ordinance lots difficult while following today’s standards.

2. Hardship due to Unique Property Limitation

The two lots that make up the property were platted as Lots 76 & 77 in Arrowhead Shores Estates Subdivision in 1941. This subdivision pre-dates Rock County ordinance adoption.

3. Protection of the Public Interest

It is Staff's opinion that the purpose and intent of the Shoreland Zoning Ordinance can be met and public welfare will generally not be effected with the less than standard lot size. The character of the neighborhood will not be changed as long as the other Ordinance standards are maintained.

II. REDUCED FRONT-YARD SETBACK

1. Unnecessary Hardship

The subject property has not been developed. The Board should consider whether the limitations created by the setback requirements are unnecessarily burdensome to the applicant as related to the purpose and intent of the Ordinance. Furthermore, if determined that the setback requirements do create an unnecessary burden, approval should be for only the minimum variance necessary to relieve unnecessary burdens of the Ordinance(s) on the property and not be issued solely for a matter of convenience for the applicant. As is the case with any proposed construction, the structure should be appropriately sized for the lot and meet all other standards for development unless reduced/lessened through a variance process such as this. With all due respect to the landowner's plan to have this property contain a single-family dwelling, it is difficult to meet the unnecessary hardship standard.

2. Hardship due to Unique Property Limitation

The two lots that make up the property were platted as Lots 76 & 77 in Arrowhead Shores Estates Subdivision in 1941. This subdivision pre-dates Rock County ordinance adoption.

3. Protection of the Public Interest

It is Staff's opinion that the purpose and intent of the Shoreland Zoning Ordinance may be undermined based on the proposal. As mentioned above, setback standards are in place to regulate density and limit the size of the structural improvements on the land. Furthermore, the Shoreland standards are intended to regulate development adjacent to the waters of the state, both to preserve and restore shoreland vegetation and natural scenic beauty and limit the detrimental effects of construction activity.

Overall, reducing those standards should only be done in small increments when it is shown that all three variance standards are met. Approving a variance that does not meet all three tests would undermine the purpose and intent of the Ordinance.

STAFF RECOMMENDATION

Staff suggests that the Board acts on each variance request separately, as outlined above. In acting on this request, The Board must discuss and determine that all three standards are met based on evidence presented in the application and at the meeting. A decision as to the three standards must be affirmed by developing proposed findings of fact for each standard during the motion, discussion and voting process. Development of findings of fact should be completed and discussed before the final vote even if the majority agree that one or more standard is not adequately met. Keep in mind, the criteria or requirement to review the three standards are the same for

every case that comes before the Board regardless of the land use. In other words, residential, commercial, industrial, governmental or non-profit land uses should all be acted upon based on the same standards for review.

1. Staff is recommending approval of the Minimum Lot Size Variance with the following conditions:
 - a. Lots to be combined via CSM as per Rock County Land Division and Management Ordinance. Application for the Lot Combination shall be submitted within 90 days of the decision of the Board.
 - b. The applicant obtains any and all necessary approval and/or permits from other entities with jurisdiction, including the Town of Fulton.
2. Staff is not recommending approval of the setback variance request unless the applicant shows the each of the three statutory standards are met.

FOR OFFICE USE ONLY

Application Number _____ Date Hearing Advertised _____

Date _____ Fee _____

Note: Those property owners within 500 feet of the subject property (when located within an urban or rural development Area as shown on the County Development Plan) or within 1,000 feet of said property (when located in an agricultural area as shown on the County Development Plan) shall be notified of this application via mail by the County.

Name of Owner/Agent Jonathan Lack Phone Number 312-953-8110

Mailing Address 9155 N Arrowhead Shores Rd Edgerton, WI 53534

Property Address 9155 N Arrowhead Shores Rd Edgerton, WI 53534

Tax Parcel Number 012 09408 & 012 09409 Land Use Residential

For Appeal Requests Only: I hereby apply to the Board of Adjustment to consider an appeal of the decision of the Staff of the Rock County Planning and Development Agency relating to (additional documentation is attached):

For Variance Requests Only: I hereby apply to the Board of Adjustment to consider a variance of Section(s) 4.205 of the Shoreland Zoning Ordinance(s) relating to minimum lot size and front setback

which is requested in association with a proposed plan to: combine lots into one and build a house

Approval of a variance by the Board requires that each of the three standards listed below be met based on evidence presented by the applicant. If each of the standards are not met, the application may be denied. Separate supporting documentation and a site plan (where applicable) should be submitted with this application. Additional information may also be presented at the hearing. Further guidance on how each standard should be addressed is on page 2.

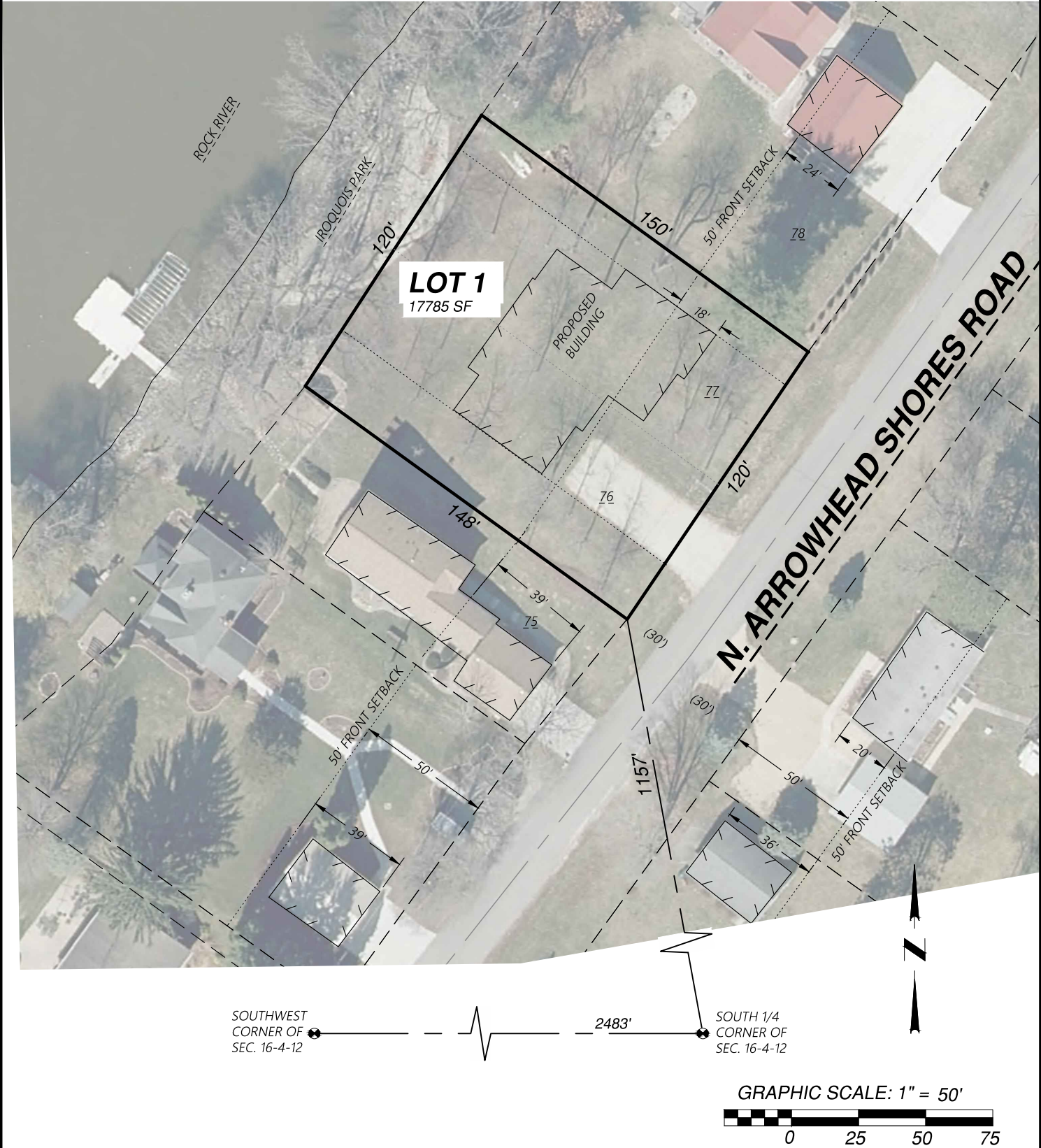
1. Strict application of the regulations would produce UNDUE HARDSHIP because the lots owned by applicant do not reach the minimum lots size to today's ordinances
2. The hardship created is UNIQUE and not shared by all properties alike in the neighborhood because most of them already have existing houses and uses on the lots.
3. The variance would NOT BE CONTRARY TO THE PUBLIC INTEREST nor the PURPOSE AND INTENT of the applicable County Ordinance because _____
the lots were created in 1941 prior to the shoreland zoning code and meet the current uses of the surrounding lots.

Signed B. M. Carl (Agent) Date Filed _____
 (Applicant or Agent)

Members of the Board of Adjustment shall base any decision in a matter coming before the Board solely on those facts established in the record during the public hearing(s) held by the Board of Adjustment. Members shall refrain from communications of any sort with any interested party regarding a matter that is pending before the Board.

PRELIMINARY CERTIFIED SURVEY MAP

OF LOTS 76 AND 77 OF ARROWHEAD SHORES ESTATES SITUATED IN PART
OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF
SECTION 16, T.4N., R.12E., OF THE 4TH PM,
TOWN OF FULTON, ROCK COUNTY, WISCONSIN.



Project No. 126 - 185
For: LACK



- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

109 W. MILWAUKEE ST
JANESVILLE, WI 53548
www.combsurvey.com

tel: 608-752-0575
fax: 608-752-0534

MEMO

TO: Rock County Board of Adjustment (BOA)

FROM: Rock County Planning & Development Agency

MEETING DATE: 7/7/2026

APPLICANT: Colin Koratko
9317 N Arrowhead Shores Rd. – Edgerton, WI 53534

GENERAL DESCRIPTION

Variance Request:

- **Minimum Lot Size (20,000 square feet)**
- **Reduced Side-yard Setback (Contingent on Approval of Substandard Lot Creation)**
 - Rock County Shoreland District Side-yard Setback: 4.205(3)(B)(1) 40-foot total setback for principal structure.

Location: Town of Fulton
Tax ID: 012 09601
Parcel Number: 6-6-535
Lots 90 & N1/2 Lot 89 of Arrowhead Shores Estates



Description of Request:

The property owner/applicant is requesting two variances from the Rock County Code of Ordinances. First, the creation of a substandard, unsewered lot and second, (based on provided proposal) a reduced side-yard setback for the construction of an addition onto the existing residence.

Current Zoning/Land Use that apply:

After examining the proposed request, the following County Ordinances should be considered in the review of this variance.

1. Shoreland Zoning & County Owned Property – 4.205

4.205 (3) Unsewered Lots

(A) Minimum Area and Width for Each New Lot. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet with at least 100 feet of frontage at the ordinary high-water mark.

1. The width shall be calculated by averaging measurements at the following 4 locations:
 - a. The ordinary high water mark.
 - b. The building setback line.
 - c. One other location on the lot within 300 feet of the ordinary highwater mark.
 - d. The rear lot line

2. Shoreland Zoning & County Owned Property – 4.205

4.205 (3)(B) Unsewered Lot Setbacks (Applicable to New and Existing Lots)

1. There shall be a side yard for each principal structure or building. The minimum width of one side yard shall be 15 feet. The minimum combined width of both principal side yards shall be 40 feet. There shall be a side yard of 5 feet for accessory structures excluding fences.
2. The rear yard setback for all structures shall be 25 feet.
3. The front yard setback for all structures shall be 50 feet, except as described in (C) below.

**4.205 (3)(C) is not applicable as it pertains to accessory structures.*

STAFF REVIEW COMMENTS

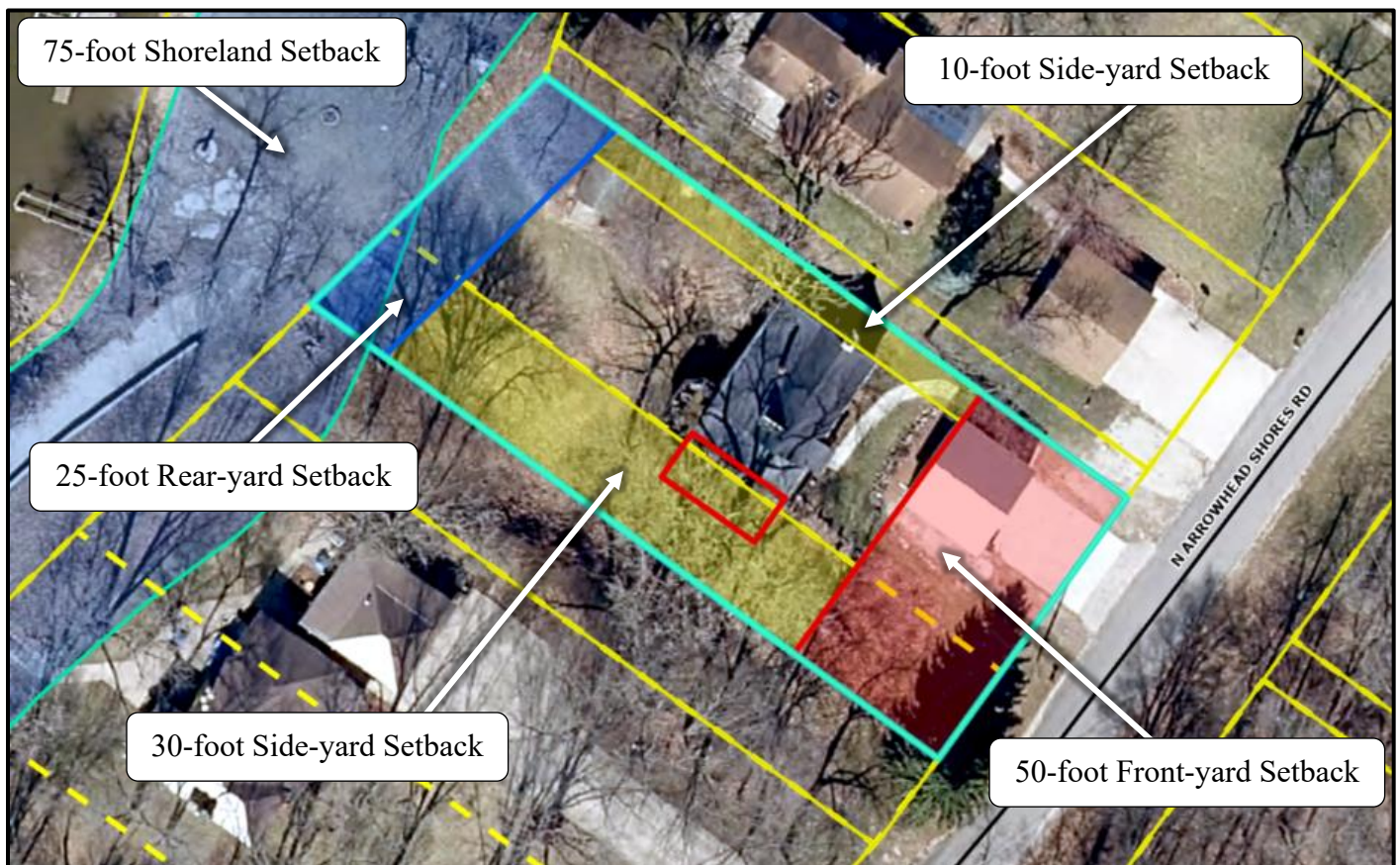
Planning staff has reviewed the petition in accordance with the standards of the Rock County Shoreland Zoning Ordinance and has the following comments:

The applicant is proposing to create a substandard lot to combine lots owned and for a proposed addition. The lot combination would create a lot that is approximately 18,814 square feet in size. This is 150-200 ± square feet below the minimum lot size allowed in unsewered lots (lots that utilize a private septic system) of 20,000 square feet.

The properties in question were platted 1941 prior to many of today's zoning and public health standards/requirements and prior to the adoption of the Rock County Code of Ordinances. There is precedent of previous Rock County Board of Adjustment granting approval of creating similar substandard lots via lot combination in the area to the parcel in question.



The applicant is also asking for a variance of a reduced side-yard setback of approximately 11-feet based on the site plan for the addition that was provided to staff.



The following, *in italics*, is an excerpt from the Shoreland Zoning Ordinance to provide context for the basis of the Staff recommendation for this variance request. This section mirrors the state-wide model ordinance developed by the Wisconsin DNR to meet statutory and administrative rule standards.

4.201 Statutory Authorization, Finding of Fact, Statement of Purpose And Title

(1) *Statutory Authorization. This ordinance is adopted pursuant to the authorization in ss. 59.692 Wis. Stats to implement 59.69, 59.692, 59.694, 87.30, 236.45, and 281.31 and to parallel as closely as possible the regulatory provisions of ch. NR 115 Wis. Adm. Code and the statutory language reflected in Act 55, 167 and 391 (2015).*

(2) *Finding of Fact. Uncontrolled use of the shorelands and pollution of the navigable waters of Rock County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by the County of Rock, Wisconsin.*

(3) *Purpose and Intent. For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:*

(A) *Further the Maintenance of Safe and Healthful Conditions and Prevent and Control Water Pollution Through:*

1. *Limiting structures to those areas where soil and geological conditions will provide a safe foundation.*
2. *Establishing minimum lot sizes to provide adequate area for private on- site waste treatment systems.*
3. *Controlling filling and grading to prevent soil erosion problems.*
4. *Limiting impervious surfaces to control runoff which carries pollutants.*

(B) *Protect Spawning Grounds, Fish and Aquatic Life Through:*

1. *Preserving wetlands and other fish and aquatic habitat.*
2. *Regulating pollution sources.*
3. *Controlling shoreline alterations, dredging and lagooning.*

(C) *Control Building Sites, Placement of Structures and Land Uses Through:*

1. *Prohibiting certain uses detrimental to the shoreland-wetlands.*
2. *Setting minimum lot sizes and widths.*
3. *Setting minimum building setbacks from waterways.*
4. *Setting the maximum height of near shore structures.*

(D) *Preserve and Restore Shoreland Vegetation and Natural Scenic Beauty Through:*

1. *Restricting the removal of natural shoreland cover.*
2. *Preventing shoreline encroachment by structures.*
3. *Controlling shoreland excavation and other earth moving activities.*
4. *Regulating the use and placement of boathouses and other structures.*

The following, *in italics*, is an excerpt from the Rock County Land Division Ordinance to provide context for the basis of the Staff recommendation for this variance request.

4.103 Intent and Purpose

The intent and purpose of this Ordinance is to identify the process and requirements for regulation of all land division and other development activity in unincorporated areas of Rock County so as to maintain and advance the public health, safety, and general welfare of the County, its communities, and its residents, including the

administration of certain Town land division, other development, and related activity standards and regulations in accordance with Memorandums of Agreement (“MOAs”) between Rock County and said Town(s), all as defined in 4.107 of this Ordinance, by ensuring the following:

- (1) Orderly, economical, efficient, equitable, and environmentally-sound layout and use of land, including siting and construction of buildings, accessory buildings, and improvements, and other earth-disturbing activities, protection and preservation of Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils, woodlands, and open space, promotion of a regional land use and community planning and development vision, and enhancement of community character;
- (2) Prevention and minimization of hazards to life or property, including but not limited to those related to overcrowding of land, congestion, pollution, fire, flood, disease, noise, soil, bedrock formation, topography, drainage, steep slope, erosion, sewage treatment and disposal, water supply, and all other utilities;
- (3) Adequate public improvements and associated services, including but not limited to those related to transportation, sewage treatment and disposal, water supply, all other utilities, drainage, and outdoor recreation;
- (4) Adequate and safe lot ingress and egress;
- (5) Uniform, consistent, and accurate monumenting, mapping, and legal description of lots;
- (6) Consistency with the most current versions of the Rock County Comprehensive Plan, Rock County Farmland Preservation Plan, or any similar successive and other relevant County plan or document, Town, City, and Village comprehensive plans, Town, City, Village, and County zoning ordinances, and Sections 236 and 703, Wisconsin Statutes;

As in any variance request, the applicant must prove that each of the three standards can be met. The applicant has talking points included with the application and will likely provide additional testimony at the hearing. **Staff has considered the facts of this case and provides the following in regard to each standard for the Board’s consideration:**

REVIEW OF THE THREE STANDARDS FOR EVALUATING VARIANCES

I. MINIMUM LOT SIZE

1. Unnecessary Hardship

The Board should consider whether the limitations created by the setback requirements are unnecessarily burdensome to the applicant as related to the purpose and intent of the Ordinance. Furthermore, if determined that the setback requirements do create an unnecessary burden, approval should be for only the minimum variance necessary to relieve unnecessary burdens of the Ordinance(s) on the property and not be issued solely for a matter of convenience for the applicant. As is the case with any proposed construction, the structure should be appropriately sized for the lot and meet all other standards for development unless reduced/lessened through a variance process such as this. Current building setback standards make development of these pre-ordinance lots difficult while following today’s standards.

2. Hardship due to Unique Property Limitation

The two lots that make up the property were platted as Lot 90 & N1/2 of Lot 89 in Arrowhead Shores Estates Subdivision in 1941. This subdivision pre-dates Rock County ordinance adoption.

3. Protection of the Public Interest

It is Staff's opinion that the purpose and intent of the Shoreland Zoning Ordinance can be met and public welfare will generally not be effected with the less than standard lot size. The character of the neighborhood will not be changed as long as the other Ordinance standards are maintained.

II. REDUCED FRONT-YARD SETBACK

1. Unnecessary Hardship

The Board should consider whether the limitations created by the setback requirements are unnecessarily burdensome to the applicant as related to the purpose and intent of the Ordinance. Furthermore, if determined that the setback requirements do create an unnecessary burden, approval should be for only the minimum variance necessary to relieve unnecessary burdens of the Ordinance(s) on the property and not be issued solely for a matter of convenience for the applicant. As is the case with any proposed construction, the structure should be appropriately sized for the lot and meet all other standards for development unless reduced/lessened through a variance process such as this. With all due respect to the landowner's proposal, it is difficult to meet the unnecessary hardship standard.

2. Hardship due to Unique Property Limitation

The two lots that make up the property were platted as Lot 90 & N1/2 of Lot 89 in Arrowhead Shores Estates Subdivision in 1941. This subdivision pre-dates Rock County ordinance adoption.

3. Protection of the Public Interest

It is Staff's opinion that the purpose and intent of the Shoreland Zoning Ordinance may be undermined based on the proposal. As mentioned above, setback standards are in place to regulate density and limit the size of the structural improvements on the land. Furthermore, the Shoreland standards are intended to regulate development adjacent to the waters of the state, both to preserve and restore shoreland vegetation and natural scenic beauty and limit the detrimental effects of construction activity.

Overall, reducing those standards should only be done in small increments when it is shown that all three variance standards are met. Approving a variance that does not meet all three tests would undermine the purpose and intent of the Ordinance.

STAFF RECOMMENDATION

Staff suggests that the Board acts on each variance request separately, as outlined above. In acting on this request, The Board must discuss and determine that all three standards are met based on evidence presented in the application and at the meeting. A decision as to the three standards must be affirmed by developing proposed findings of fact for each standard during the motion, discussion and voting process. Development of findings of fact should be completed and discussed before the final vote even if the majority agree that one or more standard is not adequately met. Keep in mind, the criteria or requirement to review the three standards are the same for every case that comes before the Board regardless of the land use. In other words, residential, commercial, industrial, governmental or non-profit land uses should all be acted upon based on the same standards for review.

1. Staff is recommending approval of the Minimum Lot Size Variance with the following conditions:
 - a. Lots to be combined via CSM as per Rock County Land Division and Management Ordinance. Application for the Lot Combination shall be submitted within 90 days of the decision of the Board.
 - b. The applicant obtains any and all necessary approval and/or permits from other entities with jurisdiction, including the Town of Fulton.
2. Staff is not recommending approval of the setback variance request unless the applicant shows the each of the three statutory standards are met.

ROCK COUNTY BOARD OF ADJUSTMENT APPLICATION

Packet Page 24 of 25

FOR OFFICE USE ONLY

Application Number _____ Date Hearing Advertised _____

Date _____ Fee _____

Note: Those property owners within 500 feet of the subject property (when located within an urban or rural development Area as shown on the County Development Plan) or within 1,000 feet of said property (when located in an agricultural area as shown on the County Development Plan) shall be notified of this application via mail by the County.

Name of Owner/Agent Colin Koratko Phone Number 6082282296

Mailing Address 9317 N Arrowhead Shores Rd Edgerton, WI 53534

Property Address 9317 N Arrowhead Shores Rd Edgerton, WI 53534

Tax Parcel Number 012 09601 Land Use Residential

For Appeal Requests Only: I hereby apply to the Board of Adjustment to consider an appeal of the decision of the Staff of the Rock County Planning and Development Agency relating to (additional documentation is attached):

For Variance Requests Only: I hereby apply to the Board of Adjustment to consider a variance of Section(s) 4.205 of the Shoreland Zoning Ordinance(s) relating to minimum Lot size AND SIDE SETBACKS

which is requested in association with a proposed plan to: combine lots into one AND ADD ON TO THE EXISTING HOUSE

Approval of a variance by the Board requires that each of the three standards listed below be met based on evidence presented by the applicant. If each of the standards are not met, the application may be denied. Separate supporting documentation and a site plan (where applicable) should be submitted with this application. Additional information may also be presented at the hearing. Further guidance on how each standard should be addressed is on page 2.

1. Strict application of the regulations would produce UNDUE HARDSHIP because the lots owned by applicant do not reach the minimum lots size to today's ordinances.
2. The hardship created is UNIQUE and not shared by all properties alike in the neighborhood because most of them already have existing houses and uses on the lots.
3. The variance would NOT BE CONTRARY TO THE PUBLIC INTEREST nor the PURPOSE AND INTENT of the applicable County Ordinance because the lots were created in 1941 prior to the shoreland zoning code and meet the current uses of the surrounding lots.

Signed

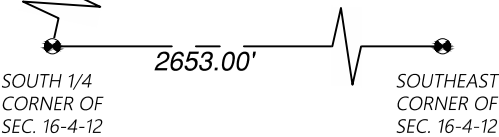
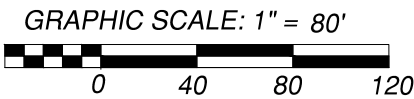
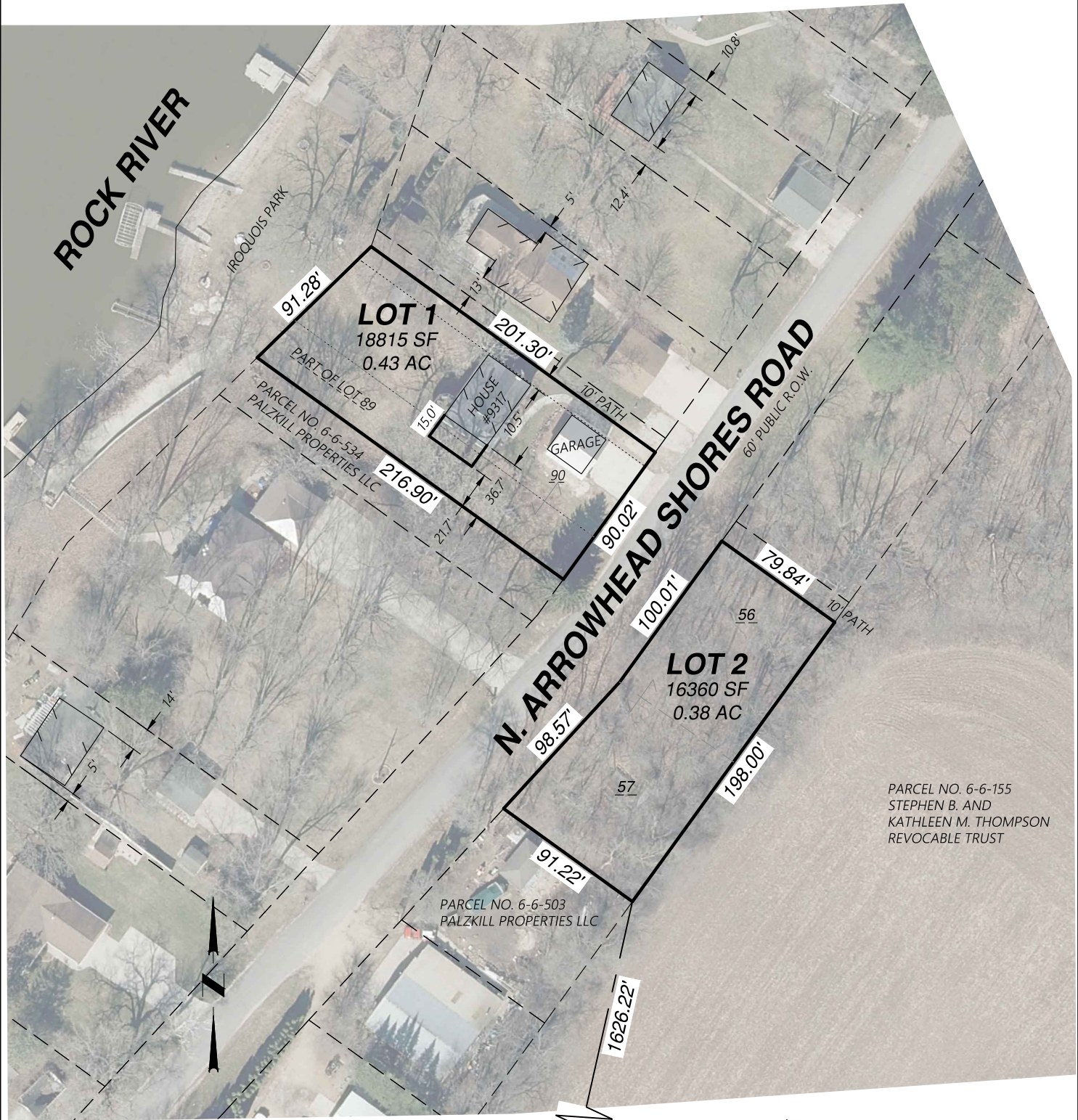
B M Cn (Agent)
(Applicant or Agent)

Date Filed _____

Members of the Board of Adjustment shall base any decision in a matter coming before the Board solely on those facts established in the record during the public hearing(s) held by the Board of Adjustment. Members shall refrain from communications of any sort with any interested party regarding a matter that is pending before the Board.

PRELIMINARY CERTIFIED SURVEY MAP

OF LOTS 56, 57, 90 AND PART OF LOT 89 OF ARROWHEAD SHORES ESTATE,
SITUATED IN PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST
QUARTER OF SECTION 16, T.4N., R.12E., OF THE 4TH PM, TOWN OF FULTON,
ROCK COUNTY, WISCONSIN.



Project No. 126 - 074
For: KORATKO



- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

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