

Walworth County Board of Adjustment
MINUTES
January 11, 2023 - Hearing – 9:00 AM
January 12, 2023 – Meeting – 9:00 AM
County Board Room 114
Government Center – Elkhorn, Wisconsin

A hearing and decision meeting of the Walworth County Board of Adjustment was held on January 11, 2023, and January 12, 2023, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on January 11, 2023, were Vice-Chair Elizabeth Sukala, 1st Alternate David Held and 2nd Alternate Rose Miller. Nick Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on January 12, 2023, were Vice-Chair Elizabeth Sukala, 1st Alternate David Held and 2nd Alternate Rose Miller. Nick Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on January 11, 2023, and January 12, 2023, are kept on file as a matter of record.

The January 11, 2023, hearing was called to order by Acting-Chair Elizabeth Sukala at 9:00 A.M. Wendy Boettcher conducted roll call and verified that there was a quorum. Those present were same as listed above. **Dave Held motioned to approve the agenda as presented. Seconded by Rose Miller. Motion carried. 3-favor, 0-oppose. Dave Held motioned to approve the December 14 & 15, 2022, Minutes and dispense with the reading. Seconded by Rose Miller. Motion carried. 3-favor 0-oppose. After testimony of all cases, Rose Miller motioned to recess until 9:00 A.M. on Thursday, January 12, 2023. Seconded by David Held. Motion carried. 3-favor, 0-oppose.** The January 11, 2023, hearing went into recess at approximately 10:15 A.M.

On January 12, 2023, at 9:00 A.M., Acting-Chair Elizabeth Sukala called the decision meeting to order. Wendy Boettcher conducted roll call and verified that there was a quorum. Those present were same as listed above. **Dave Held motioned to approve the agenda as presented. Seconded by Rose Miller. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Dave Held motioned to adjourn until the February 8, 2023, hearing at 9:00 A.M. Seconded by Rose Miller. Motion carried. 3-favor, 0-oppose.** The January 12, 2023, decision meeting adjourned at approximately 9:23 A.M.

Three variance hearings were scheduled and details of the January 11, 2023, hearings and the January 12, 2023, decisions are digitally recorded and available to the public upon request / video to view on our website: / Agendas & Minutes / Board of Adjustment / Media.

Old Business - none

New Business – Variance Petitions

Hearing – Count #9:03:50 – 9:21:05 / Decision – Count #9:03:02 – 9:09:00

The First Hearing was 4137 Bennett St LLC, owner / Vince Fasano, applicant – Section(s) 32 – Delavan Township

Applicants are requesting a variance from Section(s) 74-174 / 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to permit the location of a concrete landing.

REQUIRED BY ORDINANCE: The Ordinance requires a 75 foot shore yard setback.

VARIANCE REQUEST: The applicants are requesting a 64.45 foot shore yard setback. The request is a variance from Section(s) 74-174 / 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to permit the location of a concrete landing.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of January 11 & 12, 2023, for the petition of 4317 Bennett St LLC, owner / Vince Fasano, applicant, voted to APPROVE WITH CONDITION the request for a 64.45 foot shore yard setback to permit the location of a concrete landing.

A motion was made by Dave Held to approve the variance. Seconded by Rose Miller.

A friendly amended motion was made by Dave Held to approve with condition he removes 50 to 60 square feet of concrete and replacing it with the 18 square feet on his stoop. Seconded by Rose Miller. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found to approve the variance request for the concrete stoop with the condition that the other 50 to 60 square foot concrete area identified should be removed. The Board found to approve the request with condition would cause no harm to public interests. The Board found the conditional approval would not affect neighboring properties. The Board found to remove the greater portion of concrete and allow the smaller portion of concrete would be beneficial. The Board found the larger area of concrete is closer to the lake and to remove that would be advantageous to the public's interest in navigable waters. A neighboring property owner spoke. There was a letter of support from the Town of Delavan. There was no opposition.

Hearing – Count #9:21:15 – 9:56:15 / Decision – Count #9:09:09 – 9:13:40

The Second Hearing was Donald A. Jacobs Jr. Trust, owner / Piermario Bertolotto, applicant – Section(s) 4 – Linn Township

Applicants are requesting a variance from Section(s) 74-38 / 74-54 of Walworth County's Code of Ordinances – Zoning to permit the location of two accessory structures.

REQUIRED BY ORDINANCE: The Ordinance requires the structure in the side yard to have a 15 foot side lot line setback and the structure in the rear yard to have a 3 foot rear lot line setback.

VARIANCE REQUEST: The applicants are requesting a 0.86 foot side yard setback and a 2.9 foot rear yard setback. The request is a variance from Section(s) 74-38 / 74-54 of Walworth County's Code of Ordinances – Zoning to permit the location of two accessory structures.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of January 11 & 12, 2023, for the petition of Donald A. Jacobs Jr. Trust, owner / Piermario Bertolotto, applicant, voted to DENY the request for a 0.86 foot side yard setback for an accessory structure and to APPROVE the request for a 2.9 foot rear yard setback to permit the location of an accessory structure.

A motion was made by Rose Miller to deny the request for the variance for the building on the side but approve the variance for the small shed in the back. Seconded by Dave Held. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS:

DENIAL of the accessory structure (carport) with a 0.86 foot side yard setback: The Board found no unique property limitations. The Board found the hardship was self-created. The Board found the structure was placed without following proper procedures. The Board found the lot was good sized and other locations for storage may exist. The Board found to approve the request would cause harm to public interests. The Board found the structure is right up to the lot line and includes a concrete slab and lighting. The Board found the owner did not appear before the Town. The Board found opposition presented at the hearing and no support.

APPROVAL of the accessory structure shed with a 2.9 foot rear setback:

The Board found this structure to be on older, preexisting structure. The Board found to approve the request would cause no harm to public interests. The Board found the request to be a small increment of relief being just over an inch too close to the lot line. The Board found that of all of the people that spoke in opposition at the hearing, none of them spoke in opposition of the small shed.

There was no support. Six neighboring property owners spoke in opposition. There were three letters in opposition.

Hearing – Count #9:56:43 – 10:15:32 / Decision – Count #9:13:43 – 9:17:49

The Third Hearing was DeLong Co Inc, owner / Greg Wolford, W Design Associates, applicant – Section(s) 9 – Sugar Creek Township

Applicants are requesting a variance from Section(s) 74-51 of Walworth County’s Code of Ordinances – Zoning to construct a commercial structure.

REQUIRED BY ORDINANCE: The Ordinance requires a 75 foot side property line setback.

VARIANCE REQUEST: The applicants are requesting a 40 foot side setback. The request is a variance from Section(s) 74-51 of Walworth County’s Code of Ordinances – Zoning to construct a commercial structure.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of January 11 & 12, 2023, for the petition of DeLong Co Inc., owner / Greg Wolford, W Design Associates, applicant, voted to APPROVE the request for a 40 foot side setback to construct a commercial structure.

A motion was made by Elizabeth Sukala to approve the variance. Seconded by Rose Miller. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found unique property limitations in that the site has historically been a used for commercial agricultural use. The size of the property creates limitations with the truck traffic necessary to be served by the property and the proposed structure. The Board found to approve the request will enable the most efficient use of the property and will help to improve safety with the traffic flow on the site. The Board found the owner received approval from the Town. The Board found the neighboring property owner to the east has no objection to the proposed use of the property. There were letters in support from a neighboring property owner and the Town of Sugar Creek. There was a letter of opposition from a neighboring property owner.

Other

- A. Discussion / possible action on Township correspondence – none

Staff Reports

- A. Court cases update – none
- B. Distribution of reports, handouts and correspondence
 1. Board members received the most current copy of the Walworth County Zoning and Shoreland Zoning Ordinances
 2. 2022 Board of Adjustment Annual Report
 3. Board members received the most current copy of the Board of Adjustment attendance report

Proposed discussion for next agenda

The following items were requested to be put on the February 2023 agenda, if applicable:

- A. Discussion / possible action on Township correspondence
- B. Court cases update
- C. Distribution of reports, handouts and correspondence

ELIZABETH SUKALA
WALWORTH COUNTY BOARD OF ADJUSTMENT

These minutes are not final until approved by the Board of Adjustment at the next scheduled hearing date.