

Walworth County Board of Adjustment

MINUTES

February 8, 2023 - Hearing – 9:00 AM

February 9, 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 February 8, 2023, and February 9, 2023, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on February 8, 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 February 9, 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 February 8, 2023, and February 9, 2023, are kept on file as a matter of record.

The February 8, 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. **David Held motioned to approve the agenda as presented. Seconded by Rose Miller. Motion carried. 3-favor, 0-oppose. David Held motioned to approve the January 11 & 12, 2023, Minutes and dispense with the reading. Seconded by Rose Miller. Motion carried. 3-favor 0-oppose. After testimony of all cases, David Held motioned to recess until 9:00 A.M. on Thursday, February 9, 2023. Seconded by Rose Miller. Motion carried. 3-favor, 0-oppose.** The February 8, 2023, hearing went into recess at approximately 9:29 A.M.

On February 9, 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. **David Held motioned to approve the agenda as presented. Seconded by Rose Miller. Motion carried. 3-favor, 0-oppose. After the decisions were completed, David Held motioned to adjourn until the March 8, 2023, hearing at 9:00 A.M. Seconded by Rose Miller. Motion carried. 3-favor, 0-oppose.** The February 9, 2023, decision meeting adjourned at approximately 9:25 A.M.

One variance hearing was scheduled and details of the February 8, 2023, hearings and the February 9, 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 #9:04:15 - 9:29:28 / Decision – Count #9:03:01 – 9:24:48

The First Hearing was Kathryn Kiernan Trust, owner / Mariani Nursery Inc., applicant – Section(s) 4 – East Troy Township

Applicants are requesting a variance from Section(s) 74-174 of Walworth County's Code of Ordinances – Shoreland Zoning to construct stairs and retaining walls and to make grade changes.

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

VARIANCE REQUEST: The applicants are requesting shore yard setbacks of 68.64 feet for the stairs, 67.6 feet and 68.4 feet for retaining walls, and approximately 68 feet for grade changes. The request is a variance from Section(s) 74-174 of Walworth County's Code of Ordinances – Shoreland Zoning to construct stairs and retaining walls and to make grade changes.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of February 8 & 9, 2023, for the petition of Kathryn Kiernan Trust, owner / Mariani Nursery Inc., applicant, voted to APPROVE the request for shore yard setbacks of 68.64 feet for the stairs, 67.6 feet and 68.4 feet for retaining walls, and approximately 68 feet for grade changes.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found a unique property limitation and a hardship in the property having water on 2 sides creating multiple shore yard setbacks. The Board also found the lot had a substandard lot width. The Board found the site had existing retaining walls and stairs. The Board found to approve the variance request and allow the change in grade will lessen the slope. The Board found the more gradual slope will slow runoff and address safety issues. The Board found the regrading will also accommodate some retaining walls being removed, not to be replaced, which will reduce impervious surface. The Board found the new stairs are replacing existing stairs moved over from the current location. The Board found the proposed walls are replacing existing walls in the same general location with the discrepancies in the footprints being a small increment of relief. The Board found the owners received approval from the Town. The Board found to approve the variance request would cause no harm to public interests. The Board found variance approval would not affect the sightline of the lake or impair drainage, would reduce total impervious surface, and would result in less total retaining walls in the shore yard. There was a letter of support from the Town of East Troy. There was a letter of opposition from the Wisconsin Department of Natural Resources.

Other

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

Staff Reports

- A. Court cases update – none
- B. Distribution of reports, handouts and correspondence - none

Proposed discussion for next agenda

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

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

WALWORTH COUNTY BOARD OF ADJUSTMENT

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