

**Walworth County Board of Adjustment**  
**MINUTES**  
March 9, 2022 - Hearing – 9:00 AM  
March 10, 2022 – Meeting – 9:00 AM  
County Board Room 114  
Government Center – Elkhorn, Wisconsin

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A hearing and decision meeting of the Walworth County Board of Adjustment was held on March 9, 2022, and March 10, 2022, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on March 9, 2022, were Chair Ann Seaver, Vice-Chair Elizabeth Sukala and Secretary Barbara A. Fischer. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on March 10, 2022, were Chair Ann Seaver, Vice-Chair Elizabeth Sukala, and Secretary Barbara A. Fischer. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on March 9, 2022, and March 10, 2022, are kept on file as a matter of record.

The March 9, 2022, hearing was called to order by Chair Ann Seaver at 9:00 A.M. Wendy Boettcher conducted roll call and verified that there was a quorum. Those present were same as listed above. **Elizabeth Sukala motioned to approve the agenda as presented. Seconded by Barbara Fischer. Motion carried. 2-favor, 1-abstain, 0-oppose. Elizabeth Sukala motioned to approve the January 12 & 13, 2022, Minutes and dispense with the reading. Seconded by Barbara Fischer. Motion carried. 3-favor 0-oppose. After testimony of all cases, Elizabeth Sukala motioned to recess until 9:00 A.M. on Thursday, March 10, 2022. Seconded by Barbara Fischer. Motion carried. 3-favor, 0-oppose.** The March 9, 2022, hearing went into recess at approximately 9:49 A.M.

On March 10, 2022, at 9:00 A.M., Chair Ann Seaver 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. **Elizabeth Sukala motioned to approve the agenda as presented. Seconded by Barbara Fischer. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Barbara Fischer motioned to adjourn until the April 13, 2022, hearing at 9:00 A.M. Seconded by Elizabeth Sukala. Motion carried. 3-favor, 0-oppose.** The March 10, 2022, decision meeting adjourned at approximately 9:30 A.M.

Two variance hearings were scheduled and details of the March 9, 2022, hearings and the March 10, 2022, decisions are digitally recorded and available to the public upon request / video to view on our website: [www.co.walworth.wi.us](http://www.co.walworth.wi.us) / Agendas & Minutes / Board of Adjustment / Media.

**Old Business - none**

**New Business – Variance Petitions**

Hearing – Count #9:03:47 – 9:35:27 / Decision – Count #9:01:42 – 9:22:40

**The First Hearing was Christine Shea, owner / Jeremiah M. & Christine M. Shea, applicants – Section(s) 21 – Delavan Township**

Applicants are requesting a variance from Section(s) 74-181 / 74-219 / 74-232 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a deck.

**REQUIRED BY ORDINANCE:** The Ordinance requires a 17.3 foot rear yard setback.

**VARIANCE REQUEST:** The applicants are requesting a 7.4 foot rear yard setback. The request is a variance from Section(s) 74-181 / 74-219 / 74-232 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a deck.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of March 9 & 10, 2022, for the petition of Christine Shea, owner / Jeremiah M. & Christine M. Shea, applicants, voted to **MODIFY AND APPROVE** the request for a 7.4 foot rear yard setback to construct a deck. The Board voted to approve the deck not to extend out further than the bumpout on the back of the house and an approximate 12' rear lot line setback to match the back wall of the house.

**A motion was made by Barbara Fischer to approve the variance request. Seconded by Elizabeth Sukala.**

**An amended motion was made by Barb Fischer to approve the variance with the modification that the deck not extend past the back of the house which is an approximate 12 foot rear lot line setback. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found a unique property limitation was created with a change in the flow of water on the property due to road changes. The Board found the Shea property is one of a few properties affected by the road change. Additional storm water makes a deck more practical than a patio. The Board found unnecessary hardship was created when a Walworth County Zoning permit was issued in August of 2021 for an 11.3' x 31' open / uncovered deck and in January of 2022 the owners received a letter from the Walworth County Zoning Department stating that zoning permit was not valid. The Board found the owner had relied on that prior approval and the owner had already commenced work on siding, lighting, a gas line and had purchased deck materials. The Board found the modified approval would be consistent with the original approval. The Board found to modify and approve the variance request would cause no harm to public interests. The Board found the deck will be located behind the house where it will not affect neighboring property owners. The Board found no opposition to the variance request. There was an e-mail in support from the Town of Delavan. There was no opposition.

Hearing – Count #9:35:28 – 9:48:14 / Decision – Count #9:22:41 – 9:25:01

**The Second Hearing** was Rosemary F. Crandall Trust, owners / Charles W. Pollard of Clair, Thompson & Pollard, S.C., applicant – Section(s) 27 – Linn Township

Applicants are requesting temporary use approval per Section(s) 74-111 of Walworth County's Code of Ordinances – Zoning to allow three existing accessory structures to remain on a lot without a principal structure for up to 12 months in order to complete the proposed land division and construct a new principal structure.

**REQUIRED BY ORDINANCE:** The Ordinance requires a principal structure to be present or under construction prior to allowing accessory structures.

**VARIANCE REQUEST:** The applicants are requesting temporary use approval to allow three existing accessory structures to remain on a lot without a principal structure for up to 12 months in order to complete the proposed land division and construct a new principal structure. The request is a variance from Section(s) 74-38 of Walworth County's Code of Ordinances – Zoning to allow accessory structures to exist prior to a principal structure to be present or under construction.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of March 9 & 10, 2022, for the petition of Rosemary F. Crandall Trust, owners / Charles W. Pollard of Clair, Thompson & Pollard, S.C., applicant, voted to APPROVE the temporary use approval to allow three existing accessory structures to remain on a lot without a principal structure for up to 12 months in order to complete the proposed land division and construct a new principal structure.

**A motion was made by Elizabeth Sukala to approve the temporary use. Seconded by Barbara Fischer. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found the owners intend to build a new residence on the lot. The Board found the existing structures are in good condition. The Board found the property to be well kept. The Board found to require the existing structures to be torn down only to have to rebuild the structures after construction of the residence would cause unnecessary hardship. The Board found to approve the variance request would cause no harm to public interests. The Board found the County has a procedure in place to ensure compliance with the Ordinance which requires a principal structure to be present or under construction within twelve months of Board of Adjustment approval or to remove the existing structures. The Board found the owner received Town approval. The Board found no opposition. There was an e-mail in support from the Town of Linn. There was no opposition.

#### **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 April 2022 agenda, if applicable:

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

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BARBARA A. FISCHER  
WALWORTH COUNTY BOARD OF ADJUSTMENT

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