

Walworth County Board of Adjustment

MINUTES

May 11, 2022 - Hearing – 9:00 AM

May 12, 2022 – 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 May 11, 2022, and May 12, 2022, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on May 11, 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 May 12, 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 May 11, 2022, and May 12, 2022, are kept on file as a matter of record.

The May 11, 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 A. Fischer. Motion carried. 3-favor, 0-oppose. Barbara A. Fischer motioned to approve the April 13 & 14, 2022, Minutes and dispense with the reading. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose. After testimony of all cases, Barbara A. Fischer motioned to recess until 9:00 A.M. on Thursday, May 12, 2022. Seconded by Elizabeth Sukala. Motion carried. 3-favor, 0-oppose.** The May 11, 2022, hearing went into recess at approximately 10:20 A.M.

On May 12, 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 A. Fischer. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Elizabeth Sukala motioned to adjourn until the June 8, 2022, hearing at 9:00 A.M. Seconded by Barbara A. Fischer. Motion carried. 3-favor, 0-oppose.** The May 12, 2022, decision meeting adjourned at approximately 9:36 A.M.

Two variance hearings were scheduled and details of the May 11, 2022, hearings and the May 12, 2022, decisions are digitally recorded and available to the public upon request / video to view on our website: www.co.walworth.wi.us / Agendas & Minutes / Board of Adjustment / Media.

Old Business - none

New Business – Variance Petitions

Hearing – Count #9:03:39 – 9:58:54 / Decision – Count #9:01:22 – 9:16:09

The First Hearing was John A. & Carol F. Russell, owners / John & Carol Russell, applicants – Section(s) 9 – East Troy Township

Applicants are requesting a variance from Section(s) 74-174 / 74-181 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a deck.

REQUIRED BY ORDINANCE: The Ordinance requires a 62.56 foot shore yard setback.

VARIANCE REQUEST: The applicants are requesting a 55.97 foot shore yard setback. The request is a variance from Section(s) 74-174 / 74-181 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 May 11 & 12, 2022, for the petition of John A. & Carol F. Russell, owners / John A. & Carol Russell, applicants, voted to DENY the request for a 55.97 foot shore yard setback to construct a deck.

A motion was made by Elizabeth Sukala to approve the variance request. Seconded by Ann Seaver for discussion. Motion failed. 0-favor 3-oppose

A motion was made by Barbara A. Fischer to deny the variance request. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found there was no unnecessary hardship. The Board found the owner does have outdoor living space on the property. The Board found the owner has options available to make the proposed deck smaller and meet the County code of ordinance requirements. The Board found the shoreyard averaging rules are important and have been in place since 2016. The Board found the variance request did not meet the criteria necessary for approval. There were letters in support from two neighboring property owners and the Town of East Troy. There was no opposition.

Hearing – Count #9:59:04 – 10:19:58 / Decision – Count #9:16:26 – 9:19:47

The Second Hearing was Richard D. & Susan M. Hayes, owners / Richard Hayes, applicant – Section(s) 22 – Spring Prairie Township

Applicants are requesting a variance from Section(s) 74-38 / 74-54 of Walworth County's Code of Ordinances – Zoning to construct an accessory structure.

REQUIRED BY ORDINANCE: The Ordinance requires a 25 foot street yard setback.

VARIANCE REQUEST: The applicants are requesting a 17 foot street yard setback. The request is a variance from Section(s) 74-38 / 74-54 of Walworth County's Code of Ordinances – Zoning to construct an accessory structure.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of May 11 & 12, 2022, for the petition of Richard D. & Susan M. Hayes, owners / Richard Hayes, applicant, voted to APPROVE the request for a 17 foot street yard setback to construct an accessory structure.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found a unique property circumstance in the shared driveway easement on the east side of the property that is needed for access to a property north of the owner. The Board found the owner has a good amount of space between the east lot line and the existing driveway surface. The Board found unnecessary hardship. The Board found that although this is a good sized lot, no other realistic location options exist. The Board found the septic system as well as water flow issues limit location options for the accessory structure. The Board found to approve the variance request would not cause harm to public interests. The Board found the accessory structure would be consistent with other structures on neighboring properties. The Board found there was support from neighboring property owners. The Board found to approve the variance request would allow belongings to be stored indoors. The Board found the variance request met the criteria for approval. There was a letter of support from the Town of Spring Prairie and a six-signature petition of support from neighboring property owners. There was no opposition.

Other

- A. Discussion / possible action on DNR request to BOA
The Board discussed April 14, 2022, correspondence from the WI DNR. The WI DNR asked if the BOA would like the WI DNR to issue an opinion on whether a variance request under s. 59.692, Stats., should be granted or denied.

A motion was made by Ann Seaver to approve the WI DNR continue to issue an opinion on whether a variance request should be granted or denied. Seconded by Barbara A. Fischer. Motion carried. 3-favor 0-oppose

A letter will be drafted by Nicholas Sigmund to send to the WI DNR saying same.

- B. Discussion / possible action on township correspondence – none

Staff Reports

- A. Court cases update – none
- B. Distribution of reports, handouts and correspondence
The Board members received an excerpt from Wisconsin State Statute 59.692 which is the section that deals with County Shoreland Zoning and current shore yard averaging practices.

Proposed discussion for next agenda

The following items were requested to be put on the June 2022 agenda, if applicable:

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

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.