

Walworth County Board of Adjustment

MINUTES

May 10, 2023 - Hearing – 9:00 AM

May 11, 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 May 10, 2023, and May 11, 2023, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on May 10, 2023, were Chair Ann Seaver, Vice-Chair Elizabeth Sukala and Secretary Rose Smith-Miller. 1st Alternate David Held, 2nd Alternate Jeff Gepfert, Nick Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on May 11, 2023, were Chair Ann Seaver, Vice-Chair Elizabeth Sukala and Secretary Rose Smith-Miller. 2nd Alternate Jeff Gepfert, Nick Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on May 10, 2023, and May 11, 2023, are kept on file as a matter of record.

The May 10, 2023, 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 minus the second hearing for the Haeger Family Trust. Seconded by Rose Smith-Miller. Motion carried. 3-favor, 0-oppose. Rose Smith-Miller motioned to approve the April 12 & 13, 2023, Minutes and dispense with the reading. Seconded by Elizabeth Sukala. Motion carried. 2-favor 1-abstain (Ann Seaver) 0-oppose.** Rose Smith-Miller took the Oath of Office. The three year term will end June 30, 2024, or until a successor is named. Jeff Gepfert took the Oath of Office. The three year term will end June 30, 2025, or until a successor is named. **After testimony of all cases, Elizabeth Sukala motioned to recess until 9:00 A.M. on Thursday, May 11, 2023. Seconded by Rose Smith-Miller. Motion carried. 3-favor, 0-oppose.** The May 10, 2023, hearing went into recess at approximately 9:41 A.M.

On May 11, 2023, 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 with the removal of item 1. Vito Nicholas & Gia M. Dizonno, owners and item 2. Haeger Family Trust, owner. Seconded by Rose Smith-Miller. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Elizabeth Sukala motioned to adjourn until the June 14, 2023, hearing at 9:00 A.M. Seconded by Rose Miller. Motion carried. 3-favor, 0-oppose.** The May 11, 2023, decision meeting adjourned at approximately 9:18 A.M.

Three variance hearings were scheduled and details of the May 10, 2023, hearings and the May 11, 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 #9:11:05 – 9:17:56 / Decision – Count #N/A

The First Hearing was Vito Nicholas & Gia M. Dizonno, owners / Michael Baglio, Baglio Design Build Team Inc., applicant – Section(s) 26 – La Grange 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 construct an addition.

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

VARIANCE REQUEST: The applicants are requesting a 62.5 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 construct an addition.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of May 10 & 11, 2023, for the petition of Vito Nicholas & Gia M. Dizonno, owners / Michael Baglio, Baglio Design Build Team Inc., applicant, voted to DISMISS the request for a 62.5 foot shore yard setback to construct an addition.

A motion was made by Elizabeth Sukala to dismiss the variance with the understanding there is a \$100 fee to be re-noticed with a window of 60 days. Seconded by Rose Smith-Miller. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found to dismiss the variance request due to lack of representation. The Board found to allow a 60 day window to submit a re-notice fee to come back to the Board.

Hearing – Count #N/A / Decision – Count #N/A

The Second Hearing was Haeger Family Trust, owner / Matthew D. Haeger, Trustee, applicant – 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 stairway.

REQUIRED BY ORDINANCE: The Ordinance allows one stairway in the shore yard to access the shoreline.

VARIANCE REQUEST: The applicants are requesting to relocate an existing 2nd stairway for access to the shoreline. The request is a variance from Section(s) 74-174 / 74-181 of Walworth County’s Code of Ordinances – Shoreland Zoning to construct a stairway.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of May 10 & 11, 2023, for the petition of Haeger Family Trust, owner / Matthew D. Haeger, Trustee, applicant, did not hold a hearing on the request.

BOARD OF ADJUSTMENT FINDINGS: The Board found the request is CANCELED at the request of the applicant.

Hearing – Count #9:18:00 – 9:40:46 / Decision – Count #9:06:00 – 9:09:05

The Third Hearing was Ben C. & Theresa A. Fulco, owners / Kristin J. Belongia, R. H. Batterman, applicant – Section(s) 3 – Richmond Township

Applicants are requesting a variance from Section(s) 74-181 / 74-221 / 74-236 of Walworth County’s Code of Ordinances – Shoreland Zoning to construct an addition.

REQUIRED BY ORDINANCE: The Ordinance requires a 12.3 foot side yard setback.

VARIANCE REQUEST: The applicants are requesting an 8.2 foot side yard setback. The request is a variance from Section(s) 74-181 / 74-221 / 74-236 of Walworth County’s Code of Ordinances – Shoreland Zoning to construct an addition.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of May 10 & 11, 2023, for the petition of Ben C. & Theresa A. Fulco, owners / Kristin J. Belongia, R. H. Batterman, applicant, voted to APPROVE the request for an 8.2 foot side yard setback to construct an addition.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found unique property limitation with the erosion and drainage problems on the property. The Board found to approve the request would help manage the drainage and water runoff issues. The Board found approval will also benefit neighboring properties. The Board found neighboring property owners approved of the request. The Board found support from the Town. The Board found to approve the variance request would increase the setback to the side lot line compared to the existing garage. The Board found the location of the well limited options. The Board found to deny the request would cause unnecessary hardship in not allowing the owner to address the damage caused by present runoff and drainage. The Board found to approve the variance request would protect the public’s interest in navigable waters and improve the water runoff into the lake. There were letters in support from the Town of Richmond and from three neighboring property owners. There was no opposition.

Other

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

Staff Reports

- A. Court cases update – Delavan Lake Sanitary District
Board members were advised of the current status of the Delavan Lake Sanitary District appeal.
- B. Distribution of reports, handouts and correspondence
Two Board members received the current copy of Walworth County Zoning and Shoreland Zoning Ordinances

Proposed discussion for next agenda

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

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

ROSE SMITH-MILLER, SECRETARY
WALWORTH COUNTY BOARD OF ADJUSTMENT

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