

Walworth County Board of Adjustment

MINUTES

June 9, 2021 - Hearing – 9:00 AM

June 10, 2021 – 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 June 9, 2021, and June 10, 2021, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on June 9, 2021, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and Board Member Barbara A. Fischer. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on June 10, 2021, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and Board Member Barbara A. Fischer. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on June 9, 2021, and June 10, 2021, are kept on file as a matter of record.

The June 9, 2021, hearing was called to order by Vice-Chair Elizabeth Sukala at 9:00 A.M. **Ann Seaver** took the Oath of Office. The term will begin on County Board confirmation and will end June 30, 2023. Wendy Boettcher conducted roll call and verified that there was a quorum. Those present were same as listed above. **Ann Seaver motioned to approve the agenda as presented. Seconded by Barb Fischer. Motion carried. 3-favor, 0-oppose. Ann Seaver motioned to approve the May 12 & 13, 2021, Minutes and dispense with the reading. Seconded by Barb Fischer. Motion carried. 3-favor 0-oppose. After testimony of all cases, Barb Fischer motioned to recess until 9:00 A.M. on Thursday, June 10, 2021. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The June 9, 2021, hearing went into recess at approximately 9:52 A.M.

On June 10, 2021, at 9:00 A.M., Vice-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. **Elections** were held. Nick Sigmund asked who expressed interest / no interest in taking the position of Chairperson. Barbara Fischer expressed no interest. Ann Seaver expressed interest. Nick Sigmund asked for nominations for Chairperson. Barbara Fischer nominated Ann Seaver for position of Chairperson. Seconded by Elizabeth Sukala. Elizabeth Sukala motioned to close the nominations and to elect Ann Seaver as the Board of Adjustment’s Chairperson. Seconded by Barbara Fischer. Motion carried. 3-favor 0-oppose. Nick Sigmund asked for nominations for the position of Vice-Chair. Barbara Fischer nominated Elizabeth Sukala for the position of Vice-Chair. Seconded by Ann Seaver. Elizabeth Sukala nominated Barbara Fischer for Vice-Chair. Seconded by Ann Seaver. Ballots were given to the Board members to cast vote for Vice-Chair. Options were Elizabeth Sukala and Barb Fischer. Elizabeth Sukala won the vote for Vice-Chair 2:1. Nick Sigmund asked for nominations for the position of Secretary. Ann Seaver nominated Barbara Fischer for Secretary. Seconded by Elizabeth Sukala. Nick Sigmund asked for a motion to close the nominations for Secretary and elect Barbara Fischer as the Secretary for the Board of Adjustment. Elizabeth Sukala made a motion to close the nominations for Secretary and elect Barbara Fischer as the Secretary for the Board of Adjustment. Seconded by Ann Seaver. Motion carried. 3-favor – 0 oppose. Wendy Boettcher conducted roll call with the new Board positions. **Barbara Fischer motioned to approve the agenda as presented. Seconded by Elizabeth Sukala. Motion carried. 3-favor, 0-oppose.**

After the decisions were completed, Ann Seaver motioned to adjourn until the July 14, 2021, hearing at 9:00 A.M. Seconded by Barbara Fischer. Motion carried. 3-favor, 0-oppose. The June 10, 2021, decision meeting adjourned at approximately 9:21 A.M..

One variance hearing was scheduled and details of the June 9, 2021, hearings and the June 10, 2021, decisions are digitally recorded and available to the public upon request / video to view on our website:.

Old Business – None

New Business – Variance Petitions

Hearing – Count #9:04:16 – 9:52:37 / Decision – Count #9:37:20 – 9:50:00

The First Hearing was Cathy Harvey-Slawkin Trust, owner / Cathy Harvey-Slawkin, applicant – Section(s) 11 – Linn 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 a residence with a deck.

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

VARIANCE REQUEST: The applicants are requesting a 54.3 foot shoreyard setback for the house and a 50.2 foot shoreyard setback for the deck. 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 a residence with a deck.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of June 9 & 10, 2021, for the petition of Cathy Harvey-Slawkin Trust, owner / Cathy Harvey-Slawkin, applicant, voted to DENY the request for a 54.3 foot shoreyard setback for the house and a 50.2 foot shoreyard setback for the deck.

Ann Seaver made a motion to deny for discussion. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found the request does not meet all of the necessary requirements for approval. The Board found no unique property limitations. The Board found the stream on the property meanders through other properties in the area as well. The Board found to approve the variance request would cause harm to public interests. The Board found the request to be a large increment of relief. The Board found the stream located on the property to be a tributary to Geneva Lake. The Board found the stream to be an important part of the eco-system of Geneva Lake and to deny the variance request would protect the public's interest in navigable waters at present and for future generations. The Board found that approval of such a request could contribute to cumulative negative impacts on the stream, the lake, and any water issues within the subdivision. The Board found neighboring property owners stated they would be adversely impacted by approval of the variance request. There was an e-mail in support from the Town of Linn. One neighboring property owner spoke in opposition. There were five e-mails and letters of opposition from neighboring property owners and 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

Proposed discussion for next agenda

The following items were requested to be put on the July 2021 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.