

Walworth County Board of Adjustment

MINUTES

July 13, 2022 - Hearing – 9:00 AM

July 14, 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 July 13, 2022, and July 14, 2022, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on July 13, 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 July 14, 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 July 13, 2022, and July 14, 2022, are kept on file as a matter of record.

The July 13, 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. 3-favor, 0-oppose. Barbara Fischer motioned to approve the June 8 & 9, 2022, Minutes and dispense with the reading. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose. Elizabeth Sukala took the Oath of Office. The three-year term will end June 30, 2025, or until a successor is named. Rose Smith-Miller 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, Barbara Fischer motioned to recess until 9:00 A.M. on Thursday, July 14, 2022. Seconded by Elizabeth Sukala. Motion carried. 3-favor, 0-oppose.** The July 13, 2022, hearing went into recess at approximately 10:05 A.M.

On July 14, 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, Elizabeth Sukala motioned to adjourn until the August 10, 2022, hearing at 9:00 A.M. Seconded by Barbara Fischer. Motion carried. 3-favor, 0-oppose.** The July 14, 2022, decision meeting adjourned at approximately 9:16 A.M.

One variance hearing was scheduled and details of the July 13, 2022, hearings and the July 14, 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 #9:06:34 – 10:05:26 / Decision – Count #9:03:20 – 9:14:39

The First Hearing was Frank J. & Karen Gentile, owners / Tim Lynch, applicant – Section(s) 18 - Linn Township

Applicants are requesting a variance from Section(s) 74-174 / 74-203 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a driveway and walkway.

REQUIRED BY ORDINANCE: The Ordinance requires a 75 foot setback from the ordinary high water mark for the proposed driveway, parking / turn around areas, walkway and grade changes.

VARIANCE REQUEST: The applicants are requesting a 12 foot wide driveway that crosses a stream. The driveway and grade changes would be 0 feet from the ordinary high water mark. Parking / turn around areas are proposed approximately 37 feet and 45 feet from the ordinary high water mark. A walkway is proposed 65 feet from the ordinary high water mark. The request is a variance from Section(s) 74-174 / 74-203 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a driveway and walkway.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of July 13 & 14, 2022, for the petition of Frank J. & Karen Gentile, owners / Tim Lynch, applicant, voted to DENY the request for a 12 foot wide driveway that crosses a stream, a driveway and grade changes 0 feet from the ordinary high water mark, parking / turn around areas proposed approximately 37 feet and 45 feet from the ordinary high water mark, and a walkway proposed 65 feet from the ordinary high water mark.

A motion was made by Barbara Fischer to deny the variance request. Seconded by Ann Seaver for discussion. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found the property did have a unique property limitation in that the creek runs along the road frontage. The Board found no unnecessary hardship. The Board found the hardships were based on the proposed creek crossing location, the design of the house, and the proposed configuration of the driveway/parking areas/walkway in question. The Board found that the drive could be reconfigured and/or the house could be redesigned. The Board found the proposal to be excessive. The Board found the large amount of impervious surface near the creek would be detrimental to the shorelands and the public interest. There was a letter of support from the Town of Linn. A neighboring property owner voiced her concerns.

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 August 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.