

Walworth County Board of Adjustment

MINUTES

August 9, 2023 - Hearing – 9:00 AM

August 10, 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 August 9, 2023, and August 10, 2023, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on August 9, 2023, were Chair Ann Seaver, Vice-Chair Elizabeth Sukala and Secretary Rose Smith-Miller. Nick Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on August 10, 2023, were Chair Ann Seaver, Vice-Chair Elizabeth Sukala and Secretary Rose Smith-Miller. Nick Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on August 9, 2023, and August 10, 2023, are kept on file as a matter of record.

The August 9, 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 as amended to postpone Jawad G. & Sandra A. Nunes, owners, Spring Prairie Township. Seconded by Rose Smith-Miller. Motion carried. 3-favor, 0-oppose. Rose Smith-Miller motioned to approve the July 12 & 13, 2023, Minutes and dispense with the reading. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose. After testimony of all cases, Elizabeth Sukala motioned to recess until 9:00 A.M. on Thursday, August 10, 2023. Seconded by Rose Smith-Miller. Motion carried. 3-favor, 0-oppose.** The August 9, 2023, hearing went into recess at approximately 9:54 A.M.

On August 10, 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 as amended to remove Jawad G. & Sandra A. Nunes, Spring Prairie Township. Seconded by Rose Smith-Miller. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Ann Seaver motioned to adjourn until the September 13, 2023, hearing at 9:00 A.M. Seconded by Rose Smith-Miller. Motion carried. 3-favor, 0-oppose.** The August 10, 2023, decision meeting adjourned at approximately 9:25 A.M.

Three variance hearings were scheduled and details of the August 9, 2023, hearings and the August 10, 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 – FTR Count #9:09:10 – 9:20:27 / Decision – FTR Count #9:07:52 – 9:10:40
The First Hearing was Nanric LLC, owner / Erich Lademann, applicant – Section(s) 32 –
Delavan Township

Applicants are requesting a variance from Section(s) 74-182 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a commercial structure.

REQUIRED BY ORDINANCE: The Ordinance requires a 50 foot street yard setback.

VARIANCE REQUEST: The applicants are requesting a 26.4 foot street yard setback. The request is a variance from Section(s) 74-182 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a commercial structure.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of August 9 & 10, 2023, for the petition of Nanric LLC, owner / Erich Lademann, applicant, voted to DENY the request for a 26.4 foot street yard setback.

A motion was made by Rose Smith-Miller to deny the variance. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found the applicant did not prove a unique property limitation necessitating a variance. The Board found the owner has other options. The Board found a smaller structure could be built maintaining a larger setback from the road. The Board found a change to the zoning district on the property would change the setback requirements allowing the structure to meet the requirements. The Board found the variance request to be a large increment of relief. There was a letter of support from the Town of Delavan. There was no opposition.

Hearing – FTR Count #9:20:32 – 9:53:48 / Decision – FTR Count #9:10:49 – 9:24:32

The Second Hearing was Patrick Devine Trust, owner / Nancy Devine, applicant – Section(s) 28 – Delavan Township

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

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

VARIANCE REQUEST: The applicants are requesting a 6.4 foot street yard setback and a 2.9 foot rear yard setback. The request is a variance from Section(s) 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a residence.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of August 9 & 10, 2023, for the petition of Patrick Devine Trust, owner / Nancy Devine, applicant, voted to APPROVE (2 – 1) the request for a 6.4 foot street yard setback and a 2.9 foot rear yard setback with a condition that the 2 foot by 13 foot bumpout be removed from the plan.

A motion was made by Elizabeth Sukala to approve the variance. Seconded by Rose Smith-Miller for discussion. Motion failed. 1-favor 2-oppose (Ann Seaver / Rose Smith-Miller)

A motion was made by Ann Seaver to approve the variance with the removal of the 2.0 foot bumpout. Seconded by Elizabeth Sukala. Motion carried. 2-favor 1-oppose (Rose Smith-Miller.

BOARD OF ADJUSTMENT FINDINGS: The Board found this is a small lot. The Board found the residence was razed and the owners were unaware of the time limit to rebuild. The Board found the proposed residence is smaller than what had existed. The Board found the proposed residence is in keeping with the surrounding area. The Board found to approve the variance request would cause no harm to public interests as a residence had existed on the property in the past. The Board found to deny the variance request would cause unnecessary hardship. The Board found the lot to be an existing, substandard sized, sewerded lot. The Board found the small lot to be substandard by today's standards but at the time the subdivision was created, the lot was a buildable lot. The Board found the portion of the house that bumped out to the south was not necessary and was being proposed too close to the lot line to meet the intent of the ordinance- required setback. The Board found to approve the variance request with the condition that the south side 2 foot by 13 foot bump-out be removed from the plan would alleviate this concern. Ryan Simons spoke in support and there was a letter of support from the Town of Delavan. There were letters of comment from two neighboring property owners.

Hearing – FTR Count #N/A – 9:48:14 / Decision – FTR Count #N/A

The Third Hearing was Jawad G. & Sandra A. Nunes, owners / Jawad & Sandra Nunes, applicants – Section(s) 14 / 15 – Spring Prairie Township

Applicants are requesting a variance from Section(s) 74-44 / 74-52 of Walworth County's Code of Ordinances – Zoning to permit the location of a horse barn.

REQUIRED BY ORDINANCE: The Ordinance requires a 100 foot rear property line setback.

VARIANCE REQUEST: The applicants are requesting a 39.6 foot rear property line setback. The request is a variance from Section(s) 74-44 / 74-52 of Walworth County's Code of Ordinances – Zoning to permit the location of a horse barn.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of August 9 & 10, 2023, for the petition of Jawad G. & Sandra A. Nunes, owners / Jawad & Sandra Nunes, applicants, did not vote on the request for a 39.6 foot rear property line setback.

BOARD OF ADJUSTMENT FINDINGS: The Board found the petition was postponed at the applicants' request.

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 September 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.