

Walworth County Board of Adjustment

MINUTES

September 8, 2021 - Hearing – 9:00 AM

September 9, 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 September 8, 2021, and September 9, 2021, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on September 8, 2021, were Chair Ann Seaver, Vice-Chair Elizabeth Sukala and Secretary Barbara A. Fischer. Nicholas Sigmund, Senior Zoning Officer, Heather Marquardt, Urban Conservation Specialist and Wendy Boettcher, recording secretary were in attendance. Those present on September 9, 2021, 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 September 8, 2021, and September 9, 2021, are kept on file as a matter of record.

The September 8, 2021, 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. Elizabeth Sukala motioned to approve the August 11 & 12, 2021, Minutes and dispense with the reading. Seconded by Barbara Fischer. Motion carried. 3-favor 0-oppose. After testimony of all cases, Elizabeth Sukala motioned to recess until 9:00 A.M. on Thursday, September 9, 2021. Seconded by Barbara Fischer. Motion carried. 3-favor, 0-oppose.** The September 8, 2021, hearing went into recess at approximately 10:35 A.M.

On September 9, 2021, 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 Barb Fischer. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Ann Seaver motioned to adjourn until the October 13 2021, hearing at 9:00 A.M. Seconded by Barb Fischer. Motion carried. 3-favor, 0-oppose.** The September 9, 2021, decision meeting adjourned at approximately 9:14 A.M.

Two hearings were scheduled and details of the September 8, 2021, hearings and the September 9, 2021, decisions are digitally recorded and available to the public upon request / video to view on our website.

Old Business - none

New Business – Petition for Temporary Use

Hearing – Count #11:40:54 – 11:58:19 / Decision – Count #9:50:01 – 9:55:35

The First Hearing was Samaritan of Geneva LLC, owner / Samaritan of Geneva LLC, applicant – Section(s) 13 – Geneva Township

Applicants are requesting temporary use approval per Section(s) 74-111(8) of Walworth County's Code of Ordinances – Zoning to allow an 11,086 square foot accessory structure to temporarily exist on a proposed lot. The Ordinance allows a lot this size to have 4,878 square feet of accessory structure and the Ordinance requires a principal structure to be present or under construction prior to an accessory structure.

REQUIRED BY ORDINANCE: The Ordinance allows a lot this size to have 4,878 square feet of accessory structure and the Ordinance requires a principal structure to be present or under construction prior to an accessory structure.

TEMPORARY USE REQUEST: The applicants are requesting temporary use approval to allow an existing accessory structure to remain on a parcel proposed to be created by a land division. The applicants are requesting temporary use approval per Section(s) 74-111(8) of Walworth County's Code of Ordinances – Zoning to allow an 11,086 square foot accessory structure to temporarily exist on a proposed lot.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of September 8 & 9, 2021, for the petition of Samaritan of Geneva LLC, owner / Samaritan of Geneva LLC, applicant, voted to APPROVE WITH CONDITION the temporary use approval request to allow an 11,086 square foot accessory structure to temporarily exist on a proposed lot.

A motion was made by Elizabeth Sukala to approve the temporary use request with the condition the proposed land division is approved. Seconded by Barb Fischer. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found to approve the temporary use request with the condition the proposed land division is approved. The Board found the accessory structure currently exists. The Board found the footprint will not be expanded. The Board found the owner's intent is to remodel the interior only for living space. The Board found the approval is for twelve months.

New Business – Petition for Appeal

Hearing – Count #11:40:54 – 11:58:19 / Decision – Count #9:50:01 – 9:55:35

The Second Hearing was Martin Murphy, owner / Martin Murphy, applicant – Section(s) 4 – Linn Township

Applicant is appealing the interpretation and decision of the Zoning Administrator that the lot is not divisible per Section(s) 74-54 / 74-92 of Walworth County's Code of Ordinances – Zoning.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of September 8 & 9, 2021, voted to SUPPORT the interpretation and decision of the Walworth County Zoning Administrator that the lot is not divisible per Section(s) 74-54 / 74-92 of Walworth County's Code of Ordinances – Zoning.

A motion was made by Barb Fischer to support the interpretation and decision of the Walworth County Zoning Administrator. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found in support of the interpretation and decision of the Walworth County Zoning Administrator that the substandard lot is not divisible per Section(s) 74-54 / 74-92 of Walworth County's Code of Ordinances - Zoning. The Board found the timeline given supported the County's determination that the lot is not divisible per Section(s) 74-54 / 74-92 of the Walworth County Code of Ordinances – Zoning. The Board found Sec. 74-92 of the Walworth County zoning ordinance was amended in response to the 2011 Wisconsin ACT 170 and was adopted in the County Zoning Ordinance in 2012. The Board found lots 5, 6, 7 and 8 had been voluntarily combined by a previous owner into one parcel in 2015. The Board found the parcel the applicant purchased had existed as one substandard parcel since being combined by a previous owner. The Board found the four original lots had been combined into one larger substandard parcel and that was the parcel of record in the Register of Deeds Office prior to 2017 Wisconsin ACT 67.

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 October 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.