

Walworth County Board of Adjustment

MINUTES

December 8, 2021 - Hearing – 9:00 AM

December 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 December 8, 2021, and December 9, 2021, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on December 8, 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. Those present on December 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 December 8, 2021, and December 9, 2021, are kept on file as a matter of record.

The December 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. Barbara Fischer motioned to approve the November 10 & 11, 2021, Minutes and dispense with the reading. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose. After testimony of all cases, Barbara Fischer motioned to recess until 9:00 A.M. on Thursday, December 9, 2021. Seconded by Elizabeth Sukala. Motion carried. 3-favor, 0-oppose.** The December 9, 2021, hearing went into recess at approximately 9:24 A.M.

On December 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. **Barbara Fischer motioned to approve the agenda as amended. Seconded by Elizabeth Sukala. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Barbara Fischer motioned to adjourn until the January 12, 2022, hearing at 9:00 A.M. Seconded by Elizabeth Sukala. Motion carried. 3-favor, 0-oppose.** The December 9, 2021, decision meeting adjourned at approximately 10:31 A.M.

One variance hearing was scheduled and details of the December 8, 2021, hearing and the December 9, 2021, decision 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 #9:02:47 – 9:24:11 / Decision – Count #9:01:41 – 9:04:48

The First Hearing was Merwyn Taylor Trust, owner / Frank Taylor, applicant – Section(s) 14 – La Grange Township

Applicants are requesting a variance from Section(s) 74-38 of Walworth County's Code of Ordinances – Zoning to create a 7.78 acre parcel.

REQUIRED BY ORDINANCE: The Ordinance allows a maximum of 6,779 square feet of accessory structures on a parcel this size (2% of the lot area).

VARIANCE REQUEST: The applicants are requesting 9,583 square feet of accessory structures, approximately 2.8%. The request is a variance from Section(s) 74-38 of Walworth County's Code of Ordinances – Zoning to create a 7.78 acre parcel.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of December 8 & 9, 2021, for the petition of Merwyn Taylor Trust, owner / Frank Taylor, applicant, voted to APPROVE the request for 9,583 square feet of accessory structures, approximately 2.8%.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found the property was unique in that two of the outbuildings are airplane hangars. The Board also found the property to be wooded. The Board found the outbuildings to be in good condition and found removing the building(s) would be an unnecessary hardship. The Board found to approve the variance request on the smaller parcel would prevent the property from being subdivided into two lots and would serve to preserve the wooded land. The Board found the outbuildings have existed for many years. The Board found the smaller outbuilding in the southwest corner of the property will be removed. The Board found approval would cause no harm to public interests as the outbuildings are not visible from any side of the property due to the property's wooded nature. The Board found the variance request was a small increment of relief. The Board found to approve the variance request will help preserve the rural character of Walworth County. There were letters in support from a neighboring property owner and the Town of La Grange. There was no opposition.

Other

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

Staff Reports

- A. Court cases update – None
- B. Distribution of reports, handouts and correspondence

Two Board members received Christmas cards.

- 1. Request for reconsideration re: Randall & Lana Pollard

A motion was made by Barbara Fischer to allow the applicants to reapply before the end of the 12 month waiting period. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose

2. Correspondence re: Haus Am See Trust

The Board agreed with Nick Sigmund that a substantial enough change had been made in the variance request to meet the criteria that would allow the applicant to reapply.

Training

The Board watched a training video followed by a question and answer period.

Viewing and discussion of Center for Land Use Education video – Board of Adjustment Appeals 9/29/21 (YouTube 46:53 – 1:18:03)

Proposed discussion for next agenda

The following items were requested to be put on the January 2022 agenda, if applicable:

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

ELIZABETH SUKALA
WALWORTH COUNTY BOARD OF ADJUSTMENT

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