

Walworth County Board of Adjustment

MINUTES

February 12, 2014 - Hearing – 8:30 AM

February 13, 2014 – Meeting – 8:30 AM

County Board Room

Government Center – Elkhorn, Wisconsin

A hearing and decision meeting of the Walworth County Board of Adjustment was held on February 12 & 13, 2014, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on February 12, 2014, were Secretary Ann Seaver, 1st Alternate Elizabeth Sukala and 2nd Alternate Franklin B. Jones. Deb Grube, Senior Zoning Officer, and Wendy Boettcher, recording secretary of the Land Use & Resource Management Department were in attendance. Those present on February 13, 2014, were Secretary Ann Seaver, 1st Alternate Elizabeth Sukala and 2nd Alternate Franklin B. Jones. Deb Grube, Senior Zoning Officer, and Wendy Boettcher, recording secretary of the Land Use & Resource Management Department were in attendance. “Sign-in” sheets listing attendees on February 12, 2014, and February 13, 2014, are kept on file as a matter of record.

The February 12, 2014, hearing was called to order by Acting Chair Ann Seaver at 8:30 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 printed. Seconded by Ann Seaver. Motion carried. 2-favor, 0-oppose. Franklin B. Jones abstained. As Elizabeth Sukala and Franklin B. Jones were not present at the January 8, 2014, hearing & January 9, 2014, meeting, Ann Seaver approved the January 8 & 9, 2014, Minutes and dispensed with the reading. After testimony of all cases, Elizabeth Sukala motioned to recess until 8:30 A.M. on Thursday, February 13, 2014. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The February 12, 2014, hearing went into recess at approximately 9:44 A.M.

On February 13, 2014, at 8:30 A.M., Acting 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. **Franklin B. Jones motioned to approve the agenda as printed. Seconded by Elizabeth Sukala. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Elizabeth Sukala motioned to adjourn until the March 12, 2014, hearing at 8:30 A.M. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The February 13, 2014, decision meeting adjourned at approximately 8:56 A.M.

Four variance hearings were scheduled and details of the February 12, 2014, hearings and the February 13, 2014, decisions are digitally recorded and available to the public upon request / video to view on our website: www.co.walworth.wi.us.

New Business – Variance Petitions

Disc #1 Hearing – Count #8:33:39 – 8:41:56 / Disc #2 Decision – Count #8:33:55 – 8:37:39
The First Hearing was Harold & Karen Ritter, owners – Section(s) 12 – Richmond Township

Applicants are requesting a variance from Section(s) 74-38 / 74-52 of Walworth County’s Code of Ordinances – Zoning to construct a 20’ x 24’ accessory structure.

REQUIRED BY ORDINANCE: The Ordinance requires a 65' street yard setback.

VARIANCE REQUEST: The applicants are requesting a 53.4' street yard setback. The request is a variance from Section(s) 74-38 / 74-52 of Walworth County's Code of Ordinances – Zoning to construct a 20' x 24' accessory structure.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of February 12 & 13, 2014, for the petition of Harold & Karen Ritter, owners, voted to **APPROVE** the request for a 53.4' street yard setback.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found unique property limitations in the shape of the lot and having roads on three sides of the property. The Board found the lot slopes steeply to the east and the driveway slopes up steeply from the road to the house. The Board found to approve the variance request would cause no harm to public interests. Due to the slope of the property, the ravine and the wooded area, the Board found the proposed accessory structure location will not affect the view of the neighboring property owners. The Board found to deny the variance request and require the owner to comply with the setbacks would not allow vehicular traffic in and out of the existing attached garage and would take away from the existing parking area. There was one letter of support from the Town of Richmond. There was no opposition.

Disc #1 Hearing – Count #8:42:00 – 9:02:30 / Disc #2 Decision – Count #8:37:40 – 8:42:59

The Second Hearing was Sugar Creek Dairy LLC, owner / Marleen & Rick Adams, applicants – Section(s) 18 & 19 – Richmond Township

Applicants are requesting a variance from Section(s) 74-44 / 74-51 of Walworth County's Code of Ordinances – Zoning to permit the location of a barn and a utility room and to construct a feed and manure storage area.

REQUIRED BY ORDINANCE: The Ordinance requires a 100' side yard and rear yard setback.

VARIANCE REQUEST: The applicants are requesting a 64.3' side yard and 83' rear yard setback for a utility room and barn and a 45' side yard and 14.5' rear yard setback for a feed and manure storage area. The request is a variance from Section(s) 74-44 / 74-51 of Walworth County's Code of Ordinances – Zoning to permit the location of a barn and a utility room and to construct a feed and manure storage area.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of February 12 & 13, 2014, for the petition of Sugar Creek Dairy LLC, owner / Marleen & Rick Adams, applicants, voted to **APPROVE** the request for a 64.3' side yard and 83' rear yard setback for a utility room and barn and a 45' side yard and 14.5' rear yard setback for a feed and manure storage area.

A motion was made by Elizabeth Sukala to approve the variance request. Seconded by

Ann Seaver. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS:

APPROVAL of the request for a 64.3' side yard and 83' rear yard setback for a utility room and barn:

The Board found the required distance between a well and manure storage unit had changed once the project was underway which moved the location of the utility room and barn into the setback area. The Board found to have the utility room detached from the barn would be a lesser setback by ordinance but would cause unnecessary hardship to the owner, animals and the entire farm operation. The Board found to approve the variance request would cause no harm to the public.

APPROVAL of a 45' side yard and 14.5' rear yard setback for a feed and manure storage area: The Board found to approve the variance request would cause no harm to public interests as the feed pad and manure storage basin are in secluded areas of the property. The Board found the concrete pad would help keep gravel out of the feed. The Board found the concrete feed bunker would secure the feed. The Board found the parcel is located in an agricultural area with no immediate plans for development. The Board found the farm operation to be closely monitored by the Wisconsin Department of Natural Resources, the State of Wisconsin and Walworth County.

The contractor spoke in support. There was one letter of support from the Town of Richmond. There was no opposition.

Disc #1 Hearing – Count #9:02:40 – 9:25:48 / Disc #2 Decision – Count #8:43:00 – 8:48:28

The Third Hearing was John C. & Deborah D. Hammersmith, owners – Section(s) 31 – Delavan Township

Applicants are requesting a variance from Section(s) 74-167 / 74-181 / 74-219 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct an addition to a single-family residence.

REQUIRED BY ORDINANCE: The Ordinance requires a 75' shore yard setback and a 14.2' street yard setback (established).

VARIANCE REQUEST: The applicants are requesting a 50.7' shore yard setback and a 10.2' street yard setback. The request is a variance from Section(s) 74-167 / 74-181 / 74-219 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct an addition to a single-family residence.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of February 12 & 13, 2014, for the petition of John C. & Deborah D. Hammersmith, owners, voted to **APPROVE** the request for a 50.7' shore yard setback and a 10.2' street yard setback.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found the house has existed within the

75' setback requirement for more than 90 years. The Board found the residence, including the concrete foundation, suffered significant storm damage. The Board found that by moving the addition to the south would cause no harm to public interests and the roof alteration was the minimum necessary to connect the existing house to the addition. The Board found removal of the east side deck will bring the structure more into compliance. The Board found to approve the variance request will not harm the public's interest in navigable waters as a road exists between the structure and the channel and the addition is proposed to be on the side of the home away from the water. Delavan Township submitted Plan Commission Meeting Minutes (2-04-14) stating approval. There was a letter of comment from the Wisconsin Department of Natural Resources. There was no opposition.

Disc #1 Hearing – Count #9:25:54 – 9:44:20 / Disc #2 Decision – Count #8:48:29 – 8:53:50
The Fourth Hearing was James E. & Julie M. Hansen II, owners – Section(s) 3 – Richmond Township

Applicants are requesting a variance from Section(s) 74-167 / 74-181 / 74-219 of Walworth County's Code of Ordinances – Shoreland Zoning to do roof alterations, bow window and a deck, landing and stairs.

REQUIRED BY ORDINANCE: The Ordinance requires a 75' shore yard and 3' side yard setback.

VARIANCE REQUEST: The applicants are requesting a 28.55' shore yard setback at the closest point for a roof alteration and bow window and a 29.86' shore yard and 1.31' side yard setback for a deck, landing and stairs. The request is a variance from Section(s) 74-167 / 74-181 / 74-219 of Walworth County's Code of Ordinances – Shoreland Zoning to do roof alterations, bow window and a deck, landing and stairs.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of February 12 & 13, 2014, for the petition of James E. & Julie M. Hansen II, owners, voted to **APPROVE** the request for a 28.55' shore yard setback at the closest point for a roof alteration and bow window and a 29.86' shore yard and 1.31' side yard setback for a deck, landing and stairs.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found the house has existed for some time and is in need of repairs for water damage. The Board found to approve the variance request will allow removal of the existing Mansard roof which will be replaced with a lesser eave and will improve setbacks. The Board found the bow window will not extend past the overhang of the roof. The south side entrance addition provides a secondary access and safe access to the shore and will not affect neighboring property owners. The Board found to have two ingress / egress points on the same side of the residence, to meet the ordinance requirements, is not as effective as what is proposed. There was one letter of support from the Town of Richmond. There was one letter of opposition from 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 - none

Proposed discussion for next agenda

The following items were requested to be put on the March 2014 agenda, if applicable:

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

ANN SEAVER
WALWORTH COUNTY BOARD OF ADJUSTMENT

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