

## Walworth County Board of Adjustment

### MINUTES

January 8, 2020 - Hearing – 9:00 AM

January 9, 2020 – Meeting – 9:00 AM

County Board Room

Government Center – Elkhorn, Wisconsin

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A hearing and decision meeting of the Walworth County Board of Adjustment was held on January 8, 2020, and January 9, 2020, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on January 8, 2020, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and 1<sup>st</sup> Alternate Franklin B. Jones. Nicholas Sigmund, Senior Zoning Officer, Heather Marquardt, Code Enforcement Officer and Wendy Boettcher, recording secretary were in attendance. Those present on January 9, 2020, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and 1<sup>st</sup> Alternate Franklin B. Jones. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on January 8, 2020, and January 9, 2020, are kept on file as a matter of record.

The January 8, 2020, hearing was called to order by Vice-Chair Elizabeth Sukala at 9:00 A.M. Wendy Boettcher conducted roll call and verified that there was a quorum. Those present were same as listed above. **Ann Seaver motioned to approve the agenda as presented. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose. Ann Seaver motioned to approve the December 11 & 12, 2019, Minutes and dispense with the reading. Seconded by Elizabeth Sukala. Motion carried. 2-favor, 0-oppose, 1-abstain (Franklin B. Jones). After testimony of all cases, Elizabeth Sukala motioned to recess until 9:00 A.M. on Thursday, January 9, 2020. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The January 8, 2020, hearing went into recess at approximately 10:20 A.M.

On January 9, 2020, at 9:00 A.M., Vice-Chair Elizabeth Sukala 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. **Ann Seaver motioned to approve the agenda as presented. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Ann Seaver motioned to adjourn until the February 12, 2020, hearing at 9:00 A.M. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The January 9, 2020, decision meeting adjourned at approximately 9:09 A.M.

One appeal hearing was scheduled and details of the January 8, 2020, hearing and the January 9, 2020, decision is digitally recorded and available to the public upon request / video to view on our website: [www.co.walworth.wi.us](http://www.co.walworth.wi.us).

**Old Business – None**

**New Business – Appeal Petition**

Hearing – Count #9:02:05 – 10:18:32/ Decision – Count #9:00:25 – 9:05:40

**The First Hearing** was David Feldstein & Beth Bovis, owners / Lowell Custom Homes, applicant – Section(s) 10 – Linn Township

Applicants are requesting to appeal the interpretation and decision of the zoning administrator that the gravel area outside of the boathouse door is a structure, similar to a patio, that is required to meet the shoreyard setback. Based on Section(s) 74-162 / 74-174 / 74-181 / 74-263 of Walworth County's Code of Ordinances – Shoreland Zoning.

**APPLICANT(S) APPEAL:** The applicants are appealing the interpretation and decision of the Zoning Administrator that the gravel area outside of the boathouse door is a structure, similar to a patio, that is required to meet the shoreyard setback. Based on Section(s) 74-162 / 74-174 / 74-181 / 74-263 of the Walworth County Code of Ordinances – Shoreland Zoning. The applicants' interpretation is that the gravel area is not a structure or a patio and is therefore not required to meet the shoreyard setback.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting on January 8 & 9, 2020, voted to **UPHOLD** the interpretation and decision of the Walworth County Zoning Administrator that the gravel area outside of the boathouse door is a structure, similar to a patio, that is required to meet the shoreyard setback.

**BOARD OF ADJUSTMENT FINDINGS:** The Board found the gravel area does meet the definition of a structure in the Walworth County Shoreland Zoning Ordinance. The Board found the gravel area was constructed. The Board found the gravel was placed in a specific location to serve a purpose. The Board found the size, shape, use, and materials involved do not preclude the gravel area from meeting the definition of a structure. The Board found that a structure exempt from the shoreyard setback may be allowed in this same location, but found this does not preclude the gravel area from being a structure that is not exempt from the shoreyard setback.

**Motion carried. 2-favor 1-oppose (Franklin B. Jones)**

#### **Other**

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

#### **Staff Reports**

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

Board members received:

- 1) miscellaneous correspondence
- 2) attendance record 2003 – 2019
- 3) 2019 annual report
- 4) 2019 follow-up report

#### **Proposed discussion for next agenda**

The following items were requested to be put on the February 2020 agenda, if applicable:

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

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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.