

Walworth County Board of Adjustment

MINUTES

January 13, 2021 - Hearing – 9:00 AM

January 14, 2021 – Meeting – 9:00 AM

County Board Room

Government Center – Elkhorn, Wisconsin

A hearing and decision meeting of the Walworth County Board of Adjustment was held on January 13, 2021, and January 14, 2021, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on January 13, 2021, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and 1st Alternate Franklin B. Jones. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on January 14, 2021, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and 1st Alternate Franklin B. Jones. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on January 13, 2021, and January 14, 2021, are kept on file as a matter of record.

The January 13, 2021, 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 9 & 10, 2020, Minutes and dispense with the reading. Seconded by Franklin B. Jones. Motion carried. 3-favor 0-oppose. After testimony of all cases, Ann Seaver motioned to recess until 9:00 A.M. on Thursday, January 14, 2021. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The January 13, 2021, hearing went into recess at approximately 10:01 A.M.

On January 14, 2021, 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 10, 2021, hearing at 9:00 A.M. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The January 14, 2021, decision meeting adjourned at approximately 9:21 A.M.

Two variance hearings were scheduled and details of the January 13, 2021, hearings and the January 14, 2021, decisions are digitally recorded and available to the public upon request / video to view on our website:.

Old Business – None

New Business – Variance Petitions

Hearing – Count #9:02:25 – 9:31:17 / Decision – Count #9:00:35 – 9:11:31

The First Hearing was Harry Warnaar Trust, owner / Harry & Diane Warnaar, applicants –
Section(s) 21 – 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 10 foot side yard setback.

VARIANCE REQUEST: The applicants are requesting an approximate 2.2 foot side 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 January 13 & 14, 2021, for the petition of Harry Warnaar Trust, owner / Harry & Diane Warnaar, applicants, voted to APPROVE the request for an approximate 2.2 foot side yard setback.

Elizabeth Sukala made a motion to approve. Seconded by Franklin B. Jones. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found the property to be at the end of a dead end road with a community park at the end. The Board found that the area has traffic and visibility issues that create safety concerns. The Board found a two car garage to be a necessity. The Board found additional indoor parking space will help alleviate issues with parking and turning around at the end of the street. The Board found that an existing detached garage currently exists in the location of the proposed structure. The Board found to approve the request would cause no harm to public interests. The Board found to approve the variance request would improve safety in addressing sightline concerns. The Board found the request would cause no detriment to the lake. The Board found the owner had a recommendation of approval from the Town of Delavan. The president of the Delavan Lake Improvement Association spoke in support. There was a letter of support from the Town of Delavan. There was no opposition.

REVISED JANUARY 21, 2021

BOARD OF ADJUSTMENT FINDINGS: The Board found the property to be at the end of a dead end road with a community park at the end. The Board found that the area has traffic and visibility issues that create safety concerns. **The Board found a two car garage to be a necessity.** The Board found additional indoor parking space will help alleviate issues with parking and turning around at the end of the street. The Board found that an existing detached garage currently exists in the location of the proposed structure. The Board found to approve the request would cause no harm to public interests. The Board found to approve the variance request would improve safety in addressing sightline concerns. The Board found the request would cause no detriment to the lake. The Board found the owner had a recommendation of approval from the Town of Delavan. The president of the Delavan Lake Improvement Association spoke in support. There was a letter of support from the Town of Delavan. There was no opposition.

Hearing – Count #9:31:26 – 10:00:35 / Decision – Count #9:11:32 – 9:15:26

The Second Hearing was Jeffery H. Way, owner / Jeff Way, applicant – Section(s) 21 – Spring Prairie Township

Applicant is requesting a variance from Section(s) 74-51 of Walworth County's Code of Ordinances – Zoning to construct a residence.

REQUIRED BY ORDINANCE: The Ordinance requires a minimum lot width of 300 feet measured at the building site.

VARIANCE REQUEST: The applicant is requesting to build on a portion of the property where the width is approximately 272 feet. The request is a variance from Section(s) 74-51 of Walworth County's Code of Ordinances – Zoning to construct a residence.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of January 13 & 14, 2021, for the petition of Jeffery H. Way, owner / Jeff Way, applicant, voted to APPROVE the request to build on a portion of the property where the width is approximately 272 feet.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found unique property limitations to be that the portion of the 45 acre parcel that meets the 300 foot minimum width is in the back. The Board found that when you get to that area, the property drops off, is rocky, wet and has a stand of trees. The Board found to deny the request and require the owner to build on the back of the property would create an unnecessary hardship in that it would be difficult to level the land for a foundation and could create issues with a septic area. The Board found to approve the variance request would cause no harm to public interests. The Board found the variance request to be a small increment of relief. The Board found the proposed building site could not be seen by neighbors and is in a rural area with plenty of surrounding land. The Board found the owner has the support of the Town of Spring Prairie and neighbors. There was a letter in support from the Town of Spring Prairie and letters of support from four neighboring property owners. 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 cards from Kikkoman Foods.
 - The Board members were given copies of the 2020 Follow-up Request report and the 2020 Annual Report.

Proposed discussion for next agenda

The following items were requested to be put on the February 2021 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.