

Walworth County Board of Adjustment
MINUTES
February 10, 2021 - Hearing – 9:00 AM
February 11, 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 February 10, 2021, and February 11, 2021, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on February 10, 2021, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and Board Member Barbara A. Fischer. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on February 11, 2021, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and Board Member Barbara A. Fischer. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on February 10, 2021, and February 11, 2021, are kept on file as a matter of record.

The February 10, 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. Barbara A. Fischer took the Oath of Office. The three year term will end on June 30, 2021, or until a successor is named. **Ann Seaver motioned to approve the agenda as presented. Seconded by Barbara Fischer. Motion carried. 3-favor, 0-oppose. Ann Seaver motioned to approve the January 13 & 14, 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, February 11, 2021. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The February 10, 2021, hearing went into recess at approximately 9:59 A.M.

On February 11, 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. **Barbara Fischer motioned to approve the agenda as presented. Seconded by /Ann Seaver. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Barbara Fischer motioned to adjourn until the March 10, 2021, hearing at 9:00 A.M. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The February 11, 2021, decision meeting adjourned at approximately 9:24 A.M.

Three variance hearings were scheduled and details of the February 10, 2021, hearings and the February 11, 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 #9:03:49 – 9:17:00 / Decision – Count #9:01:46 – 9:04:55

The First Hearing was Jason B. & Jessica L. Dean, owners / Jason & Jessica Dean, applicants – Section(s) 5 – La Grange Township

Applicants are requesting a variance from Section(s) 74-38 / 74-54 of Walworth County's Code of Ordinances – Zoning to construct an accessory structure / garage.

REQUIRED BY ORDINANCE: The Ordinance requires a 15 foot side yard setback and a 25 foot rear yard setback.

VARIANCE REQUEST: The applicants are requesting a 3.5 foot side yard setback and 3.5 foot rear yard setback. The request is a variance from Section(s) 74-38 / 74-54 of Walworth County's Code of Ordinances – Zoning to construct an accessory structure / garage.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of February 10 & 11, 2021, for the petition of Jason B. & Jessica L. Dean, owners / Jason & Jessica Dean, applicants, voted to APPROVE the request for a 3.5 foot side yard setback and 3.5 foot rear yard setback.

Ann Seaver made a motion to approve the variance. Seconded by Barbara Fischer. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found unique property limitations in the property being situated at the end of a cul-de-sac. The Board found the location of the well and septic system limited the options for the location of an accessory structure. The Board found existing easements on the property also restricted alternative location options. The Board found to deny the request would cause unnecessary hardship. The Board found there is a need for indoor storage on the property. The Board found to approve the request would allow cover for vehicles and maintenance equipment. The Board found to approve the variance request would cause no harm to public interests as the proposed structure will be out of view of neighbors and will not restrict the view of neighboring property owners. The Board found the property is surrounded by a wooded area. There was a letter in support from the Town of La Grange. There was no opposition.

Hearing – Count #9:17:13 – 9:32:27 / Decision – Count #9:04:56 – 9:09:19

The Second Hearing was Eric M. & Joyce J. Larson, owners / Eric & Joyce Larson, applicants – Section(s) 35 – La Grange Township

Applicants are requesting a variance from Section(s) 74-181 / 74-221 / 74-236 of Walworth County's Code of Ordinances – Shoreland Zoning to construct an addition to a residence.

REQUIRED BY ORDINANCE: The Ordinance requires a 13.6 foot side yard setback.

VARIANCE REQUEST: The applicants are requesting a 3.5 foot side yard setback. The request is a variance from Section(s) 74-181 / 74-221 / 74-236 of Walworth County's Code of Ordinances – Shoreland Zoning to construct an addition to a residence.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of February 10 & 11, 2021, for the petition of Eric M. & Joyce J. Larson, owners / Eric & Joyce Larson, applicants, voted to APPROVE the request for a 3.5 foot side yard setback.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found unique property limitations in the topography of the parcel. The Board found the lot has a steep slope down on the southerly portion of the lot. The Board found the lot to be narrow. The Board found the location of the well and septic limited options for construction of the garage addition. The Board found to deny the request would cause unnecessary hardship in requiring the relocation of the septic. The Board also found it to be a hardship not to have cover for vehicles and yard equipment. The Board found to approve the request would cause no harm to public interests as the parcel is in a wooded area and out of view. The Board found the proposed addition to be in the least obtrusive location. The Board found the Town of La Grange approved the project. The Board found the buildable area options were limited by the lot size. The Board found at the time the parcels were created that smaller parcels were more acceptable. The Board found the request as proposed would keep land disturbance to a minimum. There was a letter in support from the Town of La Grange. There was no opposition.

Hearing – Count #9:32:41 – 9:59:17 / Decision – Count #9:09:20 – 9:16:20

The Third Hearing was Starmer Trust, owner / R. H. Batterman & Co Inc, applicant – Section(s) 35 – Whitewater Township

Applicants are requesting a variance from Section(s) 74-181 of Walworth County’s Code of Ordinances – Shoreland Zoning to construct a residence

REQUIRED BY ORDINANCE: The Ordinance requires a 150 foot lot width.

VARIANCE REQUEST: The applicants are requesting a lot width of approximately 90.8 feet. The request is a variance from Section(s) 74-181 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 February 10 & 11, 2021, for the petition of Starmer Trust, owner / R. H. Batterman & Co Inc, applicant, voted to APPROVE the request for a lot width of approximately 90.8 feet.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found unique property limitations in the irregular shape of the lot with the conforming width nearer the road and on a ridge. The Board found a house had existed on the lot in the same general location as the proposed house. The Board found to deny the variance request and require construction to take place at the conforming width of the property on the ridge would require greater land disturbance and tree clearing. The Board found to approve the request as proposed would allow construction to take place near existing utilities. The Board found to approve the variance request would cause no harm to public interests. The Board found the residence would be mostly hidden from the road and the neighbors across the road by the hill in front. The Board found that keeping the hill and trees nearer the street undisturbed would maintain a more natural look from the road. The Board

found the proposed house will generally fall in line with the neighboring houses on either side. The Board found the proposed house would be significantly further from the lake than the required minimum. The Board found to approve the variance request would not harm the public's interest in navigable waters. There were letters in support from the Town of Whitewater and two neighboring property owners. There was an e-mail of opposition from a neighboring property owner.

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 March 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.