

**Walworth County Board of Adjustment**  
MINUTES  
February 12, 2020 - Hearing – 9:00 AM  
February 13, 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 February 12, 2020, and February 13, 2020, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on February 12, 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. Those present on February 13, 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 February 12, 2020, and February 13, 2020, are kept on file as a matter of record.

The February 12, 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 January 8 & 9, 2020, Minutes and dispense with the reading. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose. After testimony of all cases, Franklin B. Jones motioned to recess until 9:00 A.M. on Thursday, February 13, 2020. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The February 12, 2020, hearing went into recess at approximately 10:18 A.M.

On February 13, 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 March 11, 2020, hearing at 9:00 A.M. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The February 13, 2020, decision meeting adjourned at approximately 9:25 A.M.

Three variance hearings were scheduled and details of the February 12, 2020, hearings and the February 13, 2020, decisions are 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 – Variance Petitions**

Hearing – Count #9:03:45 – 9:26:12 / Decision – Count #9:01:30 – 9:06:15

**The First Hearing** was Jesse R. & Natalie S. Snopek, owners / Jesse R. & Natalie S. Snopek, applicants – Section(s) 23 – Geneva Township

Applicants are requesting a variance from Section(s) 74-51 / 74-92 of Walworth County's Code of Ordinances – Zoning to permit the location of two agricultural buildings.

**REQUIRED BY ORDINANCE:** The Ordinance requires 25 foot street yard setbacks.

**VARIANCE REQUEST:** The applicants are requesting one building 3.7 feet from Krueger Road and 10.2 feet from U.S. Highway 12. A second building is 4.1 feet from Krueger Road. The request is a variance from Section(s) 74-51 / 74-92 of Walworth County's Code of Ordinances – Zoning to permit the location of two agricultural buildings.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of February 12 & 13, 2020, for the petition of Jesse R. & Natalie S. Snopek, owners / Jesse R. & Natalie S. Snopek, applicants, voted to APPROVE the request for one building 3.7 feet from Krueger Road and 10.2 feet from U.S. Highway 12 and a second building 4.1 feet from Krueger Road.

**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 in the triangular shaped lot with streets on three sides. The Board found Krueger Road is a dead end. The Board found the property to be in a remote, rural area with few neighbors. The Board found the location of the buildings to be well documented and permitted at the time of their construction. The Board found to require the buildings to be removed would cause unnecessary hardship. The Board found to approve the variance request would cause no harm to public interests. The Board found the owner did receive approval from the Town as well as support from neighbors. There were letters in support from an existing neighboring property owner, a past neighboring property owner and from the Town of Geneva. There was no opposition.

Hearing – Count #9:26:25 – 9:47:51 / Decision – Count #9:06:23 – 9:10:49

**The Second Hearing was Matthew A. & Mary E. Polyock Trust, owner / Matthew Polyock, applicant – Section(s) 33 – Linn Township**

Applicants are requesting a variance from Section(s) 74-51 of Walworth County's Code of Ordinances – Zoning to construct six boat storage buildings.

**REQUIRED BY ORDINANCE:** The Ordinance requires a 75 foot lot line setback.

**VARIANCE REQUEST:** The applicants are requesting a 46.3 foot lot line setback. The request is a variance from Section(s) 74-51 of Walworth County's Code of Ordinances – Zoning to construct six boat storage buildings.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of February 12 & 13, 2020, for the petition of Matthew A. & Mary E. Polyock Trust, owner / Matthew Polyock, applicant, voted to APPROVE the request for a 46.3 foot lot line setback to construct six boat storage buildings.

**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 the property had an existing blacktop pad with an established drainage system in place surrounding the pad. The Board found the pad is no longer needed for outdoor storage of overflow grain. The Board found to require the removal or relocation of the blacktop pad would be an unnecessary hardship. The Board found no harm to public interests. The Board found the proposed indoor boat storage structures would be a good fit for the property. The Board found that family owns the adjacent property and the family was supportive of the project. The Board found the setback variance would be from a lot line adjacent to privately owned railroad tracks and found that the proposed setback would provide adequate space between the uses. The Board found to approve the variance request would help to preserve prime agricultural land by preventing the project from having to be shifted into the undeveloped portion of the property. The Board found the owner received approval from the Town. A neighboring property owner spoke in support and there was a letter of support from the Town of Linn. There was no opposition.

Hearing – Count #9:47:55 – 10:17:35 / Decision – Count #9:10:50 – 9:16:49

**The Third Hearing was John & Sally Berget and John & Frieda Berget and JSLB Inc., owners / John Berget, applicant – Section(s) 25 – Delavan Township**

Applicants are requesting a variance from Section(s) 74-86 of Walworth County’s Code of Ordinances – Zoning to construct a 79 square foot business sign.

**REQUIRED BY ORDINANCE:** The Ordinance prohibits a parcel from having more than 400 square feet of signage.

**VARIANCE REQUEST:** The applicants are requesting a total of 679 square feet of signage. The request is a variance from Section(s) 74-86 of Walworth County’s Code of Ordinances – Zoning to construct a 79 square foot business sign.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of February 12 & 13, 2020, for the petition of John & Sally Berget and John & Frieda Berget and JSLB Inc., owners / John Berget, applicant, voted to DENY the request for a total of 679 square feet of signage.

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

**BOARD OF ADJUSTMENT FINDINGS:** The Board found no unique property limitations. The Board found that the request would not preserve the intent of the ordinance as it would be a very large increment of relief. The Board found no unnecessary hardship and found that the property owner had other options for advertising without the granting of a variance. There was no support. There was no opposition.

**Other**

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

## **Staff Reports**

A. Court cases update - Board of Appeals decision Nielsen - Nelson  
Board members received a copy of the Court of Appeals Decision filed January 22, 2020. The Circuit Court and the Court of Appeals supported the Board of Adjustment decision of March 15, 2018, to uphold the decision of the Zoning Administrator's interpretation and decision.

B. Distribution of reports, handouts and correspondence - none

## **Proposed discussion for next agenda**

The following items were requested to be put on the March 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.