

Walworth County Board of Adjustment
MINUTES
February 13, 2019 - Hearing – 9:00 AM
February 14, 2019 – 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 13 & 14, 2019, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on February 13, 2019, were Vice-Chair Elizabeth Sukala, First Alternate Franklin B. Jones and Second Alternate Joseph J. Pappa. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on February 14, 2019, were Vice-Chair Elizabeth Sukala, First Alternate Franklin B. Jones and Second Alternate Joseph J. Pappa. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on February 13, 2019, and February 14, 2019, are kept on file as a matter of record.

The February 13, 2019, hearing was called to order by Acting 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. **Joseph J. Pappa motioned to approve the agenda as amended to postpone hearing #4. JHGKL LLC, owner / Sugar Creek Township. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose. Joseph J. Pappa motioned to approve the January 9 & 10, 2019, Minutes and dispense with the reading. Seconded by Elizabeth Sukala. Motion carried. 3-favor, 0-oppose. After testimony of all cases, Joseph J. Pappa motioned to recess until 9:00 A.M. on Thursday, February 14, 2019. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The February 13, 2019, hearing went into recess at approximately 9:46 A.M.

On February 14, 2019, at 9:00 A.M., Acting 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. **Joseph Pappa motioned to approve the agenda as amended to postpone hearing #4. JHGKL LLC, owner / Sugar Creek Township. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Joseph J. Pappa motioned to adjourn until the March 13, 2019, hearing at 9:00 A.M. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The February 14, 2019, decision meeting adjourned at approximately 9:26 A.M.

Four variance hearings were scheduled and details of the February 13, 2019, hearings and the February 14, 2019, decisions are digitally recorded and available to the public upon request / video to view on our website: www.co.walworth.wi.us.

Old Business – None

New Business – Variance Petitions

Hearing – Count #9:03:33 – 9:14:24 / Decision – Count #9:01:30 – 9:04:40

The First Hearing was Robert R. & Karen Mueller, owners / Michael Greeson, V2G Surveying, applicant – Section(s) 9 – East Troy Township

Applicants are requesting a variance from Section(s) 74-165 of Walworth County's Code of Ordinances – Shoreland Zoning to construct an accessory structure (detached garage).

REQUIRED BY ORDINANCE: The Ordinance requires a principal structure to be present or under construction prior to an accessory structure.

VARIANCE REQUEST: The applicants are requesting an accessory structure on a parcel with no principal structure. The request is a variance from Section(s) 74-165 of Walworth County's Code of Ordinances – Shoreland Zoning to construct an accessory structure (detached garage).

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of February 13 & 14, 2019, for the petition of Robert R. & Karen Mueller, owners / Michael Greeson, V2G Surveying, applicant, voted to **APPROVE** the request for an accessory structure on a parcel with no principal structure.

A motion was made by Franklin B. Jones to approve the request to waive the requirement for a primary structure to be in existence before an accessory structure. Seconded by Joseph J. Pappa. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found that no residence is planned on the vacant parcel, but the owner's principal structure exists across the street. The Board found the topography of the lot prevents the owner from using the vacant property for a permitted purpose. The Board found the location of the well and septic as well as the topography on the parcel where the residence sits, limits options for location of an accessory structure on that parcel. The Board found to approve the variance request will cause no harm to public interests. The Board found that the Town recommended approval. The Board found there are other parcels on Humphrey Lane with accessory structures across the road from the residence. The Board found this garage would be consistent with the development pattern of the area. There was a letter in support from the Town of East Troy. There was no opposition.

Hearing – Count #9:14:35 – 9:28:15 / Decision – Count #9:04:50 – 9:11:17

The Second Hearing was Jack A. Zehner & Roger A. Fons, owners / Peter Weston, applicant – Section(s) 35 – Whitewater Township

Applicants are requesting a variance from Section(s) 74-219 of Walworth County's Code of Ordinances – Shoreland Zoning to replace a detached garage.

REQUIRED BY ORDINANCE: The Ordinance requires the new garage to stay within the building envelope of the existing garage in the area that is within 5 feet of the road right-of-way.

VARIANCE REQUEST: The applicants are requesting to replace a detached garage and extend outside of the existing building envelope 4.17 feet from the road right-of-way. The request is a variance from Section(s) 74-219 of Walworth County's Code of Ordinances – Shoreland Zoning to replace a detached garage.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of February 13 & 14, 2019, for the petition of Jack A. Zehner & Roger A. Fons, owners / Peter Weston, applicant, voted to **APPROVE** the request to extend outside of the

existing building envelope 4.17 feet from the road right-of-way.

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 extremely steep slopes on the parcel to be a unique property limitation. The Board found the owner intends to reuse the existing foundation and rebuild the noncompliant portion in the same footprint. The Board found that relocating the garage may necessitate excavation into the steep hillside. The Board found the variance request to be a small increment of relief. The Board found runoff concerns will be addressed in the reconstruction of the accessory structure. There was a letter in support from the Town of Whitewater. There was a letter of comment from a neighboring property owner. There was no opposition.

Hearing – Count #9:28:35 – 9:45:49 / Decision – Count #9:11:31 – 9:22:40

The Third Hearing was Klucken Trust, owner / Don & Linda Klucken, applicants – Section(s) 21 – Delavan Township

Applicants are requesting a variance from Section(s) 74-219 / 74-232 of Walworth County's Code of Ordinances – Shoreland Zoning to construct additions to a residence.

REQUIRED BY ORDINANCE: The Ordinance requires an 8 foot street yard setback and 5 foot rear and side yard setbacks for the additions and a 3 foot rear setback for the chimney expansion.

VARIANCE REQUEST: The applicants are requesting a second story addition 5.4 feet from the street, 2.1 feet from the side and approximately 4.8 feet from the rear. A screen porch is proposed 5.9 feet from the street. A vertical chimney expansion is proposed 2.8 feet from the rear. The request is a variance from Section(s) 74-219 / 74-232 of Walworth County's Code of Ordinances – Shoreland Zoning to construct additions to a residence.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of February 13 & 14, 2019, for the petition of Klucken Trust, owner / Don & Linda Klucken, applicants, voted to **APPROVE** the request for a second story addition 5.4 feet from the street, 2.1 feet from the side and approximately 4.8 feet from the rear, and a vertical chimney expansion 2.8 feet from the rear and voted to **DENY** the request for a screen porch 5.9 feet from the street.

A motion was made by Franklin B. Jones to approve the variance request with the exception of those required for the screen porch. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS:

APPROVAL OF SECOND STORY ADDITION AND CHIMNEY EXPANSION: The Board found the small parcel size to be a unique property limitation. The Board found the size of the home to be very small. The Board found the request is consistent with the development pattern in this subdivision. The Board found to deny this owner what is typical for this subdivision would be an unnecessary hardship. The Board found the request to raise the second story to a

livable height to be a reasonable request. The Board found the chimney and 2nd story construction will stay within the existing footprint. The Board found the bump-outs of the second floor to be a small increment of relief. The Board found to approve the variance requests would cause no harm to public interests. The Board found the owner did receive approval from the Delavan Lake Assembly Architectural Association.

DENIAL OF SCREEN PORCH: The Board found to deny the screen porch would not cause unnecessary hardship. The Board found the request for the screen porch to be a want and not a need. The Board found the residence already has an existing large patio. The Board found the two proposed bump-outs and the proposed second story addition will provide additional indoor space on the property. The Board found that a smaller porch may fit without a variance.

There was an e-mail in support from the Delavan Lake Assembly's Architectural Committee. There was no opposition.

Hearing – Count #N/A / Decision – Count #N/A

The Fourth Hearing was J H G K L LLC, owner / Super Aggregates, Jack Pease, applicant – Section(s) 9 – Sugar Creek Township

Applicants are requesting a variance from Section(s) 74-56 of Walworth County's Code of Ordinances – Zoning to amend their mineral extraction and reclamation plan.

REQUIRED BY ORDINANCE: The Ordinance requires all excavations to be 200 feet from all property lines and soil stock piles to be 100 feet from property lines.

VARIANCE REQUEST: The applicants are requesting to mine on parcel G SC 900004 within approximately 5 feet of parcel G SC 900004A and mine 100 feet from all other property lines. Grading is proposed 0 feet from the lot lines. Soil stock piles on G SC 900004 are proposed approximately 2 feet from the south lot line and approximately 30 feet from the west lot line. The request is a variance from Section(s) 74-56 of Walworth County's Code of Ordinances – Zoning to amend their mineral extraction and reclamation plan.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of February 13 & 14, 2019, did not vote on the petition of J H G K L LLC, owner / Super Aggregates, Jack Pease, applicant.

BOARD OF ADJUSTMENT FINDINGS: The Board found this hearing has been **POSTPONED** at the applicant's request.

Other

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

Staff Reports

- A. Court cases update

- B. Distribution of reports, handouts and correspondence
 - 1. Board members received a copy of e-mail correspondence regarding the Reina decision from the May 2018 Board of Adjustment meeting.

Proposed discussion for next agenda

The following items were requested to be put on the March 2019 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.