

Walworth County Board of Adjustment

MINUTES

March 8, 2023 - Hearing – 9:00 AM

March 9, 2023 – Meeting – 9:00 AM

County Board Room 114

Government Center – Elkhorn, Wisconsin

A hearing and decision meeting of the Walworth County Board of Adjustment was held on March 8, 2023, and March 9, 2023, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on March 8, 2023, were Vice-Chair Elizabeth Sukala, 1st Alternate David J. Held and 2nd Alternate Rose Smith. Nick Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on March 9, 2023, were Vice-Chair Elizabeth Sukala, 1st Alternate David J. Held and 2nd Alternate Rose Smith. Nick Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on March 8, 2023, and March 9, 2023, are kept on file as a matter of record.

The March 8, 2023, hearing was called to order by Acting-Chair Elizabeth Sukala at 9:20 A.M. Wendy Boettcher conducted roll call and verified that there was a quorum. Those present were same as listed above. **Rose Miller motioned to approve the agenda as presented. Seconded by David Held. Motion carried. 3-favor, 0-oppose. David Held motioned to approve the February 8 & 9, 2023, Minutes and dispense with the reading. Seconded by Rose Miller. Motion carried. 3-favor 0-oppose. After testimony of all cases, David Held motioned to recess until 9:00 A.M. on Thursday, March 9, 2023. Seconded by Rose Miller. Motion carried. 3-favor, 0-oppose.** The March 8, 2023, hearing went into recess at approximately 10:33 A.M.

On March 9, 2023, 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. **David Held motioned to approve the agenda as presented. Seconded by Rose Miller. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Rose Miller motioned to adjourn until the April 12, 2023, hearing at 9:00 A.M. Seconded by David Held. Motion carried. 3-favor, 0-oppose.** The March 9, 2023, decision meeting adjourned at approximately 9:17 A.M.

Three variance hearings were scheduled and details of the March 8, 2023, hearings and the March 9, 2023, decisions are digitally recorded and available to the public upon request / video to view on our website: / Agendas & Minutes / Board of Adjustment / Media.

Old Business - none

New Business – Variance Petitions

Hearing – FTR Count #9:26:17 – 9:50:37 / Decision – FTR Count #9:03:59 – 9:07:45

The First Hearing was Harry Warnaar Trust, owner / Harry Warnaar, applicant – Section(s) 21 – Delavan Township

Applicants are requesting a variance from Section(s) 74-174 of Walworth County's Code of Ordinances – Shoreland Zoning to add impervious surface on the parcel.

REQUIRED BY ORDINANCE: The Ordinance requires a maximum of 42.2 percent impervious surface coverage. A previous variance from April 2022 allowed an increase to 42.6 percent coverage.

VARIANCE REQUEST: The applicants are requesting 49% impervious surface lot coverage. The request is a variance from Section(s) 74-174 of Walworth County's Code of Ordinances – Shoreland Zoning to add impervious surface on the parcel.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of March 8 & 9, 2023, for the petition of Harry Warnaar Trust, owner / Harry Warnaar, applicant, voted to DENY the request to permit 49% impervious surface lot coverage.

A motion was made by Rose Miller to deny the variance. Seconded by David Held. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board no unnecessary hardship. The Board found the owner has use of the existing deck and found the existing deck provided stairs with access to the yard. The Board found a second deck or continued wrap of the deck is not a necessity. The Board found no unique property limitations. The Board found no harm to the public interests. There were letters in support from the Town of Delavan. There was a letter of opposition from the Wisconsin Department of Natural Resources.

Hearing – FTR Count #9:51:21 – 10:23:57 / Decision – FTR Count #9:07:55 – 9:11:49
The Second Hearing was Robie Family Trust, owner / Attorney Troy E. Giles, applicant – Section(s) 26 – La Grange Township

Applicants are requesting a variance from Section(s) 74-174 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a retaining wall and make grade changes.

REQUIRED BY ORDINANCE: The Ordinance requires a 75 foot shore yard setback.

VARIANCE REQUEST: The applicants are requesting a shore yard setback of 63.1 feet for the retaining wall and approximately 38 feet for grade changes. The request is a variance from Section(s) 74-174 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a retaining wall and make grade changes.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of March 8 & 9, 2023, for the petition of Robie Family Trust, owner / Attorney Troy E. Giles, applicant, voted to APPROVE the request for a shore yard setback of 63.1 feet for the retaining wall and approximately 38 feet for grade changes.

A motion was made by Elizabeth Sukala to approve the variance. Seconded by Rose Miller. Motion carried. 2-favor 1-oppose (Rose Miller)

BOARD OF ADJUSTMENT FINDINGS: The Board found unique property limitations in the steep slope of the property. The Board found that there had previously been railroad ties retaining the slope. The Board found to approve the variance request and permit the retaining wall and grade changes would be less disruptive and less detrimental to the property and lakeshore than what previously existed. The Board found to approve the variance request would provide the means necessary to hold the soil back and stabilize the ground. The Board found approval would help hold runoff to the property line. The Board found to approve the request would allow for ingress / egress to the structure. The Board found the proposed retaining wall and grading would better suit the gravelly / rocky site than vegetative plantings suggested by the DNR. The Board found something had to be done to hold up the slope toward the holding tank to prevent erosion of the tank area. The Board found approval would cause no harm to public interests.

There were letters in support from four neighboring property owners and the Town of La Grange. There was a letter of opposition from the Wisconsin Department of Natural Resources.

Hearing – FTR Count #10:24:16 – 10:33:07 / Decision – FTR Count #9:11:59 – 9:17:12
The Third Hearing was Michael &Carolyn Wolf, owners / Adam Sandber d/b/a Sunrise Gardens LLC, applicant – Section(s) 31 – Delavan Township

Applicants are requesting a variance from Section(s) 74-165 / 74-181 of Walworth County’s Code of Ordinances – Shoreland Zoning to construct a shed.

REQUIRED BY ORDINANCE: The Ordinance allows a shed in the street yard of a parcel one acre or more in size. The shed is required to be at least 10 feet from the side lot line.

VARIANCE REQUEST: The applicants are requesting a shed in the street yard of a parcel approximately .29 acres in size and 2 feet from the side lot line. The request is a variance from Section(s) 74-165 / 74-181 of Walworth County’s Code of Ordinances – Shoreland Zoning to construct a shed.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of March 8 & 9, 2023, for the petition of Michael & Carolyn Wolf, owners / Adam Sandber d/b/a Sunrise Gardens LLC, applicant, voted to **MODIFY AND APPROVE** the request for a shed in the street yard of a parcel approximately .29 acres in size and 2 feet from the side lot line.

A motion was made by Rose Miller to approve the variance. Seconded by Elizabeth Sukala.

An amended motion was made by Rose Miller to include a condition of being a minimum of 5 feet from the side lot line. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found to modify and approve a minimum 5’ side lot line setback. The Board found unique property limitations in the extreme slope of the property. The Board found that accessory storage is permitted on the property. The Board found that no alternative acceptable location exists on the property. The Board found it

would be an unnecessary hardship to move the house forward on the lot to afford more side and rear yard area. The Board found the zoning ordinance does not permit an accessory structure in the street yard and the placement of the existing residence on the property does not permit any other location of the accessory structure. The Board found approval of the request would allow the storage space needed for outdoor-type equipment. The 5' minimum side yard setback approval would allow for maintenance of the structure. The Board found to approve the request would cause no harm to public interests. The Board found the view of the proposed structure would be blocked by trees and the existing retaining wall. There were letters in support from seven neighboring property owners and the Town of Linn. 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 - none

Proposed discussion for next agenda

The following items were requested to be put on the April 2023 agenda, if applicable:

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

WALWORTH COUNTY BOARD OF ADJUSTMENT

These minutes are not final until approved by the Board of Adjustment at the next scheduled hearing date.