

## Walworth County Board of Adjustment

### MINUTES

March 10, 2021 - Hearing – 9:00 AM

March 11, 2021 – Meeting – 9:00 AM

County Board Room 114

Government Center – Elkhorn, Wisconsin

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A hearing and decision meeting of the Walworth County Board of Adjustment was held on March 10, 2021, and March 11, 2021, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on March 10, 2021, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and Barbara A. Fischer. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on March 11, 2021, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and Barbara A. Fischer. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on March 10, 2021, and March 11, 2021, are kept on file as a matter of record.

The March 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. **Ann Seaver motioned to approve the agenda. Seconded by Barb Fischer. Ann Seaver motioned to approve the agenda as amended to remove hearing #2 Leigh Giginilant & Audrey Roetman-Gignilliat, owners / Linn Township. Seconded by Barb Fischer. Motion carried. 3-favor, 0-oppose. Ann Seaver motioned to approve the February 10 & 11, 2021, Minutes and dispense with the reading. Seconded by Barb Fischer. Motion carried. 3-favor 0-oppose. After testimony of all cases, Barb Fischer motioned to recess until 9:00 A.M. on Thursday, March 11, 2021. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The March 10, 2021, hearing went into recess at approximately 9:31 A.M.

On March 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. **Ann Seaver motioned to approve the agenda as amended to remove hearing #2 Leigh Giginilant & Audrey Roetman-Gignilliat, owners / Linn Township. Seconded by Barb Fischer. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Barb Fischer motioned to adjourn until the April 14, 2021, hearing at 9:00 A.M. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The March 11, 2021, decision meeting adjourned at approximately 9:26 A.M.

Two variance hearings were scheduled and details of the March 10, 2021, hearings and the March 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 #9:02:04 – 9:30:33 / Decision – Count #9:00:50 – 9:05:16

**The First Hearing** was Corey E. Berger, owner / R J Amann Builders, Ron Amann, applicant – Section(s) 25 – Geneva Township

Applicants are requesting a variance from Section(s) 74-54 / 74-90 / 74-92 of Walworth County's Code of Ordinances – Zoning to construct an addition to a residence.

**REQUIRED BY ORDINANCE:** The Ordinance requires a 25 foot setback from Highland Drive and a 19.68 foot setback from Highland Street.

**VARIANCE REQUEST:** The applicants are requesting a 24.56 foot setback from Highland Drive and a 10.13 foot setback from Highland Street. **The request at the hearing was modified to a request for a 10.13 foot setback from Highland Street.** The request is a variance from Section(s) 74-54 / 74-90 / 74-92 of Walworth County's Code of Ordinances – Zoning to construct an addition to a residence.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of March 10 & 11, 2021, for the petition of Corey E. Berger, owners / R J Amann Builders, Ron Amann, applicant, voted to DENY the request for a 10.13 foot setback from Highland Street.

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

**BOARD OF ADJUSTMENT FINDINGS:** The Board found the property owner did not prove unique property limitations. The Board found the tight situation at the end of the road to be a circumstance to which the other homes in the area were similarly situated. The Board found no unnecessary hardship. The Board found the variance request to be a want of the property owner rather than a need. The Board found the owner has other options available for boat and vehicular storage other than the addition to the residence. The Board found it would be a harm to public interest to approve the variance request without the criteria necessary for approval having been met. The Board also noted that additional parcels exist that may require access from Highland Street in the future and they had nothing official to assure them that road would never need to be used. There was a letter of support from the Town. There was no opposition.

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

**The Second Hearing** was Leigh Giginilant & Audrey Roetman-Gignilliat, owners / Leigh R. Giginilant, applicant – Section(s) 11 – Linn Township

Applicants are requesting a variance from Section(s) 74-174 / 74-181 / 74-201 / 74-219 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to permit the location of a patio and sidewalks and also allow the placement of a cupola on a detached garage.

**REQUIRED BY ORDINANCE:** The Ordinance requires patios and sidewalks to be replaced within their existing footprints or to be located at least 75 feet from the ordinary high water mark of navigable waters. The ordinance also prohibits structures within the vision triangle at an intersection from being expanded outside of the existing building envelope.

**VARIANCE REQUEST:** The applicants are requesting a patio and sidewalks that are relocated and / or expanded outside of their original footprints. The proposed patio is approximately 33 feet from Geneva Lake and approximately 30 feet from a stream. The proposed sidewalks are approximately 33 feet from Geneva Lake and approximately 15 feet from a stream. A cupola is requested that projects outside of the building envelope of an existing garage located within the vision triangle of an intersection. The request is a variance from Section(s) 74-174 / 74-181 / 74-201 / 74-219 / 74-221 of Walworth County’s Code of Ordinances – Shoreland Zoning to permit the location of a patio and sidewalks and also allow the placement of a cupola on a detached garage.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of March 10 & 11, 2021, did not vote on the petition of Leigh Giginilant & Audrey Roetman-Gignilliat, owners / Leigh R. Giginilant, applicant.

**BOARD OF ADJUSTMENT FINDINGS:** The Board found to **WITHDRAW** the hearing at the request of the owner.

**Other**

- A. Discussion / possible action on Township correspondence – none
- B. UW Extension Variance Training Video  
Board members watched a “Variances For Zoning Boards” training video narrated by Lynn Markham of the Center for Land Use Education at UW Stevens Point/Extension. The training video covered types of variances, variance standards, the variance application which should list conditions unique to the property, public interests, and unnecessary hardships for area variances; variance case law; what is unnecessary hardship.

**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 2021 agenda, if applicable:

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

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