

Walworth County Board of Adjustment

MINUTES

March 13, 2019 - Hearing – 1:00 PM

March 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 March 13 & 14, 2019, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on March 13, 2019, were Secretary Ann Seaver, Alternate Franklin B. Jones and Alternate Joseph J. Pappa. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on March 14, 2019, were Secretary Ann Seaver, Alternate Franklin B. Jones and Alternate Joseph J. Pappa. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on March 13, 2019, and March 14, 2019, are kept on file as a matter of record.

The March 13, 2019, hearing was called to order by Acting-Chair Ann Seaver at 1:00 P.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 #1. Bruce H. & Edith A. Reynolds owners / Geneva Township and hearing #3. J H G K L LLC, owners / Sugar Creek Township. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose. Joseph J. Pappa motioned to approve the February 13 & 14, 2019, Minutes and dispense with the reading. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose. After testimony of all cases, Joseph J. Pappa motioned to recess until 9:00 A.M. on Thursday, March 14, 2019. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The March 13, 2019, hearing went into recess at approximately 1:11 P.M.

On March 14, 2019, at 9:00 A.M., Acting-Chair Ann Seaver 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 J. Pappa motioned to approve the agenda as amended to postpone hearing #1. Bruce H. & Edith A. Reynolds, owners / Geneva Township and hearing #3. J H G K L LLC, owners / 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 April 10, 2019, hearing at 9:00 A.M. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The March 14, 2019, decision meeting adjourned at approximately 9:04 A.M.

Three variance hearings were scheduled and details of the March 13, 2019, hearings and the March 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 #N/A / Decision – Count #N/A

The First Hearing was Bruce H. & Edith A. Reynolds, owners / Bruce & Edith Reynolds, applicants – Section(s) 22 – Geneva Township

Applicants are requesting a variance from Section(s) 74-54 of Walworth County's Code of Ordinances – Zoning to permit the location of a lower level screen porch and allow the construction of an upper level covered porch.

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

VARIANCE REQUEST: The applicants are requesting a 21.7 foot rear yard setback. The request is a variance from Section(s) 74-54 of Walworth County's Code of Ordinances – Zoning to permit the location of a lower level screen porch and allow the construction of an upper level covered porch.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of March 13 & 14, 2019, did not vote on the petition of Bruce H. & Edith A. Reynolds, owners / Bruce & Edith Reynolds, applicants.

BOARD OF ADJUSTMENT FINDINGS: The Board found the hearing has been postponed to the April 10 & 11, 2019, Board of Adjustment agenda.

Hearing – Count #1:00:05 – 1:10:36 / Decision – Count #9:00:00 – 9:03:36

The Second Hearing was Daniel A. & Tamara A. McCarthy Trust, owner / Daniel & Tamara McCarthy Trust, applicant – Section(s) 31 – Spring Prairie Township

Applicants are requesting a variance from Section(s) 74-38 / 74-52 of Walworth County's Code of Ordinances – Zoning to permit the location of a shed.

REQUIRED BY ORDINANCE: The Ordinance requires a 20 foot side yard setback.

VARIANCE REQUEST: The applicants are requesting a 19.3 foot side yard setback. The request is a variance from Section(s) 74-38 / 74-52 of Walworth County's Code of Ordinances – Zoning to permit the location of a shed.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of March 13 & 14, 2019, for the petition of Daniel A. & Tamara A. McCarthy Trust, owner / Daniel & Tamara McCarthy Trust, applicant, voted to **APPROVE** the request for a 19.3 foot side yard setback.

A motion was made by Franklin B. Jones to grant the variance request. Seconded by Joseph J. Pappa. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found an error in measurement created the hardship. The Board found the error made during construction resulted in the structure not laying parallel to the north lot line. The Board found the error was the result of actions by the contractor and not the property owner. The Board found the request to be a small increment of relief. The Board found to approve the variance request would cause no harm to public interests as the land to the north of the structure is a field and the amount of relief needed from the setback

is unobservable. There was a letter in support from the Town of Spring Prairie. There was no opposition.

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

The Third 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 March 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 the applicants requested to be withdrawn from the March 13 & 14, 2019, Board of Adjustment agenda.

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 April 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.