

Walworth County Board of Adjustment

MINUTES

April 10, 2019 - Hearing – 9:00 AM

April 11, 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 April 10 & 11, 2019, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on April 10, 2019, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and Alternate Franklin B. Jones. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on April 11, 2019, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and Alternate Franklin B. Jones. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on April 10, 2019, and April 11, 2019, are kept on file as a matter of record.

The April 10, 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. **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 March 13 & 14, 2019, Minutes and dispense with the reading. Seconded by Franklin B. Jones. Motion carried. 2-favor, 1-abstain (Elizabeth Sukala), 0-oppose. After testimony of all cases, Ann Seaver motioned to recess until 9:00 A.M. on Thursday, April 11, 2019. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The April 10, 2019, hearing went into recess at approximately 9:44 A.M.

On April 11, 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. **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 June 12, 2019, hearing at 9:00 A.M as there will be no hearing / meeting in May 2019 due to no applicants. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The April 11, 2019, decision meeting adjourned at approximately 9:26 A.M.

Two variance hearings were scheduled and details of the April 10, 2019, hearing and the April 11, 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 #9:00:00 – 9:15:47/ Decision – Count #9:00:00 – 9:10:45

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 April 10 & 11, 2019, for the petition of Bruce H. & Edith A. Reynolds, owners / Bruce & Edith Reynolds, applicants, voted to **DENY** the request for a 21.7 foot rear yard setback.

A motion was made by Ann Seaver to deny the variance request. Seconded by Elizabeth Sukala. Motion carried. 2-favor 1-oppose (Franklin B. Jones)

BOARD OF ADJUSTMENT FINDINGS: The Board found no unique property limitations. The Board found the deck was not constructed as approved per the permit. The Board found the area below the deck was enclosed to create the screen porch without approvals. The Board found setback requirements for an enclosed deck (screen porch) are not the same as setback requirements for an open deck. The Board found to approve a roof over the noncompliant structure would compound the noncompliant situation. The Board found no unnecessary hardship as porches could be constructed in compliance with the ordinance. The Board found to approve the variance request could set a precedent detrimental to the public interests. There was a letter in support from the Town of Geneva. There was no opposition.

***The owner / applicant shall contact the Walworth County Land Use & Resource Management Department immediately to bring the property into compliance with the requirements of the Walworth County (Shoreland) Zoning Ordinance.**

Hearing – Count #9:15:59 – 9:43:20 / Decision – Count #9:10:46 – 9:26:45

The Second Hearing was Transformative Arts Inc., owner / Michael S. Deutsch, applicant – Section(s) 36 – Delavan Township

Applicants are requesting a variance from Section(s) 74-55 / 74-90 / 74-103 of Walworth County's Code of Ordinances – Zoning to construct an addition, covered stoop, covered porch and uncovered stoop, ramp and steps.

REQUIRED BY ORDINANCE: The Ordinance requires a 51.89 foot (established) street yard setback for the addition, covered stoop and covered porch and a 45.89 foot street yard setback for the uncovered stoop, ramp and steps.

VARIANCE REQUEST: The applicants are requesting a 40.55 foot street yard setback for a covered stoop, a 41.96 foot street yard setback for an addition and a 51.46 foot street yard setback for a covered porch. An uncovered stoop, ramp and steps is requested with a street yard

as close as 40.29 feet. The request is a variance from Section(s) 74-55 / 74-90 / 74-103 of Walworth County's Code of Ordinances – Zoning to construct an addition, covered stoop, covered porch and uncovered stoop, ramp and steps.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of April 10 & 11, 2019, for the petition of Transformative Arts Inc., owner / Michael S. Deutsch, applicant, voted to **APPROVE** the request for a 40.55 foot street yard setback for a covered stoop, a 41.96 foot street yard setback for an addition and a 51.46 foot street yard setback for a covered porch. The Board also voted to **APPROVE** an uncovered stoop, ramp and steps with a street yard as close as 40.29 feet.

A motion was made by Ann Seaver to approve the steps and covered porch to the north that are the steps coming out of the proposed manager's office. That section of porch and stairs into the manager's living quarters and office. Seconded by Franklin B. Jones. Motion carried. 3-favor 0-oppose

A motion was made by Ann Seaver that the large portion in purple be approved and the little outcropping but no steps going off of that. Seconded by Elizabeth Sukala.

Ann Seaver withdrew her motion. Elizabeth Sukala withdrew her second.

A motion was made by Ann Seaver to approve everything on the drawing. The covered stoop, the ramp to the south and the stairs to the north and the rest of the building in purple on the schematic. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS:

APPROVAL OF SECTION OF PORCH AND STAIRS INTO MANAGER'S OFFICE: The Board found the proposed structure will replace a structure that had existed for some time. The Board found to approve the variance request would provide safe ingress / egress as well as protection from inclement weather. The Board found the existing covered porch was in need of repair, was removed, and requires a variance to be replaced. The Board found to deny the variance request would cause unnecessary hardship. The Board found to approve the variance request would cause no harm to public interests as this entrance is not intended for use by the public.

APPROVAL OF EAST SIDE ADDITION (COVERED STOOP), RAMP (SOUTH) AND STEPS (NORTH): The Board found unique property limitations in that the structure has existed since the 1950's and the highway has been widened in front of the structure. The Board found that it would result in unnecessary hardship to not be able to replace a portion of the structure that had existed in the same location on the property. The Board found to approve the variance request will make the property more viable. The Board found to approve the variance request will address ADA ingress / egress requirements for the structure. The Board found to approve the variance request will cause no harm to public interests as reconstruction will largely stay within the previous footprint and will improve the appearance of the structure. There was a letter in support from the Town of Delavan. 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

Proposed discussion for next agenda

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