

## Walworth County Board of Adjustment

### MINUTES

April 12, 2023 - Hearing – 9:00 AM

April 13, 2023 – 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 April 12, 2023, and April 13, 2023, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on April 12, 2023, were Vice-Chair Elizabeth Sukala, 1<sup>st</sup> Alternate David J. Held and 2<sup>nd</sup> Alternate Rose Miller. Nick Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on April 13, 2023, were Vice-Chair Elizabeth Sukala, 1<sup>st</sup> Alternate David J. Held and 2<sup>nd</sup> Alternate Rose Miller. Nick Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on April 12, 2023, and April 13, 2023, are kept on file as a matter of record.

The April 12, 2023, 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. **David Held motioned to approve the agenda as presented. Seconded by Rose Miller. Motion carried. 3-favor, 0-oppose. Rose Miller motioned to approve the March 8 & 9, 2023, Minutes and dispense with the reading. Seconded by David Held. Motion carried. 3-favor 0-oppose. After testimony of all cases, David Held motioned to recess until 9:00 A.M. on Thursday, April 13, 2023. Seconded by Rose Miller. Motion carried. 3-favor, 0-oppose.** The April 12, 2023, hearing went into recess at approximately 10:11 A.M.

On April 13, 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 May 10, 2023, hearing at 9:00 A.M. Seconded by David Held. Motion carried. 3-favor, 0-oppose.** The April 13, 2023, decision meeting adjourned at approximately 9:52 A.M.

Three variance hearings were scheduled and details of the April 12, 2023, hearings and the April 13, 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 – Count #9:05:53 – 9:09:36 / Decision – Count #N/A – N/A

**The First Hearing was Gustavo & Mayra Ferrer, owners / Samantha M. McCoy of Godfrey, Leibsle, Blackburn & Howarth, S.C., applicant – Section(s) 28 – Geneva Township**

Applicants are requesting a variance from Section(s) 74-54 / 74-72 / 74-92 of Walworth County's Code of Ordinances – Zoning to permit the location of a residence.

**REQUIRED BY ORDINANCE:** The Ordinance requires a 25 foot street yard setback and a 25 foot rear yard setback. The Ordinance prohibits obstructions more than 2.5 feet above the mean centerline roadway grades within the vision triangle at the intersection.

**VARIANCE REQUEST:** The applicants are requesting a residence in the vision triangle with an 18.3 foot street yard setback and a 22.4 foot rear yard setback. The request is a variance from Section(s) 74-54 / 74-72 / 74-92 of Walworth County's Code of Ordinances – Zoning to permit the location of a residence.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of April 12 & 13, 2023, for the petition of Gustavo & Mayra Ferrer, owners / Samantha M. McCoy of Godfrey, Leibsle, Blackburn & Howarth, S.C., applicant, did not hold a hearing on the request. The Board voted to dismiss the variance request due to lack of representation.

**A motion was made by Rose Miller to dismiss the hearing due to lack of representation. Seconded by David Held. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found that no owner or representative appeared to present the request and therefor the variance request is dismissed due to lack of representation.

Hearing – Count #9:09:37 – 9:52:52 / Decision – Count #9:04:31 – 9:48:10

The Second Hearing was R M Krueger Investments LLC, owner / Tom Jurasinski, applicant – Section(s) 16 – East Troy Township

Applicants are requesting a variance from Section(s) 74-174 / 74-182 / 74-189 / 74-263 of Walworth County's Code of Ordinances – Shoreland Zoning to permit the layout of a campground and permit the location of structures within the campground.

**REQUIRED BY ORDINANCE / VARIANCE REQUEST:** The Ordinance requires a 100 foot perimeter setback from the rear of the property. The applicants are requesting structures on 14 of the units within the rear perimeter yard as close as 2 feet. The Ordinance requires a 100 foot perimeter setback from the street side of the property. The applicants are requesting a house, accessory structures and structures on 7 of the units within the street side perimeter yard as close as 0 feet. The Ordinance requires a 10 foot setback from interior roads. The applicants are requesting two houses, accessory structures and structures on 27 of the units within the interior road setback as close as 0 feet. The Ordinance requires a 75 foot shore yard setback. The applicants are requesting structures on 9 of the units within the shore yard as close as 28 feet. The Ordinance requires 70% open space. The applicants are requesting approximately 29.4% open space. The Ordinance requires open spaces to be at least one-half acre and the least dimension must be more than one-fourth its length. The applicants are requesting some open space less than one-half acre and with dimensions less than one-fourth the length. The Ordinance prohibits structures from being added to a camping unit that exceed the size of the camping unit. The applicants are requesting to keep structures added to camping units that

exceed the size of the camping unit on 44 of the units and in excess by as much as 30% square feet.

**VARIANCE REQUEST:** The request is a variance from Section(s) 74-174 / 74-182 / 74-189 / 47-263 of Walworth County’s Code of Ordinances – Shoreland Zoning to permit the layout of a campground and permit the location of structures within the campground.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of April 12 & 13, 2023, for the petition of R M Krueger Investments LLC, owner / Tom Jurasinski, applicant, voted to APPROVE the requests WITH THE CONDITION that any camping units and additions to camping units or any accessory structures on camping units be brought into compliance as they are removed or replaced.

**A motion was made by Rose Miller to approve with the condition that as each unit gets sold or moved that they would bring it into compliance with current code. Seconded by David Held.**

**A friendly amendment was made by Rose Miller to approve with the condition that any camping units, additions to the camping units or accessory structures on the camping units are brought into compliance as they are removed or replaced. Seconded by David Held. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found the campground was approved prior to the current zoning ordinance. The Board found to require all the units be brought into compliance at one time would cause unnecessary hardship. The Board found to approve the variance requests with the condition would cause no harm to public interests. The Board found the property surrounding the campground is owned by the campground and the Department of Natural Resources. The Board found the campground is barely visible to passing traffic. The Board found there will be benefit to the Lake as the shore yard setbacks are corrected over time. One person spoke in support. There was no opposition.

Hearing – Count #9:53:02 – 10:11:33 / Decision – Count #9:48:54 – 9:52:19

**The Third Hearing was Paul W. Martell & Kristine D. Weir-Martell, owners / Paul W. Martell & Kristine D. Weir-Martell, applicants – Section(s) 2 – Sugar Creek 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 residence.

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

**VARIANCE REQUEST:** The applicants are requesting a 22.8 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 residence.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of April 12 & 13, 2023, for the petition of Paul W. Martell & Kristine D. Weir-Martell, owners / Paul W. Martell & Kristine D. Weir-Martell, applicants, voted to APPROVE the request for a 22.8 foot rear yard setback.

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

**BOARD OF ADJUSTMENT FINDINGS:** The Board found the parcel being a corner lot to be a unique property limitation. The Board found that had the driveway been oriented differently, the rear lot line would be a side lot line and the house would meet the setback. The Board found that the request is a small increment of relief and does not undermine the purpose and intent of the zoning ordinance. The Board found this to not be a self-imposed hardship. The contractor did not place the house in the approved location, did not get required surveys, and allegedly forged the owner's signature on the permit application. The Board found the residence has existed for a number of years without complaint. The Board found to deny the variance request and require a portion of the residence and garage to be moved or removed would cause unnecessary hardship. The Board found the owners have the support of neighboring property owners. A neighboring property owner spoke in support. There were letters of support from the Town of Sugar Creek and two neighboring property owners. 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 May 2023 agenda, if applicable:

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

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WALWORTH COUNTY BOARD OF ADJUSTMENT

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