

## Walworth County Board of Adjustment

### MINUTES

June 10, 2020 - Hearing – 9:00 AM

June 11, 2020 – Meeting – 9:00 AM

County Board Room

Government Center – Elkhorn, Wisconsin

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A hearing and decision meeting of the Walworth County Board of Adjustment was held on June 10, 2020, and June 11, 2020, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on June 10, 2020, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and 2<sup>nd</sup> Alternate Barbara A. Fischer. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on June 11, 2020, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and 2<sup>nd</sup> Alternate Barbara A. Fischer. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on June 10, 2020, and June 11, 2020, are kept on file as a matter of record.

The June 10, 2020, hearing was called to order by Vice-Chair Elizabeth Sukala at 9:37 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 amended to postpone hearing #1) James D. & Nancy G. Bell / Linn Township and hearing #2) Donald T. Kuta Trust / Geneva Township. Motion carried. 3-favor, 0-oppose. Ann Seaver motioned to approve the May 13 & 14, 2020, Minutes and dispense with the reading. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose. After testimony of all cases, Ann Seaver motioned to recess until 9:00 A.M. on Thursday, June 11, 2020. Seconded by Barb Fischer. Motion carried. 3-favor, 0-oppose.** The June 10, 2020, hearing went into recess at approximately 11:04 A.M.

On June 11, 2020, 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 postpone hearing #1) James D. & Nancy G. Bell / Linn Township and hearing #2) Donald T. Kuta Trust / Geneva Township and hearing. Seconded by Barb Fischer. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Barb Fischer motioned to adjourn until the July 8, 2020, hearing at 9:00 A.M. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The June 11, 2020, decision meeting adjourned at approximately 9:26 A.M.

Three variance hearings were scheduled and details of the June 10, 2020, hearings and the June 11, 2020, decisions are digitally recorded and available to the public upon request / video to view on our website: [www.co.walworth.wi.us](http://www.co.walworth.wi.us).

**Old Business – None**

**New Business – Variance Petitions**

Hearing – Count #9:39:47 – 10:29:08 / Decision – Count #9:00:35 – 9:09:41

The First Hearing was Michael J. Rabe Trust, owner / Michael & Jennifer Rabe, applicants – Section(s) 18 – Linn Township

Applicants are requesting a variance from Section(s) 74-181 / 74-219 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a single-family residence.

**REQUIRED BY ORDINANCE:** The Ordinance requires an approximate 10 foot established rear yard setback.

**VARIANCE REQUEST:** The applicants are requesting a 3.05 foot rear yard setback. The request is a variance from Section(s) 74-181 / 74-219 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a single-family residence.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of June 10 & 11, 2020, for the petition of Michael J. Rabe Trust, owner / Michael & Jennifer Rabe, applicants, voted to MODIFY AND APPROVE the request for a 3.05 foot rear yard setback. Approval was modified to a 5' rear yard setback.

**A motion was made by Ann Seaver to deny for discussion the variance request. Seconded by Barb Fischer.**

**Ann Seaver rescinded her motion to deny.**

**Ann Seaver motioned to modify the variance approval to a 5 foot setback. Seconded by Barb Fischer. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found unique property limitation in the small lot size. The Board found that an addition to the original home was allowed 3 feet from the rear lot line by virtue of a previous variance. The Board found many of the area homes had small rear lot line setbacks. The Board found that a neighboring property owner raised concerns over water runoff as well as property encroachments with items like barbeque grills. The Board felt the potential water problems were being addressed by not including a basement or crawl space in the proposed home as well as the possibility of using drywell systems to capture water. The Board found that the applicants indicated they could grill in another area of the lot. The Board found that 3 feet is not enough room to avoid encroachments on the neighbor. The Board found a 3.05' rear yard setback to be large increment of relief and insufficient space to allow for maintenance of the home. The Board found that modifying the variance to 5 feet would allow the residence to be replaced while still allowing room to manage potential encroachments on the neighboring property. There was a letter of support from the Town of Linn. A neighboring property owner spoke in opposition and submitted a letter in opposition.

Hearing – Count #10:29:13 – 10:44:13 / Decision – Count #9:09:42 – 9:12:36

The Second Hearing was Nandette Inc., owner / Nandette Inc., John Holt, Pres., applicant – Section(s) 32 – Sugar Creek Township

Applicants are requesting a variance from Section(s) 74-51 of Walworth County's Code of Ordinances – Zoning to complete a farm separation

**REQUIRED BY ORDINANCE:** The Ordinance prohibits the farm separation parcel from exceeding 5 acres.

**VARIANCE REQUEST:** The applicants are requesting a 7.207 acre parcel. The request is a variance from Section(s) 74-51 of Walworth County's Code of Ordinances – Zoning to complete a farm separation.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of June 10 & 11, 2020, for the petition of Nandette Inc., owner / Nandette Inc., John Holt, Pres., applicant, voted to APPROVE the request for a 7.207 acre parcel.

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

**BOARD OF ADJUSTMENT FINDINGS:** The Board found unique property limitations in the layout of the farm and the buildings. The Board found to deny the variance would create an unnecessary hardship. The Board found that denial would create an odd shaped remnant parcel with a 2.207 acre area that would not be easy to maintain as farmland. The Board found approval would square up the parcel. The Board found the 2.207 acre area to be more compatible with the buildings rather than the rest of the farm. The Board found no harm to the public interests. The Board found the request meets the purpose and intent of the ordinance. The Board found the 2.207 acre area is being used for agriculture as a pasture. There was a letter of support from the Town of Sugar Creek. There was no opposition.

Hearing – Count #10:44:50 – 11:03:14 / Decision – Count #9:12:46 – 9:15:38

The Third Hearing was Robert & Helen Macmillan, owners / John Spanton, Spanton Contracting LLC, applicant – Section(s) 34 – La Grange Township

Applicants are requesting a variance from Section(s) 74-165 of Walworth County's Code of Ordinances – Shoreland Zoning to construct an accessory structure.

**REQUIRED BY ORDINANCE:** The Ordinance requires a 10 foot street yard setback.

**VARIANCE REQUEST:** The applicants are requesting a 5 foot street yard setback. The request is a variance from Section(s) 74-165 of Walworth County's Code of Ordinances – Shoreland Zoning to construct an accessory structure.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of June 10 & 11 2020, for the petition of Robert & Helen Macmillan, owners / John Spanton, Spanton Contracting LLC, applicant, voted to APPROVE the request for a 5 foot street yard setback.

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

**BOARD OF ADJUSTMENT FINDINGS:** The Board found unique property limitations in the steep slopes and complex topography of the property. The Board found to deny the request would cause unnecessary hardship. The Board found the options for placement of a garage on

the parcel are limited by the existing well, the slopes of the property and the structures already existing on the property. The Board found to approve the variance request would cause no harm to public interests. The Board found to approve the request would not harm the public's interest in navigable waters. There was a letter of support from the Town of LaGrange. There was no opposition.

### **Other**

- A. Discussion / possible action on Township correspondence – none
- B. Discussion: creating rules for the Board of Adjustment regarding elections  
Nick Sigmund discussed with the Board different options for the election of Board of Adjustment officers. A decision on creating a procedure for elections will be discussed in July 2020.

### **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 July 2020 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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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.