

Walworth County Board of Adjustment

MINUTES

June 12, 2019 - Hearing – 9:00 AM

June 13, 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 June 12 & 13, 2019, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on June 12, 2019, were Chair John Roth, Vice-Chair Elizabeth Sukala and Secretary Ann Seaver. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on June 13, 2019, were Chair John Roth, Vice-Chair Elizabeth Sukala and Secretary Ann Seaver. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on June 12, 2019, and June 13, 2019, are kept on file as a matter of record.

The June 12, 2019, hearing was called to order by Chair John Roth 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 Elizabeth Sukala. Motion carried. 3-favor, 0-oppose. Elizabeth Sukala motioned to approve the April 10 & 11, 2019, Minutes and dispense with the reading. Seconded by Ann Seaver. Motion carried. 2-favor, 1-abstain (John Roth), 0-oppose. After testimony of all cases, Elizabeth Sukala motioned to recess until 9:00 A.M. on Thursday, June 13, 2019. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The June 12, 2019, hearing went into recess at approximately 9:45 A.M.

On June 13, 2019, at 9:00 A.M., Chair John Roth 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. **Elizabeth Sukala motioned to approve the agenda as presented. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Elizabeth Sukala motioned to adjourn until the July 10, 2019, hearing at 9:00 A.M. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The June 13, 2019, decision meeting adjourned at approximately 9:27 A.M.

Two variance hearings were scheduled and details of the June 12, 2019, hearing and the June 13, 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 #9:05:14 – 9:17:49/ Decision – Count #9:03:55 – 9:06:15

The First Hearing was Walter E. Pacult, owner / Walter E. Pacult, applicant – Section(s) 31 – Delavan Township

Applicant is requesting a variance from Section(s) 74-181 / 74-219 of Walworth County’s Code of Ordinances – (Shoreland) Zoning to replace a residence.

REQUIRED BY ORDINANCE: The Ordinance requires any portions of the new residence that are within 5 feet of the property line to be replaced within the same footprint and envelope of the existing residence.

VARIANCE REQUEST: The applicant is requesting to extend the new residence outside of the existing building envelope 2 feet from the side lot line. The request is a variance from Section(s) 74-181 / 74-219 of Walworth County's Code of Ordinances – (Shoreland) Zoning to replace a residence.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of June 12 & 13, 2019, for the petition of Walter E. Pacult, owner / Walter E. Pacult, applicant, voted to **APPROVE** the request to extend the new residence outside of the existing building envelope 2 feet from the side lot line.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found the angled lot to be a unique property limitation. The Board found the residence has structural problems and is in need of repair. The Board found the proposed house would be located within the existing footprint. The Board found it would cause an unnecessary hardship to have to move the house beyond the existing 2 foot setback. The Board found to approve the variance request would cause no harm to public interests. The Board found the proposed house design is in keeping with the neighborhood and found that it will be an improvement over the existing condition. The Board found the owner did receive approval from the Town as well as neighbor support. There were letters in support from a neighboring property owner and from the Town of Delavan. There was no opposition.

Hearing – Count #9:18:00 – 9:44:46 / Decision – Count #9:06:16 – 9:17:08

The Second Hearing was Brian J. & Josie Schlueter, owners / Brian J. Schlueter, applicant – Section(s) 25 – Delavan Township

Applicants are requesting a variance from Section(s) 74-38 / 74-54 of Walworth County's Code of Ordinances – Zoning to construct an accessory structure.

REQUIRED BY ORDINANCE: The Ordinance requires an 85 foot street yard setback.

VARIANCE REQUEST: The applicants are requesting an 81.9 foot street yard setback. The request is a variance from Section(s) 74-38 / 74-54 of Walworth County's Code of Ordinances – Zoning to construct an accessory structure.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of June 12 & 13, 2019, for the petition of Brian J. & Josie Schlueter, owners / Brian J. Schlueter, applicant, voted to **APPROVE** the request for an 81.9 foot street yard setback with the **CONDITION OF APPROVAL** that the three temporary structures must be removed.

A motion was made by Ann Seaver to postpone the variance request. Motion dies for lack of a second.

A motion was made by Elizabeth Sukala to approve the variance request. Seconded by John Roth.

Elizabeth Sukala rescinded her motion. John Roth rescinded his second.

A motion was made by Elizabeth Sukala to grant approval for the proposed building with the variance provided the temporary structures be removed. Seconded by John Roth. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found the configuration of the parcel, and water issues on the parcel to be unique property limitations. The Board found the owner is looking at options to address the water issues on the property. The Board found the existing mound system and setback restrictions limit the options for placement of the proposed accessory structure. The Board found other location options would require a bigger variance request. The Board found to deny the variance request would not allow for storage on the property which would cause unnecessary hardship. The Board found to approve the variance request would benefit public interests by providing indoor storage. The Board found the owner will remove the three existing non-conforming non-permitted accessory structures. The Board found the owner did receive Town approval. 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 July 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.