

## Walworth County Board of Adjustment

### MINUTES

July 8, 2020 - Hearing – 9:00 AM

July 9, 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 July 8, 2020, and July 9, 2020, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on July 8, 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. LURM Director / Corporation Counsel Michael Cotter was present for a portion of the hearing. Those present on July 9, 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 July 8, 2020, and July 9, 2020, are kept on file as a matter of record.

The July 8, 2020, hearing was called to order by Vice-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 Barb Fischer. Motion carried. 3-favor, 0-oppose. Ann Seaver motioned to approve the June 10 & 11, 2020, Minutes and dispense with the reading. Seconded by Barb Fischer. Motion carried. 3-favor 0-oppose. After testimony of all cases, Ann Seaver motioned to recess until 9:00 A.M. on Thursday, July 9, 2020. Seconded by Barb Fischer. Motion carried. 3-favor, 0-oppose.** The July 8, 2020, hearing went into recess at approximately 10:24 A.M.

On July 9, 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 presented. Seconded by Barb Fischer. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Barb Fischer motioned to adjourn until the September 9, 2020, hearing at 9:00 A.M. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The July 9, 2020, decision meeting adjourned at approximately 10:00 A.M.

A variance hearing and a special exception hearing were scheduled and details of the July 8, 2020, hearings and the July 9, 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 #9:03:27 – 9:21:00 / Decision – Count #9:01:34 – 9:06:39

The First Hearing was James D. & Nancy G. Bell, owners / Lowell Custom Homes, applicant – Section(s) 18 – Linn Township

Applicants are requesting a variance from Section(s) 74-174 / 74-181 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a walkway.

**REQUIRED BY ORDINANCE:** The Ordinance requires a 75 foot setback from the ordinary high water mark of a navigable water body.

**VARIANCE REQUEST:** The applicants are requesting an approximate 50 foot setback. The request is a variance from Section(s) 74-174 / 74-181 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a walkway.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of July 8 & 9 2020, for the petition of James D. & Nancy G. Bell, owners / Lowell Custom Homes, applicant, voted to **APPROVE** the request for an approximate 50 foot 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 limitation in that the property has water on three sides (creek – lagoon – lake) and the creek comes through the property at an angle. The Board found unnecessary hardship in that other potential locations for the ingress /egress sidewalk would also require a variance. The Board found that accessing the home across grass, without a sidewalk, could pose a safety issue. The Board found to approve the variance request would cause no harm to public interests. The Board found the property is located at the end of a cul-de-sac. The Board found the previous sidewalk was concrete and the proposed sidewalk is paver stones with grass in-between. The Board found that the paver stones will be more pervious than concrete. The Board found the house is located between Geneva Lake and the proposed sidewalk. The Board found the owner has an approved drainage plan from Walworth County. The Board found the Town approved the request and there was no opposition. There was a letter of support from the Town of Linn. There was no opposition.

Hearing – Count #9:21:04 – 10:22:33 / Decision – Count #9:06:47 – 9:48:31

The Second Hearing was Degrave Properties LLC, owner / Attorney Matthew J. Hills, DeWitt LLP, applicant – Section(s) 19 – Lafayette Township

Applicants are requesting a special exception in accordance with Section(s) 74-240 of the Walworth County Code of Ordinances – Shoreland Zoning and Wisconsin Statute 59.69(15)(br)1 to establish an adult family home within 2,500 feet of another adult family home.

**REQUIRED BY ORDINANCE:** The Ordinance and Wisconsin Statute 59.69(15)(br)1 prohibit the establishment of an adult family home within 2,500 feet of another adult family home.

**VARIANCE REQUEST:** The applicants are requesting a special exception to permit an adult family home approximately 360 feet from the existing. The request is a variance from Section(s) 74-240 of Walworth County's Code of Ordinances – Shoreland Zoning and Wisconsin Statute 59.69(15)(br)1 to establish an adult family home within 2,500 feet of another adult family home.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of July 8 & 9 2020, did not vote on the petition of Degrave Properties LLC, owner / Attorney Matthew J. Hills, DeWitt LLP, applicant. The Board found to **POSTPONE** the decision to the September 2020 meeting.

**A motion was made by Ann Seaver to approve the special exception request with conditions. The conditions are that there can be no loading of the residents that are non-ambulatory on the blacktop road or right-of-way side. Has to be done on-premise. Second condition is parking for at least 5 vehicles on their own property and not in tandem and on a surface that can be maintained in all weather. Seconded by Barb Fischer.**

**Ann Seaver made a motion to approve with amendments to the conditions. The amended condition is for two additional parking places besides the two in the driveway and one in the garage and take out not in tandem. Seconded by Barb Fischer.**

**Ann Seaver amended the condition to anyone loading or unloading on the road or the right-of-way. And adding two additional parking stalls to what they already have existing and take out the tandem parking. No non-tandem parking.**

**Ann Seaver rescinded all her motions.**

**Ann Seaver made a motion to postpone the decision on the special exception request to September 2020 pending more information. Information needed is what is the layout of the property, where is the holding tank, what are we looking at for some available space for parking, measurements, any lot line considerations etc. Seconded by Barb Fischer. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found more information is needed in order to make a decision. The Board would like to know more about the layout of the property, the location of the holding tank, the amount of available space for parking, measurements, lot line considerations. The Board would like to know how many parking stalls could potentially be added to the property and whether or not the parking stalls would be in tandem. The Board was advised in September they would be given information about the layout of available space for parking. There was a letter of support from the Town of Lafayette. There was a letter of opposition from a Lafayette Township property owner.

#### **Other**

- A. Discussion / possible action on Township correspondence – none
- B. Discussion / possible action on creating a procedure for the Board of Adjustment election of officers  
After discussion of options for election of officers it was decided Nick Sigmund would draft a procedure to be presented at the September 2020 meeting.

**Ann Seaver made a motion to adopt the motion as presented by Nick Sigmund for the Board of Adjustment elections. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose**

## **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 September 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.