

Walworth County Board of Adjustment
MINUTES

August 11, 2021 - Hearing – 9:00 AM

August 12, 2021 – Meeting – 9:00 AM

County Board Room 114

Government Center – Elkhorn, Wisconsin

A hearing and decision meeting of the Walworth County Board of Adjustment was held on August 11, 2021, and August 12, 2021, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on August 11, 2021, were Chair Ann Seaver, Vice-Chair Elizabeth Sukala and Secretary Barbara A. Fischer. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on August 12, 2021, were Chair Ann Seaver, Vice-Chair Elizabeth Sukala, and Secretary Barbara A. Fischer. Nicholas Sigmund, Senior Zoning Officer and Sheril Oldenburg, recording secretary were in attendance. “Sign-in” sheets listing attendees on August 11, 2021, and August 12, 2021, are kept on file as a matter of record.

The August 11, 2021, hearing was called to order by Chair Ann Seaver at 9:00 A.M. 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 Barbara Fischer. Motion carried. 3-favor, 0-oppose. Barbara Fischer motioned to approve the July 14 & 15, 2021, Minutes and dispense with the reading. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose. After testimony of all cases, Elizabeth Sukala motioned to recess until 9:00 A.M. on Thursday, August 12, 2021. Seconded by Barbara Fischer. Motion carried. 3-favor, 0-oppose.** The August 11, 2021, hearing went into recess at approximately 9:53 A.M.

On August 12, 2021, at 9:00 A.M., Chair Ann Seaver called the decision meeting to order. Sheril Oldenburg 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 Barbara Fischer. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Elizabeth Sukala motioned to adjourn until the September 8, 2021, hearing at 9:00 A.M. Seconded by Barbara Fischer. Motion carried. 3-favor, 0-oppose.** The August 12, 2021, decision meeting adjourned at approximately 9:30 A.M.

Two variance hearings were scheduled and details of the August 11, 2021, hearings and the August 12, 2021, decisions are digitally recorded and available to the public upon request / video to view on our website:

Old Business - none

New Business – Variance Petitions

Hearing – Count #9:05:35 – 9:23:32 / Decision – Count #9:04:40 – 9:24:51

The First Hearing was Kemp J. & Laurie C. Dionne Asbeck, owners / Kemp & Laurie Asbeck, applicants – Section(s) 9 – Lafayette Township

Applicants are requesting a variance from Section(s) 74-51 of Walworth County's Code of Ordinances – Zoning to add a porch with stairs to a residence.

REQUIRED BY ORDINANCE: The Ordinance requires a 65 foot County highway setback for a porch and a 59 foot County highway setback for stairs.

VARIANCE REQUEST: The applicants are requesting a 59.1 foot setback for a porch and an approximate 55.5 foot setback for the stairs. The request is a variance from Section(s) 74-51 of Walworth County's Code of Ordinances – Zoning to add a porch with stairs to a residence.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of August 11 & 12, 2021, for the petition of Kemp J. & Laurie C. Dionne Asbeck, owners / Kemp & Laurie Asbeck, applicants, voted to APPROVE the request for a 59.1 foot setback for a porch and an approximate 55.5 foot setback for the stairs.

A motion was made by Barbara Fischer to deny the variance request as presented. Seconded by Ann Seaver for discussion. Motion failed. 1-favor (Barbara Fischer) 2 opposed (Elizabeth Sukala / Ann Seaver)

A motion was made by Elizabeth Sukala to approve the variance request to allow the porch. Seconded by Barbara Fischer. Motion carried. 2-favor (Ann Seaver / Elizabeth Sukala) 1-oppose (Barbara Fischer)

BOARD OF ADJUSTMENT FINDINGS: The Board found the house has existed in its current location for some time. The Board found a porch had existed in the requested location in the past. The Board found to approve the variance request would accommodate the door that exists on the wall of the proposed porch. The Board found the variance request to be a fairly small increment of relief. The Board found approval of the requested setbacks allows an acceptable distance from the edge of the road right-of-way. There were letters in support from four neighboring property owners. There was no opposition.

Hearing – Count #9:23:38 – 9:52:55 / Decision – Count #9:24:52 – 9:30:02

The Second Hearing was Thomas M. & Jane W. Skirven, owners / Thomas M. & Jane Skirven, applicants – Section(s) 23 – Lyons Township

Applicants are requesting a variance from Section(s) 74-38 / 74-52 of Walworth County's Code of Ordinances – Zoning to place a shed on the property.

REQUIRED BY ORDINANCE: The Ordinance requires a shed located in the side yard to be 20 feet from the side lot line.

VARIANCE REQUEST: The applicants are requesting to locate a shed in the side yard approximately 4.6 feet from the side lot line. The request is a variance from Section(s) 74-38 / 74-52 of Walworth County's Code of Ordinances – Zoning to place a shed on the property.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of August 11 & 12, 2021, for the petition of Thomas M. & Jane W. Skirven, owners / Thomas M. & Jane Skirven, applicants, voted to DENY the request to locate a shed in the side yard approximately 4.6 feet from the side lot line.

A motion was made by Elizabeth Sukala to deny the variance request. Seconded by Barbara Fischer. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found that there were other locations on the property where a shed could be placed in compliance with the ordinance requirements. The Board found that the property has storage within a 3 car garage. The Board found the request to be a large increment of relief. There were letters in support from the Town of Lyons 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

Proposed discussion for next agenda

The following items were requested to be put on the September 2021 agenda, if applicable:

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

BARBARA A. FISCHER
WALWORTH COUNTY BOARD OF ADJUSTMENT

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