

Walworth County Board of Adjustment
MINUTES
September 11, 2019 - Hearing – 9:00 AM
September 12, 2019 – Meeting – 8:30 AM
County Board Room
Government Center – Elkhorn, Wisconsin

A hearing and decision meeting of the Walworth County Board of Adjustment was held on September 11 & 12, 2019, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on September 11, 2019, were Chair John Roth, Secretary Ann Seaver and Alternate Franklin B. Jones. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on September 12, 2019, were Chair John Roth, Secretary Ann Seaver and Alternate Franklin B. Jones. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on September 11, 2019, and September 12, 2019, are kept on file as a matter of record.

The September 11, 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 Franklin B. Jones. Motion carried. 3-favor, 0-oppose. Franklin B. Jones motioned to approve the August 14 & 15, 2019, Minutes and dispense with the reading. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose. After testimony of all cases, Ann Seaver motioned to recess until 8:30 A.M. on Thursday, September 12, 2019. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The September 11, 2019, hearing went into recess at approximately 11:13 A.M.

On September 12, 2019, at 8:30 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. **Ann Seaver motioned to approve the agenda as presented. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Franklin B. Jones motioned to adjourn until the October 9, 2019, hearing at 9:00 A.M. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The September 12, 2019, decision meeting adjourned at approximately 8:56 A.M.

Four variance hearing were scheduled and details of the September 11, 2019, hearings and the September 12, 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 #9:03:33 – 9:13:21 / Decision – Count #8:32:20 – 8:34:39

The First Hearing was Nancy Lynn LaCursia Trust, owner / Nancy LaCursia, applicant –
Section(s) 32 – Delavan Township

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

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

VARIANCE REQUEST: The applicants are requesting a 6.2 foot side yard setback. The request is a variance from Section(s) 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a carport.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of September 11 & 12, 2019, for the petition of Nancy Lynn LaCursia Trust, owner / Nancy LaCursia, applicant, voted to **APPROVE** the request for a 6.2 foot side yard setback.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found the small lot size to be a unique property limitation. The Board found to approve the variance request would allow the owner some protection from extreme weather conditions. The Board found to approve the request would cause no harm to public interests. The Board found the request to be a small increment of relief. The Board found the owner has support from the Town and neighboring property owners. The Board found approval of the request will not impact views of the lake. The Board found granting the variance request will not harm the public's interest in navigable waters. There were letters in support from two neighboring property owners and the Town of Delavan. There was no opposition.

Hearing – Count #9:13:40 – 10:04:27 / Decision – Count #8:34:40 – 8:42:28

The Second Hearing was Phillip A. & Nancy C. Kozlowski, owners / Nancy Kozlowski, applicant – Section(s) 16 – Linn Township

Applicants are requesting a variance from Section(s) 74-174 / 74-181 of Walworth County's Code of Ordinances – (Shoreland) Zoning to permit a retaining wall, grade changes and impervious surfaces.

REQUIRED BY ORDINANCE: The Ordinance requires a 75 foot setback from a creek for a retaining wall and grade changes. The Ordinance prohibits additional impervious surfaces on this property.

VARIANCE REQUEST: The applicants are requesting a retaining wall and grade changes approximately 66.5 feet from the creek and an increase of .19% of impervious surface area as a result of the wall for a total of 41.88% impervious surface coverage on the property. The request is a variance from Section(s) 74-174 / 74-181 of Walworth County's Code of Ordinances – Shoreland Zoning to permit a retaining wall, grade changes and impervious surfaces.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of September 11 & 12, 2019, for the petition of Phillip A. & Nancy C. Kozlowski, owners / Nancy Kozlowski, applicant, voted to **DENY** the request for a retaining

wall and grade changes approximately 66.5 feet from the creek and an increase of .19% of impervious surface area as a result of the wall for a total of 41.88% impervious surface coverage on the property.

A motion was made by Ann Seaver to deny the variance request. Seconded by Franklin B. Jones. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found the owner did a significant amount of filling without a permit at the time the retaining walls were constructed. The Board found no unnecessary hardship. The Board found this portion of the wall can be removed and the ordinance met. The Board found the grades can be restored and stabilized with other methods other than the wall. The Board found to deny the request would protect the public's interest in navigable waterways. There was a letter in support from the Town of Linn. There were letters in opposition from the Wisconsin Department of Natural Resources and from the Walworth County Land Conservation Division.

***The owner / applicant shall contact the Walworth County Land Use & Resource Management Department immediately to bring the property into compliance with the requirements of the Walworth County (Shoreland) Zoning Ordinance.**

Hearing – Count #10:04:38 – 10:35:44 / Decision – Count #8:42:29 – 8:45:59

The Third Hearing was Steven G. & Janis C. Angileri Trust, owner / Steven & Janis Angileri, applicants – Section(s) 25 & 26 – La Grange Township

Applicants are requesting a variance from Section(s) 74-54 / 74-92 of Walworth County's Code of Ordinances – Zoning to construct an addition to a residence.

REQUIRED BY ORDINANCE: The Ordinance requires a 15 foot side yard setback.

VARIANCE REQUEST: The applicants are requesting a 5.6 foot side yard setback. The request is a variance from Section(s) 74-54 / 74-92 of Walworth County's Code of Ordinances – Zoning to construct an addition to a residence.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of September 11 & 12, 2019, for the petition of Steven G. & Janis C. Angileri Trust, owner / Steven & Janis Angileri, applicants, voted to **DENY** the request for a 5.6 foot side yard setback.

A motion was made by Ann Seaver to deny the variance request. Seconded by John Roth. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found no unique property limitations not generally found on other neighboring properties. The Board found the owner does have the use of a blacktopped area and a 2-car garage for storage. The Board found no unnecessary hardship. The Board found the variance request to be a large increment of relief. The Board found to approve the request would cause harm to public interests as it is not consistent with the purpose and intent of the ordinance and would not be fitting with the neighborhood. The Board found the owner does not have the support of the Town. There was a 2-page petition in support.

There was a letter in opposition from the Town of La Grange.

Hearing – Count #10:35:49 – 11:12:59 / Decision – Count #8:46:10 – 8:51:01

The Fourth Hearing was Lange Trust, owner / James Kutschenreuter, Kutsch Construction, applicant – Section(s) 9 – East Troy Township

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

REQUIRED BY ORDINANCE: The Ordinance requires a 75 foot setback from the ordinary high water mark of Lake Beulah.

VARIANCE REQUEST: The applicants are requesting a 56.8 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 an addition to a deck.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of September 11 & 12, 2019, for the petition of Lange Trust, owner / James Kutschenreuter, Kutsch Construction, applicant, voted to **DENY** the request for a 56.8 foot setback.

A motion was made by John Roth to deny the variance request. Seconded by Ann Seaver. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found no unique property limitations preventing compliance with the ordinance. The Board found no unnecessary hardship. The Board found the existing deck to be very large. The Board found the owner has the option to place the desired grill on the existing deck or reconfigure the existing deck and place the grill within the confines of the existing deck footprint. The Board found the owner has options to use fire retardant material for decking to help address any fire concerns. The Board found to approve the variance request would cause harm to public interests by creating further encroachment on the shoreline. There was a petition in support and a letter of support from the Town of East Troy. There were letters in opposition from the Wisconsin Department of Natural Resources and from the Walworth County Land Conservation Division.

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 October 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.