

Walworth County Board of Adjustment

MINUTES

October 9, 2019 - Hearing – 9:00 AM

October 10, 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 October 9 & 10, 2019, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on October 9, 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 October 10, 2019, were Chair John Roth, Vice-Chair Elizabeth Sukala and Secretary Ann Seaver. Nicholas Sigmund, Senior Zoning Officer, Darrin Schwanke, Code Enforcement Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on October 9, 2019, and October 10, 2019, are kept on file as a matter of record.

The October 9, 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. **Elizabeth Sukala motioned to approve the agenda as presented. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose. Ann Seaver motioned to approve the September 11 & 12, 2019, 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, October 10, 2019. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The October 9, 2019, hearing went into recess at approximately 9:37 A.M.

On October 10, 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. **Ann Seaver motioned to approve the agenda as presented. Seconded by Elizabeth Sukala. Motion carried. 3-favor, 0-oppose. After the decisions were completed, John Roth motioned to adjourn until the November 13, 2019, hearing at 9:00 A.M. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The October 10, 2019, decision meeting adjourned at approximately 9:08 A.M.

One variance hearing was scheduled and details of the October 9, 2019, hearing and the October 10, 2019, decision 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 #9:04:59 – 9:36:48/ Decision – Count #9:01:38 – 9:05:49

The First Hearing was Dana M. Montana, owner / Peter Juergens, applicant – Section(s) 33 – Geneva Township

Applicants are requesting a variance from Section(s) 74-174 / 74-181 / 74-221 / 74-232 of Walworth County's Code of Ordinances – (Shoreland) Zoning to construct upper level and lower level decks.

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

VARIANCE REQUEST: The applicants are requesting a 38 foot setback for the lower deck and a 43.3 foot setback for the upper deck. The request is a variance from Section(s) 74-174 / 74-181 / 74-221 / 74-232 of Walworth County's Code of Ordinances – Shoreland Zoning to construct upper level and lower level decks.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of October 9 & 10, 2019, for the petition of Dana M. Montana, owner / Peter Juergens, applicant, voted to **DENY** the request for a 38 foot setback for the lower deck and a 43.3 foot setback for the upper deck.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found the owner / applicant did not provide any information to substantiate they met any of the required variance criteria. The Board found no unique property limitations. The Board found no unnecessary hardship. The Board found the request to be a want rather than a need. The Board found the owner's concerns about ingress/egress and fresh air were not grounds for a variance and could be addressed in other ways without the need for a variance. The Board found granting the request would not protect the public's interest in navigable waters as the proposed structures were close to the lake. There was a letter in support from the Town of Geneva. There was a letter of opposition 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

Board members received notice of a Workshop for Local Planning and Zoning Officials to be held Friday, November 15, 2019, at the Kenosha County Center in Bristol, Wisconsin. If Board members wish to attend they may contact Nick Sigmund.

Proposed discussion for next agenda

The following items were requested to be put on the November 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.