

Walworth County Board of Adjustment
MINUTES
October 14, 2020 - Hearing – 9:00 AM
October 15, 2020 – 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 October 14, 2020, and October 15, 2020, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on October 14, 2020, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and 1st Alternate Franklin B. Jones. Darrin Schwanke, Code Enforcement Officer, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on October 15, 2020, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and 1st Alternate Franklin B. Jones. Darrin Schwanke, Code Enforcement Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on October 14, 2020, and October 15, 2020, are kept on file as a matter of record.

The October 14, 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 Franklin B. Jones. Motion carried. 3-favor, 0-oppose. Ann Seaver motioned to approve the September 9 & 10, 2020, Minutes and dispense with the reading. Seconded by Franklin B. Jones. Motion carried. 3-favor 0-oppose. After testimony of all cases, Ann Seaver motioned to recess until 8:30 A.M. on Thursday, October 15, 2020. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The October 14, 2020, hearing went into recess at approximately 10:24 A.M.

On October 15, 2020, at 8:30 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 Franklin B. Jones. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Franklin B. Jones motioned to adjourn until the November 11, 2020, hearing at 9:00 A.M. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The October 15, 2020, decision meeting adjourned at approximately 10:11 A.M.

Three variance hearings were scheduled and details of the October 14, 2020, hearings and the October 15, 2020, 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 #9:01:11 – 9:25:47 / Decision – Count #8:27:45 – 8:32:39

The First Hearing was Town of Delavan, owner / Town of Delavan, applicant – Section(s) 22 / 23 – Delavan Township

Applicants are requesting a variance from Section(s) 74-203 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a parking lot.

REQUIRED BY ORDINANCE: The Ordinance requires a 25 foot street yard setback.

VARIANCE REQUEST: The applicants are requesting an approximate 7 foot street yard setback. The request is a variance from Section(s) 74-203 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a parking lot.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of October 14 & 15, 2020, for the petition of Town of Delavan, owner / Town of Delavan, applicant, voted to APPROVE the request for an approximate 7 foot street yard setback.

Ann Seaver made a motion to approve the variance. Seconded by Franklin B. Jones. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS: The Board found the right-of-way along Town Hall Road to be inconsistent widths. The Board found the parcel has frontage on Town Hall Road and Oxburgh Trail. The Board found Town Hall Road to be a high traffic volume road. The Board found to approve the variance would allow parking to be located where it is most needed to facilitate emergency response vehicles and personnel. The Board found to approve the variance would help define traffic flow and parking which benefits public interests for safety purposes. The Board found the Town snowplows Oxburgh Trail and this proposal leaves ample room for snow removal. The Board found to deny the variance request would hinder the emergency and administrative service needs of the Town of Delavan. The Board found to grant the variance request would not harm the public's interest in navigable waters. There were letters in support from the Town of Delavan and a neighboring property owner. There was no opposition.

Hearing – Count #9:25:57 – 9:55:09 / Decision – Count #8:32:40 – 8:41:33

The Second Hearing was **Michael D. Dunn & Michelle A. Harkness, owners / Michael D. Dunn, applicant – Section(s) 24 – La Grange Township**

Applicants are requesting a variance from Section(s) 74-181 / 74-232 of Walworth County's Code of Ordinances – Shoreland Zoning to permit a residence and a deck.

REQUIRED BY ORDINANCE: The Ordinance requires a 15 foot side lot line setback for the residence and a 9 foot side lot line setback for a deck.

VARIANCE REQUEST: The applicants are requesting a 14.1 foot setback for the residence and a 0.6 foot setback for the deck. The request is a variance from Section(s) 74-181 / 74-232 of Walworth County's Code of Ordinances – Shoreland Zoning to permit a residence and a deck.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of October 14 & 15, 2020, for the petition of Michael D. Dunn & Michelle A. Harkness, owners /Michael D. Dunn, applicant, voted to APPROVE the request for a 14.1 foot setback for the residence and voted to DENY a 0.6 foot setback for the deck.

Franklin B. Jones made a motion to separate the residence variance from the deck variance. Seconded by Ann Seaver. Motion carried. 3-favor 0-oppose

Ann Seaver made a motion to approve the house variance. Seconded by Franklin B. Jones. Motion carried. 3-favor 0-oppose

Ann Seaver made a motion to deny the deck. Seconded by Franklin B. Jones. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS:

APPROVAL of the residence: The Board found the house has been existing for some time without any issue. The Board found an error in the original survey or in the placement of the house by the contractor resulted in the residence not meeting setback requirements. The Board found the property has unique property limitations in the steep slopes and odd-shape. The Board found the road has a belly in it. The Board found the request to be a small increment of relief and that removal of a portion of the house would cause unnecessary hardship. The Board found to approve the variance would cause no harm to public interests as the residence is located in a wooded area. The Board found the parcel is bordered by land owned by the Town of La Grange. The Board found to approve the variance for the residence would not harm the public's interest in navigable waters.

DENIAL of the south deck: The Board found the owner did not prove unique circumstances of the property as they relate to the deck. The Board found the deck to be a personal preference of the property owner. The Board found to deny the variance request would cause no unnecessary hardship as there are multiple ingress / egress points for the residence and the deck is not necessary. The Board found a deck could be built to comply with setbacks. The Board found the hardship was self-created when the owner constructed the deck without obtaining proper permits or surveying. The Board found the stairs of the deck terminated 0.6 feet from the lot line and served to separate the lot, encouraging or necessitating the use of the adjacent property owned by the Town of LaGrange. The Board found the variance request to be a large increment of relief. The Board found no effect on the public's interests in navigable waters.

There was a letter in support from the Town of La Grange. There was no opposition.

Hearing – Count #9:55:18 – 10:23:53 / Decision – Count #8:41:46 – 8:48:28

The Third Hearing was Sean R. Waesco, owner / Sean Waesco, applicant – Section(s) 34 – La Grange Township

Applicant is requesting a variance from Section(s) 74-165 / 74-181 / 74-219 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct an accessory structure.

REQUIRED BY ORDINANCE: The Ordinance requires a 10.4 foot side yard, 24.8 foot street yard, and 17 foot maximum height.

VARIANCE REQUEST: The applicant is requesting a 6.4 foot side yard, 23.4 foot street yard and 25 foot 7 inch height. The request is a variance from Section(s) 74-165 / 74-181 / 74-219 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct an accessory

structure.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of October 14 & 15, 2020, for the petition of Sean R. Waesco, owner / Sean Waesco, applicant, voted to APPROVE the request for a 6.4 foot side yard, 23.4 foot street yard and 25 foot 7 inch height.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found unique circumstances in the property being the low point between neighboring properties and the street giving the lot the majority of the area's water run-off. The Board found to approve the variance request would benefit the public's interests in improving drainage and runoff for the property as well as neighboring properties. The Board found to approve the variance request would minimize impervious surface as a deck and shed will be removed. The Board found the increased height of the structure helps to reduce the impervious footprint. The Board found the lot to be substantially below road grade. The Board found the existing structure to be in need of repair. The Board found to approve the variance request would condense storage into one structure on the property and improve the appearance of the property. There were two letters in support from neighboring property owners and a letter of support from the Town of La Grange. 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
- C. Viewing of Walworth County Human Resources training videos

Board members viewed the required annual training videos:
Opening Policy Statement / Ethical Standards Policy / Harassment Training / HIPAA Training / Nepotism Policy / Outside Secondary Employment Policy / Use of Computer Related Resources / Use of County and Personal Vehicles

Proposed discussion for next agenda

The following items were requested to be put on the November 2020 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.