

Walworth County Board of Adjustment

MINUTES

March 11, 2020 - Hearing – 9:00 AM

March 12, 2020 – 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 March 11, 2020, and March 12, 2020, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on March 11, 2020, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and 1st Alternate Franklin B. Jones. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on March 12, 2020, were Vice-Chair Elizabeth Sukala, Secretary Ann Seaver and 1st Alternate Franklin B. Jones. Barbara A. Fischer, 2nd Alternate, was present to take the Oath of Office. Nicholas Sigmund, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on March 11, 2020, and March 12, 2020, are kept on file as a matter of record.

The March 11, 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 February 12 & 13, 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 9:00 A.M. on Thursday, March 12, 2020. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The March 11, 2020, hearing went into recess at approximately 10:28 A.M.

On March 12, 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 Franklin B. Jones. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Ann Seaver motioned to adjourn until the April 8, 2020, hearing at 9:00 A.M. Seconded by Franklin B. Jones. Motion carried. 3-favor, 0-oppose.** The March 12, 2020, decision meeting adjourned at approximately 9:42 A.M.

Three variance hearings were scheduled and details of the March 11, 2020, hearings and the March 12, 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 – Oath of Office

Barbara A. Fischer took the Oath of Office. Barbara A. Fischer will serve as 2nd Alternate on the Board of Adjustment. The term will end June 30, 2022, or until a successor is named.

New Business – Variance Petitions

Hearing – Count #9:01:35 – 9:13:17 / Decision – Count #9:00:51 – 9:05:26

The First Hearing was Merrill & Robin G. Hansen, owners / Joe Kurtz, J. K. Construction Co. Inc., applicant – Section(s) 36 – La Grange Township

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

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

VARIANCE REQUEST: The applicants are requesting a 19.71 foot street 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 an addition to a residence.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of March 11 & 12, 2020, for the petition of Merrill & Robin G. Hansen, owners / Joe Kurtz, J. K. Construction Co. Inc., applicant, voted to APPROVE the request for a 19.71 foot street yard setback.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found unique property limitations in the residence being located at the dead-end of a cul-de-sac. The Board found the curvature of the cul-de-sac affected the setback requirements. The Board found the lot slopes in the rear crowding the house toward the road. The Board found the addition will help provide access to the residence in inclement weather. The Board found the request to be a small increment of relief as the addition is a roof with posts and will be constructed over an existing deck, going no closer to the road. The Board found to approve the request would not harm the public’s interest in navigable waters. The Board found to approve the variance request would cause no harm to public interests. There was a letter of support from the Town of La Grange. There was no opposition.

Hearing – Count #9:13:26 – 10:15:30 / Decision – Count #9:05:41 – 9:31:13

The Second Hearing was Gregory S. & Susan W. Csanda, owners / Attorney Christina M. Green, Sweet & Maier S.C., applicant – Section(s) 25 – La Grange Township

Applicants are requesting a variance from Section(s) 74-174 / 74-181 / 74-221 of Walworth County’s Code of Ordinances – Shoreland Zoning to construct a single-family residence addition with a landing, construct a driveway, construct stairs and a landing on a boathouse, and construct walkways.

REQUIRED BY ORDINANCE: The Ordinance requires a 75 foot shoreyard setback for the landing and stairs on the boathouse, the driveway, and the walkways. A 70.86 foot shoreyard setback for the residence and the landing on the residence.

VARIANCE REQUEST: The applicants are requesting a 33.98 foot shoreyard setback for the addition to the residence, a 31.02 foot shoreyard setback to the landing on the residence, a 44.11 foot shoreyard setback to the driveway, a 4.93 foot shoreyard setback for the landing on the

boathouse, an approximate 6.5 foot shoreyard setback to the walkways, and an approximate 16 foot shoreyard setback to the stairs on the boathouse. The request is a variance from Section(s) 74-174 / 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a single-family residence addition with a landing, construct a driveway, construct stairs and a landing on a boathouse, and construct walkways.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of March 11 & 12, 2020, for the petition of Gregory S. & Susan W. Csanda, owners / Attorney Christina M. Green of Sweet & Maier, S.C., applicant, voted to APPROVE the request for a 33.98 foot shoreyard setback for the addition to the residence, a 31.02 foot shoreyard setback to the landing on the residence, a 44.11 foot shoreyard setback to the driveway, a 4.93 foot shoreyard setback for the landing on the boathouse, an approximate 6.5 foot shoreyard setback to the walkways, and an approximate 16 foot shoreyard setback to the stairs on the boathouse.

A motion was made by Ann Seaver to split the variance up into different requests. Seconded by Franklin B. Jones. Motion carried. 3-favor 0-oppose

A motion was made by Ann Seaver to approve the variance request for the driveway and the garage as proposed. Seconded by Franklin B. Jones. Motion carried. 3-favor 0-oppose

A motion was made by Ann Seaver to deny the variance request for the 1) stoop off the back corner of the garage 2) stairs coming off the east side of boathouse 2) stoop coming off the south side of boathouse and the 4) walkways leading from stairs to the stoop and to the existing walkways.

The motion dies for lack of a second.

A motion was made by Franklin B. Jones to approve the variance request for the 1) stoop off the back corner of the garage 2) stairs coming off the east side of boathouse 2) stoop coming off the south side of boathouse and the 4) walkways leading from stairs to the stoop and to the existing walkways. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose

BOARD OF ADJUSTMENT FINDINGS:

APPROVAL for the setback to the addition to the residence and the setback to the driveway: The Board found unique property limitations in the limited buildable area available on the irregularly shaped parcel that is surrounded by water on two sides. The Board also found that a road cuts through a portion of the parcel, separating the existing parking pad from the rest of the parcel. The Board found the Town has plans to remove the parking pad currently available to the owner. The Board found the proposed driveway with turn around area will allow safe ingress / egress of the property by allowing vehicles to exit the property going forward. The Board found the property is flanked by a hill on the road and a narrow bridge. The Board found it is not unreasonable to expect to have a garage or a parking area on a property. The Board found to approve the garage addition will provide storage space that is being lost when the owners replace the large wet boathouse with the smaller boathouse.

The Board found to approve the variance request will benefit public interests as the owner will get their vehicles further from the road and have safe access onto the road. The Board found to approve the variance request would not harm the public's interests in navigable waters as these structures have other existing structures between them and the water.

APPROVAL for the setback to the landing on the residence and the setback for the landing on the boathouse and the setback to the walkways and the setback to the stairs on the boathouse: The Board found unique property limitations in the small irregularly shaped lot. The Board found to approve the request will allow the owner to reconfigure the wet boathouse into a dry boathouse and downsize the boathouse. The Board found it would cause unnecessary hardship to deny the owners access to the reconfigured boathouse. The Board found that the current boathouse has these types of structures already and the approval allows them to be replaced in the locations needed to accommodate the smaller boathouse. The Board found to approve the variance request will cause no harm to public interests. The Board found the greenspace lost with the garage addition will be gained in removal of a portion of the existing wet boathouse.

There were five letters in support from neighboring property owners and a letter of approval with modification to the driveway from the Town of La Grange. There was a letter of opposition from the Walworth County Land Conservation Division.

Hearing – Count #10:15:45 – 10:27:56 / Decision – Count #9:31:17 – 9:33:46

The Third Hearing was Steven A. & Rita E. Wrighton, owners / Steven A. & Rita E. Wrighton, applicants – Section(s) 10 – East Troy Township

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

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

VARIANCE REQUEST: The applicants are requesting an approximate 8.3 foot setback. The request is a variance from Section(s) 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to permit the location of a residence.

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of March 11 & 12, 2020, for the petition of Steven A. & Rita E. Wrighton, owners / Steven A. & Rita E. Wrighton, applicants, voted to APPROVE the request for an approximate 8.3 foot setback.

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

BOARD OF ADJUSTMENT FINDINGS: The Board found the house was built in 1997 with good intentions under the systems in place at that time. The Board found that everyone at that time believed everything was proper. The Board found the variance request to be a small increment of relief. The Board found it would be unnecessarily burdensome to physically correct the encroachment. The Board found to ask the owner to remove a portion of the home would cause unnecessary hardship as the owner was not responsible for the error in

measurement. The Board found to approve the variance request would cause no harm to public interests. The Board found that the owners intend to comply with the required setback with their proposed new addition. The Board found the owner received approval from the Town. The Board found to approve the variance request will not harm the public's interest in navigable waters. There was an e-mail of support from two neighboring property owners and a letter of support from the Town of East Troy. 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

Board members received a copy of a registration application regarding training for public officials to be held at the Darien Public Library.

Proposed discussion for next agenda

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