

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)

ZONING BOARD OF APPEALS HEARING

Wednesday, October 6, 2021

Chairperson Peg Pollitt called the Hearing of the Village of Fontana Zoning Board of Appeals to order at 10:00 am in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Board of Appeals members present: Roll call vote: Derek D’Auria, Peg Pollitt, Jim Feeney, Curtiss Behrens, John Strong

Also present: Tom Bach, Ryan Cardinal, James Coates, Linda Determan, Marla Matranga, Mark Pulokas, Bonnie Schaeffer, Michel Schiesser, Stacey Schiesser, Stephanie Smith, Dale Thorpe

General Business

Public Hearing for Zoning Permit Application Filed by Linda Determan, 109 Cypress View Drive, Naples, FL 34113 for approval of a new residential construction on Lot 33 S. Lower Gardens Road, Parcel No. SG00040, which was denied by the Village of Fontana Zoning Administrator on July 7, 2021 due to noncompliance with zoning code section 18-32 Village Residential (SR-5) District.

The public hearing was opened at 10:01 am. Attorney Dale Thorpe explained the applicant is seeking an area variance due to the alteration of setbacks. Attorney Thorpe took a few moments to review the legal standards for a variance. Village Zoning Administrator Bonnie Schaeffer stated she drafted a denial letter to the applicants dated July 7, 2021 due to the noncompliance with zoning code section 18-32. Schaeffer stated the applicant was proposing to build a single-family residence within the setbacks of a navigable waterway. The zoning code requires a minimum seventy-five-foot setback for new structures proposed on a vacant lot and the proposed residence is approximately forty feet from the ordinary high-water mark of a navigable waterway. Mark Pulokas from Focus Engineering was present on behalf of the applicant. Pulokas stated lot thirty-three is in the SR-5 zoning and the shoreyard encompasses the entire property. The applicant is requesting a thirty-five-foot setback and without the requested setback the property is nearly unbuildable. The buildable area without any setbacks is approximately seven feet by sixteen feet. Attorney Thorpe explained the lot size is not a legal standard for granting a variance. Ryan Cardinal from Cardinal Engineering was present on behalf of the applicant and stated the shape of the creek as it encompasses this property is unique. Cardinal explained that many houses in this subdivision have the same setback being requested by his client. Marla Matranga, 370 S. Lower Gardens, stated she is oppose to the variance requested due to concerns with water runoff. Matranga explained over the years the creek has changed significantly due to the runoff and she has experienced several flash floods. Tom Bach, 451 N. Lower Gardens, stated he is neither for nor against the requested variance, but has concerns with the measurement of the high-water mark due to the extremely dry conditions this year. Cardinal stated storm water concerns are prevalent everywhere and he does not believe the proposed building will increase storm water runoff. Pulokas stated the lot is not a low-lying lot the elevation is approximately ten feet. Michel Schiesser, 420 N. Lower Gardens, stated personally he would not want to build that close to the creek. Stacey Schiesser, 420 N. Lower Gardens, stated she is oppose to the variance and feels all home that are built with in the setbacks were grandfathered in and the setbacks are there for a reason. Village Exhibit No. 1 is a seventeen-page application packet. Village Exhibit No. 2 is a one-page

letter dated July 7, 2021 from Zoning Administrator Bonnie Schaeffer to Linda Determan. Village Exhibit No. 3 is a two-page memo from Zoning Administrator Bonnie Schaeffer. Village Exhibit No. 4 is comprised of seven letters from Village residents. The public hearing was closed at 10:45 am.

Strong/Feeney 2nd made a MOTION to deny the variance requested by Linda Determan due to failure to meet burden of proof, and the MOTION carried unanimously on a 5-0 vote.

Feeney/Strong 2nd made a MOTION to authorize the chairperson to sign written findings consistent with the decision made and read into the record without further meeting, and the MOTION carried without negative vote.

Adjournment

Feeney/D'Auria 2nd made a MOTION to adjourn the Zoning Board of Appeals meeting at 10:58 am, and the MOTION carried without negative vote.

Minutes prepared by: Stephanie Smith, Deputy Clerk/Treasurer

Note: These minutes are subject to further editing. Once approved by the Zoning Board of Appeals, the official minutes will be on file at the Village Hall.

Approved: 12/07/2021