

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

ZONING BOARD OF APPEALS HEARING

**Tuesday, December 7, 2021**

Chairperson Peg Pollitt called the Hearing of the Village of Fontana Zoning Board of Appeals to order at 1:00 pm 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:** Ron Nyman, Susan Rolander, Rob Rowe, Suzette Rowe, Bonnie Schaeffer, Stephanie Smith, Steve Smith, Dale Thorpe

**General Business**

**Approval of Minutes**

The minutes for the September 29, 2021 and October 6, 2021 minutes were distributed.

Feeney/D’Auria 2<sup>nd</sup> made a MOTION to approve the minutes from the September 29, 2021 and October 6, 2021 minutes, and the MOTION carried without negative vote.

**Public Hearing for Zoning Permit Application Filed by Rob and Suzette Rowe, 330 Home Ave., Fontana, WI 53125 for approval of new residential construction at 330 Home Ave., Parcel No. SBV00028, which was denied by the Zoning Administrator on September 17, 2021, due to noncompliance with zoning code section 18-32 Village Residential (SR-5) District. Case to be heard at 1:00 p.m.**

The public hearing was opened at 1:01 pm. 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 September 17, 2021 due to the noncompliance with zoning code section 18-32. Schaeffer stated the applicant was proposing to build a single-family residence located eleven point four feet from the right of way of N. Lakeshore Drive, eleven point four feet from the right of way of Home Avenue, and nine point seven nine feet from the east side lot line. The zoning code requires a minimum street yard setback of twenty-five feet and minimum side yard setback of fifteen feet for new structures placed on vacant lots. The original application and denial letter comprised of two pages was marked as Village Exhibit No. 1. Susan Rolander from Rolander Architects was present on behalf of the applicant. The application dated October 4, 2021 comprised of seventeen pages was labeled as Applicant Exhibit No. 1. The series of eight drawings from Rolander Architects was labeled Applicant Exhibit No. 2. The proposed site plan dated August 25, 2021 by Peter Nelson was labeled as Applicant Exhibit No. 3. Rolander reviewed a series of photos of the property and different views showing the proximity to the neighbors and the slope on the property. Rolander stated the proposed construction is approximately 2,407 square feet and the lot is approximately 7,672 square feet. The existing home on the property is approximately 1,563 square feet including the garage. Rolander stated the reason the Rowes are seeking to build a new home is the old home has substandard foundation that is crumbling and deteriorating. The size of the lot provides a burden for the Rowe’s and as a result they do not have an acceptable building area. Applicant Rob Rowe stated they have investigated all other alternatives to tearing the house down.

Rowe explained the cottage has been in the family for many years and they would like to stay in Buena Vista. Peg Pollitt questioned if the applicant was to build in the exact same footprint would a variance be needed. Zoning Administrator Bonnie Schaeffer stated the applicants would not need a variance if they were to build in the exact same footprint. Tom Smith, president of Buena Vista stated the association fully supports the Rowe's variance application. Ron Nyman stated he feels the proposed construction is a vast improvement and much larger but seems to overwhelm the property. Susan Rolander stated the actual buildable area of the property results in a trapezoid shape that is not suitable for a home. The public hearing was closed at 2:22 pm.

Feeney made a MOTION to approve the variance application filed by Rob and Suzette Rowe, and the MOTION failed for lack of a second.

Pollitt/Strong 2<sup>nd</sup> made a MOTION to deny the variance application filed by Rob and Suzette Rowe for the property at 330 Home Avenue, Parcel No. SBV 00028, due to failure to meet burden of proof, and the MOTION carried on a 4-1 vote with Feeney opposed.

Strong/Pollitt 2<sup>nd</sup> 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**

Strong/Feeney 2<sup>nd</sup> made a MOTION to adjourn the Zoning Board of Appeals meeting at 2:42 pm, and the MOTION carried without negative vote.

Minutes prepared by: Stephanie Smith, Treasurer/Deputy Clerk

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: 04/07/2022**