

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

ZONING BOARD OF APPEALS HEARING

Thursday, July 30, 2020

Chairman Peg Pollitt called the Hearing of the Village of Fontana Zoning Board of Appeals to order at 3:00 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

Board of Appeals member absent: John O’Neill

Also present: Christina Green, Theresa Loomer, Bonnie Schaeffer, Tara Ramljak, Dale Thorpe, John Tracy

Business

Public Hearing Continued from June 23, 2020: Application Filed by Mary Kay Brandt, 1006 Briarwood Drive Fontana, WI 53125 for construction of a single-story residence at 204 Abbey Springs Drive, Parcel No. SCDB 500204, and was denied by the Village of Fontana Zoning Administrator on January 13, 2020 due to noncompliance with setbacks in ordinance No. 12-15-04-01.

The public hearing was continued from the June 23, 2020 meeting date. Attorney Thorpe reviewed the meeting procedures. An email sent by Attorney Green to Chairperson Pollitt regarding the applicant’s condition was discussed. Attorney Green and Tracy discussed whether to enter the doctor’s note into the record as they were concerned for Ms. Brandt’s privacy, however, Attorney Thorpe advised that technically it is already a public record as it was sent via email. After discussion, Green opted to put the doctor’s note with the redacted date of birth into the record as evidence since the letter does not state a specific condition, only that is degenerative, and accommodations to her living spaces would be of tremendous benefit for her. The variance application was marked as Applicant Exhibit No. 1. The letter from Attorney Green and the doctor’s note was marked as Applicant Exhibit No. 2. Green provided an overview of the letter and stated the variance is in compliance with the Federal ADA and FHA regulations. The objection letter from neighboring property owner submitted on June 24, 2020 from Steve Ban was entered as Village Exhibit No. 1. A letter submitted in favor of the application from Rick Cosenza on June 27, 2020 was entered as Village Exhibit No. 2. In response to a question, Green stated the setback required by the planned development is 15-feet from the lot line and the proposed house is five-to-ten feet from the lot line. There was discussion about whether the doctor’s note as submitted was the only form of proof of the disability and that it did not list the disability itself. Green stated the disability is degenerative in nature and Ms. Brandt may end up in a wheelchair but is not currently confined to a wheelchair. Pollitt asked for the connection to the necessary space for a wheelchair and how much extra room is required for wheelchair access. Thorpe likened it to a wheelchair ramp that requires a certain amount of additional pervious surface. The question was posed whether there is extra space necessary for wheelchair access and was it included on the architectural design. Tracy stated he did not make that calculation. In response to questions posed by Tracy, there was a discussion about the options going forward.

Thorpe stated the following options are available: The board of appeals could take a vote. If denied, the applicant could submit a new plan and if that is denied apply for a variance. The board could table the application so Tracy can provide the requested measurements for wheelchair accessibility. Thorpe also suggested that the applicant could petition the Village Board to consider a code change to include an ADA provision to the zoning ordinance. Tracy spoke about the cost of building materials and a timeline. The applicant requested a 30-day extension on the hearing and will bring back the requested measurement for required wheelchair access.

Feeney/D'Auria 2nd made a MOTION to extend the public hearing for the variance filed by Mary Kay Brandt for 204 Abbey Springs Drive for a length of time not to exceed 30-days, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Administrator 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: 11/17/2020