

TOWN OF EAST TROY

N9330 Stewart School Road • P.O. Box 872
East Troy, Wisconsin 53120
Telephone (262) 642-5376

NOTICE OF JOINT MEETINGS OF THE TOWN BOARD OF THE TOWN OF EAST TROY AND THE TOWN PLANNING COMMISSION

On Wednesday, October 1, 2025, the Town Planning Commission of East Troy will meet at the Town Hall, N9330 Stewart School Road, at 6:30 pm, the following agenda item(s) would be considered:

AGENDA

1. Review & Approval of Planning Commission Minutes –
09/03/2025

2. VARIANCE

The Webb family, represented by Brian Randall, is requesting a VARIANCE to allow their son to build a single-family home on the rural parcel of land they have owned in the Town of East Troy since 1988. While the site plan for a future home would be compliant with all of the Zoning regulations, a variance is needed due to the requirement that a home must abut a public street for a minimum of 50-feet. This parcel does not have any street access, but does have access through an easement agreement. The easement is 33-feet wide at the in the area specifically where it abuts Lawlor Road at the East leaving the abutting property 17-feet shy of meeting the 50-foot requirement.

Southwest of the terminus of Lawlor Road

East Troy, WI 53149

Parcel No: P ET2800005B

Al and Patti Webb, Owner/Brian Randall, Amundsen Davic LLC, Applicant

Travis Webb

3. Other Business & Public Comments

4. Adjourn

Persons with Disabilities who need accommodations to attend the meeting should contact the Town Clerk at this address as soon as possible: N9330 Stewart School Rd., East Troy WI 53120 or call 262-642-5386.

Posted September 18, 2025

Jennifer Olson - Planning Commission Secretary



Town
of
East Troy

PLANNING COMMISSION PUBLIC HEARING APPLICATION

N9330 Stewart School Road • P.O. Box 872

East Troy, Wisconsin 53120

Telephone (262) 642-5376

tetcourt@townofeasttroywi.gov

REZONE: _____ CONDITIONAL USE: _____ OTHER: Variance

OWNER: Alan (Al) & Patricia (Patti) Webb

APPLICANT: Brian Randall, Amundsen Davis LLC and Travis Webb

PROPERTY ADDRESS: P ET2800005B (Southwest of the terminus of Lawlor Road in the Town of East Troy)

OWNER PHONE NUMB: 262-642-9575

APPLICANT PHONE NUMB: 414-225-1484

EMAIL: twebb@AEM.org and BRandall@AmundsenDavisLaw.com

PARCEL NUMB: P ET2800005B SECTION: _____

PRESENT ZONING: A1 & C2 REQUESTED ZONING: _____

**To apply for a Planning Commission Request,
you will need to submit the following prior to the third Tuesday of the Month:**

- 8 copies of your County Zoning Administration Application
- A check for the \$300.00 application fee (payable to The Town of East Troy)
- 8 copies of this Town Application
- 8 copies of the plans/blueprints (one copy scaled to legal size paper or email a PDF please)
- 8 copies of a summary painting the Commissioners a picture of your vision for this land. **Please, include points of reference below as applicable.**

Commissioners may request more information about your application as needed during the meeting to make an informed decision. We know that this is a lengthy process and do our best to keep things moving for you. Providing the most detail you can when submitting an application will help you have an efficient outcome.

Zoning Checklist

- Have you reviewed the Walworth County Zoning Application Form?
- Is the proposed zoning change consistent with the 2050 Land Use Plan?
- Is the proposed zoning change consistent with surrounding properties?
- Does the proposed zoning change have any significant impact on public facilities or services? (i.e. highways, streets, water, sewage, drainage, schools, emergency services, etc.).
- Have you spoken to Chuck Decker, Sanitary District 2, about sewer vs septic for your property? Will he submit a letter?

Conditional Use Checklist

- Have you reviewed the Walworth County Conditional Use Application Form?
- Would the conditional use impact existing traffic patterns?
- Will your proposal increase the percentage of impervious surface upon the property in which the conditional use is being proposed? If yes, please quantify the amount of impervious surface to be created and mitigation measures to be implemented to reduce erosion potential to the adjoining property.
- Will your proposal have any significant impact on public facilities or services? (i.e. highways, streets, water, sewage, drainage, schools, emergency services, etc.).
- Will your proposal create harmful or nuisance effects that include noise, dust, smoke, odor, or other factors?

Variance Checklist

- Have you reviewed the Walworth County Variance Application Form?
- Provide details for the 3-step test
- UNIQUE PROPERTY LIMITATIONS. Compliance with the terms of the Code of Ordinances is prevented by unique features of this property
- UNNECESSARY HARDSHIP. Unnecessary hardship is present because
- NO HARM TO PUBLIC INTERESTS. A variance will not be contrary to the public interest
- Are you requesting any modifications to any setbacks (street, side, rear or shore yard)?
- Will your proposal increase the percentage of impervious surface upon the property in which the conditional use is being proposed? If yes, please quantify the amount of impervious surface to be created and mitigation measures to be implemented to reduce erosion potential to the adjoining property.

Certified Survey Map/Plat Review

- Are the new lots conforming to the current zoning code for the parcel in:
 - Size (minimum lot size met)
 - Does the new layout create future issues with road access for any of the parcels?
 - Are there any clerical issues on the survey map that should be adjusted?
 - Does the new layout create an issue for road access to neighboring parcels?
- Does this use of the property fit within the current zoning and 2050 plan?

2050 Comprehensive Plan Amendment

Often referred to as a “Smart Growth Plan Law” provides a framework for the development, adoption, and implementation of comprehensive plans in Wisconsin. The law includes a consistency requirement, whereby zoning, subdivision and official mapping ordinances adopted and enforced by counties, cities, villages and towns must be consistent with the comprehensive plan adopted by the county or local unit of government. This consistency requirement took effect on January 1, 2010. The state planning law requires that a comprehensive plan include all of the following plan elements:

- 1) Issues and opportunities
- 2) Housing
- 3) Transportation
- 4) Utilities and community facilities
- 5) Agricultural, natural and cultural resources
- 6) Economic development
- 7) Intergovernmental cooperation
- 8) Land use
- 9) Implementation

Here is a link to the **2050 Comprehensive Plan Map**:

<https://www.co.walworth.wi.us/DocumentCenter/View/1576/2050-Walworth-County-Land-Use-Plan-Map-PDF> the key to the right of the document gives you the ability to zoom into the map and see the future use for this area.

The 194-page comprehensive plan can be found at the following link:

www.sewrpc.org/SEWRPCFiles/Publications/CAPR/capr-288-2nd-ed-comp-plan-walw-co.pdf

The Planning Commission Public Hearing is the first Wednesday of the month at 6:30 pm and the Planning Commission Decision-Making meeting is the third Wednesday of the month at 6:30 pm. The Town Board then makes the final decision at the next Regular Town Board meeting (typically scheduled for the second Monday of the month at 6:30 pm). Walworth County Planning & Zoning then hears the request, after they receive the Town's decision.

1. Have you reviewed the Walworth County Variance Application Form?

- a. Yes, the applicant has reviewed the Walworth County Variance Application form. Please see Exhibit A (County Zoning Administration Application) for a complete application.

2. Provide Details for the 3-step Test.

- a. *(1) UNIQUE PROPERTY LIMITATIONS. Compliance with the terms of the Code of Ordinances is prevented by unique features of this property.*

The Webb property is positioned at the western end of Lawlor Road where the 66-foot public right of way terminates. The Webbs have full access via a recorded 66-foot wide access easement. While the easement intended to serve the property exists and it is 66-feet wide, only 33 feet of that easement actually abuts Lawlor Road. See Survey plat and close up, next page.

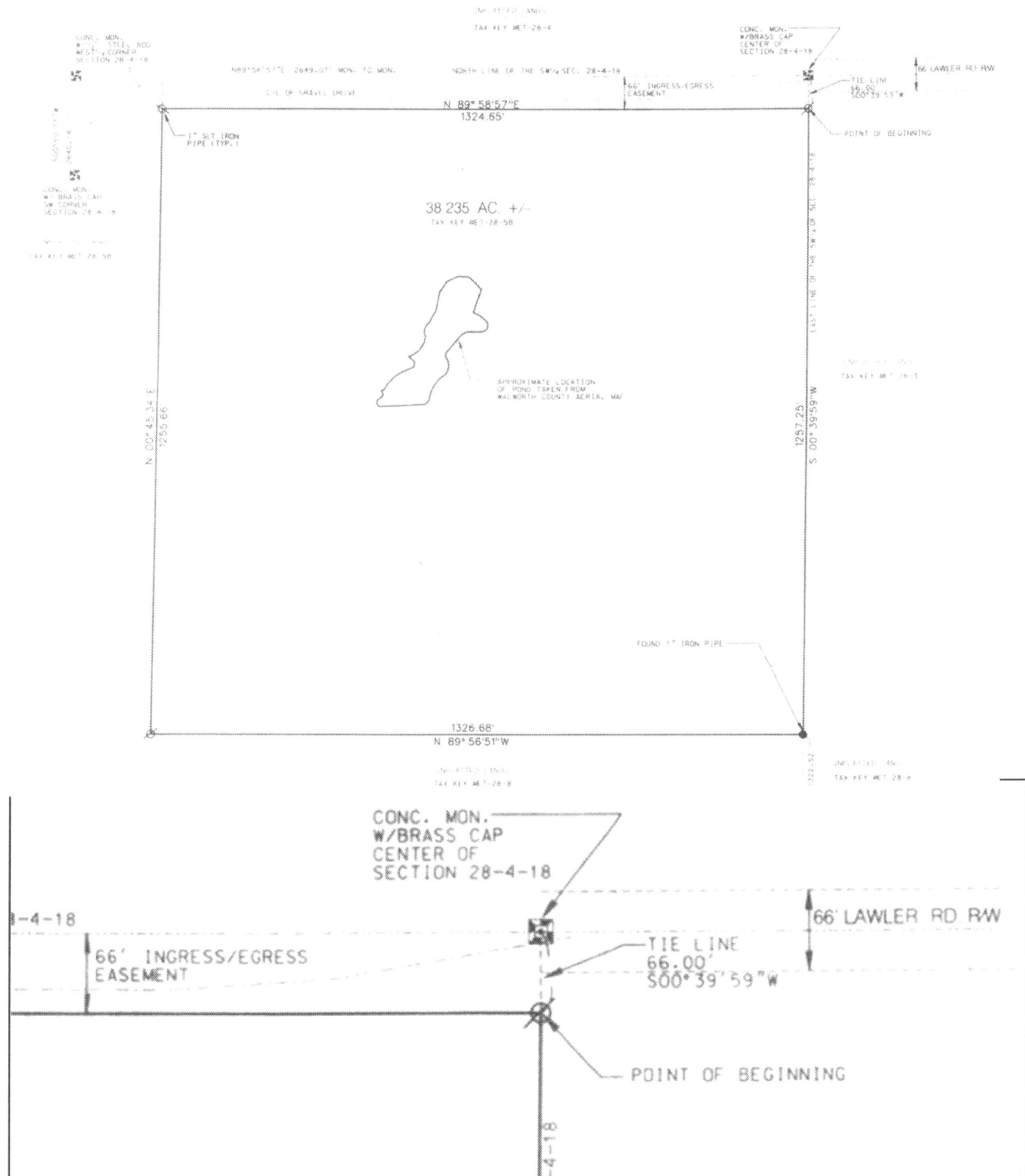
This unique property configuration and access right does not have at least 50-feet of frontage as required by Town of East Troy Code of Ordinances § 17.40.060(3) and the Walworth County Code of Ordinances 74-39. This irregular positioning between the easement and the road is not typical of other properties in the area, which generally have direct and continuous access along the frontage of the properties.

The Webb family has made unsuccessful attempts over the years to acquire additional land from neighboring owners to expand their access to Lawlor Road with 50 foot of frontage. Despite their efforts, they have been unable to reach any agreements to do so.

The Webbs are prevented from meeting the 50-foot frontage requirement in the codes because they only have 33 feet of frontage of Lawlor Road via easement (despite the easement itself being 66 feet wide).

Survey plat and close up of easement provided below for context (full scale plat survey PDF attached to the application).

Survey Plat and Close up of NE Corner of Survey Map



b. (2) UNNECESSARY HARDSHIP. Unnecessary hardship is present because...

The Webbs bought this 38-acre property in 1988 with the vision of building a single-family home surrounded by the natural environment and wildlife. Their full access rights to the public roadway is via a recorded 66-foot wide access easement.

But because the recorded easement only has 33 feet of Lawlor Road frontage, unnecessary hardship is present because the Webbs are denied a single-family detached dwelling as a principal use only because the 66-foot easement does not abut 50 feet of the road. *See* § 74-52(1)a. C2 Upland Resource Conservation District, Walworth County Code (Single-Family Detached Dwelling allowed as a Principal Use).²

A single-family use of the property is also allowed by Walworth County's 2050 Comprehensive Land Use Plan where most of this property is classified as Isolated Natural Resource Area. *See* Map 3.8; Map 5.1; and Walworth County GIS Property Records. The Comprehensive Land Use Plan provides that the land use plan for such areas allows for any of the principal uses in the C-2 Upland Resource Conservation district (including single-family residences on a minimum 5-acres) in the upland portions of the property ("areas other than wetlands and floodplains"). *See* 2050 Comprehensive Land Use Plan, p. 58. Also, the southwest corner is envisioned for a residential use where the land use plan classification is for "Rural Density Residential." *See* Walworth County GIS Property Records.

Preventing a single-family residential use of the property also severely limits the taxable and overall value of the property.

To provide greater context, we have included three maps below, which detail:

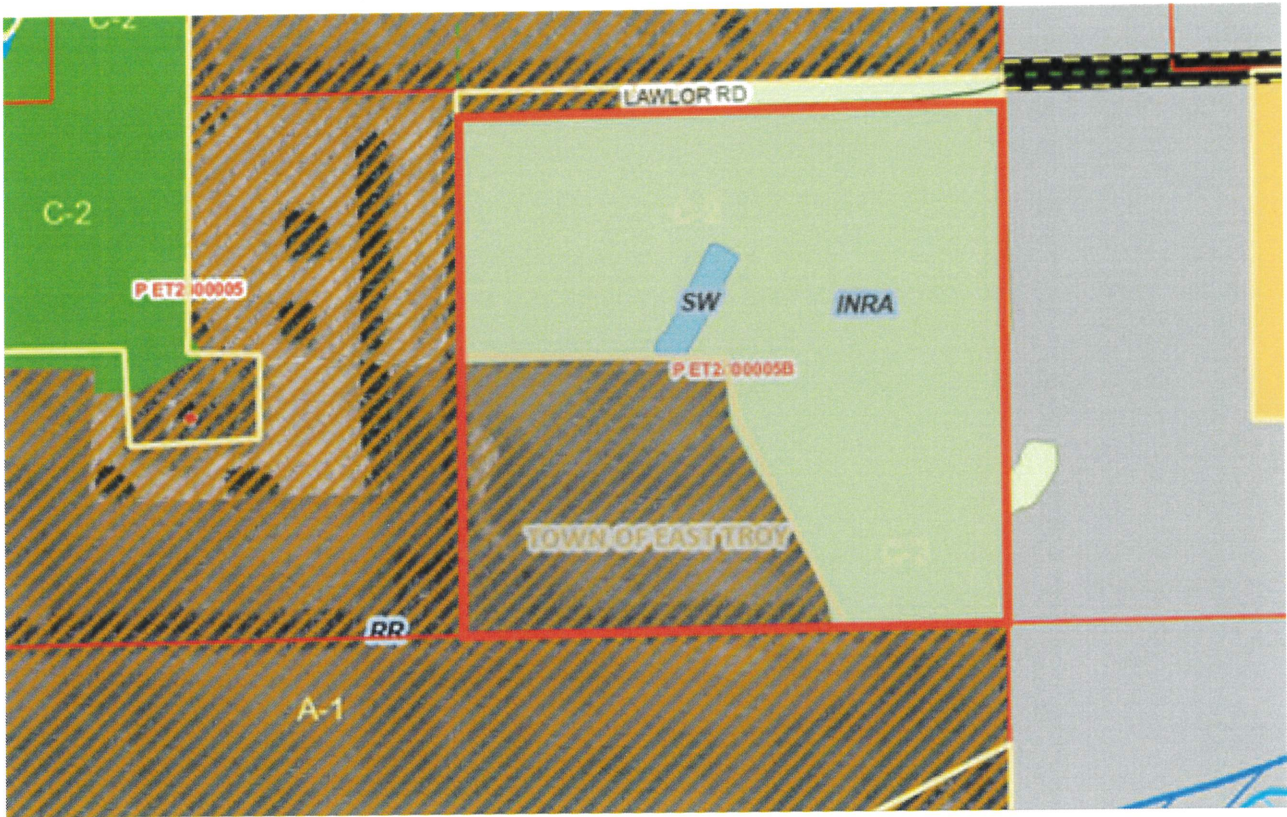
- v. The parcel's current zoning.
- vi. 2050 Comprehensive Land Use Plan for the parcel.
- vii. Potential single-family detached dwelling construction area.

² Note that the entire property could be used for a residential use including the southwest corner that is zoned A-1 Prime Agricultural Land District under which a "farm residence" is listed as a Principal Use. *See* § 74-51(1)a.

i. *Walworth County GSI Current Zoning*



ii. 2050 Comprehensive Land Use Plan



2050 Comp Land Use Plan
 2050 Comp Land Use Plan
 Urban Density Residential - Less than
 5.0 ac/du - RU
 Rural Density Residential - At Least
 5.0 ac/du - RR

Isolated Natural Resource Area - INRA
 Owner - DNR; Owner - DOT - ODNR
 Other Open Land - OP
 Surface Water - SW

- viii. Preliminary Construction Location: Area A (Upland Area of Isolated Natural Resource Area)



c. (3) NO HARM TO PUBLIC INTERESTS. A variance will not be contrary to the public interest.

A variance will not be contrary to the public interest because a single-family detached dwelling is a permitted use in the C2 zoning district zoned portion of the property (and a residential use is also allowed in the southwest corner that is zoned A-1 Prime Agricultural Land District). Further, the public interests are enhanced by a single-family residential use of the property under the 2050 Comprehensive Land Use Plan (such uses being allowed in upland areas of Isolated Natural Resource Areas and in Rural Density Residential areas).

Thus, the variance is consistent with the present zoning and future land uses under both the Town's and the County's visions for the property. There is also enough room to locate a residence, walkways, and driveway such that there will be no negative impact to the neighbors or the surrounding land uses. A private well and septic system would serve any future construction, removing burden from neighbors and local resources.

Building a single family dwelling on the property will also not adversely impact public interests such as traffic due to the nature of a single family residence and the already remote nature of the property and surrounding properties, which include a few homes already. Additionally, the 66-foot easement agreement provides ingress and access to the property from Lawlor Road and contemplates shared road access and maintenance.

The applicant has considered and mapped out the wetlands and intends to build the home in an upland area of the property. The applicant will properly vet and comply with erosion control and mitigation requirements through the proper permit channels and implement robust and compliant landscaping not to deter from the natural beauty of the area and ensure no negative impact to the neighbors.

Further, granting a variance in this case is unlikely to set a set a broader precedent because the access situation is uniquely tied to how Lawlor Road terminates and how the easement was historically established.

3. Are you requesting any modifications to any setbacks (street, side, rear or shore yard)?

Yes, we are requesting a variance from the required 50-foot frontage to allow for a 33-foot frontage. *See* Town of East Troy Code of Ordinances § 17.40.060(3) (“Access. Every lot shall front or abut for a distance of at least 50 feet on a public street.”) and Walworth County Code § 74-39 (“All lots shall abut upon a public street or other officially approved right-of-way for a frontage of at least 50 feet...”).

4. Will your proposal increase the percentage of impervious surface upon the property in which the variance³ is being proposed? If yes, please quantify the amount of impervious surface to be created and mitigation measures to be implemented to reduce erosion potential to the adjoining properties.

To the extent that constructing a single-family detached dwelling at the property will add some minimal impervious areas (roof areas, driveways, walkways, etc.), the vast majority of the 38-acre property will remain pervious. Further, the new home will be built in accordance with the all local, county, and state ordinances and regulations. Measures to be implemented during the design and build process will be done in accordance with all local and state rules and regulations and may include:

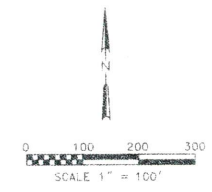
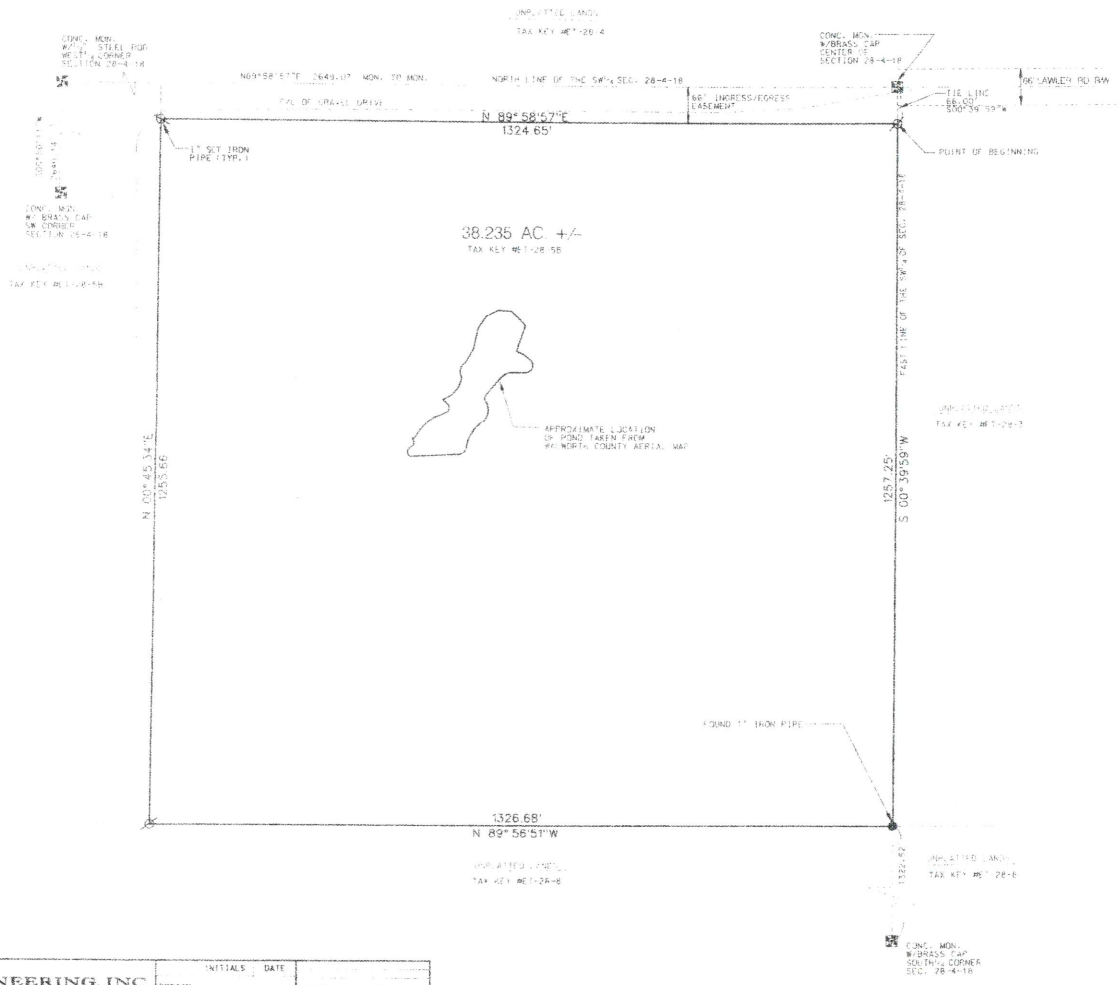
- Prohibiting natural flow alteration that impacts surrounding properties and neighbors.
- Gutters and downspouts to run below the grade of the home and away from neighboring properties.
- Area surrounding the proposed build location is surrounded by healthy forest with additional vegetation and trees to be added as needed.
- Culvert constructed at driveway entry if deemed necessary.

³ The application states “conditional use” rather than “variance.” To ensure a complete application, we have answered the question to address the variance request we are seeking.

EXHIBIT C

Plans & Blueprints

PLAT OF SURVEY



DATE 11/2/99

FOR AL & PATTY WEBB

LEGAL DESCRIPTION

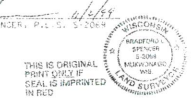
A PARCEL OF LAND BEING THE NW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 12 EAST, TOWN 36 EAST, 35 NORTH COUNTY, WISCONSIN, LIEUTENANT THEREFROM THE NORTH 1/2, TOGETHER WITH AN EASEMENT FOR ACCESS AND EGRESS ACROSS SAID NORTH 1/2 OF DESCRIBED TRACT, PARCEL BEING MORE COMPELLELY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 26; THENCE WITH THE EAST LINE OF SAID SW 1/4 SECTION 26 N. A DISTANCE OF 66.00' TO THE POINT OF BEGINNING; THENCE SOUTH 59° W. A DISTANCE OF 1326.68' TO A POINT; THENCE NORTH 51° W. A DISTANCE OF 1326.68' TO A POINT; THENCE NORTH 34° E. A DISTANCE OF 1324.65' TO A POINT; THENCE NORTH 89° 56' 51\"/>

SURVEYOR'S CERTIFICATE

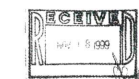
THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SITE AND LOCATION OF ALL THE PROPERTY, EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE BOUNDARY LINES, APPARENT EASEMENTS, ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

THIS SURVEY IS MADE FOR THE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE OR OBTAIN AN INTEREST THEREIN WITHIN ONE YEAR FROM THE DATE HEREON.

[Signature]
 RICHARD J. SPENCER, P.L.S., S. 2004



THIS IS ORIGINAL
 POINT GULF IF
 SEAL IS IMPRINTED
 IN RED



RSV ENGINEERING, INC.		INITIALS	DATE
DRAWN	165		11/2/99
CHECKED	BLS		
APPROVED			
REVISIONS			

EXHIBIT D

Summary Painting Commissioners a Picture of Your Vision for this Land

Al and Patti Webb have owned the rural parcel in the Town of East Troy since 1988. Mr. and Mrs. Webb dream of the day where they transfer ownership of the property to their son, Travis, so that he can build his dream home. It has always been their hope to keep the property as a place where Travis could grow his roots and build his future, which is why we are asking for a frontage variance to create a buildable parcel.

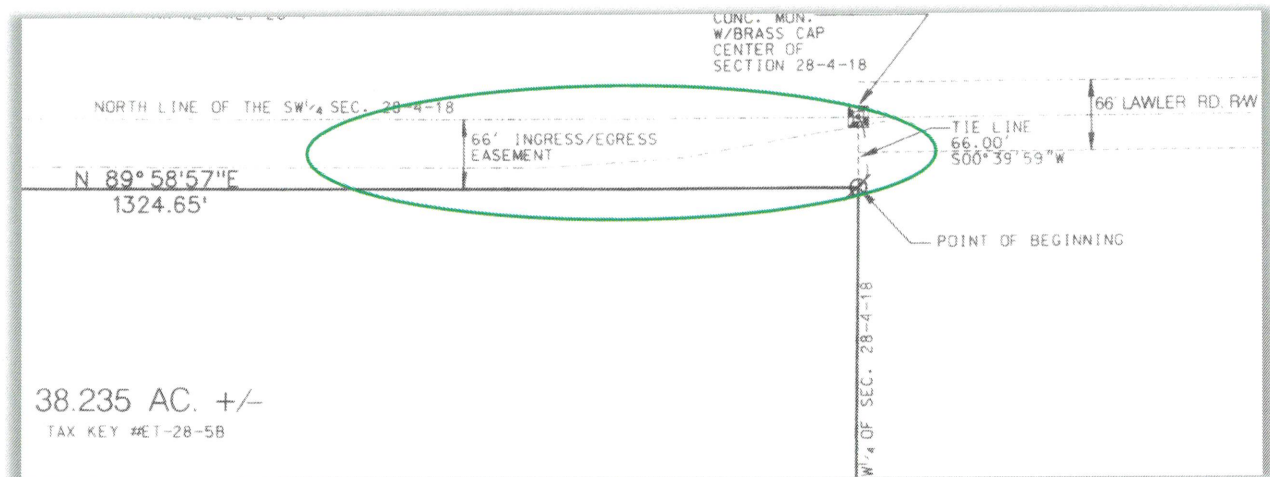
With a buildable parcel, Travis could build a single-family dwelling home on the property (all site plans will be compliant with local, county, and state regulations and all required permits will be obtained before building). Having this home will allow Travis to connect to the Town of East Troy, support his parents who reside in town, and start the next chapter of his life. It will also allow him to live a lifestyle he values so deeply, one that is centered around family, stewardship of the land, and respect for the natural environment.

The Webbs respect the work that goes into maintaining the integrity of the Town of East Troy's and Walworth County's development, and believe that this variance request reflects a practical solution and their desire to preserve family unity. Thank you for your consideration. The Webbs appreciate you reviewing the request to build on the land they have long cherished.

To build a single-family home, both the Town and County require that a property about a public street for a minimum of 50 feet. Here, the property (shown in the thick red outline below) does not about a public street at all. Instead, part of another property actually abuts Lawlor Road as shown in the images below (overall view and closeup of northeast corner).

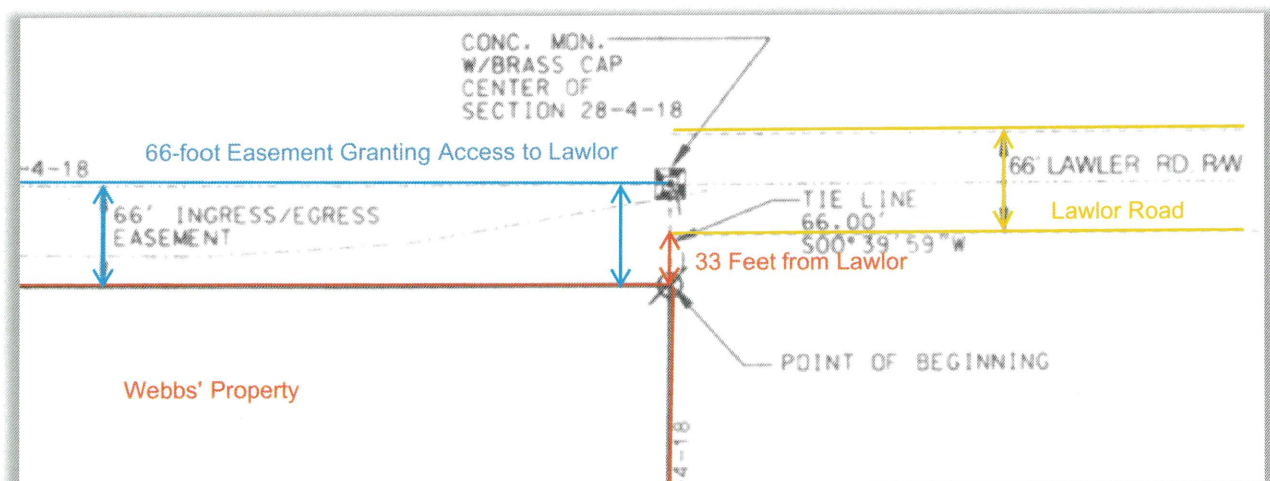


However, the Webbs can access their property by an easement agreement that is shown on the survey (image below) and recorded with the County.



While that easement is 66 feet wide overall, it is only 33 feet wide where it abuts Lawlor Road at the east so the abutting property is 17 feet shy of meeting the 50 foot requirement. Therefore, we are asking for a variance to permit a single family home on the parcel that has access to the public street via a 33 foot easement.

The final image below is a close up of the easement agreement details showing the key measurements. The unusual offset situation is shown where the 66 foot wide easement (the blue notations) meets the 66 foot wide Lawlor Road right-of-way (yellow notations). Only a total of 33 feet of the easement actually abuts Lawlor Road (red notations).



The Webbs request a variance as a practical solution to a situation that they did not create which will allow the construction of a single-family home surrounded by the natural environment and wildlife on the 38-acre property.

September 17, 2025

**Items Required for Planning Commission Submission
by Travis Webb for Parcel Number P ET2800005B:**

Exhibit A. County Zoning Administration Application.

Exhibit B. Town Application.

Exhibit C. Plans/Blueprints.

Exhibit D. Summary painting Commissioners a picture of your vision for this land.

EXHIBIT A

County Zoning Administration Application

WALWORTH COUNTY ZONING VARIANCE APPLICATION FORM AND NOTICE OF REQUIREMENTS

Variance

A variance is a relaxation of dimensional standards in land use regulations (e.g., setbacks, lot area, height, etc.) Variances are decided by the 3-member Board of Adjustment which is appointed by the Walworth County Board Chair with approval of the Walworth County Board of Supervisors.

The Board of Adjustment is known as a quasi-judicial body because it functions like a court. The Board's decisions must comply with specific criteria provided in state laws. The Board of Adjustment must apply Walworth County ordinance provisions as they are written.

The Board's job is not to compromise for a property owner's convenience, but to apply appropriate legal standards to a specific fact situation. **Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.**



Process

Prior to applying to the Board of Adjustment for a variance you will need to have been denied a zoning permit application. The following are required to be submitted with the variance application:

1) **Complete an application form and submit a \$500 fee** (made payable to Walworth County); including a written statement showing that your project meets the legal criteria for a variance as outlined on the next page (Three Step Test);

-Filing fee is not refundable

- ☐ 2) **Provide a plat of survey.** The plat must show the location of the buildings on the lot, proposed buildings, addition, etc. and the distances to the lot lines, body of water and roads;
- ☐ 3) **Provide a detailed map and directions** to your property from Elkhorn;
- ☐ 4) **Stake lot lines**, proposed building footprint and all other features of your property related to your request so that the Board may inspect the site;
- ☐ 5) **Provide detailed construction plans, photos and any applicable letters of support;**
- ☐ 6) **Present the proposal to the Clerk of your Town Board** to receive a recommendation prior to appearing before the Board of Adjustment. Some Towns will recommend denial if they have not been notified.

Following the above steps, the Land Use and Resource Management Department will publish notice of your request for a variance in the County's official newspaper noting the location and time of the required public hearing. The Land Use and Resource Management Department will also notify abutting property owners. The hearing date is set by the Board of Adjustment. Hearings will be on the second Wednesday of the month at 9:00 a.m. DUE TO LEGAL PUBLICATION REQUIREMENTS THESE HEARINGS ARE SUBJECT TO FILING DEADLINE DATES. THEREFORE, IT IS IMPORTANT THAT YOU CHECK WITH THE ZONING DIVISION OF THE LAND MANAGEMENT DEPARTMENT FOR THE DEADLINE DATES. The Board of Adjustment agenda is limited to 12 hearings from April through October. The Board of Adjustment agenda is limited to 6 hearings from November through March. Upon reaching the designated limit, completed applications submitted shall be scheduled for the next available agenda. Hearings postponed or tabled by the Board of Adjustment will be scheduled at the end of the next month's agenda.

The burden will be on you, as the property owner, to provide verifiable facts upon which the Board may base its decision. It is necessary for the applicant or a representative to be present at the hearing. At the hearing, any party may appear in person or be represented by agent or attorney. If any of these requirements are not met or if you or your agent do not appear at the public hearing, the Board may deny your request for a variance and your fee will be forfeited.

Cancelled hearings require another filing fee of \$500 and postponed hearings require another filing fee of \$100 to cover administrative costs and publication expenses.

Three Step Test

To qualify for a variance, the Walworth County Board of Adjustment must determine if your request meets **all** three criteria of the three-step test:

1) UNIQUE PROPERTY LIMITATIONS: The variance request is due to unique physical limitations of the property, i.e. compliance with the Ordinance(s) is prevented by limitations of the property (steep slopes, drainage or waterways, wetlands, soil types, densely wooded areas, utility and other easements, unusual configuration/dimensions of lot, etc.) which are not generally shared by other properties. **Personal circumstances of an applicant (growing family, personal storage issues; etc.) are not a factor in deciding variances.** Nearby ordinance violations and prior variances do not provide a basis for granting a variance. Minor property limitations, which prevent ordinance compliance and are common to a number of properties, may be addressed by amendment of the Ordinance(s).

2) UNNECESSARY HARDSHIP: Strict application of an ordinance requirement (dimensional standard) would unreasonably prevent the owner from using the property for a permitted purpose. The hardship must be based on conditions unique to the property rather than considerations personal to the property owner. You will be asked to demonstrate that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. The Board of Adjustment will evaluate the hardship in light of the purpose of the zoning restriction at issue. An applicant may not claim hardship because of conditions, which are self-imposed (for example: splitting a lot to create two substandard lots and then claiming hardship). Courts have also determined that loss of profit or financial hardship do not, by themselves, justify a variance. The property owner bears the burden of proving unnecessary hardship.

3) NO HARM TO PUBLIC INTERESTS: A variance will not create substantial detriment to adjacent property, the entire community and the general public. The variance would not undermine the purpose, intent and spirit of the Zoning Ordinance(s) or the public interest.

VIEWING

The directions to locate your property are very important. The Board of Adjustment may view the property. This is generally done on the same day of the public hearing. **Please identify the area of the variance(s) by staking the corners of the proposed structure prior to the public hearing.** Please have any animals restrained on viewing day as a courtesy to the Board of Adjustment.

DECISION

The Thursday after the public hearing is when the Board of Adjustment makes their decision regarding the variance request. You may call the Zoning Division of the Land Use and Resource Management Department on that Thursday after 1:00 p.m. for the results. Variances granted by the Board of Adjustment shall expire within twelve (12) months unless substantial work has commenced pursuant to such grant. Since a variance decision may be appealed to the circuit court by anyone aggrieved with the boards decision within 30 days of the decision, the applicant shall proceed with construction only at his/her own risk within the appeal period.

JUDICIAL REVIEW

Board of Adjustment decisions may be appealed to the Circuit Court, within 30 days of the Boards decision, by a procedure known as certiorari. Following are the general review standards which courts have used to decide appeals of Board of Adjustment decisions. You might consider these points to determine whether any decision you have an interest in is likely to be reversed on appeal.

- ✓ Did the Board decide a matter which it is empowered by statute or ordinance to act on (subject matter jurisdiction)?
- ✓ Did the Board follow proper procedures (e.g. notice, hearing, reviewable record, open meeting law, etc.)?
- ✓ Did the Board apply proper standards in making the decision (e.g. 3 step test for a variance)?
- ✓ Was there a rational basis for the decision (could a reasonable person have reached this conclusion)?
- ✓ Is there evidence in the record (facts) to support the decision?

DATE FILED: _____

(1) **UNIQUE PROPERTY LIMITATIONS.** Compliance with the terms of the Code of Ordinances is prevented by unique features of this property . . .
Please see the attached.

(Please PRINT or TYPE)

(2) UNNECESSARY HARDSHIP. Unnecessary hardship is present because
Please see the attached.

(3) NO HARM TO PUBLIC INTERESTS. A variance will not be contrary to the public interest
Please see the attached.

Attach a plat of survey of your site and a copy of detailed construction plans.

IF YOU QUALIFY FOR A VARIANCE

- The Board may grant only the minimum variance necessary while preserving the purpose and intent of the zoning ordinances.
- The Board may impose conditions on project design, construction activities or operation of a facility to assure that public interests are protected.
- A variance granted by the Board of Adjustment shall expire within twelve (12) months unless substantial work has commenced pursuant to such grant.
- A variance decision may be appealed to circuit court by an aggrieved party within 30 days of filing of the decision in the office of the board. For this reason you may choose to delay construction on your project until after the appeal period has expired in order to minimize the risk that the court may overturn the Board of Adjustments decision and void your variance.
- Because a property rather than its owner may qualify for a variance (unique property limitations test), a variance transfers to subsequent property owners.

Signed: _____
(Applicant/Agent/Owner)

Date: 9/17/25

Remit to: Walworth County Land Use
and Resource Management
Zoning Division
100 West Walworth Street
P.O. Box 1001
Elkhorn, WI 53121

1. UNIQUE PROPERTY LIMITS. Compliance with the terms of the Code of Ordinances is prevent by unique features of this property...

The Webb property is positioned at the western end of Lawlor Road where the 66-foot public right of way terminates. The Webbs have full access via a recorded 66-foot wide access easement. While the easement intended to serve the property exists and it is 66-feet wide, only 33 feet of that easement actually abuts Lawlor Road. *See Survey plat and close up, next page.*

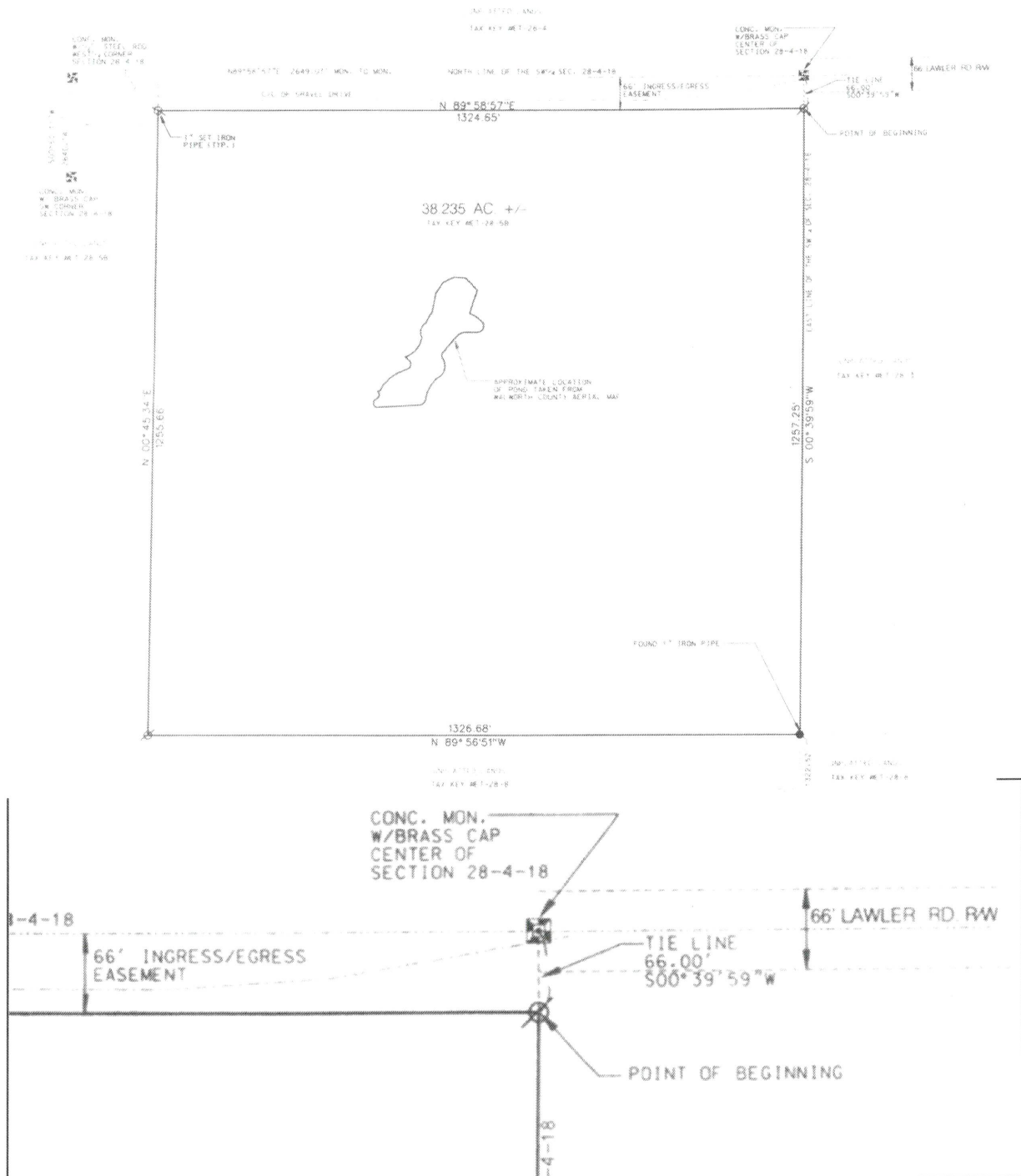
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Survey plat and close up of easement provided below for context (full scale plat survey PDF attached to the application).

Survey Plat and Close up of NE Corner of Survey Map



2. (2) UNNECESSARY HARDSHIP. Unnecessary hardship is present because...

The Webbs bought this 38-acre property in 1988 with the vision of building a single-family home surrounded by the natural environment and wildlife. Their full access rights to the public roadway is via a recorded 66-foot wide access easement.

But because the recorded easement only has 33 feet of Lawlor Road frontage, unnecessary hardship is present because the Webbs are denied a single-family detached dwelling as a principal use only because the 66-foot easement does not abut 50 feet of the road. *See* § 74-52(1)a. C2 Upland Resource Conservation District, Walworth County Code (Single-Family Detached Dwelling allowed as a Principal Use).¹

A single-family use of the property is also allowed by Walworth County's 2050 Comprehensive Land Use Plan where most of this property is classified as Isolated Natural Resource Area. *See* Map 3.8; Map 5.1; and Walworth County GIS Property Records. The Comprehensive Land Use Plan provides that the land use plan for such areas allows for any of the principal uses in the C-2 Upland Resource Conservation district (including single-family residences on a minimum 5-acres) in the upland portions of the property ("areas other than wetlands and floodplains"). *See* 2050 Comprehensive Land Use Plan, p. 58. Also, the southwest corner is envisioned for a residential use where the land use plan classification is for "Rural Density Residential." *See* Walworth County GIS Property Records.

Preventing a single-family residential use of the property also severely limits the taxable and overall value of the property.

To provide greater context, we have included three maps below, which detail:

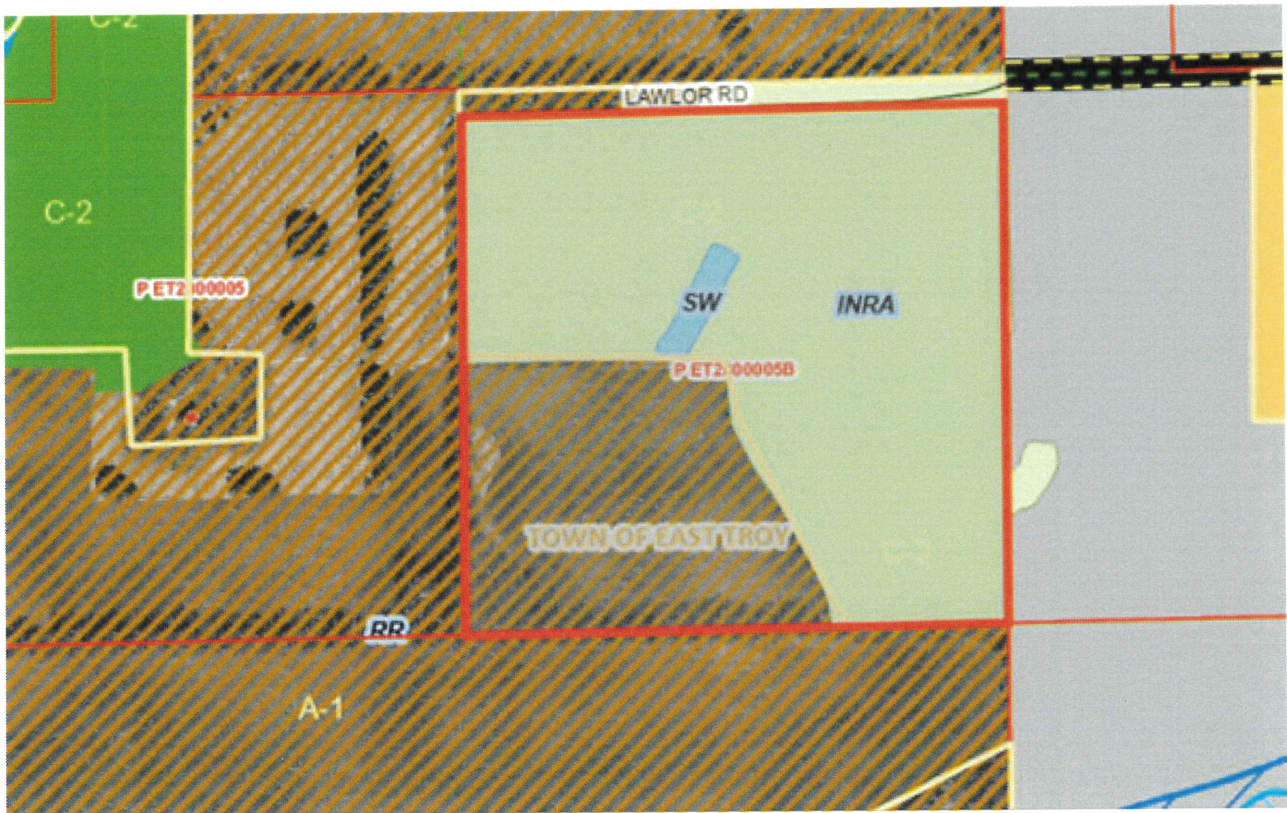
- i. The parcel's current zoning.
- ii. 2050 Comprehensive Land Use Plan for the parcel.
- iii. Potential single-family detached dwelling construction area.

¹ Note that the entire property could be used for a residential use including the southwest corner that is zoned A-1 Prime Agricultural Land District under which a "farm residence" is listed as a Principal Use. *See* § 74-51(1)a.

i. *Walworth County GSI Current Zoning*



ii. 2050 Comprehensive Land Use Plan



2050 Comp Land Use Plan
 2050 Comp Land Use Plan
 Urban Density Residential - Less than
 5.0 ac/du - RU
 Rural Density Residential - At Least
 5.0 ac/du - RR

Isolated Natural Resource Area - INRA
 Owner - DNR; Owner - DOT - ODNR
 Other Open Land - OP
 Surface Water - SW

- iv. Preliminary Construction Location: Area A (Upland Area of Isolated Natural Resource Area)



3. (3) NO HARM TO PUBLIC INTERESTS. A variance will not be contrary to the public interest

A variance will not be contrary to the public interest because a single-family detached dwelling is a permitted use in the C2 zoning district zoned portion of the property (and a residential use is also allowed in the southwest corner that is zoned A-1 Prime Agricultural Land District). Further, the public interests are enhanced by a single-family residential use of the property under the 2050 Comprehensive Land Use Plan (such uses being allowed in upland areas of Isolated Natural Resource Areas and in Rural Density Residential areas).

Thus, the variance is consistent with the present zoning and future land uses under both the Town's and the County's visions for the property. There is also enough room to locate a residence, walkways, and driveway such that there will be no negative impact to the neighbors or the surrounding land uses. A private well and septic system would serve any future construction, removing burden from neighbors and local resources.

Building a single family dwelling on the property will also not adversely impact public interests such as traffic due to the nature of a single family residence and the already remote nature of the property and surrounding properties, which include a few homes already. Additionally, the 66-foot easement agreement provides ingress and access to the property from Lawlor Road and contemplates shared road access and maintenance.

The applicant has considered and mapped out the wetlands and intends to build the home in an upland area of the property. The applicant will properly vet and comply with erosion control and mitigation requirements through the proper permit channels and implement robust and compliant landscaping not to deter from the natural beauty of the area and ensure no negative impact to the neighbors.

Further, granting a variance in this case is unlikely to set a set a broader precedent because the access situation is uniquely tied to how Lawlor Road terminates and how the easement was historically established.

4. Denied zoning permit application.

Yes, the applicant submitted a Zoning Information Request on July 22, 2025, as to whether the parcel in question was buildable. The County response to the request affirmed that the parcel is not buildable and requires a frontage variance to be buildable.

5. **Provide a Plat of Survey.** *The plat must show the location of the buildings on the lot, proposed buildings, and the distances to the lot line, body of water and road.*

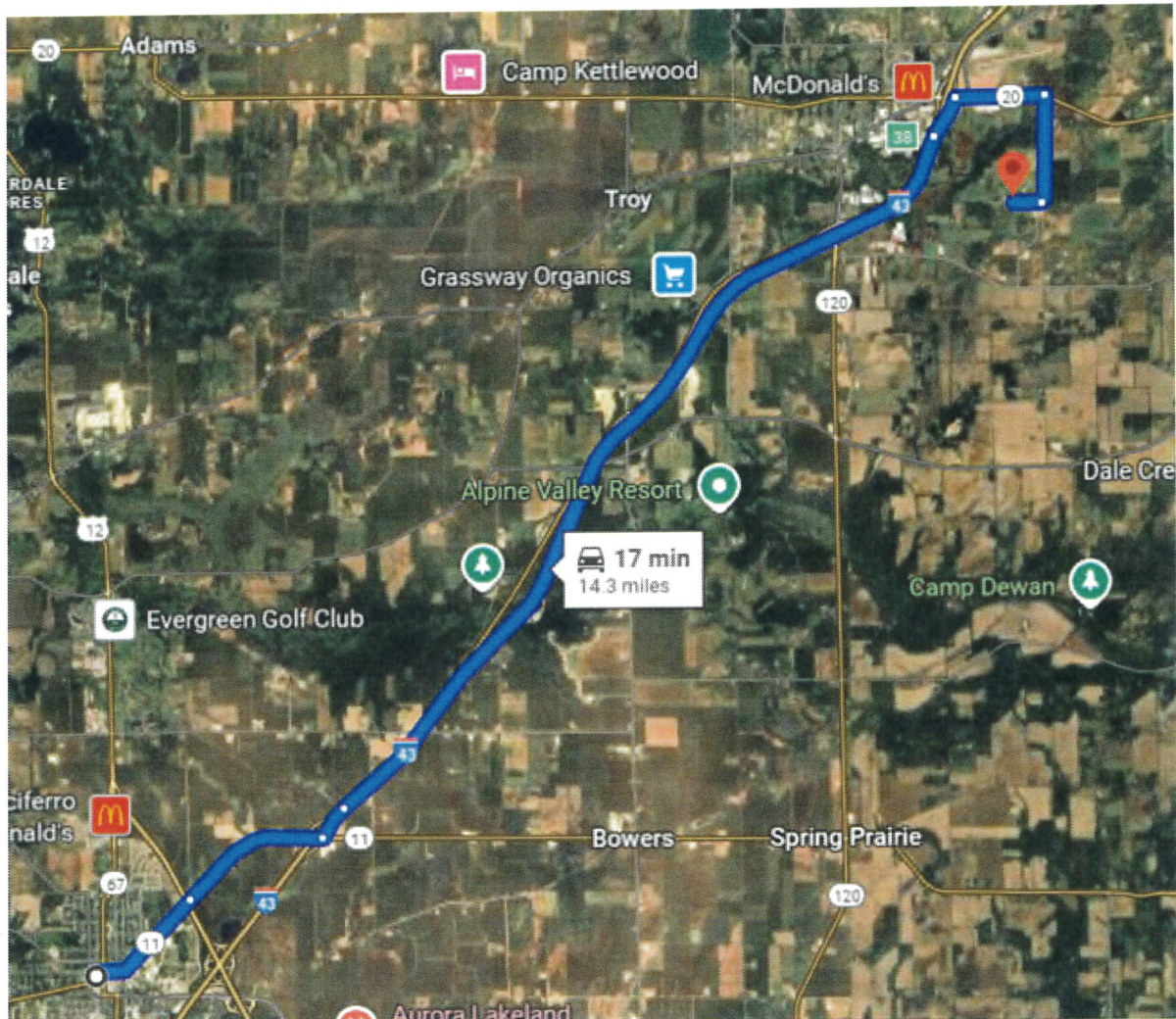
Please see Exhibit C.

6. **Provide a Detailed Map and Directions** to Your Property from Elkhorn.

A map showing the route from Elkhorn to the property along with detailed directions are on the next page.

Below is a map detailing how to get from 100 W Walworth St #222, Elkhorn, WI 53121 to Lawlor Rd, East Troy, WI 53120.

[Click here](#) for online directions. Step-by-step text directions are also on the next page.



100 W Walworth St #222, Elkhorn, WI 53121

Get on I-43 N in Lafayette from W Court St and WI-11
E/Wisconsin Trunk Hwy 11 E

6 min (3.1 mi)

↑ 1. Head east toward W Court St

279 ft

↪ 2. Turn right onto W Court St

1.2 mi

↑ 3. Continue onto WI-11 E/Wisconsin Trunk Hwy 11 E

1.5 mi

↗ 4. Turn left to merge onto I-43 N toward Milwaukee

0.4 mi

Follow I-43 N to WI-20 E/North St in East Troy. Take exit
38 from I-43 N

8 min (9.1 mi)

↗ 5. Merge onto I-43 N

8.7 mi

↪ 6. Take exit 38 to merge onto WI-20 E/North St
toward Waterford

0.4 mi

Continue on WI-20 E. Take Carver School Rd to Lawlor
Rd in East Troy

3 min (2.1 mi)

↗ 7. Merge onto WI-20 E/North St

i Continue to follow WI-20 E

0.9 mi

↪ 8. Turn right onto Carver School Rd

1.0 mi

↗ 9. Slight right onto Lawlor Rd

0.3 mi

Lawlor Rd

East Troy, WI 53120

7. **Stake Lot Lines.** *Proposed building footprint and all other features of your property related to your request so that the Board may inspect the site.*

If required by the County, this will be completed before the County application is presented to the County.

8. **Provide Detailed Construction plans, photos and any applicable letters of support.**

Outside of the maps provided in the application, we do not have construction plans, photos, or any letters of support to add to the application.

9. **Present the Proposal to the Clerk of your Town Board to receive a recommendation prior to appearing before the Board of Adjustment.** *Some Towns will recommend denial if they have not been notified.*

We have spoken with Planning Commission Secretary, Jennifer Olson, about our intent to submit for a variance. We are submitting this application to receive the Town Board's recommendation and will not submit the County until we receive said recommendation.

EXHIBIT B

Town of East Troy Variance Application