

RACINE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES

April 5, 2016- 9:00 A.M.

Ives Grove Office Complex Auditorium
14200 Washington Avenue
Sturtevant, WI 53177

Board members present by roll call: George Bieneman, B. Jean Schaal, Dave Hendrix
Scott Chase (9:03 arrival)

Board members excused: Don Charlier

Staff present: Brian Jensen

Chairman Bieneman called the April 5, 2016, Racine County Zoning Board of Adjustment Public Hearing to order at 9:00 a.m. Board members were introduced by roll call and Chairman Bieneman stated a quorum was present. He then introduced staff and explained meeting procedures. Brian Jensen announced that Board members may have visited each of the sites prior to this meeting, and pertinent information obtained during the visit may be discussed at this meeting and used to assist them in their decision-making.

Preceding the public hearing, **SCHAAL MOVED, seconded by Hendrix**, to approve the January 5, 2016, Racine County Board of Adjustment public hearing and board meeting summary minutes as presented.

NOTE: Board Vice-Chairman Scott Chase joined the meeting at 9:03 a.m.
Motion carried unanimously – VOTE 4/0.

Following are the items presented and the Board’s actions.

PUBLIC HEARING

- | | | | |
|--------------------|-------------------------------------|-------------|---|
| 1. 9:04 9:26 | Robert Dixon & Tami Wolf, Owners | -Waterford- | The proposed detached garage will have an insufficient and non-average street yard setback. |
|--------------------|-------------------------------------|-------------|---|

Jensen presented the petition. The Board heard public testimony and communications were read into the record. At the Board portion of the hearing, **CHASE MOVED, seconded by Hendrix**, to approve this variance request to construct a 30' x 36' detached garage located at 7400 Pleasant Road, Section 8, Town 4 North, Range 19 East, in the Town of Waterford.

The Board approved this variance as: The Racine County Public Works and Development Services Director supported this variance, pursuant to her correspondence dated March 28, 2016. Submitted documentation and public hearing testimony established a need for a garage of this size to protect the owners' belongings from the effects of the outdoor environment, to aid in organizing the property, and to preserve the substantial property rights of the owners that are also enjoyed by others in the area. The variance does not appear to be contrary to the purpose and spirit of the ordinance, as the proposed garage is consistent with the existing development in this area; the location should not impair visibility for traffic, should not compromise aesthetics, and should provide additional security for the owners' belongings; and the positioning of the doors on the south side of the proposed garage should allow for safe ingress and egress. The double road frontage, the existing private onsite wastewater treatment system (POWTS) location and the replacement POWTS location, surface water drainage, the uniqueness of the lot (i.e., unusual configuration and double road frontage), and mature tree location create hardship and limit proper placement of a detached garage on this property. The distance between the proposed garage and the existing residence meets the minimum setback requirements. The request does not appear to create substantial detriment to adjacent property, as area property owners submitted written support of the proposal and the public interest does not appear to be negatively impacted by

this request. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

The Board granted approval subject to the following conditions: The proposed detached garage shall be located and sized as shown on the submitted plan and survey dated March 9, 2016. The exterior garage must be the same as, or in harmony with, the existing residence. Backing onto or out of the property onto the public roadway are prohibited. Standard conditions apply. Nine-month expiration date (January 5, 2017). Zoning permit fee for the proposed detached garage of \$105.00. Motion carried unanimously. VOTE 4/0

2. Andrew & Mary Delimat, -Waterford- The proposed detached garage will have an
9:15 Owners insufficient and non-average street yard setback.
9:42

Jensen presented the petition. The Board heard public testimony and communications were read into the record. At the Board portion of the hearing. **CHASE MOVED, seconded by Schaal**, to approve this variance request to create a lot with insufficient lot width and to share a common driveway that will not be the midpoint of the property line and that will traverse multiple zoning districts. This property is located at 8427 Big Bend Road (STH 164), Section 1, Town 4 North, Range 19 East, in the Town of Waterford. Discussion followed.

The maker and seconder of the motion agreed to amend the main motion to include an easement requirement to extend the easement to encompass the existing driveway (approximately 85' along State Trunk Highway (STH) 164 and 30' deep).

The main motion, as amended, carried unanimously. VOTE: 4/0

The Board approved this variance as: The Racine County Public Works and Development Services Director had no objection, pursuant to her correspondence dated March 28, 2016. Submitted documentation and public hearing testimony established a need for a parcel configuration as requested to preserve the intent of the 2035 Comprehensive Land Use Plan in keeping commercial use along State Trunk Highway (STH) 164 and low density residential use to the east; and a need to preserve substantial property rights of the owners that are also enjoyed by others in this area. The variance does not appear to be contrary to the purpose and spirit of the ordinance, as the proposed lots are similar in character to other lots in this area; the private driveway design will allow safe access by emergency services; the WisDOT has indicated that only one driveway shall serve multiple uses on this property; and the easement area, as decided by the Board, shall be enlarged to encompass the existing driveway, approximately 85' x 30' in area. Unusual lot configuration, the unique parcel shape that has been in existence for more than 40 years, and current zoning district boundaries create a hardship and limit access on this property. The request does not appear to create substantial detriment to adjacent property, as there was no opposition shown at the public hearing and the public interest does not seem to be impacted by this request. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

The Board granted approval subject to the following conditions: The proposed parcel shall be located and sized as shown on the submitted exhibit dated March 4, 2016, prepared by Surveyor Gary B. Foat, with the caveat that the easement be extended to capture the existing driveway, approximately 85' along State Trunk Highway (STH) 164 and 30' deep. A registered land surveyor must survey each parcel and the new parcel ownership must be recorded with the Racine County Register of Deeds. Proof of such must be submitted to the Development Services Office within six months. The proposed 66' wide easement shall be recorded with the Racine County Register of Deeds in a manner to permit the existence of each parcel in its existence by reference to each parcel in perpetuity, including language for use and maintenance of the easement area. Standard conditions apply. Nine-month expiration date (January 5, 2017). Zoning permit fee for the proposed parcel development of \$125.00. Motion carried unanimously. VOTE 4/0

9:26 **CHASE MOVED, seconded by Schaal**, to close the public hearing.
Motion carried unanimously. VOTE: 4/0

BOARD MEETING

1. Decisions on preceding petitions

2. Jeffery T. Hrouda, Owner -Waterford- Request to extend the 9/1/2015 variance for up
9:51 (*Variance previously approved* to nine months.
9:52 *September 1, 2015*

Jensen presented the extension request and provided background information. At their September 1, 2015, meeting, the Board approved the applicant's variance request to construct a single-family residence with an attached garage and open wood deck located at 4433 Waterford Drive, Section 26, Town 4 North, Range 19 East, in the Town of Waterford. Mr. Hrouda is requesting an extension of the variance approval due to personal health issues and the resulting delay in the start of construction. **SCHAAL MOVED, seconded by Hendrix**, to approve an extension for up to nine months (January 5, 2017), with all applicable portions of the variance approval letter dated September 1, 2015, remaining in effect. The Board indicated that there is no guarantee of future extension approvals and the applicant was encouraged to move forward with the approved project in a timely manner. Motion carried unanimously. VOTE: 4/0

2. Other business as authorized by law

No other business was discussed.

3. Adjourn
9:53

There being no further business, **CHASE MOVED, seconded by Schaal**, to adjourn at 9:53 a.m.
Motion carried unanimously. VOTE: 4/0