

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

August 2, 2016- 9:00 A.M.

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

Board members present by roll call: B. Jean Schaal, Dave Hendrix, Don Charlier, Scott Chase

Board members excused: George Bienemann

Staff present: Brian Jensen

Vice-Chair Chase called the August 2, 2016, Racine County Zoning Board of Adjustment public hearing to order at 9:00 a.m. Board members were introduced by roll call and Vice-Chair Scott 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 Charlier**, to approve the July 5, 2016, Racine County Board of Adjustment public hearing and board meeting summary minutes as presented. Motion carried unanimously – VOTE 4/0

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

PUBLIC HEARING

1. Hilltop Properties 6812, LLC 9:03 Jill Maciosek, Owner 9:31 Paul Peters, Agent	-Waterford-	The proposed seasonal structure will have an insufficient street and shore yard setback. (Parcel Id. No. 016041914388000)
-----------------------------------------------------------------------------------------	-------------	---------------------------------------------------------------------------------------------------------------------------

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 Charlier**, to approve the variance request to erect a 7' x 8' seasonal structure (tiki bar) for waterfront sales of food and beverages located at 6812 N. Tichigan Road, Section 14, Town 4 North, Range 19 East, in the Town of Waterford. Discussion followed. **CHASE amended the motion on the floor** to approve the variance request as stated in the submitted application and operation plan and to also allow operation of the tiki bar on nationally recognized holidays.

The Board approved this variance request as: The Racine County Public Works and Development Services Director had no objection, pursuant to her correspondence dated July 29, 2016. Submitted documentation and public hearing testimony established a need for a use on this property as presented and a need to preserve the substantial property rights of 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 Town of Waterford issued permits to sell beverages and food from this site. The structure and its use are located within the B-3 Commercial Service District. In accordance with the hours on the submitted plan, this seasonal, temporary, non-permitted structure will be located on this site between Memorial Day and Labor Day. Measures have been taken in the past to help protect the shoreline and Tichigan Lake. The topography and unusual lot configuration and shoreyard setback regulations create hardship and limit the location for proper placement of a temporary structure to be used in conjunction with the existing tavern and restaurant on this property. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

This variance is being granted subject to the following conditions: The proposed temporary structure must be sized and located as shown on the submitted plan dated July 5, 2016. Shoreland measures must be taken to protect the shoreland from any sedimentation or refuse. Refuse containers must be emptied and maintained on a daily basis. Standard conditions apply. Nine-month expiration date (May 2, 2017). Zoning permit fee of \$125.00. Amended motion carried unanimously. VOTE: 4/0

2. Stephen & Penny Kennicott -Waterford The proposed addition will have an insufficient street yard setback.
9:22 (Parcel Id. No. 016041936002000)
9:34

Jensen presented the petition. The Board heard public testimony and communications were read into the record. At the Board portion of the hearing, **HENDRIX MOVED, seconded by Schaal**, to approve this variance request to construct a \pm 1475 square-foot covered porch addition to an existing residence located at 28324 E. Main Drive, Section 36, Town 4 North, Range 19 East, in the Town of Waterford.

The Board granted approval as: The Racine County Public Works and Development Services Director had no objection, pursuant to her correspondence dated July 29, 2016. Submitted documentation and public hearing testimony established a need for an addition to the resident to protect the occupants from weather and to provide a safe ingress/egress to the residence, as well as a need to preserve the substantial property rights of 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 covered porch addition is consistent with the existing development in the area; the location should not impair visibility for traffic; it should not compromise aesthetics; and it will be located further from the road right-of-way than the existing barn on this property. The existing structure was built prior to the adoption of the revised Racine County Zoning Ordinance and the proposed addition will not encroach further into the street yard than the existing barn on the 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 appear to be negatively impacted by this request. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome, as the existing residence is a nonconforming structure due to the existing street yard setback.

This variance is being granted subject to the following conditions: The proposed covered porch addition must be located and sized as shown on the submitted plan dated July 7, 2016. The exterior of the addition must be the same as, or in harmony with, the residence to which it is attached. Standard conditions apply. Nine-month expiration date (May 2, 2017). Zoning permit fee of \$135.00. Motion carried unanimously. VOTE: 4/0

9:31 **SCHAAL MOVED, seconded by Hendrix**, to close the public hearing.
Motion carried unanimously. VOTE: 4/0

BOARD MEETING

1. Decisions on preceding petitions

2. Chris & Joanie Brook, Owners -Norway- To allow an approximate 12'x20' second-story uncovered wood deck and stairs addition (constructed without permit) that exceeds the allowable accessory square footage for the parcel (Parcel Id. No. 010042022007080)
- 9:48
10:05 *Laid over on 05/03/2016*

Jensen stated that this variance request is to allow an approximate 12'x20' second-story uncovered deck and stairs addition to an accessory building (constructed without a permit) located at 24100 Hanson Road, Section 22, Town 4 North, Range 20 East, in the Town of Norway. The petition was laid over at the May 3, 2016, Board of Adjustment meeting in order to allow the applicants time to explore other options to redesign or possibly reduce the size of the uncovered second-story deck and stairs. At the Board portion of meeting, **CHASE MOVED, seconded by Hendrix**, to approve this variance request.

The Board approved this variance request as: The Town of Norway Planning Commission and Town Board recommended approval of this request. The Racine County Public Works and Development Services Director had no objection, pursuant to her correspondence dated July 29, 2016. Submitted documentation and public hearing testimony established a need for a fire escape and stairs to provide a safe exit in case of an emergency and a need to preserve the 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 uncovered deck and stairs addition is consistent with the existing development in this area; it should not compromise aesthetics; and it is located in the center of the property and will not encroach any further onto existing property lines and should not affect adjoining properties. The creation of this parcel by the previous owner may have created a hardship and limit the size and location of an accessory structure on this property. The existing structure was built prior to the adoption of the revised Racine County Zoning Ordinance and will not encroach further into required side yard setbacks. The request does not appear to create substantial detriment to adjacent property, as area property owners submitted written support for this 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, as multiple revisions to the Racine County Zoning Ordinance in the past may have potentially created this hardship.

The Board approved this variance subject to the following conditions: The uncovered deck and stairs addition must be located and sized as shown on the submitted plan. The exterior addition must be the same as, or in harmony with, the exterior of the residence to which it is attached. The existing accessory building to which the uncovered deck and stair addition is attached must not be used for human habitation or for rental purposes. Standard Conditions. Nine-month expiration date (May 2, 2017). Quadruple zoning permit fee of \$180.00. Motion carried unanimously. VOTE: 4/0

3. Other business as authorized by law

There was no other business to discuss.

4. Adjourn
10:12

There being no further business, **SCHAAL MOVED, seconded by Charlier**, to adjourn at 10:12 a.m. Motion carried unanimously. VOTE: 4/0