

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

**September 6, 2016, 9:00 A.M.**

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

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

Staff present: Brian Jensen

Chairman Bienemann called the September 6, 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, **CHASE MOVED, seconded by Charlier**, to approve the August 2, 2016, Racine County Board of Adjustment public hearing and board meeting summary minutes as presented. Motion carried unanimously – VOTE 5/0

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

**PUBLIC HEARING**

1.	Judith George, Owner	-Norway-	Proposed garage, deck and raised walkway
9:03	Alice Grzeklak, Owner		will have an insufficient street yard setback
9:55			(Parcel ID. #010042007201000)

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 deny this variance request to raze a detached garage and attached residential uncovered deck and construct a 24' x 32' attached garage, an 8' x 14' uncovered deck, and a 4' x 12' L-shaped raised walkway addition to a residence located at 7215 W. View Drive, Section 7, Town 4 North, Range 20 East, in the Town of Norway. Motion carried unanimously. VOTE: 5/0

The Board denied this variance as: The Racine County Public Works and Development Services Director recommended denial pursuant to the memorandum dated August 19, 2016. The Board may not grant a variance that is inconsistent with the purpose and intent of the regulations for the district in which the project is located, and the proposed garage is inconsistent with such as it would have an insufficient street yard and exceed impervious surface limits, which is contrary to zoning objectives. It would also impede safe egress and ingress for emergency vehicles and snow plow equipment. There were no exceptional, extraordinary or unusual circumstances or conditions that apply to this parcel to allow for the granting of a variance. No unnecessary hardship was demonstrated that would unreasonably prevent the owner(s) from using the property for the permitted purpose allowed by code. The requested variance approval is not necessary to provide reasonable use of the property. The applicants have other options available that will comply with the zoning ordinance, including building a code-complying structure or constructing a structure of a lesser size that could be placed in a code-compliant location on this parcel. The increase of impervious surfaces within close proximity to navigable waters has been proven to have a negative impact on shore land vegetation and aquatic life, which may harm the public interest.

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| 2.   | Charles & Nancy Kohl, Owners | -Dover- | Proposed 30'x24' detached garage will have an insufficient street yard setback and will be located on a lot without the presence of a principal structure<br>(Parcel ID. #006032022091000) |
| 9:31 | Mark & Jill Miller, Owners   |         |  |
| 9:45 |                              |         |  |

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 Charlier**, to approve this variance request to raze a shared detached garage and construct a 30' x 24' detached garage located north of 24007 Oakwood Lane, Section 22, Town 3 North, Range 20 East, in the Town of Dover.

The Board approved this variance as: The Racine County Public Works and Development Services Director had no objection, pursuant to her correspondence dated August 19, 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 and the need to preserve and a need to protect 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 garage is consistent with the existing development in this area; it is more in harmony with the revised Chapter NR115; it should not block views to the water; it should not compromise aesthetics and it should lessen the negative impact to the waters of Eagle Lake by locating it further from the lake; and razing the existing nonconforming structure and building a new detached garage will make the structure safer and will be more in harmony with zoning requirements than what presently exists. The request does not appear to create substantial detriment to adjacent property as there was no opposition shown at the public hearing as there was no opposition shown at the public hearing and the public interest does not appear to be negatively impacted by this request. The waters of the state will be protected by implementing required erosion-control measures and shoreland conditions. 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 garage must be located and sized as shown on the submitted survey dated August 19, 2016. Racine County shoreland conditional use approval must be obtained before a zoning permit may be issued. The detached garage cannot be used for human habitation. Lot 10 may not be sold separately from Lot 3 unless in full compliance with zoning regulations. A deed restriction must be filed with the Racine County Register of Deeds Office and submitted to Development Services Office prior to the issuance of a zoning permit. Standard conditions apply. Nine-month expiration date (June 6, 2017). Zoning permit fee will be imposed pursuant to the current fee schedule in effect at the time of permit issuance. Motion carried unanimously. VOTE: 5/0

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| 3.   | Karen Miller, Owner | -Dover- | Proposed 30'x24' detached garage will have an insufficient street yard setback and will be located on a lot without the presence of a principal structure<br>(Parcel ID. #006032022090000) |
| 9:40 | James Nelson, Owner |         |  |
| 9:52 |                     |         |  |

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 raze a shared detached garage and construct a 30' x 24' detached garage

located north of 24007 Oakwood Lane, Section 22, Town 3 North, Range 20 East, in the Town of Dover. Motion carried unanimously. VOTE: 5/0

The Board approved this variance as: The Racine County Public Works and Development Services Director had no objection, pursuant to her correspondence dated August 19, 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 and the need to preserve and a need to protect 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 garage is consistent with the existing development in this area; it is more in harmony with the revised Chapter NR115; it should not block views to the water; it should not compromise aesthetics and it should lessen the negative impact to the waters of Eagle Lake by locating it further from the lake; and razing the existing nonconforming structure and building a new detached garage will make the structure safer and will be more in harmony with zoning requirements than what presently exists. The request does not appear to create substantial detriment to adjacent property as there was no opposition shown at the public hearing as there was no opposition shown at the public hearing and the public interest does not appear to be negatively impacted by this request. The waters of the state will be protected by implementing required erosion-control measures and shoreland conditions. 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 garage must be located and sized as shown on the submitted survey dated August 19, 2016. Racine County shoreland conditional use approval must be obtained before a zoning permit may be issued. The detached garage cannot be used for human habitation. Lot 11 may not be sold separately from Lot 2 unless in full compliance with zoning regulations. A deed restriction must be filed with the Racine County Register of Deeds Office and submitted to Development Services Office prior to the issuance of a zoning permit. Standard conditions apply. Nine-month expiration date (June 6, 2017). Zoning permit fee will be imposed pursuant to the current fee schedule in effect at the time of permit issuance. Motion carried unanimously. VOTE: 5/0

9:45 **CHASE MOVED, seconded by Schaal**, to close the public hearing.  
Motion carried unanimously. VOTE: 5/0

### **BOARD MEETING**

1. Decisions on preceding petitions

Taking into consideration the presence of individuals involved with tonight's variance requests who remained for the Board meeting, the Board agreed to render decisions out of order, taking action on Public Hearing Agenda Item Numbers 2 and 3 before Public Hearing Agenda Item Number 1.

2. Other business as authorized by law

There was no other business to discuss.

3. Adjourn  
10:00

There being no further business, **SCHAAL MOVED, seconded by Chase**, to adjourn at 10:00 a.m. Motion carried unanimously. VOTE: 5/0