

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

November 1, 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 (*arrived at 9:07 a.m.*)

Staff present: Brian Jensen

Chairman Bienemann called the November 1, 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 September 6, 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.
9:03
9:15 | David & Stephanie Burchfield,
Owners | -Burlington- | Proposed single-family residence will have an insufficient side yard setback.
Parcel Id. No. 00231927257000 |
|--------------------|---|--------------|--|

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 this variance request to construct a ±2208 sq.-ft. single-family residence, with crawl space and uncovered street yard decks, located at 30133 Beach Drive, Section 27, Town 3 North, Range 19 East, in the Town of Burlington. Motion carried unanimously. VOTE: 5/0

The Board approved this variance as: The Racine County Public Works and Development Services Director recommended approval, pursuant to her correspondence dated October 31, 2016. Submitted documentation and public hearing testimony established a need for a residence to be located at this site 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 residence is consistent with the existing development in this area; the location should not impair visibility for traffic; it should not compromise aesthetics; it should allow safer access to the proposed detached garage and a more usable rear yard; it would allow for off-street parking, which would reduce parking on a narrow public road; and it will assist and improve the continuity and safe flow of traffic to the applicant's property. Unusual lot configuration creates a hardship and limits the location for proper placement of a residence on this property. The request does not appear to create substantial detriment to adjacent property as one area property owner submitted written support for this proposal, 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.

The Board granted approval subject to the following conditions: A survey prepared by a registered land surveyor must be submitted to the Development Services Office illustrating the conceptual location of the new residence as approved by the Board before a zoning permit will be issued. The survey should show the proposed residence location, existing and proposed grade elevations referenced to Mean Sea Level Datum (MSLD) and limits of backfill around the structure. Racine County shoreland conditional use approval must be obtained before a zoning permit may be issued.

9:15 **SCHAAL MOVED, seconded by Chase**, to close the public hearing.
Motion carried unanimously. VOTE: 5/0

BOARD MEETING

1. Decisions on preceding petition

2. Mark & Kristine Wick -Raymond- To allow a pole building with an insufficient
9:22 side yard setback (not constructed per zoning
Laid over on 5/3/2016 permit approval).
Parcel Id. No. 012042116002021

Jensen presented the petition, noting that this request was laid over by the Board at their meeting on May 3, 2016, in order to allow the applicants time to contact the contractor who built the pole building to explore other options. Mark Wick e-mailed Development Services staff on October 6, 2016, stating that the builder indicated his insurance will not cover relocating the building and the neighbor does not wish to adjust the lot line.

CHARLIER MOVED, seconded by Schaal, to deny this variance as the Racine County Public Works and Development Services Director recommended denial, pursuant to her memorandum dated April 19, 2016. The Board may not grant a variance that is inconsistent with the purposes and intent of the regulations for the district in which the development is located and the previously constructed pole building is inconsistent with such. as it would have an insufficient side yard setback, which is contrary to zoning objectives. No variance may be granted for a self-imposed hardship; and in this case, the Board finds that the hardship was self-imposed because the pole building was constructed not in compliance with the issued zoning permit. 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 applicant has other options available that will comply with the zoning ordinance, including moving the building to a code-complying location, reducing the size of the pole building to meet the minimum side yard setback, or reconfiguring the property line to achieve the minimum required side yard setback. Motion carried unanimously. VOTE: 5/0

3. William & Amy Zahalka, -Norway- Request an extension up to 3 meetings to
9:35 Owners allow owner's additional time to explore
Laid over on 7/5/2016 options for a code-compliant addition or
acquire additional property in order to meet
minimum required setbacks.
(Parcel Id. No. 010042009016000)

Jensen presented the petition, noting that this request was laid over by the Board at their meeting on July 5, 2016. The petitioners submitted a written request for an extension for up to three meetings.

CHASE MOVED, seconded by Schaal, to approve a three-month extension. The Board took this action to allow the applicants time to explore other options for a code-compliant addition, such as possibly reducing the size of the addition or acquiring additional property in order to meet the minimum 50-foot rear yard setback as required by ordinance. Motion carried unanimously. VOTE: 5/0

4. Other business as authorized by law
9:37

- The next Board of Adjustment meeting will be held on December 6, 2016.

5. Adjourn
9:39

There being no further business, **CHASE MOVED, seconded by Schaal**, to adjourn at 9:39 a.m. Motion carried unanimously. VOTE: 5/0