

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

Staff present: Brian Jensen, Nancy Iglinski

Chairman Bieneman called the December 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 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, **CHASE MOVED, seconded by Schaal**, to approve the November 1, 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

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| 1. Ricky McNeiley, Owner
9:03
9:35 | -Waterford- | Proposed detached garage will have insufficient side and rear yard setbacks and insufficient setback to the principal structure and proposed attached deck addition will have insufficient street and shore yard setbacks. (Parcel Id. No. 016041911064000) |
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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 a portion this variance request to raze the existing detached garage and construct a ±20.3' x ±20.7' detached garage in the same location or two feet from the rear property line and denied the request to construct a 7' x 22.6' attached, uncovered deck addition to the existing residence located at 7012 N. Tichigan Road, Section 11, Town 4 North, Range 19 East, in the Town of Waterford. Motion carried unanimously. VOTE: 5/0

The Board approved the detached garage variance request as: The Waterford Town Board and Planning Commission recommended approval of this request. The Racine County Public Works and Development Services Director recommended approval, pursuant to her correspondence dated November 16, 2016. Submitted documentation and public hearing testimony established a need for a garage of this size to protect the owner's belongings from the effects of the outdoor environment and the need to preserve the substantial property rights of the owner 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 detached garage is consistent with the existing development in this area; it should not block views to the water; the location should not impair visibility for traffic or create a safety issue; and it should not compromise aesthetics. Substandard lot configuration creates hardship and limits the location for proper placement of a detached garage on this property. The request does not appear to

create substantial detriment to adjacent property, as four area property owners 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 for the detached garage, subject to the following conditions: The proposed detached garage shall be located and sized as shown on the submitted survey dated June 24, 2016, or the detached garage may be moved further from the rear property line in order to accommodate an overhang of two feet or less. Storm water drainage is the responsibility of the Township. The landowner must contact the Town for approval. The Town may not issue a building permit until they have approved said plan. Do not block or create surface water drainage problems on adjacent properties. Standard conditions apply. Nine-month expiration date (September 6, 2017). Zoning permit fee of \$65.00 for the ±20.3' x ±20.7 detached garage. Motion carried unanimously. VOTE: 5/0

The Board denied the uncovered deck addition subject to the following conditions: The Board may not grant a variance that is inconsistent with the purpose and intent of the regulations for the district in which the uncovered deck project may be located within the right-of-way of N. Tichigan Road and is inconsistent with such as it would have an insufficient street yard setback, which is contrary to zoning objectives. There were no exceptional, extraordinary or unusual circumstances or conditions that apply to allow granting of a variance that would make the residence more non-conforming than what already exists. No unnecessary hardship was demonstrated that would unreasonably prevent the owner from using the property for the permitted purposes 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 constructing a concrete patio at-grade in a code-complying location or leaving the structure remain as it presently exists. The proposed uncovered deck would be constructed 13 feet from the paved edge of N. Tichigan Road and may pose a safety issue.

9:32 **CHASE MOVED, seconded by Hendrix**, to close the public hearing.

Motion carried unanimously. VOTE: 5/0

BOARD MEETING

1. Decision on preceding petition

2.	Jeffrey Hrouda, Owner	-Waterford-	Request to extend the 09/01/2015 variance
9:49	(<i>Nine-month extension previously</i>		for up to nine months.
9:50	<i>granted on 04/05/2016</i>)		(Parcel Id. No. 016041926895000)

Jensen presented the petition, noting that the applicant was previously granted a nine-month extension by the Board at their meeting on April 5, 2016, at the applicant's request. The original request was 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.

CHARLIER MOVED, seconded by Chase, to approve the extension request for up to nine months (September 6, 2017), with all applicable portions of the variance approval letter dated September 1, 2015, remaining in effect. No further extensions beyond the 9-month extension approved today will be granted by the Board. Motion carried unanimously. VOTE: 5/0

3. Other business as authorized law
9:51

No other business was presented or discussed.

4. Adjourn
9:51

There being no further business, **CHASE MOVED, seconded by Schaal**, to adjourn at 9:51 a.m.
Motion carried unanimously. VOTE: 5/0