

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

February 7, 2017 - 9:00 A.M.

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

Board members
present by roll call: George Bieneman, Dave Hendrix, Scott Chase

Board members excused: Don Charlier, B.Jean Schaal

Staff present: Brian Jensen, Nancy Iglinski

Chairman Bieneman called the February 7, 2017, 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 Hendrix**, to approve the December 6, 2016, Racine County Board of Adjustment public hearing and board meeting summary minutes as presented. Motion carried unanimously – VOTE 3/0

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

PUBLIC HEARING

- | | | | |
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| 1.
9:03
9:21 | Treffinger Management, LLC,
Owner
Thomas N. Treffinger, Jr.,
Applicant | -Waterford- | Proposed lots will have insufficient lot width.
(Parcel Id. No. 016041918006000) |
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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 this variance request to create two lots with insufficient lot width, located at 35200 Loland Drive, Section 18, Town 4 North, Range 19 East, in the Town of Waterford. Motion carried unanimously. VOTE: 3/0

The Board approved the detached garage variance request as: The Racine County Public Works and Development Services Director had no objection pursuant to her correspondence dated January 30, 2017. Submitted documentation and public hearing testimony established a need to grant an easement access via the existing drive and established path. Said easement shall be used solely for the owner of the adjacent 120-acre parcel and allow for pedestrian and vehicular traffic access to the adjacent lands that do not have frontage on a public road. Upon the adjacent acreage becoming owned by an adjacent land owner, said easement shall be dissolved. The easement configuration is 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 easement will allow access to the adjacent property without creating substandard non-conforming parcels. Wetlands and unusual road configuration create hardship and limit the continued access to lands that would otherwise be landlocked.

The request does not appear to create substantial detriment to adjacent property as two 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.

The Board granted approval subject to the following conditions: The applicant shall submit a plat of survey showing the location of the existing drive and pathway that will be used as the easement. A registered land surveyor must survey and record the easement with the Racine County Register of Deeds Department. Evidence of the recorded easement must be provided to the Development Services Office no later than November 7, 2017. The easement shall clearly state that the use of the easement is solely for pedestrian and vehicular access by the owner to the adjacent 120-acre parcel. In addition, if the adjacent 120-acre parcel is sold or otherwise transferred to an adjacent landowner, this easement shall be dissolved/discontinued by way of recording another legal document stating such with the Racine County Register of Deeds. A copy of the easement 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 (November 7, 2017). Zoning permit fee of \$125.00.

2. 9:14 9:30	Eric & Casey Dietz, Owners	-Waterford-	Proposed residence with attached garage will have an insufficient street yard setback. (Parcel Id. No. 016041936001050)
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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, **HENDRIX MOVED, seconded by Chase**, to approve this variance request to construct a single-family residence with an attached garage and uncovered deck, located at 3956 Gale Circle, Section 36, Town 4 North, Range 19 East, in the Town of Waterford. Motion carried unanimously. VOTE: 3/0

The Board granted approval subject to the following conditions: The Racine County Public Works and Development Services Director recommended approval, pursuant to her correspondence dated January 30, 2017. Submitted documentation and public hearing testimony established a need for a residence to be located at this site with a reduced street yard setback to Gale Circle 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 and the residence will be located further from the mapped wetland and potential wetland identified by the Wisconsin Department of Natural Resources Surface Water Data Viewer Map illustrating wetland indicators. The mapped wetland and potential wetland indicator, double-road frontage, slope, and potential removal of mature trees create a hardship and limit the location for proper placement of a residence on this property. The request does not appear to create substantial detriment to adjacent property 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.

The Board granted approval subject to the following conditions: The proposed residence shall be located and sized as shown on the submitted survey revised by Wisconsin Land Surveyor dated January 10, 2017. Standard conditions apply. Nine-month expiration date (November 7, 2017). Zoning permit fee of \$345.00.

9:20 **CHASE MOVED, seconded by Hendrix**, to close the public hearing. Motion carried unanimously.
VOTE: 3/0

BOARD MEETING

1. Decision on preceding petitions

2. Other business as authorized by law

No other business was presented or discussed.

3. Adjourn
9:35

There being no further business, **CHASE MOVED, seconded by Hendrix**, to adjourn at 9:35 a.m.
Motion carried unanimously. VOTE: 3/0