

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

**APRIL 4, 2017, 9:00 A.M.**

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

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

Board members excused: Don Charlier

Staff present: Brian Jensen, Nancy Iglinski

Chairman Bieneman called the April 4, 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 Schaal**, to approve the March 7, 2017, 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.   | Keith Koenen | -Burlington- | The proposed pole barn will be located on a parcel of land less than 10 acres in area without a principle residence, transect a property line, and will not meet the 100-foot minimum setback to a neighboring residence. |
| 9:02 |              |              |   |
| 9:56 |              |              |   |

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 request for conditional use approval and a variance to allow parking of a commercial vehicle, raze an existing barn and construct a 96’ x 60’ pole barn for cold storage for personal and business uses at 8404 Fishman Rd., Section 19, Town 2 North, Range 19 East, in the Town of Burlington. Motion carried unanimously. VOTE: 4/1

The Board approved the variance request as: The Racine County Public Works and Development Services Director recommended approval, pursuant to her correspondence dated March 28, 2017. Submitted documentation and public hearing testimony established a need for a new pole barn of this size to be utilized for cold storage, as well as the parking of a truck, to protect the owner’s belongings from the effects of the outdoor environment, to provide security for the owner’s belongings, and 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 pole barn is consistent with the existing development in the area, the location should not impair visibility for traffic, and removal of the existing barn and replacement with a new pole barn may enhance neighborhood aesthetics. Unusual lot configuration and the inability to dissolve property lines that identify a portion of the property are located within the sanitary district service area create a hardship

and limit the location for proper placement of a pole barn on this property. 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 pole barn shall be located and sized as shown on the submitted plan received in the Development Services Office on March 6, 2017. Customers are allowed to visit the property under the supervision of the owner, by appointment only, Monday through Friday, from 8:00 a.m. to 5:00 p.m., and Saturday, from 8:00 a.m. to 12:00 p.m. No Sunday or holiday appointments are allowed. Standard conditions apply. Nine-month expiration date (January 4, 2018). Zoning permit fee of \$225 for the pole barn and conditional use occupancy fee of \$125 for occupancy of the pole barn for business uses.

- |       |                 |              |  |
|-------|-----------------|--------------|--|
| 1.    | Roberta Poulson | -Burlington- | Requesting the covered/uncovered deck remain as constructed (constructed without permits) that resulted in the attached garage having insufficient side and rear yard setbacks and shed (constructed without permit) will have insufficient rear yard setback. |
| 9:28  |                 |              |  |
| 10:13 |                 |              |  |

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 allow the after-the-fact ±547.5 square-foot uncovered/covered deck and stairs addition to the principle structure and a ±10.2' x ±9.7 shed (both constructed without permits by previous owner), located at 33906 Rose Street, Section 20, Town 2 North, Range 19 East, in the Town of Burlington. Motion carried unanimously. VOTE: 4/0

The Board approved the variance request as: The Racine County Public Works and Development Services Director had no objection, pursuant to her correspondence dated March 28, 2017. Submitted documentation and public hearing testimony established a need for the covered/uncovered deck to be located slightly above grade to facilitate safe access from the home to the detached garage due to storm water drainage on the site. The shed shall remain as is, which has been in this location for approximately 10-15, as noted in public hearing testimony. The variance does not appear to be contrary to the purpose and spirit of the ordinance as the shed and deck are consistent with the existing development in this area, they should not block neighbors' views, they should not compromise aesthetics, and the deck will provide safe access between the residence and detached garage by not restricting surface water drainage that may possibly cause surface water to back up on the property or residence foundation. The substandard lot and corner lot configuration, as well as surface water drainage, create a hardship and limit the location for proper placement of a shed and deck on this property. The request doesn't appear to create substantial detriment to adjacent property, as eight 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 restriction as unnecessarily burdensome.

The Board granted approval subject to the following conditions: The proposed shed shall be located and sized as shown on the submitted survey, dated September 15, 2016, and received in the Development Services Office on March 1, 2017. The deck is allowed to remain as constructed. Standard conditions apply. Nine-month expiration date (January 4, 2018). Zoning permit fee of \$180 for the shed and \$240 for the deck (quadruple fees apply as both were constructed without obtaining zoning permits and variance approvals).

9:56 **SCHAAL MOVED, seconded by Chase**, to close the public hearing. Motion carried unanimously.  
VOTE: 4/0

### **BOARD MEETING**

1. Decisions on preceding petitions

2. Other business as authorized law

No other business was presented or discussed.

3. Tom Hincz -Waterford Requests to extend the June 7, 2016 & July 5, 2016 variance approvals and deadlines for up to nine (9) months.  
10:19

**SCHAAL MOVED, seconded by Hendrix**, to approve an extension for up to three meetings.  
Motion carried unanimously. VOTE: 4/0

4. William & Amy Zahalka, Owners -Norway- Addition to existing residence will have an insufficient rear yard setback.  
10:20 *Laid over July 5, 2016* (Parcel Id. No. 010042009016000)  
*Extension granted November 1, 2016*

The public hearing for this variance request for a ±1224 square-foot addition to an existing single-family residence, including a full basement and covered patio and deck, was held on July 5, 2016, at which time the request was laid over to allow the owners time to explore other options for a code-compliant addition, to possibly reduce the size of the addition, or to acquire additional property in order to meet the minimum 50-foot rear yard setback as required by ordinance. Subsequently, the Board granted an extension at their meeting on November 1, 2016. **CHASE MOVED, seconded by Schaal**, to approve this variance request. Motion carried unanimously. VOTE: 4/0

The Board approved the variance request as: The Racine County Public Works and Development Services Director had no objection, pursuant her correspondence dated March 28, 2017. Submitted documentation and public hearing testimony established a need for additional living space in this structure and the 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 addition is consistent with the existing development in this area. It was noted that the neighbor directly to the west received a variance in the past for an insufficient rear yard setback involving the same north property line. Unusual lot configuration, the location of wetlands to the east of the property, and the location of existing structures prevent a code-compliant location of the addition and create a hardship. The request doesn't 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. 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 restriction as unnecessarily burdensome.

The Board granted approval subject to the following conditions: The proposed addition shall be located and sized as shown on the submitted plan received by the Development Services Office dated June 6, 2017. The exterior of the addition must be the same as or in harmony with the exterior of the building to which it is being attached. Racine County shoreland conditional use approval must be obtained before a zoning permit may be issued. Standard conditions apply. Nine-month expiration date (January 4, 2018). Zoning permit fee of \$135 and shoreland contract fee of \$225.

3. Adjourn

10:29

There being no further business, **CHASE MOVED, seconded by Schaal**, to adjourn at 10:29 a.m.  
Motion carried unanimously. VOTE: 4/0