

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

**JUNE 6, 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, Don Charlier

Staff present: Brian Jensen, Nancy Iglinski

Chairman Bieneman called the June 6, 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 April 4, 2017, 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.    | John & Lisa Moulton, Owners  | -Dover- | Permit was denied and a variance is requested as the proposed single-family residence with attached garage will have an insufficient street yard setback from the platted road. |
| 9:02  | John Robbins Architects, PC, |         |   |
| 10:15 | Agent                        |         |   |

Jensen presented the petition. The Board heard public testimony and communications were read into the record. At the Board portion of the hearing, **CHARLIER MOVED, seconded by Schaal**, to approve this variance request to raze an existing residence and construct a single-family residence with attached garage, full basement and patio/stoop at 24021 Oakwood Lane, Section 22, Town 3 North, Range 20 East, in the Town of Dover. Motion carried unanimously. VOTE: 5/0

The Board granted approval of this variance request as: The Racine County Public Works and Development Services Director recommended approval, pursuant to her correspondence dated May 23, 2017. Submitted documentation and public hearing testimony established a need for a residence to be located on this site to preserve the substantial property rights of the owners that are also enjoyed by others in this area. The variance doesn’t 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 proposed location should not create traffic safety issues and will exceed the required shore yard setback from the Ordinary High Water Mark of Eagle Lake which may aid in the quality of the waters of Eagle Lake. The unusual constructed road location, not constructed within the platted reservation area, 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 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.

The Board granted approval subject to the following conditions: The proposed residence shall be located and sized as shown on the submitted survey dated October 5, 2016, prepared by Nielsen, Madsen & Barber. Racine County shoreland conditional use approval must be obtained before a zoning permit may be issued. A mitigation plan must be submitted to the Racine County Development Services Office for approval prior to the issuance of a zoning permit. The plan must show the existing and proposed plantings and/or rain garden in the shore yard area to help offset the amount of impervious surfaces on this lot. The plan must be implemented and shore yard plantings must be maintained in perpetuity, with any dead or diseased vegetation replaced on an as-needed basis. Standard conditions apply. Nine-month expiration date (March 6, 2018). Zoning permit fee of \$345 for the residence and \$225 for the shoreland contract.

2. Richard & Leanne Greil -Dover- Permit was denied and a variance is requested as the proposed land division will create a parcel without frontage on a public road and existing accessory structures will exceed allowable square footage.  
9:13  
10:20

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 deny this variance request for a land division located at 23922 Dover Line Road, Section 3, Town 3 North, Range 20 East in the Town of Dover. Motion carried unanimously. VOTE: 5/0

The Board denied this variance request as: The Racine County Public Works and Development Services Director did not support this variance request pursuant to her correspondence dated May 23, 2017. 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 land division creates a parcel of land without frontage on a public road which is contrary to zoning objectives. 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 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 code-compliant options available, including acquiring additional lands of adequate width and depth to create a parcel that meets the minimum width and area requirements for the A-2 General Farming and Residential District. To allow a variance to create a parcel without frontage on a public road does not meet the purpose and intent of Chapter 20, Zoning, as it does not promote the aesthetics and rural character of the A-2 District. It appears that this request promotes lesser standards that are in place to protect rural over-development, prevent over-crowding and further the appropriate use of land and conservation of natural resources while preserving and protecting the rural attributes of the county.

3. Jennie R. Olszewski -Norway- Permit was denied and a variance is requested as the proposed residence will have insufficient shore yard setback.  
9:28 Christopher Paul, Agent  
10:07

Jensen presented the petition. The Board heard public testimony and communications were read into the record. At the Board portion of the hearing, **CHARLIER MOVED, seconded by Hendrix**, to

approve this variance request to construct a single-family residence within a defined building envelope on property located directly west of 24935 W. Loomis Road, Section 4, Town 4 North, Range 20 East, in the Town of Norway. Motion carried unanimously. VOTE: 5/0

The Board granted approval of this variance request as: The Racine County Public Works and Development Services Director did not object to this variance request, pursuant to her correspondence dated May 23, 2017. Submitted documentation and public hearing testimony established a need for a residential building envelope to be located on 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 residential building envelope is consistent with the existing development in this area; the property is considered a "stand-alone" parcel, as it is physically disconnected by an existing public roadway from other property with the same parcel identification number; the waters of the State will be protected by utilizing 35 feet as a vegetative buffer to reduce runoff and sedimentation from entering the canal; and the property is similar in character to other lots in this area and meet minimum (area/width) standards for the shoreland zoning district. Multiple zoning districts in the area and the unusual and unique feature of this parcel having two shore yard setbacks and the canal create hardship and limit the location for proper placement of a residence on this property. 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 and if the required setbacks were applied to this site, the property would be unbuildable.

The Board granted approval subject to the following conditions: The proposed building envelope must be located and sized as shown on the submitted plan received by the Development Services Office on May 10, 2017. The applicant must have a wetland determination and an Ordinary High Water Mark determination performed by properly credentialed person(s) and must then submit said documentation to the Development Services Office for review and acceptance. Standard conditions apply. Nine-month expiration date (March 6, 2018). Zoning permit fee of \$125.

4. 9:55 10:12	Anthony & Judith Tereschak, Owners Jennifer M. Ohlrich, Attorney, Agent	-Waterford-	Permit was denied and a variance is requested as the proposed addition will have an insufficient rear yard setback.
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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 Schaal**, to approve this variance request to construct an 18' x 20' addition to a single-family residence located at 6522 Forest Lane, Section 14, Town 4 North, Range 19 East, in the Town of Waterford. Motion carried unanimously. VOTE: 5:0

The Board granted approval of this variance request as: Submitted documentation and public hearing testimony established a need for an attached garage of this size to protect the owners' belongings from the effects of the outdoor environment 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 Board determined that the proposed addition should not promote the disruption of uniform development in this area and should not affect the overall neighborhood character as there are two narrow strips of land, approximately 10 feet and 20 feet in width, located directly to the west of this property; the addition should not interfere and is consistent with the existing development in this area; and the addition should not compromise aesthetics.

Steep slopes create a hardship and limit the location for proper placement of an addition to the 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 addition to the residence must be located and sized as shown on the submitted plan received by the Development Services Office and dated May 11, 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. Standard conditions apply. Nine-month expiration date (March 6, 2018). Zoning permit fee of \$110 for the addition and \$225 for the shoreland contract.

10:02 The Board unanimously closed the public hearing.

### **BOARD MEETING**

1. Decisions on preceding petitions

10:06

The Board unanimously agreed to call the petitions and render decisions out of order as a courtesy to the applicants who remained present for the board meeting.

2. Other business as authorized law

No other business was presented or discussed.

3. Adjourn

10:26

There being no further business, **CHASE MOVED, seconded by Schaal**, to adjourn at 10:26 a.m. Motion carried unanimously. VOTE: 5/0