

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

JULY 5, 2017, 9:00 A.M.

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

Approved by the Board on 8/1/2017

Board members present by roll call: George Bieneman, B. Jean Schaal, Dave Hendrix, Don Charlier, Scott Chase (*arrived at 9:02 a.m.*)

Staff present: Brian Jensen, Nancy Iglinski

Chairman Bieneman called the July 5, 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, **SCHAAL MOVED, seconded by Chase**, to approve the June 6, 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

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| 1. Robert & Nancy Duthie, Owners
9:03
9:56 | -Yorkville- | Permit was denied and a variance is requested as the proposed accessory structure will have an insufficient side 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, **CHARLIER MOVED, seconded by Hendrix**, to deny this variance request to construct a 50' x 90' agricultural accessory structure located at 18506 52nd Road, Section 17, Town 3 North, Range 21 East, in the Town of Yorkville. 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 June 29, 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 accessory building is inconsistent with such as it would have an insufficient side yard setback, 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 owners 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 building a code-complying structure or constructing a structure of a lesser size that could be placed in a code-compliant location on this parcel. No variance shall be granted that would create a substantial detriment to the adjacent property, and an abutting property owner objected to this variance request, given the potential for adverse effects on crop yields in this area. The proposed accessory structure creates potential encroachment onto

adjoining lands, and maintenance of the building along the side closest to the affected property line may be problematic.

2.	Map 14100, LLC	-Yorkville-	Permit was denied and a variance is
9:38	Jon Klema, Michael's Signs, Inc.,		requested as the proposed 30-foot pole sign
9:47	Agent		will exceed the maximum 20-foot height limit

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 Charier**, to approve this variance request to construct a 30-foot pole sign with a 7' x 16' reader board (5.42' x 8.25' full color LED watchfire display) located at 14001 Washington Avenue, Section 13, Town 3 North, Range 21 East, in the Town of Yorkville. Motion carried unanimously. VOTE: 5/0

The Board approved this variance request as: The Yorkville Town Board recommended approval of the conceptual plan. The Racine County Public Works and Development Services Director recommended approval, pursuant to her correspondence dated June 29, 2017. Submitted documentation and public hearing testimony established a need for a sign of this height in this location to provide visibility to the public, to safely direct vehicular traffic to the property, and a 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 sign is consistent with existing development in this area and is consistent with past variance approvals granted in this business area; it will help to identify the correct location of the building; it will decrease the possibility of abrupt vehicular stops and accidents; and it will assist and improve the safe flow of traffic to the applicant's property. The unique topography in relationship to the adjacent business property to the east creates a hardship and limits the height for proper location of a sign on this property. Replacing the existing sign on the property with the proposed sign will open the view and provide a better sight line, thereby improving safety in this area. The request does not appear to create substantial detriment to adjacent property, as there was no opposition shown at the public hearing, an area property owner provided oral 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 of this variance request subject to: The proposed sign shall be located and sized as shown on the submitted plan received by this office dated June 7, 2017. The sign may not revolve, nor may it be composed of any animated or moving part. The sign may not contain, include, or be illuminated by flashing or moving lights or be externally illuminated by other than white lights. The sign may not be lit in such a way as to cause glare or impair driver visibility upon public ways. The owner of the sign must keep it in sound condition, well-maintained, and in good appearance and repair. This includes restoring the sign to its original condition by repairing, repainting, or replacing worn or damaged parts. The owner must maintain the area on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, refuse, debris, and weeds. No additional reader boards or banners may be added to this sign without prior approval of the Board of Adjustment. In addition, beacons, streamers, pennants, inflatable signs, tethered balloons, or strings of lights not permanently mounted to a rigid background are not allowed on the premises. The owner is responsible for obtaining any required Wisconsin Department of Transportation approval or permit. Standard conditions apply. Nine-month expiration date (April 5, 2018). Zoning permit fee of \$150.00.

9:47 **CHASE MOVED, seconded by Schaal**, to close the public hearing.

BOARD MEETING

1. Decisions on preceding petitions

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.

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2. Other business as authorized law

No other business was presented or discussed.

3. Adjourn

10:01

There being no further business, **CHASE MOVED, seconded by Schaal**, to adjourn at 10:01 a.m.
Motion carried unanimously. VOTE: 5/0