

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

October 6, 2015- 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, Don Charlier, Scott Chase

Staff present: Brian Jensen, Nancy Iglinski

Chairman Bieneman called the October 6, 2015, 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 September 1, 2015, 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.	Ric Svejcar & Victoria Scott,	-Norway-	Proposed 20' x 30' detached garage will have an
9:02	Owners		insufficient street yard setback.
9:51	Jerry Kozy, Classic Builders,		
	Agent		

Jensen presented the petition. The Board heard public testimony and communications were read into the record. At the Board portion of the hearing, **SCOTT MOVED, seconded by Charlier**, to approve this variance request to construct a 20' x 30' detached garage, located at 23300 W. Overson Road, Section 34, Town 4 North, Range 20 East, in the Town of Norway

The Board approved this variance as: The Town of Norway Town Board recommended approval of this request. Submitted documentation and public hearing testimony established a need for a garage of this size to be located on this site to protect the property owners' belongings from the effects of the environment; to preserve the sensitive natural areas by allowing the setback closer to the road right-of-way, as opposed to adding fill; and to preserve the substantial property rights of the owner that are 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 garage is consistent with the existing development in this area; the property is zoned agricultural; the garage is actually further from the traveled roadway than what appears on the submitted site plan, given the curvature of the radius of the road; the location should not impair visibility for traffic, nor should it compromise aesthetics. Topography, unusual lot configuration created by the roadway, slopes, and nearby sensitive lands create hardships and limit 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 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 the conformity with such restrictions as unnecessarily burdensome.

The Board granted approval subject to the following conditions: The proposed detached garage shall be located and sized as shown on the submitted plan received by the Development Services Office on September

8, 2015. There must be no unapproved excavation, filling, construction, or other land disturbances within the environmentally sensitive lands. The applicant must obtain Private Onsite Wastewater Treatment System (POWTS) review approval from the Development Services Office prior to issuance of a zoning permit. Standard conditions apply. Nine-month expiration date (July 6, 2016). Zoning permit fee of \$65.00 for the proposed detached garage. **Motion carried unanimously. VOTE: 5/0**

1. Dennis & Elaine Layne -Norway- Proposed 12' x 24.2' addition to the existing attached garage will have a non-averaged and insufficient street yard setback.
9:15
9:57

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 Schaal**, to deny this variance request to construct a 12' x 24.2' addition to the existing attached garage, located at 7100 S. Loomis Road, Section 8, Town 4 North, Range 20 East, in the Town of Norway.

The Board denied this variance request as: The Town of Norway Town Board requested denial, pursuant to their correspondence dated October 6, 2015. The Racine County Public Works and Development Services Director did not support this variance request, pursuant to her correspondence dated September 30, 2015. 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 addition to the residence is inconsistent with such, as there would be an insufficient street yard setback, which is contrary to zoning objectives, and an insufficient street yard setback may cause unsafe ingress/egress onto the public roadway. 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 purposes allowed by code. The requested variance approval is not necessary to provide reasonable use of the property. The applicants have other options available that will comply with the zoning ordinance, including leaving the structure remain as it presently exists. The Board finds concurrence with the Town of Norway's recommendation and its reasoning that the addition would decrease the parking area and may result in an unsafe ingress and egress. **Motion carried unanimously. VOTE: 5/0**

3. Ronald & Jacqueline Schilling -Waterford- Proposed lots will have insufficient lot area and lot depth and are under the same ownership, which requires combining the lots.
9:30
10:12

Brian 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 Hendrix**, to deny this variance request to allow two abutting substandard lots to remain separate from each other, located at 5613 E. Peninsula Drive and vacant south lot, Section 23, Town 4 North, Range 19 East, in the Town of Norway.

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 September 30, 2015. The Wisconsin Department of Natural Resources recommended denial, pursuant to their correspondence dated September 30, 2015. The Board may not grant a variance that is inconsistent with the purpose and intent of the regulations for the district in which the development is located and the proposed lot creation is inconsistent with zoning requirements, 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 variance shall be granted solely based on economic loss or gain and the evidence before the Board suggests

that a pertinent reason for this request is based on economics. No variance shall be granted for a self-imposed hardship and the Board finds the hardship was self-imposed in this case, as there are other options available that will comply with the zoning ordinance, including leaving the property as it presently exist. **Motion carried unanimously. VOTE: 5/0**

9:49 **SCHAAL MOVED, seconded by Hendrix**, to close the public hearing.
Motion carried unanimously. VOTE: 5/0

BOARD MEETING

1. Decisions on preceding petitions

2.	Keith & Vicki Dahlman, Owners	-Dover-	Proposed parcel will not have a minimum of 150 feet width measured at the building setback line.
10:13	(Layover on September 1, 2015)		
10:15			

Jensen

At the Board portion of the hearing, **CHARLIER MOVED, seconded by Schaal**, to approve this variance request to create a substandard parcel located at 22006 Schroeder Road, Section 35, Town 3 North, Range 20 East, in the Town of Dover.

The Board granted approval as: The Dover Town Planning Commission and Town Board approved the Certified Survey Map for this parcel division on July 15, 2015. The Racine County Public Works and Development Services Director had no objection, pursuant to her correspondence dated August 25, 2015, and September 30, 2015. Submitted documentation and public hearing testimony established a need for the parcel configuration that was requested to preserve the substantial property rights of the owners that are also enjoyed by others in this area. This variance request does not appear to be contrary to the purpose and spirit of the ordinance, as the proposed lot meets the minimum area standards for the zoning district, and the existing buildings, well, and Private Onsite Wastewater Treatment System are all located within the boundary of this parcel. Previous created neighboring parcels create a hardship and limit the parcel in meeting the required 150-foot width measured at the building setback line by approximately 3.35-feet. This request does not appear to create substantial detriment to adjacent property, as an area property owner has submitted written statements that they are not willing to sell or adjust their property lines in order for this parcel to meet the minimum lot width requirement, 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 parcel shall be located and sized as illustrated on the proposed Certified Survey Map dated June 23, 2015. A registered land surveyor must survey this parcel and the new parcel ownership must be recorded with the Racine County Register of Deeds Office. Proof of such must be submitted to the Development Services Office within six (6) months. Future structures constructed on this parcel must comply with the A-2 General Farming and Residential II District street yard setback requirement. Standard conditions apply. Nine-month expiration date (July 6, 2016). Zoning permit fee of \$125.00. **Motion carried unanimously. VOTE: 5/0**

3. Other business as authorized by law

No other business was discussed.

4. Adjourn
10:21

There being no further business, **CHASE MOVED, seconded by Charlier**, to adjourn at 10:21 a.m. **Motion carried unanimously. VOTE: 5/0**