

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

**May 3, 2016- 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

Chairman Bieneman called the May 3, 2016, 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 5, 2016, 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.	Chris & Joanie Brock, Owners	-Norway-	The second-story uncovered deck stairs addition exceeds the allowable accessory structure square footage for the parcel.
9:30			
10:58			

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 lay over this variance request to allow an approximate 12' x 20' second-story uncovered wood deck and stairs addition (constructed without permit) that exceeds the allowable accessory square footage for the parcel, located at 24100 Hanson Road, Section 22, Town 4 North, Range 20 East, in the Town of Norway. The Board laid over the variance request for up to six (6) meetings, in order to allow the owners time to explore other options or to possibly submit a redesign for a code-compliant accessory structure or reduce the size of the uncovered second-story deck and stairs. Motion carried unanimously. VOTE 5/0

2.	John & Leticia Perry, Owners	-Waterford-	The proposed accessory structure will have an insufficient and non-averaged street yard setback.
9:21			
11:02			

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 approve this variance request to allow a 10' x 12' accessory structure located at 30420 Barnes Lane, Section 26, Town 4 North, Range 19 East, in the Town of Waterford.

The Board approved this variance as: Pursuant to her correspondence dated April 19, 2016, the Racine County Public Works and Development Services Director had no objection, if the Board determines that a hardship exists for this request. Submitted documentation and public hearing testimony established a need for a shed 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 proposed accessory structure location should not impair visibility for traffic and it should not compromise aesthetics. Severe topography and mature tree location, as well as other obstructions, create a hardship and limit proper placement of an accessory structure 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 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 proposed accessory shed shall be located at a minimum distance of ten (10) to fifteen (15) feet from the road right-of-way, ten (10) feet from the residence, and three (3) feet from the side property line. A new site plan must be submitted to, and accepted by, the Development Services Office prior to the issuance of the zoning permit. The site plan must illustrate the location of the proposed accessory structure meeting the aforementioned setback distances. Landscaping to screen the accessory building from public view must be maintained in perpetuity, with all dead or diseased landscaping replaced in a timely manner. The exterior of the accessory building must be the same as, or in harmony with, the exterior of the single-family residence located on this property. Standard conditions apply. Nine-month expiration date (February 3, 2017). Zoning permit fee of \$45.00. Motion carried unanimously.

VOTE 5/0

Motion carried unanimously. VOTE 5/0

3. 9:37 11:09	David Grebetz, Owner	-Burlington	The proposed detached garage will have an insufficient shore yard setback, the aggregate total foot print area for all accessory structures will exceed the allowable square footage for the lot, and the maximum allowable amount of impervious surfaces will be exceeded for the lot.
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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, **SCHAAL MOVED, seconded by Hendrix**, to deny this variance request to construct a 22' x 30' detached garage with covered porch located at 30235 Poplar Drive, Section 27, Town 3 North, Range 19 East, in the Town of Burlington.

The Board denied this variance as: The Racine County Public Works and Development Services Director recommended denial, pursuant to her correspondence dated April 19, 2016. 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 detached garage is inconsistent with such as it would have an insufficient shore yard setback and would exceed the impervious surface limits, 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 options available that will comply with the zoning ordinance, including building a code-complying structure or constructing a structure of lesser size that could possibly be placed in a code-compliant location on this parcel. Motion carried unanimously. VOTE 5/0

4. Joseph & Patricia Hren, Owners -Raymond- To allow a wholesale dealer license and an auto  
9:58 repair business (Country Auto) in the A-2  
10:50 General Farming & Residential District II.

Jensen presented the petition. The Board heard public testimony and communications were read into the record. At the Board portion of the hearing, **SCHAAL MOVED, seconded by Charlier**, to approve this variance request to allow a wholesaler's license and an auto repair business (Country Auto) located at 4444 County Trunk Highway (CTH) K, Section 23, Town 4 North, Range 21 East, in the Town of Raymond.

The Board approved this variance as: The Raymond Town Planning Commission recommended approval of this request. The Racine County Public Works and Development Services Director had no objection, pursuant to her correspondence dated April 19, 2016. Submitted documentation and public hearing testimony established a need for a wholesaler dealer's license in conjunction with an existing non-conforming use that has been determined to be grandfathered and was previously approved by the Board of Adjustment on January 8, 1991, 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 use is an existing non-conforming use and is the same as previously approved by the Board of Adjustment in January 8, 1991. 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 conformity with such restrictions as unnecessarily burdensome.

The Board granted approval subject to the following conditions: All conditions of approval established by the Board of Adjustment on January 8, 1991 that are applicable shall remain in effect. This variance does not allow any increase in outside storage. The seven cars that are currently allowed on the property are permitted under this approval, including the applicant's car and the employees' cars. This variance permits the current number of existing employees (2) and the owner, but does not allow an increase in the number of employees. No auctions or on-site sales are permitted on this property. The existing signs on the property may be replaced without a variance provided that they are the same size or smaller. Standard conditions apply. Nine-month expiration date (February 3, 2017). Zoning permit fee of \$125.00. Motion carried unanimously. VOTE 5/0

5. Mike & Kristine Wick, Owners -Raymond- The pole building (not constructed per zoning  
10:10 permit approval) will have insufficient side yard  
10:51 setback.

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 Charlier**, to lay over this variance request to allow a pole building (not constructed per zoning permit approval) to remain in a nonconforming location at 7840 Boldt Drive, Section 16, Town 4 North, Range 21 East, in the Town of Raymond. The Board laid over the variance request for up to six (6) meetings in order to allow the owners time to contact the contractor who built the pole building and to explore other options, such as, reconfiguring the side property line to establish the 7.5-foot minimum side yard setback to the pole building and obtaining written documentation from the neighboring property owner agreeing to adjust the affected property line, or possibly moving the pole building to a conforming location. Motion carried unanimously. VOTE 5/0

- 10:42 **CHARLIER MOVED, seconded by Schaal**, to close the public hearing.  
Motion carried unanimously. VOTE: 5/0

## BOARD MEETING

The Board reconvened at 10:50 a.m.

1. Decisions on preceding petitions

The Board agreed to call Agenda Items Numbers 4 and 5 out of order when rendering decisions as a courtesy to the applicants who remained present after the public hearing was closed.

2. Other business as authorized by law

- Hendrix asked about the possibility of receiving DNR training concerning the recent revisions to shoreland zoning rules and regulations. Jensen stated that he will forward notice of any scheduled DNR training sessions he receives to Board members. Hendrix suggested perhaps meeting with Development Services staff to discuss DNR updates and added that communication of such with townships over which the county has zoning jurisdiction may also be helpful.
- The Board discussed the possibility of mailing meeting packets a little earlier in order to ensure ample time to visit sites prior to meetings. Jensen indicated that staff will look into the possibility, but any changes would be subject to filing deadlines and publication requirements.

3. Adjourn

11:16

There being no further business, **CHASE MOVED, seconded by Schaal**, to adjourn at 11:16 a.m. Motion carried unanimously. VOTE: 5/0