

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

OCTOBER 3, 2017, 9:00 A.M.

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

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

Staff present: Brian Jensen, Nancy Iglinski

Chairman Bieneman called the October 3, 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 Charlier**, to approve the September 5, 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. 9:04 9:27 | Pinline Development, LLC Zignego Ready Mix, Bob Zignego, Agent | -Yorkville- | Permit was denied and a variance is requested as the proposed sign will have an insufficient street 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 remove an existing pole sign and construct an 18-foot high, double-faced pole sign with 6’x4’, 6’x1.67’, and three 6’x1.25’ sign panels, located at 14425 58th Road, Section 25, Town 3 North, Range 21 East, in the Town of Yorkville.

The Board approved this variance request as: The Yorkville Town Board recommended approval of this request. The Racine County Public Works and Development Services Director had no objection, pursuant to her correspondence dated September 26, 2017. Submitted documentation and public hearing testimony established a need for a sign with this height, size and location to provide visibility to the public and to safely direct vehicular traffic to the owner’s property, and the need to preserve natural screening and landscaping that has been established on this site and 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 sign will help to identify the correct location of the building, decrease the possibility of abrupt vehicular stops and accidents, and assist and improve the continuity and safe flow of traffic to the owner’s 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 conformity with such restrictions as unnecessarily burdensome.

The Board granted approval of this variance request subject to: The proposed double-faced pole sign must be located and sized as shown on the submitted plan received in the Development Services Office on September 6, 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 to 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 work 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 BOA. 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. Standard conditions apply. Nine-month expiration date (July 3, 2018). Zoning permit fee of \$200.00

2. John & Tracy Musta
9:13
9:34

-Waterford- Permit was denied and a variance is requested as the proposed accessory structure additions exceed the accessory structure maximum aggregate total footprint area and will exceed the maximum 17-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 Schaal**, to approve the variance request to construct a 24' x 28' one-story and 24.3' x 24.2' second-story addition to an existing non-conforming detached garage, located at 7006 N. Tichigan Road, Section 11, Town 4 North, Range 19 East, in the Town of Waterford. Motion carried unanimously. VOTE: 5/0

The Board approved this variance request as: The Racine County Public Works and Development Services Director had no objection, pursuant to her correspondence dated September 26, 2017. Submitted documentation and public hearing testimony established a need for a garage of this size to protect the owner's belongings from the effects of the outdoor environment and to ameliorate the lack of storage in the proposed home that will not have a basement or crawlspace; a need for a garage of this height to accommodate the external stairway needed for safe ingress and egress to this structure; and a need 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 additions to the garage are consistent with the existing development in this area; they should not block views to the water; and the location should not impair visibility for traffic and should not compromise aesthetics. The uniqueness of the lot configuration creates a hardship and limits the proper location for placement of the 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. 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 of this variance request subject to: The proposed garage additions must be located and sized as shown on the submitted plan received in the Development Services Office on September 1, 2017. The exterior of the additions must be the same as, or in harmony with, the exterior

of the building to which they are being attached. If the exterior of the existing building is changed to modernize it, all structures must be unified with the same, or similar, color or design scheme. No human habitation is allowed in the accessory structure. If the zoning permit is not issued or construction has not started for the residence within nine (9) months of this approval, the applicants may request an extension, or if the applicants' plans change and they do not intend to build the residence, the accessory structure must either be removed or a variance must be granted to allow it to remain on the property. Racine County shoreland conditional use approval must be obtained before a zoning permit may be issued. It is recommended that if and when the applicants apply for a zoning permit for construction of the residence, the applications for the garage additions and the residential construction should be incorporated into a single shoreland contract, rather than executing two separate contracts. Standard conditions apply. Nine-month expiration date (July 3, 2018). Zoning permit fee of \$65.00 for the accessory structure additions and \$225 for the shoreland contract.

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| 3. | Andrew & Mary Delimat | -Waterford- | Permit was denied and a variance is |
| 9:22 | Mark Whorley, DBA Whorley | | requested as the two proposed self-service |
| 9:48 | Storage, LLC, Agent | | storage facility buildings will exceed the 15- |
| | | | maximum height restriction. |

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 Charlier**, to approve this variance request to allow two (2) proposed self-service storage facility buildings to exceed fifteen (15) feet in height, located at 8427 Big Bend Road, Section 1, Town 4 North, Range 19 East, in the Town of Waterford. Motion carried unanimously. VOTE: 5/0

The Board approved this variance request as: The Racine County Public Works and Development Services Director had no objection, pursuant to her correspondence dated September 26, 2017. Submitted documentation and public hearing testimony established a need for accessory buildings of this size to allow customers to safely store their belongings inside the buildings and from the effects of the outdoor environment, a community need to allow storage of larger items, 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 height of the proposed self-storage buildings is consistent with the existing development in this area, as much of this area is zoned commercial with other self-storage facilities located on neighboring properties; the location should not impair visibility for traffic and should not compromise aesthetics; and this request is in harmony with the conditional use that was granted by Racine County in July of 2017. The applicant made a concerted effort to design the buildings with minimal height. The zoning ordinance creates a hardship in that it doesn't recognize the need to make allowances for the storage of larger items. 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 of this variance request subject to: The proposed self-service storage facility buildings must be located and sized as shown on the submitted plans received by the Development Services Office on September 7, 2017. The exterior of the buildings must be the same as, or in harmony with, the exterior of all the buildings located on the property. No human habitation is permitted in the storage buildings. Standard conditions apply. Nine-month expiration date (July 3, 2018). Zoning permit fee of \$125.00.

9:27 **CHASE MOVED**, seconded by Hendrix, to close the public hearing.

BOARD MEETING

1. Decisions on preceding petitions

2. Other business as authorized law

No other business was presented or discussed.

3. Adjourn

9:56

There being no further business, **CHASE MOVED**, seconded by Schaal, to adjourn at 9:56 a.m.
Motion carried unanimously. VOTE: 5/0