

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

**APRIL 3, 2018, 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 (arrived at 9:05 am), Dave Hendrix, Jean Schaal

Board member excused: Don Charlier

Staff present: Brian Jensen, Nancy Iglinski

Chairman Bieneman called the April 3, 2018, 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, **HENDRIX MOVED, seconded by Bieneman**, to approve the March 6, 2018, Racine County Board of Adjustment public hearing and board meeting summary minutes as presented. Motion carried unanimously. VOTE: 3/0

Following are the items presented and the Board's actions.

**PUBLIC HEARING**

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|------|----------------------|-------------|--|
| 1.   | Risa G. Smith, Owner | -Waterford- | Permit was denied and a variance is requested as the proposed garage addition will have insufficient street-yard and side-yard setbacks. |
| 9:04 |                      |             |  |
| 926  |                      |             |  |

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 Chase**, to approve this variance request to construct a ±679.5 square-foot attached garage addition to the existing residence, located at 4617 Field Drive, Section 26, Town 4 North, Range 19 East in the Town of Waterford. Motion carried unanimously. VOTE: 4/0

The Board approved this variance request as the Waterford Town Plan Commission recommended approval of this request. The Racine County Public Works and Development Services Director had no objection, pursuant to her correspondence dated March 27, 2018. Submitted documentation and public hearing testimony established a need for an attached garage of this size to protect the owner's belongings from the effects of the outdoor environment and a need to preserve the substantial property rights of the owner that are also enjoyed by others in the area. The variance does not appear to be contrary to the purpose and spirit of the ordinance, as the proposed attached garage is consistent with the existing development in this area, the location should not impair visibility to traffic and will enhance safety, and it should not compromise aesthetics. Steep slopes, as well as other obstructions, create a hardship and limit the location for proper placement of a garage on this property. The request does not appear to create substantial detriment to adjacent property, as area property owners and town residents submitted written and oral support for this property and the public interest doesn't 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 attached garage being located and sized as shown on the submitted plan dated March 6, 2018. 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. Racine County shoreland conditional use approval must be obtained before a zoning permit may be issued. Recommendations from Racine County Land Conservation and the Town of Waterford Engineer will be incorporated into the shoreland contract. Standard conditions apply. Nine-month expiration date (January 3, 2019). Permit fee of \$135.00

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| 2.<br>9:15<br>9:40 | Nelson Trust-Kruse Trust, Owner<br>Clayton Kruse, Applicant | -Waterford- | Permit was denied and a variance is requested as the proposed pole barn would be permitted prior to the principal structure being present or under construction. |
|--------------------|---|-------------|--|

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 40' x 70' pole building for personal storage, located at 3526 Buena Park Road, Section 34, Town 4 North, Range 19 East in the Town of Waterford. Motion carried unanimously. VOTE: 4/0

The Board denied this variance request as 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 pole building is inconsistent with such in that it would be constructed on a vacant parcel without the presence of a principal structure, which is contrary to zoning objectives. There are 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, and the requested variance is not necessary to provide reasonable use of the property. Approval of this request may set a precedent for future similar variance requests, which is contrary to the zoning ordinance.

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|-------------------|--|-------------|--|
| 3.<br>9:24<br>947 | RBKB Real Estate, LLC, Owner<br>Stone Brook Homes, Agent | -Waterford- | Permit was denied and a variance is requested as the proposed single-family residence will have insufficient street and shore-yard setbacks. |
|-------------------|--|-------------|--|

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 Chase**, to approve this variance request to raze a nonconforming residence, patio and detached garage and construct a single-family residence with attached garage and patio, located at 7423 N. Tichigan Road, Section 11, Town 4 North, Range 19 East in the Town of Waterford. Motion carried unanimously. VOTE: 4/0

The Board approved this variance request as the Racine County Public Works and Development Services Director had no objections, pursuant to her correspondence dated March 27, 2018. 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 owner and applicants that are also enjoyed by others in the area. The variance does 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, it should not compromise aesthetics, it will allow safer vehicular access to the property than what currently exists, the existing structure was built prior to the adoption of the revised Racine County zoning ordinance, and the proposed residence will be in greater harmony with zoning requirements than what presently exists. Substandard lot configuration, as well as other obstructions, create a hardship and limit the 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, as construction of this structure cannot be achieved by applying the required setbacks to the parcel and the building envelope. The proposed residence with attached garage is a safer alternative than what currently exists.

The Board granted approval of this variance request subject to the proposed single-family residence, attached garage and patio being located and sized as shown on the submitted survey dated December 13, 2017, and revised on March 1, 2018. If possible to achieve without compromising the 35.1-foot shore yard setback, an 8-foot side-yard setback to the west property line is permitted. There must be no unapproved excavation, filling, construction or other land disturbances within the designated 100-year floodplain. Racine County shoreland conditional use approval must be obtained before a zoning permit may be issued. Standard conditions apply. Nine-month expiration date (January 3, 2019). Permit fee of \$570.00 (\$345.00 zoning permit and \$225.00 shoreland contract).

09:26 **SCHAAL MOVED, seconded by Chase**, to close the public hearing.  
Motion carried unanimously. VOTE: 4/0

### **BOARD MEETING**

1. Decisions on preceding petitions

2. Other business as authorized law  
9:59

Jensen noted that if the Town of Yorkville incorporates as a village, Scott Chase will no longer be able to serve as a member of the Racine County Zoning Board of Adjustment. Mr. Chase was thanked for his commitment to the Board over his many years of service.

3. Adjourn  
10:00

There being no further business, **CHASE MOVED, seconded by Schaal**, to adjourn at 10:00 a.m.  
Motion carried unanimously. VOTE: 4/0