

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

**JUNE 5, 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

Staff present: Brian Jensen, Nancy Iglinski

Chairman Bieneman called the June 5, 2018, Racine County Zoning Board of Adjustment public hearing to order at 9:03 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 Hendrix**, to approve the May 1, 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**

- |       |                          |          |   |
|-------|--------------------------|----------|---|
| 1.    | Donald J. Mueller, Owner | -Norway- | Permit was denied and a variance is           |
| 09:05 | David Koscielniak, Agent |          | requested as the single-family residence will |
| 09:32 |                          |          | have an insufficient shore yard setback.      |

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 raze the existing residence and detached garage and construct a single-family residence with an attached garage and covered patio, located at 26850 S. Elm Lane, Section 20, Town 4 North, Range 20 East, in the Town of Norway. Motion carried. VOTE: 3/1, with Charlier abstaining

The Board approved this variance request as: The Racine County Public Works and Development Services Director recommended approval, pursuant to her correspondence dated May 15, 2018. Submitted documentation and public hearing testimony established a need for removal of a nonconforming residence and detached garage with lesser side and shore yard setbacks than presently allowed to bring the structure more in compliance with the current zoning ordinance 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 residence is consistent with the existing development in this area; it should not compromise aesthetics; it will not increase impervious surface on the property, and it should not block views to the water. Removal of the existing detached garage creates a safer environment for access to this property. The residence to the east, with a lesser shore yard setback, was constructed prior to the adoption of the revised Racine County Zoning Ordinance and creates a hardship by constricting the property owners' views of the lake that are enjoyed by others in the area. 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 residence must be located and sized as shown on the submitted plan dated May 10, 2018. The applicant must submit a plat of survey showing the staked location of the dwelling prior to the issuance of the zoning permit. Racine County Shoreland Conditional Use approval must be obtained from the Development Services Office prior to the issuance of the zoning permit. Approval from both the Racine County Economic Development and Land Use Planning Committee and the Town of Norway for placement of fill in the Urban Floodfringe Overlay (FFO) District must be obtained prior to the issuance of the zoning permit. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome. Standard conditions apply. Nine-month expiration date (March 5, 2019). Permit fee of \$345.00.

09:30 **SCHAAL MOVED, seconded by Charlier**, to close the public hearing.  
Motion carried unanimously. VOTE: 4/0

### **BOARD MEETING**

1. Decision on preceding petition

2. Other business as authorized law  
9:38

- There will not be a Board of Adjustment public hearing/meeting on July 3, 2018, due to lack of a quorum on that date. The next regularly scheduled Board of Adjustment meeting will be held on August 7, 2018.

3. Adjourn  
9:39

There being no further business, **SCHAAL MOVED, seconded by Hendix**, to adjourn at 9:39 a.m.  
Motion carried unanimously. VOTE: 4/0