

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

AUGUST 7, 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 August 7, 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, **SCHAAL MOVED, seconded by Charlier**, to approve the June 5, 2018, Racine County Board of Adjustment public hearing and board meeting summary minutes as presented. **Motion carried unanimously – VOTE: 4/0**

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

PUBLIC HEARING

- | | |
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| 1. James Halbman
09:01
10:03 | -Waterford- Permit was denied and a variance is requested as the proposed detached garage will have an insufficient shore yard setback and will exceed 1,000 sq.-ft. maximum aggregate total foot print area. |
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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, **HENDRIX MOVED, seconded by Charlier**, to approve this variance request to construct a 34' x 34' detached garage, located at 6520 Willow Court, Section 14, 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 recommended approval, pursuant to her correspondence dated August 1, 2018. Submitted documentation and public hearing testimony established a need for a detached garage of this size to protect the owner's belongings from the effects of the outdoor environment and the 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 garage is consistent with the exiting development in this area; it should not block views to the water; the location should not impair visibility for traffic; it should not compromise aesthetics; it will be located farther than the Ordinary High-Water Mark (OWHM) of Tichigan Lake; and it will decrease the impervious surfaces than what presently exists. The unusual lot configuration, the uneven shoreline and an irregular OHWM, street yard setback requirements, and the location of an existing utility pole on the property create a hardship and limit the proper placement of a garage in a more code-compliant location. The request does not appear to be create a substantial detriment to adjacent property, as there was no opposition 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 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 must be located and sized as shown on the submitted plan received in the Development Services Office on May 23, 2018. The exterior of the garage must be the same as, or in harmony with, the residence on the property. Shoreland protection measures must in place during the razing of the existing garage and construction of the new garage. Standard conditions apply. Permit fee of \$105.00. Nine-month expiration date (May 7, 2019), unless substantial construction commences before that date.

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| 2.
09:03
10:09 | Kent & Danielle Silverman | -Burlington- | Permit was denied and a variance is requested as the proposed pole barn 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, **HENDRIX MOVED, seconded by Schaal**, to approve this variance request and conditional use to allow parking of a commercial vehicle and to construct a 36' x 48' pole barn for cold storage for personal and business uses, located at 30809 Wild Goose Lane, Section 10, Town 2 North, Range 19 East, in the Town of Burlington. **Motion carried unanimously. VOTE: 4/0**

The Board approved this variance request as: The Racine County Public Works and Development Services Director recommended approval, pursuant to her correspondence dated July 25, 2018. Submitted documentation and public hearing testimony established a need for a garage/pole barn of this size to protect the owners' belongings from the effects of the outdoor environment and to provide security and the need to preserve the substantial property rights of the owners 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 structure's location should not impair visibility for traffic and it should not compromise aesthetics, as the commercial vehicle will be parked in the confines of the proposed building. The unusual lot configuration, and the fact that the property has two street yards and the subdivision restricts access from Brever Road or the first 75 feet of Wild Goose Lane, create hardship and limit the proper placement of a 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 conformity with such restrictions as unnecessarily burdensome.

The Board granted approval of the conditional use subject to the following conditions:

1. Maintenance of the commercial vehicle on this site is prohibited.
2. Outside storage is limited to two (2) hours once a day or four (4) accumulative hours in a 24-hour period.
3. Business hours of operation will be from 7:00 a.m. to 7:00 p.m., Monday through Friday; no Saturday, Sunday or holiday hours.
4. Conditional use approval runs with the owner of the property.
5. No customers conducting business are allowed onsite.
6. Conditional use approval from the Town of Burlington must be obtained and any conditions established by the Town must be followed.
7. The proposed pole building must be located and sized on the submitted survey with a revision date of May 4, 2018.
8. The exterior of the pole building must be the same as, or in harmony with, the existing residence on the property.
9. Standard conditions apply. Permit fee of \$125.00. Nine-month expiration date (May 7, 2019), unless substantial construction commences before that date.

3. Victor & Laura DeMeyer -Burlington- Permit was denied and a variance is
09:20 requested as the proposed residence will
10:19 have an insufficient street-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, **SCHAAL MOVED, seconded by Charlier**, to approve this variance request to construct a single-family residence with an attached garage and uncovered deck, located at 5940 Bonns Trail, Section 1, Town 2 North, Range 19 East, in the Town of Burlington. **Motion carried unanimously. VOTE: 4/0**

The Board approved this variance request as: The Racine County Public Works and Development Services Director recommended approval, pursuant to her correspondence dated July 25, 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 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 impair visibility for traffic; and it should not compromise aesthetics. The severe topography, such as steep slopes, wetland location, and mature tree location limit the location and proper placement of a residence 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 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 survey dated June 12, 2018. There must be no unapproved excavation, filling, construction or other land disturbances within the mapped wetland area. Standard conditions apply. Permit fee of \$345.00. Nine-month expiration date (May 7, 2019), unless substantial construction commences before that date.

4. Mitchell & Lori Kahn -Burlington- Permit was denied and a variance is
09:28 requested as the proposed deck
10:22 (constructed without approvals) will have an
insufficient shore yard setback and will
exceed 200 square feet within the shore yard
area.

Jensen presented the petition. The Board heard public testimony and communications were read into the record. At the Board portion of the hearing, **CHARLIER MOVED, seconded by Hendrix**, to approve this variance request to allow an uncovered deck (constructed without approvals) within the shore yard setback area; located at 8005 West Lakeshore Drive, Section 18, Town 2 North, Range 19 East, in the Town of Burlington. **Motion carried. VOTE: 3/0, with Schaal dissenting**

The Board approved this variance request as: Submitted documentation and public hearing testimony established a need for a deck to be located in the amended configuration, with removal of the stairway toward the lake, to preserve the substantial property rights of the owners 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 deck is consistent with the existing development in this area; it should not block views to the water; and it should not compromise aesthetics. The request does not appear to create substantial detriment to adjacent property, as several 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. A mitigation plan will help offset the increase in impervious surface on the property.

The Board granted approval of this variance request subject to: The proposed deck must be located and sized as shown on the submitted plan received by the Development Services Office on July 11, 2018, with the modification that the shore yard stairway must be removed and a mitigation plan must be submitted to the Racine County Development Services Office for approval prior to the issuance of a zoning permit. The mitigation plan must show existing and proposed plantings and/or a rain garden in the shore yard area to help offset the amount of impervious surface on this property. The plan must be implemented by the owners and shore yard plantings, must be maintained in perpetuity, with any dead or diseased vegetation replaced on an as-needed basis. Standard conditions apply. A quadruple zoning permit fee for the deck will be imposed. Nine-month expiration date (May 7, 2019).

5. Robert & Diane Miller -Burlington- Permit was denied and a variance is requested as the proposed single-family residence will have an insufficient side-yard setback.
09:47
10:41

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 construct a new single-family residence with a full basement and uncovered street yard deck, located at 3211 Shore Drive, Section 27, Town 3 North, Range 19 East, in the Town of Burlington. **Motion carried unanimously. VOTE: 4/0**

The Board approved this variance request as: The Racine County Public Works and Development Services Director recommended approval, pursuant to her correspondence dated July 25, 2018. Submitted documentation and public hearing testimony established a need for a residence to be located on this site with a reduced side yard setback to allow access to the existing detached garage, to provide more efficient parking, and to prevent the residence from becoming non-code compliant or too close to the detached garage if sited correctly, as well as a need to preserve the substantial property rights of the owners 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, and the adjacent property owner submitted written non-objection to the structure's location. The substandard lot size creates a hardship and limit the location for proper placement of a residence 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, an area property owner submitted written non-objection to this proposal, 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 ender 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 survey dated March 8, 2018. Racine County Land Conservation recommendations for shoreland protection must be implemented. Standard conditions apply. Zoning permit fee of \$345. Nine-month expiration date (May 7, 2019).

10:45 **HENDRIX MOVED, seconded by Charlier**, to close the public hearing.
Motion carried unanimously. VOTE: 4/0

BOARD MEETING

1. Decision on preceding petitions

2. Other business as authorized law
9:38

The next Board of Adjustment meeting will be held on September 4, 2018.

3. Adjourn
10:46

There being no further business, **SCHAAL** MOVED, **seconded by Charlier**, to adjourn at 10:46 a.m.
Motion carried unanimously. VOTE: 4/0