

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

SEPTEMBER 4, 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 September 4, 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 August 7, 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. Stephen B. Styza
09:02
09:49 | -Waterford- Permit was denied and a variance is requested as the proposed residential building envelope will have 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 establish a reduced street yard building setback for the future construction of a single-family residence, Lot 9, Fowlers Bay Subdivision, Frasier Trail, Section 25, 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 29, 2018. Submitted documentation and public hearing testimony established a need for a residence to be located with a reduced street yard setback on this site and the need to preserve the substantial 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 building envelope should not impair visibility and should not compromise aesthetics. The steep slope, the mapped wetland location, the primary environmental corridor location, the 30-foot sanitary easement, and the 20-foot drainage easement create obstructions and hardships 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.

The Board granted approval of this variance request subject to: The proposed residential building envelope must be located and sized as shown on the submitted plan. There must be no unapproved filling or construction in the wetland area. Standard conditions apply. Permit fee of \$125.00. Nine-month expiration date June 4, 2019.

2. James & Lynne Peterson -Waterford- Permit was denied and a variance is requested as the proposed detached garage will have an insufficient street yard setback and be located on a parcel of land without the presence of a principal structure.
09:20
09:54

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 raze an existing nonconforming accessory structure and construct a 26' x 20' detached garage on a parcel of land located directly across from 6717 Spruce Lane, Section 14, Town 4 North, Range 19 East, in the Town of Waterford. Construction of the proposed detached garage will be allowed on the parcel without the presence of a principal structure; however, it must be built in compliance with the 25-foot street yard setback as required by county ordinance. **Motion carried unanimously.**
VOTE: 4/0

The Board approved this variance request as: The Racine County Public Works and Development Services Director did not object to the proposed detached garage located on a parcel without the presence of a principal structure, pursuant to her correspondence dated August 29, 2018. Submitted documentation and public hearing testimony established a need for a detached garage of this size to protect the owners' belongings and the need to preserve the substantial 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 detached garage is consistent with the development in this area; it should not compromise aesthetics; and it should not block views to the water. The substandard parcel may prevent construction of a detached garage in a code-compliant area and creates a hardship and limits the location for proper placement of a detached 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 detached garage may be located on a parcel of land without the presence of a principal structure, but must have a minimum 25-foot street yard setback. The exterior of the garage must be the same as, or in harmony with, the residence. Racine County shoreland conditional use approval or Land Conservation requirements may be required prior to issuance of the zoning permit. The proposed garage may not be used for human habitation. A deed restriction must be recorded with the Racine County Register of Deeds Office that prohibits the sale of these parcels separate from each other, unless they are brought into compliance with the current county code at the time of sale. Standard conditions apply. Zoning permit fee as specified in the current county permit fee schedule will be imposed. Nine-month expiration date (June 4, 2019).

3. Michal & Pamela Hammes -Burlington- Permit was denied and a variance is requested as the addition will have an insufficient shore-yard setback, the existing principal structure is less than 35 feet from the ordinary high water mark, and the proposed addition will exceed 200 sq.-ft. lateral expansion.
09:32
10:02

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 Schaal**, to approve this variance request to construct an addition (office, bedroom, bathroom, closet and attached garage) to the existing residence, located at 3030 Knollcrest Drive, Section 27, Town 3 North, Range 19 East, in the Town of Burlington. **Motion carried. VOTE: 3/1, with Hendrix dissenting.**

The Board approved this variance request as: Submitted documentation and public hearing testimony established a need for an addition of this size to protect the owners' belongings and the need to preserve the substantial 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 residential addition is consistent with the development in this area; it should not compromise aesthetics; it should not block views to the water; and it is located further from the Ordinary High Water Mark (OHWM) of Brown's Lake than the existing residence. Existing development, Brown's Lake and the channel to Brown's Lake create a hardship and limit the location for proper placement of an addition 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 residential addition must be located and sized as shown on the submitted survey with a revision date of August 9, 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 prior to the issuance of a zoning permit. A mitigation plan may need to be submitted to the Development Services Office for approval prior to the issuance of a zoning permit. There must be no unapproved excavation, filling, construction or other land disturbances within the designated 100-year floodplain. Standard conditions apply. Permit fee of \$360.00 (\$135.00 zoning permit and \$225.00 shoreland contract). Nine-month expiration date June 4, 2019).

09:46 **SCHAAL MOVED, seconded by Hendrix**, to close the public hearing.
Motion carried unanimously. VOTE: 4/0

BOARD MEETING

1. Decision on preceding petitions
2. Other business as authorized law
10:15

Dave Hendrix volunteered to fill the current Vice-Chair vacancy on the Board of Adjustment.
BIENEMAN MOVED, seconded by Schaal, to accept the nomination of Dave Hendrix to serve as the Board of Adjustment Vice-Chairman. **Motion carried unanimously. VOTE: 3/0**

3. Adjourn
10:16

There being no further business, **SCHAAL MOVED, seconded by Hendrix**, to adjourn at 10:16 a.m.
Motion carried unanimously. VOTE: 4/0