

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

**OCTOBER 2, 9:00 A.M.**

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

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

Staff present: Brian Jensen, Nancy Iglinski

Chairman Bieneman called the October 2, 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 Schaal**, to approve the September 4, 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. Timothy & Holly Heeter<br>09:01<br>10:11 | -Burlington- | Permit was denied and a variance is requested as the proposed uncovered wood deck will have insufficient rear and shore yard setbacks, and a past alteration and the proposed addition will exceed fifty (50) percent of the equalized assessed value of the residence. |
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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, **SCHAAL MOVED, seconded by Hendrix**, to approve this variance request to raze an existing concrete patio and second-story wood deck and construct an open wood deck, located at 3312 Shore Drive, Section 27, Town 3 North, Range 19 East, 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 September 24, 2018. Submitted documentation and public hearing testimony established a need for an uncovered deck of this size to be located further from the rear property line and Ordinary High Water Mark (OHWM) of Brown's Lake than the existing deck and the 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 deck is consistent with the existing development in this area; it should not block views to the water; it should not compromise aesthetics; and the proposed deck will have less impervious surfaces than what presently exists. The existing structure was constructed prior to adoption of the revised Racine County zoning ordinance, and the proposed deck addition will not encroach further into the required rear yard setback and will be more in harmony with zoning requirements than what presently exists. Unusual lot configuration creates a hardship and limits the location for proper placement of a deck 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 deck must be located and sized as shown on the submitted survey dated August 2, 2018. Standard conditions apply. Permit fee of \$60.00. Nine-month expiration date (July 2, 2019).

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| 2.<br>09:03<br>10:14 | Jarmen & Christina Czuta<br>Attorney John Bjelajac, Agent | -Norway- | Permit was denied and a variance is requested as the proposed residential building envelope will have insufficient street and side yard setbacks. |
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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 establish a residential building envelope for the future construction of a single-family residence located at 7956 E. Long Lake Drive, Section 7, Town 4 North, Range 20 East, Town of Norway. **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 September 24, 2018. Submitted documentation and public hearing testimony established a need for a building envelope with a reduced side and street yard setback for future construction of a residence 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 building envelope is consistent with existing development in this area; it should block views to the water; it should not impair visibility for traffic; and it should not compromise aesthetics. Steep slopes, unusual lot configuration, mature trees, as well as other obstructions, create a hardship and limit the location for proper placement of a residence and create a possible hazard for safe access to 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 building envelope must be located and sized as shown on the survey dated August 18, 2018. The variance for the building envelope will run in perpetuity with the land. The future residence will be subject to the permit fee schedule in effect at the time of construction.

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| 3.<br>09:20<br>10:23 | Living Water Evangelical<br>Lutheran Church<br>Jon Klema, Michaels Signs,<br>Agent | -Norway- | Permit was denied and a variance is requested as the proposed pole sign will exceed the height requirement. |
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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 to construct a pole sign located at 6525 N. Milwaukee Avenue, Section 17, Town 4 North, Range 20 East, Town of Norway. **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 September 24, 2018.

Submitted documentation and public hearing testimony established a need for a sign of this height to provide visibility to the public and to safely direct vehicular traffic to the property, and established the 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 sign will help identify the correct location of the building, decrease the possibility of abrupt vehicular stops and accidents, and will assist and improve the continuity and safe flow of traffic to church property. The difference between the road grade and the sign location creates a hardship and limits the location for proper placement of pole sign 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 sign must be located and sized as shown on the submitted plan received by the Development Services Office on September 26, 2018. 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 worn 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. The applicant is responsible for obtaining any required WisDOT approval(s) or permit(s). Standard conditions apply. The proposed sign will be located and sized as shown the plan received by the Development Services Office on September 26, 2018. Permit fee of \$150.00. Nine-month expiration date (July 2, 2019).

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| 4.<br>09:26<br>10:27 | Ivan & Jona Lestan<br>Lee LaMeer, Agent | -Norway- | Permit was denied and a variance is requested as the proposed pole building 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, **CHARLIER MOVED, seconded by Schaal**, to deny this variance request to construct a 30' x 40' pole building located at 27230 Hanson Road, Section 19, Town 4 North, Range 20 East, Town of Norway. **Motion carried unanimously. VOTE:4/0**

The Board denied this variance request as: The Racine County Public Works and Development Services Director did not support the insufficient setback to the road right-of-way of the pole building, pursuant to her correspondence dated September 24, 2018. 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 as it would have an insufficient street yard setback, which is contrary to zoning objectives. There were 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 owners from using the property for the permitted purpose allowed by code. The requested variance is not necessary to provide reasonable use of the property. The applicant has other options available that would comply with the zoning ordinance, including constructing a code-compliant building or constructing a building of lesser size on a code-complying location on this property.

5. Thomas Miklaszewski -Raymond- Permit was denied and a variance is  
09:39 Alan Jasperson, Agent requested as the proposed lot will have  
10:31 insufficient lot width and will create an  
insufficient side yard setback to an existing  
residence.

Jensen presented the petition. The Board heard public testimony and communications were read into the record. This request is to create a substandard lot and allow an existing residence to have an insufficient side yard setback located at 2625 and 2635 Waukesha Road, Section 23, Town 4 North, Range 21 East, Town of Raymond. Agent Alan Jasperson had no objection to amending the variance request to change the lot width on Lot #1, the smaller lot, from 145 feet to 150 feet, thus bringing Lot #1 into compliance with the county zoning ordinance and resulting in creation of two parcels meeting the minimum county width and area requirements with one existing home having an insufficient side yard setback. At the Board portion of the hearing, **HENDRIX MOVED, seconded by Charlier**, to approve an amended variance request to adjust the lot width on Lot #1 to 150 feet from the proposed 145 feet and approve the variance request for reduced non-conforming side yard setback to the existing residence on Lot #2. **Motion to approve the variance request, as amended, 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 September 24, 2018. Submitted documentation and public hearing testimony established a need for a revised parcel configuration, with a 150-foot minimum lot width on the smaller of the two lots that meets code requirements, and a reduced side yard setback to the existing residence, and established 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 lots are similar in character to other lots in this area, they meet the zoning district minimum area and width standards, and they will bring the property more into conformance with the current ordinances and Comprehensive Land Use Plan. 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 land division must be located as revised with a 150-foot lot width on the smaller lot. Standard conditions apply. A zoning permit is required to be issued at no charge, after the land division has been recorded with the Racine County Register of Deeds and a copy of the recorded document submitted to and accepted by the Development Services department. Nine-month expiration date (July 2, 2019) to secure the zoning permit.

6. Marc & Andrea Addis -Waterford- Permit was denied and a variance is  
09:50 requested as the proposed wrap-around  
10:39 covered deck addition to the residence will  
have an insufficient shore yard setback and  
exceed 200 sq.-ft. lateral expansion and the  
detached garage will 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 lay over (for up to three meetings) this variance request to construct a first-floor addition with an enclosed entry and

covered wrap-around porch and a second-floor addition to the existing residence and to raze an existing detached garage and construct a 35' x 61' detached garage, located at 29129 Elm Island Drive, Section 26, Town 4 North, Range 19 East, Town of Waterford. This action was taken to allow the applicants time to submit a revised survey to scale and to meet with Development Services staff to explore other options that would lessen the impact of the need for a variance. **Motion carried unanimously. VOTE: 4/0**

10:09 **SCHAAL 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

No other business was presented or discussed.

3. Adjourn  
10:42

There being no further business, **HENDRIX MOVED, seconded by Schaal**, to adjourn at 10:42 a.m.  
**Motion carried unanimously. VOTE: 4/0**