

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

**NOVEMBER 6, 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 November 6, 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 October 2, 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. Whorley Storage, LLC, Owner<br>9:03 Mark Whorley, Applicant<br>9:57 | -Waterford- Permit was denied and a variance is requested as the proposed self-service storage facility building will exceed fifteen (15) feet in height. |
|--|---|

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 allow a proposed self-service storage facility building to exceed fifteen (15) feet in height, located at 8427 Big Bend Road, Section 1, Town 4 North, Range 19 East, 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 objection, pursuant to her correspondence dated October 23, 2018. Submitted documentation and public hearing testimony established a need for a cold-storage structure to exceed ordinance height regulations in order to protect customers belongings from the effects of the outdoor environment and a need to preserve the substantial property rights of the applicants 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 self-storage unit is consistent with the existing development in this area and with the approval granted by the Racine County Economic Development and Land Use Planning Committee on July 17, 2017; it should not impair visibility for traffic; and it should not compromise aesthetics. The current ordinance limits the height restrictions for commercial structures in business zoning districts and creates a hardship in this instance. 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 storage building must be located and sized as shown on the submitted plan received in the Development Services Office on October 10, 2018. The exterior of the proposed storage building must be the same as, or in harmony with, all similar structures on this property. Human habitation is not allowed within the self-storage structures. Standard conditions apply. Permit fee of \$750.00. Nine-month expiration date (August 6, 2019).

2. Thomas & Jackie Otzelberger -Waterford- Permit was denied and a variance is requested as the proposed residence will have insufficient street and side yard setbacks.  
9:08  
10:03

Jensen presented the petition. The Board heard public testimony and communications were read into the record. This variance request is to raze an existing single-family residence and detached garage and construct a new single-family residence with an attached garage and covered porch and patio, located at 28717 Mulberry Lane, Section 12, Town 4 North, Range 19 East, Town of Waterford. At the Board portion of the hearing, **SCHAAL MOVED, seconded by Charlier**, to lay over this petition for up to three meetings, recognizing the unique characteristics of this lot and the challenges that have to be overcome for current and future use of the home. The layover will allow the applicants time to explore other options, including redesigning the proposed residence, repositioning the structure with a greater setback from the road right-of-way, or reducing the size of the proposed residence with garage. The Board requested that the Town of Waterford review potential storm water runoff and possible impact on neighboring properties and submit their findings to the Board. **Motion carried unanimously. VOTE: 4/0**

3. Brian & Marcia Harrig, Owners -Waterford- Permit was denied and a variance is requested as the proposed detached garage will be located on a parcel of land without the presence of a principal structure and will exceed seventeen (17) feet in building height.  
09:41 Bower Design & Construction,  
10:14 Applicant

Jensen presented the petition. The Board heard public testimony and communications were read into the record. This variance request is to construct a 30' x 69' detached garage located on a vacant lot across the street from 7602 Birch Lane, Section 12, Town 4 North, Range 19 East, Town of Waterford. At the Board portion of the hearing, **SCHAAL MOVED, seconded by Charlier**, to lay over the petition for up to six meetings to allow the applicants time to provide additional information that would demonstrate a hardship for the need to construct a garage on a vacant parcel instead of being built on a parcel of land with a principal residence under the same ownership that is located across the street at 7602 Birch Lane. **Motion carried unanimously. VOTE: 4/0**

- 9:57 **HENDRIX MOVED, seconded by Schaal**, to close the public hearing.  
**Motion carried unanimously. VOTE: 4/0**

## **BOARD MEETING**

1. Decision on preceding petitions

2. Marc & Andrea Addis -Waterford- Permit was denied and a variance is  
10:15 *(laid over at the 10/2/2018 public* requested as the proposed wrap-around  
10:27 *hearing)* 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 noted that this variance request was laid over at the public hearing on October 2, 2018. The variance request is 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. At the meeting tonight, the Board unanimously agreed to ask the petitioner for more information regarding the resubmitted plan. **CHARLIER MOVED, seconded by Hendrix**, to approve the variance request, including the location of the garage. Charlier had no objection to Hendrix's suggestion to amend the motion to recognize and take into consideration, the further distance of the traveled road from the platted road and to approve the amended deck plan and addition. **Motion, as amended, carried unanimously. VOTE: 4/0**

The Board approved this variance request as: Submitted documentation and public hearing testimony established a need for additional living space and a covered porch of this size 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 covered porch and detached garage are consistent with the existing development in this area, should not block views to the water, should not compromise aesthetics, and will create a safer access to the structure and to the property for a handicapped individual. The location of a mature oak tree on this property, the unusual lot configuration, irregular shoreline, and the location of the traveled roadway being so far from the road right-of-way create a hardship that limit the proper placement of a covered porch and 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 covered porch and the new garage accessory building must be located as illustrated on the survey with a revision date of October 5, 2018. No human habitation is allowed in the accessory building; it may only be used for storage of the owners' belongings. The exterior of the garage must be the same as, or in harmony with, the exterior of the existing residence. Shoreland condition use approval will be required or recommendations to prevent sedimentation from entering into the Fox River must be followed. There must be no unapproved excavation, filling, construction or other land disturbances within the designated 100-year floodplain. Standard conditions apply. Applicable permit fees for the garage and the residential addition will be required. Nine-month expiration date (August 6, 2019), unless substantial construction commences before that date.

3. Other business as authorized law

No other business was discussed or presented.

3. Adjourn  
10:33

There being no further business, **SCHAAL MOVED**, seconded by Charlier, to adjourn at 10:33 a.m.  
**Motion carried unanimously. VOTE: 4/0**