

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

JANUARY 8, 2019, 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

Staff present: Brian Jensen, Nancy Iglinski

Chairman Bieneman called the January 8, 2019, 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 Hendrix**, to approve the December 4, 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

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|-------|-------------------|--------------|--|
| 1. | Michael R. Thomas | -Burlington- | Two of the proposed lots will have an insufficient lot width and area and will create an insufficient side-yard setback to an existing residence on the southernmost lot and insufficient rear-yard setback on the proposed middle parcel. |
| 09:02 | | | |
| 09:14 | | | |

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 for a land division to create two substandard lots and to allow an existing residence to have an insufficient side-yard setback (to a proposed lot line); located at 3422, 3426, and 3428 Shore Dr.; Sec. 27, T3N, R19E, Town of Burlington. **Motion carried unanimously. VOTE: 3/0**

The Board approved this variance request as: The Racine County Public Works and Development Services Director had no objection to this request, pursuant to her correspondence dated January 7, 2019. Submitted documentation and public hearing testimony established a need for the requested parcel configurations 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 lot divisions are consistent with existing development in this area; the proposed lots are similar in character to other lots in this area; the existing structures will remain as is with only the interior property lines being adjusted; the unusual lot configuration, as well as three homes on two lots, create a hardship and limit the code-compliant parcels. The request does not appear to create substantial detriment to adjacent property, as there was no opposition shown at the public hearing and an area property owner submitted oral 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.

The Board granted approval of this variance request subject to: The proposed lot configurations must be located and sized as shown on the submitted plan dated December 12, 2018. The variance approval for the lot divisions will run in perpetuity with the land. A registered land surveyor must survey each parcel and the parcels must be recorded with the Racine County Register of Deeds Office. Proof of such must be submitted to the Development Services Office within six (6) months from the date of this approval.

09:14: **HENDRIX MOVED, seconded by Schaal**, to close the public hearing.
Motion carried unanimously. VOTE: 3/0

BOARD MEETING

1. Decision on preceding petition

2. 09:15 09:21	Brian & Marcia Harrig Bower Design & Construction, Agent (Laid over on 11/06/2018)	-Waterford- 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.
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Jensen presented the request and provided background information. The variance request laid over on November 6, 2018, was 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. The Board laid over the petition in order 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. **HENDRIX MOVED, seconded by Schaal**, to approve the variance request as presented. **Motion carried unanimously. VOTE: 3/0**

The Board approved this variance request as: The Racine County Public Works and Development Services Director recommended approval pursuant to her correspondence dated January 7, 2019. Submitted documentation and public hearing testimony established a need for a garage of this size to protect the owners' belongings from the effects of the outdoor environment 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 garage should not block views to the water; it should not impair visibility for traffic, it should not compromise aesthetics and will be more aesthetically pleasing to the neighborhood; and it will provide security for the owners' belongings. 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 must be located and sized as shown on the submitted revised plan received in the Development Services Office on December 21, 2018. A deed restriction indicating that the parcels may not be sold independently of each other must be recorded with the Register of Deed's Office. Proof of such must be submitted to the Development Services Office within six (6) months from the date of this approval.

The accessory structure must not be used for human habitation. The exterior of the detached garage must be the same as, or in harmony with, the exterior of the future residence that will be constructed across the street. Standard conditions apply. Permit of \$105.00. Nine-month expiration date (October 8, 2019).

3. Thomas & Jackie Otzelberger -Waterford- Proposed residence will have
09:27 (Laid over on 11/06/2018) insufficient street and side-yard
09:29 setbacks.

Jensen presented the request and provided background information. The variance request laid over on November 6, 2018, was 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. The Board laid over the petition in order to allow the applicants time to provide additional documentation that would demonstrate that a nonconforming use of a second residence existed on this property before the adoption of County Zoning by the Town of Dover on February 11, 1974, and was in continuous use from 1974 to the present, without there ever being a lapse of 12 consecutive months. **SCHAAL MOVED, seconded by Hendrix, to approve the variance request as presented. Motion carried unanimously. VOTE: 3/0**

The Board approved this variance request as: The Racine County Public Works and Development Services had no objection, pursuant to her correspondence dated January 7, 2019. Submitted documentation and public hearing testimony established a need for a garage of this size to protect the owners' belongings from the effects of the outdoor environment and the need to preserve the 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 existing development in this area; it should not block views to the water; it should not compromise aesthetics; the location should not impair visibility for traffic and will not impact safety as this is a low-volume, non-through traveled roadway. The regulated floodplain creates a hardship and limit the location of 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 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 single-family residence with attached garage must be located and sized as shown on the submitted revised survey dated December 14, 2018. Racine County shoreland conditional use approval must be obtained before a zoning permit may be issued. There must be no unapproved excavation, filling, construction or other land disturbances with the designated 100-year floodplain. Standard conditions apply. Permit fee of \$345.00 for the residence and \$225.00 for the shoreland contract. Nine-month expiration date (October 8, 2019).

4. RKBK Real Estate, LLC -Waterford- Request to extend the variance
09:33 Stone Brook Homes, Agent approval granted on 04/03/2018
09:36

Jensen presented the extension request and provided background information. The original request was to raze a nonconforming residence, patio and detached garage and construct a single-family residence with attached garage and patio located at 7423 N. Tichigan Drive, Section 11, Town 4 North, Range 19 East, in the Town of Waterford.

HENDRIX MOVED, seconded by Schaal, to approve an extension for up to nine months (October 8, 2019). **Motion carried unanimously. VOTE: 3/0**

5. Other business as authorized law

No other business was presented or discussed.

6. Adjourn
09:38

There being no further business, **HENDRIX MOVED, seconded by Schaal**, to adjourn at 09:38 a.m. **Motion carried unanimously. VOTE: 3/0**