

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

FEBRUARY 5, 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

Board members excused: Don Charlier

Staff present: Brian Jensen

Chairman Bieneman called the February 5, 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 January 8, 2019, 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

- | | | | |
|-------|---|-------------|---|
| 1. | Julie & Justin Klawitter
D & D Construction, Agent | -Waterford- | The proposed residence will have insufficient street and shore yard setbacks. |
| 09:02 | | | |
| 09:20 | | | |

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 non-conforming residence and construct a single-family residence with an attached garage, partially covered and screened-in first-floor deck and an uncovered second-floor deck; located at 6507 Riverside Road; Sec. 14, T4N, R19E, Town of Waterford. **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 17, 2019. Submitted documentation and public hearing testimony established a need for a residence to be located at this site further from the Ordinary High Water Mark than what presently exists and a 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 residence is consistent with the existing development in this area; it should not block views to the water; the location should not impair visibility for traffic and it should not compromise aesthetics; and it will be located further from the Ordinary High Water Mark than what presently exists. The substandard lot creates a hardship and limits the location for proper placement of a residence on this property. The request does not appear to create substantial detriment to adjacent property, as one area property owner gave oral support of this variance and 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 residence must be located and sized as shown on the submitted survey dated October 23, 2018. Racine County shoreland conditional use approval must be obtained before a zoning permit may be issued. Standard conditions apply. Permit fees: \$345.00 (zoning permit for residence) and \$225.00 (shoreland contract). Nine-month expiration date (November 5, 2019).

2. Robert L. Bowker & Susan H. Bowker -Waterford- The proposed one-story addition will
09:11 Trust have an insufficient shore yard setback
09:24 Jonathan P. Schattner, Agent and will exceed 200-sq.ft. lateral
expansion.

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 20' x 20' one-story addition to the existing residence; located at 28535 Cedar Lane; Sec. 2, T4N, R19E, Town of Waterford. **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 17, 2019. Submitted documentation and public hearing testimony established a need for additional living space in this structure and a 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 addition is consistent with the existing development in this area; it should not block views to the water; it should not compromise aesthetics; and it preserves the architectural integrity of the existing building on the property. In addition, the existing structure was built prior to the adoption of the revised Racine County Zoning Ordinance and the proposed addition conforms more with the footprint of the residence than what presently exists. Unusual lot configuration, such as the meandering shoreline, and other obstructions, create a hardship and limit the location for proper placement of a residential 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, as the existing structure was built prior to the adoption of the revised Racine County Zoning Ordinance.

The Board granted approval of this variance request subject to: The proposed addition must be located and sized as shown on the submitted plan dated January 10, 2019. The exterior of the addition must be the same as, or in harmony with, the exterior of the previous addition to the residence. Racine County shoreland conditional use approval must be obtained before a zoning permit may be issued. A mitigation plan must be submitted to the Development Services Office for acceptance and approval prior to the issuance of the zoning permit to help offset the possible effects of the addition. Standard conditions apply. Permit fees: \$110.00 (zoning permit for addition) and \$225.00 (shoreland contact). Nine-month expiration date (November 5, 2019).

09:20 **HENDRIX MOVED, seconded by Schaal**, to close the public hearing.
Motion carried unanimously. VOTE: 3/0

BOARD MEETING

1. Decision on preceding petitions

2. Tom and Debra Westenberger -Burlington- Request to extend the variance
09:30 approval granted on 03/06/2018

Jensen presented the extension request and provided background information. The original request was to construct first- and second-floor additions to an existing residence, with a covered and uncovered deck and covered concrete porch, located at 4313 Lake Street, Section 33, Town 3 North, Range 19 East, in the Town of Burlington. **HENDRIX MOVED, seconded by Schaal**, to approve an extension as presented for up to nine months (November 5, 2019). **Motion carried unanimously. VOTE: 3/0**

5. Other business as authorized law

No other business was presented or discussed.

6. Adjourn
09:33

There being no further business, **SCHAAL MOVED, seconded by Hendrix**, to adjourn at 9:33 a.m. **Motion carried unanimously. VOTE: 3/0**