

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

APRIL 2, 2019, 9:00 A.M.

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

(NOTE: Audio recording from Racine County is available upon request. These minutes are intended as a summary of actions taken by the Committee and do not include verbatim or detailed accounts of all comments made by staff, the Committee and members of the general public present at the meeting.)

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

Staff present: Brian Jensen, Nancy Iglinski

Chairman Bieneman called the April 2, 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 Jasperson**, to approve the March 5, 2019, 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

- | | | | |
|-------|-----------------------------------|--------------|-------------------------------------|
| 1. | Lowell Nickerson & Patricia Bacun | -Waterford - | The proposed residence will have an |
| 09:02 | Attorney Jennifer Gorn, Agent | | insufficient shore yard setback. |
| 09:19 | | | |

Jensen presented the petition. The Board heard public testimony and communications were read into the record. This variance request is to raze an existing residence and construct a two-story, single-family residence with an attached garage, located at 28924 Beach Drive Section 14, Town 4 North, Range 19 East, Town of Waterford. At the Board portion of the hearing, **HENDRIX MOVED, seconded by Jasperson**, to approve this variance request as submitted and to approve a building envelope that will be no closer than 26 feet to the road right-of-way and 35 feet to the shoreline. **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 March 11, 2019. Submitted documentation and public hearing testimony established a need for a residence to be located 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 residence is consistent with the existing development in this area, it should not compromise aesthetics, it should have less impact on the neighboring property than the existing dwelling, and it should be located further from the Ordinary High Water Mark than what presently exists. The unusual lot configuration, and the fact that a building envelope does not exist when applying required setbacks, create a hardship and limit the location 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, one area property owner submitted oral support for this proposal, 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 plat of survey prepared by Gary B. Foat, with a revision date of February 5, 2019. The residence may not be closer than 26 feet to the road right-of-way and may not be closer than 35 feet to the Ordinary High Water Mark of Tichigan Lake. Racine County shoreland conditional use approval must be obtained prior to the issuance of a zoning permit. Standard conditions apply. Permit fee of \$345.00 for the residence and \$225.00 for the shoreland contract. Nine-month expiration date (January 2, 2020).

09:19 **HENDRIX MOVED, seconded by Jasperson, to close the public hearing.**
Motion carried unanimously. VOTE: 4/0

BOARD MEETING

1. Decision on preceding petition

2. Other business as authorized law

09:24

Jensen noted that Dave Hendrix and Don Charlier have indicated their desire to renew their terms on the Board of Adjustment which are due to expire in June of this year. The reappointment process has been initiated for both.

3. Adjourn

09:25

There being no further business, **SCHAAL MOVED, seconded by Jasperson, to adjourn at 9:25 a.m.**
Motion carried unanimously. VOTE: 4/0