

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

October 1, 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, B. Jean Schaal

Board members excused: none

Staff present: Brian Jensen, Kim Parsons

Chairman Bieneman called the October 1, 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 explained meeting procedures.

Preceding the public hearing, **SCHAAL MOVED, seconded by Hendrix**, to approve the September 3, 2019, Racine County Board of Adjustment public hearing and board meeting summary minutes as presented. **Motion carried unanimously – VOTE: 3/0**

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.

Following are the items presented and the Board's actions.

PUBLIC HEARING

- | | | | |
|-------------|---|-----------|---|
| 1.
09:02 | JRP Properties LLC
Dennis Lynch, Applicant | -Norway - | The concrete fire pit, landscape block wall and gravel patio will have an insufficient shore yard setback and exceed the maximum 200-sq.ft. of open sided structures within 75-foot shore yard setback (constructed without permits). |
|-------------|---|-----------|---|

Jensen presented the petition. The Board heard public testimony and communications were read into the record. At the Board portion of the hearing, **BIENEMAN MOVED, seconded by Hendrix**, to approve this variance request to allow a concrete fire pit, landscape block wall and gravel patio to remain as constructed, located at 6232 Briarwood Cr., Sec. 14, T4N, R19E, Town of Waterford. **Motion carried. VOTE: 3/0.**

The Board approved this variance request as: Submitted documentation and public hearing testimony established a need for a fire pit, block landscaped wall and gravel area in this location 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 fire pit, block wall and gravel area should not block views to the water, shall be located entirely upon this property, it should not compromise aesthetics, is not sloped towards the lake; and, appears to be located similarly from

the Ordinary High Water Mark of the previous fire pit. The slope of the property creates a hardship and limit the location for proper placement on this property. The request does not appear to create substantial detriment to adjacent property, as there was an area property owner submitted oral support for this proposal. An area property owner opposition concerns were mainly storm water drainage related, 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 will work with Development Services department to develop, implement and maintain mitigation measures to offset the impervious surface created from this construction.

This variance is being granted subject to the following conditions: The fire pit landscape wall and gravel area shall be located and sized as shown on the plat of survey dated August 30, 2018. A mitigation plan shall be submitted to the Development Services department, reviewed and approved before a zoning permit may be issued. The mitigation plan shall illustrate the location of plantings and a narrative of the type and number of plantings shall be submitted. The plan should show existing and proposed plantings and/or rain garden in the shore yard and plantings must be maintained in perpetuity with any dead or diseased vegetation replaced on an as-needed basis. There must be no unapproved excavation, filling, construction or other land disturbances within the designated 100-year floodplain. Standard conditions apply. Permit fee of \$500.00 (quadruple fee for construction before permit and approval obtained. Nine-month expiration date (July 1, 2020).

09:48 **SCHAAL MOVED, seconded by Hendrix, to close the public hearing.
Motion carried unanimously. VOTE: 3/0**

BOARD MEETING

1. Decision on preceding petition
09:49
2. Other business as authorized law
09:52 **None**
3. Adjourn
10:06

There being no further business, **SCHAAL MOVED, seconded by Hendrix, to adjourn at 10:06 a.m.
Motion carried unanimously. VOTE: 3/0**