

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

November 5, 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, B. Jean Schaal, Dave Hendrix

Board members excused: none

Staff present: Brian Jensen, Kim Parsons

Chairman Bieneman called the November 5, 2019, Racine County Zoning Board of Adjustment public hearing to order at 9:01 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 October 1, 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. Phillip Goldstein 1995 Irrev. -Burlington- The proposed residence will have
09:04 Trust Dated March 1, 1985. insufficient shore yard setback.
Bob Riggs Construction, Inc.,
Agent

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 deny this variance request to allow a new residence to be constructed in the same location as existing residence at 2115 Browns Lake Dr., Sec. 27, T3N, R19E, Town of Burlington. **Motion carried. VOTE: 3/0**

The Board denied this variance request as: The Racine Public Works & Development Services Director does not support this variance request pursuant to the memorandum dated October 31, 2019. The Board may not grant a variance that is inconsistent with the purpose and intent of the regulations for the district in which the project is located and the proposed residence is inconsistent with such as it would have insufficient shore yard setback, which is contrary to zoning objectives. There were no exceptional, extraordinary or unusual circumstances or conditions that apply to this parcel to allow for the granting of a variance. No unnecessary

hardship was demonstrated that would unreasonably prevent the owner(s) from using the property for the permitted purpose allowed by code. The requested variance approval is not necessary to provide a reasonable use of the property. The applicant has other options available that will comply with the zoning ordinance including building a code-complying structure on this parcel.

2. Emily Sauer, Owner -Waterford- The proposed residential building
09:15 Patricia Kallaus, Applicant envelope will have insufficient shore
yard setback.

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 for a future building envelope with a reduced shore yard setback for a lot north of 7442 Poplar Cir., Sec. 12, T4N, R19E, Town of Waterford, as enforcement of current setbacks would not allow for a buildable area on this site. **Motion carried. VOTE: 3/0**

The Board approved this variance request as: The Racine Public Works & Development Services Director recommended approval pursuant to her memorandum dated October 31, 2019. Submitted documentation and public hearing testimony established a need for a residential building envelope with a reduced shore yard setback be allowed to preserve the substantial property rights of the owner's that are also enjoyed by others in the area. The variance does not appear to be inconsistent to the purpose and spirit of the ordinance as the proposed building envelope is consistent with existing development in this area. The building envelope location should not impair visibility for traffic and should not compromise aesthetics. Severe topography, unusual lot configuration, as well as other obstructions create a hardship and limit the location for proper placement of a future residence on this property. The request does not appear to create substantial detriment to adjacent property as there is 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 and applying the shore yard and street yard setbacks would render this parcel unbuildable.

This variance is being granted subject to the following conditions: The residential building envelope shall be located and sized as shown on the submitted survey dated revised September 30, 2019. The applicant shall submit a plotted survey showing a staked location on the drawing prior to the issuance of the zoning permit. The variance shall run in perpetuity with the land. The future residence will be subject to the permit fee at the time of construction.

3. John and Tracy Musta, -Waterford- The proposed garage addition will
09:25 Owner/applicants exceed the accessory structure
maximum aggregate total footprint area
and the retaining wall will have an
insufficient shore yard setback.

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 these variance requests to allow the proposed garage addition and installation of retaining wall at 7004 N. Tichigan Rd., Sec 11, T4N, R19E, Town of Waterford. **Motion carried. 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 October 31, 2019. Submitted documentation and public hearing testimony established a need for a garage of this size to protect the owner's belongings from the effects of the outdoor environment and the need for additional storage space due to high ground water table and lack of a basement, and the retaining wall is needed to provide additional fill depth for increased frost protection and the potential for a swale to be installed to direct storm waters away from the neighboring property 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 addition to the garage and the retaining wall are consistent with the existing development in this area, it should not block the use of the water, should not impair visibility for traffic and should not compromise aesthetics. The unusual lot configuration and high ground water table as well as other obstructions, create a hardship for proper placement of a garage addition and retaining wall on this property. 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.

This variance is being granted subject to the following conditions: The proposed garage addition and retaining wall shall be located and sized as shown on the submitted plotted survey dated October 1, 2019. The addition of the garage must be the same as or in harmony with the exterior of the building to which it is being attached. Land Conservation recommendations for shoreland protection. The \$65.00 zoning permit card fee is needed prior to beginning this project. This variance will expire on August 5, 2020.

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

BOARD MEETING

1. Decisions on preceding petitions

2. Other business as authorized law
10:09

Jensen discussed a Board of Adjustment Workshop on November 15, 2019 in Kenosha, if committee members wish to attend, the Racine County will pay the registration fee.

4. Adjourn
10:11

There being no further business, **SCHAAL MOVED, seconded by Hendrix, to adjourn at 10:11 a.m. Motion carried unanimously. VOTE: 3/0**