

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

**MAY 7, 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: Don Charlier

Staff present: Brian Jensen, Nancy Iglinski

Chairman Bieneman called the May 7, 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 April 2, 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.	Thomas & Jane Laurent	-Waterford -	The proposed accessory structure will be located on a parcel of land without the presence of a principal structure.
09:02			
09:39			

Jensen presented the petition. The Board heard public testimony and communications were read into the record. This variance request is to construct a 40' x 48' accessory structure, located on a vacant parcel adjacent to 6701 Spruce Lane, Section 14, Town 4 North, Range 19 East, Town of Waterford. At the Board portion of the hearing, **SCHAAL MOVED, seconded by Bieneman**, to approve this variance request. **Motion carried. VOTE: 2/1, with Hendrix dissenting.**

The Board approved this variance request as: The Racine County Public Works and Development Services Director had no objection, pursuant to her correspondence dated May 6, 2019. Submitted documentation and public hearing testimony established a need for an accessory structure of this size to protect the owners' belongings from the effects of the outdoor environment and a need to preserve the substantial property rights of others that are also enjoyed by others in the area. The variance does not appear to be contrary to the purpose and spirit of the ordinance, as the proposed accessory structure is consistent with the existing development in this area, as demonstrated by other properties in the same situation, and it should not compromise aesthetics. The substandard lot size of the existing residential property appears to prohibit an area for construction of an accessory building and creates a hardship and limits the proper location of an accessory structure on the property with the single-family residence. The request does not appear to create substantial detriment to adjacent property, as there was no opposition shown at the public hearing and several area property owners submitted written support for this proposal.

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 accessory structure must be located and sized as shown the submitted survey prepared by Gary B. Foat, Registered Land Surveyor, dated March 2019. The exterior of the accessory structure must be of neutral color. Racine County Land Conservation recommendations apply. Standard conditions apply. Permit fee of \$105.00. Nine-month expiration date (February 7, 2020).

2. 09:15 09:45	Mark & Laura Gerber Thomas, Stelling, Agent	-Burlington -	The existing residences are less than 35 feet from the Ordinary High-Water Mark (OHWM) and the proposed addition will exceed 200 square-foot lateral expansion.
----------------------	--	---------------	---

Jensen presented the petition. The Board heard public testimony and communications were read into the record. This variance request is to construct a two-story addition to connect two existing residences and create one single-family residence, located at 30510 and 30514 Forest Drive, Section 27, Town 3 North, Range 19 East, in the Town of Burlington.

At the Board portion of the hearing, **SCHAAL MOVED, seconded by Hendrix**, to approve this variance request. **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, pursuant to her correspondence dated May 6, 2019. Submitted documentation and public hearing testimony established a need for additional living space added to the structures 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 will not be closer to the Ordinary High Water Mark (OHWM) than the two existing residences; it should not block views to the water; and it should not compromise aesthetics. The owners will remove some existing structures and impervious surfaces, thereby reducing the total amount of impervious surfaces on these properties, and the shoreline mitigation plan as presented in the application will be implemented to help offset negative effects to the waterway. The request does not appear to create substantial detriment to adjacent property, as there was no opposition shown at the public hearing and the Hall's Point Property Owners Association submitted written support for this proposal. 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 addition to the residences must be located and sized as shown on the submitted plan received in the Development Services Office on April 11, 2019. The exterior of the addition must be the same as, or in harmony with, the exterior of the existing residences. Racine County Land Conservation recommendations apply, including grading, seeding and sedimentation control recommendations on the site. Mitigation measures must be taken as shown on the proposed plan and the mitigation plan must be implemented no later than June of 2020. Shore yard plantings must be maintained in perpetuity, with any dead or diseased vegetation replaced on an as-needed basis. Standard conditions apply. Permit fee of \$135. Nine-month expiration date (February 7, 2020).

9:38 **SCHAAL MOVED, seconded by Hendrix**, to close the public hearing.  
**Motion carried unanimously. VOTE: 3/0**

### **BOARD MEETING**

1. Decision on preceding petitions

2. Mitchell P. Kahn -Burlington - Request to extend the August 7,  
09:50 2018 variance approval

Jensen presented the extension request and provided background information. The original request was to allow an uncovered deck (constructed without approvals) within the shore yard setback area, located at 8005 West Lakeshore Drive, Section 10, Town 2 North, Range 19 East, in the Town of Burlington. **SCHAAL MOVED, seconded by Hendrix**, to approve an extension for up to nine months (February 7, 2020). **Motion carried unanimously. VOTE: 3/0**

3. Other business as authorized law  
09:52

Jensen noted that recently appointed Board Member Alan Jaspersen is no longer able to serve on the Board of Adjustment as a result of Raymond's incorporation as a village on April 15, 2019.

4. Adjourn  
09:55

There being no further business, **SCHAAL MOVED, seconded by Hendrix**, to adjourn at 9:55 a.m.  
**Motion carried unanimously. VOTE: 3/0**