

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

May 5, 2020, 9:00 A.M.

Pursuant to the Racine County Executive’s Administrative Order Dated March 26, 2020 this meeting is being held via phone conferencing and no personal gathering will take place. The call-in phone number and meeting passcode are as follows: Dial in 606-653-0291 Passcode: 4324074. If you have other special needs, please contact the Public Works & Development Services Department, 14200 Washington Avenue, Sturtevant, Wisconsin 53177, (262) 886-8440 or via e-mail (RCPUBLICWORKS@Racinecounty.com).

(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, Fred Chart

Board members excused: none

Staff present Jarmen Czuta, Kim Parsons

Chairman Bieneman called the May 5, 2020, 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, **HENDRIX MOVED, seconded by Schaal**, to approve the March 3, 2020, Racine County Board of Adjustment public hearing and board meeting summary minutes as presented. **Motion carried unanimously. VOTE: 4/0**

Jarmen Czuta announced that Board members may have visited the site 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. Konstantinos & Susan -Burlington- The proposed in-ground pool with
9:04 Haramaras approach will have an insufficient shore yard setback.

Czuta 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 raze the existing residence, detached garage and shore yard decking and stairway and construct a single-family residence with attached garage and an in-ground pool with approach, located at 30401 Cedar Drive, Section 27, Town 3 North, Range 19 East, in the Town of Burlington. **Motion carried. VOTE: 4/0**

The Board approved this variance request as: the Racine County Public Works and Development Services Director had no objection pursuant to her correspondence dated April 23, 2020, submitted documentation and public hearing testimony established a need for an in-ground pool and approach and the need to preserve the substantial property rights of the

owner 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 in-ground pool and approach is consistent with existing development in this area, it should not block views to the water, and it will be more in harmony with zoning requirements than what presently exists. Steep slopes, unusual lot configuration, as well as other obstructions, create a hardship and limit the location for proper placement of an in-ground pool and approach on this property. The request does not appear to create substantial detriment to adjacent property as there was no significant opposition shown at the public hearing, an area property owner submitted written 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.

This variance is being granted subject to the following conditions: Before beginning this project, the applicant must obtain a shoreland conditional use contract after paying the required fee of \$250.00. In addition, the applicant must obtain zoning permit cards from this office after paying the required fees of \$500.00 (single-family residence with attached garage) and \$150.00 (in-ground pool and approach and shore yard wood stairs). These cards must be displayed in a prominent location at the project site. Also, a copy of these conditions must be kept at the project site at all times until the project has been completed. This variance approval will expire on February 5, 2021, unless substantial work has commenced pursuant to such grant. No construction may begin after such time unless the Racine County Board of Adjustment grants an extension in writing. The proposed in-ground pool and approach shall be located and sized as shown on the submitted plans received by the Racine County Development Services office on April 9 and 21, 2020. Prior to zoning permit issuance the owner must submit a revised survey/plan to the Racine County Development Services office for review and approval that illustrates the setback of both the in-ground pool and the approach from the ordinary high water mark of Browns Lake. The revised survey/plan must also illustrate the square footage of the in-ground pool and the approach that is within 75 feet of the ordinary high-water mark of Browns Lake. Prior to zoning permit issuance, the owner must submit a shore yard plantings mitigation plan to the Racine County Development Services office for review and approval that illustrates the location, square footage and species of shore yard plantings that will be implemented. The square footage of the proposed shore yard plantings must be equal to or exceed the square footage of the in-ground pool and approach that are within 75 feet of the ordinary high-water mark of Browns Lake. This variance decision is subject to the WI DNR approval and conditions unless no response or comments are received within 30 days from the DNR receipt of the public hearing mailing. There must be no unapproved excavation, filling, construction, or other land disturbances within the designated 100-year floodplain. The applicants must allow full and unlimited access to the project site at a reasonable time to any Public Works and Development Services Department employee who is investigating the project's construction, operation, or maintenance. The applicants are responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses and for abiding by all applicable codes and regulations. No additions, deletions, or changes may be made to these conditions without the prior approval of the Zoning Board of Adjustment. Failure to comply with the terms and conditions stated herein may result in the issuance of citation(s) and/or revocation of this approval/permit.

(9:40) **SCHAAL MOVED**, seconded by Hendrix, to close the public hearing. **Motion carried.**
VOTE: 4/0

BOARD MEETING

A. Decision on preceding petition

B. Marc & Andrea Addis -Waterford- Request to extend the variance approval
9:50 granted on 11/06/2018. Previously
extended on 09/03/2019.

Czuta presented the extension request and provided background information. The original request was to construct a first-floor addition with an enclosed entry and covered wrap-around porch and a second-floor addition to the existing residence and a 35'x61' detached garage, located at 29129 Elm Island Drive, Section 26, Town 4 North, Range 19 East, in the Town of Waterford. **HENDRIX MOVED, seconded by Schaal**, to approve the extension request and deadlines for up to nine months (February 5, 2021), with all applicable portions of the variance approval letter dated November 6, 2018, remaining in effect and also subject to paying the \$50.00 zoning permit extension fee for the 35' x 61' detached garage. **Motion carried unanimously. VOTE: 4/0**

C. Other business as authorized law
9:54

None

D. Adjourn
9:55

There being no further business, **SCHAAL MOVED, seconded by Chart**, to adjourn at 9:55 a.m. **Motion carried unanimously. VOTE: 4/0**