

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

July 7, 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, Brian Jensen

Others present: John Serkitech, Racine County Assistant Corporation Counsel

Chairman Bieneman called the July 7, 2020, Racine County Zoning Board of Adjustment public hearing to order at 9:02 a.m. Board members were introduced by roll call and Chairman Bieneman explained meeting procedures.

Preceding the public hearing, **SCHAAL MOVED, seconded by Chart**, to approve the May 5, 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 sites prior to this meeting, and pertinent information obtained during the visits 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. Hincz, LLC. -Waterford- The proposed single-family residence with attached garage and uncovered deck will have insufficient side yard setback and the proposed detached garage will have insufficient street and shore yard setbacks.
- 9:04 Tom Hincz, Applicant

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 Chart**, to approve this variance request to raze the existing residence and detached garage and construct a single-family residence with attached garage and uncovered deck and a detached garage, located at 29113 White Oak Lane, Section 14, Town 4 North, Range 19 East, in the Town of Waterford. **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 June 30, 2020, submitted documentation and public hearing testimony established a need for a single-family residence with attached garage and uncovered deck and a detached garage to be located on this site 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 previously existing structures were built prior to the adoption of the revised Racine County Zoning Ordinance and the proposed single-family residence with attached garage and uncovered deck and detached garage will not encroach further into the shore yard setback. Unusual lot configuration, as well as other obstructions, create a hardship and limit the location for proper placement of a single-family residence with attached garage and uncovered deck and a detached garage 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, 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 zoning permit cards from this office after paying the required fees of \$500.00 (single-family residence with attached garage and uncovered deck and \$85.00 (detached garage). 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 April 7, 2021, unless substantial work has commenced pursuant to such grant, or, an application for extension is submitted to this office before the expiration date and said extension request shall be placed upon the next available agenda. No construction may begin after such time unless the Racine County Board of Adjustment grants an extension in writing. The proposed single-family residence with attached garage and uncovered deck and detached garage shall be located and sized as shown on the submitted survey dated April 22, 2019 and revised June 6, 2020.

Prior to zoning permit issuance, the owner must submit the required pervious paver documentation to the Racine County Development Services office for review and approval and ultimately recording this documentation with the Racine County Register of Deeds office as a mitigation plan. To prevent sedimentation from entering onto an abutting property or into Tichigan Lake, silt fencing must be installed as illustrated on the submitted plat of survey. Silt fence shall remain in-place and be maintained until the area is no longer susceptible to erosion; remove silt fence when vegetation is established. See attached "Silt Fence" sheet for installation instructions. Do not allow stockpiles or soil disturbances beyond the property lines. Stockpiles must be located within the confines of the silt fence, with side slopes of 2:1 or flatter. The topsoil stockpile must be temporarily seeded within seven (7) days after formation. All other disturbed soil must be temporarily seeded within seven days after the foundation is backfilled or the rough grading is completed. Seed all disturbed soils with five (5) lbs. of perennial ryegrass per 1,000 sq. ft. and mulch. Backfill must slope away from the structures and all slopes must be 3:1 or flatter. All excess earth not used for immediate backfilling of the proposed structure must be removed from the property. Storm water drainage plan review, approval, and regulation are the Town's responsibility. The property owner must contact the Town for approval of the proposed finished yard grades and any proposed changes to the storm water drainage patterns on-site. The Town has the authority to not issue a building permit until they

have approved a storm water drainage plan for the site. Use existing driveways and concrete pads for vehicles and equipment on the west section of the property. A gravel pad must be installed immediately after the start of soil disturbance on the site. It must consist of at least six inches of 2 inch to 3-inch aggregate, and it must extend from the road to the structure. During construction, this site must have graveled roads, access drives, and/or parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road must be removed by street cleaning (not flushing) before the end of each workday or as determined by the jurisdictional highway authority. All structures must have rain gutters and downspouts installed on all roofs within 14 days after the completion of the roof and associated fascia treatment. Downspouts must outlet away from the buildings in a manner to prevent soil erosion. A minimum of three inches of topsoil must be on the surface prior to seeding and/or sodding. The shoreline is partially protected with various stabilization. Adding rock riprap should be considered to further stabilize the shoreline. Permanent seeding and mulching or sodding of all disturbed soil areas must be completed within 7 days after final grading. Permanent seeding must be completed prior to September 15, 2020. The site may need to be stabilized with straw; mulch or erosion control fabric for fall/winter if final grading and seeding is not completed by September 15. See the attached seeding recommendations.

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. Increased flood insurance premiums and risk to life and property may result from the granting of this variance.

The applicant 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 applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses and for abiding by all applicable codes and regulations. Minor changes may be approved by Development Services staff through a revised zoning permit if said changes are the same as or more in conformance with this approval. No other 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.

2. David Durand
9:24 Thomas Stelling, Agent

-Waterford- The proposed residence will have insufficient street yard setbacks and will exceed the maximum height allowed for a substandard lot.

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 amend and approve the shoreland conditional use approval and variance request to raze two detached garages and construct a single-family residence with attached garage, located on a lot south of 5509 W. Peninsula Dr., Section 23, Town 4 North, Range 19 East, in the Town of Waterford. Amendment to the variance request requires that the proposed single-family residence with attached garage be restricted to a maximum height of thirty (30) feet. The revised height of the proposed residence with attached garage must be illustrated on revised

architectural drawings and a copy of the revised architectural drawings must be submitted to the Racine County Development Services office.

The Board approved this variance request as: the Racine County Public Works and Development Services Director had no objection pursuant to her correspondence dated June 30, 2020, submitted documentation and public hearing testimony established a need for a single-family residence with attached garage to be located on this site 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 single-family residence with attached garage is consistent with the existing development in this area. Unusual lot configuration, as well as other obstructions, create a hardship and limit the location for proper placement of a single-family residence with attached garage 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, 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 subject to the following conditions:

Before beginning this project, the applicant must obtain a zoning permit card from this office after paying the required fee of \$500.00 (single-family residence with attached garage). This card 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 April 7, 2021, unless substantial work has commenced pursuant to such grant, or, an application for extension is submitted to this office before the expiration date and said extension request shall be placed upon the next available agenda. No construction may begin after such time unless the Racine County Board of Adjustment grants an extension in writing. The proposed single-family residence with attached garage shall be located and sized (revised to a maximum height of thirty (30) feet) as shown on the submitted survey dated June 11, 2020 and last revised July 1, 2020. The proposed single-family residence with attached garage is restricted to a maximum height of thirty (30) feet. The revised height of the proposed residence with attached garage must be illustrated on revised architectural drawings and a copy of the revised architectural drawings must be submitted to the Racine County Development Services office for review and approval prior to zoning permit issuance. Prior to zoning permit issuance, the owner must submit the required pervious concrete/paver documentation to the Racine County Development Services office for review and approval and ultimately recording this documentation with the Racine County Register of Deeds office as a mitigation plan. To prevent sedimentation from entering onto an abutting property or areas of concentrated flow, silt fencing must be installed as illustrated on the submitted plat of survey. Silt fence shall remain in-place and be maintained until the area is no longer susceptible to erosion; remove silt fence when vegetation is established. See attached "Silt Fence" sheet for installation instructions. Do not allow stockpiles or soil disturbances beyond the property lines. Stockpiles must be located within the confines of the silt fence, with side slopes of 2:1 or flatter. The topsoil stockpile must be temporarily seeded within seven (7) days after formation. All other disturbed soil must be temporarily seeded within seven days after the foundation is backfilled or the rough grading is completed. Seed all disturbed soils with five (5) lbs. of perennial ryegrass per 1,000 sq. ft. and mulch. Backfill must slope away

from the structures and all slopes must be 3:1 or flatter. All excess earth not used for immediate backfilling of the proposed structure must be removed from the property. Only remove trees as necessary for construction. Storm water drainage plan review, approval, and regulation are the Town's responsibility. The property owner must contact the Town for approval of the proposed finished yard grades and any proposed changes to the storm water drainage patterns on-site. The Town has the authority to not issue a building permit until they have approved a storm water drainage plan for the site. A gravel driveway must be installed immediately after the start of soil disturbance on the site. It must consist of at least six inches of 2 inch to 3-inch aggregate, and it must extend from the road to the structure. During construction, this site must have graveled roads, access drives, and/or parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road must be removed by street cleaning (not flushing) before the end of each workday or as determined by the jurisdictional highway authority. All structures must have rain gutters and downspouts installed on all roofs within 14 days after the completion of the roof and associated fascia treatment. Downspouts must outlet away from the buildings in a manner to prevent soil erosion. A minimum of three inches of topsoil must be on the surface prior to seeding and/or sodding. Permanent seeding and mulching or sodding of all disturbed soil areas must be completed within 7 days after final grading. Permanent seeding must be completed prior to September 15, 2020. The site may need to be stabilized with straw; mulch or erosion control fabric for fall/winter if final grading and seeding is not completed by September 15. See the attached seeding recommendations. 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. The applicant 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 applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses and for abiding by all applicable codes and regulations. Minor changes may be approved by Development Services staff through a revised zoning permit if said changes are the same as or more in conformance with this approval. No other 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.

(9:42) **SCHAAL MOVED, seconded by Chart, to close the public hearing. Motion carried. VOTE: 4/0**

BOARD MEETING

A. Decision on preceding petition

B. James & Pamela Sluka -Waterford- Request to amend and extend the
9:49 variance approval granted on
03/05/2019, zoning permit to expire
September 27, 2020.

Czuta presented the amendment and extension request and provided background information and public testimony and communications were read into the record. The original request was to construct a single-family residence with attached garage, located at 7168 N. Tichigan Road,

Section 11, Town 4 North, Range 19 East, in the Town of Waterford. **HENDRIX MOVED, seconded by Chart**, to approve the amendment to construct a one-story residence verses a two-story residence, the attached garage and associated driveway will now favor the south side of the lot verses the north side of the lot and the proposed impervious surfaces will now be 42 percent of the lot area verses the previously proposed 45 percent of the lot. The previously approved insufficient street and rear yard setbacks will be mirrored in this amendment request. The Board also granted approval of the extension request and deadlines for up to nine months (April 7, 2021), with all applicable portions of the variance approval letter dated March 5, 2019, remaining in effect and also subject to paying the \$50.00 zoning permit extension fee for the single-family residence with attached garage. **Motion carried. VOTE: 3/1**

C. Other business as authorized law
10:08

None

D. Adjourn
10:11

There being no further business, **SCHAAL MOVED, seconded by Hendrix**, to adjourn at 10:11 a.m. **Motion carried unanimously. VOTE: 4/0**