

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

August 4, 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

Others present: none

Chairman Bieneman called the August 4, 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, **SCHAAL MOVED, seconded by Chart**, to approve the July 7, 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. Jack and Julie Howard -Burlington- The proposed single-family residence with attached garage will have insufficient side yard setback and the proposed concrete patio will have insufficient shore yard setback.
9:05

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 with wood deck and detached garage and construct a single-family residence with attached garage and concrete patio, located at 30245 Poplar 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 July 28, 2020. Submitted documentation and public hearing testimony established a need for a single-family residence with attached garage and concrete patio to be located on this site 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 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 concrete patio will not encroach further into the side or shore yard setback than what presently exists. The existing well location, as well as other obstructions, create a hardship and limit the location for proper placement of a single-family residence with attached garage and concrete patio on this property. The request does not appear to create substantial detriment to adjacent property as there was no opposition shown at the public hearing, area property owners submitted oral 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 through the shoreland conditional use contract process. 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 applicants must obtain a shoreland conditional use contract after paying the required fee of \$250.00. In addition, the applicants must obtain a zoning permit card from this office after paying the required fee of \$500.00 (single-family residence with attached garage and concrete patio). 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 May 4, 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 concrete patio shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on July 9, 2020. Racine County Shoreland Conditional Use approval must be obtained before a zoning permit may be issued. There must be no unapproved excavation, filling, construction, or other land disturbances within the designated 100-year floodplain. 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. Justin and Julie Klawitter -Waterford- The proposed fire pit surrounded by
9:41 Extreme Exteriors, Agent crushed granite and paver edge will have insufficient shore yard setback and will exceed the maximum 200-sq. ft. of open sided structures within the 75-foot 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, **SCHAAL MOVED, seconded by Chart**, to deny this variance request to construct a fire pit surrounded by crushed granite and paver edge, located at 6507 Riverside Rd., Section 14, Town 4 North, Range 19 East, in the Town of Waterford.

The Board denied this variance request as: The Racine County Public Works and Development Services Director recommended that the Board take careful consideration when reviewing this variance request, pursuant to her memorandum dated July 28, 2020. 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 fire pit surrounded by crushed granite and paver edge is inconsistent with such as it would have an insufficient shore yard setback and will exceed the maximum 200-sq. ft. of open sided structures within the 75-foot 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 purposed allowed by code. The requested variance approval is not necessary to provide reasonable use of the property. The applicant has other options available that will comply with the zoning ordinance including utilizing a portable fire pit.

(10:00) **SCHAAL MOVED, seconded by Hendrix**, to close the public hearing. **Motion carried. VOTE: 4/0**

BOARD MEETING

A. Decision on preceding petition

B. Other business as authorized law
10:11

Chairman Bieneman requested to have future public hearings in the Ives Grove Auditorium rather than via teleconferencing. Czuta will check with his supervisors if this is possible.

C. Adjourn
10:13

There being no further business, **SCHAAL MOVED, seconded by Chart**, to adjourn at 10:13 a.m. **Motion carried unanimously. VOTE: 4/0**