

**RACINE COUNTY BOARD OF ADJUSTMENT**  
**PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES**  
**October 6, 2020, 9:00 A.M.**

**(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.)**

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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 October 6, 2020, Racine County Zoning Board of Adjustment public hearing to order at 9:04 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 August 4, 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. Richard Ida -Burlington- The proposed two-story addition to the existing residence will have insufficient street and side yard setbacks.  
9:04

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 layover this variance request to raze an existing shed and construct a 36' x 43.79' two-story addition to the existing residence, located at 8051 W. Lakeshore Drive, Section 18, Town 2 North, Range 19 East, in the Town of Burlington. **Motion carried. VOTE: 4/0**

The Board laid over this variance request for up to three (3) meetings. The layover will allow you time to explore other options to redesign or possibly reduce the size of the addition to be more in compliance with the zoning ordinance requirements.

2. Jacques Fernandes and -Waterford- The block retaining walls and stairs  
9:42 Cassandra Rippbeger (constructed without permit or approval)  
Dennis Lynch Attorney, Agent will have 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 variance request for block retaining walls and stairs (constructed without permit or approval), located at 6622 Channel Road, Section 14, Town 4 North, Range 19 East, in the Town of Waterford.

The Board approved this variance request as submitted documentation and public hearing testimony established a need for the block retaining walls and stairs 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 block retaining walls and stairs are consistent with the existing development in this area. Severe topography, as well as other obstructions, create a hardship and limit the location for proper placement of block retaining walls and stairs 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 and 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 through the shoreland conditional use contract process. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

The approval was 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 \$600.00 (Quadruple fee since the work has taken place without permit or approval and an after-the-fact variance approval was required).** 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 July 6, 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 block retaining walls and stairs shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on September 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. It is recommended that this project be reviewed or designed by a registered engineer who can certify that the retaining walls are functionally and structurally adequate for this project. Racine County does not warrant these walls against design or structural failure and will accept no liability through the issuance of a zoning permit. If the retaining walls become damaged or

destroyed, it is the responsibility of the property owner to repair or replace these walls if they so desire. Prior to zoning permit issuance, the owner must submit a mitigation plan to the Racine County Development Services office for review and approval and ultimately recording this documentation with the Racine County Register of Deeds office. The submitted mitigation plan must illustrate how the 147 square feet of excess impervious surfaces will be mitigated. The submitted mitigation plan must also illustrate native plantings to be installed between the block retaining walls and stairs and the shoreline of the Fox River Impoundment to offset the impacts of the of the block retaining walls and stairs as discussed at the Racine County Zoning Board of Adjustment meeting on October 6, 2020. 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.

(10:20) **HENDRIX MOVED, seconded by Chart, to close the public hearing. Motion carried. VOTE: 4/0**

### **BOARD MEETING**

A. Decisions on preceding petitions

B. Other business as authorized law  
10:41\_\_

C. Adjourn  
10:42

There being no further business, **CHART MOVED, seconded by Schaal, to adjourn at 10:42 a.m. Motion carried unanimously. VOTE: 4/0**