

RACINE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES
November 3, 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.)

Board members present by roll call: George Bieneman, B. Jean Schaal, Dave Hendrix, Fred Chart

Board members excused: none

Staff present Jarmen Czuta, Brian Jensen

Others present: none

Chairman Bieneman called the November 3, 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 October 6, 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. | RBKB Real Estate LLC | -Waterford- | The proposed shore yard deck with pergola and stairs will have insufficient shore yard setback. |
| 9:03 | John and Jennifer Callahan,
Applicants | | |

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 variance request to construct a 15.5’ x 30.0’ shore yard deck with pergola and 6.0’ x 8.0’ stairs addition to the existing residence, located at 7423 N. Tichigan Road, Section 11, Town 4 North, Range 19 East, in the Town of Waterford. **Motion carried unanimously. VOTE: 4/0**

The Board approved this variance request as submitted documentation and public hearing testimony established a need for a reduced in size and reconfigured shore yard deck/stairs addition to the existing residence 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 proposed reduced in size and reconfigured shore yard deck/stairs 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 shore yard deck/stairs addition to the existing residence on this property. 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 applicants must obtain a zoning permit card from this office after paying the required fee of \$75.00. 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 August 3, 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 reduced in size and reconfigured shore yard deck/stairs addition to the existing residence shall be located and sized as shown on the submitted revised plan that will be reviewed and approved by the Racine County Development Services office prior to the issuance of the zoning permit. The reduced in size and reconfigured deck/stairs layout must be illustrated on a revised survey and a copy of this revised survey must be submitted to the Racine County Development Services office for review and approval. The exterior of the addition must be the same as or in harmony with the exterior of the building to which it is being attached. The applicant must submit a vegetative plantings plan for review and approval to the Racine County Development Services office that illustrates the number and species of native plantings to be installed in the shore yard of the subject property to attempt to offset the impacts of the proposed shore yard deck/stairs. The applicant must submit a mitigation plan for review and approval to the Racine County Development Services office that illustrates how the excess impervious surfaces will be mitigated. This plan must ultimately be recorded with the Racine County Register of Deeds office. 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. Joseph and Mary Jo Kunde -Waterford- The proposed single-family residence
9:38 with attached garage and uncovered deck will have insufficient street and shore yard setbacks.

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 variance request to raze the existing residence, sheds, shore yard stairs and retaining walls and construct a single-family residence with attached garage and uncovered deck, located at 5753 Scenery Drive, Section 23, Town 4 North, Range 19 East, in the Town of Waterford. **Motion carried unanimously. 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 October 27, 2020. Submitted documentation and public hearing testimony established a need for a single-family residence with attached garage and uncovered deck 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 proposed single-family residence with attached garage and uncovered deck is consistent with the existing development in this area. Severe topography, 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 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, 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 Board granted approval 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 uncovered deck). 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 August 3, 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 shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on October 8, 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.

3. Kevin and Jennifer Hafemann -Waterford- The proposed single-family residence with attached garage and uncovered deck/stairs will not have core area of living space, measured at the ground floor, twenty (20) feet by twenty (20) feet in size and will exceed the maximum height allowed for a substandard lot.
9:52 Kahle Builders LLC, Agent

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 approve variance request to raze the existing residence and construct a single-family residence with attached garage and uncovered deck/stairs, located at 7228 N. Tichigan Road, Section 11, Town 4 North, Range 19 East, in the Town of Waterford. **Motion carried unanimously. 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 October 27, 2020. Submitted documentation and public hearing testimony established a need for a single-family residence with attached garage and uncovered deck/stairs 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 proposed single-family residence with attached garage and uncovered deck/stairs 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 and uncovered deck/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, 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 Board granted approval 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 uncovered deck/stairs). 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 August 3, 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/stairs shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on October 9, 2020. Racine County Shoreland Conditional Use approval must be obtained before a zoning permit may be issued. 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.

(10:07) **SCHAAL 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

10:25

C. Adjourn

10:25

There being no further business, **SCHAAL MOVED, seconded by Chart, to adjourn at 10:25 a.m. Motion carried unanimously. VOTE: 4/0**