

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

April 6, 2021, 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, Shaun Maiter, Kim Parsons

Others present: none

Chairman Bieneman called the April 6, 2021, 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.

**SCHAAL MOVED, seconded by Chart**, to approve the February 2, 2021, 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.

**PUBLIC HEARING**

A. Kenneth and Michelle Nikolai -Norway- The proposed detached garage will be  
9:04 located on a parcel of land without the presence of a principal structure and will exceed the maximum aggregate total footprint area.

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 the petition. **Motion carried. VOTE: 4/0**

The Board approved the variance as The Racine County Public Works and Development Services Director had no objection pursuant to her correspondence dated March 30, 2021. The submitted documentation and public hearing testimony established a need for a detached garage of this size to protect the owner's belongings from the effects of the outdoor environment and the need 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 detached garage is consistent with the existing development in this area, the location should not impair visibility for traffic, and it will not impact residential density. The Zoning Ordinance creates a hardship for the property owners, as they are unable to utilize their vacant parcel for construction of a detached garage, even though the legal description links it to a lot across the street with a home. 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/floodplain conditional use 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 applicant must obtain a zoning permit card from this office after paying the required fee of \$85.00 (detached 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. A deed restriction stating that the lot on the south side of South Wind Lake Road cannot be sold separately from the owners' parcel across the street, unless done in a manner that complies with the Racine County Zoning Ordinance, must be recorded at the Racine County Register of Deeds Department in a manner to permit its existence by reference to the parcel in perpetuity. This must be accomplished prior to the issuance of the zoning permit for the detached garage. A copy of the deed restriction and proof of recording must be submitted to the Racine County Development Services office. The accessory structure must not be used for human habitation, it is restricted to only code-compliant uses for the property owners, with no business, commercial, or industrial use, and no rental of space within this structure. Increased flood insurance premiums and risk of life and property may result from the granting of this variance. Racine County shoreland/floodplain conditional use approval for placement of fill within the FFO Urban Floodplain Fringe Overlay District must be obtained prior to the issuance of the zoning permit. Note that the application must include the proposed slab elevation and limits of fill for this project and cross-sectional diagrams illustrating that the filling meets the Zoning Ordinance requirements. In conjunction with the submittal for the shoreland/floodplain conditional use the plat of survey must be updated to include the proposed driveway and also impervious surface calculations which illustrate the square footage of impervious surfaces and the total square footage of the lot. Stormwater drainage plan review, approval and regulation are the Town's responsibility. The Town of Norway must review and approve a stormwater drainage plan for the project prior to zoning permit issuance. There must be no storage of materials that are buoyant, flammable, explosive or injurious to human, animal, or plant life, nor electrical outlets/switches installed at an elevation below 774.9 above mean sea level datum (MSLD 1988 datum) The slab grade must be  $\geq 772.9$  mean sea level datum (MSLD 1988 datum) The slab must be firmly anchored to prevent floating away in a flood event. This variance approval will expire on January 6, 2022, 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 22' x 44' detached garage shall be located and

sized as shown on the submitted survey received by the Racine County Development Services office on March 2, 2021. 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. 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.

(9:18) **CHART MOVED, seconded by Schaal**, to close the public hearing. **Motion carried unanimously. VOTE: 4/0**

### **BOARD MEETING**

A. Decisions on preceding petitions

B. Other business as authorized law  
9:19

### **NONE**

C. Adjourn  
9:26

There being no further business, **SCHAAL MOVED, seconded by Chart**, to adjourn at 9:26 a.m. **Motion carried unanimously. VOTE: 4/0**