

RACINE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES
July 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.)

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 July 6, 2021, Racine County Zoning Board of Adjustment public hearing to order at 9:01 a.m. Board members were introduced by roll call and Chairman Bieneman explained meeting procedures.

SCHAAL MOVED, seconded by Chart, to approve the June 1, 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. Linda Samuel -Waterford- The proposed single-family residence
9:02 Ruebl Builders, Agent with attached garage and uncovered/screened-in deck will have insufficient side and shore yard setbacks and the proposed detached garage will have insufficient street and shore yard setbacks.

Czuta presented the petition. The Board heard public testimony and communications were read into the record. Linda Samuel, owner and Jason Ruebl, agent answered board member questions. Bill Gerard spoke in favor of the variance request. David Evans was opposed to the request. At the Board portion of the hearing, **HENDRIX MOVED, seconded by Chart**, to approve the variance as requested. **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 29, 2021. Submitted documentation and public hearing testimony established a need for a

single-family residence with attached garage and uncovered/screened-in 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/screened-in 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/screened-in 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, area property owners submitted written and 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. 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 zoning permit cards from this office after paying the required fees of \$500.00 (single-family residence with attached garage and uncovered/screened-in 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 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 single-family residence with attached garage and uncovered/screened-in deck and detached garage shall be located and sized as shown on the submitted survey dated June 9, 2021. Prior to zoning permit issuance, the applicant must submit executed documentation to the Racine County Development Services office from the Town of Waterford Sanitary District No. 1 authorizing encroachment into the sanitary sewer easement. 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. 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, 2021. 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. 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.

(9:33) **SCHAAL MOVED, seconded by Chart, to close the public hearing. Motion carried unanimously. VOTE: 4/0**

BOARD MEETING

A. Decisions on preceding petitions

B. Jacques Fernandes and -Waterford- Request to extend the variance
9:43 Cassandra Rippberger approval granted 10/06/2020

Czuta presented the request to extend the variance approval for up to nine months.

HENDRIX MOVED, seconded by Schaal, to approve the extension request and deadlines for up to nine months with all applicable portions of the variance approval letter dated October 7, 2020, remaining in effect. Motion carried unanimously. VOTE: 4/0

C. Suzanne Schmidt -Waterford- The proposed addition will have
9:54 (laid over on June 1, 2021) insufficient shore and side yard setbacks and will exceed 200 square feet.

Czuta presented the petition. The Board heard communications were read into the record. At the Board portion of the hearing, **HENDRIX MOVED, seconded by Schaal**, to approve the variance as requested. **Motion carried. VOTE: 4/0**

The Board approved this variance request as the Racine County Director of Public Works and Development Services had no objection to the amended approval pursuant to her correspondence dated June 29, 2021. Submitted documentation and public hearing testimony established a need for an attached garage addition to the existing residence 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 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 attached garage addition to the existing residence is consistent with the existing development in this area. Unusual lot configuration, lack of lot depth as well as other obstructions, create a hardship and limit the location for proper placement of an attached garage addition to the existing residence 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 written support for this proposal and the public interest does not appear to be negatively impacted by this request. 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 \$200.00. 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 April 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 attached garage addition to the existing residence shall be located and sized as shown on the submitted revised survey that was received by the Racine County Development Services office on June 22, 2021. 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. Prior to zoning permit issuance, the applicant must submit proof to the Racine County Development Services office that the additional land has been acquired from the adjoining property owner and combined with the parent parcel owned by the applicant. Prior to zoning permit issuance, the applicant must submit a mitigation plan to the Racine County Development Services office for review and approval that illustrates and outlines 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.

D. Other business as authorized law

NONE

E. Adjourn
9:54

There being no further business, **SCHAAL MOVED, seconded by Chart**, to adjourn at 9:54 a.m. **Motion carried unanimously. VOTE: 4/0**