

RACINE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES
August 3, 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

Chairman Bieneman called the August 3, 2021, Racine County Zoning Board of Adjustment public hearing to order at 9:02 a.m. Board members were introduced by roll call and Chairman Bieneman explained meeting procedures.

SCHAAL MOVED, seconded by Chart, to approve the July 6, 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. Jeffrey and Tracie Losch 9:04 TEK Building and Remodeling, Agent	-Norway-	The residence (not constructed per zoning permit approval) has insufficient rear yard setback.
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Czuta presented the petition. The Board heard public testimony and communications were read into the record. Travis Craft of TEK Building and Remodeling was present to answer questions of the board members. 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 July 27, 2021. Submitted documentation and public hearing testimony established a need for the existing residence that was constructed 34 years ago to remain in its existing location 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 residence that was built 34 years ago has a rear yard setback that is a mere 2.2' less than the required rear yard setback for the zoning district and the residence location should not impair or obstruct neighboring owners' views. The existing residence was constructed 34 years ago by a former property owner which creates the hardship that is not self-imposed, and the unusual rear property line configuration appear to create a

hardship for proper location of a residence upon 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. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

The Board granted approval subject to the following conditions: The applicant must obtain a revised zoning permit from this office after paying the required zoning permit amendment fee of \$60.00. 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 3, 2022, unless the revised zoning permit referenced above in condition 1 is obtained prior to this date, 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. The existing residence shall be located and sized as shown on the submitted survey dated Revised 06/08/21. 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.

B. KERYGMA I, LLC 9:10 Ralph Gentile, Applicant	-Norway-	A portion of the proposed retaining walls and stairs will have insufficient shore yard setback.
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Czuta presented the petition. The Board heard public testimony and communications were read into the record. Ralph Gentile was present to answer board member questions.

At the Board portion of the hearing, **HENDRIX MOVED, seconded by Chart**, to amend and approve the petition. **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 27, 2021. Submitted documentation and public hearing testimony established a need for a single-family residence with attached garage, full basement, retaining walls and uncovered deck/stairs 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 proposed single-family residence with attached garage, full basement, retaining walls and uncovered deck/stairs is consistent with the existing development in this area, it should not block views to the water and the location should not impair visibility for traffic. The applicant has also indicated that a walk out basement is necessary to accommodate ADA requirements at the subject property. Severe topography, as well as other obstructions, create a hardship and limit the location for proper placement of a single-family residence with attached garage, full basement, retaining walls 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, 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 through the

shoreland 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 shoreland conditional use contract after paying the required fee of \$250.00. In addition, the applicant must obtain a zoning permit card from this office after paying the required fee of \$500.00 (single-family residence with attached garage, full basement, retaining walls 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 May 3, 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. Prior to zoning permit issuance, the applicant must submit a revised Plat of Survey to the Racine County Development Services office for review and approval that illustrates that no portion of the proposed redesigned uncovered deck/stairs is less than 75' from the ordinary high water mark of Waubeesee Lake. The proposed single-family residence with attached garage, full basement, retaining walls and uncovered deck/stairs shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on June 28, 2021 and the revised Plat of Survey, referenced above in condition number 3, that will be reviewed and approved by the Racine County Development Services office. Racine County Shoreland Conditional Use approval must be obtained before a zoning permit can be issued. 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. 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. 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.

C. Erik Neuens -Norway- A minimum of thirty-three (33) feet of
9:27 Larry Zitske, Agent the lot does not abut upon a public street and the proposed single-family residence with full basement and covered porch/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 have insufficient side 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, **SCHAAL MOVED, seconded by Chart**, to approve the petition. **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 27, 2021. Submitted documentation and public hearing testimony established a need for a single-family residence with full basement and covered porch/stairs of this size 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 proposed single-family residence with full basement and covered porch/stairs is consistent with the existing development in this area, it should not block views to the water, the location should not impair visibility for traffic, and it should not compromise aesthetics. Extreme lack of lot width, as well as other obstructions, create a hardship and limit the location for proper placement of a single-family residence with full basement and covered porch/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 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 shoreland conditional use contract after paying the required fee of \$250.00. In addition, the applicant must obtain a zoning permit card from this office after paying the required fee of \$500.00 (single-family residence with full basement and covered porch/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 May 3, 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 full basement and covered porch/stairs shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on July 8, 2021. Racine County Shoreland Conditional Use approval must be obtained before a zoning permit can be issued. 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.

D. Deborah Gamm -Norway- The detached garage (not razed per 9:38 2012 conditional use approval) has insufficient setback to the principal structure.

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

The Board approved this variance request as the Norway Town Board recommended approval of this request. The Wind Lake Volunteer Fire Company Inc. had no objection to this request. The Racine County Public Works and Development Services Director recommended approval pursuant to her correspondence dated July 27, 2021. Submitted documentation and public hearing testimony established a need for the detached garage to remain in its existing location on this site to preserve the substantial property rights of the owner that are also enjoyed by others in this area. 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. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

The Board granted approval subject to the following conditions: 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 3, 2022, unless substantial work has commenced pursuant to such grant. The existing detached garage shall be located and sized as shown on the submitted plan received by the Racine County Development Services office on July 8, 2021. If the Town of Norway desires to require that firewall protection be installed, the detached garage must have firewall protection installed according to town building and/or fire department codes. The Racine County Zoning Board of Adjustment, at their meeting on August 3, 2021, recommended that firewall protection be installed. 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.

(9:49) **SCHAAL MOVED**, seconded by **Chart**, to close the public hearing. **Motion carried unanimously. VOTE: 4/0**

BOARD MEETING

A. Decisions on preceding petitions
9:52

B. Other business as authorized law
10:01

NONE

C. Adjourn
10:06

There being no further business, **SCHAAL MOVED**, seconded by **Chart**, to adjourn at 10:06 a.m. **Motion carried unanimously. VOTE: 4/0**